

**EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

IN THE HIGH COURT OF JUSTICE

CLAIM NO ANUHCV2012/0004

BETWEEN:

CARLTON HALSTEAD

Claimant

and

SPECIAL SECURITY SERVICES LTD

Defendant

Appearances:

Mrs. Kivinee Knight Edwards for the Claimant

Mr Jarid Hewlette for the Defendant

.....
2016: June 20th

2017: October 17
.....

JUDGMENT

[1] In this case, the claimant Carlton Halstead, (a security officer), claims against the defendant, Special Security Services Ltd, (a registered company engaged in the provision of a variety of security services), damages for negligence for personal injury sustained when he was attacked while he was performing his duties at a construction site in Crosbies. The particulars of negligence are stated to be that the Defendant:

- (a) Failed to alert the claimant that there had been two previous break-ins over the Easter weekend at the site in Crosbies just days before the claimant's assignment at Crosbies;
- (b) Failed to ensure that the location at which the claimant was posted was adequately lit;
- (c) Failed to provide the claimant with adequate security officers to work along with the

claimant;

- (d) Failed to provide the claimant with radio or other means of communication;
- (e) Failed to provide the claimant with adequate equipment such as a night stick, pepper spray or a flash light
- (f) Failed to provide a safe system of work;
- (g) Failed to take reasonable care for the safety of the claimant;

[2] The claimant pleads that as a result of the defendant's negligence, he sustained injuries described in the Medical Reports of Dr Kim Jebodhsingh dated 19th April 2011, and Dr Alvin Edwards dated 13th September 2011 as follows:

- (a) Trauma with a sharp object to both eyes;
- (b) Laceration over the temporal aspect of the right upper eyelid and medially on the left eye
- (c) Rupture of the upper and lower canaliculus of the left eye;
- (d) Trauma to the lateral rectus muscle
- (e) Diplopia

[3] The claimant asserts that as a result of those injuries, he suffered loss in that (a) he had to undergo 3 surgeries and was unable to work for 5 months; (b) He became permanently disabled in that he now suffers from double vision which has severely impacted his ability to enjoy life; (c) It is likely that he will require further medical treatment; (d) his current and future earning capacity has been affected.

[4] The claimant prayed for general damages, interest, and costs.

[5] By way of defence, the defendant accepted the medical findings as stated in the medical reports, but denies all other allegations in the statement of claim. The defendant asserts however, that to the extent that there was negligence on the part of the defendant, there was contributory negligence on the part of the claimant in that he failed to avail himself of, and or used the safety equipment issued or available to him.

The Issues

[6] The main issue to be determined is whether the defendant company ought to be held liable for the injuries sustained by the claimant while he was attacked by an intruder, and whether the defendant company ought to be held liable for damages as alleged, and costs. The sub-issues are:

:

- (1) Was there a duty owed by the defendant to the claimant to (a) inform claimant of previous break-ins on the subject property; (b) to ensure that the subject property was properly lit; (c) to assign additional security officers to work along with the claimant;
- (2) If so, did the defendant breach that duty?
- (3) If so, did the breach cause the injuries and alleged damages sustained by the defendant; If so,
- (4) To what extent
- (5) Did the defendant fail to provide the claimant with a radio or other means of communication?
- (6) Did the defendant fail to provide the claimant with adequate security officers to work along with the claimant?
- (7) Did the defendant fail to provide the claimant with any, or any adequate equipment such as a night stick, pepper spray or a flash light?; If so did this failure cause the injuries sustained by the claimant
- (8) Did the defendant fail to provide a safe system of work?
- (9) Did the defendant fail to take reasonable care for the safety of the claimant

The Evidence

Claimant: Carlton Halstead

[7] In his witness statement, the claimant stated that when he got his deployment orders, he realised he was moved from his usual site at Epicurean Supermarket to a site in Crosbies. The site was in a remote area of Crosbies with poor lighting. It was an unoccupied dwelling house, and the only light was in front of the verandah of the house, and the closest neighbours were about 100 feet away. He realised that, against normal procedure, he was deployed by himself. He requested

suitable security equipment to ensure safety. The operations supervisor usually distributes security equipment and takes them back after employees had returned from deployment. He asked the supervisor for a flashlight, baton and radio. He never received the tools requested. He told the operations supervisor that he had no credit on his phone, and would be unable to get in touch with anyone if anything was to happen

[8] Based on his training, if an intruder approaches, he was to hide and radio the company for an emergency response unit. When the intruder approached, he hid, but was unable to communicate with his employer. He remained hidden and after a while the intruder came upon his hiding place, rushed at him and started to attack him. He tried to defend himself but he had no equipment upon which to rely. He was stabbed several times about the head face and both eyes. After the attack, he learned that the owners of the subject property had reported two prior robberies had taken place shortly before his deployment; so they (the employers) would have known of the heightened activity on the site and the likelihood of attack; yet they never gave him the tools to properly secure the site and himself.

[9] Additionally, he did not have any back up of another security officer to assist him in defending the attack.

[10] During cross examination, the claimant admitted that he was well aware of the risks of being a security guard, he having worked as a security guard before joining the defendant company. The claimant also admitted that during the time he worked as a supervisor at the defendant company, he had to go to the operations department and sign out security equipment.

[11] The claimant further agreed that the practice at the defendant company was that before officers are assigned a location, they fall in for parade or assembly at the headquarters of the defendant company. Interestingly, the claimant further admitted in cross examination that after parade, security officers go to the operations manager and request the security equipment that they will need.

[12] The claimant admitted in cross-examination that although two persons are usually deployed, if a customer requests one person, then only one is sent. Asked whether he agreed that the primary function at the job site was to prevent building materials from being stolen, the claimant agreed with counsel for the defendant on this score. The claimant also agreed that as regards his claim about poor lighting, the defendant company had no control over the customer's premises and that flashlights are made available to employees for situations where the lighting is poor..

[13] The claimant maintained that he was trained to hide and radio for assistance if an intruder were to come on the premises, and he did hide. Yet he contradicted himself during further cross examination, stating that he was attached in front of the garage and that he was not hiding when he was attacked. The claimant admitted that it was not true that the intruder came to where he was hiding and attacked him. Indeed, according to him, he called out to the intruder and asked him what he was doing there. When asked about his assertion that two robberies had taken place in the area, the claimant explained that what really happened was that previously, materials had been stolen from the site, and that there was no prior report of violent activity in the area.

[14] During reexamination by the claimant's counsel, the claimant insisted that it is not a correct procedure for one security officer to be deployed at a job site. He also stated that when he asked Ms Lyte (the operations supervisor) for his security equipment, she replied that it was getting late and insisted that he board the pickup truck to go to the job site

That was the case for the claimant

Evidence for the Defendant

[15] The defendant called two witnesses in the persons of Wilbur Purcell (Mr Purcell) and Selah Lyte (Ms Lyte).

[16] Mr Purcell described himself as the Managing Director of the defendant company. He gave evidence that the claimant was employed with the defendant company from 10th December 2003 to 17th March 2009 and rehired on 2nd March 2010 to 10th September 2012. Prior to the claimant's employment, he received in-house training and then on the job training upon being employed. The

claimant was employed as a supervisor and was in charge of up to 13 officers with responsibility for taking radio and flashlights to the customer's location at Emerald Cove and returning them to the office at the end of the shift. During the claimant's employment, he worked at several locations, such as banks, hotels and construction sites. The claimant, as well as other employees has always had access to security equipment before being deployed to a job. It has been established practice that all officers fall in for parade after which they go to operations department and collect necessary protective equipment including batons, flashlights, radios, cellular phones, log books, bullet proof vests hand wands and fire arms, if firearms are authorised. Mr Purcell gave evidence that the claimant is well aware of access to security equipment, as he has had to be reprimanded several times for misuse of said equipment.

[17] According to Mr Purcell, after the attack, the claimant admitted to him (Mr Purcell) that he did not follow proper security procedures to obtain the necessary equipment prior to his deployment to the job site. Mr Purcell also stated that the claimant also indicated that he confronted the intruder at the job site and ran after him in order to take down the car's licence plate. It is said that this is completely against company policy for unarmed security officers. Unarmed security officers are trained to find somewhere to obscure intruders, and if they feel there is a threat, they should immediately radio for assistance. The policy of the defendant company, it is said, has always been that the number of security officers assigned to a site is dependent on the size of the site, as well as the nature of the job. For example, if large sums of money are being moved, this is considered a high risk operation. Securing a construction site such as the subject site at Crosbies from potential thieves is not considered high risk, and would not necessitate more than one security officer to secure and radio back in the event of intruders.

[18] During cross examination, by Mrs Knight Edwards, Mr Purcell maintained that the security items available were guns, mag-light flashlights which could also be used as batons. He stated that not all security equipment is given out for every job site. Mr Purcell denied that heightened security would have been needed for the Crosbies job site; as it was considered a low risk factor. He was not of the view that because materials were stolen from the job site, this could increase the risk. As far as Mr Purcell was concerned, the site would still be considered low risk, even after the theft of materials. Mr Purcell was unaware that there was a robbery on the site. However, he was not of

the view that telling security officers of a previous robbery would always be necessary, given that the defendant's motto is 'protecting persons, information and property'

[19] As to deployment of personnel, Mr Purcell stated, under cross examination, that it is not all the time that two persons would be deployed to a site. Mr Purcell's attention was drawn to paragraph 6 of his witness statement where he explained the procedure for collecting equipment. Mr Purcell stated that the claimant would go to the window and collect the equipment from the operations department. Mr Purcell was careful to state that if the claimant requested security equipment and was told no, he could refuse to go to the site.

[20] Mr Purcell accepted that the defendant has a duty to provide security equipment for personnel, but security personnel have their own responsibility to go and collect the equipment. When it was repeatedly suggested to Mr Purcell that the claimant did request the equipment, Mr Purcell maintained that the claimant never requested the security equipment, and he disagreed with counsel for the claimant that if there was a second person deployed with the claimant, he (the claimant) would not have sustained any injuries.

Evidence of Ms Lyte

[21] Ms. Lyte in her witness statement described herself as a senior supervisor of the defendant company for 8 years. She commenced employment in March 2004 as a security officer and then gradually promoted until she reached the present post. Ms Lyte elaborated on her familiarity with the procedures relating to assembly, briefing and deployment of security officers. She elaborated on the training sessions provided to security officers, and on the experience of the claimant. She stated that based on the claimant's experience, the claimant was fully aware of all the procedures for obtaining the necessary equipment. Consistent with the evidence of the claimant himself, as well as that of Mr Purcell, Ms Lyte stated that the officers are trained, that where an officer is unarmed and alone, the officer is required to find a safe place to hide and to observe any intruder, and radio for assistance if unable to handle the situation himself. The remaining portions of Ms Lyte's evidence in chief is a repetition of that of Mr Purcell's as to the defendant's policy of assigning more than one person to a site based on size of site, as well as the nature of the job.

Like Mr Purcell, Ms Lyte asserted that securing a construction site like the one to which the claimant was deployed, from thieves, is not usually considered high risk, and therefore would not necessitate more than one security officer to secure and radio back in the event of intruders.

[22] Ms Lyte was subject to vigorous and lengthy cross examination by Mrs. Knight Edwards, and she was vividly shaken during such cross-examination. When asked by Mrs Knight Edwards whether or not on the 9th April 2010 the claimant had requested security equipment, Ms Lyte contradicted her own witness statement by telling the court that the claimant did request the equipment; that the equipment was given to him and he signed for it in the log book.

[23] During further cross examination, Ms Lyte sought to change her story and told the court that when she had earlier said that the claimant requested equipment from her, she was referring to the time when he (the claimant) was a supervisor. She admitted that the claimant was not a supervisor in 2010 when he was attacked. Asked again if on the 9th April 2010 the claimant requested his security equipment, Ms Lyte answered 'yes' - an answer which was inconsistent with what she said in her witness statement. When asked further whether she gave the claimant the equipment, Ms Lyle changed her evidence once again and answered 'no, I did not'. She stated that the reason she did not give the clamant the equipment, was because she was not the person in operations authorised to issue equipment. She however, stated that she instructed the claimant to go to the operations department for his equipment. It was only after the attack that she knew that he never went to collect the equipment. When further pressed during cross examination, Ms Lyte changed her story yet again, and told the court that the claimant never requested the security equipment from her; he requested the equipment from one Ms. Reid who is no longer employed by the defendant company.

[24] On being recalled to the witness stand, the claimant told the court once again that he did request the equipment from none other than Ms Lyte, but she told him that it was too late to get the equipment.

Discussion and Decision

[25] I must preface these discussions by noting that I have not received any submissions on behalf of the claimant.¹ I have only received submissions on behalf of the defendant.

[26] In order for the claimant's claim to succeed, he must prove that a legal duty of care is owed to him by the defendant company; that the defendant company breached that duty; and that the injuries he sustained were caused by the breach of the duty of care allegedly owed to him

(i) Failure to alert claimant of previous robberies in the area

[27] There is no plausible evidence before the court that there were any robberies in the area of the subject property. The evidence of both the claimant and Mr Purcell was that there had been stealing of building materials on the subject property which was a construction site, but no robberies or violent activity. It having not been proved that there was any robberies, it cannot be said that the defendant company was obligated to inform the claimant that a robbery had taken place. There is no merit in this allegation.

(ii) Failure to ensure that the construction site was adequately lit

[28] An employer has a duty to take care to ensure that the premises where his employees are required to work are reasonably safe.² It is said that 'at one time it was thought that where an employee was sent to work at premises over which the employer has no control, the employer would owe no duty in respect of those premises; but the modern view is that whether the employer is relieved of the duty or not will depend upon the nature of the premises'.³ .

[29] The main contention of counsel for the defendant was that the defendant does not own or control the customer's premises, and cannot ensure any sort of lighting. The claimant himself accepted that fact in cross examination. Counsel pointed out that the defendant provides its employees with flashlights in situations where the job requires additional lighting. Given the nature of the premises,

¹ I make the observation that the submissions on the file by counsel for the claimant pertains to another case, namely, Clarence Martin et al vs Edris George , Claim No 206 of 2013, in which May Knight Law is on record as for the defendant.

² Kodilyne, Commonwealth Caribbean Tort Law, Fourth Edition, page 144

³ Kodilyne, ibid, page 144

it is unclear as to whether the employer is expected to inspect the premises for lighting prior to deployment. I have not been presented with any authority or examples of cases whatsoever in relation to this matter.

[30] The claimant did not say that the premises were not lit. He said that the site was in a remote area of Crosbies with poor lighting, and that the only light on the premises was a light on the porch. I find it mind boggling that the claimant stated that the premises were not adequately lit, yet he was able to run behind the intruder's vehicle to take down its licence number, and to confront the intruder to ask him what he was doing on the premises. In any event, the claimant gave evidence that there was a light on the porch, and there is no direct evidence that it was dim or bright and what area it covered. As I have said, no authority has been proffered to guide the court as to whether the defendant is under a duty to ensure that the premises to which a security officer is deployed to prevent theft of building materials or other property of a customer is well lit.. Accordingly, I find and hold that this allegation is devoid of merit.

(iii) Failed to assign additional security officers to work along side the claimant

[31] The argument of the defendant is that there is no rule that a minimum of two persons would be assigned to a job site. Mr Purcell explained the circumstance under which two persons would be assigned to a job. As far as he was concerned, the claimant's job was not a high risk or a dangerous one; rather, it was a stand watch over building materials and to discourage and report thefts. In the circumstances, the defendant contends that there was no need for additional personnel. I find it odd for Mr Purcell to consider that the site was a low risk factor, when he knew that stealing had occurred there. To my mind, the site became potentially high risk because of the fact that stealing had occurred thereon. Mr Purcell was armed with knowledge of theft, but he seemed to have minimized that fact in the context of determining whether it was necessary to assign two persons on duty there,

[32] That having been said, there is no evidence before the court that had there been an additional security guard deployed at the site, the attack on the claimant would have been averted. The intruder could just as well have attacked the claimant once he sees him and or once he was

confronted. No one knows if an additional security officer was deployed he would have come to the claimant's assistance if there was a violent attack on him. The self-preservation doctrine might have just kicked in. As I previously indicated, no evidence was led that two security guards would have made any difference. The evidence led, which I accept was that two persons are usually deployed when requested by customers, and when there are high risk situations like moving money. In the circumstances, I think it would be unreasonable to find and hold that an additional security officer was required, because no evidence was led which leads me to say that an additional security officer would have made a difference or would have averted the attack on the claimant, and there was no request by the customer for the deployment of two security officers

(iv) Failure to provide claimant with radio or other means of communication or any adequate equipment such as night stick, pepper spray or flashlight.

[33] The vulnerability of security officers and the precarious and risky situation in which they often find themselves is self-evident. The reality is that being a security officer is a risky job. This underpins the utmost importance of the duty of security companies such as the defendant company, to ensure that reasonable measures are put in place for the safety of security officers; more specifically to ensure that security officers are provided with adequate means of communication and adequate security equipment

[34] Mr Purcell stated that security equipment was available for the claimant to use. This bit of evidence has not been challenged. Mr Purcell also gave evidence as to the procedure for collecting equipment, i.e. to go to the operations manager and collect them. The evidence as to whether the claimant did go to collect the equipment is conflicting. The claimant stated repeatedly that he did request the equipment from Ms Lyte. Mr Purcell, on the other hand stated that the claimant admitted to him (Mr Purcell) that he did not follow proper security procedures to obtain the necessary equipment prior to his deployment to the job site. Aside from this statement, Mr Purcell during cross-examination maintained that the claimant never requested the equipment. I take it that he was present when the claimant was being deployed. How else could he be so sure? If he was not present, then his evidence as to the claimant's request for equipment must be inadmissible hearsay.

[35] Ms Lyte's evidence on this aspect of the case was appalling. On the witness stand, she changed her story three times, first stating that the claimant requested his equipment and she gave him and he signed them out; second, that he requested the equipment and she told him to go to the operations department for them; and third, that the claimant did not request the equipment from her; that the request was to be made to one, Ms. Reid, a former employee of the defendant company who was not called to give evidence. All three versions of Ms Lyte's oral testimony on the issue of 'request for radio and security equipment' are in stark contrast to the evidence given in her witness statement. I reject her evidence on this aspect of the case as being unreliable and I attach no weight to it.

[36] The evidence which I accept is that the claimant had no equipment on the night he was attacked.; that equipment was indeed available for use at the defendant company; that the security officers usually request their equipment before proceeding on their respective job site; that they will select their equipment and sign them out before they leave for duty; and sign them back in after they have completed their shifts. I believe the claimant when he says that he requested the equipment from Ms Lyte, the operations officer, and she told him that it was late, and he should go and board the pickup truck. This can hardly be said to be effective supervision. It must be taken as a breach of duty on the part of Ms Lyte, and the defendant company must be held vicariously liable for the breach.

[37] The duty to supervise workmen includes the duty to take steps to ensure that any necessary item of safety equipment is used by them. Ms Lyte failed in this duty and as said before the defendant must be held liable for that failure on the part of Ms Lyte. It must be remembered too that it was not only the claimant who knew that the claimant was deployed to prevent theft on the construction site. Both Mr Purcell and Ms Lyte knew and were under a duty to ensure that the claimant equipped himself with available security equipment, and sign out for them before going on a job, whether high risk or low risk. Mr Purcell classified guarding the site from theft as a low risk. It is doubtful whether guarding a site where theft has previously occurred can be regarded as low risk. It is inherently risky. Whether the job at the construction site was high risk or low risk, the fact is that Mr Purcell and Ms Lyte as well as the claimant, knew the nature of the assignment. Mr Purcell's evidence is that the claimant never requested the equipment. Assuming this was the

case, he (Mr Purcell) turned a blind eye and let the defendant go away without security equipment instead of ensuring that the claimant comply with 'company policy' as he (Mr Purcell) termed it

[38] That said, I am of the view that the claimant himself had a responsibility to ensure that he safeguards himself by ensuring that he avails himself of the necessary equipment available to him for his own safety. He did not do that. He chose to board the truck to go to the job site even though he was not compelled to do so without the necessary equipment to protect him. For this choice, the claimant must take some of the blame for his ensuing injuries and damages. He was careless as to his own safety.

(v) Failure to provide a safe system of work and failure to take reasonable care for the safety of the claimant

[39] It is the law that an employer must organise a safe system of work for his employees and must ensure as far as possible that that system is adhered to.⁴ A system of work is defined as: 'the physical layout of the job, the setting of the stage, so to speak the sequence in which the work is to be carried out, the provision in proper cases of warnings, notices and the issue of special instructions. A system may be adequate for the whole course of the job, or it may have to be modified to meet the circumstances which may arise.'⁵

[40] Where an employee is inexperienced, there will be a breach of the duty to provide a safe system of working if insufficient training and instruction is not given for the particular type of job.⁶

[41] In the context of training and experience, the claimant in the instant case is an experienced security officer who attained the rank of supervisor in the defendant company for which he worked for about 8 years. Prior to that, he worked as a security officer in Jamaica; and he has also worked as security officer for another company in Antigua for about 2 years. Additionally, there is no dispute that the claimant was provided with adequate training and instruction for his particular job

⁴ Kodilyne, page 142.

⁵ Kodilyne, page 143, quoting Lord Greene in *Speed v Thomas*, [1943] KB pages 563-564

⁶ Kodilyne, page 143

as a security officer; so I do not find that the defendant company has breached its duty of providing a safe working system in this regard.

Liability

[42] I find that the defendant company was negligent in that it failed to provide claimant with radio or other means of communication or any adequate equipment such as night stick, pepper spray or flashlight. However, I find the claimant to be negligent as well in failing to take responsibility for his own safety.

Were the injuries sustained by the claimant caused by the negligence of the defendant company

[43] Having found that the defendant company owed a duty to the claimant, to provide safety equipment and that the defendant company was in breach of that duty, the claimant must now prove that his injuries were caused by such breach and that he suffered loss and damage for which the defendant company is liable.

[44] The question is, did the defendant company's breach of duty in fact cause the attack and resultant injuries to the claimant. The evidence in this case establishes that the attack on the claimant and the claimant's resultant injuries were not perpetrated while the claimant was in hiding. The claimant's viva voce evidence as to where he was attacked destroys his own evidence given in his witness statement that he was attacked while hiding. As the evidence unfolded, it became quite clear that during cross examination that the claimant was not in hiding when he was attacked. But this in and of itself is not dispositive of the causation issue. By his own admission, the claimant confronted the intruder. The court takes the view, based on the evidence, that but for the claimant's failure to hide and his decision to confront the intruder, the attack would not have happened.⁷ It seems to me that the claimant, having failed to avail himself of the security equipment, or refused to go on the job site without them, when coupled with the fact that he went on the job site knowing the risk involved; then failed to hide himself, as he was trained to do, and ridiculously decided to

⁷ See examples of causation in fact and the but for test in *Mc Williams v Sir Williams Arrol & Co Ltd*, [1962] 1 WLR 295; *Twins Pharmacy Ltd v Marshall* (1979) 26 WIR 320, (Guyana Court of Appeal)

confront the intruder, and ran after him (at some point) unarmed, and without any security equipment, these factors were in fact, the causes of the violent attack being perpetrated on him.

[45] The defendant company could not have reasonably foreseen that the claimant, knowing he had no security equipment to defend himself, and knowing that he had no radio to call for back up, and knowing that he had no credit on his cell phone to allow him to make a call, would decide to confront an intruder on the premises, instead of hiding as he was wont to do.

[46] In all the circumstances, it could not be said that the failure to provide equipment and radio was the cause of the attack, and resultant injuries. I find that the claimant's actions (confronting the intruder) and his inactions, (specifically not hiding, or remain hiding), caused the attack that was perpetrated on him by the intruder. It would have been different if the claimant had hidden and remained hidden and the intruder came upon him nevertheless and attacked and injured him while hiding.

[47] His claim is therefore dismissed.

Costs

[48] The general principle is that the unsuccessful party should meet the costs of the successful party. The defendant is therefore entitled to prescribed costs regulated by CPR 65.5. The claimant claimed general damages. He did not claim any special damage, which might have facilitated a declaration by the court as to the value of the claim which in turn might have been helpful in determining the measure of prescribed costs payable by the claimant. It must be remembered that the claimant acknowledged that the defendant company paid for his medical expenses overseas. No doubt this is the reason that no special damages have been claimed. As the claim does not relate to any specified amount of money, the value is \$50,000.00, and the prescribed costs is therefore \$7500.00. However, the court has discretion as to the amount of prescribed costs to be awarded.

[49] Given the nature, and the peculiar circumstances of this case, I would order that each party bear his/its own costs.

Conclusion

[50] The evidence in this case, support the conclusion that the defendant failed to exercise reasonable care for the safety of the claimant, in ensuring that the claimant was provided relevant safety and communication equipment to be used at the job site in Crosbies and was therefore negligent.

[51] However, the claimant himself failed to take reasonable care for his own safety and thus, he was also negligent.

[52] However, the claimant has failed to prove to the court, or convince the court that the attack perpetrated on him and the resultant injuries/damages/loss, sustained by him were caused by the negligence of the defendant company in failing to provide relevant safety equipment. I am in agreement with counsel for the defendant that the failure of the claimant to abide proper procedure when the intruder came on to the property, and chose to confronted the intruder against the training given to him by the defendant company, was the effective cause of the attack, and I so find.

[53] It is therefore ordered that

- (1) The claimant's claim stands dismissed.
- (2) Each party shall bear his/ its own costs

**Pearletta E. Lanns
High Court Judge [Ag]**

By the Court

Registrar

