

SAINT LUCIA

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

Claim No. SLUHCV 1998/1180

BETWEEN:

MARGARET PAPPIN

Claimant

AND

(1) JOSEPH MATHURIN
(2) FRANCIS LAURENCY

Defendants

Appearances:

**Mrs. Veronica Bernard for Claimant
Mr. Dexter Theodore for Defendants**

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**2009: February, 18th
April, 1**
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JUDGMENT

[1] At the assessment of damages of this 'matter I gave an oral ruling fixing the damages due to the Claimant for the dependency action at \$135,000.00 to the widow of the deceased. That sum was expressed to

include interest up to the date of the assessment. I assessed the value of the dependence of Yvonne Pappin, the mother of the deceased at US \$90.00 per month and adopted a multiplier of eight (8) years.

[2] The parties had agreed the other items of damages. I therefore noted Counsel to assist the court by submitting a joint schedule of the calculations by the 20th February, 2009.

[3] No joint schedule was submitted. Instead, Counsel for the defendants filed "further supplementary skeleton arguments on 24th February, 2009. This further filing was directed at the question of interest to be awarded on the dependency.

[4] This matter has a long and unfortunate history. I will not attempt to chronicle it all. I begin on the 3rd May, 2005. By consent, judgment was entered for the Claimant for damages to be assessed and costs. The assessment was fixed for hearing and adjourned on several occasions as the court was informed that a settlement was imminent. No settlement ever emerged. The defendant has displayed a consistent pattern in dealing with this matter. They offer to settle, then they withdraw, the offer and employ every artifice available to delay the award. At the eleventh hour they changed Counsel and attempted to renew arguments designed to convince the court to absolve them of all liability. All these efforts have been rejected by the Court.

[5] It is through the prism of the previous conduct of the defendant that this court views the latest supplementary arguments advanced by Counsel for the Claimant.

[6] I wish to make it clear that no aspersions are being cast at Counsel for the defendants. The conduct and attitude of the defendant persisted throughout the change of legal representation. I attribute such attitude and conduct to the defendants', insurers who have been the ones moving the litigation.

[7] That said, I award the Claimants the sum of \$181,133.85 and costs of \$21,702.05. That award is calculated as follows

ESTATE		\$ 3,500.00
Interest at 3% p.a. from 23/12/95 To 21 st January, 2009		\$ 1,268.00
DEPENDENCY YVONNE PAPPIN US\$90 x 12 month x 8 years \$8,640.00 x 27	EC\$ 23,328.00	
Taxed down by 10%	2,332.80	
TOTAL DEPENDENCY		\$ 20,995.20
Interest on \$20,995.20 (20,995.20 x 6 x 4726 days / 36500		\$ 16,310.68
MARGARET PAPPIN		\$135,000.00
Funeral Expenses		\$ 2,910.00
Interest on funeral expenses at 3% p.a. (2,910 x 3 x 4808/36500		\$ 1,149.97
Total damages		\$181,133.85

Prescribed costs on \$181,133.85	\$36,170.08	
Less 40%	14,468.03	
Costs		\$21,702.05

[8] I understand that some sum has already been paid to the Claimant in relationship to the award to Yvonne Pappin. Such sum as to be deducted from the award I have made in this matter.

BRIAN COTTLE
High Court Judge