



Dominica Official Gazette

Published by Authority

VOL. CXXXVII

ROSEAU, THURSDAY AUGUST 14, 2014

No. 35

Departmental and Other Notices

COMMONWEALTH OF DOMINICA
THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
(CIVIL)

CLAIM No. DOMHCV2012/360

Between:

Lisa Bellot

Claimant

and

Albert Raffoul

Defendant

Appearances

On the written submissions of
Mrs. Gina Dyer Monro for the Claimant
Ms. Colleen Felix for the Defendant

2013: October 25

2014: May 30

JUDGMENT ON ASSESSMENT OF DAMAGES

INTRODUCTION AND BACKGROUND

[1] LANNS: M: This is an assessment of damages in a personal injury claim.

[2] The Claimant, a graphic designer was seated in a stationary vehicle when it was struck from behind by a vehicle driven by the Defendant. The Defendant admitted liability.

[3] The Claimant obtained Medical Reports prepared by Dr. Heddar Dyer on 15th December 2010 and by Dr. Julian De Armas on 4th July 2013. Dr. Dyer's Report concluded that the Claimant had sustained a Whip Lash Injury. The Report informed that a CT brain was done on 10th May 2010; a cervical spine X-ray was done on April 14, 2010, and left shoulder X-ray was done on 7th May 2010, and that these showed no bony injury. According to the Report, the Claimant suffered significant soft tissue injury of the head, neck, back and left shoulder which has greatly affected her activities of daily living particularly sleeping, driving, and exercise and her posture at work in her capacity as Creative Designer for LIME's Regional Marketing Communications Team. Dr. Dyer recommended an MRI, but the Claimant did not do it.

[4] The Claimant was seen by Dr. De Armas, Orthopaedic Surgeon three years after the accident, and two and a half years after having been seen by Dr. Dyer. Dr. De Armas' Report has concluded that the Claimant sustained "Posttraumatic cervical spine Disc herniation C6-C7 left side". Dr. De Armas reported that he sent the Claimant to Barbados to