

**MONDAY – 20<sup>TH</sup> OCTOBER, 2003**

**IN COURT**

**ACTION NO. 441 OF 2000**

**FRANCIS POTT**

**Plaintiff**

**v.**

**B.E.L.**

**Defendant**

**APPEARANCES:**

Dean Barrow S.C. for Plaintiff.  
Philip Zuniga .S.C. for Defendant.

**BARROW opens.**

Claim for personal injuries when Plaintiff, an employee of Defendant, was electrocuted and thereby sustained severe injuries.

Plaintiff alleges condition of work dangerous.

Negligence of Defendant to allow dangerous conditions to exist and cause injury to Plaintiff.

**BARROW** applies to call the medical doctors as first witness for Plaintiff.

**THE COURT** exceptionally will allow doctors to be called so as to accommodate their schedule as requested by Counsel.

**P.W.1 - DR. FRANCIS SMITH s/s:**

Medical Doctor, a specialist. Orthopedic surgeon of eight years standing.

**No objection to witness being taken as an expert.**

**P.W. 1 cont'd.**

I know the Plaintiff and had occasion to treat him in 1997 and during following year saw him on many occasions.

I saw him in March 1997 for a fractured dislocation of his right shoulder. I treated him at time, but no surgical procedure as he had been seen by a medical officer prior to my assessing him.

I recommended physical therapy and that at a later date he be treated by a more specialized surgeon in Guatemala City.

Immediately following Plaintiff's injuries I saw him; about three or four times per week for about three months. Perhaps also two or three times per month. I can't remember how long this continued.

I remember writing several reports in 2000.

Yes, I wrote a report on 25 August 2000.

**Report tendered as Exhibit FS 1.**

**Reads Report.**

I saw Plaintiff on several occasions after this report. I last saw him professionally a couple of months ago. I would say that Plaintiff's range of movement has improved with therapy but he continues to complain of further pain which will affect his work as an electrician.

I recommended continuing therapy.

My assessment of 15% disability of Plaintiff still stands.

**CROSS-EXAMINATION OF P.W. 1 BY ZUNIGA FOR DEFENDANT:**

The purpose of continuing therapy is to delay onset of degenerative condition.

Plaintiff's injuries are irreversible. The only sensible thing is to continue therapy to delay degenerative changes that will occur in next five to ten years.

**NO RE-EXAMINATION.**

**P.W. 2 - DR. FILIBERTO CAWICH (affirmed):**

A doctorate in medicine, specializing in internal medicine and cardiac, practicing as specialist consultant since August 1982.

**No objection to treat this witness as an expert.**

**P.W. 2 cont'd.**

I treated Plaintiff after an accident on 19 March 1997.

**Witness produces medical report on Plaintiff.**

**Tendered as Exhibit FC 1 dated 20<sup>th</sup> October 2003.**

**Reads Report.**

I have seen Plaintiff many times in following years.

Plaintiff received operation in Guatemala in 1998.

I have seen Plaintiff several times 1999 – 2000 for persistent headaches and intractable chest pains.

I professionally saw Plaintiff in May this year.

I find him now dysfunctional as a direct result of electric shock to heart and brain.

My prognosis is that after three to four years if there is no improvement it is going to persist a long time.

**CROSS-EXAMINATION OF P.W. 2 BY ZUNIGA FOR DEFENDANT:**

Plaintiff was suffering from high blood pressure crisis.

It is exceedingly unlikely that Plaintiff suffered from heart attack as a result of which he fell from ladder.

We did tests which proved negative for heart attack.

It is unlikely that Plaintiff would have suffered what I described as a result of a fall.

Yes, Plaintiff was brought in as having suffered from electric shock.

Electrical injuries stimulate heart, brain and in extreme cases, cause burns.

Plaintiff had a slight burn.

Plaintiff's cardiac arrhythmia was strongly indicative of electric shock.

**NO RE-EXAMINATION.**

**BARROW CALLS THE PLAINTIFF.**

**P.W. 3 - FRANCIS POTT s/s:**

Of 16 Farmers Market, Belize City. Thirty six years old.

At beginning of March 1997 was employed at Belize Electricity Limited (the Defendant) as Electrical Technician 2.

I remember 19 March 1997. I was working on a voltage regulator, to clean rust off it and paint it.

The regulator was in a high voltage area – 150 KV switch yard in Defendant's compound on Magazine Road.

I was with my senior technician, two students and another co-worker.

Derek Gabb was my senior technician that day.

I was at Defendant's Magazine Road regulator about 8:45 a.m. on 19 March 1997.

Before the work started I spoke to supervisor, Antonio Ramirez and told him it was unsafe to do that job after I had spoken to Derek Gabb, senior technician. Mr. Gabb told Ramirez to have the whole system de-energized.

Ramirez went to see Engineer Joseph Suknandan.

Suknandan came and drew a diagram on the board and told us it was safe to work.

After all the switching to de-energize the regulator I and senior technician went inside switch yard to do the work.

I got ladder out of truck and put on side of regulator. I climbed on to ladder, on third step, put one foot on regulator control box and the other on ladder.

I asked Gabb for a buffing machine. While waiting for it, I was checking regulator on the top. I put my hand on the regulator top. I felt my right hand magnetized to a neutral conductor, and I started to get electric shocks.

At that time I was kicked off the ladder and was hanging by one hand from conductor.

I was screaming for Gabb that I was getting shocked.

I used my left hand to shove off from regulator but left hand got magnetized to the conductor.

I was hanging with my two hands and started yelling for my little girl that I was gone – I got to go.

I remember flying up in the sky like a jet, then I felt like someone pulled my feet and then I dropped from conductor on my butt.

I felt like a paper when I fell down and called out to be held.

Gabb held me and took me to the truck.

The next thing I knew I was in Medical Associates in bed in front of Dr. Cawich. He told me my heart was beating fast and was going to give me injection.

I was not in any pain as yet.

While waiting for injection, Emerson Spence; Engineer Moreno and my supervisor Ramirez burst through the door.

Ramirez told me a special doctor was waiting for me. When I tried to lift off the bed then I felt my right arm was dislocated.

I was in severe pain and they took me to K.H.M.H. where I was given injections repeatedly.

I waited for three hours before eventually I was seen by a doctor who said he was going to put my arm back in place.

After some time during which I was screaming, doctor then snapped my arm back in place.

I was then taken upstairs to a hospital bed.

Later Suknandan came to visit me and told someone that I wanted to kill myself.

I stayed overnight in hospital in severe pain, like ants biting all over my body.

I was released from hospital next day. I was in severe pain. My woman took me to B.E.L. main office in Barrack Road where I saw the then General Manager who looked at me and burst out laughing.

The General Manager of Defendant told me to go to any orthopedic doctor.

I saw Dr. Smith (P.W. 1) who started to treat me from then.

I got treatment in Chetumal, and Merida – in Guatemala where I had surgery.

I got surgery in Guatemala in January 1998 for my right arm so it could be raised.

I was treated in Merida in December 1997 for nightmare.

I was treated in Chetumal before I went to Merida in December 1997.

I fell down in December 1997. I was taken to hospital but later regained consciousness. It was after this I was taken to Chetumal.

I went back to work at Defendant's in 1998 – September. I was put to work in relay maintenance.

I was not able to perform these duties effectively because I can't concentrate too long and my head begins to swing.

I eventually stopped working sometime in 1999 or early 2000.

I stopped work because I couldn't work properly. My head was hurting me, as well as my arm. I couldn't concentrate.

I quit the job. I called my boss Mr. Davis that I could not do the work anymore.

I was paid for years of service. I had a loan of \$4,000.00. I owed Defendant \$2,000.00.

I was given \$12,000.00 for my 11 years of service less \$2,000.00 I owed Defendant.

I am being treated, right now when I have pain in my chest I go to Dr. Cawich.

If I have pain in my arm I see Dr. Smith.

I also see Dr. Mendez. He is a neurologist. I often see him because my head sometimes spin and I just can't concentrate.

Since I left Defendant I do not do any work.

My wife has a restaurant. She supports us – the family. I have one child.

Before incident I use to take night classes and correspondence course.

I did not play any sport.

I no longer do correspondence course in electronic engineering.

I had borrowed money for medical treatment abroad.

I have receipts but I left them at home.

I recollect spending \$7,000.00 on medical.

**Adjourned to 2 p.m.**

**2 p.m. - TRIAL CONTINUES.**

**P.W. 3 - FRANCIS POTT (PLAINTIFF) CONTINUES IN CHIEF:**

I was making a little over \$18,000.00 a year when I left Defendant.

Before the incident I was a happy man. I could do whatever I wanted. I am a family man – truly a happy man.

Right now I am stressed, with problems in having sex with my wife. I have headaches and can't function like before.

I have some pain in my arm most of the time.

It was my right arm/shoulder that was dislocated.

I can't concentrate.



I don't have any scars now.

Immediately after incident there was a burnt mark on my right arm.

I have some receipts I paid for medical bills, transportation from Belize to Chetumal and Belize to Merida.

**Zuniga notes some of the receipts are photocopies.**

I spent about \$7,000.00 out of my own pocket.

I got some help initially from Social Security.

The Defendant only paid bills the first morning of the incident.

The \$7,000.00 I spent was separate from what Capital Life or Social Security and B.E.L. (Defendant) paid. I don't remember what they paid.

I mailed some receipts to Social Security. I asked them to give them back to me but they refused.

**Zuniga not objecting.**

**Receipts tendered as Exhibit FP 1 – 17.**

**CROSS-EXAMINATION OF PLAINTIFF BY ZUNIGA FOR DEFENDANT:**

Yes, I was Electrical Technician 2.

Incident happened 19<sup>th</sup> March 1997. I was before that employed for about 11 years by Defendant. I was in position of Electrical Technician 2 for six years.

My work varied during those six years.

I had a senior technician over me.

My work was always electrical. I was trained on the job. This involved helping senior technician. I was told differences between neutral and live – line 2 and line 3.

I knew what protection to wear before we touch lines.

We were never given any protection.

We did not have to wear special shoes.

I never want to touch a live wire.

I was to buff and paint regulators on day of incident. I had never done this before. The 19 March 1997 was the first time.

Yes, that morning there was a meeting called by Ramirez on the morning of 19 March 1997. He said we were to de-energize voltage coming through regulator. After this we were to buff top of regulator and paint it.

Gabb told him it was unsafe to work in a switch yard as only part of it would be de-energized and the other part would be live.

The regulator we were to work on was de-energized.

I was to work immediately under Gabb, senior technician.

Ramirez did tell me that I would work with Gabb who would supervise me, and that Gabb should be present at all time while I was working.

Gabb was present when I put the ladder to work on the regulator. I had one foot on ladder and the other on regulator box.

The ladder was standing on its own. I never asked anyone to hold on to it.

I was never instructed about need to have someone hold ladder for me.

There were five people including me.

I wasn't wearing a watch. I had no metal on me, not even a ring.

The neutral wire was about a foot high from the regulator.

While waiting for the buff I had my hands on regulator. The ladder did not shift.

I felt my right hand magnetized like a conductor.

I went through basic electrical training.

A magnet would attach or repel metal. Magnet can't attract flesh or bone.

It is not impossible that my hands were attracted by regulator.

I was told about 15 amps voltage was involved.

It is true that Suknandan said I was trying to kill myself.

Social Security made some payments at time I got injury.

I was also given a disability grant of \$4,968.60 by Social Security. They also paid \$3,562.00 up to August 1998. I also got \$78.00 weekly but I don't remember dates – totaling \$1,391.00.

\$9,921.60 – Total received up to 9 April 1999.

Defendant paid \$2,318.21, paid towards medical.

Capital Life Insurance paid a sum. I don't remember how much, maybe 75%.

Q. You seem to have a good memory.

A. I have no lies to tell. I am telling the truth.

I was not lying when I said my hand was magnetized.

No, I can't concentrate. I felt my head is spinning.

**NO RE-EXAMINATION.**

**BARROW CALLS DEREK GABB.**

**P.W. 4 - DEREK GABB s/s:**

113 Albert Street. Thirty five years old. Presently working at Intelco.

In March 1997 was working at Defendant as senior electrical technician.

I know the Plaintiff who was also at the time working for Defendant as Technician 2.

On 19 March 1997 the Plaintiff got an electrical shock at sub-station in Magazine Road, Belize City.

In the morning we were assigned a job to go and buff and paint some voltage regulators, that is, self, Plaintiff, Rhaburn and others.

We looked at the job and we deemed it to be so dangerous to perform.

I was the most senior of the workers, and I deemed the job as dangerous.

We called the supervisor Ramirez into a room where we told him what we felt was the situation.

We deemed job as dangerous because sub-station carried 115000 volts and regulators we were to work on had live conductors connected to them.

Ramirez got angry and accused us of not wanting to work.

After that Ramirez went for Joseph Suknandan. He was manager.

Suknandan came and drew on the blackboard some theories and said the conductors were neutral and we would not be shocked by them.

We were still skeptical but Ramirez and Suknandan made it clear that if we did not do the work we would face serious disciplinary action.

I am not an engineer.

When sub-substation was commissioned by GEC we got people who gave us some training. We were told no work should be done on sub-stations when they were energized.

We proceeded as cautiously as we could to attempt to do the work.

When we got to sub-station, Plaintiff got on a ladder to start to buff first voltage regulator. I was in back of vehicle getting out equipment.

When I came back I saw Plaintiff on the ground staggering.

I ran over to him and asked what was wrong.

Plaintiff was dazed and confused and kept telling me he got shocked.

I immediately helped him up and put him in front seat of truck and drove out of compound. I proceeded straight to Medical Associates, where we were taken straight to a doctor's office, Dr. Cawich. Doctor went to get medication, then Ramirez and two engineers came into room.

Ramirez told Plaintiff he should not have gone to Medical Associates as rules of Defendant require recourse to public hospital.

Plaintiff was later taken out to K.H.M.H.

I went to K.H.M.H. where Plaintiff was left.

I stayed with Plaintiff. A doctor looked at him but did nothing immediately.

Doctor said Plaintiff's right arm had come out of its socket. They tried to push back the arm but Plaintiff hollered with pain. Plaintiff was given injection and four big guys had helped to push Plaintiff's arm back into the joint.

I saw Plaintiff next day. He showed me a big black mark under his right arm.

Defendant had no safety manual before incident.

I continued at Defendant's after incident at least for 2 ½ years. During this time Defendant produced a safety manual which said no work should be done on sub-station when energized.

**CROSS-EXAMINATION OF P.W. 4 BY ZUNIGA FOR DEFENDANT:**

The meeting in the morning before we started work was called by me, not Ramirez.

Ramirez called no meeting at which he stressed safety procedures.

I did not hear Ramirez say Plaintiff was to work under my supervision in cleaning and buffing of regulators.

It was the first time we were doing that particular work.

Procedurally, supervising Plaintiff did not involve showing Plaintiff how to buff and paint as he had done this before, although not at that particular sub-station.

I saw Plaintiff when he went up the ladder. I was right there. I did not see what made him fall. I went to vehicle to get some equipment – buffer, extension cord.

I was terminated by Defendant. I have a pending legal action against Defendant for wrongful dismissal. I had a vehicle accident.

Yes, I am unhappy with Defendant right now.

Ramirez got angry and did not explain any safety precautions. He waited for Suknandan.

We wanted not to do job at that time as sub-station couldn't be de-energized as this would put Belize City in darkness.

Two other guys were holding ladder when Plaintiff went up.

There were two guys holding ladder. They saved Plaintiff's life. Rhaburn and other gentleman were holding ladder so Plaintiff couldn't fall.

**NO RE-EXAMINATION.**

**BARROW says one more witness – Dr. Mendez – but would like to adjourn to tomorrow.**

**Hearing is adjourned to tomorrow.**

**TUESDAY – 21<sup>ST</sup> OCTOBER 2003**

**IN COURT**

**TRIAL OF ACTION NO. 441 OF 2000 CONT'D.**

**FRANCIS POTT**

**Plaintiff**

**v.**

**B.E.L.**

**Defendant**

**Appearances the same as last hearing.**

**BARROW:** The next witness for Plaintiff is presently out of jurisdiction attending some accident in Guatemala, and he is material to post incident treatment of Plaintiff.

**ZUNIGA:** Will not oppose adjournment.

**COURT:** In the circumstances hearing is adjourned to 5<sup>th</sup> November 2003 at 2:30 p.m.

**WEDNESDAY – 10<sup>TH</sup> DECEMBER 2003**

**ACTION NO. 441 OF 2000**

**FRANCIS POTT**

**Plaintiff**

**v.**

**B.E.L.**

**Defendant**

**Continuation of trial from 21<sup>st</sup> October 2004.**

**APPEARANCES**

The same as on adjournment.

Barrow for Plaintiff.  
Zuniga for Defendant.

**BARROW CALLS DR. T. MENDEZ.**

**P.W. 5 - MARCUS TULIO MENDEZ s/s:**

Of Orange Walk District. Practice medicine there, a neurologist.

A specialist of brain and nerve. Graduated in 2000 – three years.

Know the Plaintiff. I treated him professionally at end of year 2000.

Continued to see Plaintiff professionally.

I saw Plaintiff for constant headaches, depression, and anxiety.  
Nightmares - post-traumatic stress – anything that applies. Trauma to  
brain such as a fall or event that has affected the brain.

An electric shock can produce post-traumatic stress.

Due to fact that Plaintiff loses consciousness, his post traumatic stress is a  
serious matter.



I have been treating Plaintiff for past three years with medication that alleviates his symptoms he would complain of.

My prognosis is that Plaintiff's condition can be alleviated but not cured. It is a life-long problem.

Plaintiff's condition will affect his functionality to do his daily activities – his concentration will be affected.

Plaintiff's condition will also affect his sexual relationship as well as the medication he takes.

**CROSS-EXAMINATION OF P.W. 5 BY ZUNIGA:**

Car accident also could produce post traumatic condition as well as any knock to the head.

No, Plaintiff's condition can only be alleviated and not cured.

As a side effect Plaintiff's medication would also affect his sexual function.

Viagra can unblock sexual neuro-transmitter but would not recommend it for Plaintiff who is under 40.

**RE-EXAMINATION BY BARROW:**

I would not recommend Viagra for Plaintiff because of his medication and the part of his brain I assumed to be damaged.

Viagra has contra-indications, example, by people with heart problem.

**CASE FOR PLAINTIFF.**

**ZUNIGA FOR DEFENDANT CALLS RAMIREZ.**

**D.W. 1 - ANTONIO RAMIREZ s/s:**

Of 8 Park Street, Belize City.

Sub-station superintendent with B.E.L. (the Defendant).

On 19 March 1997 I was junior engineer.

I know the Plaintiff.

In March 1997, I remember the day 19<sup>th</sup> March when incident occurred with Plaintiff.

I was on duty with Plaintiff and others.

On that morning I gave assignment to Derek Gabb, a senior technician with Defendant at that time and I also assigned the Plaintiff, an electrical assistant.

I also included in that team two students. I don't remember their names.

I called the four and gave the following instructions to do some light electrical maintenance on a set of voltage regulators tanks.

The job consisted of dealing with some corrosion around the tanks.

I told them the students should participate as observers and that no work was to be done in sub-station without presence of senior technician (Derek Gabb).

The party left for another work site.

I told them not to work without presence of senior technician because there were two students and the area was of high voltage sub-station and other equipment at site that were de-energized.

I wanted to make sure they work around regulator safely as they had to use a ladder which had to be well positioned, someone had to hold it.

No one objected to working on that day or said it was unsafe to work that day.

I know Joseph Suknandan. He was not there that morning.

The job was a routine maintenance. I felt confident that Gabb and Plaintiff could have done the job. They had done this type of job before. Derek Gabb and Plaintiff had done this type of job before.

When I got news of incident I immediately went to hospital – Medical Associates, accompanied by Emerson Spence, Senior Engineer and insisted to Plaintiff to relocate to K.H.M.H. because that was policy of company, that is, any injury on the job should be treated first at K.H.M.H.

**Adjourned at 12:20 p.m. for lunch.**

**2:30 p.m. - TRIAL RESUMES.**

**ZUNIGA ends in chief with P.W. 1.**

**CROSS-EXAMINATION OF D.W. 1 BY BARROW FOR PLAINTIFF:**

Yes, I went to Belize Medical Associates with Spence and Moreno.

Moreno held position of distribution engineer.

Yes, I insisted that Plaintiff relocate to K.H.M.H. The doctor in charge of Plaintiff was not around. I made no effort to locate doctor. It did not occur to me relocating Plaintiff might complicate his condition.

I was implementing company's policy.

It could be the policy was to save company money.

I don't know exactly how long Plaintiff had been working with Defendant but it was more than five years.

I don't remember if Defendant had at time of incident a safety manual for its employees.

The system was from two-phase supply to voltage regulator.

The rest of sub-station was de-energized. There was live current in the sub-station.

The Defendant expected that anyone working in a sub-station would think of personal protection.

Not everyone could work in a sub-station – only trained personnel could work in energized sub-station.

At time of incident, Plaintiff was electrical assistant.

No, Defendant did not do anything to train persons in energized sub-stations.

That day Plaintiff was not issued by Defendant any protective clothing.

I was junior management at time.

I was aware of the collective bargain agreement between Defendant and unions. This required Defendant to issue employees with protective clothing.

There was protective clothing available in the transformer shop, 50 feet away from sub-station.

I did not tell Plaintiff and others that they were to do the work only if they wore protective gear.

The protective gear in transformer shop was not individually assigned.

I considered that it was safe for Plaintiff to work in the sub-station at the time.

I did not think there was danger of electrocution to anyone.

I am not disputing that Plaintiff got shocked that morning.

G.E. had commissioned the sub-station. I am not aware that G.E. had stated that it was not safe to work in energized sub-station.

The sub-station had 1) 15 KV and 2) 6600 volts.

I can't recall if Plaintiff had before day of incident done that type of work before.

I would say Gabb did not complain to me about the work they had been assigned.

I still consider the task Plaintiff was assigned a safe one and we do the same thing – buffing and cleaning in an energized sub-station.

After incident, Defendant created a department of safety which had issued instructions on doing work in energized sub-station, safety measures that were not in place before incident involving Plaintiff.

Defendant never discontinued work on sub-station.

**Witness shown document to be marked for identification.**

**No objection by Zuniga.**

**Witness recognized document which is marked for identification.**

**RE-EXAMINATION OF D.W. 1 BY ZUNIGA:**

Only senior technicians are assigned work with assistants in sub-station, who had gone through personal protection instructions and safety manuals and all procedure to maintenance equipment. Also we had hands-on training from manufacturers.

Protection instructions are in the manuals for equipment. Consequences are clearly written in red.

The training was offered to senior technicians and assistants.

**D.W. 2 - JOSEPH SUKNANDAN s/s:**

2125 Belama Phase 1, employed as Vice President by Defendant for Special Projects and generation.

Electrical engineer with Master's degree – first degree in 1986 in electrical engineering from Cambridge, MSC from George Washington University in 1995.

I have worked as electrical engineer for 17 years for Defendant.

**Witness is tendered as expert.**

It is not electrically possible for a person's hand to be electrically magnetized unless he has metal in his body or person.

It is not possible for a person to be magnetized ordinarily. A human body cannot be magnetized if a metallic object is not present.

I was not called to a meeting involving Plaintiff on morning of 19 March 1997.

**CROSS-EXAMINATION OF D.W. 2 BY BARROW:**

I know Plaintiff and that he suffered an electric shock and fall on 19 March 1997.

I don't know of the circumstances Plaintiff suffered the shock and fall.

Yes, at time Plaintiff was doing maintenance at sub-station which on my information was energized, the regulators were not.

G.E. had commissioned the sub-station. I am not aware it said that doing work on energized sub-station was not safe as I did not attend training by G.E.

If regulators were de-energized, it would be safe to do maintenance work in sub-station.

Yes, I consider the environment would be safe to work in those circumstances.

After incident, knowing what we knew then, it was not considered safe to work in that environment.

I issued a memorandum to that effect.

**Witness shown document – memorandum.**

**Tendered as Exhibit JS 1.**

**NO RE-EXAMINATION.**

**CASE FOR DEFENDANT.**

**ADDRESSES BY COUNSEL**

**BARROW FOR PLAINTIFF:**

Plaintiff claims damages for personal injuries and loss and damage suffered in consequence.

Plaintiff was then employed by Defendant. He received a severe electric shock while at work for Defendant.

Plaintiff says incident was caused by Defendant's negligence.

Plaintiff says res ipsa as to facts of incident or in the alternative Defendant was actively negligent as particularized in Statement of Claim.

The Plaintiff relies more on causative negligence of Defendant.

The Plaintiff particularizes injuries he suffered as a result of Defendant's negligence.

The Plaintiff also suffered special damages in amount of \$7,392.19.

The Defence is short-denial and or contributed to by Plaintiff.

The Plaintiff gave evidence of incident.

Testimony of P.W. 4 Derek Gabb – testified the conditions of work were unsafe.

The evidence for Plaintiff about need for training and not to work on sub-station when energized is left unchallenged.

Should Plaintiff have been placed in the circumstances he was?

No instructions, no protective gear, nor specialized training for the functions he was to perform.

Submit that on the evidence, the Defendant's negligence is clearly established as Plaintiff claims.

D.W. 2 said he had considered conditions safe but after incident no longer did – Exhibit JS 1.

After incident Defendant commissioned a safety department and issued instructions regarding work.

This is clearly admission that Defendant was negligent in causing Plaintiff to work in those circumstances.

Submit Defendant is liable in negligence and there was no contributory negligence on Plaintiff's part.

#### On Damages

Evidence of P.W. 1 – Exhibit FS 1 on Plaintiff.

P.W. 2 – Dr. Cawich – Exhibit FC 1.

P.W. 5 – Dr. Mendez.



On Quantum?

Plaintiff received full retirement benefits from Defendant.

Plaintiff admits not having all receipts on his special damages.

**ZUNIGA FOR DEFENDANT:**

Refers to para. 4 of Statement of Claim which is different from testimony of Plaintiff as to how he sustained accident.

Submit that details of Plaintiff's account as to how he came to be injured are impossible.

Plaintiff should have known that working in an electrical environment requires special care.

Lindsel on Torts 15 ed.

Submit Defendant on the evidence is not liable.

**BARROW IN REPLY:**

Defendant was to blame for letting Plaintiff work in the environment he had to.

Judgment is reserved, notices will be sent out.

A. O. CONTEH  
Chief Justice