

**EASTERN CARIBBEAN SUPREME COURT
FEDERATION OF SAINT CHRISTOPHER AND NEVIS
SAINT CHRISTOPHER CIRCUIT**

CLAIM NO SKBHCV2015/0240

BETWEEN:

UCARL THOMPSON

Claimant

and

CLEMENT O'GARRO

Defendant

Appearances

Ms Natasha Grey for the Claimant

Ms Pauline Hendrickson for the Defendant

.....
2017: July 11; December 21;
2018: February 22
.....

JUDGMENT

[1] **LANNS, J. [AG]:** THIS ACTION having on the 11th day of July 2017, the 21st day of December 2017; and the 22nd day of February 2018 been called on for trial before the Honourable Ms. Justice Pearletta E. Lanns; AND UPON HEARING Ms Natasha Grey, counsel for the claimant and Ms. Pauline Hendrickson; counsel for the defendant; AND THE DEFENDANT having failed to appear and to offer any evidence to dispute the claim against him despite having been notified by his counsel of the date of hearing by way of whatsapp and email; AND WHEREAS the Court in pursuance of the CPR 39.4 has decided to proceed with the trial in the absence of the Defendant; AND UPON CONSIDERING all the evidence as contained in the Witness Statements of the

claimant Ucarl Thompson, Nelius Boudine, Dujon Bassue, Christina Roach, as well as the evidence elicited during cross-examination, AND **UPON CONSIDERING** the unchallenged evidence of Dr Duane Hendrickson Orthopaedic Surgeon and Traumatologist, as contained in his witness statement and his medical report dated 2nd February 2015;

AND UPON BEING SATISFIED that the claimant has made out his case on the issue of liability;

IT IS HEREBY ADJUDGED that

Judgment be and is hereby entered for the claimant for damages to be assessed upon application before the master;

AND IT IS ORDERED that

The claimant do file and serve application for directions on the assessment within three months from today.

AND IT IS FURTHER ORDERED that

The defendant shall pay costs to the claimant, such costs to be prescribed costs in accordance with CPR 65.5

Pearletta E. Lanns
High Court Judge [Ag]

By the Court

Registrar