



## The Court of Appeal for Bermuda

### CIVIL APPEAL No. 13 of 2009

Between:

LEYONI JUNOS

Appellant

-v-

MINISTER OF TOURISM and TRANSPORT

Respondent

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Before: Zacca, President  
Evans, JA  
Ward, JA

Date of Hearing:  
Date of Judgment:

Thursday, 12 November 2009  
Monday, 16 November 2009

Appearances: LeYoni Junos in Person  
Gregory Howard and Shakira Dill of Attorney General's  
Chambers

### JUDGMENT

ZACCA, P

- (1) This appeal commenced at 2:00 p.m. on Thursday 12<sup>th</sup> November 2009. The appellant, Ms. Junos, addressed the Court for some three hours on one of her grounds of appeal—to the effect that her appointment should continue

- indefinitely until the foundation became independent from the Ministry of tourism.
- (2) The Court attempted to assist her from time to time but she persisted in her submissions even to a degree which appeared to the Court to be obsessive.
  - (3) The court at the end of the days hearing indicated with the concurrence of Counsel for the respondent that a fair outcome might be one where the appeal and cross appeal be withdrawn with no Order as to Costs.
  - (4) This proposal would have upheld the judgment of the court below which was largely in her favour on the point she had argued.
  - (5) Naturally from time to time each member of the court intervened to ask questions of the appellant and invariably was done to assist her in her submissions.
  - (6) At 5 p.m. the appellant was asked to consider overnight whether she wished to consider the proposal. On Friday, 13<sup>th</sup> November 2009 at 10 a.m. the appellant informed the Court that she wished to proceed with her appeal. The Court then adjourned the matter to Monday, 16<sup>th</sup> November 2009 at 10 a.m. to give her the opportunity to proceed with her appeal. The respondent has since filed a Notice abandoning the cross appeal. The appellant failed to appear at 10 a.m. this morning.
  - (7) The court adjourned the matter to 11:00 a.m. for contact to be made with Ms. Junos.
  - (8) The Court has been informed that the appellant has said that she will not be appearing. There is no suggestion that she is ill or unable, for good reason, to be present.

- (9) At 11:25 a.m. the appellant has still not appeared. In these circumstances the Court has no option but to dismiss the appeal.
- (10) We should make it clear, however, that this leaves the judgment of the learned Judge in full force and effect.
- (11) That judgment is in her favour to the extent that she is entitled to be paid her full salary up to 19<sup>th</sup> February 2009 when the post of Director was advertised and filed.
- (12) The Judge did not order reinstatement. She has chosen not to be present to make further submissions on this issue. This ground of appeal was addressed but perhaps not completed on Thursday last. She was given an opportunity to continue her submissions on Monday, 16<sup>th</sup> November 2009 when she indicated that she would like to proceed.
- (13) However the Court heard sufficient of the argument to be satisfied that the Judge's Order should stand on this issue also.
- (14) The appeal was dismissed with no Order as to Costs.

*Signed*

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Zacca, President

I agree

*Signed*

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Evans, JA

I agree

*Signed*

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Ward, JA