

TRANSCRIPT OF PROCEEDINGS

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DISTRICT COURT

Plaint No 143 of 1994

CIVIL JURISDICTION

JUDGE NOUD

ANGELIQUE LIDIA BARTHA

Plaintiff

and

BAVARIAN STEAK HOUSE PTY LTD

Defendant

SOUTHPORT

..DATE 26/02/96

..JUDGMENT

HIS HONOUR: In this matter the plaintiff has been giving evidence. In the course of her evidence, during an adjournment, the parties, sensibly, if I may say so, have agreed as to the assessment which should be made in relation to her damages. There has also been agreement earlier in this case as to the apportionment of liability, that apportionment being 80 per cent against the defendant and 20 per cent against the plaintiff.

The agreed assessment of the plaintiff's damages between the parties is \$71,481.78. In my opinion, and I find accordingly, those damages should be apportioned, having regard to the relevant heads of loss in the instant case, as follows:

Pain and suffering, \$45,000

interest on pain and suffering, \$2,816.94

economic loss, \$16,412.85

Fox v Wood component, \$1,701.95

Special damages, \$3,721.04

travelling expenses, \$569

Griffith v Kirkemeyer component, \$1,260

The total of those figures is \$71,481.78, the figure I mentioned earlier on.

That total has to be reduced in accordance with the settlement that the parties arrived at in relation to liability. 80 per cent of \$71,481.78 is \$57,185.42.

In relation to the giving of judgment, a further sum must be deducted from the lastmentioned figure. The figure that has to be deducted is the sum which is refundable to the Workers' Compensation Board of Queensland and that figure is referred to in one of the exhibits that has been tendered during the trial. The relevant figure is \$27,184.09. The difference between the figure of \$57,185.42 and \$27,184.09 is \$30,001.33.

I'll proceed to give judgment for that amount. I give judgment for the plaintiff against the defendant in the sum of \$30,001.33.

...

HIS HONOUR: I order that the defendant pay the plaintiff's costs of and incidental to the action, to be taxed on the scale relevant to claims where the amount recovered is less than \$50,000.
