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## Departmental and Other Notice

EASTERN CARIBBEAN SUPREME COURT  
COMMONWEALTH OF DOMINICA  
IN THE HIGH COURT OF JUSTICE  
CLAIM No. DOMHCV 2016/0354

*Between:*

Affina Toussaint –Valerie

*Claimant*

*and*

Hernica Ferreira  
T/A Total Care Pharmacy

*Defendant*

*Appearances:-*

Mrs. Heather Felix Evans for the Claimant  
Mr. Kondwani for the Defendant

2017: July 4

### JUDGMENT

- [1] CORBIN-LINCOLN, M.: Affina Toussaint-Valerie suffered personal injuries and loss as a result of the negligent dispensing of medication by Mrs. Hernica Ferreira. Judgment in default of defence was entered against Mrs. Ferreira with damages to be assessed.

### GENERAL DAMAGES

#### PRINCIPLES FOR ASSESSING GENERAL DAMAGES

- [2] The legal principles governing the assessment of general damages are well established. The main factors to be taken into account are: the nature and extent of the injuries sustained; the nature and gravity of the resulting physical disability; the pain and suffering endured; the loss of amenities suffered; and the extent to which the claimant's pecuniary prospects have been affected.

#### NATURE AND EXTENT OF THE INJURIES SUSTAINED

- [3] Mrs. Valerie has a history of Diabetes Mellitus. On 21<sup>st</sup> November 2013 her doctor prescribed Metformin and Gliclazide to treat the diabetes. On the same day, she took the prescription to Total Care Pharmacy which is owned and operated by Mrs. Ferreira. Mrs. Ferreira dispensed medication to Mrs. Valerie including medication labeled Gliclazide 30 mg with instructions to take 2 tablets daily after meals. She began taking the medication on the same day. The medication labelled Gliclazide was in fact Indapamide, "*a potent diuretic used only for the treatment of hypertension at a fixed therapeutic dose of only 1.5 mg once*