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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 21st 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