

COMMONWEALTH OF DOMINICA
THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
(CIVIL)



CLAIM NO DOMHCV2008/466

BETWEEN:

FELIX CHRISTMAS

Claimant

AND

[1] NATIONAL FAIR TRADE ORGANISATION OF DOMINICA
[2] WINDWARD ISLANDS BANANA DEVELOPMENT
AND EXPORTING CO LTD

Defendants

Appearances:

On written submissions by
Mr McDonald Christmas for the Claimant
Ms Laurina Vidal holding for Mr Kondwani Williams for Defendant

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2010: June 1
2011: February 10.
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JUDGMENT

[1] Lanns, M: On 29th January 2009, the Claimant obtained a default judgment against the Defendants for damages to be assessed. This is the assessment.

[2] Upon consideration of the submissions and evidence of the Claimant, as well as the Report submitted by Mr John Stephenson, Rural Development & Farm Management Specialist, (which I accept), the following awards will be allowed as special damages.

Labour (nominal) in accordance with **Greer v Alston's Engineering**

(2003) 63 WIR 388)

\$ 5,000.00

[3] IT IS HEREBY ORDERED THAT

- [1] The Defendants do pay the Claimant the sum of \$5000.00 as special damages.
- [2] The Defendants do pay the Claimant the sum of \$126,000.00 as general damages for breach of contract and negligence.
- [3] The Defendants do pay the Claimant statutory interest on the total judgment sum of \$131,000 until satisfaction.
- [4] Prescribed costs to the Claimant in accordance with Part 65 Appendices B and C.



Pearletta Lanns
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Pearletta Lanns
Master