

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MRS JUSTICE FOSTER-PUSEY JA
THE HON MISS JUSTICE SIMMONS JA
THE HON MRS JUSTICE V HARRIS JA**

**APPLICATION NOS COA2024APP00132, COA2025APP00006
& COA2025APP00141**

**BETWEEN ROSE DALEY FOODS LIMITED APPLICANT
AND GARETT MUIR RESPONDENT**

Ms Nashae Lannaman instructed by Zavia Mayne & Co for the applicant

**Mrs Denise Senior-Smith instructed by Oswest Senior-Smith & Co for the
respondent**

23 March 2026

Endorsement read by V Harris JA

[1] There are three applications before us. A re-listed notice of application for leave to appeal and stay of execution (Application No COA2024APP00132), filed by the applicant, Rose Daley Foods Limited, and two applications to strike it out (Application Nos COA2025APP00006 and COA2025APP00141) filed by the respondent, Garrett Muir.

[2] Having heard submissions from counsel for the parties, we came to the following decision:

- a. Application No COA2025APP00141 is a duplication of application no COA2025APP00006. No documents were filed in relation to the latter application, and all relevant material was filed in Application No COA2025APP00141. Consequently, Application No COA2025APP00006 did not progress and shall be struck out.

b. The applicant in the relisted notice of Application No COA2024APP00132, Rose Daley Foods Limited, took no further steps to prosecute that application. Therefore, Application No COA2025APP00141, filed by the respondent, Garrett Muir, shall be granted with costs to the respondent to be agreed or taxed.

[3] Accordingly, the order of the court is as follows:

(i) Application No COA2025APP00006 is struck out, and there is no order as to costs on the application.

(ii) Application No COA2025APP00141 is granted, and Application No COA2024APP00132 is thereby struck out.

(iii) Costs in Application Nos COA2024APP00132 and COA2025APP00141 to the respondent, Garrett Muir, to be taxed or agreed.