

IN THE SUPREME COURT OF NAURU

CIVIL ACTION NO.: 5 /2006

**BETWEEN:            MORGAN SOLOMON                            PLAINTIFF**  
**AND:                    A/SECRETARY FOR JUSTICE                        DEFENDANT**

Mr. Pres Nimes Ekwona for the Plaintiff  
Mr. Robert Kaierua for the Defendant

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DECISION  
(EX TEMPORE)

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On 27<sup>th</sup> March 2007 I gave judgement for the Plaintiff with damages to be assessed.

On 29<sup>th</sup> March 2007 I made this note:-

**“In the hope that Mr. Nimes and Mr. Kaierua can agree the calculations,  
adjourned to the next session.”**

There had been no agreement neither by the time of the next session in June nor by the time of the following session in December when I was told the parties were ready for the hearing of the assessment.

Near the beginning of this session, last Saturday 8<sup>th</sup> March 2008, I told Mr. Kaierua that I proposed to make the assessment during these sittings. By then Mr. Nimes had lodged his submission on damages. I have made it clear to Mr. Kaierua on successive sitting days that I proposed to accept Mr. Nimes’ calculations unless he brought evidence to rebut them: evidence presumably from the Secretary of Finance. By now, 3:00p.m on Wednesday 12<sup>th</sup> March 2008, Mr. Kaierua has offered no evidence but has continued to prevaricate. Finally he said he will leave it to the Court to decide.

Accordingly I accept Mr. Nimes' calculations and give judgement for the plaintiff for \$21,696.00.

Dated this 12<sup>th</sup> day of March 2008

*Robin Millhouse*

THE HON. ROBIN MILLHOUSE, QC.,

CHIEF JUSTICE

