

JUDICIAL

14 SEP 2016

THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL
PARLIAMENT SQUARE
LONDON SW1P 3BD

GREFFE

Tel: 020 7960 1500

Fax: 020 7960 1501

E-mail: registry@jcpc.uk

Website: www.jcpc.uk

Tuesday, 13 September 2016

Mrs Caroline Coleman
Assistant Judicial Greffier
Royal Court of Jersey
Royal Court House
Royal Square
St Helier
Jersey
JE1 1JG

Dear Madam,

Consolidated Resources Armenia

Appellant

v

Global Gold Consolidated Resources and others

Respondents

I enclose the original sealed order in this application.

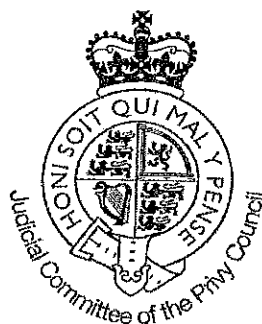
Copies of the order have been sent to the parties.

Should you have any other queries on Judicial Committee procedure please do not hesitate to contact this office.

Yours faithfully,

A stylized signature in black ink, consisting of several loops and a long horizontal stroke.

Registry Clerk of the Judicial Committee of the Privy Council



IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

On the 13th day September 2016

JCPC 2015/0075

Before:

The Registrar

Consolidated Resources Armenia

Appellant

v

Global Gold Consolidated Resources and others

Respondents

AFTER consideration of the application filed on behalf of the Respondents applying for an order dismissing this appeal, the Respondents having applied for an order for security for costs and

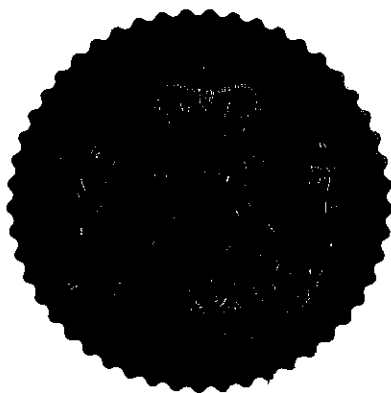
AFTER CONSIDERATION of the application filed on behalf of the Appellant withdrawing the appeal "without prejudice and reserving all rights including to preserve any right of the Appellant to file future applications for reconsideration of claims voluntarily dismissed", the Respondents having objected to that application and

ON READING the emails received from the Respondents' agents and from the Appellant's representative

IT IS ORDERED that, for the attached reasons, the appeal be dismissed with costs.

Ljine di Mambus.

Registrar of the Privy Council



REASONS

Consolidated Resources Armenia (Appellant) v Global Gold Consolidated Resources and others (Respondents) (Jersey)

1. This is an arbitration appeal from Jersey for which permission to appeal was given in 2015. The appeal has not as yet been listed and the Respondents applied first for security for costs and then to strike out the appeal for want of prosecution. Against that background, the Appellant's London agents, Messrs Blake Morgan LLP, filed on 14 July 2016 an application for an order declaring that they had ceased to act for the Appellant and that application was granted on 9 August 2016.
2. Soon after Messrs Blake Morgan LLP ceased to act for the Appellant, the Appellant's representative filed an application for the "voluntary withdrawal of its appeal... without prejudice and reserving all rights including to preserve any right of the Appellant to file future applications for reconsideration of claims voluntarily dismissed". The application stated that the Respondents held extensive without prejudice settlement discussions culminating in late June 2016. The Respondents' agents replied to that application in an email sent by Craig Swart on 11 August 2016 which stated that there had been no agreement between his clients and the Appellant. If the Appellant did not file an irrevocable and unconditional withdrawal of the appeal with a tender to pay his clients' wasted costs, then Mr Swart asked that his application for the dismissal of the appeal be put forward for consideration. The email concluded by saying that the Appellant had done nothing about its appeal since December 2015, failed to pay a number of costs orders against it and simply ignored his clients' two applications for security and for dismissal without proper explanation.
3. The Appellant's representative responded to that email at 11.45 on 12 August refuting the statements made by Mr Swart and denying that the Appellant had done nothing about the appeal. It is not necessary for me to go into the statements and counter statements made which are said to be defamatory. The Respondents' agents in their email of 26 August at 14.09 disputed the contents of the 12 August email and rejected the allegations made in it.

4. Whatever negotiations have or have not taken place between the parties, it is clear that, so far as the Board is concerned, no steps have been taken to prosecute the appeal and indeed the Appellant's representative seeks its withdrawal on a "without prejudice basis". It is of course quite unsatisfactory for an appeal to be withdrawn on the basis that it can be revived at a future date. The Respondents' application for the dismissal of the appeal must therefore be granted and the Appellant is to pay the Respondents' costs, to be assessed if not agreed.



Registrar of the Privy Council