

IN THE SUPREME COURT OF BELIZE, A.D 2005

CLAIM NO. 354 OF 2005

BETWEEN: (1. RENE GUZMAN
(2. ALEJANDRO MADRID CLAIMANTS
(3. ROBERTO BURGOS
(4. MARIANO CRUZ
(5. GREGORIO AGUIRRE
(AND
(
(1. ESTATE LEV SKETA
(2. ENRIQUE ESCALANTE
(3. VISION BUILDERSLIMITED DEFENDANTS

Mr. N. Dujon for the claimant.
Mr. L. Welch for the first defendant.

AWICH J.

27.7.2007

J U D G M E N T
(Assessment of Damages)

1. Judgment in default of acknowledgement of service of claim form was entered on 17.1.2005, against Mr. Lionel Welch, a court appointed representative of the deceased estate of the first defendant, Mr. Lev

Sketa, deceased. He was the driver of a truck that collided with another vehicle and caused his death, and caused the injuries sustained by the claimants. The court ordered evidence by affidavits from each defendant, detailing occupation, injuries sustained, permanent disabilities if any, and specifically if the injuries would affect prospects of employment. The affidavits were to be served on the defendants.

2. Affidavits were filed. Learned counsel Mr. N. Du Jon for the claimants, very helpfully attached copies of pages in a publication of the Judicial Studies Board (UK), entitled, Guidelines for Assessment of General Damages in Personal Injuries 7th Edition, 2004. He suggested median figures. I accept the submission in respect of each claimant, except the suggested figure of actual loss of earning for the period immediately after the accident. I think that the loss of earning for the period is necessarily included in the respective figure for loss of ability to engage in employment, where applicable. I also wondered why the affidavit did not include statements as to whether the immediate losses of earnings were not paid for by social security contributions.

3. The award for general damages that I make are as follows:

for Rene Guzman	\$266,000.00
for Roberto Burgos	\$266,000.00
for Mariano Cruz	\$240,565.00
for Alejandro Madrid	\$197,892.00
for Gregorio Aguire	\$ 45,000.00

4. I also award \$75.00 special damages to each claimant being costs of medical report. Expenses for actual medical treatment were not claimed. I assume that there was good reason for it. Interest is payable on the judgment sums at the rate of 6% per annum from 17.1.2005, until payment of the judgment sums in full.

5. There has been no contest that the second and or the third defendants were the employers of Mr. Lev Sketa; in that event they would be vicariously liable.

6. Costs to the claimants equally, to be agreed or taxed.

7. Dated Friday the 27th July 2007

At the Supreme Court

Belize City.

Sam Lungole Awich

Judge

Supreme Court