



In The Supreme Court of Bermuda

CIVIL JURISDICTION

2023: No. 347

BETWEEN:

GAYLE ANN VENTURES

Plaintiff

- and -

CLARIEN BANK LIMITED

First Defendant

ALEXANDRA N WHEATLEY

Second Defendant

GEOFFREY BELL

Third Defendant

RULING

(Leave to Appeal – *Inter Partes* Hearing)

Date of Hearing and Ruling: 30 January 2025

Appearances: Plaintiff Gayle Ventures in Person (by Zoom) with her McKenzie Friend Ms. LeYoni Junos
Devon Luca, Walkers (Bermuda) Limited for the First Defendant
Ben Adamson, Conyers Dill & Pearman Limited, for Second and Third Defendants

RULING of Mussenden CJ

1. This is the *inter partes* hearing for an application for leave to appeal by Mrs. Ventures.
2. At the *ex parte* hearing on 5 December 2024, I granted leave to appeal on Grounds 1 and 2 in respect of (i) the issue of bias in respect of Mrs. Wheatley and (ii) the complaint against me to the JLSC by Mrs. Ventures. On 6 December I withdrew that order as I realised that I should have had an *inter partes* hearing.
3. Today, having heard the *inter partes* hearing, I take the view that leave to appeal should be refused. I accept Mr. Adamson's submissions.
4. In respect of the complaint against me, in my Ruling of 13 August 2024 at paragraph 39, I set out my reasons for not recusing myself. I agree with Mr. Adamson that it was not for me to comment on the proceedings in the JLSC. Also, in my view, justice would grind to a halt each time a complaint was made against a Judge, that the Judge had to recuse himself. As I stated in my ruling at paragraph 39 it would be open to abuse. On that basis, I conclude that the contrary position is unarguable.
5. In respect of bias, I dealt with that point in my Ruling, at paragraphs 40 and 49. I explained the nature of my relationship with Mrs. Wheatley along with further reasoning in those paragraphs. I remind myself of the comparison that I drew to Justices of Appeal dealing with another *Junos* matter involving the President of the Court of Appeal, but the Justices did not recuse themselves. Having heard submissions, I have reconsidered the matter and I find the ground to be unarguable.
6. Therefore, I decline leave to appeal on those grounds. I had earlier declined leave to appeal on the other 2 grounds.
7. In respect of the submissions on the case management proposal, I will keep the position under review. Both sides propose that in order to avoid further expense in time and

resources, I conder assigning the matter administratively to another Judge. Mrs. Junos rejects the recommended appointment of Assistance Justice Southby and any other local Judge. In my view, there is some merit on the ground of avoiding further time and expenses. Therefore, I will take the matter under advisement and seek to research the availability of another Judge, subject of course to the Governor's approval and to other factors including expense.

Dated 30 January 2025



LARRY MUSSENDEN
CHIEF JUSTICE