

**IN THE SUPREME COURT OF BELIZE, A.D. 2000
(CIVIL PROCEEDINGS)**

ACTION NO. 435

	(BUSINESS MACHINES AND (SOLUTIONS LIMITED (PLAINTIFF/ RESPONDENT
BETWEEN	(AND (
	(BELIZE TELECOMMUNICATIONS (LIMITED	DEFENDANT/ APPLICANT

**Christopher Coye for the Plaintiff/Respondent.
Lois Young Barrow, S.C., with Dean Barrow, S.C., for the Defendant/Applicant.**

BEFORE The Honourable Mr. Justice Christopher A. Blackman.

D E C I S I O N

I accept the evidence of Winston Aspinall as to the system used to calls made over the IP Server consequent to the removal of fire walls as a result of the injunction issued on the 4th of October 2000. I further accept his evidence that as a result of the removal of the fire walls it became possible for all those who had the IP star box to access B. T. L.'s equipment without payment to B. T. L. for that access.

I also accept the evidence of Mr. Gaspar Aguilar that the loss of revenue which ensued and the calculations provided in proof of the loss sustained. I do not consider that the loss or damage which ensued is too remote from the events which gave rise to the loss revenue namely, the issue of the injunction. In the event, taking the common sense approach envisaged in the several authorities referred to in GALOO LTD v BRIGHT GRAHAME MURRAY and applying the ratio in GATOIL ANSTALT v OMENIAL LTD., I find that B. T. L. suffered loss as a result of the injunction order made in favour of Business Machines on 4th of October, 2000 until that injunction was withdrawn on the 1st of March, 2001 and that loss is clearly, not too remote in law.

On the inquiry directed by the Court of Appeal, I find that B. T. L. is entitled to recover \$375,312.46 and I so order.

**CHRISTOPHER A. BLACKMAN,
Judge**

DATED: 3rd July, 2001.