



# 21 EAST

VOLUME 1

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## Elevations to Partnership

The Partners of MF&G welcomed Natasha Rickards Baugh, Stephanie Ewbank and Amanda Montague to the Partnership. **Page 2**



## Jamaican Bar Association Awards

MF&G congratulates Hon. Dorothy Pine-McLarty, O.J. and Ethan Sinclair on being honoured by the Jamaican Bar Association. **Page 4**



## Elevation to Managing Partner: Christopher Kelman

The firm announced its transition in leadership as of July 2021, when commercial attorney, Peter Goldson, completed his tenure as the firm's Managing Partner. **Page 8 - 9**

# New Partners

## Natasha Rickards Baugh, Stephanie Ewbank & Amanda Montague were elevated to the Partnership.

**Natasha** was admitted to the Jamaican Bar in 2012 when she joined MF&G as a member of the Litigation Department. In 2013, she transitioned to the Firm's Property & Estates Department where she became a Partner in January 2021. Natasha has an expansive practice area which includes Conveyancing, Public Auctions Private Treaty Sales, Real Estate Developments and Estate Planning & Trusts.



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**Natasha Rickards Baugh**  
Partner | Property & Estates

**Stephanie** joined MF&G in 2015 and became a Partner in the Firm's Litigation Department in January 2021. Her practice focuses on commercial and civil litigation, including shareholder oppression, contractual disputes, defamation, construction, negligence, judicial review, mining, enforcement of foreign judgments and environmental law. She has successfully represented clients at multiple levels of the court system, in addition to arbitration and mediation.



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**Stephanie Ewbank**  
Partner | Litigation

**Amanda** joined the Firm in 2016 and became a Partner in the Litigation Department in January 2022. Her key practice areas are corporate and commercial litigation, aviation, shipping & marine, banking and defamation. She is an experienced lawyer with a practical and results-driven approach to negotiation and litigation. Throughout her practice she has been involved in landmark cases concerning the shipping and aviation industries.



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**Amanda Montague**  
Partner | Litigation

# New Associates

## Kimberley Brown, Luke Phillips and Jacob Phillips joined MF&G as Associates.

**Kimberley** was called to the Bar in January 2021 and has been an Associate in the Firm's Commercial Department since then. Her practice areas include Intellectual Property and Tax Law.

Kimberley received her L.L.B. from the University of the West Indies and her Legal Education Certificate from the Norman Manley Law School. She was among the Law Students who won the Qatar International Cybersecurity Mooting Competition in 2019.



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**Kimberley Brown**  
Associate | Commercial

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**Luke** is an Associate in the Firm's Commercial Department. He joined the Firm in 2021 and his areas of practice include Company, Banking, Corporate Finance, Securities, Insurance, Trusts, and Pharmaceutical Regulatory Law.

Luke graduated from Lawrence University in 2015 with a BA. in Chemistry. Luke obtained his L.L.B. with Honours from the University of the West Indies in 2019 and his L.E.C. from the Norman Manley Law School in 2021.



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**Luke Phillips**  
Associate | Commercial

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**Jacob** was called to the Bar in December 2021 and joined the Firm in July 2022 as an Associate in the Litigation Department.

Jacob holds a Bachelor of Arts *magna cum laude* from Macalester College, MN, a Bachelor of Laws (First Class Honours) from the University of the West Indies, and a Legal Education Certificate from the Norman Manley Law School.

Jacob is also fluent in Spanish and proficient in Portuguese.



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**Jacob Phillips**  
Associate | Litigation

# Jamaican Bar Association Awards



**Hon. Dorothy Pine-McLarty, O.J.**  
Consultant | Property & Estates

Hon. Dorothy Pine-McLarty, O.J., was honoured by the Jamaican Bar Association for her outstanding contribution to the Jamaican Bar.

She has served, furthered and distinguished MF&G and the legal fraternity for decades. Dorothy joined the Firm as an articled clerk in 1962 and was enrolled as a Solicitor in 1967. A lady of several “firsts”, Dorothy became MF&G’s first female Partner in 1973, the first Managing Partner of the Firm’s London office in 1995 and the first female Chairman of the Electoral Commission of Jamaica in 2013. She is also a former Head of the Property and Estates Department.

Dorothy has been a trailblazer in the legal fraternity and the Firm is extremely proud of her.



**Ethan Sinclair**  
Consultant | Property & Estates

Ethan Sinclair was specially recognized by the Jamaican Bar Association for being in practice for over 50 years.

Ethan was called to the Jamaican Bar on February 18, 1971 and subsequently to the United Kingdom Bar in 1985. Ethan joined the Firm in 1977 and has since been a pillar to the Firm’s Property and Estates Department. Ethan is a former Head of the Property and Estates Department and is a member of the Conveyancing Committee of the Jamaican Bar Association.

We at MF&G are also grateful to Ethan for his lifetime of dedication to the firm.

# Gina Phillipps Black

Partner | Commercial

Gina Phillipps Black  
named as one of the  
IFLR Women Leaders  
for 2021.



IFLR1000 Women Leaders are considered among the most prominent female lawyers working in the areas of financial and corporate transactions, contract, licensing and regulatory project work within their jurisdictions. This is an elite group of lawyers with outstanding reputations within their markets who either have expertise and experience of working on complex deals, or who have risen to hold leadership roles with their firms or their practices. Both of these things are true for Gina. She is the only attorney so named in Jamaica for 2021.

Gina is the Head of the Firm's Commercial Department and also has responsibility for the Firm's Corporate and Regulatory Compliance Sub-Department. Her practice involves a wide range of commercial matters including Banking, Corporate Finance, Financial & Regulatory Law, Mergers & Acquisitions, Tax, Compliance, Securities and Insurance Law and Anti-Money Laundering.

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## Financial Regulatory

From compliance to corporate structuring, the financial regulatory practice team guides financial entities in aspects of regulatory matters.

This team works with many financial entities across the island to achieve compliance with regulatory practices.

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<https://myersfletcher.com/practice-areas/commercial/item/financial-regulatory.html>

# Spur Tree Spices' Initial Public Offer



**In 2021 MF&G Attorneys Simone Bowie Jones (Partner) and Shaniel May Brown (Associate) acted for Spur Tree Spices Jamaica Limited in its successful Initial Public Offer (IPO). The IPO opened on December 29, 2021 and closed on December 31, 2021, and was significantly oversubscribed.**

Spur Tree is a Jamaican company specialising in the production, distribution and sales of premium quality ready-to-use marinades and sauces, primarily for export. Spur Tree sought to raise J\$335,391,848 via a public offer of approximately 335.4 million ordinary shares. Of this number, approximately 158.1 million ordinary shares were purchased by “key strategic partners” and Spur Tree staff. The Company offered the remaining shares to the general public at an offer price of J\$1.00 per ordinary share.

Proceeds from the IPO will be used to drive innovation, expansion, and capacity building, along with servicing existing debt. A portion of the proceeds will also be used to fund the invitation and listing expenses associated with the IPO.

Spur Tree utilised MF&G, not only for the drafting of the Prospectus and regulatory advice but relied on the firm to assist it with ensuring that the Company was listing ready. The success of this IPO bodes well for the local market. MF&G looks forward to acting in other IPOs and additional public offerings in 2022.



MF&G Partner Simone Bowie Jones converses with Spur Tree Directors at the IPO launch.

# Sandra Minott-Phillips, K.C. appointed to the Court of Appeal of Belize as a Justice of Appeal.

The appointment is part-time which means that Sandra will continue to maintain her vibrant litigation practice as King's Counsel here in Jamaica while being called upon, intermittently throughout the year, to serve as a judge in the Court of Appeal of Belize.

Join us in wishing Sandra all the best as she incorporates this new dimension into her legal career.



# Elevation to Managing Partner **Christopher KELMAN**

The Firm announced its transition in leadership as of July 2021, when commercial attorney, Peter Goldson, completed his tenure as the Firm's Managing Partner, and passed the baton to fellow Partner and experienced litigator, Christopher Kelman.



Kelman, the new Managing Partner, is a civil litigator with 25 years' experience in complex commercial litigation, including public law, contractual disputes, medical malpractice, mining, pensions, higher education and maritime law and served as head of the Firm's Litigation Department for the past nine years. Gavin Goffe now heads the Firm's Litigation Department in light of Kelman's elevation.

Kelman succeeds Goldson, a Rhodes Scholar, who has been practicing law for over 28 years advising local and overseas clients on commercial matters particularly on pensions, intellectual property and mergers and acquisitions. Reflecting on the past seven years as Managing Partner he said, "I am most proud that not just prior to the pandemic but through it, we maintained our



level of excellence, kept the prominence of MFG firmly in the public eye, and the firm was able to perform well". Goldson continues in his practice areas as the firm's Senior Partner.

Kelman proudly emphasizes that the firm, over 78 years, has built a solid reputation for excellence and innovation in the practice of law, locally and regionally.

In an exclusive interview, Kelman was asked what MF&G means to him. His response was:

**“ MF&G means everything. It has benefitted me tremendously in every aspect of my life and I feel duty-bound to give back. The way I see it, this means not only preserving its reputation for excellence and innovation in the delivery of legal services to its clients, but enhancing it. ”**

Kelman reiterated commitment to the Firm and his new role when he stated, “as members of the firm, we hold its reputation on trust for those who will come after us” and, in signaling his readiness to serve as Managing Partner he added, “every action I take during my tenure will be taken zealously not only to preserve our well-earned reputation, but to enhance it”.

At MFG, a Managing Partner is elected by his or her peers to lead the firm's business. Interestingly, a Managing Partner may only serve in that capacity for one seven-year term and no longer, to allow for diversity in the leadership of the firm. Barbara Alexander, the Firm's first female Managing Partner (2007 - 2014) and currently one of its Consultants said, “the Firm is extremely proud of its decades-old policy which mandates that Managing Partners serve in that capacity for one term only”. She added that the policy, now considered a good recipe for success, allows enough time for a Managing Partner to successfully pursue his or her vision and strategic objectives for the Firm.

The Firm's impressive list of former Managing Partners includes Douglas Fletcher (deceased), Frank Myers (deceased), Patrick Rousseau (deceased), Ivor Alexander, Maurice Robinson, Derek Jones, Stephen Shelton and Norman Minott.

# Highlights: Constitutional, Administrative & Employment Law

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**Gavin Goffe**  
Partner | Litigation



**Jahmar Clarke**  
Associate | Litigation



**Matthew Royal**  
Associate | Litigation

## Court Challenge to Unlawful Traffic Tickets

On November 3, 2021, the Supreme Court of Jamaica granted an injunction, restraining the Commissioner of Police from issuing traffic tickets for sums over and above the amounts listed in the Appendix to the Road Traffic Act. The successful injunction application is the first step in a claim filed by Maurice Housen who is represented by an MF&G litigation team comprised of Gavin Goffe, Jahmar Clarke, and Matthew Royal.

Mr. Housen claims that the rates charged on the issue of road traffic tickets from 2006 pursuant to the Provisional Collection of Tax (Road Traffic) Order, 2006 were unlawful as the order cannot permit a fine greater than those prescribed under the Road Traffic Act.

Mr. Housen claims that fines in excess of the amount permitted under the Act violate his constitutional right to due process. The fines permitted under the Act were, in most cases, significantly less than those actually charged on tickets.

The grant of the injunction prompted an emergency sitting of both Houses of Parliament to approve amendments to the Act to increase the rates contained in it to match the rates charged on traffic tickets. Mr. Housen claims restitution in respect of tickets paid since 2006 and prior to the amendment of the legislation. He has also successfully applied to be a representative party, on behalf of others who have similarly been fined above the lawful rates.



## Restrictive Covenants/ Developments

**MF&G was successful in its representation of residents of Wickham Avenue in the vicinity of Acadia in their objection to a multi-family development being constructed on adjoining premises at 10 Roseberry Drive.**

The Court agreed with the Objectors' position that the Acadia neighborhood remains predominantly characterised by single-family residencies despite the fact that a few lots have converted to multi-family use. The Court also considered that the Objectors' would suffer materially from loss of privacy and increased population density in the community which is likely to cause noise and traffic.

The developers commenced construction, though they had not received approval for the discharge of the covenants. The Court made two visits to the construction site. On its first visit, the developers were warned by the court to cease work. On the second visit, more than a year after, it was discovered that not only had the developers proceeded with their work, but that they built more apartment units and bedrooms than permitted by the Kingston and Saint Andrew Municipal Corporation (KSAMC). This provoked a strong rebuke by the Court in its written reasons of the KSAMC's vigilance in ensuring compliance with its approvals. Since the judgment, the KSAMC has publicly committed to reforming its approval and monitoring process and has issued a cease and desist order in respect of the development.

The Court is to hear arguments concerning the demolition of the structure 2022. The successful Objectors were represented by our Gavin Goffe and Matthew Royal.

## MF&G Successfully Defends Employers' Vaccination Mandate against Injunction & Constitutional Challenges

In December 2021, an MF&G team comprised of Gavin Goffe, Jahmar Clarke, and Matthew Royal successfully defended Cari-Med Limited and Kirk FP Limited (related entities) against an injunction brought by five employees of the companies. The injunction was filed as part of the employees' claim that the companies' vaccination policy violated several constitutional rights, including freedom of expression, the right to life, freedom of religion, equality before the law, and the right to privacy. The employees also claimed that the policy breaches their respective contracts of employment.

The companies responded to the claim by asking the Court to decline to hear the constitutional claims as those claims were an abuse of process given that the issue of whether the companies policy is lawful can be fully determined on the breach of contract claim, alone. We argued that the policy is fully consistent with the employees contracts of employment, the companies' common law obligation to provide a safe place of work and its duty under the Labour Relations Code to put policies in place to address health and safety in the workplace. The Court agreed that the claim can be fully argued on the basis of contract law, making the constitutional claims an abuse of process.

Following from the companies' success in striking out the constitutional claims, we also successfully resisted the employees' application to prevent the companies from enforcing their policies against them. The Court agreed that the company had the more pressing interest in maintaining full compliance with the policy given the threat to life posed by Covid-19 and their vulnerability to claims by other employees if it can be shown that they failed to take adequate steps to protect them from contracting the virus in their places of business. The five employees applied for leave to appeal the court's constitutional decision and the court refused the application.

This is among the first litigation in Jamaica concerning the lawfulness of actions taken by employers to combat the spread of Covid-19 and are the first judicial decisions relating to Covid-19 measures in the island.

# Director and Shareholder Disputes:

## Michael Drakulich et al v Karibukai Limited, Rainforest Adventures (Holdings) Limited and Mystic Mountain Limited

Last year, MF&G successfully represented the sole shareholder of Mystic Mountain Limited (MML), the majority beneficial shareholder of MML and MML itself in opposing interim applications in both the Supreme Court and Court of Appeal arising from a claim by some directors and officers of MML alleging oppression.

Our team involved a collaboration between our Litigation and Commercial Attorneys Sandra Minott-Phillips, Q.C., Simone Bowie Jones, Stephanie Ewbank and Shaniel May Brown. The litigation to date included an interlocutory injunction application seeking to restrain the company from acting on resolutions

carried by the votes of the majority shareholders and directors of MML. We succeeded in resisting the Claimants' application for an interlocutory injunction and their application to the Court of Appeal for an injunction pending appeal.

We were also successful in advancing our clients' preliminary objection to a subsequent application made by the claimants for summary judgment on aspects of their claim. The multiple judicial decisions in this matter are groundbreaking as they have added to the limited local authorities in Jamaica on oppression claims brought under the Companies Act.



**Sandra Minott-Phillips K.C.**  
Partner | Litigation



**Simone Bowie Jones**  
Partner | Commercial



**Stephanie Ewbank**  
Partner | Litigation



**Shaniel May Brown**  
Associate | Commercial

# MF&G builds isolation station at Highholborn Basic School.

MF&G has had a long-standing partnership with the Basic School. The Firm sponsors special initiatives for the school and hosts an annual Christmas treat for the students. Recently, we built an isolation station and donated sanitizers to the school. The project was spearheaded by our Corporate Social Responsibility Committee Chairperson, Natasha Rickards and Committee member, Jahmar Clarke.



## Real Estate

Our real estate practice group handles transactions spanning planning approval, developments, hotel acquisition and residential and commercial sales and leases for companies and individuals.

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<https://myersfletcher.com/practice-areas/commercial/item/real-estate.html>



MYERS, FLETCHER & GORDON  
ATTORNEYS - AT - LAW

“ MF&G means everything. The way I see it, this means not only preserving its reputation for excellence, but enhancing it. ”

Christoper Kelman  
Managing Partner

## Myers, Fletcher & Gordon

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