



In The Supreme Court of Bermuda
CIVIL JURISDICTION
2026 No: 248

BETWEEN:

(1) THE HON. CURTIS L. DICKINSON, JP, MP

-and-

(2) SHEA-TAI MAURICE SMITH

-and-

(3) SHEILA MAUREEN BROWN

-and-

(4) WINIFRED ROSE STEVENS

-and-

(5) JAY-LEE MAURICE SMITH

Plaintiffs

And

(1) DAWN SIMMONS

(as Chairperson of the Bermuda Progressive Labour Party)

-and-

(2) PATRICIA BASDEN

(as Secretary General of the Bermuda Progressive Labour Party)

Defendants

RULING

(Reasons)

Date of Hearing: Friday 18 September 2026

Date of Decision: Friday 18 September 2026

Date of Reasons: Monday 21 September 2026

Plaintiffs: Mr. Delroy Duncan KC, Mr. Ryan Hawthorne (Trott & Duncan Limited)

Defendants: Mr. Mark Pettingill, Mr. Matthew Frick (Chancery Legal Limited)

The Rule of Law - Allegations of Breach of Court Orders- Application to vary Interlocutory Injunctive Relief – Application to strike out scandalous, irrelevant or oppressive portions of affidavit evidence under RSC Order 41 Rule 6.

RULING of Shade Subair Williams, Acting Chief Justice

INTRODUCTION

1. This is the second written Ruling of this Court in these proceedings. The first Ruling is reported at *The Hon. Curtis L. Dickinson et al v Simmons et al* [2026] SC (Bda) 98 Civ. (10 September 2026).
2. On Friday 18 September 2026, as prayed on the Plaintiffs’ summons filed on 17 September 2026, I further varied my Order of 4 September 2026, as varied by the Consent Order of 10 September 2026. I also struck out various parts of the affidavit evidence filed by the Defendants under Order 41 Rule 6 of the Rules of the Supreme Court (“RSC”). In this Ruling I provide my reasons for having done so.
3. This Court was also pressed by Counsel for the Plaintiff to deliver a written Ruling, as a means of providing the Defendants, in their capacity as representatives of the Bermuda Progressive Labour Party (the “Party” / the “PLP”), with undeniable certainty of their duties and obligations as imposed by this Court. This Ruling is also intended to serve as a reminder and even warning that compliance with the Orders of this Court is mandatory as a matter of law, for no one person or entity is above the law.

4. That no one is above the law is the very precept of the rule of law. This global principle recognises that all public authorities are subjects governed by the law, meaning they are all dutybound to act within the constraints of the law and to conform with the Orders of any independent and impartial Court, acting in exercise of its jurisdiction.
5. The duty of the Court to administer justice independently and impartially is safeguarded by the constitutional doctrine known as the “separation of powers”, whereby the Government is functionally divided into three distinct and principal branches, namely the Legislative Branch, the Executive Branch and the Judicial Branch. Conceptually, the separation of powers was universalised by the teachings of the 1748 publication of *The Spirit of Law* by French jurist, Montesquieu¹ where it was famously said: “*When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty.*”
6. In this case, the Plaintiffs fear a threat against the proper operation of the rule of law and seek the Court’s intervention as a remedial measure. Under such circumstances, it is incumbent on me to apply all reasonable efforts to ensure that the Defendants are void of any confusion as to the existence and meaning of the Orders of this Court.

THE 4 AND 10 SEPTEMBER 2026 ORDERS OF THIS COURT

7. Paragraph 3 of this Court’s 4 September 2026 Order (the “4 September Order”) was made to restrain the Defendants, directly or indirectly, in the following terms:

“...

(a) *implementing, applying, acting upon or giving effect to the motion styled the “Party Leader’s Addendum to the 2026 Membership Process Resolution” that was voted on by the Central Committee on 24 August 2026 (“the First Addendum”), or any resolution to materially similar effect, whether or not the same has been or is hereafter adopted;*

(b) *implementing, applying, acting upon or giving effect to the motion regarding the prohibition on members of the Party that became members in the last year to be delegates that was voted on by the Central Committee on 24 August 2026 (“the Second Addendum”), or any resolution to materially similar effect, whether or not the same has been or is hereafter adopted;*

¹ De L’esprit des loix by Charles Louis de Secondat, baron de Law Brède et de Montesquieu (“Montesquieu”)

- (c) *inviting, receiving, reviewing, determining or otherwise acting upon any objection made or purportedly made under the First Addendum, or refusing, suspending, deferring or reversing the confirmation of any application for membership of the Party by reason of the First Addendum or of any such objection, otherwise than in accordance with the membership process approved by the Central Committee for 2026 and the Constitution of the Party;*
- (d) *omitting or excluding any person whose membership has been confirmed or should be confirmed from the membership records of the Party or from any certified list of members that is required under the Constitution; or omitting or excluding such a person from participation in the selection of delegates to the 2026 Annual General Conference.*
- (e) *calculating any Branch delegate entitlement upon, or certifying, submitting or using for the purposes of the 2026 Annual General Conference or any Special Delegates Conference, any membership or delegate list produced by giving effect to the First and Second Addendum;*
- (f) *Appointing any delegate in an unconstituted Branch otherwise than in accordance with Clause 6 Section IV of the Constitution;*

provided that nothing in the foregoing restrains the matters saved by the Constitution (deliberation and any lawful amendment procedure; ordinary verification of applications; disciplinary proceedings under Clause 14)."

8. By the Consent Order made by this Court on 10 September 2026 (the "10 September Order" / the "10 September Consent Order"), I varied the 4 September Order so to insert, *inter alia*, paragraph 3A which provides:

"Until the determination of the questions raised by the Originating Summons herein or further order of the Court, the Defendants, whether by themselves, their servants or agents, or by the Central Committee, the Executive Committee or the Officers or Branches of the Party or any of them, or by any delegates in a Special Delegates Conference, or otherwise howsoever, be restrained from:

- (a) *Placing on the agenda for the Special Delegates Conference scheduled for 14 September 2026 or any other Special Delegates Conference any resolution passed at the meeting of the Central Committee on 8 September 2026, or any other similar resolution whether made at that meeting or subsequently in relation to or concerning*

the subject matter of the resolutions passed at the Central Committee meeting on 24 August 2026

(b) Considering, debating, or passing any resolutions, or implementing any such resolution by the [delegates] at the Special Delegates Conference scheduled for 14 September 2026 or any other Special Delegates Conference in relation to or in connection with any resolution passed at the meeting of the Central Committee on 8 September 2026, or any other similar resolution, or any resolution in relation to or concerning the subject matter of the resolutions passed at the Central Committee meeting on 24 August 2026, or any other similar resolution.”

9. The mandatory injunctive relief originally granted by this Court on 4 September was to compel the Defendants to disclose to the Plaintiffs’ attorneys, by no later than 4:00pm on Friday 11 September 2026 copies of:

(a) the resolution approving the 2026 Membership Process and the text of that Process as approved;

(b) the notice, agenda, minutes, attendance record and voting record of the Central Committee relating to the Addendum;

(c) the resolution or notice convening the 2026 conference and any delegate election timetable;

*(d) any objection lodged, and any standard objection form prepared, under or by reference to the Addendum.
and*

(e) a list of persons who have become members of the Party in accordance with the Constitution (disregarding the First Addendum) in the 12 months preceding 31 August 2026

10. The Defendants were also compelled by the 4 September Order to file and serve on the Plaintiffs’ attorneys by Friday 11 September 2026 a sworn affidavit confirming compliance (the “affidavit of compliance”) with my orders granting temporary mandatory relief in the above terms.

11. By the 10 September Order, I varied the 4 September Order to include a new paragraph 4A which provides:

“4A In relation to the meeting of the Central Committee on 8 September 2026 (the “Meeting”), the Defendants do, by 4 pm on Friday, 11 September 2026, disclose to the Plaintiffs’ attorneys copies of: (a) the Party Leader’s motion placed before the Central Committee and voted on at the Meeting; (b) the text of the motions in relation to the Special Delegates Conference scheduled for 14 September 2026 or any other Special Delegates Conference that passed at the Meeting; (c) the notice convening the Meeting; (d) the agenda for the Meeting; and (e) the attendance and voting record for the Meeting.”

12. At paragraph 4 of the 10 September Order, I also directed that the affidavit of compliance be made to address the Defendants’ compliance with both the new paragraphs 3A and 4A.

SUMMARY OF THE AFFIDAVIT OF COMPLIANCE FILED

13. The Second Defendant, Ms. Patricia Sherleen Basden (“Ms. Basden”), is the Secretary General, the Executive Administrative Officer and the custodian of the PLP’s records (the “PLP Secretary General”).
14. Under a cover letter to the Registrar dated 14 September 2026, the Defendants filed affidavit evidence sworn by Ms. Basden on 11 September 2026 and served on 15 September 2026. At paragraph 3 of that affidavit, Ms. Basden states that the said affidavit is made in compliance with the 4 September Order.
15. At paragraph 4 of Ms. Basden’s evidence, she introduces Exhibit PSB-2 which she refers to as the draft minutes (the “draft July minutes”) of the Central Committee held on 13 July 2026. She stated: *“In compliance with this order to disclose a copy of “the resolution approving the 2026 Membership Process and the text of that Process as approved”, I submit the draft minutes of the Central Committee...held on 13 July 2026 as Exhibit PSB-2.”*
16. At paragraph 5 Ms. Basden states: *“As these minutes are in draft form, they are subject to change and are not deemed to be official minutes until ratified by [the Central Committee]. These minutes are due to be presented to [the Central Committee] at the next regularly scheduled meeting, which is scheduled for Monday, September 14.”*
17. The draft July minutes produced under PSB-2 refer to, *inter alia*, a document termed “The Membership Process” which was presented during the 22 June 2026 Central Committee Meeting (a motion in respect of which was made by Ms. Iesha Musson and approved by Mr. Roderick Burchall).

18. At paragraph 6 of Ms. Basden's affidavit, she introduced exhibits PSB-3, PSB-4, and PSB-5.
19. PSB-3 is a notice on PLP logo which reads "*Members are invited to join us for Central Committee TONIGHT! Monday, August 24, 2026 at 8:00pm in Alaska Hall, Reginal A. Burrows Building...*"
20. PSB-4 is a document on PLP logo entitled "Central Committee Agenda August 24, 2026..."
21. PSB-5 is, on its face, draft minutes of the Central Committee's meeting of 24 August 2026 (the "draft August minutes"). Ms. Basden explained at paragraph [7] of her affidavit that the draft August minutes was due to be presented to the Central Committee at the next regularly scheduled meeting fixed for 14 September. The draft August minutes produced under PSB-5 refer to the following documents:
- (i) An agenda which was moved by Mrs. Noelene Jones Seymour and seconded by Mr. Albert Santucci
 - (ii) A letter from Deputy Leader, The Hon. Minister Zane DeSilva, JP, MP ("Minister DeSilva") with the following caption: "*Mr. DeSilva's letter referred to people actively canvassing and signing up people to become members in other constituents without the knowledge or permission of the representative branch chairs and MPs. His correspondence requested reaffirm the importance of respecting constituency organizations, promoting unity, and ensuring that internal leadership contests are conducted in a manner that strengthens rather than weakens the PLP Party.*"
 - (iii) A motion entitled "*Eligibility to serve as a Branch Delegate*" heading the following caption: "*A motion was put to on the floor by Mrs. Noleen Jones-Seymour and seconded by Dr. Khyjuan Brown. As it relates to the eligibility to serve a branch agent, a lengthy discussion ensued. (See Motion Attached). The motion was approved 27 for the motion, 6 against and 5 abstained. The motion carried.*"
 - (iv) A motion entitled "*Addendum to Membership Process*" heading the following caption: "*The leader presented an addendum to the approved [Central Committee] Membership process resolution (See Addendum attached) The motion was moved by Mrs. Noleen Jones Seymour and seconded by Mr. Kevin Smith. The motion was approved 29 for the motion, 5 against and 3 abstained. The motion carried.*"
 - (v) The Party Leader's Report

22. PSB-6 is said to be an attendance record and a voting record of the Central Committee relating to the First and Second Addenda is also exhibited.

23. At paragraph [8] of her affidavit, Ms. Basden states: *“In compliance with this order to disclose a copy of “the resolution or the notice of convening of the 2026 Conference”, I submit a copy of the notice marked as Exhibit PSB-7.”* PSB-7 on its face is a notice of the convening date for the 2026 Annual General Conference and notice of the Constitutional Timeline (the “ACG Notice and Timeline”). The convening date is stated on that document to be 28-30 October.

24. At paragraph [9] of her affidavit, Ms. Basden states: *“In compliance with this order to disclose a copy of “any delegate election timetable”, I submit Exhibit PSB-8”*. PSB-8 on its face accords with this description. At paragraph [10] Ms. Basden lists the branches and organs of the Party who had yet to confirm the date of their delegate elections. At paragraph [11]:

“The delegate election timetable is subject to change. Delegate elections are contingent on approved membership lists, i.e., these elections cannot happen until the membership list has been confirmed in accordance with the Party Constitution & the Membership Process.”

25. At paragraph [13] of her affidavit, Ms. Basden states: *“In compliance with this order to disclose a copy of “a list of persons who have become members of the Party in accordance with the Constitution in the 12 months preceding 31 August 2026”, I submit Exhibit PSB-9”*. PSB-9, on its face, accords with this description.

26. At paragraphs [14] and [15] of her affidavit evidence Ms. Basden concludes:

“The Party cannot provide the final membership list as at 31 Aug 2026 as the procedure to verify & input membership applications has not yet been completed.

The membership list must be confirmed in accordance with the Party Constitution and the Membership Process.”

ALLEGED BREACHES OF THE INJUNCTION

27. At paragraph [3] of Mr. Duncan KC’s written submissions, he quoted the following extract from the decision of the UK Supreme Court in *R (Majera v Secretary of State for the Home*

Department [2021] UKSC 46 at paragraphs [44]-[45] on the importance of obeying Court Orders:

*“44. It is a well established principle of our constitutional law that a court order must be obeyed unless and until it has been set aside or varied by the court (or, conceivably, overruled by legislation). The principle was authoritatively stated in *Chuck v Cremer* (1846) 1 Coop temp Cott 338; 47 ER 884, in terms which have been repeated time and again in later authorities. The case was one where the plaintiff’s solicitor obtained an attachment against the defendant in default of a pleaded defence, disregarding a court order extending the period for filing the defence, which he considered to be a nullity. The order in question had been intended to give effect to an agreement between the parties, but had mistakenly allowed the defendant longer to file a defence than had been agreed. The Lord Chancellor, Lord Cottenham, set aside the attachment, and stated at pp 342-343:*

“A party, who knows of an order, whether null or valid, regular or irregular, cannot be permitted to disobey it ... It would be most dangerous to hold that the suitors, or their solicitors, could themselves judge whether an order was null or valid - whether it was regular or irregular. That they should come to the Court and not take upon themselves to determine such a question. That the course of a party knowing of an order, which was null or irregular, and who might be affected by it, was plain. He should apply to the Court that it might be discharged. As long as it existed it must not be disobeyed.”

*45. Three important points can be taken from this passage. First, there is a legal duty to obey a court order which has not been set aside: “it must not be disobeyed”. As the mandatory language makes clear, this is a rule of law, not merely a matter of good practice. Secondly, the rationale of according such authority to court orders, as explained in the second and third sentences, is what would now be described as the rule of law. As was said in *R (Evans) v Attorney General (Campaign for Freedom of Information intervening)* [2015] UKSC 21; [2015] AC 1787, para 52, “subject to being overruled by a higher court or (given Parliamentary supremacy) a statute, it is a basic principle that a decision of a court is binding as between the parties, and cannot be ignored or set aside by anyone, including (indeed it may fairly be said, least of all) the executive”. This principle was described (ibid) as “fundamental to the rule of law”. Thirdly, as the Lord Chancellor made clear in *Chuck v Cremer*, the rule applies to orders which are “null”, as well as to orders which are merely irregular. Notwithstanding the paradox involved in this use of language, a court order which is “null” must be obeyed unless and until it is set aside.”*

28. Mr. Duncan KC, in a scathing criticism against the Defendants, in their representative capacities, submitted at paragraph [4]:

“Ordinarily, the principles above would not require stating because they are obvious. But the recalcitrance of the Defendants in these proceedings has reached the level of blatant disrespect for the orders of the Court and the rule of law. It may have been thought that the Defendants would have been extra vigilant to comply with the Varied Injunction after the hearing on 10 September 2026, which concerned a blatant breach of the Injunction.”

Evidence of Breach of the Disclosure obligations under Paragraph 4A of the Injunction

29. I start with the allegation of breach of paragraph 4A of the interim injunction as it is, on its face, the most egregious of the allegations of breach. It entails allegations that the Party Leader, The Hon. Premier, Mr. David Burt, JP, MP (the “Premier” / the “Party Leader”) put forth a printed motion at a special meeting of the Central Committee on 8 September 2026 for the purpose of inviting the Central Committee to authorise the convening of a Special Delegates Conference. The evidence before this Court is that the Party Leader proposed that the question of the validity of the Addenda be placed before the Delegates for their consideration and determination, notwithstanding the Court’s jurisdiction over the issue.
30. Mr. Duncan KC pointed to the affidavit of Mr. Raoul G. Ming (“Mr. Ming”), sworn on 10 September 2026, which was filed in support of the summons seeking the first variation of the 4 September Order. In his evidence, Mr. Ming described himself as a current member of the PLP of more than 20 years. He stated that he is also a Central Committee representative for the St. George’s North Branch, Constituency 1.
31. Mr. Ming’s evidence was that he received a notice on 7 September 2026 of the convening of a special meeting of the Central Committee for the following day, 8 September 2026. He said he attended that meeting and was present for a lengthy address made by the Party Leader. At paragraphs [8]-[14] of his evidence he stated:

“While the Party Leader was speaking, I raised a point of order that the matters he was addressing were the subject of proceedings before the Supreme Court and should not be canvassed at the meeting. The Party Leader continued with his account. I intervened more than once on the same point.

The Party Leader then introduced a motion. The Premier had printed copies of his motion that consisted of 3 pages. Each constituency bundle was numbered. To the best of my knowledge and belief, the motion was that the Central Committee authorise and request the convening of a Special Delegates Conference at which the actions and decisions taken by the Central Committee on 24 August 2026 would be placed before the delegates for their consideration and determination as to whether those actions and decisions were correct and whether they should be affirmed.

The subject matter of the resolution is the actions and decisions of the Central Committee on 24 August 2026. Those can only be the Party Leader's addendum in relation to membership challenges and the addendum in relation to members of less than 1 years' standing not being eligible to be delegates. I was present at the Central Committee meeting on 24 August 2026 and nothing else was decided on that date. The resolution therefore concerns the very motions that are the subject matters of the Court's injunction.

Two features of the motion, as put, are important. First, the motion referred to the actions and decisions of 24 August 2026 as things which the delegates would be asked to affirm. It did not describe them as restrained by the Court, or as ineffective pending the trial, or as proposals. Secondly, the motion did not propose any amendment to the PLP Constitution or the Bye-Laws. No reference was made by the Party Leader, or by anyone speaking in support of the motion, to Article X of the Constitution, to Clause 18 of the Bye-Laws, to any proposed text of an amendment, or to the notice which those provisions require.

In proposing the motion, the Party Leader said that a Special Delegates Conference was the best, fastest and most efficient means of addressing, and, in his view, effectively nullifying or overcoming, the effect of the Court injunction. I understood him to mean that if the delegates affirm the decisions of 24 August 2026 the Party would proceed based on those decisions notwithstanding the Court injunction. I specifically recall the Party Leader saying words to the effect that if the delegates confirm the 24 August 2026 Resolutions this, being the legal proceedings, "all goes away".

There was substantial opposition to the motion. The former Premier, Ms. Paula Cox, and Mr. Brian Holdipp spoke against it. I said that the fact that the Party Leader considered it necessary to seek subsequent affirmation of the actions of 24 August 2026 was itself an acknowledgment that there was a problem with what had occurred on that date; that the actions of 24 August 2026 were the subject of an injunction of the Supreme Court; and that to use a Party process to nullify or overcome the effect of that injunction, in words the Party Leader had used, was in my view to act inconsistently with the Court's injunction.

The motion was put to a vote. The acting Chairperson declared it carried. My count, made at the time, was approximately 35 in favour and approximately 21 against, with several abstentions. Those figures are my own count and recollection. I have not seen any official record of the vote. The printed copies of the Party Leader's motion were returned immediately after the vote.

I am willing to attend Court for cross-examination on this affidavit if that is required."

32. This was the evidence before the Court in support of the summons which was granted on the Consent Order of 10 September 2026. Speaking to the background of the 10 September

Order, Mr. Duncan KC informed the Court that, by letter dated 9 September 2026, he wrote to Mr. Pettingill setting out the detail of the alleged breach outlined by Mr. Ming. In response, Mr. Pettingill proposed the 10 September Consent Order, stipulating that Mr. Ming's evidence was not accepted. Mr. Duncan KC, however, highlighted that Mr. Ming's evidence remains, to date, uncontroverted by any evidence filed on behalf of the Defendants.

33. Moreso, Mr. Duncan KC informed this Court that Defendants, to date, have failed to disclose, pursuant to paragraph 4A of the injunction any of the following:

- (a) the Party Leader's motion placed before the Central Committee and voted on at the Meeting;
- (b) the text of the motions in relation to the Special Delegates Conference scheduled for 14 September 2026 or any other Special Delegates Conference that passed at the Meeting;
- (c) the notice convening the Meeting;
- (d) the agenda for the Meeting; and
- (e) (e) the attendance and voting record for the Meeting.

34. These materials were ordered by this Court to be disclosed to the Defendants by Friday 11 September 2026.

Evidence of Breach of the Disclosure obligations under Paragraph 4 of the Injunction

Allegation of Breach of Paragraph 4(a): “the resolution approving the 2026 Membership Process and the text of that Process as approved”

35. Mr. Dickinson, in his second affidavit, complained that the draft minutes in PSB-2 do not disclose the text of the 2026 Membership Process. At paragraphs [13]-[14] he states:

“I therefore respectfully ask that the Defendant be ordered to provide the Membership Process document referred to in the minutes of the Central Committee meeting on 13 July 2026 and provide an affidavit setting out exactly what the verification process is that has been, and continues to be, undertaken, by 12 pm on 22 September 2026. I am deeply concerned that a process has been adopted to verify applicants that has not been disclosed.

I would expect a uniform policy to apply to all applicants that is fair, transparent and accounts for differences in applicants, such as not having a telephone or email address which are not conditions for membership to the Party under the PLP Constitution.

The time of 12 pm on 22 September 2026 to provide the documents and information has been requested above as the Plaintiffs' evidence in response is due on 23 September 2026 and the documents and information may be relevant to that evidence. At the ex parte hearing on 4 September 2026 the Plaintiffs were asking for the documents and information to be disclosed by 8 September 2026 and the judge, quietly understandably, gave the Defendants an additional 3 days to provide the documents and information by 11 September 2026. Having now breached the Varied Injunction, I would respectfully ask that 12 pm on 22 September 2026 be set as a strict deadline."

36. At the hearing before me, Mr. Pettingill sought to suggest, if not expressly, by strong implication, that the Defendants had in fact disclosed all of the documents within their possession or control. Counsel for both sides pointed to the exhibit before the Court of a single page document entitled "Membership Process". This was filed under exhibit JD-3 to the affidavit evidence of Ms. Jo Ella Dawn Simmons ("Ms. Simmons"), the First Defendant in these proceedings.
37. Ms. Simmons, as I noted in my previous Ruling, is both the Chairperson of the PLP and its Chief Executive Officer. Her affidavit evidence was sworn on 16 September 2026, although filed the following day on 17 September. In her evidence she stated that the Membership Process was ratified by the Central Committee on 13 July 2026. That is what she referred to as JD-3. However, in the 13 July 2026 draft minutes exhibited by Ms. Simmons, it states at paragraph [11]:

"The membership process (see file attached) that was presented during the June 22, 2026, [Central Committee] meeting was raised. After a lengthy discussion the membership process was presented. Ms. Iesha Musson made a motion for the process to be approved, and the motion was seconded by Mr. Roderick Burchall. The motion passed."
38. On the face of the said minutes, the Membership Process required is not one and of the same as JD-3. In my judgment, the Plaintiffs were entitled to have received a full copy of the text of the membership process which appears to have been attached to the draft minutes.

Allegation of Breach of Paragraph 4(d): “a list of persons who have become members of the Party in accordance with the Constitution (disregarding the First Addendum) in the 12 months preceding 31 August 2026”

39. At paragraphs [11] of Mr. Dickinson’s second affidavit he made the following complaint to the Court:

“The Basden affidavit acknowledges the membership list is incomplete. However, the extent of those applicants not verified is significant. The list of members provided at PSB-9, which was unhelpfully not numbered, contained approximately 1400 members. My campaign has kept a list of those new members it signed up to the Party, which comprises 1835 new members. The disclosed list is therefore far from complete as the applicants must consist of members who have been signed up outside of my Campaign.”

40. In my judgment, the Plaintiffs were entitled to have received a full list of the current members of the Party in the 12 months preceding. The evidence before this Court suggests that only confirmed members are positioned to participate in branch meetings and votes on the selection of their respective delegate. Thus, it remains unclear to this Court why it is that a list of the confirmed PLP members for the year preceding 31 August 2026 would not be readily available. In my judgment this was insufficiently explained on the Defendants’ evidence.

Evidence of Breach of the requirements of the Affidavit of Compliance Ordered

41. As stated further above, at paragraph 4 of the 10 September Order provides:

“The affidavit of compliance provided for in paragraph 5 of the 4 September 2026 Order shall include confirmation of compliance with the inserted paragraphs 3A and 4A above.”

42. However, Ms. Simmons’ affidavit is silent on the subject of the 8 September 2016 meeting of the Central Committee and regrettably, she does not address any of the allegations of breach outlined in Mr. Ming’s evidence. This is particularly notable as Mr. Ming’s evidence was filed on 10 September and predates the filing of her evidence.

43. Mr. Ming’s evidence discloses a *prima facie* case of a serious breach of the terms of this Court’s injunction. The terms of the injunction are, in part, prohibitory in that it directed the PLP (whom the Defendants represent pursuant to the 4 September Order made under RSC Order 15/12) to effectively refrain from implementing, applying, acting upon or giving effect to the Addenda. The interim injunction also provides for mandatory steps to be taken (the disclosure obligations and the filing of an affidavit in compliance). Mr. Ming’s

evidence discloses allegations of breach of those obligations, and it was for the Defendants to address these alleged breaches in the affidavit of compliance.

THE EVIDENCE STRUCK OUT UNDER RSC ORDER 41/6

44. The following portions of Ms Simmons' evidence were struck out:

Paragraphs [73] and [79]-[83]:

Membership Manipulation and Fraud

73. An email was sent to all candidates advising of the discovery of membership manipulation, fraud or error. [JDS-9]

Extra Ordinary Circumstances

...

79. The Membership Secretary's team made sixty-three (63) discoveries of what appears to be membership manipulation, membership fraud and/or error. (JDS-10).

80. As a response to these extra ordinary circumstances, the Executive Committee made the decision to have the Membership Secretary's team of volunteers verify the legitimacy of every membership application form.

81. This verification process included contacting every individual who had an application submitted in their name. Contact was made by either telephone or email.

82. To date, there are four hundred and fifty-five (455) membership applications forms which are yet to be properly verified. For each of these outstanding forms, there has been an attempt to call them at least one time.

83. Given the number of membership application forms that need to be verified, there is the potential for additional discoveries of potential membership manipulation, membership fraud and/or error.

45. Ms. Tammy Jeanette Robinson's affidavit sworn on 16 September 2026 was struck out in its entirety and Mr. Koshun Dacan Durrant's affidavit evidence sworn on 17 September 2026 was also struck out in its entirety. The same order was made in respect of the affidavit sworn on 16 September 2026 by Ms. Noelene Natalie Faith Jones-Seymour.

46. The decision to strike out all of this evidence was made pursuant to RSC Order 41/6 which reads as follows:

“Scandalous, etc. matter in affidavit

The Court may order to be struck out of any affidavit any matter which is scandalous, irrelevant or otherwise oppressive.”

47. In my judgment, the evidence struck out was of no relevance to these proceedings. As I previously stated in my 17 September Ruling, the issues for trial are primarily questions of law concerning this Court’s construction of the PLP Constitution and Bye-Laws and the question of the validity of the Addenda.

THE 18 SEPTEMBER 2026 FURTHER VARIATION ORDER OF THIS COURT

48. On 18 September 2026 I made the following Order:

“...

- 1. Time for service of the 17 September 2026 Summons be abridged.*
- 2. Paragraph 4 of the Varied Injunction shall include the specific document(s) referred to in the minutes of the 13 July 2026 meeting of the Central Committee in relation to the Membership Process, the Membership Process document; the motion and any other documents related to the Membership Process that was before the Central Committee on 13 July 2026.*
- 3. The affidavit in paragraph 5 of the Varied Injunction shall include particulars of the exact verification process that has been, and continues to be, undertaken and exactly how many applicants are yet to be verified.*
- 4. Paragraphs 4 and 5 of the Varied Injunction be varied to extend the deadline for compliance to 12pm on 22 September 2026.*
- 5. The Defendants do serve on the Central Committee and the Party Leader the following documents as soon as practicable but in any event before by 12 pm on 21 September 2026:*
 - (a) The Injunction dated 4 September 2026;*
 - (b) The Consent Order dated 10 September 2026;*
 - (c) The Ruling dated 10 September 2026;*

- (d) Any Order made pursuant to the 17 September 2026 Summons.*
6. *The affidavit in paragraph 5 of the Varied Injunction shall include confirmation that paragraph 5 of this Order has been complied with.*
7. *The following affidavits or parts of affidavits be struck in accordance with Order 41, Rule 6 of the RSC:*
- (a) The Affidavit of Noelene Natalie Faith Jones-Seymour sworn on 16 September 2026 and Exhibits NJ-S-1-4;*
- (b) The First Affidavit of Tammy Jeanette Robinson sworn on 16 September 2026 and Exhibit TJR-1-2;*
- (c) The Affidavit of Koshun Dacan Durrant Sworn on 17 September 2026 and Exhibit KD-1; and*
- (d) Paragraph 73 and 79-83 of the First Affidavit of Jo Ella Dawn Simmons sworn on 16 September 2026 and Exhibit JDS-9.*
8. *Liberty to apply on 48 hours' written notice.*
9. *The costs of and associated with the 17 September 2026 Summon be paid by the Defendants, on the standard basis, to be taxed if not agreed.*

Reasons for Paragraph 5 of the 18 September 2026 Order

49. At paragraphs [19]- [24] of Mr. Dickson's second affidavit, he stated:

“...

The concern I have is that the Central Committee, who is specifically named in the Injunction, and the Party Leader, who proposed the motion on 8 September 2026, are potentially acting without having seen the Injunction, the Varied Injunction, the Ruling dated 10 September 2026, and any of my correspondence, specifically that dated 28 August 2026, 8 September 2026 and 14 September 2026 that I specifically asked the Secretary General and the Chairperson (who is also the Chairperson of the Central Committee) to place before the Central Committee. That correspondence is exhibited at pages 14-39.

That correspondence includes the Neutral Legal Opinion by Leading Counsel dated 27 August 2026 (the “Legal Opinion”) and a chronology of events. It is unfathomable to me how the Central Committee that has a duty to protect and enforce the PLP Constitution is acting without reference to the documents that set out the case for why the PLP Constitution is said to have been breached and the various Orders of the Court that directly impact the Party Leader and the Central Committee.

What is most concerning to me is that the responsibility for any breaches is being placed squarely on the Defendants’ shoulders who are named in a representative capacity only. The Secretary General has an obligation to share all relevant material with the Central Committee.

I understand that the refusal to put the relevant documents before the Central Committee is a conscious decision taken by the Secretary General. I emailed the Secretary General on 14 September 2026 to ensure the relevant documents were before the Central Committee in advance of a meeting that was scheduled that day. The Secretary General responded as follows:

“Thank you for your email and letter. Receipt is confirmed. On the advice of counsel, we decline your request to place this correspondence, the earlier letters and the legal opinion before tonight’s Central Committee meeting...”

I rely on this correspondence for the simple point that I verily believe the relevant material is not before the Central Committee that is named in the Injunction and who has already voted on a motion in breach of the Injunction. Despite our concerns above, the Chairperson is the Chairperson of the Party and the Central Committee, and the Secretary General is an agent of the Party and the Central Committee. They both have an obligation to put relevant documents before the Central Committee. The email exchange is exhibited at pages 40-41.

To ensure compliance with the Varied Injunction, we ask that the Varied Injunction be further varied to require the following documents below to be formally served by the Defendants on the Central Committee:

The Injunction dated 4 September 2026;

The Consent Order dated 10 September 2026;

The Ruling dated 10 September 2026; and

The correspondence from me to the Chairperson and Secretary General dated 28 August 2026, 8 September 2026 and 14 September 2026 referred to above.”

50. Having considered Mr. Dickinson’s evidence, paragraph 5 of the 18 September 2026 Order was made on the basis that the Party Leader and the Central Committee ought to be formally made aware of the Orders of this Court. However, having heard the objections made by Mr. Pettingill, I refused the Plaintiffs’ request for an Order compelling the Defendants to serve the Plaintiffs’ correspondence on the Central Committee on the basis that the PLP, in the broader sense, is represented by Counsel.

THE NEXT STAGE OF THESE PROCEEDINGS

51. This matter is listed for trial on 1 and 2 October 2026 commencing at 10am.

Dated this 21st day of September 2026



**HON. MRS. JUSTICE SHADE SUBAIR WILLIAMS
ACTING CHIEF JUSTICE**