

Veron Chen (LKKAUTO)

From: Karen Tan <karentan@msfirstcapital.com.sg>
Sent: Thursday, 28 November 2019 2:40 PM
To: SUR; Bryan Ang (LKKAUTO)
Cc: Ip, Wai Sze; Kaur, Sharanjit
Subject: RE: Clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID245766]

Dear Bryan,

We refer to email trials below.

Kindly confirm whether you have replied to our solicitor's email dated 09.10.2019 on the re-inspection.

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C

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From: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Sent: Thursday, November 21, 2019 1:56 PM

To: Karen Tan <karentan@msfirstcapital.com.sg>; LKK Auto Consultants Pte Ltd (sur@lkkauto.com) <sur@lkkauto.com>

Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>; Bryan Ang (bryanang@lkkauto.com) <bryanang@lkkauto.com>

Subject: RE: Clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID245766]

Dear All

Please reply soonest as there is CDR on 28 November 2019.

Regards

Sharanjit KAUR

Partner

Family

t +65 6238 3373 f +65 6534 4892

e sharanjitkaur@witherskhattarwong.com

withersworldwide.com | [my profile](#) | [#ModernFamilies](#)

Secretary: Preethi Rupika Mendis t +65 6238 3353



From: Karen Tan [<mailto:karentan@msfirstcapital.com.sg>]
Sent: 25 October 2019 10:43
To: LKK Auto Consultants Pte Ltd (sur@lkkauto.com) <sur@lkkauto.com>
Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>; Bryan Ang (bryanang@lkkauto.com) <bryanang@lkkauto.com>; Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>
Subject: Clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

CAUTION: This email originated from an external source.

Dear LKK,

We refer to our email dated 09.10.2019.

Kindly let us hear from you soonest.

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C

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From: Karen Tan
Sent: Wednesday, October 9, 2019 3:41 PM
To: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>; LKK Auto Consultants Pte Ltd (sur@lkkauto.com) <sur@lkkauto.com>
Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>; Bryan Ang (bryanang@lkkauto.com) <bryanang@lkkauto.com>
Subject: RE: clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

Re-send as omitted to include our surveyor.

Dear LKK,

Please refer to our email below. Kindly revert soonest.

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C

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From: Karen Tan

Sent: Wednesday, October 9, 2019 3:39 PM

To: 'Kaur, Sharanjit' <sharanjitkaur@witherskhattarwong.com>

Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>

Subject: RE: clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

Dear Sharanjit,

Please refer to our email dated 09 Oct.2019. We were only notified of the claim when we received their LOD dated 29 Aug 2018.

Dear LKK,

Kindly confirm when was the survey done for FBK3958K and why was there a delay?

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C

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From: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>
Sent: Wednesday, October 9, 2019 3:21 PM
To: Karen Tan <karentan@msfirstcapital.com.sg>
Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>
Subject: RE: clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

Dear Karen

Did you inform them that LKK will do the RI and did LKK do it ? They seem to say this was all not done.

Further, the breach of NIMA protocol for pre repair survey goes towards the issue of costs if at all. That is the correct position.

When is the first time you were notified of the accident and the potential claim ?

Regards

Sharanjit KAUR

Partner

Litigation

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withersworldwide.com | [my profile](#)

Secretary: Preethi Rupika Mendis t +65 6238 3353

Withers KhattarWong LLP

80 Raffles Place, #25-01 UOB Plaza 1, Singapore 048624



From: Karen Tan [<mailto:karentan@msfirstcapital.com.sg>]
Sent: 09 October 2019 15:06
To: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>
Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>
Subject: RE: clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

CAUTION: This email originated from an external source.

Dear Sharanjit,

Under the protocol, PRI has to been arranged within 2 working days from the **Date of Accident**. Anything can happen to the subject vehicle over the 2 yrs.

Attached the correspondence emails from 18 June 2018 and the assignment of LKK on 24 June 2019 for your view.

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C

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From: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Sent: Wednesday, October 9, 2019 1:46 PM

To: Karen Tan <karentan@msfirstcapital.com.sg>

Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>

Subject: clarification on RI - FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

Dear Karen,

The Plaintiff's letter of demand did comply with paragraph 2.2 of the NIMA protocol as they had asked you to let them know if you wish to inspect the motorcycle within 14 days from the date of the letter. Hence there was no breach of the NIMA protocol.

In the circumstances, we can resist the storage charges that the Plaintiff is claiming from 21 November 2016 to 17 August 2018, but you would be liable to compensate the Plaintiff for his storage costs from the date of the letter of demand (29 August 2018) to the date the inspection was done, if we can show that the Plaintiff's solicitors were informed that you had assigned LKK to conduct the PRI on 24 June 2019 and they did conduct the said re inspection.

Please let us have a copy of your **correspondence with the Plaintiff's solicitors from 18 June 2019 onwards** to confirm that the Plaintiff's solicitors had been informed that you had assigned LKK to conduct the PRI on 24 June 2019 and the RI was carried out accordingly. Otherwise, if they were not informed, then you would be liable to compensate the Plaintiff for his storage costs from the date of the letter of demand to the date the motorcycle is scrapped.

Regards,

Sharanjit KAUR

Partner

Litigation

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e sharanjitkaur@witherskhattarwong.com

withersworldwide.com | [my profile](#)

Secretary: Preethi Rupika Mendis t +65 6238 3353

Withers KhattarWong LLP

80 Raffles Place, #25-01 UOB Plaza 1, Singapore 048624



From: Karen Tan [<mailto:karentan@msfirstcapital.com.sg>]

Sent: 09 October 2019 10:45

To: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>

Subject: VERY URGENT [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

CAUTION: This email originated from an external source.

Dear Sharanjit,

They can proceed with the necessary.

We do not know how the storage charges come about.

The accident occurred on **14 Nov 2016** however third party did not request for PRI at the material time until we received their LOD dated **29 Aug 2018** after a lapse of 2+ years. This is already a breach in the NIMA Protocol timeline.

As negotiation failed, third party has requested to conduct the PRI on 18 June 2019. We assigned LKK to conduct the PRI on 24 June 2019.

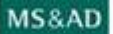
Please resist this head of the claim.

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C

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From: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Sent: Wednesday, October 9, 2019 10:08 AM

To: Karen Tan <karentan@msfirstcapital.com.sg>

Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>

Subject: RE: VERY URGENT [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

Dear Karen,

Thank You. Does this mean that they can proceed to scrap the vehicle.

Also can you clarify on the storage charges incurred all this while.

Regards

Sharanjit KAUR

Partner

Litigation

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e sharanjitkaur@witherskhattarwong.com
withersworldwide.com | [my profile](#)

Secretary: Preethi Rupika Mendis t +65 6238 3353

Withers KhattarWong LLP
80 Raffles Place, #25-01 UOB Plaza 1, Singapore 048624



From: Karen Tan [<mailto:karentan@msfirstcapital.com.sg>]
Sent: 09 October 2019 10:00
To: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>
Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>
Subject: RE: VERY URGENT [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

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Dear Sharanjit,

LKK had already done the survey and is currently preparing the report.

We will forward the report to you once available.

Best Regards,

Karen Tan

Motor Claims Dept.
MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C
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From: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>
Sent: Tuesday, October 8, 2019 12:50 PM
To: Karen Tan <karentan@msfirstcapital.com.sg>
Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>; Henry Kao <HenryKao@msfirstcapital.com.sg>
Subject: VERY URGENT [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]
Importance: High

Dear Karen

Please revert urgently as the Plaintiff will proceed to scrap the motor bike by 11.10.19.

Regards

Sharanjit KAUR

Partner

Litigation

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Secretary: Preethi Rupika Mendis t +65 6238 3353

Withers KhattarWong LLP

80 Raffles Place, #25-01 UOB Plaza 1, Singapore 048624



From: Karen Tan [<mailto:karentan@msfirstcapital.com.sg>]

Sent: 03 October 2019 15:34

To: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>; Henry Kao <HenryKao@msfirstcapital.com.sg>

Subject: RE: [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

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Dear Sharanjit,

We refer to your email below.

We are seeking clarifications with LKK and shall revert soonest.

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No.

: 6507 3849 | Company Regn. No. 195000106C

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From: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Sent: Thursday, October 3, 2019 11:52 AM

To: Henry Kao <HenryKao@msfirstcapital.com.sg>

Cc: Ip, Wai Sze <ipwaisze@witherskhattarwong.com>; Karen Tan <karentan@msfirstcapital.com.sg>

Subject: RE: [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

Dear Henry

We refer to the above matter.

Please see attached a fax from the Plaintiff's solicitors.

Please revert if LKK had done the RI ? The Plaintiff is attributing the delay and costs of storage to your side as you all did not revert to them . Is this accurate ? If so you the Court will surely have you pay for the storage charges to date.

We will at our end proceed to get LKK on board if they have not done any report. Please clarify and revert soonest.

Regards

Sharanjit KAUR

Partner
Litigation

t +65 6238 3373 f +65 6534 4892

e sharanjitkaur@witherskhattarwong.com

withersworldwide.com | [my profile](#)

Secretary: Preethi Rupika Mendis t +65 6238 3353

Withers KhattarWong LLP
80 Raffles Place, #25-01 UOB Plaza 1, Singapore 048624



From: Henry Kao [<mailto:HenryKao@msfirstcapital.com.sg>]

Sent: 30 September 2019 14:24

To: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Cc: Nair, Janani <janani.nair@witherskhattarwong.com>; Karen Tan <karentan@msfirstcapital.com.sg>

Subject: RE: [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

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Hi Sharanjit,

Your Ref: SHK/KW00190.0747/prr(FC)

Our Ref: D16011504/CTPL/KT - TPD1&TPI2

D C SUIT NO 254 OF 2019

ACCIDENT INVOLVING SHC 1056Y & FBK 3958K ON 14/11/2016

PROPERTY DAMAGE AND BODILY INJURY CLAIM FOR RIDER OF FBK 3958K – MOHAMED SAHARUDDIN BIN GANI

We refer to the above matter and your preceding email dated 30/08/2019.

Please proceed with the appointment of surveyor. You can refer the matter to one of the surveyor below

LKK – admin-d@lkkauto.com

Vicom - smcoordinator@vac.com.sg

Best Regards

Henry Kao
Motor Claim Department

MS First Capital Insurance Ltd | 36 Robinson Road, City House #16-01 Singapore 068877 | Tel: 6507 3848 | DID : 6507 3584 | Fax No. : 6507 3849 | Email: henrykao@msfirstcapital.com.sg | Company Regn. No. 195000106C
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From: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Sent: Friday, August 30, 2019 5:00 PM

To: Henry Kao <HenryKao@msfirstcapital.com.sg>

Cc: Nair, Janani <janani.nair@witherskhattarwong.com>

Subject: [Opinion & Mandate] FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016 [W-KW.FID240693]

Dear Henry,

We refer to the above captioned matter.

With the documents in our possession, we render herewith our preliminary views on the issues of liability and quantum.

Facts

The Plaintiff's claim arose out of a road traffic accident that occurred on the 14th of November 2016 at about 9.55pm along Tampines Avenue 5 between motor-cycle no. FBK3958K driven by the Plaintiff, (the "Plaintiff's motor-vehicle") and motor-vehicle no. SHC1056Y driven by the Defendant/your insured driver ("your insured's motor-vehicle").

The Plaintiff's version of events

The Plaintiff's Police report states that he was riding along Tampines Avenue 5 towards the junction of Avenue 8. The traffic light was green in his favour and the Plaintiff was travelling on the left lane. As the Plaintiff approached the aforementioned junction, he noticed that there was a white vehicle followed by your insured's vehicle on the right side of the road intending to turn right. The Plaintiff fluttered his lights on high beam as a signal to the drivers of both vehicles. Your insured noticed the signal and stopped in the yellow bow. However, as the Plaintiff was crossing through the junction, your insured proceeded to complete the right turn and collided into the Plaintiff's motor-cycle the impact of which caused the Plaintiff to be flung off his motor-cycle.

Your insured's version of events

Your insured's police report states that he was turning into Tampines Avenue 8 from Tampines Avenue 5 and as your insured was about to complete the right turn, the Plaintiff's motor-cycle, which was travelling at a very high speed, collided into the front portion of your insured's vehicle.

We tried contacting your insured for an interview regarding his version of the accident but were not able to get through to him.

Police Investigation Results

We have been furnished with a letter from the Traffic Police indicating that action has been taken against your insured for Reckless/Dangerous driving.

Damage Pattern

Plaintiff's motor-cycle: severe damage to front and side portion of motor-cycle;

Your insured's motor-taxi: severe damage to the front portion, front hood crumpled in and unable to close, front bumper cracked and falling off.

Video recording

We have been furnished with a copy of your insured's video footage of the accident and our observations regarding the same are as follows:

- Between 0.00 to 0.01 seconds: Your insured's motor-taxi is behind another vehicle and the said vehicle is proceeding to make the right turn into Avenue 8. Your insured's vehicle appears to be travelling relatively fast;
- Between 0.02 to 0.03 seconds: Your insured's motor-taxi proceeds to make the right turn into Avenue 8, the vehicle in front of your insured's vehicle is almost completing the right turn into Avenue. At this juncture there is also a vehicle approaching from the opposite direction with its lights on high beam – which is the Plaintiff's motor-cycle ;
- Between 0.04 to 0.05 seconds: As your insured proceeds to complete the right turn into Avenue 8, the Plaintiff's motor-cycle is travelling straight and the collision between both vehicles take place. The Plaintiff's motor-cycle appears to be travelling at a relatively high speed as well. It is also noted that the front portion of your insured's vehicle collides into the right side portion of the Plaintiff's motor-cycle when the collision takes place;

Our preliminary views on liability

Based on the video footage captured by your insured's in-car camera, we note that as your insured's vehicle moved forward to make the right turn, your insured had not actually stopped to check for oncoming vehicles from the opposite direction before he proceeded to make the right turn. Instead, the video footage depicts your insured proceeding forward to make the right turn into Tampines Avenue 8 immediately after the vehicle in front made the right turn.

Furthermore, as your insured is proceeding forward to make the right turn, the Plaintiff's motor-cycle can be seen approaching from the opposite direction.

We also note that traffic police action was taken against your insured wherein for Reckless/Dangerous driving. As we were not able to interview your insured, we do not have further details of the traffic police action but this appears to be the punishment for an offence under Section 64 of the Road Traffic Act for reckless or dangerous driving. This is a rather serious offence as the same could also lead to a fine not exceeding S\$5,000 or even imprisonment not exceeding a sentence of 12 months for a first time conviction.

In light of the above, the Court is highly likely to find your insured **100%** liable for the accident.

We shall however submit against the Plaintiff for driving at an excessive speed and failing to stop in time, and try to get a contribution in the region of **10%** from him towards liability. This is however subject to any statement of facts or charge which your insured may have agreed to when your insured was faced with the charge.

Our preliminary views on quantum

The Plaintiff has quantified his claim as follows:-

General Damages

1. Pain and Suffering	<u>S\$30,000</u>
a) Fracture of left ankle with internal fixation	S\$25,000
b) Lacerations left ankle	S\$1,500
c) Lacerations of right ankle	S\$1,500
d) Scars on left and right ankle	S\$2,000
2. Future Medical Expense	S\$6,000

Special Damages

2. Medical Expenses	S\$18,982.87
3. Transport Expense	S\$ 576.57
4. Loss of Use	S\$45,622.50
5. Towing, storage and surveyor fee	S\$19,630.00
<u>TOTAL</u>	<u>S\$120,811.94</u>

Pain and Suffering

The Plaintiff is relying on the following medical reports in support of his claim:

- (a) Medical Report dated 17th July 2018 by Dr. Mehta of Changi General Hospital ("Dr. Mehta's report"); and
- (b) Medical Report dated 11th December 2017 by Dr. Kon of Changi General Hospital ("Dr. Kon's report")

The Plaintiff is claiming the sum of S\$30,000 for his injuries, namely, fracture of the left ankle, lacerations of the left ankle, lacerations of the right ankle and scars on the left and right ankle.

Fracture of Left Ankle

The Plaintiff is claiming the sum of S\$25,000 for his left ankle fracture.

Dr. Kon's report states that the Plaintiff had sustained a left ankle fracture when he was seen on the 14th of November 2016 and was admitted as an inpatient until 19th of November 2016. The Plaintiff underwent left ankle open reduction and internal fixation on the 15th of November 2016. He subsequently underwent a left ankle revision fixation and insertion of syndesmotic screw on the 23rd of November 2016. Finally, he underwent remove of the syndesmotic screw on the 13th of January 2017. The Plaintiff was in the specialist clinic on the 13th of December 2016 wherein he was noted to have progressed well from his injuries. He was seen again on the 28th of March 2017 wherein he was noted have good range of motion of his ankle and was able to ambulate without any walking aids. The Plaintiff defaulted his subsequent follow up appointment.

Dr. Mehta's report pertains to the Plaintiff's visit on the 17th of April 2018. The Plaintiff is required to wear safety boots as part of his occupation in the oil and gas industry. He experiences left ankle discomfort and feels stiffness in his ankle in the morning. He also experiences cramping pain in cold weather. Then Plaintiff is unable to jump and pray on the floor as he has difficulty in plantar flexing his ankle. The Plaintiff also feels lateral fibula implants are prominent under the skin. On examination, the range of motion of the Plaintiff's ankle was 5 degrees dorsiflexion and 25 degrees of plantar flexion. X-rays on the 7th of March 2017 showed that the Plaintiff's fracture had united and implants were in place. The Plaintiff has an option of removal of implants.

The Plaintiff suffered a fracture of his left ankle for which was he was treated surgically with a left ankle open reduction and internal fixation. The said fracture was noted to have healed and the Plaintiff was able to ambulate independently within 6 months of sustaining the fracture. The medical reports are silent as to whether the fracture led to any possibility of osteoarthritis as well. However, we do note during the Plaintiff's last visit with Dr. Mehta, he was noted to have some residual disabilities arising from the injury. The normal range of motion for the plantar flexion and dorsi flexion is in the region of 0 to 50 degrees and 0 to 20 degrees respectively. From the medical reports, we note that the Plaintiff's range of motion of the Plaintiff's ankle was 5 degrees dorsiflexion and 25 degrees of plantar flexion which is a significant difference.

As such, we advise offering a sum in the region of **S\$15,000 to S\$18,000** for the Plaintiff's left ankle fracture.

Lacerations on left and right ankle

The Plaintiff is claiming the total sum of S\$3,000 for lacerations on his left and right ankle.

Dr. Kon's report states that the Plaintiff sustained a laceration to his right ankle and underwent debridement and closure of the right ankle laceration as well as left ankle laceration debridement and closure on the 15th of November 2016. When he was seen on the 13th of December 2016, the Plaintiff's wounds were noted to have healed.

We advise offering a sum in the region of **S\$1,500 to S\$2,500** for the lacerations.

Scars

The Plaintiff is claiming the sum of S\$2,000 for scars on his right and left ankle.

Dr Mehta's report states that the Plaintiff's surgical scars were noted to have healed during his review on the 17th of April 2018.

We advise offering a sum in the region of **S\$1,000** for the Plaintiff's scars.

In summary, we advise offering as follows for the Plaintiff's claim for pain and suffering:

- Left Ankle Fracture - S\$15,000 to S\$18,000
- Lacerations to left and right ankle - S\$1,500 to S\$2,500
- Scars- S\$1,000
- Total **S\$17,500 to S\$21,500**

Based on the above, we would advise you to offer a sum in the region of **S\$17,500 to S\$21,500** for the Plaintiff's claim for pain and suffering.

Future Medical Expenses

The Plaintiff is claiming the sum of S\$6,000 for future medical expenses for the removal of internal fixation from the left ankle.

Dr. Mehta's report stated that the X-rays on the 7th of March 2017 showed that the Plaintiff's fracture had united and implants were in place. The Plaintiff has an option of removal of implants.

B1 rates for the removal of implants are usually in the range of S\$4,000 to S\$6,000.

As such we advise offering a sum in the region of **S\$4,000 to S\$6,000** to the Plaintiff for future medical expense.

Medical Expenses

The Plaintiff is claiming the sum of S\$18,982.87 for medical expenses.

We have in our possession the following medical invoices from Changi Hospital in support of the Plaintiff's claim for medical expenses incurred:

<u>S/No.</u>	<u>Medical invoice</u>	<u>Amount (S\$)</u>
1.	Medical Invoice dated 28 th January 2017 from Changi General Hospital	2,392.00
2.	Medical Invoice dated 30 th November 2016 from Changi General Hospital	101.12
3.	Medical Invoice dated 13 th December 2016 from Changi General Hospital	9.60
4.	Medical Invoice dated 26 th November 2016 from Changi General Hospital	6,911.82
5.	Medical Invoice dated 19 th November 2016 from Changi General Hospital	8,200.36
6.	Medical Invoice dated 12 th December 2016 from Changi General Hospital	10.80
7.	Medical Invoice dated 21 st December 2016 from Changi General Hospital	763.98
8.	Medical Invoice dated 10 th January 2017 from Changi General Hospital	156.24
9.	Medical Invoice dated 31 st January 2017 from Changi General Hospital	147.47
10.	Medical Invoice dated 31 st January 2017 from Changi General Hospital	62.06
11.	Medical Invoice dated 21 st February 2017 from Changi General Hospital	177.60
12.	Medical Invoice dated 21 st February 2017 from Changi General Hospital	28.90
<u>TOTAL</u>		<u>18,961.95</u>

Based on the above, we would advise you to offer the Plaintiff the sum of **S\$18,961.95** for medical expenses incurred.

Total Loss

The Plaintiff is claiming the sum of S\$45,622.50 for the loss of use for his motor-cycle.

We have in our possession the Plaintiff's surveyor's report which states that due to the damages sustained, it was not economical to repair the damaged vehicle and the same was to be treated as a total loss.

The market value of the vehicle pre-accident was calculated to be in the sum of S\$45,622.50. The COE rebate of the vehicle was in the sum of S\$5,206.00. Thus the net value of the motor-cycle was calculated to be at S\$40,416.50 (pre-accident market value less COE rebate).

In the case of destruction based on the insurer's declaration of total loss and since there was no issue over costs of repair as there was in fact no repairs undertaken, then the proper measure of loss is the market value of the destroyed car as at the date of its destruction. We do not have this value as the value stated by the Plaintiff's surveyor above is that based on the vehicle's pre-accident value.

Regardless, we note that this is a significantly huge sum that the Plaintiff is claiming and no independent survey of the damages to the Plaintiff's motor-cycle was carried out by your appointed surveyors. As such, we advise that you appoint surveyors to carry out the resurvey and also advise on whether it was indeed not economical for the said vehicle to be repaired and also to furnish us with a net value report based.

We have also written to the Plaintiff's solicitors requesting for the Plaintiff's insurer's valuation of the motor-cycle as well as for any scrap value that the Plaintiff may have received.

Upon receipt of your appointed surveyor's net value report of the Plaintiff's motor-cycle as well as the information sought from the Plaintiff's solicitors, we shall advise you further regarding the Plaintiff's claim for total loss of use.

Pending the above, we advise setting aside a sum in the region of **S\$40,416.50** as reserves for total loss of use.

Towing and Storage and Surveyor Fees

The Plaintiff is claiming the sum of S\$19,630 being towing and storage fees.

We have been furnished with a tax invoice from RS Bike Centre dated 17th August 2018 indicating the aforementioned sum wherein the Plaintiff is charged S\$80.00 for towing fees, S\$19,050.00 for storage fees at S\$30 per day for 635 days and S\$500.00 for surveyor fees.

We are of the view that the towing fees and the surveyor fees can be paid out to the Plaintiff.

However, we are of the view that the storage fees should be resisted as there does not appear to be a basis to the said claim. The Plaintiff's surveyor's report dated 7th July 2017 states that it would not be economical to repair the vehicle.

We are writing to the Plaintiff's solicitors requesting for the basis of the Plaintiff's claim for storage expenses.

Pending further documents and/or information from the Plaintiff's solicitors, we advise offering the Plaintiff the sum of **S\$580.00** for towing and storage fees and setting aside the sum of **S\$19,050** as reserves.

Transport Expenses

The Plaintiff is claiming the sum of S\$576.57 being the Plaintiff's transport expenses from 2nd December 2016 to 25th March 2017.

The Plaintiff was a claimant whose mode of travelling/transport prior to the accident was likely to have been by motor-cycle. As his motor-cycle was significantly damaged, he should have rented a replacement vehicle and made his claim in accordance with the same. However, it is likely that the Plaintiff was not able to ride his motor-cycle let alone a replacement vehicle due to the injury sustained from the accident which was a left ankle fracture. As such, purely for purposes of settlement, we are of the view that the Plaintiff can be offered transport expenses for the period that he was not able to ambulate independently.

We have been furnished with the Plaintiff's receipts from Grab from 2nd December 2016 to 25th March 2017. These receipts include personal trips.

By the 31st of December 2016, the medical reports had opined that the Plaintiff was able to ambulate independently and his fracture had healed.

As such, we are of the view that the Plaintiff should only be reimbursed for transport expenses incurred up till 31st December 2016.

The same amounts to S\$144.00.

Additionally, we note that the Plaintiff has also made 8 trips to the hospital/clinic. We advise offering S\$20 per trip.

As such, we would advise you to offer the Plaintiff the sum of **S\$304** for the Plaintiff's transport expense.

In summary, we set out our quantification of damages on a 100% basis as follows:-

CLAIMS	PLAINTIFF'S QUANTIFICATION (S\$)	OUR QUANTIFICATION (S\$)	COMMENTS (S\$)
Pain & Suffering	<u>30,000</u>	<u>17,500 to 21,500</u>	
a) Left Ankle Fracture	25,000	15,000 to 18,000	
b) Lacerations	3,000	1,500 to 2,5000	
c) Scars	2,000	1,000	
Future Medical Expenses	6,000	4,000 to 6,000	
TOTAL GENERAL DAMAGES	36,000	21,500 to 27,500	
Medical Expenses	18,982.87	18,961.95	
Loss of Use	45,622.50	Subject to Proof (set aside 40,416.50 as reserves)	
Towing, Storage and Survey Fees	19,630.00	580 (set aside 19,050 as reserves)	
Transport Expenses	576.57	304	
TOTAL SPECIAL DAMAGES	84,811.94	19,845.95	
TOTAL DAMAGES	120,811.94	41,345.95 to 47,345.95	

We shall take the Court's indication and update you thereafter.

In the meanwhile, please let us have your mandate to appoint a surveyor to assess the damages to the Plaintiff's motor-cycle and let us have a list of your proposed surveyors as well.

Thank you.

Sharanjit KAUR

Partner

Litigation

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Withers KhattarWong LLP

80 Raffles Place, #25-01 UOB Plaza 1, Singapore 048624

From: Mendis, Preethi Rupika
Sent: 19 July 2019 16:56
To: 'Karen Tan' <karentan@msfirstcapital.com.sg>
Cc: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>; Nair, Janani <janani.nair@witherskhattarwong.com>
Subject: FC ref : D16/11504/TPD&TPI/KT - KW ref : SHK/KW00190.0747/prr (FC) - DC SUIT NO. 254 OF 2019 - ACC INV FBK3958K & SHC1056Y on 14.11.2016

Dear Karen

We refer to the above matter, wherein our file reference is SHK/KW00190.0747/prr (FC).

We have entered MOA as instructed and shall render you our opinion on the matter in due course.

Regards

Sharanjit KAUR

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From: Mendis, Preethi Rupika
Sent: 12 July 2019 17:25
To: 'Karen Tan' <karentan@msfirstcapital.com.sg>
Cc: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>
Subject: RE: (URGENT) WRIT OF SUMMON - ACC INVOLVING FBK3958K AND SHC1056Y D.O.A. 14/11/2016 (YR REF: TBA (NEW MATTER) MSFCI RFEF: D16/11504/TPD&TPI/KT)

Dear Karen

Thank you for your instructions.

We have spoken to the Plaintiff's solicitors and they confirm the Writ was served on the Defendant (your insured) today.

As such, once our conflict searches have cleared, we shall enter MOA accordingly.

Regards

Preethi Rupika Mendis

Secretary

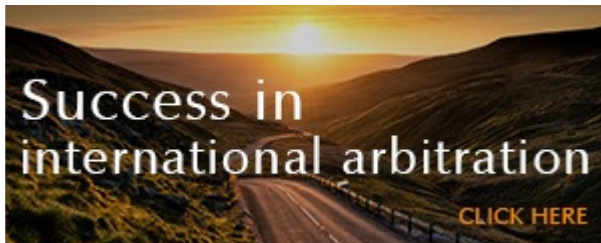
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From: Karen Tan [<mailto:karentan@msfirstcapital.com.sg>]

Sent: 12 July 2019 17:04

To: Kaur, Sharanjit <sharanjitkaur@witherskhattarwong.com>

Cc: Mendis, Preethi Rupika <preethi@witherskhattarwong.com>

Subject: (URGENT) WRIT OF SUMMON - ACC INVOLVING FBK3958K AND SHC1056Y D.O.A. 14/11/2016 (YR REF: TBA (NEW MATTER) MSFCI RFEF: D16/11504/TPD&TPI/KT)

Importance: High

YOUR REF: TBA (NEW MATTER)

OUR REF: D16/11504/TPD&TPI/KT

Dear Sharanjit,

We have received the Writ in respect of the captioned matter.

Please find enclosed the following documents for your perusal:

- a) Writ of Summons
- b) Both parties SAS Report with photographs
- c) Letter of Demand with supporting documents
- d) Police Investigation Result
- e) Video clip of SHC1056Y

Kindly assist to file MOA and take over conduct of the matter.

Best Regards,

Karen Tan

Motor Claims Dept.

MS First Capital Insurance Ltd | 36 Robinson Road #16-01 City House Singapore 068877 | DID : 6507 3582 | Fax No. : 6507 3849 | Company Regn. No. 195000106C

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