

IN THE SUPREME COURT OF NAURU

MISC. CAUSE NO. 16/2005

BETWEEN:

JOSEPH BARROT HARRIS

PLAINTIFF

AND:

NAURU PHOSPHATE ROYALTIES TRUST

DEFENDANT

MR. DARRYL WILLIAMS for the Plaintiff

MR. REUBEN KUN for the Defendant

Order

Having formally published my Decision dated 19 January and the Addendum dated 29TH March, Mr. Williams conceded that all along the claim has been inflated by \$2925.20. A payment for that amount was made on 11 October 2004 but not noticed until now in the preparation of this action by either plaintiff or defendant. The total claimed, Mr. Williams concedes and Mr. Kun accepts, should be \$3,800,313.94.

As for interest, Section 19 of the Civil Procedure Act gives the Court a discretion in fixing the rate but provides for a rate of 8% pa simple for post judgment interest unless the Court fixes some other.

Interest will run at 8% pa simple both before today and until payment. As for calculating the amount, Mr. Williams has handed up calculations prepared by Whiteside Andrews Chartered Accountants. Mr. Kun does not dispute them. Mr. Williams has explained the method of calculation. I am not competent to check the figures. As Mr. Williams has assured the Court of accuracy and Mr. Kun has not disputed it, I accept the calculations. To this day the amount of interest @ 8% pa simple is \$3,749,614.19.

That is a total \$7,549,928.13.

There will be judgment for the plaintiff for \$7,549,928.13.

The Plaintiff will have an order for costs. I certify fit for overseas counsel including senior counsel.

Dated the 29th day of March 2007

THE HON. ROBIN MILLHOUSE QC
CHIEF JUSTICE