

DREW & NAPIER LLC
ADVOCACY CUP 2022 – PRELIMINARY ROUNDS

Between

DAWN TAN
(NRIC No. S2345678Z)

... Plaintiff

And

ABC PRIMARY SCHOOL
(Singapore UEN No. 123456789A)

... Defendant

To:

ABC PRIMARY SCHOOL

1 SCHOOLING STREET SINGAPORE 234567

THIS WRIT OF SUMMONS has been issued against you in respect of the claim endorsed herein.

You must:

1. satisfy the claim; or
2. enter an appearance,

Within eight (8) days after the service of this Writ on you, and within twenty-one (21) days after the service of this Writ on you, if the Writ is to be served outside the jurisdiction, you must either satisfy the claim or cause an appearance to be entered for you using the electronic filing service and in default of your doing so the Plaintiff may proceed with the action and judgment may be entered against you without further notice.

THIS WRIT OF SUMMONS is issued by the Solicitors for the Plaintiff whose particulars are as below. The address of the Plaintiff is 123 Consulting Street, Singapore 456789.

This Writ may not be served more than (a) 6 months after the above date, or (b) 12 months after the above date where leave to serve out of jurisdiction has been obtained, unless renewed by order of the Court.

STATEMENT OF CLAIM

1. The Defendant is a company incorporated under the laws of Singapore, having its registered address at 1 Schooling Street Singapore 234567 and has care, control and management of ABC Primary School ("**Premises**"). At all material times, the Defendant was the occupier of the Premises.

2. The Plaintiff was, at the material time, a lawful visitor at the Premises.

3. On 3 August 2020, at about 5.00pm, the Plaintiff was walking along the ground floor corridor of the Premises when she stepped onto soapy and slippery floor. As a result of the soapy and slippery conditions of the floor, the Plaintiff slipped and fell onto the floor.

4. The Plaintiff avers that there was no proper demarcation and/or signage posted to warn visitors that the floor was slippery and dangerous. There were also no barriers or cordons set up to prevent visitors from stepping onto the wet floor when it was unsafe to do so.

5. The Plaintiff was injured by reason of the breach of duty of care of the Defendant and/or that of its employees, servants and/or agents in respect of which the Defendant is vicariously liable.

PARTICULARS OF NEGLIGENCE

- (a) Failing to take reasonable care to ensure that the Premises was a safe place and the Plaintiff was not subjected to any unnecessary risk of injury;
- (b) Failing to clean the floor of the Premises appropriately to avoid slipping hazards;
- (c) Failing to give any or any proper or adequate warning that the floor of the Premises was slippery and unsafe to walk on;
- (d) Failing to cordon off the affected area of the Premises when it was unsafe for visitors to walk on;
- (e) Failing adequately or at all to light the ground floor corridor area of the Premises where the Plaintiff slipped and fell; and
- (f) Failing to institute or enforce any or any adequate system for the inspection, maintenance and cleaning of the floor in the Premises whereby the hazard which caused the Plaintiff to slip and fall might have been detected and remedied before the Plaintiff's accident.

6. By reason of the matters aforesaid, the Plaintiff has suffered injuries, has endured pain and has been put to loss and expense. At the time of the accident, the Plaintiff was 44 years old.

PARTICULARS OF INJURIES

- (a) Right big toe fracture;
- (b) Right distal fibula fracture; and
- (c) Pain in the right ankle.

7. The particulars of the Plaintiff's injuries are further set out in the medical report from Singapore Great Hospital ("**SGH**") dated 28 December 2020. A copy of the medical report from SGH is annexed hereto and marked as **Annex A**.

8. The Plaintiff's claim for special damages are set out in a statement of special damages annexed hereto and marked as **Annex B** pursuant to Order 18 Rule 12(1A) of the Rules of Court.

9. The injuries stated herein are not exhaustive and the Plaintiff reserves the right to adduce further medical evidence at any time before and/or at trial. The Plaintiff further reserves the right to claim for further special damages as they occur should they be incurred as a result of the injuries.

And the Plaintiff claims:

- (i) general damages to be assessed;
- (ii) special damages as claimed or to be assessed;
- (iii) interest pursuant to section 12 of the Civil Law Act;

(iv) costs; and

(v) such further or other relief as this Honourable Court deems fit.

Dated this 5th day of February 2021

[SIGNED]
SOLICITORS FOR THE PLAINTIFF

ANNEX A

Singapore Great Hospital

28 December 2020

Medical Report for Ms Dawn Tan (S2345678Z)

The abovenamed patient was first seen in the Orthopaedic Surgery clinic on 7 August 2020 following an injury on 3 August 2020. X-rays done show that the patient sustained a right distal fibula fracture and a right big toe fracture.

The patient was managed conservatively by cast immobilization for 6 weeks. Thereafter, the patient was placed on an ankle brace and was commenced on progressive weightbearing. The patient was advised to commence light impact lower limb activities.

We last reviewed her on 14 December 2020. She no longer had ankle pain and her ankle was no longer tender. Her next review will be 2 months from her last review.

[signed]

Dr Kenneth Koo
Associate Consultant Orthopaedic Surgeon
Singapore Great Hospital

ANNEX B**PARTICULARS OF SPECIAL DAMAGES**

PURSUANT TO ORDER 18 RULE 12(1A) OF THE RULES OF COURT

- | | |
|--|----------|
| (a) Cost of medical treatment and prescriptions | S\$1,550 |
| (b) Cost of travel to and from Singapore Great
Hospital for outpatient medical appointments, for 3
trips at S\$50 per round trip | S\$ 150 |

DREW & NAPIER LLC
ADVOCACY CUP 2022 – PRELIMINARY ROUNDS

Between

DAWN TAN
(NRIC No. S2345678Z)

... Plaintiff

And

ABC PRIMARY SCHOOL
(Singapore UEN No. 123456789A)

... Defendant

DEFENCE

1. Paragraph 1 of the Statement of Claim is admitted.

2. Paragraph 2 of the Statement of Claim is not admitted.

3. Paragraph 3 of the Statement of Claim is not admitted and the Plaintiff is put to strict proof thereof.

4. Paragraph 4 of the Statement of Claim is denied. The Defendant avers that signages were placed at the Premises when the floors of the Premises were being cleaned by the Defendant's employees. The signages were only removed from the Premises after the floor had dried.

5. Paragraph 5 of the Statement of Claim is denied. The Defendant avers that it was not negligent or in breach of its duty of care to the Plaintiff.

PARTICULARS

(a) The Defendant took reasonable care to ensure that the floor at the Premises was properly cleaned. The Defendant's cleaning staff received sufficient training and were competent in performing and/or in carrying out the cleaning services and were not negligent.

(b) Signages were placed to indicate that the floor of the Premises was wet. The Defendant repeats paragraph 4 above.

(c) The ground floor corridor of the Premises was equipped with sufficient lighting and/or there was sufficient natural lighting at the material time when the Plaintiff allegedly slipped and fell.

6. Further and/or in the alternative, even if the Defendant and/or its employees, servants and/or agents was negligent (which is denied), the Plaintiff's fall was caused or contributed to by the negligence of the Plaintiff.

PARTICULARS

(a) The Plaintiff failed to be sufficiently aware of the condition of the floor on which she allegedly slip and fell.

(b) The Plaintiff failed to avoid stepping onto allegedly soapy and slippery floor when the Plaintiff ought to know that doing so would carry the risk of slipping and falling.

7. Paragraphs 6 to 9 (and Annex A and B) of the Statement of Claim are not admitted and the Plaintiff is put to strict proof thereof. The Defendant repeats paragraphs 5 and 6 above.

8. By reason of the matters aforesaid, the Defendant is not liable to the Plaintiff and the Plaintiff is not entitled to the relief(s) sought in the Statement of Claim or to any relief at all.

9. Save as hereinbefore expressly admitted, the Defendant denies each and every allegation contained in the Statement of Claim as if the same were set forth seriatim and herein specifically traversed.

Dated this 19th day of February 2021

[SIGNED]
SOLICITORS FOR THE DEFENDANT

DREW & NAPIER LLC
ADVOCACY CUP 2022 – PRELIMINARY ROUNDS

Between

DAWN TAN
(NRIC No. S2345678Z)

... Plaintiff

And

ABC PRIMARY SCHOOL
(Singapore UEN No. 123456789A)

... Defendant

AFFIDAVIT OF EVIDENCE-IN-CHIEF

I, **DAWN TAN** (NRIC No. S2345678Z) of 123 Relax Street Singapore 456789, do solemnly and sincerely affirm and say as follows:

1. I am the Plaintiff in the suit.
2. The matters deposed to herein are within my personal knowledge and/or derived from documents to which I have access and information provided to me. Insofar as they are not within my personal knowledge, they are true to the best of my knowledge, information and belief.

INTRODUCTION

3. I am a housewife and have two children, Jonathan Tan and Jeremy Tan. Both Jonathan and Jeremy are Primary 3 students in ABC Primary School ("**Premises**"). They are also enrolled in the table tennis co-curricular activity ("**CCA**").

4. Jonathan and Jeremy attend table tennis CCA practice sessions twice a week, on Mondays and Fridays. The CCA sessions are held in the school hall at the Premises and are scheduled to end at 5.30pm.

5. My husband or I pick the children up from the Premises after their school or CCA sessions.

CIRCUMSTANCES OF THE ACCIDENT

6. On 3 August 2020, I went to the Premises at about 4.50pm to pick up Jonathan and Jeremy after their CCA session. As I was early, I headed to the school canteen to grab two drinks for my sons first.

7. At around 5.00pm, I received Whatsapp messages from Jeremy and Jonathan letting me know that CCA had ended early that day and asking whether I was in school to pick them up already. As I made my way towards the school hall, I texted Jeremy and Jonathan that I was in the Premises already and would be up at the school hall to meet them shortly. A copy of my Whatsapp message exchange

with Jonathan and Jeremy dated 3 August 2020 is annexed hereto and marked "DT-1".

8. I was walking straight along the ground floor corridor of the Premises towards the staircase leading to the school hall when I stepped onto soapy and slippery floor which caused me to slip and fall onto the floor.

9. I did not notice that the floor was wet, soapy and slippery. There were no signages that were put up along the corridor to indicate that the corridor was being cleaned or to caution visitors to the Premises that the floor along the corridor and near the staircase was wet and a slipping hazard. The area of the Premises with the wet floor was also not cordoned off.

10. Further, the ground floor corridor area was not well lit. I know that it was a dark and cloudy day because I had worn slippers and taken my umbrella with me when I left my house, in anticipation that there might be a storm later. There were either no lights installed along the ground floor corridor or the lights were not switched on. It would have been difficult to see any wet patches on the floor or signages (if there were any) given the poor lighting.

11. Following the fall, I experienced acute pain in my right ankle and foot and was unable to make it up the steps to the school hall on the second floor. I had to call my husband to come over to the Premises to send the children and I home.

LOSS AND DAMAGE SUSTAINED AS A RESULT OF THE ACCIDENT

12. As the swelling and pain in my right ankle did not subside, I went to the Orthopaedic Surgery clinic at the Singapore Great Hospital (“**SGH**”) on 7 August 2020. An x-ray was ordered which showed that I had a fracture of the right big toe, and fracture of the right distal fibula. A copy of the medical report from SGH dated 28 December 2020 is set out at Annex A of the Plaintiff’s Statement of Claim..

13. The attending doctor, Dr Kenneth Koo, placed my right leg in a cast and advised me to avoid weight on my right leg for 6 weeks to allow time for the fractures to heal. I heeded Dr Koo’s advice.

14. At the end of the 6 weeks period, after the cast was removed, I was placed on an ankle brace and advised to gradually allow weight on my right leg. I continued to experience tenderness and pain in my right ankle while walking with the ankle brace in the first few weeks. However, by the end of October 2020, I was able to walk without pain.

15. I have incurred medical expenses in respect of my treatment at SGH for the fractures in my right leg in the sum of S\$1,550.00. I am also claiming transport expenses from travelling to and from SGH for my follow-up medical appointments at S\$50 per round trip, for a total of S\$150 for 3 trips. A copy of the medical bill from SGH dated 28 December 2020 is annexed hereto and marked “DT-2”.

Affirmed by **Dawn Tan**)
on the 15th day of March 2021)
at Singapore)

Before me,

[signed]

A Commissioner for Oaths

**THIS IS THE EXHIBIT MARKED "DT-1"
REFERRED TO IN THE AFFIDAVIT OF
DAWN TAN SWORN THIS 15th DAY OF
MARCH 2021.**

BEFORE ME

[signed]

A COMMISSIONER FOR OATHS

WHATSAPP CHAT WITH TAN FAMILY

3 August 2020

Jeremy (5.00pm): Mummy, CCA end early. Are you picking us up or daddy?

Dawn Tan (5.00pm) Ok, I'll go pick you both.

Jonathan (5.01pm): Yeah mummy, CCA over already. Where are you?

Dawn Tan (5.01pm): I'm in school already, you both stay there wait for me.

I come up very fast.

Jonathan (5.02pm): Got buy any drinks for us?

Jeremy (5.03pm) Can buy Milo?

Jonathan (5.03pm) I'm so tired today!

Dawn Tan (5.03pm) Yeah, I buy drinks for you already. I'm coming up to pick you both.

**THIS IS THE EXHIBIT MARKED "DT-2"
REFERRED TO IN THE AFFIDAVIT OF
DAWN TAN SWORN THIS 15th DAY OF
MARCH 2021.**

BEFORE ME

[signed]

A COMMISSIONER FOR OATHS

SINGAPORE GREAT HOSPITAL TAX INVOICE

Patient name: Dawn Tan

Bill Ref No. 567890

Bill Date: 28 December 2020

CHARGES

<u>Services</u>	<u>Description</u>	<u>Amount</u>
Investigation	X-Ray	...
Doctors Fee	Professional fees	...
Medication	Drugs/Prescription painkillers Anti-inflammatory medication	...
Treatment Services	Cast immobilization of right leg	...
...

Total amount due: S\$1,550.00

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DAWN TAN
(NRIC No. S2345678Z)

... Plaintiff

And

ABC PRIMARY SCHOOL
(Singapore UEN No. 123456789A)

... Defendant

AFFIDAVIT OF EVIDENCE-IN-CHIEF

I, **MICHAEL LEE** (NRIC No. S6789012A), care of 1 Schooling Street Singapore 234567, do solemnly and sincerely affirm and say as follows:

1. I am the Operations Manager of the Defendant, ABC Primary School, and I am duly authorised by the Defendant to make this affidavit on its behalf.

2. Save where otherwise stated, the facts and matters deposed to herein are within my personal knowledge and are true. Where the matters deposed to herein are not within my personal knowledge, they are derived from the files and documents in the Defendant's possession, custody and power, and are true to the best of my information and belief.

INTRODUCTION

3. The Defendant is a company incorporated in Singapore and has care, control and management of ABC Primary School, situated at 1 Schooling Street Singapore 234567 ("**Premises**"). ABC Primary School provides primary education for students in Singapore.

4. The Plaintiff is the mother of two students who attend school at the Premises, Jonathan Tan and Jeremy Tan.

5. I am the Operations Manager of the Defendant and have been with the Defendant for at least 5 years. As Operations Manager, I oversee the maintenance, cleanliness, safety and security of the Premises.

BACKGROUND

6. The Defendant employs a team of seven cleaning staff in its operations department to maintain the general cleanliness of the Premises. The Defendant is invested in the training and development of its cleaning staff and had arranged for all its cleaning staff to attend the Environmental Cleaning Workforce Skills Qualifications ("**WSQ**") Course.

7. All the Defendant's cleaning staff have obtained the WSQ Certificate in Environmental Cleaning. Five of the seven have also obtained the WSQ Higher Certificate in Environmental Cleaning. Therefore, I believe that the Defendant's

cleaning staff are sufficiently trained to properly carry out the cleaning of the Premises.

8. As primary school students tend to run around the Premises during their break times and after school hours, I have previously emphasised to the cleaning staff in the operations department the importance of putting up signages when the floors of the Premises were being cleaned or were otherwise wet so as to alert students to possible slipping hazards. The signages are in a bright yellow colour and contain the words "CAUTION WET FLOOR". These signages are only removed after the floor has dried.

DEFENDANT AND/OR ITS EMPLOYEES WERE NOT NEGLIGENT

9. On 3 August 2020, at around 4.20pm, I received a Whatsapp message from a teacher at the school, Ms Faith Ng, informing me that a student was unwell, and had thrown up along the ground floor corridor of the Premises. Thereafter, I sent a message to the operations department to ask the cleaning staff to help clean up the area. I was promptly informed that this had been done. Copies of my Whatsapp messages with Ms Faith Ng and the operations department dated 3 August 2020 are annexed hereto and marked "**ML-1**".

10. At about 4.45pm, I headed over to check that the corridor area had been properly cleaned up. The floor was damp and it was plain that it had been recently cleaned. There was a strong soap scent although the smell of vomit was still

perceptible. There was also a sign placed near the benches to caution that the floor was wet.

11. I understand that the Plaintiff claims that she slipped and fell at around 5.00pm and that the ground floor corridor was not properly lit at the time.

12. I should explain that the lights installed along the ground floor corridor of the Premises are dark activated. This means that the lights switch on automatically when the surroundings become dark. Typically, these lights turn on after 6.30pm when the sun has set and there is little to no natural lighting. I therefore believe that the corridor would have been sufficiently lit, either by natural lighting or by the dark activated lights, that the Plaintiff to be aware of the condition of the floor and/or the signage warning her that the floor was wet.

13. For the reasons above, I verily believe that the Defendant and/or its employees were not negligent. And even if the Defendant and/or its employees was negligent, the Plaintiff's fall was also caused or contributed to by her own negligence in failing to be aware of the condition of the floor and/or stepping on the wet floor despite knowing that there was a risk that she would slip and fall.

Affirmed by **Michael Lee**)
on the 15th day of March 2021)
at Singapore)

Before me,
[signed]

A Commissioner for Oaths

**THIS IS THE EXHIBIT MARKED "ML-1"
REFERRED TO IN THE AFFIDAVIT OF
MICHAEL LEE SWORN THIS 15th DAY
OF MARCH 2021.**

BEFORE ME

[signed]

A COMMISSIONER FOR OATHS

WHATSAPP CHAT WITH FAITH NG

3 August 2020

- Faith Ng (4.20pm): I just saw a student throw up. He looks quite sick I will bring him to the general office and call his parents to come and pick him up.
- Faith Ng (4.21pm): But I think you need to get someone to come clean up the place.
- Michael Lee (4.23pm): I hope the student is okay? Where did he throw up? I'll get someone to go and clean up.
- Faith Ng (4.25pm): First floor, along the main corridor but there's also some at the side where the benches are. I brought the student to the general office already. Will stay with him until parents come.
- Michael Lee (4.25pm): Ok I will get someone to clean. Thanks.

WHATSAPP CHAT GROUP WITH OPERATIONS DEPARTMENT

3 August 2020

Michael Lee (4.25pm): Student vomited along main corridor in Lv1. Also got some near the benches at the side. Can someone help to clean please?

Vicky Ho (4.42pm): Ok boss, I clean already.

Michael Lee (4.43pm): Thanks Vicky.