

**THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
FEDERATION OF SAINT CHRISTOPHER AND NEVIS  
SAINT CHRISTOPHER CIRCUIT**

**CLAIM NO. SKBHCV2015/0219**

**BETWEEN:**

|                                   |                  |
|-----------------------------------|------------------|
| <b>JOAN HANLEY</b>                | <i>Claimant</i>  |
| <b>and</b>                        |                  |
| <b>COURTNEY WELLINGTON THOMAS</b> | <i>Defendant</i> |

**Appearances:**

Ms Marsha Henderson and Mr Vaughn Woodley *for the Claimant*  
Mrs Stacey Ann Aberdeen Sargeant *for the Defendant*

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**2017: July 12<sup>th</sup>**  
**2018: February 26<sup>th</sup>**

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**JUDGMENT**

[1] **LANNS, J. [AG]:** THIS ACTION having on the 12<sup>th</sup> day of July 2017 and the 26<sup>th</sup> day of February 2018 been called on for trial before the Honourable Ms Justice Pearletta E. Lanns; AND UPON HEARING Ms Marsha Henderson counsel for the Claimant and Mrs Stacey Ann Aberdeen Sargeant, 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 of the date of hearing by way of email from his counsel since 1<sup>st</sup> September 2017; 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 Claimant's Witness Statement, the documents exhibited thereto; and the answers given to questions posed by the court; AND UPON FURTHER CONSIDERING the unchallenged evidence of Dr Duane Hendrickson as contained in the witness summary which has been confirmed and treated as his evidence in chief; AND UPON examining the documents exhibited and tendered in evidence including the medical reports of (1) Dr E.H.C. Samuel, Radiologist, dated 20<sup>th</sup> November 2012; (2) Dr David Santana, Orthopaedic Surgeon dated 11<sup>th</sup> December 2012, and (3) Dr Duane Hendrickson, Orthopaedic Surgeon & Traumatologist, dated 10<sup>th</sup> October 2016;

AND UPON BEING SATISFIED that the claimant has made out her 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 an 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]*