

NARRATIVE

ASSESSMENT OF COMPENSATION PAYABLE TO THE PERSONAL REPRESENTATIVES IN THE ESTATES OF DECEASED PERSONS

GENERAL APPROACH

Order in which submissions considered

1. The Committee's comments and findings, in respect of six (6) estates, on are set out below by reference to submissions made by counsel for the estates and the Attorney General, rather than in alphabetical order as listed in the tables of summaries appended to the Report.
2. The Committee notes that submissions were made on behalf of the Estate of Damion Lindsay by Ms. Sherry-Ann McGregor of Nunes Scholefield DeLeon & Co. The Committee notes, however, that the evidence relating to Mr. Lindsay's death was rejected by the Commission of Enquiry.¹ The Committee is therefore precluded from considering compensation in respect of this estate.
3. The detailed findings in respect of the six (6) estates mentioned above relate to claims for significant sums where the amount claimed exceeds \$15M.
4. This approach was considered practical by the Committee; as the method of determining each claim is the same and those selected for detailed

¹ Report of the Commission of Enquiry, Page 256

findings are reflective of the general approach taken with all claims. The amounts arrived at in the Summaries for Categories A, B and C attached to the Executive Summary on the Assessment of Compensation Payable to the Personal Representatives of Deceased Persons were calculated with reference to those general approach and principles.

5. The approach was also informed by the fact that there is significant overlap in the submissions for each estate represented by the same counsel particularly as it relates to the methods of calculation and authorities relied upon. The same observation can be made in relation to the submissions received on behalf of the Attorney General, whose approach to the claim in each estate was similar.

Matters relating to method of calculation

6. For the purposes of calculating the recommended damages, the Committee's deliberations will be treated as the "trial" where it is necessary to consider "pre-trial" and "post-trial" losses.
7. In the vast majority of the estates, much of the arrangements relating to employment and dependency were informal. For instance, in cases where there was no documentary proof of earnings, but information sufficient to conclude that a deceased individual was employed or had prospects of being gainfully employed, the minimum wage was applied in the assessment process.

8. Information relating to the deceased persons' living expenses was equally imprecise in most, if not all, cases. Submissions have been made by counsel representing the deceased persons' estates as to what would be the likely percentage of the deceased's income that would have spent on personal expenses. The Attorney General has not challenged this approach; and in fact has accepted in most instances the proposed percentages by counsel for the estates.
9. The Committee notes that the percentage approach has often been utilized by the courts in similar circumstances and accepts that, in the absence of exact figures, that approach is the best principle available to it in arriving at a multiplicand in each case.

Loss of Expectation of Life

10. The Committee notes that the oft-cited guiding principle in awarding damages under this head is that was succinctly stated by Lord Morris of Borth-y-Gest in Yorkshire Electricity Board v Naylor [1968] AC 529 where at page 545 he stated:

“It is to be observed and remembered that the prospects to be considered and those which were being referred to by Viscount Simon L.C. in his speech were not the prospects of employment or of social status or of relative pecuniary affluence but the prospects of a ‘positive measure of happiness’ or of a ‘predominantly happy life’.”

11. The authorities in this jurisdiction indicate that an award for loss of expectation of life is a conventional sum. In determining what it considers reasonable under this head, the Committee noted the following recent authorities and the awards made are:

- (i) [2015] JMSC Civ. 250 - **Vinston Miller (Administrator of Estate of Weston Miller, the deceased) v Caribbean Producers Jamaica Limited & Anor** – decided in December 2015 by Campbell, J. → \$150,000.00 awarded for a 25 year old building contractor.
- (ii) [2016] JMSC Civ. 223- **Gifton Alexander & Anor (Personal Representatives of the Estate of Vincent Alexander, deceased) v Morris Hill Ltd.**- decided in December 2016 by Lindo, J. → \$100,000.00 awarded for a 79 year old retired person.
- (iii) [2017] JMSC Civ. 6- **Administrator General for Jamaica (Representative for the Estate of Patrick Alexander Clunie, deceased) v Donald Clive Bean et al.**- decided in February 2017 by Lindo, J. → \$150,000.00 awarded for a 41 year old.
- (iv) [2016] JMSC Civ. 240- **Angela Diana Brooks-Grant (Administrator of the Estate of Michael Grant, deceased) v Attorney General of Jamaica & Anor**- decided in May 2016 by Brown-Beckford, J. → \$200,000.00.

12. Having regard to trend of awards as evidenced by the authorities cited above and the constant devaluation of the Jamaican Dollar, the Committee has recommended the amount of \$150,000.00 as an appropriate conventional sum for loss of expectation of life in the claims before it.
13. The remaining paragraphs of this narrative will provide the details of the Committee's findings in each Category of claim.

CATEGORY A

INDIVIDUALS WHOSE RIGHT TO LIFE MAY HAVE BEEN VIOLATED AS FOUND BY THE COMMISSION OF ENQUIRY. PROBABLE VICTIMS OF EXTRA JUDICIAL KILLINGS

Claims handled by Nunes Scholefield, DeLeon & Co, Attorney-at-Law (NSDCo)

14. In this category, submissions were received from Ms. Sherry McGregor of NSDCo. Submissions were also received from the Attorney General, under the signature of Mrs. Susan Reid-Jones, Director of Litigation. The Committee wishes to make general observations about the submissions.
15. Claims in each estate were made for:
 - i. Loss of expectation of life and loss of earnings under the Law Reform Miscellaneous Provisions Act (LRMPA);
 - ii. Loss of dependency under the Fatal Accidents Act (FAA);
 - iii. Constitutional Redress;
 - iv. Special Damages; and
 - v. Costs.

Method of calculation

16. Counsel for the estate did not cite any authority in support of the manner in which she carried out her assessment of the sums due; but having regard to the references to now accepted terms in this area the Committee assumed that reliance was being placed on **Godfrey Dyer & Anor v Stone** (1990) 27 JLR 268 which sets out the method for calculating loss of earnings to the estate.
17. It does not appear to the Committee however that the principles were correctly applied to the circumstances. The Committee notes in particular the absence of any reference to pre and post-trial losses in the calculation of loss to the estate as far as the multiplicand is concerned.
18. The Attorney General's submissions in response took the form of what appears to be a summary of proposed awards. While those submissions set out proposed figures, they do not outline how the figures are arrived at. In so far as the Attorney General accepted that the minimum wage was applicable in some instances, it appears counsel for the Attorney General was mistaken as to the actual minimum wage as it was shown as different figures throughout the submissions. This ultimately led to errors in the Attorney General's proposed award.

Loss of Dependency

19. The Committee noted that the submissions by Counsel for the estate, and understandably correspondingly those of the Attorney General, did not

treat with loss of dependency for any of the estates. Where the material before it disclosed the existence of the dependents the Committee considered the appropriateness of an award under this head.

Constitutional redress

20. The Committee is in full agreement with NSDCo's reliance on **The Administrator General for Jamaica (Administrator of the Estate Eric David Black, deceased) v The Attorney General of Jamaica**² in which Brooks J (as he then was) made an award of \$1,800,000.00 for breach of the right to life in May 2005 amounting to approximately \$4,800,000.00 as at June 2017.
21. Counsel for the Attorney General provided no submissions and cited no authority in support of her proposed award of \$750,000.00 to each estate in this category. The Committee is therefore unaware of the considerations that informed this proposal.
22. The Committee has seen it fit to recommend the sum of \$4,800,000.00 in each claim in this category.

ESTATE OF DASHARD PAGE

23. Dashard Page was killed on May 24, 2010. The circumstances of his death were considered by the Commission of Enquiry³ which concluded that his right to life may have been violated as he was a probable victim of an extra-

² Suit No. C.L. 2001/A-073 decided May 2005

³ Report of the Commission of Enquiry, pages 236 to 239

judicial killing.⁴ The Administrator General, who is the Administrator of his estate, made submissions through counsel Ms. Sherry McGregor of NSDCo seeking **\$15,986,608.00** as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$10,696,608.00
Vindictory Damages	\$ 4,800,000.00
Special Damages	\$ 190,000.00
Costs	\$ 150,000.00

24. The Attorney General submitted that damages should be assessed in the sum of **\$1,075,000.00** as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$ NIL
Constitutional Damages	\$ 750,000.00
Funeral Expenses	\$ 90,000.00
Costs	\$ 85,000.00

The Committee's Recommendations

Loss of Expectation of Life

25. The Committee recommends the sum of \$150,000.00 under this head of damages; and notes the agreed position of counsel for the estate and the Attorney General that this sum is appropriate.

⁴ Report of the Commission of Enquiry, pages 310 to 311

Loss of Earnings under LRMPA

26. Mr. Page was 20 years old at the time of his death. We are advised that on March 16, 2010 he had completed a course of study at H.E.A.R.T. in Electrical Installation (Level 3). In this regard, a copy of a certificate by the National Council on Technical and Vocational Education and Training (NCTVET) issued on March 16, 2010 was provided to the Committee. Counsel for his estate used this premise for her submission that loss of earnings should be awarded.

27. The Attorney General submitted that there is insufficient evidence on which to ground an award for loss of earnings. Relying on **Tyler Horatio Wedderburn v The Attorney General**⁵, the Attorney General submitted that there is no evidence that he would have gone on to further his studies in the area and thereafter be gainfully employed; there is no certainty as to how soon he would have been introduced into the working world and in what capacity; and there is no information on his possible earnings.

28. The Committee is not prepared to accept the Attorney General's submission in this regard. **Tyler Horatio Wedderburn** is clearly distinguishable on its facts, as the deceased in question was a 14 year old high school student who, unlike Mr. Page who at the time of death was 20 years old, obtained no certification in any chosen field. The Committee takes the view that Mr. Page's certification placed him in a position to be

⁵ Claim No. 2009 HCV 02334 decided on 25th October 2013

gainfully employed; and is prepared to proceed there is a real prospect resulting in an assessable claim.

The Multiplier

29. Counsel for Mr. Page’s estate submitted that a multiplier of 16 should be utilized. No authority was provided. Based on the Multiplier Table as set out in Khan’s series of *Recent Personal Injury Awards*, the follow cases and multipliers are instructive:

NAME	REFERENCE VOLUME	AGE AT DEATH	OCCUPATION	MULTIPLER	COURT
Owen Small	5	20 years	Spray man	14	S/C
Maurice Francis	4 & 5	22	Apprentice Taylor	15	Affirmed by C/A
Mark Scott	4	19	Machine Operator	14	S/C
Joslyn James	4	23	Labourer	14	S/C

30. Having regard to the foregoing, the Committee considers 14 as an appropriate multiplier.

The Multiplicand

31. The multiplicand was arrived at by counsel for the estate on the basis of the salary of a Level 3 apprentice as evidenced by the Jamaica Master Builders

Association Guidelines. Counsel has not provided a copy of this document, despite the Committee's request for same. In the absence of this document, the Committee has proceeded to assess this aspect of the claim on the basis of the minimum wage.

32. Using the percentage approach, the Committee considers it appropriate that 75% of Mr. Page's income would be spent on his personal expenses; resulting in a residue of 25% being available to his estate.
33. The minimum wage at the time of death was \$211,640.00 per annum and at the time of this assessment is \$322,400.00. The average of those two figures will yield the average net income, being \$267,020.00 used to calculate pre-trial loss.
34. The Committee finds that it is reasonable to accept that Mr. Page would have spent 75% of his income exclusively on himself resulting in his pre-trial multiplicand being \$66,755.00; while his post-trial multiplicand would be \$80,600.00 being the minimum wage at death (\$322,400.00) less 75%. Accordingly, the loss to his estate would be calculable as follows:

Pre-trial loss ⁶	\$66,755 x 7 =	\$467,285.00
Post-trial loss ⁷	\$80,600 x 7 =	\$564,200.00
Total loss to estate	=	\$1,031,485.00

⁶ May 2010 to August 2017

⁷ The remaining years in the multiplier

Constitutional Redress

35. The Committee recommends \$4,800,000.00 under this head of damages; and refers to paragraphs 20 to 22 above.

Special Damages

36. Special Damages are claimed in the sum of \$190,000.00, representing Funeral Expenses. The Committee was provided with a copy of a receipt from Michael's Mortuary dated July 16, 2010 in the sum of \$380,000.00 for funeral payments for Kirk Allison and Dashard Page. The Ministry of Labour & Social Security paid the amount of \$100,000.00 toward the funeral expenses. The Committee recommends that the balance of \$90,000.00 be paid to the estate.

Costs

37. The Committee considers \$100,000.00 as a reasonable amount for costs taking into account the nature and content of the submissions advanced on behalf of the estate.

38. The total recommended sum to the estate of Dashard Page is **\$6,172,000.00** (rounded) as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$1,031,485.00
Constitutional Redress	\$ 4,800,000.00
Special Damages	\$ 90,000.00
Costs	\$ 100,000.00

ESTATE OF ANDRE SMITH

39. Andre Smith was killed on May 24, 2010. The circumstances of his death were considered by the Commission of Enquiry⁸ which concluded that his right to life may have been violated as he was a probable victim of an extra-judicial killing.⁹ The Administrator General, who is the Administrator of his estate, made submissions through counsel Ms. Sherry McGregor of NSDCo seeking **\$17,754,259.20** as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$12,654,259.20
Vindictory Damages	\$ 4,800,000.00
Costs	\$ 150,000.00

40. The Committee is advised that Mr. Smith's family has been unable to have a funeral service for him, as they were advised that his body was buried in a mass grave by agents of the Government. For that reason, no claim has been advanced for special damages (funeral expenses).

41. The Attorney General submitted that damages should be assessed in the sum of **\$985,000.00** as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$ NIL
Constitutional Damages	\$ 750,000.00
Costs	\$ 85,000.00

⁸ Report of the Commission of Enquiry, pages 223 to 224

⁹ Report of the Commission of Enquiry, pages 310 to 311

The Committee's Recommendations

Loss of Expectation of Life

42. The Committee recommends the sum of \$150,000.00 under this head of damages; and notes the agreed position of counsel for the estate and the Attorney General that this sum is appropriate.

Loss of Earnings under LRMPA

43. Mr. Smith was 25 years old at the time of his death. We are advised he was enrolled in his first year as a Marine Engineer Student at the Westlawn Institute of Marine Technology, Maryland, United States of America. Mr. Smith enrolled in that institution in 2009 and embarked on a 4-year course. In this regard, the Committee was supplied with a Lesson Report from Mr. Smith's instructor from that institution to Mr. Smith.
44. The Attorney General submitted that there is insufficient evidence on which to ground an award for loss of earnings. Relying on **Tyler Horatio Wedderburn v The Attorney General**¹⁰, the Attorney General submitted that while there is proof of Mr. Smith's enrolment as a Marine Engineer Student, the basis of the calculation for loss of earnings is tenuous and extremely speculative.
45. The Committee finds it difficult to agree with the Attorney General's submission; and takes the view that the reliance on **Tyler Horatio Wedderburn** is misplaced as that case is clearly distinguishable on its facts.

¹⁰ Claim No. 2009 HCV 02334 decided on 25th October 2013

The deceased in that case was a 14 year old high school student. Mr. Page had embarked on tertiary level education in a specialist field of yacht/small-craft design and this is, in the Committee’s opinion, a strong indicator of a real prospect of employment resulting in an assessable claim.

46. Counsel for Mr. Smith’s estate submitted that a multiplier of 14 should be utilized as a starting point and then reduced to 11 having regard to the fact that Mr. Davis would not have completed his studies until 2013. No authority was provided.

47. Based on the Multiplier Tables as set out in Khan’s series of Recent Personal Injury Awards, the follow cases and multipliers that were applied by the court are instructive:

NAME	REFERENCE VOLUME	AGE AT DEATH	OCCUPATION	MULTIPLER	COURT
James Teape	5	23 years	Truck Driver	10	S/C
Lincoln Nembhard	6	31 years	Carpenter/Mason	10	S/C
Robert Thompson	4	Late 20’s	Labourer	10	S/C
Joslyn James	4	23 years	Labourer	14	S/C
Jeffrey	4	25 years	Warehouse clerk	16	S/C

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48. The authorities suggest that a multiplier of 12 appropriate. On the basis submitted by counsel, it is submitted that this multiplier should be reduced. The Committee has applied a multiplier of 9.

The Multiplicand

49. Counsel for Mr. Smith’s estate has provided information as to the average annual salary of a Marine engineer as at May 2016 (USD \$99,860.00); and for this submission relied on The United States Department of Labour, Bureau of Labour Statistic, May 2016 National Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_nat.htm#17-00. This figure was confirmed by the Committee on the website provided. It equates to JA\$12,782,080.00 per annum using an exchange rate of J\$128:US\$1.00.
50. This figure should properly be reduced by the relevant taxes applicable to that jurisdiction and particular state. The Committee has no information, and has not been provided with any, as to those taxes however and has chosen to utilize that the statutory deductions relevant to this jurisdiction.
51. Counsel for Mr. Smith’s estate submits that a discount by 70% should be applied on the basis of the uncertainty as to whether Mr. Davis would have indeed completed the course of study and obtained gainful employment in his chosen field. The Committee is prepared to accept this approach; and is

in any event appropriate when one considers that the salary at the date of death is unknown resulting in the Committee being unable to apply conventional methods.

52. Counsel further submits that Mr. Smith's expenses would not have reasonably exceeded 60% of his income. The Committee takes the view that 2/3rd of Mr. Smith's income would likely have been spent exclusively on himself leaving 1/3 to his estate. The Committee considers that sum of \$8,629,629.58 as appropriate for loss of earnings, arrived at as follows:

- Estimated Gross Annual Income	-	\$12,782,080.00
- Resultant figure after 70% reduction-		\$ 3,834,624.00
- Net Annual Income		\$ 2,875,968.00
(after statutory deductions)		
- Self-expenditure (2/3)-		\$ 1,917,120.26
- 1/3 available to estate (multiplicand)-		\$ 958,847.73
- Total award to the estate = \$958,847.73 x 9=		\$ 8,629,629.58

Constitutional Redress

53. The Committee recommends \$4,800,000.00 under this head of damages; and refers to paragraphs 20 to 22 above.

Costs

54. The Committee considers \$100,000.00 as a reasonable amount for costs taking into account the nature and content of the submissions advanced on behalf of the estate.

55. The total recommended sum to the estate of Andre Smith is **\$13,680,000.00** (rounded) as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$8,629,629.00
Constitutional Redress	\$ 4,800,000.00
Costs	\$ 100,000.00

Claim handled by Mrs. Jacqueline Samuels-Brown, Q.C.

ESTATE OF O'CONNOR BROWN

56. O'Connor Brown was killed on May 25, 2010. The circumstances of his death were considered by the Commission of Enquiry¹¹ which concluded that his right to life may have been violated as he was a probable victim of an extra-judicial killing.¹² Mrs. Audrey Watkin, mother of the deceased and Administratrix of his estate, made submissions through counsel Mrs. Jacqueline Samuels-Brown, Q.C. Seymour Stewart seeking **\$16,935,155.76** as follows:

Loss of Expectation of Life	\$ 250,000.00
Loss of Earnings	\$10,894,060.00
Pain & Suffering	\$ 100,000.00
Constitutional Redress	\$ 4,900,000.00
Administration Costs	\$ 486,095.76

57. No submissions were received from The Attorney General.

¹¹ Report of the Commission of Enquiry, pages 247 to 249

¹² Report of the Commission of Enquiry, pages 310 to 311

The Committee's Recommendations

Loss of Expectation of Life

58. The Committee recommends the sum of \$150,000.00 under this head of damages; and refers to paragraphs 9 to 11 above. The Committee notes that learned Queen's Counsel has relied on [2016] JMSC Civ. 240- **Angela Diana Brooks-Grant (Administrator of the Estate of Michael Grant, deceased) v Attorney General of Jamaica & Anor** in which an award of \$200,000.00 was made; in support of her submission that the sum of \$250,000.00 is appropriate.
59. The Committee notes, however, that the sum of \$150,000.00 was awarded in a subsequent decision of the Supreme Court delivered in February 2017, [2017] JMSC Civ. 6- **Administrator General for Jamaica (Representative for the Estate of Patrick Alexander Clunie, deceased) v Donald Clive Bean et al.**; and the Committee prefers to be guided by this more recent decision on this area of law.

Loss of Earnings under LRMPA

The Multiplier

60. We have not been advised by learned Queen's Counsel of Mr. Brown's age at the time of his death. According to the Post-mortem report, however, he was 30 years old. We are advised that at the material time he was employed to the National Water Commission as a sewer man.

61. Queen’s Counsel Mrs. Samuels-Brown submitted that a multiplier of 14 should be utilized. Reliance was placed on the cases of **Troy Higgins and Urceline Donegal (Mother and Near Relation of the late Ralston Easy, deceased) v The Attorney General**(consolidated [2014] JMSC Civ. 53 (multiplier of 12 for 32 year old male) and **Administrator General-Estate of Derrick Grant** (multiplier of 15 for 28 year old security guard) page 251, Volume 3 of *Khan’s*.
62. Based on the Multiplier Tables as set out in *Khan’s* series of *Recent Personal Injury Awards*, the follow cases and multipliers that were applied by the court are instructive:

NAME	REFERENCE VOLUME	AGE AT DEATH	OCCUPATION	MULTIPLER	COURT
Lincoln Nembhard	6	31 years	Carpenter/Mason	10	S/C
Robert Thompson	4	Late 20’s	Labourer	10	S/C
Glenville Bell	4	31 years	Hotel waiter/ curio vendor	10	S/C

63. Having regard to the foregoing, the Committee considers that a multiplier of 11 is appropriate.

The Multiplicand

64. As indicated above, we are advised that at the time of his death, Mr. Brown was employed to the National Water Commission as a Sewer Man. Counsel for Mr. Brown's estate has presented us with a letter dated March 9, 2017 addressed to the Office of the Public Defender from the National Water Commission confirming Mr. Brown's employment to the NWC at the material time and indicating that he was receiving a salary of \$686,252.00 per annum. The said sum of \$686,252.00 is subject to taxes.
65. The income tax threshold in 2010 was \$441,168.00 resulting in Mr. Brown's tax liability being as follows:

Income	\$686,252.00
Less nil rate (2010)	<u>(\$441,168.00)</u>
Taxable Income	\$245,084.00

When income tax of 25% is applied to Mr. Brown's taxable income, Mr. Brown's net annual salary at the date of death amounts of \$624,981.00; being \$686,252.00 less \$61,271.00.

66. Mrs. Samuels-Brown, Q.C. submitted that Mr. Brown's personal living expenses would not have exceeded 25%. The Committee considers that this might be an underestimation particularly in light of the then prevailing economic circumstances in Jamaica and takes the view that it is more probable that the deceased would have spent two-thirds (2/3) of his salary on his personal and living expenses.

67. This percentage is also in keeping with that adopted in the decided cases (see **Attorney General of Jamaica v Devon Bryan (Administrator of Estate of Ian Bryan-[2013] JMCA Civ 3)**). The amount available for the deceased's estate is therefore one-third of the net annual income. This amounts to \$208,306.00 which the Committee considers the multiplicand.
68. The Committee notes that learned Queen's Counsel quite correctly states that in matters of this nature the assessment of loss is in two parts – pre-trial and post-trial loss; and that the pre-trial loss would in effect have a multiplier of 86 months or 7 years. Where the applicable multiplier is 11, the remaining 4 years would be the multiplier for the post-trial loss.
69. The Committee notes, however, in her assessment of the post-trial loss, learned Queen's Counsel applied the multiplier in full; as opposed to that which remained after the pre-trial years are deducted. For this reason, the award proposed on behalf of the estate was inflated.
70. In the absence of any evidence as to the likely income at trial, the Committee is prepared to apply the net income of \$208,306.00 over the 11 year period of loss (7 pre-trial years and 4 post-trial years) resulting in an award of **\$2,291,336.00**.

Constitutional Redress

71. The Committee recommends \$4,800,000.00 under this head of damages. The Committee notes, with approval, learned Queen's Counsel's reliance on **The Administrator General for Jamaica (Administrator of the Estate**

Eric David Black, deceased) v The Attorney General of Jamaica in which Brooks J (as he then was) made an award of \$1,800,000.00 for breach of the right to life in May 2005.

Special Damages

72. The Committee considers as reasonable the sum of \$305,000.00 as special damages incurred in the burial of Mr. O'Connor and notes that the Ministry of Labour & Social Security paid the amount of \$100,000.00 toward funeral expenses.
73. Learned Queen's Counsel submitted that the sum of \$486,095.76 inclusive of legal fees and cash costs disbursed by her had been incurred in respect of procuring the Letters of Administration in the estate. The Committee considers the sums reasonable and is prepared to recommend same.

Costs

74. The Committee considers \$100,000.00 as a reasonable amount for costs of handling this claim taking into account the nature and content of the submissions advanced on behalf of the estate.
75. The total recommended sum to the estate of Kirk Allison is **\$8,033,000.00** (rounded) as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$2,291,336.00
Constitutional Redress	\$ 4,800,000.00

Funeral expenses	\$ 205,000.00
Costs of Administration	\$ 486,095.76

Claims handled by Mr. Seymour Stewart, Attorney-at-Law

76. In this category, submissions were also received from Mr. Stewart. Submissions in response were received from the Attorney General. The Committee wishes to make general observations about the submissions.
77. Claims in each estate were made for:
- vi. Loss of expectation of life and loss of earnings under the Law Reform Miscellaneous Provisions Act (LRMPA);
 - vii. Loss of dependency under the Fatal Accidents Act (FAA);
 - viii. Constitutional Redress in the form of vindicatory damages; and
 - ix. Special Damages.

Method of calculation

78. Mr. Stewart relied on, and very usefully outlined, the seminal case of **Godfrey Dyer & Anor v Stone** (1990) 27 JLR 268 which sets out the method for calculating loss of earnings to the estate. The Committee does not accept, however, that the method was correctly applied to the circumstances, particularly as it relates to pre and post-trial loss resulting in grossly inflated sums being advanced for this head of damage.
79. The Attorney General's submissions in response took the form of what appears to be a summary of proposed awards. While those submissions set

out proposed figures, they do not outline how the figures are arrived at. In so far as the Attorney General accepted that the minimum wage was applicable in some instances, it appears counsel for the Attorney General was mistaken as to the actual minimum wage as it was shown as different figures throughout the submissions. This ultimately led to errors in the Attorney General's proposed award.

Duplication of Awards

80. Neither the submissions by counsel nor the Attorney General addressed the issue of duplication of awards under the LRMPA and the FAA; which is yet another factor resulting in the high level of proposed awards particularly by the estates. Proposed awards under each head are cited without any indication as to whether there should be any deduction or any award at all under the FAA given the proposed award under the LRMPA.

Constitutional redress

81. Counsel for the estates relied on **Denese Keane-Madden v The Attorney General of Jamaica et al** in support of his submission for vindictory damages which in all claims he submitted should be \$500,000.00. The Committee does not consider that authority, which treats with the breach of the right to liberty, applicable to the circumstances of these claims.
82. Counsel for the Attorney General provided no submissions and cited no authority in support of her proposed award of \$750,000.00 to each estate

in this category. The Committee is therefore unaware of the considerations that informed this proposal.

83. The Committee, on its own review of the matters and the applicable principles is of the opinion that guidance should be had from **Doris Fuller (Administratrix Estate of Agana Barrett deceased) v The Attorney General** 91998) 56 WIR 337 and **The Administrator General for Jamaica (Administrator of the Estate Eric David Black, deceased) v The Attorney General of Jamaica** in which Brooks J (as he then was) made an award of \$1,800,000.00 for breach of the right to life in May 2005 amounting to approximately \$4,800,000.00 as at June 2017.
84. The Committee has seen it fit to recommend the sum of \$4,800,000.00 in each claim in this category.

ESTATE OF KIRK ALLISON

85. Kirk Allison was killed on May 24, 2010. The circumstances of his death were considered by the Commission of Enquiry¹³ which concluded that his right to life may have been violated as he was a probable victim of an extra-judicial killing.¹⁴ The Administrator General, who is the Administrator of his estate, made submissions through counsel Mr. Seymour Stewart seeking **\$33,254,867.99** as follows:

Loss of Expectation of Life	\$ 164,867.99
Loss of Earnings	\$19,440,000.00

¹³ Report of the Commission of Enquiry, pages 236 to 239

¹⁴ Report of the Commission of Enquiry, pages 310 to 311

Loss of Dependency	\$12,960,000.00
Vindictory Damages	\$ 500,000.00
Special Damages	\$ 190,000.00

86. The Attorney General submitted that damages should be assessed in the sum of **\$5,859,500.00** as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$2,499,480.00
Loss of Dependency	\$2,410,020.00
Constitutional Damages	\$ 750,000.00
Funeral Expenses	\$ 50,000.00

87. While it was claimed, no sum was actually proposed by Mr. Stewart for attorneys' costs. The Attorney General submitted that costs should be in the sum of \$85,000.00.

The Committee's Recommendations

Loss of Expectation of Life

88. The Committee recommends the sum of \$150,000.00 under this head of damages.

Loss of Earnings under LRMPA

The Multiplier

89. Mr. Allison was 33 years old at the time of his death. It was submitted that at the material time he was a businessman operating a company that specialized in painting. Counsel for his estate submitted that a multiplier of

12 should be utilized. Counsel erroneously cites the case of **JPS Co. Ltd. V Elsada Morgan [1986] JLR 138** where the Court of Appeal approved a multiplier of 14 for a 25 year old man.

90. The Attorney General also submits that a multiplier of 12 should be applied. The Committee finds that such a multiplier is reasonable in all the circumstances.

The Multiplicand

91. Counsel for his the estate submitted that Mr. Allison earned \$120,000.00 per month operating his company that specialized in painting. No proof of these earnings (no bank records, no annual returns etc.) was provided. Counsel for the estate relies on **Walters v Mitchell (1992) 29 J.L.R. 173** in support of the submission that the requirement for strict proof of loss of earnings ought to be relaxed.
92. As with similar claims where information as to actual earnings is lacking, the Committee has applied the minimum wage in determining the multiplicand. The Attorney General's submissions are in keeping with this approach.
93. The minimum wage at the time of death was \$211,640.00 per annum and at the time of this assessment is \$322,400.00. The average of those two figures will yield the average net income, being \$267,020.00 used to calculate pre-trial loss. The Committee finds that it is reasonable to accept

that Mr. Allison would have spent 25% of his income exclusively on himself resulting in his pre-trial multiplicand being \$200,265.00; while his post-trial multiplicand would be \$241,800 being the minimum wage at death (\$322,400.00) less 25%. Accordingly, the loss to his estate would be calculable as follows:

Pre-trial loss ¹⁵	\$200,265 x 7	=	\$1,401,855.00
Post-trial loss ¹⁶	\$241,800 x 5	=	\$1,209,000.00
Total loss to estate		=	\$2,610,855.00

Loss of Dependency under FAA

94. Counsel for the Administrator General erroneously referred to Barbara Mansel as the dependent of Mr. Allison. The Administrator General subsequently clarified that Mr. Allison died leaving a wife, Joan Haughton-Allison and two children; Deandra Allison born August 15, 1999 and Dilshan Tafarié Allison born December 14, 2009. No information was provided as to Joan Haughton-Allison’s age.

95. It has already been determined that a multiplier of 12 is appropriate. Deandra Allison, being 10 years old at the time of her father’s death, would be entitled to 8 years purchase as a dependent. Dilshan, being 6 months old at the time of his death, would be entitled to the full 12 years purchase as a dependent. Even in the absence of evidence of the wife’s age, it is

¹⁵ May 2010 to August 2017

¹⁶ The remaining years in the multiplier

reasonable to conclude that she would be of an age that would entitle her to the full 12 years purchase as a dependent.

96. In terms of the percentage of dependency, counsel for his estate submits that Mr. Allison would have spent 75% of his net annual income on his dependents. Reliance is placed on **Administrator General for Jamaica (estate of David Benloss) v People's Favourite Baking Company Limited and Anor [2017] JMSC Civ 11**. The Committee is prepared to accept this submission.

97. The annual dependency at death would therefore be \$158,730.00 (being 75% of \$211,640, the minimum wage in 2010). The annual dependency at the time of this assessment is \$241,800.00 (being 75% of \$322,400.00, the current minimum wage). The Committee finds that the annual dependency should be equally apportioned among the dependents.

98. The total loss of dependency is **\$1,997,710.00** calculated as follows:

- **Deandra:**

Pre-trial:	\$52,910.00 x 7 =	\$370,370.00
Post-trial:	\$80,600.00 x 1 =	<u>\$ 80,600.00</u>
		\$450,970.00

- **Dilshan:**

Pre-trial:	\$52,910.00 x 7 =	\$370,370.00
Post-trial:	\$80,600.00 x 5 =	<u>\$403,000.00</u>
		\$773,370.00

- **Joan Haughton-Allison:**

Pre-trial: \$52,910.00 x 7 = \$370,370.00

Post-trial: \$80,600.00 x 5 = \$403,000.00

\$773,370.00

99. Under the provisions of the Intestates' Estates and Property Charges Act ¹⁷Mrs. Haughton-Allison's proportion of the residuary estate is 50% of the loss to the estate, which in this case is \$1,305,427.50. Deandra and Dilshan are entitled to the balance of \$1,305,427.50 in equal shares being \$652,713.75.

100. In keeping with the principles where duplication of awards is to be avoided, Mrs. Haughton-Allison and Deandra would be regarded as being sufficiently compensated under the estate, as the sums due to them under the estate exceed the loss of dependency. Dilshan, however, would receive \$120,656.25 under the FAA being the difference between the loss of dependency and his entitlement under the estate.

Constitutional Redress

101. The Committee recommends \$4,800,000.00 under this head of damages; and refers to paragraphs 18 to 20 above.

Special Damages

102. Special Damages are claimed in the sum of \$190,000.00, representing Funeral Expenses. The Committee has not been provided with a receipt but

¹⁷ See Table of Distribution under Section 4 of that Act.

notes that the Ministry of Labour & Social Security paid the amount of \$100,000.00 toward the funeral expenses. The Committee does not consider the sum claimed as unreasonable and recommends that the balance of \$90,000.00 be paid to the estate.

Costs

103. The Committee notes the Attorney General's submission that costs should be in the sum of \$85,000.00 but considers that \$100,000.00 is a reasonable amount taking into account the nature and content of the submissions advanced on behalf of the estate.

104. The total recommended sum to the estate of Kirk Allison is **\$7,872,000.00** (rounded) as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$2,610,855.00
Loss of Dependency	\$ 120,656.25
Constitutional Redress	\$ 4,800,000.00
Special Damages	\$ 90,000.00

CATEGORY C

FATALITIES NOT CONSIDERED BY THE COMMISSION OF ENQUIRY

105. In this category, submissions were also received from Mr. Seymour Stewart and those in the two (2) estates considered below were from learned counsel. Submissions in response were received from the Attorney General. The general observations at paragraphs 76 to 80 above apply here.

ESTATE OF KENROY OSBOURNE

106. Orlando Brown was killed on May 24, 2010. The circumstances of his death were not considered by the Commission of Enquiry. The Administrator General, who is the Administrator of his estate, made submissions through counsel Mr. Seymour Stewart seeking **\$30,577,315.79** as follows:

Loss of Expectation of Life	\$ 171,315.79
Loss of Earnings	\$17,820,000.00
Loss of Dependency	\$11,880,000.00
Vindictory Damages	\$ 500,000.00
Special Damages	\$ 206,000.00

107. The Attorney General submitted that damages should be assessed in the sum of **\$5,944,500.00** as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$2,499,480.00
Loss of Dependency	\$2,410,020.00
Constitutional Damages	\$ 750,000.00
Funeral Expenses	\$ 50,000.00

108. While it was claimed, no sum was actually proposed by Mr. Stewart for attorneys' costs. The Attorney General submitted that costs should be in the sum of \$85,000.00.

The Committee's Recommendations

Loss of Expectation of Life

109. The Committee recommends the sum of \$150,000.00 under this head of damages.

Loss of Earnings under LRMPA

The Multiplier

110. Mr. Osbourne was 32 years old at the time of his death. It was submitted that at the material time he was a block maker and vendor at Justin Enterprises.
111. Counsel for his estate submitted that a multiplier of 12 should be utilized. Reliance was placed on the case of **Dyer & Dyer v Stone (1990) 27 JLR 268** where a multiplier of 11 was applied for a 35 year old man. The Attorney General also submits that a multiplier of 11 should be applied.
112. The Committee is prepared to accept counsels' submissions as, based on its own review of the Multiplier Tables as set out in Khan's series of Recent Personal Injury Awards, the following cases and multipliers applied by the court are instructive:

NAME	REFERENCE VOLUME	AGE AT DEATH	OCCUPATION	MULTIPLER	COURT
Lincoln Nembhard	6	31 years	Carpenter/Mason	10	S/C
Robert Thompson	4	Late 20's	Labourer	10	S/C
Glenville Bell	4	31 years	Hotel waiter/curio vendor	10	S/C

The Multiplicand

113. Counsel for his the estate submitted that Mr. Osbourne earned \$20,000.00 per week from vending and \$15,000.00 per fortnight from being a block maker. No proof of these earnings was provided and Counsel relies on **Walters v Mitchell (1992) 29 J.L.R. 173** in support of the submission that the requirement for strict proof of loss of earnings ought to be relaxed.
114. The Attorney General submits, and the Committee agrees, that in the absence of documentary evidence to support Mr. Osbourne's earnings the minimum wage should be applied.
115. The minimum wage at the time of death was \$211,640.00 per annum and at the time of this assessment is \$322,400.00. The average of those two figures will yield the average net income, being \$267,020.00 used to calculate pre-trial loss. The Committee applied a percentage of 60% of the deceased's income as going toward his personal expenses. This results in pre-trial multiplicand being \$106,808.00; while his post-trial multiplicand

would be \$128,960.00 being the minimum wage at death (\$322,400.00) less 60%. Accordingly, the loss to his estate would be calculable as follows:

Pre-trial loss ¹⁸	\$106,808.00 x 7	=	\$747,656.00
Post-trial loss ¹⁹	\$128,960.00 x 4	=	\$515,840.00
Total loss to estate		=	\$1,263,496.00

Loss of Dependency under FAA

116. Counsel, Mr. Stewart, for Mr. Osbourne’s estate makes a claim for the loss of dependency suffered by the deceased’s mother, Etta Shaw and daughter, Mena Osbourne. Whether such a claim is well-founded is unclear based on the limited information in the Committee’s possession. For example, we have no information concerning the ages of the alleged dependents. No information is provided in respect of the mother and for the daughter. Counsel’s submission in this regard is limited to an indication that Mr. Osbourne’s daughter was a teenager at the material time. The ages of the alleged dependents are important in attempting to ascertain the number of years they would have been dependent on the deceased had he lived.

117. An assessment of the lost dependency, in the circumstances, is speculative. An attempt is nevertheless made below. **The Committee makes its recommendation subject to the identity, relationship and age of the**

¹⁸ May 2010 to August 2017

¹⁹ The remaining years in the multiplier

dependents being verified; which may or may not require some adjustment to the recommended figures for loss of dependency.

118. In terms of the percentage of dependency, counsel for his estate submits that Mr. Allison would have spent 75% of his net annual income on his dependents. Reliance is placed on **Administrator General for Jamaica (estate of David Benloss) v People's Favourite Baking Company Limited and Anor [2017] JMSC Civ 11.**
119. In that case, however, Fraser J applied a percentage of 75% having regard to the fact that the deceased's dependents totalled a number of five persons including his spouse and children. In the instant case however, the dependency being claim is in respect of the deceased's mother and daughter only. In the circumstances, the Committee finds that a reasonable estimation of the net annual income that the deceased would have spent on both his mother and daughter is 40%.
120. The annual dependency at death would therefore be \$84,656.00 (being 40% of \$211,640, the minimum wage in 2010). The annual dependency at the time of this assessment is \$128,960.00 (being 40% of \$322,400.00, the current minimum wage). The Committee finds that the annual dependency should be apportioned 70:30 being 70% to the daughter and 30% to the mother.
121. It has already been determined that a multiplier of 11 is appropriate. On the assumption that the daughter is 13 years old, she would be entitled to 5

years purchase as a dependent. In the absence of evidence of the mother's age, the Committee will proceed on the assumption that she is to be given 5 years purchase (just under one-half of the multiplier).

122. The total loss of dependency is **\$423,280.00** calculated as follows:

- **Daughter:**

Pre-trial: \$59,259.00 x 5 = \$296,295.00

- **Mother:**

Pre-trial: \$25,397.00 x 5 = \$126,985.00

123. The daughter would be sufficiently compensated under the estate, as in the absence of a spouse, she would be entitled in full to the residuary estate under the provisions of the Intestates' Estates and Property Charges Act. The mother would, however, be entitled to the sum of \$126,985.00 under the FAA representing her loss of dependency.

Constitutional Redress

124. The Commission of Enquiry did not hear evidence in relation to Mr. Osbourne's death. There is, therefore, no express finding of liability on the State. In the circumstances, the Committee is not in a position to make any recommendation for damages under this head.

Special Damages

125. Special Damages are claimed in the sum of \$206,000.00. This sum represents Funeral Expenses. Counsel submits that a receipt exists but has

not provided a copy. The Committee notes that the Ministry of Labour & Social Security paid the sum of \$100,000.00 toward funeral expenses. The Committee does not consider the funeral expenses excessive and is prepared to recommend the additional sum of \$106,000.00.

Costs

126. The Committee notes the Attorney General's submission that costs should be in the sum of \$85,000.00 but considers that \$100,000.00 is a reasonable amount taking into account the nature and content of the submissions advanced on behalf of the estate.

127. The total recommended sum to the estate of Kenroy Osbourne is **\$1,750,000.00** (rounded) as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$1,263,496.00
Loss of Dependency (mother)	\$ 126,985.00
Special Damages	\$ 106,000.00
Costs	\$ 100,000.00

ESTATE OF MATTHEW MCFARLANE

128. Matthew McFarlane was killed on May 24, 2010. The circumstances of his death were not considered by the Commission of Enquiry. The Administrator General, who is the Administrator of his estate, made

submissions through counsel Mr. Seymour Stewart seeking **\$22,836,315.79** as follows:

Loss of Expectation of Life	\$ 171,315.79
Loss of Earnings	\$ 5,040,000.00
Loss of Dependency	\$15,120,000.00
Vindictory Damages	\$ 500,000.00
Special Damages	\$ 2,005, 000.00

129. The Attorney General submitted that damages should be assessed in the sum of **\$7,198,700.00** as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$3,169,080.00
Loss of Dependency	\$3,079,620.00
Constitutional Damages	\$ 750,000.00
Funeral Expenses	\$ 50,000.00

130. While it was claimed, no sum was actually proposed by Mr. Stewart for attorneys' costs. The Attorney General submitted that costs should be in the sum of \$85,000.00.

The Committee's Recommendations

Loss of Expectation of Life

131. The Committee recommends the sum of \$150,000.00 under this head of damages.

Loss of Earnings under LRMPA

The Multiplier

132. Mr. McFarlane was 23 years old at the time of his death. It was submitted that at the material time he was a labourer at Garmex Free Zone, a cook shop owner and a construction worker.
133. Counsel for his estate submitted that a multiplier of 15 should be utilized. Reliance was placed on the cases of **Jamaica Public Service Co. Ltd v Elsada Morgan (1986) 23 J.L.R. 138** where the Court of Appeal approved a multiplier of 14 in the case of a 25 year old man. The Attorney General has also submitted that this multiplier be applied. The Committee is prepared, having regard to the submissions and authorities reviewed, that the multiplier of 14 is appropriate.

The Multiplicand

134. Counsel for his the estate submitted that Mr. McFarlane earned \$40,000.00 per fortnight on a construction site. No proof of these earnings was provided and Counsel relies on **Walters v Mitchell (1992) 29 J.L.R. 173** in support of the submission that the requirement for strict proof of loss of earnings ought to be relaxed.
135. As with similar claims where information as to actual earnings is lacking, the Committee has applied the minimum wage in determining the

multiplicand. The Attorney General's submissions are in keeping with this approach.

136. The minimum wage at the time of death was \$211,640.00 per annum and at the time of this assessment is \$322,400.00. The average of those two figures will yield the average net income, being \$267,020.00 used to calculate pre-trial loss. The Committee applied a percentage of 50% of the deceased's income as going toward his personal expenses. This results in pre-trial multiplicand being \$133,510.00; while his post-trial multiplicand would be \$161,200.00 being the minimum wage at death (\$322,400.00) less 50%. Accordingly, the loss to his estate would be calculable as follows:

Pre-trial loss ²⁰	\$133,510.00 x 7	=	\$ 934,570.00
Post-trial loss ²¹	\$161,200.00 x 7	=	\$1,128,400.00
Total loss to estate		=	\$2,062,970.00

Loss of Dependency under FAA

137. Counsel for Mr. McFarlane's estate makes a claim for the loss of dependency suffered by the deceased's two children (no names provided) who were allegedly 4 and 2 years old at the time of his death. **The Committee's recommendations are subject to the identity and relationship of these dependents to Mr. McFarlane being verified.**
138. It has already been determined that a multiplier of 14 is appropriate. It is this same figure which guides the years of dependency that are awardable.

²⁰ May 2010 to August 2017

²¹ The remaining years in the multiplier

His children being 4 and 2 years old at the time of his death, would be entitled to the full 14 years purchase as dependents.

139. In terms of the percentage of dependency, counsel for his estate submits that Mr. McFarlane would have spent 75% of his net annual income on his dependents. Reliance is placed on the case of **Administrator General for Jamaica (estate of David Benloss) v People's Favourite Baking Company Limited and Anor [2017] JMSC Civ 11.**

140. In that case however, Fraser J applied a percentage of 75% having regard to the fact that the deceased's dependents totalled a number of five persons including his spouse and children. In the instant case however, the dependency being claim is in respect of the deceased's two children only. In the circumstances, it is submitted that a reasonable estimation of the net annual income that the deceased would have spent on his children is 50%.

141. The annual dependency at death would therefore be \$105,820.00 (being 50% of \$211,640, the minimum wage in 2010). The annual dependency at the time of this assessment is \$161,200.00 (being 50% of \$322,400.00, the current minimum wage). The Committee finds that the annual dependency should be apportioned equally as between the two children.

142. The total loss of dependency is **\$0.00** calculated as follows:

- **Child 1:**

Pre-trial: \$52,910.00 x 7 = \$370,370.00

Post-trial: \$80,600.00 x 7 = \$564,200.00

- **Child 2:**

Pre-trial: \$52,910.00 x 7 = \$370,370.00

Post-trial: \$80,600.00 x 7 = \$564,200.00

143. In keeping with the principles where duplication of awards is to be avoided, each child would be regarded as being sufficiently compensated under the estate, as the sums due to them under the estate (just over \$1,000,000.00 each) exceed the loss of dependency.

Constitutional Redress

144. The Commission of Enquiry did not hear evidence in relation to Mr. McFarlane's death. There is, therefore, no express finding of liability on the State. In the circumstances, the Committee is not in a position to make any recommendation for damages under this head.

Special Damages

145. Special Damages are claimed in the sum of \$2,205,000.00, being \$2,000,000.00 for funeral expenses and \$5,000.00 for clothing.
146. No receipts are provided in support of these claims. Counsel for the estate has cited the local decision of **Walters v Mitchell (1992) 29 J.L.R. 173** in support of the submission that the requirement for strict proof of special damages ought to be relaxed having regard to the failure to keep records of expenses. Counsel submits that the Committee ought to use its judgment

of the conditions in Jamaica and make an award if it accepts that these costs have been incurred.

147. The Committee accepts that it may use its experience and have regard to the prevailing conditions in Jamaica in assessing this item of expenditure. The Committee finds that part of its experience is the claims made on behalf of the estates of other deceased persons in respect of funeral expenses. The funeral expenses have ranged from between \$200,000.00 to \$450,000.00. The Committee considers that the sum of \$2,000,000.00 is excessive, without more and that such a claim, being so far out of range of the norm, is one where strict proof is required.
148. The Committee is therefore prepared to substitute a lesser amount for the sum claimed and considers the sum of \$400,000.00 reasonable for funeral expenses.

Costs

149. The Committee notes the Attorney General's submission that costs should be in the sum of \$85,000.00 but considers that \$100,000.00 is a reasonable amount taking into account the nature and content of the submissions advanced on behalf of the estate.
150. The total recommended sum to the estate of Matthew McFarlane is **\$2,713,000.00** (rounded) as follows:

Loss of Expectation of Life	\$ 150,000.00
Loss of Earnings	\$2,062,970.00

Loss of Dependency	\$	NIL
Special Damages	\$	400,000.00
Costs	\$	100,000.00

HON. MR. JUSTICE SEYMOUR PANTON (RT'D), OJ, CD
REVEREND RENNARD WHITE, JP
REVEREND HERRO BLAIR

October 24, 2017