

03/01/2018

ASS. REC. BY:

REF:

C/TP18016255/DC

Special Instruction:

Surveyor

ASSIGNMENT (Office)

From (Person): Keshavan Nair.

of Raymont Law.

Date/Time: 28/6/2018

Estimated Cost:

Bill to:

OD / TP / WS / TP RES / OD RES / EVA / INV / MV / CS

To Inspect Vehicle No:

YM 8972C

Insured:

at Workshop m/s

Tel:

of

Policy No:

Claim No:

Sum Insured:

Excess:

Make of Veh:

(Client's Record)

D.O.A. 6/11/2012

CA / REV / REP. / REV 24 HRS

H.O.D. Endorsement:

Date/Time:

Person Contacted:

Vehicle IN/OUT

Date/Time

Action/Instruction () Estimate

Invidia to TCIM

1500/27

Bryan Ang (LKKAUTO)

From: Kesavan Nair <kesavan.nair@bayfrontlaw.sg>
Sent: Thursday, 28 June 2018 5:25 PM
To: SUR
Cc: sales@lkkauto.com
Subject: ENGAGEMENT TO PROVIDE EXPERT EVIDENCE IN COURT

Dear Mr Lau,

YM 8972C

We act for Tan Chong Industrial Machinery (Pte) Ltd ("TCIM") in DC Suit Nos. 848/2014 and 3273/2015 (the "DC Actions").

Briefly, the DC Actions were brought by the injured pedestrian and the next of kin of the deceased pedestrian (the "**Plaintiffs**") against (1) Sun Xin Jian (the "**Driver**") and (2) Havi Logistics (Singapore) Pte Ltd (the Driver's employers) (the "**Defendants**") in which the Plaintiffs are claiming for damages as a result of a road traffic accident that took place at Clementi Avenue 6 and Clementi Loop on 6 November 2012 ("**Accident**"). The Driver was driving motor lorry YM 8972C on 6 November 2012 when he collided into 3 pedestrians who were crossing the road. The injured pedestrian had her right leg ran over and one of the pedestrians died at the scene.

TCIM was the workshop that carried out servicing and maintenance on the Vehicle, including a diagnostic brake test on the brakes. The Vehicle was last serviced by TCIM on 5 November 2012, one day before the Accident.

The Defendants' defence, amongst other things, is that the Vehicle's brakes were ineffective at the material time and that TCIM was negligent in failing to ensure the roadworthiness of the Vehicle. The Driver claims that he applied the brakes when the traffic lights turned amber but he could not stop the Vehicle.

The Driver and the Driver's employers have joined TCIM as a Third Party in the DC Actions, seeking an indemnity or contribution of liability on the ground that the Accident was caused by the Third Party's negligent servicing of the Vehicle.

After the Accident, a post-Accident inspection of the Vehicle was conducted and Mr. Tan Jiat Shee, previously of STA, had prepared a Mechanical Inspection and Assessment of Accident Vehicle Report on 20 November 2012 and a clarification report dated 23 January 2014 for the Traffic Police Department.

The Driver was subsequently charged in Court for causing the death of the Deceased pedestrian and causing grievous hurt to the other pedestrian by driving rashly at an unsafe speed and with inefficient brakes such as to endanger human life. The Criminal Trial was heard over 11 days before District Judge Ms Kamala Ponnampalam in Court 27. Mr. Tan gave evidence on behalf of the Prosecution on 2 September 2014 in his capacity as Senior Automotive Engineer with STA Inspection. The reports were produced in Court in the course of the criminal trial. The Defendants engaged Mr Kelvin Koay of Koays Consulting Pte Ltd who also inspected the Vehicle and testified at the criminal trial.

TCIM would like to seek your assistance to give expert evidence on their behalf in the DC Actions. We would require you to affirm Mr. Tan's evidence and rebut the evidence of the Defendants' expert, Mr Kelvin Koay, in an Affidavit of Evidence-in-Chief. We would also require your attendance in Court for the liability trial.

Please let us know if you are able to take on the matter on behalf of TCIM and if so, to provide us with an your estimate of fees for this engagement so that we may inform TCIM. Kindly also let us know your availability for a meeting with us and TCIM to discuss the above in greater detail.

Please feel free to let us know if you require any information or clarification on the above.

Regards,

Cannot be more than 1/4 of tried.

Kesavan Nair
Director

Notary Public / Commissioner For Oaths

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*tyre uneven. TCIM may have released the
tyre track with the tyre condition as seen. after
the accident.*

If tyre condition like that will ~~that~~ ^{that} brake?

No - ?? ~~efficiency~~ efficiency?? - long distance??
by Mike *Yes.*