



In The Supreme Court of Bermuda

CIVIL JURISDICTION

2025: 285

BETWEEN:

WANDA BOOTH

Plaintiff

V

HSBC BANK BERMUDA LIMITED

Defendant

RULING

Date of Hearing: 2 July 2026

Date of Judgment: 27 July 2026

Appearances: Plaintiff in person

Dantae Williams, Marshall Diel & Myers, for Defendant

Ruling of Elkinson AJ

Introduction

1. The Application made by Miss Wanda Booth is for my recusal. She makes the submission that she relies upon “the appearance of justice and preservation of public confidence in the administration of justice”, principles which she says lie at the heart of the law governing judicial recusal.

2. She represents herself in this matter. The short facts which underline her application are that she failed to turn up for a Thursday morning Directions hearing with the excuse that she had written to the Registry and the Chief Justice seeking a de-listing of the matter on the basis that she was attending an employment tribunal. Leaving aside that she had previously indicated to the court that she would always be available, that as a matter of practise the Supreme Court in any event takes precedence over any tribunal, and that further there is no basis to expect a de-listing of a matter scheduled for hearing by simply sending an email requesting the de-listing as she did. Mr Williams for the Defendants, copied on the request, had objected. She did not attend. She complains that Directions were given in her absence. She also complains that I made the comment in the short hearing to Mr Williams that she chose to be elsewhere. That was certainly the case.
3. She further complains that I made a reference to her appeal against my not continuing an ex parte Injunction I had previously ordered at another hearing (in her favour) in circumstances where the Defendants on the return hearing gave an undertaking to the same effect as the injunction. On that basis, I discharged the Injunction as it no longer had any utility. The Plaintiff had achieved the result she wanted and the Bank would not sell the property until a final order in the trial of this action. I made the comment to the effect that the appeal she had brought against the discharge of the injunction could not be successful, using the language to the effect that the appeal could not go anywhere. That was on the basis that a court has no need to order an Injunction or keep one in place if a Defendant gives a valid undertaking, which Mr Williams did on behalf of his client. It was noted that she made no mention of the Undertaking in her appeal.
4. She further suggests that the duration of the Directions hearing was 45 minutes. Mr. Williams for the Defendants agrees with the court that the hearing certainly didn't last that long - more likely 7 to 10 minutes - and that whatever basis Plaintiff had for making this allegation was wrong. He submitted that there was no basis for recusal whatsoever as the Directions given at that hearing were such as to be standard in respect of advancing her action which has been outstanding for some time, and that the Plaintiff could always have

come back in respect of the Directions another day if there was an issue. He submitted that there was no injustice done to the Plaintiff. I agree.

5. However, the real issue which arises for the court is what appears to be the position of the Plaintiff, to delay this matter as long as possible. The court is of no doubt that if recusal is refused there will be an appeal to the Court of Appeal and further inevitable lengthy delays in the action being brought to a conclusion.
6. The Plaintiff has made it very clear that, as a lay litigant, she is not concerned about any adverse costs order. She has stated that she works as a server and that at the very worst she would end up paying a very small amount of money per month if there was an adverse order made.

Conclusion

7. I very reluctantly recuse myself, noting that the Plaintiff has previously taken objection to another Judge hearing this matter. To be clear, it is not the argument made by the Plaintiff which leads to this decision – it is the Plaintiff’s approach to this litigation, which does her no credit, such that I am yielding to the practicality of the situation. I believe that the Plaintiff would appeal my decision not to recuse myself and thus gain many additional months before the substantive issue would be dealt with in a hearing.
8. The Defendants should write to the Registrar and inform her of the present position and that a new Judge should be assigned. There is no order in respect of costs for the reasons set out above.

Dated this 27th day of July 2026



**MR. JEFF ELKINSON
ASSISTANT JUSTICE**