

COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT  
COMMON LAW AND EQUITY DIVISION  
ACTION NO.2016/CLE/GEN/01096

**BETWEEN**

**(1) DAREN CHARLES SEYMOUR  
(2) DELRAY SEMOUR  
(3) DERON SEYMOUR  
(4) DAHLIA SEYMOUR-HANNA  
(5) DELMETA SEYMOUR**

**Plaintiffs**

**AND**

**THE ATTORNEY GENERAL OF THE BAHAMAS  
THE COMMISSIONER OF POLICE  
SUPERINTENDENT CRAIG STUBBS  
SERGEANT 2501 "STUART" STEWART  
WOMAN RESERVE CORPORAL 730 DOUGLAS  
SERGEANT 1586 ROLLE  
WOMAN CONSTABLE 2749  
RESERVE CORPORAL 255 SAUNDERS  
CORPORAL SIMMONS**

**Defendants**

Before: Deputy Registrar of the Supreme Court Carol Munnings Misiewicz

Appearances: Murrio Ducille Chambers for the Plaintiffs (Crystal Rolle, and Krysta A. Mason Smith appearing successively); and Office of the Attorney General (Rashied Edgecombe) for the Defendants

Hearing Dates: 30<sup>th</sup> January 2020, 21<sup>st</sup> July 2020, 5<sup>th</sup> and 6<sup>th</sup> November 2020, 19<sup>th</sup> and 24<sup>th</sup> November 2020

## **DECISION**

1. This is my assessment of the damages due to the Plaintiffs upon their obtaining a Judgment in Default of Defence on 15<sup>th</sup> May 2017 in a case that was begun with the filing of a specially indorsed Writ of Summons on 20<sup>th</sup> July 2016. The Writ was filed one

week before the Limitation period would have expired, in respect of an incident that occurred on 27<sup>th</sup> July 2015.

2. There was a lull period of about two years, from 2017 to 2019 when no active steps were taken to advance the litigation before the Court. Then, between facing challenges with the Pandemic, and two of the Plaintiffs being abroad for part of the time, the taking of evidence in this matter proceeded at a slow pace, but thankfully we were eventually able to get it done, some four years post judgment.
3. I will say at the outset that I have formed the general view that the Plaintiffs have raised every complaint they could think of and attributed – unjustifiably – a host of their problems to this incident. They have also considerably exaggerated the pain and suffering that allegedly arose out of the incident, and blown it out of all proportion. The result is that I have not found the exorbitant claim of almost **Ten Million Dollars**, i.e. \$9,816,442.04 (before interest) to have been proven. On the contrary, in proportion to the damages claimed I have found what by comparison could be considered the nominal sum of **\$28,490.42** as being due to the Plaintiffs arising out of this incident, as explained below.

## **Background Facts**

4. Briefly, plain-clothed Police Officers went to the Plaintiffs' residence on the day in question, to execute a warrant of arrest for the Fourth Plaintiff, Dahlia Seymour Hanna. The Plaintiffs, chiefly the First Plaintiff, refused them entry, and as a result the Police forcibly gained entry through the front door of the home. I accept that the Defendants had to enter into the home by forcibly breaking down the front door, but that was only because the First Plaintiff refused to open it when asked to do so by the Police.
5. The Plaintiffs have demonstrated that they have no respect for lawful authority. I do not accept the First Plaintiff's assertion that some random, unknown persons were banging on their front door demanding entry. I accept the evidence of Reserve Sergeant 730 Erica Douglas that the Police identified themselves upon their arrival at the home, and that the First Plaintiff refused to allow them in. I accept that the Police came in brandishing guns, but that this was only because of the resistance that they met with on

trying to gain entry. All of the Plaintiffs did their best to thwart the officers in the execution of their duty.

6. They came to execute a warrant to bring in the Fourth Plaintiff for her refusal to honour an Order of the Court made in Magistrates Court proceedings between her and her estranged husband. The clear evidence on this point is found in the Order of the Magistrate made 29<sup>th</sup> April 2015 produced as **Exhibit KS2** to the Affidavit of Kingsley Smith. There was an outstanding warrant for the arrest of Dahlia Seymour Hanna issued on 11<sup>th</sup> May 2015. These documents confirm that the Police went to the Seymour residence in Orange Blossom Drive, Garden Hills Estates, for the express purpose already been stated. I further accept the evidence from Woman Reserve Corporal Douglas both from her police statement and her witness statement, that when the Police got the residence a male occupant (who I find to be Daren Seymour) flatly refused to open the door, that they waited and waited, and only after a period of time when reinforcements came, were the Police able to enter the premises.
7. The Fourth Plaintiff was clear during the course of her cross-examination by Mr. Edgecombe, that she absolutely refused, at gunpoint in the hands of the Police, to obey their lawful order to come with them, using the baby as a shield, although she eventually did so after some persuasion from her mother, the Fifth Plaintiff. Mrs. Seymour Hanna well knew or ought to have known, – since her attorney was present in court on that date in April 2015 when the Order was made for a warrant of arrest to issue out against her – that the Police were looking for her, and that it was in relation to the summary proceedings between her husband Richard Hanna and herself.
8. In this regard I accept the submissions on behalf of the Defendants. The Plaintiffs have clearly demonstrated that they are anti-authority. Further, the evidence on paper as well as their conduct during cross-examination and when questioned by the Court, reflects that they are (and were at the time) hostile and uncooperative. In fact, the view that I have formed of the evidence is that the Plaintiffs brought most of this trouble on themselves.

## Assessment

9. The evidence adduced to show aggravation demonstrates instead that the losses purportedly suffered by the Plaintiffs flowed directly from the claimants' failure to take reasonable steps to avoid the loss, namely by complying with the lawful orders of the Police Officers who were present.
10. There was no evidence led to support the assertions regarding the First Plaintiff Daren Seymour, in the Statement of Claim, his Affidavit filed on 17 March 2017 or in his Witness Statement filed on 16 March 2020, that the First Plaintiff is and was at all material times a 'Minister of the Gospel' or a 'Minister of the Christian Religion'. Daren Seymour did provide evidence to show that he was a qualified banker employed with a local commercial bank, however I am not satisfied that he has proven that when he was terminated from that position in March 2016, that it had anything to do with the incident on 27<sup>th</sup> July 2015.
11. The First Plaintiff alleges (para.49 of the Plaintiffs' Submissions) that he was assaulted by the Defendants which caused him physical pain to existing injuries. In support of this he produced a medical report from 2010 when he had fallen and sprained his wrist. However, no medical evidence showing any injury, damage or treatment occurring in July 2015 or afterwards, was produced. Therefore I find this claim unproved and make no award in respect of it.
12. At paragraph 63 of the Plaintiffs' Submissions counsel is claiming \$1,125,000 for Assault & Battery and False Imprisonment. The first point I note about this is that this sum is entirely outside of the range of precedent and in fact no precedent is cited in support for this outrageous sum. On the contrary, the range of awards is on the order of tens of thousands of dollars and so it is inconceivable that the Plaintiffs could or should expect to be a sum of such magnitude.
13. I will confine my remarks to only two of the cases cited by counsel for the Plaintiffs, since I formed the view that the damages claimed are not supported in any respect by the authorities cited, for the various heads of damages claimed. So for example, in **Tynes v Barr [1994] LRB 7** the award was \$100,000 and in **Tamara Merson v Drexel Cartwright and Another [2005] UKPC 38** the damages awarded was \$90,000 in

circumstances that were far more egregious. Indeed, in **Tynes v Barr** (to mention only one case) the interference with liberty of the subject was unjustified whereas here the Police were acting in the execution of lawful authority, namely a warrant of arrest. So the case is distinguishable.

14. I am skeptical about whether the Plaintiffs are entitled to any general damages for Psychological Damage, not because of the medical evidence of Dr. John B. Dillet, which I accept, but because of the manner in which the injury and damage arose. However, as this has been conceded by Counsel for the Defendants, I will make an award for damages in this category, as follows:

i. Daren Seymour	-	\$1,500
ii. Delray Seymour	-	\$6,000
iii. Deron Seymour	-	\$1,500
iv. Dahlia Seymour Hanna	-	\$4,000
v. Delmeta Seymour	-	\$1,500.

15. The total amount awarded for Psychological damage is therefore **\$14,500.00**.

#### Medical Expenses

16. The Plaintiffs were all seen and treated by Dr. Dillet. Mr. Daren Seymour's evidence in his witness statement is that the total cost for these visits was \$3,870.00. There was also his charge for attending Court to testify, in the amount of \$300. I will therefore allow **\$4,170.00** for medical expenses.

#### Damage to Property

17. I am not satisfied that the Defendants are liable for damage to carpet, the baby's playpen, and the pearl figurine or door wreaths. In any event I do not find that the values alleged have been proved as the evidence was sorely lacking and inadequate. The claims for these items are disallowed.

18. As regards the front door(s) of the home, the evidence is that these doors were damaged when the officers gained entry. There is a quote from Premier Importers dated 27<sup>th</sup> August 2015 for two different types of front door, according to which, the cost for a

pair of Mahogany front doors is \$6,950.00 and for a pair of Oak doors is \$6,400.00. Counsel for the Defendants took issue with those quotes but I have not been presented with any evidence showing a different or lesser value so I will award the lower amount between them of **\$6,400.00**. In addition the quote for cost of labour from Nathan Hopkins in the amount of \$2,500 is accepted along with the Premier Importers quote for the materials and fixtures necessary to install the doors at \$920.42. The total award for damage to property is therefore **\$9,820.42**.

## **Conclusion**

19. For the reasons I have expressed earlier I do not find that any amount is due or payable from the Defendants to the Plaintiffs in respect of the other items of damages claimed, namely for tortious actions, aggravated or exemplary damages, consequential losses, constitutional/vindictory damages, or loss of opportunity.

20. The amount assessed as due to the Plaintiffs for special damages is therefore:

<b>General damages</b>	<b>\$14,500.00</b>
<b>Special damages</b>	<b>\$13,990.42</b>
<b>GRAND TOTAL</b>	<b>\$28,490.42</b>

21. The Plaintiffs are entitled to their costs of the Assessment, to be taxed if not agreed.

**Dated the 22<sup>nd</sup> day of November, AD., 2021**

**Carol Munnings Misiewicz  
Deputy Registrar**