

JERSEY / JUDGMENT

Jensen v Jensen [2024]

JRC 116 (15 May 2024)

[2024] JRC 116

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judgment

the COMMISSIONER: 1. This application arises out of proceedings which have been ongoing for a while. In essence the Plaintiff and the Defendant were involved in divorce proceedings in California and in aid of those the Plaintiff wife took proceedings here to obtain freezing injunctions so as to preserve assets in support of the Californian proceedings. Those Californian proceedings have ultimately been settled by consent to the parties and the Californian Court ratified that settlement; so that there is in fact therefore a Californian Court Order. 2. At paragraph 3 of the agreement ratified by the Californian Court it is stated that: "The parties hereby agree that this document resolves any and all past present or future claims against each other particularly with regard to the following:- ... All and any claims related to the Jersey Royal Court proceeding between the parties." The agreement goes on to say at paragraph 7 "Each party shall bear their own attorney's fees and costs. Previous orders for attorney's fees and costs awarded to either party shall be deemed satisfied." 3. Following that Californian Court Order, which I should add was dated 6 September 2022, the Plaintiff has applied here to discontinue the proceedings with no order as to costs. One might have thought that would be a routine matter which, with the consent of all the parties, could be dealt with on the papers. However, the Defendant, when presented with a draft consent order, crossed out the section which said there should be no order as to costs and wrote "I reserve my rights to pursue anyone who lied under oath and deceived the Court into financial gain causing damages to me and my family and business." In the circumstances Advocate Renouf drew this to the attention of the Court and the Court directed that given this apparent qualification to the consent order, the matter should be listed for a hearing. Accordingly there was a date fix on 25 April of which the Defendant was notified. He did not attend and the hearing was fixed for today at 10am. 4. There is evidence before me that the Defendant has been notified of this hearing. He was sent an email by Advocate Renouf and Advocate Renouf also emailed the Californian attorney who acted for the Defendant and Advocate Ingram who acted for the Defendant at the time of the application for freezing orders in this jurisdiction. In each case they were requested to pass it on to the Defendant. The Defendant has not appeared this morning but I am satisfied that every possible step has been taken to notify him. 5. It is clear that the application is in accordance with what was agreed between the parties in California and was ratified by the Californian Court. The Californian

proceedings have come to an end and it is time that these ancillary proceedings in Jersey were similarly brought to an end. Advocate Renouf therefore applies today for an order that under Royal Court Rules 6/31(1) the proceedings under Court file 2016/270 including all of the claims and injunctions therein against the Defendants and the parties cited be discontinued and that there should be no further order as to costs. I am satisfied that is wholly in accordance with the position in California and it has also been agreed by the first and second parties cited. 6. Accordingly, I make an order in those terms. No Authorities Page Last Updated: 20 May 2024 Back to top About JLIB Accessibility Contacts Copyright Disclaimer Feedback Privacy policy Site map BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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