

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No. AGOJ2021/001

Between

ELLIS RICHARDS

MEDICAL BENEFITS BOARD

SPENCER THOMAS

OTHERS LISTED IN APPENDICES 1 TO 4 Claimants

And

THE REPUBLIC OF TRINIDAD AND TOBAGO Defendant

NOTICE OF FILING OF ORIGINATING APPLICATION
(Part 10.3 (2) of the CCJ (OJ) Rules 2021)

TAKE NOTICE that pursuant to the Order of the Court made on the 11 October 2021 granting the Claimants special leave to commence proceedings and to appear as a party to the proceedings, an originating application has been filed by these Claimants against The Republic of Trinidad and Tobago, on 18 October 2021

The subject matter of this application relates to a claim brought by the Claimants pursuant to Articles 7, 36(1), 37(1), 38(1) and 184(j) of the Revised Treaty of Chaguaramas ("the RTC")

The Claimants seek the following reliefs in their application:

- (1) A Declaration that in excluding the Claimants from the BA Rescue Plan the Defendant discriminated against them on the basis of nationality contrary to Article 7 of the Treaty and thereby acted in breach of rights conferred on the Claimants by the Treaty.
- (2) A Declaration that the Defendant's exclusion of the Claimants from the BA Rescue Plan constituted a restriction on the provision of cross-border insurance services to the Claimants (and on their correlative rights to receive such services) in breach of Article 36(1) of the Treaty.
- (3) A Declaration that the exclusion of the Claimants from the BA Rescue plan resulted from the failure by the Defendant to remove discriminatory restrictions on the provision of cross-border insurance services to the Claimants (and on their correlative rights to receive such services), in breach of Articles 37(1) and 38(1) of the Treaty.
- (4) A Declaration that the Defendant failed to take appropriate measures to promote the interests of the Claimants as consumers of insurance services, including through the

provision of adequate and effective redress, contrary to Article 184(1)(j) of the Treaty.

- (5) A Declaration that the Claimants are entitled to receive from the Defendant similar benefits in relation to the value of their BA International insurance policies as was given by the Defendant to policyholders of BA Trinidad in the BA Rescue Plan.
- (6) An Order mandating the Defendant to treat the Claimants accordingly, by issuing them with units in the CIF, on the same terms as were offered to policyholders of BA Trinidad, or so as to provide an equivalent benefit now.
- (7) Alternatively, an Order that the Defendant pays damages or compensation to the Claimants so as to provide an equivalent benefit now (i.e. including interest accrued over the intervening period), as would have obtained if BA International policyholders had been treated the same as BA Trinidad policyholders.
- (8) Such further or other relief as this Court considers just.
- (9) Costs.

TAKE NOTICE ALSO that a Member State or any person who wishes to intervene in the proceedings must file an application for leave to intervene within six (6) weeks of notification of the filing of the originating application pursuant to Part 17.3(1)(a)(i)(ii) of the Caribbean Court of Justice (Original Jurisdiction) Rules, 2021.

Dated this 27th day of October 2021

Deputy Registrar and Marshal
Caribbean Court of Justice