



E.S.Mason; 1<sup>st</sup>, 24/4/04

**IN THE HIGH COURT OF JUSTICE  
ST. CHRISTOPHER AND NEVIS  
ST. CHRISTOPHER CIRCUIT  
(CIVIL)  
A.D. 2004**

**CLAIM NO. SKBHCV2003/0222**

**BETWEEN:**

**RICHARD ROWE  
And  
MARK SECRIST**

**APPLICANTS**

**AND**

**ADMINISTRATIVE SERVICES, LIMITED**

**1<sup>ST</sup> RESPONDENT**

**B.M.T. LIMITED**

**2<sup>ND</sup> RESPONDENT**

**J.I.K. LIMITED**

**3<sup>RD</sup> RESPONDENT**

**THE EXECUTORS of the Estate of Bill  
Gagnon also known as Bill Sherwood, Deceased)**

**4<sup>TH</sup> RESPONDENT**

**SIR PROBYN INNIS  
(Individually and as Executor of the Estate  
of Mary Estes, Deceased)**

**5<sup>TH</sup> RESPONDENT**

**ROBERT MORSE ESTES  
(Individually and as Executor of the  
Estate of Mary Estes, Deceased)**

**6<sup>TH</sup> RESPONDENT**

**PARADISE PARTNERS LIMITED  
(d/b/a The Angelus Resort, Paradise Beach  
Resort and Casino or Paradise Beach Resort  
and Convention Center)**

**7<sup>TH</sup> RESPONDENT**

**AFFIDAVIT**

I, EVERETTE SYLVESTER MASON of Key's Extension, Key's Village, ST. KITTS  
being duly sworn make oath and say as follows :

1. I am currently unemployed but used to be employed as a security office at the Angelus Resort and Spa situate at Frigate Bay, St. Kitts. I am familiar with the matters set out herein from personal observation during the course of my employment aforesaid and from conversations held with me or conversations between others in my presence and overheard by me during the course of and immediately after such employment.
2. I was a member of the Royal St. Christopher and Nevis Police Force for 12 years from 1985 to 1997 and resigned therefrom in 1997 having achieved the rank of Sargeant. From 1997 to on or about the middle of 2003 I worked as a security officer at the Eastern Caribbean Central Bank in St. Kitts.
3. On or about 17th June 2003 I accepted the offer of a job at The Angelus Resort and Spa situate at Frigate Bay, St. Kitts ('the Resort') as a security officer. The job was offered to me by Trevor Moreau, the head of security at the Resort. There were 3 other officers at the time but after I was terminated, there were only 2 and me. The other two were Trevor Moreau, who was in charge, and Alexis Francis. I was the last officer to come on board.
4. During the course of my employment with the Resort commencing on or about 17th June 2003, I became familiar with the BMT Ltd., JIK, Ltd, Robert Estes and Paradise Partners Limited who are named in this action as 2<sup>nd</sup>, 3rd, 6th and 7th Defendants. I was familiar with Sir Probyn Inniss named as the 5th Defendant herein whom I knew before commencing my employment with the Resort but whom, in any event, was listed as a director and lawyer for BMT Ltd. in the initial stages of my employment at the Resort.
5. I know Sylvester Anthony, a Barrister-At-Law & Solicitor practising in St. Kitts. I knew him from seeing him about St. Kitts and knew him to be a lawyer. I also knew him because the management at the Resort advised us at security that he was also a lawyer for BMT Ltd.
6. I know Larkland Richards. I knew him to be a hotelier and the owner of Bird Rock Beach Hotel situate at Bird Rock, St. Kitts.
7. I was not aware of this litigation against the Defendants until I read a press report of the matter in the Sun Newspaper published in St. Kitts sometime in March this year. I was aware that there was some litigation involving one Brad Woolard in relation to his employment and termination at the Resort but I never knew the details. I only met Brad Woolard once at the official opening of the Resort when I was asked by Roland Thomas, CEO of BMT Ltd., to secure the assistance of the Police to escort Woolard and his wife off the Resort property. Mr. Woolard left willingly and without incident. I have not seen him since that time.

8. I was at work at the Resort on **Friday the 20th day of February, 2004** when at or around 1 o'clock in the afternoon, I entered the office. There I saw Sylvester Anthony, Larkland Richards, Derrick Fraites (the Administrative Manager of the Resort) and Denise Stapleton (the Paymaster or Financial Controller of the Resort) together. There was no one else present but the receptionist, Shermel Joseph, was at her desk and walked back and forth into the office occasionally.
9. I was the only security officer on duty at the time and was heading to the security desk. I overheard the conversation between Sylvester Anthony, Larkland Richards, Derrick Fraites and Denise Stapleton. There was some discussion about files and specifically Sylvester Anthony and Larkland Richards were asking Derrick Fraites and Denise Stapleton about a red register and something about Federal Express information. There was a box of files at the security desk which had been there since I started working at the Resort and I pointed it out to Sylvester Anthony, Larkland Richards, Derrick Fraites and Denise Stapleton.
10. Derrick Fraites asked me to search the box of files and see whether there was a red register. I searched the box as instructed and found a red book looking like a ledger of some kind. There were other similar ledgers but I cannot remember the colour and did not pay much attention to them since it was the red one that I was asked to locate.
11. When I found the red register which looked like a ledger, Sylvester Anthony, Larkland Richards, Derrick Fraites and Denise Stapleton began looking through it. I was there when Sylvester Anthony told Derrick Fraites in my presence: **'Get rid of these files quick. They are not supposed to be on the compound'**.
12. I was aware that there were some files in the drawer of a desk used by security. I had been informed when I started working at the Resort that Brad Woolard used to use that same desk when he worked at the Resort. I pulled out the drawer and showed the files to Sylvester Anthony. I handed the files to him. He took some and instructed me to place the others in a box. I located a small box and put the rest of the files from the drawer in that box. I told Sylvester Anthony that I would write the name **'Brad'** on the box to identify it and duly did so.
13. I did not examine the files from the drawer carefully but I recall that some were marked 'Administrative Services Limited' and some documents had Administrative Services Limited letterheads. Some files were marked 'Brad Woolard'.
14. There were therefore 2 boxes with files, a large box from which I had taken the red register which looked like a ledger and which contained other similar ledgers and other documents, and the smaller box containing the remaining files from the security desk drawer. Sylvester Anthony took the rest of the files with him and thereafter left with Larkland Richards. When Sylvester Anthony and Larkland

Richards left the office, the red register which looked like a ledger was gone but I am not sure who took it. The last time I saw the red ledger, Derrick Fraites and Sylvester Anthony were going through it.

15. I repacked the large box with files and packed the files from the desk drawer into the smaller box as instructed by Sylvester Anthony. There were other books in the large box which looked like ledgers although I cannot recall the colour of those ledgers. There were also bank statements and other documents in the boxes.
16. I was then told by Derrick Fraites that there were some other boxes of files in senior management's office that needed to be removed. Senior management consisted of Robert Estes, Scott Ward and Roland Thomas.
17. I accompanied Derrick Fraites to that office and saw 4 boxes. The boxes were filled with files and other documents and were already packed and ready to go. 2 of the boxes were banker's boxes and the other 2 were bigger cardboard boxes, maybe 3 times the size of a banker's box.
18. I was directed by Derrick Fraites to put the 4 boxes into his vehicle, a 4 door Suzuki Grand Vitara Jeep. I did so and the boxes filled up the back of the jeep. The other 2 boxes that had been left at the security desk and referred to by me earlier could not fit and were not put into the vehicle.
19. Derrick Fraites told me that he was taking the boxes of files to Larkland Richards' place. I accompanied him in the vehicle. I assumed that he meant the Bird Rock Beach Hotel but Derrick Fraites drove into Basseterre and parked next to American Bakery on Victoria Road.
20. We took out the boxes from the vehicle, Derrick Fraites taking one of the banker's boxes and I taking one of the big boxes, and I followed Derrick Fraites to Amory's mall upstairs to an office. Security had been told in the past that Derrick Fraites was working at an office in town and I had assumed that it was an office for BMT Ltd. As a result, when we were walking up the stairs, I asked Derrick Fraites whether this was BMT's office where he used to work and he responded that it was.
21. We proceeded with the boxes into the office which was open. There were 2 females at the front of the office but I did not know them. Derrick Fraites appeared to know them and spoke to them briefly. He then showed me to a room in the office where I left the box. I went back to the vehicle and retrieved the other 2 boxes and put them into the same room.
22. Derrick Fraites and I left the boxes there and went back to the Resort. It was then about 2 :30 pm. I decided to make a note of the day's events in the security diary. I made 2 notes. The first stated: **'Sylvester Anthony, Legal Adviser of BMT,**

**left with a number of files, the property of BMT'. The second stated: '4 boxes of files were taken off compound as instructed by Derrick Fraites and taken to BMT office'.**

23. When I finished my duty at around 7 pm, I was relieved by another security officer, Alexis Francis. I told him about the day's events and showed him the 2 boxes of files, the smaller of which was marked '**Brad**'. I also showed him my entries in the security diary. I told him that Sylvester Anthony might come to the Resort to retrieve the files as Sylvester Anthony had said in my presence when he was in the office with Larkland Richards, Derrick Fraites and Denise Stapleton that he would be back in Court the following Monday. I had assumed that Sylvester Anthony might have wanted to see the files before Monday.
24. I returned to work at 3pm on Saturday the 21st day of February, 2004 and was told by the officer on duty, a temporary security officer named Gregory Brandy who is also a Police Constable in the Royal St. Christopher and Nevis Police Force, to go to Roland Thomas' office immediately. I had had a telephone conversation earlier that morning with Gregory Brandy wherein he told me which I verily believe to be true that when he took over from Alexis Francis that Saturday morning, Francis had told him that I had said that the boxes of files were to be handed to Brad Woolard. That was untrue and I assumed that Francis had misunderstood me as I at all times knew that Brad Woolard was suing the Resort and was not welcome there.
25. Gregory Brandy also told me that he saw the 2 boxes of files at the security desk when he came on duty that Saturday morning and that he saw the security diary and my 2 entries as set out at paragraph 22 above. He also informed me that he left the security office to go on his rounds around the Resort compound and when he returned the 2 boxes had been removed. He also told me that Roland Thomas, who was on the compound, later came and took the security diary from the security office.
26. I went to Roland Thomas' office accompanied by Gregory Brandy. In the office when I got there were Roland Thomas and Sylvester Anthony. They both seemed agitated and Roland Thomas asked me what instructions I had given to Alexis Francis about the 2 boxes of files. I tried to explain what had happened but Sylvester Anthony shouted at me that I should 'come clean' and kept asking 'who I gave information to?'. Sylvester Anthony also asked me if I knew that the company could fire me and did I know BMT to have any office downtown.
27. I realized that Sylvester Anthony was speaking about my second entry in the security diary wherein I stated that files had been taken to BMT's office. I explained to him that I had made the entry based on Derrick Fraites answer to me when I asked him if the office was BMT's office where he used to work.

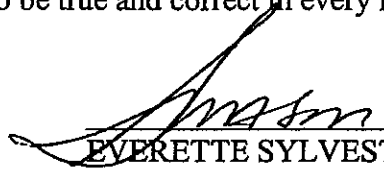
28. Sylvester Anthony appeared extremely angry and refused to accept my explanations. He stated in my presence to Roland Thomas that if he (Anthony) was in charge, he knew what he would do.
29. I was then informed by Roland Thomas that the matter would have to be investigated and that I would be suspended in the meantime with pay. Roland Thomas asked me to write a report on the incident to him and promised to have the matter investigated and cleared up by the following Monday.
30. On the following Monday the 23rd day of February, 2004, I visited the Resort compound to deliver the incident report requested by Roland Thomas. I sought to inquire as to my status but Thomas was in a meeting and said that he would call me. He never called me as promised. I exhibit a copy of the report hereto marked 'ESM1'.
31. Some days went by and there was no word from Roland Thomas. I sought legal advice on the matter. On Friday the 27th day of February, 2004 I visited the Resort compound to collect my cheque and was paid as promised. I was then advised by Roland Thomas that my status would be dealt with when my boss and head of security, Trevor Moreau, returned from a trip overseas.
32. I was eventually served with a termination letter by March 1st, 2004 without any reasons for termination being given. The letter was signed by Derrick Fraites. I have not since the 20th day of February, 2004 been back at work at the Resort. I exhibit a copy of the termination letter hereto marked 'ESM2'.
33. I was informed by security officer Gregory Brandy and verily believe that the security diary in which I made my 2 entries on the 20th day of February, 2004 at about 2 :30pm has not been returned to the security office and a new diary was made available to the security officers.
34. I was also informed by Derrick Fraites after I had been terminated and verily believe same to be true that the Court had ordered the production of certain documents and that when I made the entries in the security diary, I created problems. That was the first that I heard about any Court Order to produce documents.
35. When I saw the news report about this action in the SUN newspaper sometime in March, 2004 I became very curious and contacted the newspaper. The newspaper put me in touch with Robert Hermstead, the person who had informed the paper about this litigation and the allegations of fraud made against the Defendants. I spoke to Robert Hermstead and he thereafter had his Solicitors contact me for purposes of setting out the facts as I know them surrounding the removal of files from the Resort compound.

36. I have learnt from the solicitors for the Claimants that all the Defendants who had been ordered to produce documents by this honourable Court responded by claiming that they had no knowledge of or could not locate any of the documents. I can confirm based on the facts set out above that that is categorically false.

37. I have since my termination also sought to make certain investigations of my own. Those investigations have revealed that the office to which Derrick Fraites and I took the 4 boxes of files in the Amory Mall was indeed the offices of Larkland Richards whom I discovered is also a Barrister-At-Law & Solicitor of this honourable Court. I have also learnt that Larkland Richards has since moved offices and is no longer at that location.

And I make this affidavit knowing it to be true and correct in every respect.

SWORN this <sup>24<sup>th</sup></sup> day of )  
April, 2004 at Basseterre )  
St. Kitts )

  
EVERETTE SYLVESTER MASON

Before Me :

  
COMMISSIONER FOR OATHS  
ST CHRISTOPHER /NEVIS

Filed by Daniel, Brantley & Associates, Solicitors of Chambers, Main Street, Charlestown, NEVIS for and on behalf of the Claimants/Applicants whose address for service is the same

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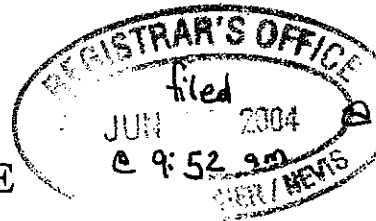
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**AFFIDAVIT**

**DANIEL, BRANTLEY & ASSOCIATES  
Solicitors for the Claimants/Applicants**



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**7<sup>TH</sup> RESPONDENT**

**CERTIFICATE OF EXHIBITS**

I CERTIFY that these are the Exhibits 'ESM1' and 'ESM2' to the Affidavit of Everette Sylvester Mason sworn on the 24th day of April, 2004.

  
\_\_\_\_\_  
COMMISSIONER FOR OATHS

EXHIBIT BHI

## MEMORANDUM

**From:** Security Officer Mason C.P.O  
**To:** C.E.O. B.M.T. Mr. Roland Thomas  
**Subject:** Information Relayed  
**Date:** 21<sup>st</sup> February 2004.

On Friday 20/02/04 I performed security duties from 7:00 a.m. – 7:00 p.m. at The Angelus Resort. Sometime after noon I remembered coming to the office to do something at the Security desk, when Mr. Fraites asked me to assist him in locating a red register related to Fed Ex information. Also present were Mr. Sylvester Anthony the company's lawyer, Mr. Larkland Richards, and Ms. Denise Stapleton. Miss. Shirmel Joseph was the Front Desk Receptionist at the time. I could recall taking the files out of a large box that is kept by the Security desk for quite some time. After going through the files, they were eventually replaced (put back) into the large box. Additionally, there were some other files placed in a smaller box. I wrote the name Brad on the box so that when the company's lawyer, Mr. Sylvester Anthony would know exactly where the files are. I remembered also hearing him say the large box should not be on the compound. I placed the small box next to the large box but under the security desk.

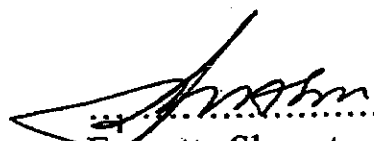
When Mr. Anthony and Mr. Richards left I was asked by Mr. Fraites to take four (4) other boxes that were in Senior Management Office, in his vehicle and take them to Mr. Larkland Richards place in town. Knowing that there is a rumour about files disappearing and reappearing I reluctantly assisted him. I could recall saying to Mr. Fraites in the presence of Miss. Shirmel Joseph that I hope these boxes of files don't get me in trouble. Mr. Fraites and myself left in his vehicle and upon arrival in town Mr. Fraites parked his vehicle on Victoria Road next to American Bakery. As we off loaded the boxes and got into Amory Mall Building and was going up the steps I asked of Mr. Fraites if this is B.M.T's Office, where you do work? His response was a simple yes. I asked no further question and followed him to an office upstairs and dropped off the boxes. There were two (2) females in one section of the office and two other individuals in another area of the office. After dropping off the boxes Mr. Fraites and myself returned to the Angelus Resort in his vehicle.

On my return, I made a note in the Security Diary as to what had occurred concerning my involvement, particularly after leaving the compound. When leaving the compound, security officers are to make a note as instructed by my Security Chief, Mr. Trevor Moreau. When I completed my duties at 7:00 p.m. and handed over to Security Officer Francis I told him about the large box and the small box with the files that mark Brad. In briefing him I told him, that earlier in the day, Mr. Sylvester Anthony, the company's lawyer, was enquiring about the files in the box that I marked 'Brad', and the name was placed there so that he would know exactly where the files are without any mishap that he, Mr. Anthony wanted to look at. I told Officer Francis the box that mark 'Brad' if the lawyer Sylvester Anthony comes on the compound and ask for it, give it to him. He said nothing. Assuming he had understood what I said I then left The Angelus with my wife who came to pick me up. Sometime in the morning of Saturday 21<sup>st</sup> February 2004, while I was outside my home cleaning my vehicle, my wife brought the cordless phone to me. It was Officer Brandy who called to find out about a particular key, which he said Mrs. Verna Williams of Housekeeping was enquiring about. He also asked about the note that was written in the Diary. When he hung up the phone I gave the phone back to my wife, she left and I continued cleaning my vehicle. Long after I finished cleaning my vehicle, when I got inside the house I called Mr. Fraites to say that I hoped these boxes of files don't get me into any trouble but before I got a chance to voice my concerns he said he doesn't want to talk and hung up the phone. He sounded very disturbed so I didn't call back.

At about 2:50 p.m. when I arrived for duty at The Angelus, Officer Brandy asked me to proceed to Senior Management office immediately. This I did. At the office, in the presence of Mr. Sylvester Anthony and Officer Brandy, Mr. Roland Thomas C.E.O. B.M.T. asked me about the information I gave to Officer Francis and other related matters. I remembered saying I never told Officer Francis to give Mr. Brad or his lawyer any files. I do not know who is Mr. Brad's lawyer nor do I have any affiliation with Mr. Brad.

I am well aware that Mr. Brad is not allowed on the compound. I remembered very well that sometimes last year during the ceremony of changing the Resort's name to The Angelus, I accompanied Mr. Trevor Moreau and other police officers in escorting Mr. Brad and his wife off the compound. Personally, other than what I heard about Mr. Brad I don't know him and have never ever been in his acquaintance.

Based on the circumstances I am of the view that Officer Francis did not understand what I had told him and I do apologize for the misunderstanding and can assure you that such will not occur again. I would like to apologize also for the note that I wrote in the Diary. It was never intended to cause any harm.



.....  
Everette Sylvester Mason  
Security Officer C.P.O

EXHIBIT ESMZ



Telephone 1 869 466 6224  
Fax 1 869 465 5170  
Email: [info@angelusstkitts.com](mailto:info@angelusstkitts.com)  
Website: [www.angelusstkitts.com](http://www.angelusstkitts.com)

P. O. Box 1434  
Basseterre  
St. Kitts  
West Indies

Mr. Everette Mason  
Keys Village  
St. Kitts

Dear Mr. Mason:

I have been directed, by Mr. Roland Thomas CEO of The Angelus Resort & Spa to inform you that your services with the company have been terminated effective March 1 2004.

As you are aware from the meeting held with you and Mr. Thomas, you were placed on suspension, awaiting a decision. The decision is as mentioned above, and we have enclosed a cheque written in your favour for the amount of two thousand, nine hundred and eighteen dollars and nineteen cents (EC\$2, 918.19). The enclosed slip is self-explanatory, but we have decided to mention same below.

• Wages for the period February 27 to March 1 2004	\$ 384.00
• Vacation pay	\$1,827.95
• Two weeks wages in lieu of notice	<u>\$ 960.00</u>
• Sub-total	\$3,171.95
• Less deductions	<u>\$ 253.76</u>
• Total	<u>\$2,918.19</u>

In closing, please let us wish you success in your new endeavours. Best regards,

Yours truly,  
**THE ANGELUS RESORT & SPA**

*Derrick V. Fraites*  
Derrick V. Fraites  
Administrative Manager

DVF:  
Encs:

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