



[2024] JMSC Civ 188

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CIVIL DIVISION

CLAIM NO. 2018HCV04817

BETWEEN	ALTHEA STEPHENS	CLAIMANT
AND	NATIONAL COMMERCIAL BANK	1ST DEFENDANT

IN OPEN COURT

K Teddison Maye-Jackson, Attorney-at-Law instructed by Kinghorn and Kinghorn, Attorneys-at-Law for the Claimant

Ms. De-Andra Butler, Attorney-at-Law instructed by Samuda & Johnson, Attorneys-at-Law for the Defendant

Heard: January 29, 2024, February 1, 2024 and December 20, 2024

DAMAGES – Assessment of damages - Personal Injury - Pre-existing condition - Special Damages - General Damages

MASON, J (Ag.)

INTRODUCTION

- [1]** On the 8th of January 2013, Ms. Althea Stephens sustained personal injuries while executing her duties as a Cook at the National Commercial Bank (NCB). While carrying out kitchen duties at the Defendant company at the Linstead, St. Catherine branch, a cupboard became dislodged and fell on the Claimant's foot. As a result, the Claimant sustained injuries, loss and damages.

[2] The Claimant filed a Claim form and Particulars of Claim on December 4, 2018, seeking damages for negligence. Subsequently, on February 28th, 2019, judgment on admission of liability but disputing quantum on behalf of the Defendant was entered. On January 29th and February 1st 2024, the matter came before me for Assessment of Damages.

[3] With reference to the Particulars of Claim, the Particulars of Injuries were noted as follows:

- i. Severe pains to the right foot*
- ii. Large wound to the right foot*
- iii. Inability to work for 2 months*
- iv. Soft tissue injury to the right leg*
- v. Chronic pain to the right leg*
- vi. Nerve injury*
- vii. High risk of developing arthritis*
- viii. Inability to wear shoes on the right foot on occasions*
- ix. Pains from walking and standing*
- x. Pains from the bending of the knee*
- xi. Continuous burning sensation and tingling*
- xii. Pain on palpation of the ankle*
- xiii. Dark scar on the medial aspect of the right ankle*

[4] According to the Medical Report prepared by Dr. Warren Blake dated May 1, 2015, the Claimant was seen by Dr. Blake on January 27, 2015. Dr. Blake indicated that on examination of the Claimant's lower back, she complained of having discomfort to touch over the right paraspinal muscles at the level of the 4th and 5th lumbar spines. Dr. Blake further indicated that an examination of the Claimant's right leg revealed marked varicosities. The leg measured 2.5 cm larger than the left leg and had a 3x2 centimetres circular, hypo-pigmented scar to the medial aspect of her leg approximately 6cm proximal to her medial malleolus. Dr. Blake diagnosed her with venous ulceration of her leg. She was sent for X-Ray and Ultrasound which revealed moderate deep venous insufficiency. Dr. Blake diagnosed the Claimant as having 0% whole-person impairment. He further indicated that the venous

insufficiency predated the accident and that the scar was not a cause for any total permanent impairment.

- [5] According to a Medical Report prepared by Dr. O. K. Francis dated October 13, 2018, the Claimant was assessed as having pain on bending her right knee, a dark scar on the medial aspect of her right ankle which was tender to touch with further pain on rotation of the ankle. She was noted as having soft tissue injury to the right ankle/leg, chronic pain to the right ankle, nerve injury secondary to previous chronic ulcer, Sprain to the right ankle and arthritis to the right knee. On review, the Claimant reported no improvement to her injuries, palpation of the ankle would bring about tenderness and pain, and her ankle and foot pains were said to worsen upon rotation. The Claimant was unable to wear shoes on her right foot due to discomfort and standing, walking and bending the knee would bring about pain and discomfort. The prognosis was that the Claimant would continue with pain medication as needed and was at high risk of developing arthritis in the affected areas.
- [6] According to the Medical Report prepared by Dr. Fidel Fraser dated May 16, 2020, the Claimant was seen a total of 3 times by Dr. Fraser and was initially assessed on the 16th of August 2018 as having lower back pain, varicose veins to the right leg query nerve injury, Post-traumatic stress disorder (PTSD) and depression and right subacromial impingement syndrome. When the Claimant was last seen by Dr. Fraser on January 24, 2019, she was still experiencing some symptoms but her lower back and shoulder complaints had decreased. Dr. Fraser indicated that the Claimant reported no similar symptoms before the material accident. He further indicated that based on the reported mechanism of the material accident, he could not relate her shoulder and lower back complaints to the described pattern of injury. It was indicated that the claimant suffered direct vascular trauma to her right leg as a result of the door. It was further stated that the Claimant also likely suffered direct nerve injury (to the saphenous nerve) as well as continued nerve injury secondary to the ulcer that was formed. Dr. Fraser stated that the Claimant would

require a Nerve Conduction test to verify and qualify her nerve injury. It was stated that the Claimant had gone over 3 years since the material accident without any evidence of improvement in her saphenous nerve function and that it was likely that the deficit was permanent. The Claimant was assessed as having 3% lower extremity impairment (LEI) which equates to 1% whole person impairment (WPI).

- [7] According to the Medical Report prepared by Dr. Stephen Singh dated November 23, 2020, the Claimant was found to have a 2x5cm venous ulcer to the medial malleolus, with large varicose veins and induration. She was found to have superficial vein insufficiency in the right leg, great saphenous vein, right small saphenous vein and multiple perforators. The Claimant was diagnosed with CEAP 6 chronic venous insufficiency which is the most severe form. This was due to findings of significant combined chronic venous insufficiency in both the deep and superficial systems, as well as the presence of an ulcer. Surgery was recommended to close the vein associated with the ulcer.

Whether the venous insufficiency, back, hip and shoulder pain occurred as a result of the injury to the Claimant's right leg?

VEIN INJURY

- [8] Counsel for the Claimant asserted that neither the Defendant nor any doctor is at liberty to disregard any of the Claimant's injuries or take any adverse position in relation to the severity when any preexisting conditions would not have been exacerbated or any current conditions would not have been occasioned but for the actions of the Defendant which resulted in the injuries.
- [9] Dr. Warren Blake was of the view that the venous insufficiency did not occur as a result of the incident. He further stated that when he examined the Claimant, she indicated that she had problems with her veins long before the injury since she was 15 years old. When asked if there was no trauma, whether there would be any varicosity on that part of her leg, Dr. Blake indicated that there was a possibility that people with chronic varicosity can develop ulcerations. When asked if a patient

with varicose veins got trauma, whether the infection can continue for 5-10 years, Dr. Blake indicated that it is not possible unless they had deep bone infections which is more than ulcer and the wound would not heal.

[10] In a further Medical Report prepared by Dr. Blake dated October 4, 2023, when commenting on the Medical Report prepared by Dr. Francis, indicated that no mention was made of any problems to the Claimant's knee or ankle in 2015. She merely reported a bruise to her leg which subsequently became ulcerated and healed with treatment. He further stated that additional problems of ankle sprain and a possible sprain to her knee bear no relationship to her initial injury and must be disregarded. When commenting on the Medical Report prepared by Dr. Frazer, Dr. Blake indicated that as it relates to the report of reduced sensation to the medial side of the Claimant's leg and foot distal to the healed ulcer, he detected no such sensory loss when he examined her. He commented that a patient's report of sensory reduction is highly subjective and open to manipulation. Dr. Blake referred to Dr. Frazer's finding that he was unable to relate the Claimant's shoulder and lower back complaint's to the described pattern of injury which he states supports his non assignment of any permanent impairment score to her complaint of backache. It was further indicated that Dr. Frazer assigned an impairment rating based on a presumptive nerve injury which was not proven since the Claimant had not done the Nerve Conduction test to verify and qualify her nerve injury.

[11] Dr. Blake further indicated that that his assessment was that the Claimant sustained a minor injury to her left leg which went on to become infected and developed a venous ulcer to the medial aspect of the distal right leg. He further stated that the propensity for the leg to become infected and ulcerated even from minor trauma was due to her pre-existing varicose veins.

THE CLAIMANT'S EVIDENCE

[12] In cross examination, the Claimant indicated that she only saw one varicose vein when asked whether she suffered from varicose veins. When further asked whether she had varicose veins at the time of the accident, she said no. When

further pressed by Counsel, she indicated that she saw one vein in her right leg but could not say it was a varicose vein. When asked whether she had it before the accident, she said yes. When asked whether she had varicose veins since 15 years old as outlined in the history in the medical report prepared by Dr. Blake, she stated that she did not know about that.

- [13] The Claimant confirmed that she went to Dr. Francis complaining of pain in the right side of the waist. When asked whether she told Dr. Christian about this pain in 2013, she stated that she did not remember feeling pain that early. When asked whether she told Dr. Christian about the pain in her hip in 2013 or Dr. Blake in 2015, she said she did not remember. When asked when the pain started, she said she did not remember. She further stated that at the time of the accident, she was not having pain in her back at that time.

DISCUSSION

- [14] I am of the view that there are many gaps in the Claimant's evidence. There are several medical reports that are missing. Based on the evidence given in cross examination, I find that the Claimant suffered from varicose veins before the incident. I make my finding based on her admission in cross examination and the findings of Dr. Blake in the Medical Report he prepared.
- [15] The question now becomes whether this condition was exacerbated by the injury to the Claimant's leg. It is trite law that a tortfeasor takes his victim as he finds him and the victim is able to claim damages for the entire injury to his person. As stated in **Gilbert Kodilinye's Commonwealth Caribbean Tort Law**, pages 109-110:

.. tortfeasor takes his victim as he finds him, and the latter can claim damages for the entire injury to his person even though, because of some special physical weakness or sensitivity unknown to the tortfeasor, the harm suffered was greater than would have been

suffered by a normal person. Thus, for example, one who carelessly inflicts a minor cut on a haemophiliac, with the result that the latter bleeds to death, and will be fully liable for the consequences, even though a normal person would have suffered little injury. And where the defendant negligently inflicted a burn on the plaintiff's lip which, owing to a pre-malignant condition in the tissues of the lip, caused cancer to develop, from which the plaintiff died, the defendant was held fully liable for the death.

- [16] Reference was made to the Jamaican case of **Crandall v Jamaica Folly Resorts Ltd** (Smithfield Digest 1998). Dr. Kodilinye stated that:

In the more recent Jamaican case of Crandall v Jamaica Folly Resorts Ltd,¹⁶⁵ the plaintiff, a guest at the defendant's hotel, fell from an unstable chair in the hotel bar and sustained injuries which necessitated two operations. The plaintiff was obese and, after the second operation, he suffered a heart attack. Ellis J held that the defendant was in breach of its duty of care under the Occupiers' Liability Act¹⁶⁶ and was fully liable for the consequences, including the heart attack, which was not too remote an injury. The learned judge expressly referred to Smith v Leech Brain and Co Ltd as laying down the principle that the defendant must 'take his victim as he finds him'.

- [17] Notwithstanding the decision in case law which stipulates that a tortfeasor takes his victim as he finds him, in the case at bar my decision is based on the medical evidence presented by the expert witness, Dr. Warren Blake, Consultant Orthopedic who gave evidence at the trial. Dr. Blake not only examined the Claimant some two years after the accident but he prepared a medical report dated May 1st 2015. By way of a Court Order, Dr. Blake was authorized to review the medical reports of two other court appointed experts, Dr. Omar Francis, General

Practitioner, and Dr. Fidel Fraser, Orthopedic Surgeon. As a result, Dr. Blake prepared a Supplemental Medical Report dated October 4, 2023, in which he commented on the findings of the doctors.

- [18]** After the incident on January 8, 2013, the Claimant was examined by Dr. G. V. Christian who contended that the Claimant had suffered a lower limb lesion to her right ankle. She was prescribed medication. By the second visit, some weeks later, he reported that the lesion had improved and the Claimant was in a position to return to work on March 4, 2013.
- [19]** It was some two years after the incident on January 27, 2015 that the Claimant was seen by Dr. Blake. He noted that the Claimant had marked varicosities to her right leg which she said she noticed since she was aged 15. An ultrasound of the leg showed moderate deep venous insufficiency which predated the incident. Dr. Blake informed the court that when he saw the Claimant on January 27, 2015 the wound was fully healed as it was covered with epithelial tissue. He also added that healing takes place from below up as the natural tendency of the body is to heal.
- [20]** It is noted that Doctors Omar Francis and Fidel Fraser examined the Claimant for the first time some five years after the incident in July and August 2018. Dr. Omar Francis in his Medical Report of October 13, 2018 noted that the Claimant complained of pain to her right leg/ankle, chronic pain to her right ankle, nerve injury secondary to previous chronic ulcer, sprain to right knee, arthritis to right knee.
- [21]** Ms. Stephens saw Dr. Fidel Fraser on August 16, 2018 and on two other occasions, the last being as of January 24, 2019. At first he assessed her as suffering from lower back pain, varicose veins to her right leg, post-traumatic stress disorder, depression, right acromial impingement syndrome. He was of the view that she required a nerve conduction test but this was not done. She was assessed as having 1% whole person PPD. He concluded that she suffered direct nerve injury but this was not conclusively confirmed.

- [22] According to the medical report of Dr. Stephen Singh dated July 24, 2020, the Claimant was found to have venous ulcer to the medial malleolus with chronic venous insufficiency. He recommended surgery to close the vein associated with the ulcer.
- [23] After examining the medical reports of Dr. Omar Francis and Dr. Fidel Fraser, Dr. Blake indicated that regarding their findings, there was no mention of total impairment, but that further care for the Claimant was suggested. He further noted that when he examined the Claimant she made no complaint of any shoulder, knee or ankle problems. If there was any possible sprain to her ankle or knee, that they are not related to the initial incident and must be disregarded.
- [24] Regarding the review of Dr. Fidel Fraser's medical report, he did not find any sensory loss, neither did he find that the Claimant suffered any saphenous nerve injury. That even if there was saphenous nerve injury, Dr. Fraser never ordered a nerve conduction study to verify such a finding. Dr. Blake further reasoned that there was nothing in the Claimant's history or examination to support a diagnosis of PTSD or depression. He shared the view that any venous problems was already there and the initial injury caused an ulcer which was healed with a scar. That the problem of the swelling of the leg was as a result of the presence of chronic vein insufficiency which ought to be disregarded in the assessment of permanent impairment attributable to the incident. Additionally, Dr. Fraser found that the Claimant's shoulder and lower back pains did not relate to the incident.
- [25] On examination by Miss Butler, Dr. Blake could not find anything to support the Claimant's complaint to be caused by the injury she received. He was also asked *"if the Claimant were to say in 2020 that the wound flare up would you conclude that it was the injury in 2013?"* His answer to that was *"No I wouldn't but people with venous insufficiency are prone to have swelling of the leg and ulceration."* He could not say definitely what caused the flare up. Dr. Blake was also of the opinion that the injury did not cause injury to the saphenous nerve.

[26] On cross examination by Mr. Maye Jackson, Dr. Blake was asked if a patient with varicose veins for a trauma, if an infection could continue for 5-10 years. Dr. Blake's response was that it was not possible unless the patient had a deep bone infection which is more than an ulcer and the wound would not heal. When asked if it was possible in exceptional circumstances, Dr. Blake stated in very exceptional circumstances, but when he saw the Claimant in 2015 there was no evidence of infection.

[27] In the circumstances, I find that Dr. Fraser could not possibly connect any vascular trauma to the incident wound when he examined the Claimant five years after the fact. Also both Dr. Christian and Dr. Blake commented on the Claimant's improvement and the fact that the wound had completely healed. It is noted too that the injury associated with the claim was completely healed after two years. The reports of Dr. Francis, Fraser and Singh were done some five and more years after the incident and as such I find that the evidence is insufficient and not contemporaneous to form a nexus with the injury suffered by the Claimant. The injuries of the lower back, shoulder, knee or waist are all inconsistent with the initial incident. There is also insufficient evidence to support a finding of Post-Traumatic Stress Disorder or depression. These findings/complaints of the Claimant are therefore inconsistent with the initial injury which was completely healed after two months. As stated earlier, my decision is based on the expert evidence of Dr. Warren Blake who was an expert witness appointed by the Defendant in this case.

SPECIAL DAMAGES

[28] The Claimant has submitted a plethora of medical receipts and on close examination, I realize that a few were not in her name and yet still this is included in the total for special damages. While others displayed the total of the items but the name of the patient was covered. Hence those receipts were disregarded. I also found that a large number of receipts produced for the most part of 2016 to 2020 were not contemporaneous or had no nexus to the injury suffered by the

Claimant in January 2013. Consequently, these receipts were disregarded. The Claimant requested an award for special damages under several headings which are outlined as follows:

Medical Expenses

Medical Report (Dr. Francis)	\$	30,000.00
Medical Visits (Dr. Francis)	\$	3,000.00
Medical Report (Absolute Care Medical Centre)	\$	60,000.00
Transportation Expenses	\$	24,000.00
Sambells Discount Pharmacy	\$	60,823.49
Bravo Pharmacy	\$	31,365.32

I am not allowing the costs for these Medical Reports as these reports are not contemporaneous to the injuries sustained by the Claimant in 2013. I will allow the cost for the transportation expenses in the sum of \$24,000.00. I will only allow \$17, 782.10 for the expenses incurred at Sambells Discount Pharmacy. I will only allow **\$7,843. 23** for the cost incurred at Bravo Pharmacy as there were no dates on some of these receipts so those were not allowed. Counsel for the Defendant in her evidence indicated that the transportation bill was already paid by the Defendant however, I have no evidence to corroborate this.

Vein Centers of Jamaica	\$	91,000.00
Vein Centers of Jamaica (Surgery)	\$	459,075.00

I am also not allowing these costs as they are not contemporaneous with the injuries sustained by the Claimant. The injuries to the Claimant would have been healed by this time based on the evidence. I am also in agreement with Counsel for the Defendant that the nerve injury was inconclusive since further tests which were recommended were not completed, therefore leaving the Court to speculate. Dr. Frazer's evidence further stated that the nerve injury was unconnected to the injury.

Supermed Pharmacy	\$	9,590.24
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I will only allow **\$7,824.68** as these receipts were contemporaneous to the incident in 2013.

Dixon's Drug Store	\$	4,994.70
New Linstead Pharmacy	\$	21,818.26
Your Choice Family Pharmacy	\$	8,876.92
Valu Drug (Med Assoc)	\$	3,172.56
Caledonia Medical Laboratory	\$	3,400.00

I will allow these.

St. Jago Ultrasound & X-Ray	\$	7,200.00
La Vega Pharmacy	\$	6,510.00
Dr. Stephen Singh	\$	3,000.00
Dr. Lucien Tomlinson	\$	10,000.00

I am not allowing these costs since they are not contemporaneous with the injuries sustained by the Claimant in 2013.

Caledonia Medical Laboratory	\$	1,980.00
St. Jago Ultra Sound and X-Ray	\$	4,000.00
Surgical Associates	\$	4,000.00
Oxford X-Ray	\$	2,200.00

I will allow these.

Receipt (Has no name, just numbers)	\$	45,481.63
Receipt for prescription (no company name, receipt torn)	\$	6,470.96

I am not allowing these costs since the receipt for \$45,481.63 has no name or date. I will also refuse the receipt for \$6,470.96 as it has no company name.

[29] Consequently, the Court is prepared to grant special damages in the amount of **\$147,090.61.**

GENERAL DAMAGES

[30] Counsel for the Claimant submitted that an award of **Five Million Dollars (\$5,000,000.00)** for general damages is appropriate in the circumstances. Counsel placed reliance on the following cases:

1. **Dwight Hunter v Berger Paints Jamaica Limited** [2019] JMSC Civ 212- The Claimant in **Dwight Hunter** (supra) was awarded the sum of Four Million Jamaican Dollars (JMD 4,000,000.00) in November 2019 (CPI 103.2) which updates to **\$5,445,736.43** as a result of the following injuries, namely -
 - i. Chronic lower back pain secondary to lumbar spondylosis with stenosis nerve root irritation
 - ii. Disc herniation of the lumbar region with non-verifiable radicular complaints at the time of examination
 - iii. The Learned Judge found a total impairment rating of 7% to be appropriate.
2. **Marjorie Bryan v Claudette Buchanan-Burgess** [2018] JMSC Civ 50-The Claimant was awarded the sum of One Million Three Hundred Thousand Jamaican Dollars (JMD\$1,300,000.00) for General Damages in April 2018 (CPI 94.6) which updates to **\$1,930,761.10** upon claiming for the following injuries -
 - i. Chronic mechanical lower back pain;
 - ii. Acute cervical strain/whiplash injury;
 - iii. Acute right elbow sprain;
 - iv. Acute sprain to right ankle and hip; and
 - v. Soft tissue injury to right forearm, thigh and calf.
3. **Marvin Gaynor v Braco Farms Ltd and Noel Austin** [2021] JMSC Civ 108- The Claimant was awarded the sum of Three Million Jamaican Dollars (JMD\$3,000,000.00) for General Damages in November 2019 (CPI 103.2) which updates to **\$4,084,302.33** upon claiming for the following injuries -
 - i. Crush injury to lower extremity with sensory nerve deficit;

- ii. Lower back contusion;
- iii. Left hip strain;
- iv. Soft tissue injury around the left hip;
- v. Peripheral nerve impairment in left lower extremity; and
- vi. Whole person impairment of 5%.

[31] Counsel for the Defendant however submitted that an award of **One Million One Hundred Thousand Dollars (\$1,100,000.00)** for general damages is appropriate in the circumstances. Counsel relied on the following cases:

1. **Marion Williams v Sheldon James & The Attorney General of Jamaica** (2017 JSC Civ. 98- The Claimant suffered a 10 cm interrupted subcutaneous and muscle-deep laceration to the lateral right arm and tenderness to the anterior chest. The Claimant was admitted for observation. He complained of worsening pain and swelling to his left knee. He was awarded \$750,000 in June 2017 (CPI-93.4) which now updates to \$1,140,422.08 (CPI October 2024)
2. **Annette Johnson v ER Farms & Company Limited** (2016) JMISC Civ. 93- The Claimant suffered (i) laceration to the right foot, (ii) missed foreign body to the right foot, and (iii) neuralgia to the right foot secondary to infected right foot laceration and complicated by early diabetes. Her doctor concluded that she was expected to recover over the six months following the incident and made no assessment as to PPD. The Claimant complained of foot pain at times and had a 3 cm healed scar to the right heel with mild tenderness. General Damages was awarded at \$700,000.00 in June 2016 (CPI-88.5) which updates to \$1,111,299.44.

[32] In relation to the **Dwight Hunter** (supra) case, Counsel for the Claimant highlighted the following as it relates to the impairment rating. urged the court to take note of

the length of the Claimant's impairment, which is over 10 years and that the Claimant's injuries are comparable to that of the Claimant in Dwight Hunter.

- [33] Counsel further submitted that the Claimant's injuries are more severe than that of the Claimant in the **Marjorie Bryan** (supra) case and would therefore warrant a higher award. Counsel for the Claimant is also of the view that due to the multiplicity, an improved award would be warranted than that of the Claimant in the **Marvin Gaynor** case as this would indicate greater pain and suffering than that of the Claimant in the **Marvin Gaynor** case.
- [34] Counsel for the Defendant however submitted that the injury suffered by the Claimant in the **Marlon Williams** case was larger than the injury suffered by the Claimant in the instant case. Counsel further averred that the injury suffered by the Claimant in the **Anette Johnson** case also became infected. Further, that the Claimant in the case at bar had a 3 by 2 centimetre circular hypopigmented scar which is similar to **Anette Johnson** who had a 3 cm scar. Counsel for the Defendant is of the view that the Claimant in the **Anette Johnson** case had a longer recovery period of six months, whilst the Claimant recovered after 2 months.
- [35] I am of the view that the injuries sustained by the Claimant in the case at bar are more severe than those sustained by the Claimant in the **Marvin Gaynor** case.
- [36] I am also of the view that the injuries sustained by the Claimant in the **Dwight Hunter** case are more severe than those of the Claimant in the case at Bar. According to the Medical Reports submitted in the **Dwight Hunter** case, he would continue to be in pain permanently and would require future medical care. This is not the case for the Claimant in the case at Bar.
- [37] Bearing the length of the claimant's recovery and her injuries in mind, I am of the view that an award of \$2,500,00.00 is reasonable to compensate the Claimant for general damages for pain and suffering and loss of amenities.

ORDERS

[38] In the circumstances, I make the following orders:

1. Special damages in the amount of **ONE HUNDRED AND FORTY-SEVEN THOUSAND AND NINETY DOLLARS AND SIXTY-ONE CENTS [\$147,090.61]** with 3% interest from January 8, 2013 to the date of judgment.
2. General Damages for pain and suffering in the amount of **TWO MILLION FIVE HUNDRED THOUSAND DOLLARS [\$2,500,000.00]** with interest at 3% from December 4, 2018, to the date of judgment.
3. Cost to the Claimant to be agreed or taxed.
4. The Claimant's Attorney-at-Law to prepare, file and serve this order.
5. A pre-trial review is fixed for the 24th of September 2025 at 2pm via video conference.