

IN THE SUPREME COURT OF CANADA  
(On appeal from the Court of Appeal for Ontario)

BETWEEN:

DONALD BEST

Applicant

- and -

RICHARD IVAN COX, GERARD COX, ALAN COX, PHILIP VERNON NICHOLLS, ERIC ASHBY BENTHAM DEANE, OWEN BASIL KEITH DEANE MARJORIE ILMA KNOX, DAVID SIMMONS, ELNETH KENTISH, GLYNE BANNISTER, GLYNE B. BANNISTER, PHILIP GREAVES A.K.A. PHILP GREAVES, GITTENS CLYDE TURNEY, R.G. MANDEVILLE & CO., COTTLE, CATFORD & CO., KEBLE WORRELL LTD., ERIC IAIN STEWART DEANE, ESTATE OF COLIN DEANE, LEE DEANE, ERRIE DEANE, KEITH DEANE, MALCOLM DEANE, LIONEL NURSE, LEONARD NURSE, EDWARD BAYLEY, FRANCIS DEHER, DAVID SHOREY, OWEN SEYMOUR ARTHUR, MARK CUMMINS, GRAHAM BROWN, BRIAN EDWARD TURNER, G.S. BROWN ASSOCIATES LIMITED, GOLF BARBADOS INC., KINGSLAND ESTATES LIMITED, CLASSIC INVESTMENTS LIMITED, THORNBROOK INTERNATIONAL CONSULTANTS INC., THORNBROOK INTERNATIONAL INC., S.B.G. DEVELOPMENT CORPORATION, THE BARBADOS AGRICULTURAL CREDIT TRUST, PHOENIX ARTISTS MANAGEMENT LIMITED, DAVID C. SHOREY AND COMPANY, C. SHOREY AND COMPANY LTD., FIRST CARIBBEAN INTERNATIONAL BANK (BARBADOS) LTD., PRICE WATERHOUSE COOPERS (BARBADOS), ATTORNEY GENERAL OF BARBADOS, THE COUNTRY OF BARBADOS, AND JOHN DOES 1-25, PHILIP GREAVES, ESTATE OF VIVIAN CORDON LEE DEANE, DAVID THOMPSON, EDMUND BAYLEY, PETER SIMMONS, G.S. BROWN & ASSOCIATES LTD., GBI GOLF (BARBADOS) INC., OWEN GORDON FINLAY DEANE, CLASSIC INVESTMENTS LIMITED AND LIFE OF BARBADOS LIMITED C.O.B. AS LIFE OF BARBADOS HOLDINGS, LIFE OF BARBADOS LIMITED, DAVID CARMICHAEL SHOREY, PRICE WATERHOUSE COOPERS EAST CARRIBEAN FIRM, VECO CORPORATION, COMMONWEALTH CONSTRUCTION CANADA LTD. AND COMMONWEALTH CONSTRUCTION INC.

Respondents

**JOINT MEMORANDUM OF ARGUMENT OF THE RESPONDENTS,  
KINGSLAND ESTATES LIMITED AND  
PRICE WATERHOUSE COOPERS EAST CARIBBEAN FIRM**

**PART I**

**A. OVERVIEW**

1. This joint memorandum is filed by the co-respondents, Kingsland Estates Limited (“**Kingsland**”) and Price Waterhouse Cooper East Caribbean Firm (“**PwC**”), in response to the application for leave to appeal from the order of a full panel of the Ontario Court of Appeal which dealt with three motions by way of review of the orders of a single judge of the Court of Appeal:

- a) a motion by the applicant, Donald Best (“**Best**”), to set aside the order of the Honourable Mr. Justice Blair directing that the motions brought to the panel from the orders of Justice Feldman described below, under s. 7(5) of the *Courts of Justice Act*, RSO 1990, c. 43, be heard prior to the main appeal;
- b) a motion by Best to set aside the decisions of Justice Feldman dated November 14, 2014 and December 3, 2013 (collectively “**Justice Feldman’s Decisions**”), which dismissed Best’s motion to remove Cassels Brock & Blackwell LLP (“**Cassels Brock**”) and Lorne Silver (“**Mr. Silver**”) as counsel for Kingsland, and Fasken Martineau DuMoulin LLP (“**Faskens**”) and Gerald L.R. Ranking (“**Mr. Ranking**”) as counsel for PwC, and ordered Best to pay costs to Kingsland in the amount of \$48,000 and to PwC in the amount of \$24,000 (the “**Costs Decision**”); and
- c) a motion by Kingsland and PwC to vary the Costs Decision to order Best to pay the full indemnity costs of \$72,000.00 within five days after the determination of the motion before the panel.

ALL OF WHICH IS RESPECTFULLY SUBMITTED,

[REDACTED]

Lorne S. Silver  
Cassels Brock & Blackwell LLP  
Lawyers for Kingsland Estates Limited

[REDACTED]

Gerald L. R. Ranking  
Fasken Martineau Dumoulin LLP  
Lawyers for PricewaterhouseCoopers Caribbean  
Firm