

**BETWEEN: CARMINE PIANTEDOSI**

Claimant

**AND: THE REPUBLIC OF VANUATU**

Defendant

**Coram:** *Mr. Justice Oliver A. Saksak*

**Counsel:** *Mr. John Malcolm for the Claimant  
Mr. Frederick Gilu for the Defendant*

**Date:** *28<sup>th</sup> April 2014*

### **SUMMARY JUDGMENT**

#### **WHEREAS-**

1. The applicant (Claimant) filed a statement of claim on 27<sup>th</sup> February 2014 against the Defendant alleging statutory breach of contract- pursuant to the Employment Act cap 160.
2. The claims are for judgment in the sum of AUD\$36,725, interest from 30<sup>th</sup> October 2012 at 5% per annum and indemnity costs.
3. The claims are supported by evidence contained in the sworn statement of the Claimant filed together with the claim on 27<sup>th</sup> February 2014.
4. **Documentary evidence show-**
  - a. An existing valid contract duly executed between the State and the Claimant- Annexure A
  - b. A Tax Invoice issued by the Claimant to the Defendant for payment of the sum of AUD\$36,725 – Annexure B
  - c. A letter of offer dated 16<sup>th</sup> September 2013 by the Claimant's Counsel offering the sum of AUD\$26,725 and putting the Defendant on notice that proceedings would issue if payment was not made in 14 days- Annexure C, and
  - d. The response by the Solicitor General by letter dated 26<sup>th</sup> September 2013 accepting the offer of AUD\$26,725 on a without prejudice basis and advice that payments were being finalised for January 2014 – Annexure D
5. Despite that acceptance and undertaking by the Solicitor-General the Defendant has not made any payments. The failure or omission has resulted in the Claimant filing an application seeking summary judgment.
6. The application is uncontested and the evidence in support of the grounds are not challenged.
7. Despite the Defendant not having filed any response and/or defence, the Court is satisfied on the unchallenged evidence before it that-
  - a. The Defendant has no real prospect or at all of defending the Claim, and
  - b. There is no need for a trial,

**NOW THEREFORE IT IS ADJUDGED THAT-**

- a. The application for summary judgment be allowed.
- b. Judgment be summarily entered in favour of the Claimant against the Defendant for payment of the following-
  - i. Principal sum due under the contract – AUD\$36,725.00,
  - ii. Interest thereon accruing daily at 5% per annum from 27<sup>th</sup> February 2014 until the debt is fully paid by the Defendant.
  - iii. Costs on the standard basis as agreed or taxed by the Court.

**DATED AT PORT VILA THIS 28<sup>TH</sup> OF APRIL 2014  
BY THE COURT**

  
**OLIVER A.SAKSAK**  
Judge

