

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN COMMON LAW

SUIT NO. C.L. M 150 OF 1995

BETWEEN MARIA PROTZ-MARCOCCCHIO PLAINTIFF

AND ERNEST (ERNIE) SMATT DEFENDANT

Mr. John Sinclair instructed by Clough, Long & Co. for plaintiff

Miss Kathryn Phipps for defendant

Heard: April 22 and May 3, 2002

ASSESSMENT OF DAMAGES

JONES, J. (Ag.)

The plaintiff was bitten by dogs belonging to the defendant on October 8, 1993. There is no issue as to liability. The matter now comes before the court for assessment of damages.

On the issue of pain and suffering and loss of amenities Mr Sinclair referred me to two cases with dog bites. First, in *Marie Phillips vs. Forrester* at page 400 in "Assessment of Damages for Personal Injuries" by Harrison & Harrison the damages were agreed by consent on May 20, 1991 for \$20,000.00 inclusive of cost. The injuries were lacerations to the posterior aspect of the plaintiff's left calf. There were also several long jagged scratch marks to the posterior aspect of the right leg and scarring on both legs. Second, in *Gobern vs. Lloyd Kelly C.L 1987 /G251* damages were assessed on June 30, 1993, for a dog bite. The injuries were

Interest is awarded at the rate of 6% per annum from the date of service of the writ of summons up to today (May 3, 2002).

Special Damages: \$33,588

Interest on special damages is awarded on the sum of \$33,588 with interest at the rate of 6% per annum from October 8, 1993 up to today (May 3, 2002).

Judgment for plaintiff for sum of \$378,358.00 with cost to be taxed if not agreed.

Morocco v. ...