



[2022] JMSC Civ 156

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE CIVIL DIVISION

CLAIM NO. SU2021CV05409

BETWEEN	NALIKIA PALMER	CLAIMANT
AND	THE UNIVERSITY HOSPITAL BOARD OF MANAGEMENT	DEFENDANT
AND	THE REGISTRAR GENERAL	INTERESTED PARTY

IN CHAMBERS

Mr. Patrick Peterkin instructed by PeterMc & Associates for the Claimant

Mr. Christopher Kelman instructed by Myers Fletcher & Gordon for the Defendant

Ms. Claudette Wright as representative for the Interested Party

Heard: June 20, 27, August 8 and 31, 2022

Registration (Births and Deaths) Act – sections 32 and 35 – Cause of death unknown – Deceased inadvertently embalmed – Absence of post-mortem examination report – Issuing a burial order – Issue of a certificate of death.

M. JACKSON, J (Ag.)

[1] The circumstances that gave rise to this matter being placed before the court is extremely unfortunate. This court hopes that this will never recur, and if it does, it is expected that the process would be handled in such a manner that it would

afford much respect and dignity to the parties involved, especially the bereaved family.

[2] This claim was brought by the Claimant, Nalikia Palmer, against the University Board of Management to have the body of her father, Daniel Palmer (“Mr. Palmer” or “the deceased”), released by the University Hospital of the West Indies (“UHWI”) as well as for the Registrar General’s Department (“the RGD”) to issue a burial order in keeping with section 32 of the Registration (Births and Deaths) Act (“the **RBDA**”).

[3] The orders sought by the Claimant were condensed as follows:

- “1. That Nalikia Palmer be appointed Administrator Ad litem in the Estate of Daniel Palmer.
2. That the Defendant has no legal basis to refuse to release to the Claimant, the body of her father, Daniel Palmer, who died at the facility on December 4, 2020.
3. An order that the body of Daniel Palmer be released to the Claimant.
4. That the Registrar General be ordered to permit the Claimant to bury the deceased.”

[4] The grounds relied on by the Claimant in support of the Claim are:

- “1. That the court has jurisdiction to grant the Orders sought pursuant to Rules 21.4(a) and 21.2(2) (c) of the Civil Procedure Rules, 2002 and the Court’s overriding objectives.
2. That the deceased, Daniel Palmer, died intestate on the 4th day of December, 2020, at the Defendant’s facility.
3. That since the death of the deceased, no one has applied for Letters of Administration in his estate, and thus, there is currently no personal representative of his estate.
4. That since the death of the deceased, his body has not been released by the Defendant to the family of the deceased, who is desirous of burying him and therefore, this action is necessary to have standing in the court to bring an action against the Defendant.

5. That the deceased has died since the 4th day of December 2020, and the Applicant is unable to get his remains to bury same.
6. That the University Hospital of the West Indies, which is the Hospital where the deceased died, refuses to sign the necessary documents for the applicant to receive the burial order from the Registrar General's Department.
7. The inherent jurisdiction of the Court."

[5] In so far as the facts are concerned, I will focus only on those that are directly relevant to the decision of the court.

THE FACTUAL BACKGROUND GIVING RISE TO THE CLAIM

[6] On November 23, 2020, during the height of the global coronavirus pandemic, Mr. Palmer was admitted to the UHWI for illness associated with the common lifestyle disease, diabetes. At the material time, he was 77 years old, and even though his condition was unrelated to the coronavirus, he became an indirect victim of its consequences.

[7] On December 4, 2020, less than two weeks after being admitted, Mr. Palmer underwent an emergency operation at the UHWI and died the same day, approximately thirteen (13) hours later. His body was moved to the UHWI's morgue, located on its compound, for a post-mortem examination.

[8] On December 10, 2020, six days later, the body of Mr. Palmer was inadvertently handed over by the UHWI's morgue attendant to the Roman's Funeral Home after the body was mistaken for that of another which was scheduled to be embalmed. I shall refer to the body of this other person as "the other deceased".

[9] In an affidavit filed on July 26, 2022, upon the direction of this court, Dr. Peter Glegg exhibited a letter from the Roman's Funeral Home, which provided a detailed account of the circumstances which gave rise to that unfortunate occurrence. The Funeral Home outlined the circumstances as follows:

“On December 8, 2020, Romans Funeral Home Limited was contacted by [Person A], a significant other of [the other deceased], who died of Covid Complications at the University Hospital of the West Indies on December, 4, 2020.

On December 10, 2020, a team from Roman’s Funeral Home Ltd attended the Morgue at the University Hospital of the West Indies to collect [the other deceased]. A body identified as [the other deceased] was received by the agents of the Roman’s Funeral Home Ltd.

On December 11, 2020, [the other deceased] was embalmed in keeping with professional sanitization and preparation for funeral purposes. On December 15, 2020, after completion of an ID process with the relatives of [the other deceased], it was discovered that the body alleged to be [the other deceased], was, in fact, not the body of [the other deceased].

Roman’s Funeral Home immediately contacted the Morgue Supervisor at the University Hospital of the West Indies and advised that an error had taken place in the delivery of [the other deceased’s] body. Upon investigation, it was confirmed by the Morgue Supervisor that the University Hospital of the West Indies Morgue had inadvertently delivered the body of the late Daniel Palmer instead and requested Roman’s Funeral Home to contact Jones Funeral Home to exchange the body of Daniel Palmer with the body of [the other deceased]. This was done expeditiously without further ado, and the funeral arrangements of [the other deceased] were successfully completed...”

THE EVIDENCE ADVANCED BY THE CLAIMANT

[10] In support of the Claim, the Claimant swore to an affidavit that provided context to the circumstances that led to the months of frustration experienced by her. In summary, the Claimant deposed that:

- (a) Her father, Daniel Palmer, died at the UHWI on December 4, 2020.
- (b) She is contending that the agents and/or servants of the UHWI caused the body of her late father to be embalmed before an autopsy was done without her consent or any other family member.
- (c) Dr. Jephtah Ford did an autopsy on her late father’s body, but the said doctor died before a report was prepared and signed by him.

- (d) Since her father's death, she has been unable to bury him as the body has not been released to her or any family member.
- (e) The Registrar General of Jamaica is unable to provide her with a burial order because the UHWI refuses to sign a declaration stating that my late father was embalmed by them.
- (f) She is desirous of making a claim for the release of her late father's body so that she and her family members can give her father a respectful burial.

THE EVIDENCE ADVANCED BY THE DEFENDANT

[11] The Defendant, in response, was very direct and forthright. It vehemently challenged the proceedings brought against it and relied on the affidavit of Keith Allen, Chief Executive Officer at the UHWI. I consider the following aspects of his affidavit to be relevant:

- (a) Subsequent to Mr. Daniel Palmer's death, his daughters Tracey and Nalikia Palmer did not consent to a post-mortem examination despite being advised by the medical team that one was necessary to accurately ascertain the cause of his death. Consequently, the deceased's body was stored at the UHWI's temporary morgue facility. The body was later sent to the Roman's Funeral Home before being sent to the Jones Funeral Home. To the best of his knowledge, the deceased's body is currently being stored at the Jones Funeral Home.
- (b) Mr. Palmer's body was not embalmed by the UHWI's agent/servants, and the embalming of his body did not occur on the compound of the UHWI. The UHWI, therefore, denies that it embalmed or caused to be embalmed, the body of Mr. Palmer as alleged by the Claimant.

- (c) Mr. Palmer's body was not embalmed by any of the UHWI's servants/agents. Therefore, attesting statutory to a declaration stating that the deceased's body was embalmed at the UWHI, by one of the servants/agents of the UHWI would amount to perjury.
- (d) The UHWI has not had possession of the deceased's body since December 2020.
- (e) The issues arising in this matter lie between the Claimant and the RGD since it is the RGD that has refused to grant a burial order.
- (f) At the request of the Claimant, the UHWI provided the RGD with two statutory declarations detailing the circumstances under which it released Mr. Palmer's body with a view to assisting the Claimant in obtaining a burial order.

[12] The two statutory declarations provided by the UHWI to the RDG were given by Dr. Mark Newnham, Consultant Surgeon, and Miss Janet Powell, Director of Patient Affairs at the UHWI, on April 27, 2021, and August 15, 2021, respectively.

[13] The paragraphs of Dr. Newnham's statutory declaration relevant to this claim are as follows:

- “5. That the deceased was admitted to the hospital on 23rd November, 2020, suffering from critical right lower limb ischaemia, with local sepsis, on a background of advanced age and Diabetes Mellitus.
- 6. That during his hospital admission, he was seen and assessed by the Cardiology, Nephrology, Radiology, Internal Medicine and Dermatology Services as there was progressive deterioration in his clinical status. An emergency amputation under local anaesthesia of his gangrenous right toe was performed at 12:50 am on the 4th day of December, 2020, and Mr Palmer died later that same day at 12:16 pm
- 7. Based on the uncertainty surrounding the cause of his death, and in light of the multitude of medical issues he was having

prior to his death, the team felt that they could not accurately give his cause of death, and as such, a post-mortem examination of the body was requested. During a family meeting shortly after his death, his daughters (Tracey and Nalika Palmer) agreed that the post-mortem was necessary.

8. I cannot speak to all the events that followed once the order was given by the team, but am aware that a postmortem was not done at UHWI, and the body was released for a private post-mortem. I cannot speak to this private post-mortem.
9. Consequently, a medical certificate of the cause of his death cannot be obtained by the said hospital....”

[14] In relation to Miss Powell, the relevant paragraphs outlined in her statutory declaration are as follows:

- “6. That the Deceased daughters, Tracey Palmer and Nalikia Palmer (the relatives), agreed that a post-mortem was necessary to determine the cause of death; however, they did not authorize the hospital to conduct the post-mortem as the Relatives did not complete the prescribed **Consent to a Hospital Post mortem examination Form** authorising the Hospital to conduct the post mortem. Consequently, the body was stored in the Hospital’s temporary morgue facility.
7. ...
8. On December 10, 2020, the agents from Roman’s Funeral Home Ltd attended upon the Hospital to retrieve the body of [the other deceased]. Inadvertently, [Mr Palmer’s] body was discharged to them instead.
9. ...
10. I was not aware of this until December 15, 2020, when I was contacted by Roman’s Funeral Home and advised that its staff had previously attended upon the Hospital to retrieve the body of [the other deceased], but was instead given the body of [Mr Palmer].
11. I immediately contacted Jones Funeral Home (the Hospital’s mortuary service provider) and instructed them to deliver the body of [the other deceased], which was now at their facility to Roman’s Funeral Home and to retrieve [Mr Palmer’s] body for storage at their facility.

12. On January 11, 2021, I retrieved the Hospital's file concerning [Mr Palmer] from the Births and Deaths Unit with a view to contacting the Police and placing an advertisement in the newspaper with hopes of getting in touch with the Relatives. However, before these steps could be taken, a letter was received from an Attorney-at-Law..., who indicated that he was acting on behalf of the Relatives and inquired about the possibility of a post-mortem being performed on [Mr Palmer].
13. I contacted Jones's Funeral Home on January 19, to apprise them of the Relative's intention to have a post-mortem performed and was advised...that the body of [Mr Palmer] was embalmed while at Romans Funeral Home."

THE ISSUES

[15] After a careful assessment of the relevant pleadings and the foregoing accounts provided by the parties, I found the issues for determination to be very simple and, thus, invited the parties to engage in discussions. Those discussions bore significant fruit as, in the end, only two substantive issues remained for the determination of the court, which are:

- (1) Whether the order sought by the Claimant compelling the UHWI to release the body can properly be made against the UHWI since the UHWI had not been in physical possession of the deceased's body since December 2020; and
- (2) Whether the absence of a known cause of death or post-mortem examination result precludes the RGD from authorizing the burial of the deceased

THE APPLICABLE LAW

[16] The court finds that sections 22, 24, 32, and 36 of the **RBDA** are the applicable provisions to determine this matter.

[17] **Section 22 of the RBDA** lays the foundation for the mandatory registration of all deaths occurring in Jamaica. It provides that:

“The death of every person dying in Jamaica after the coming into operation of this Act, and the cause of such death, shall be registered by the Registrar in the manner directed by this Act”.

[18] Under **section 24 of the RBDA**, information must be provided to the Registrar of any death or of any body found elsewhere than in a house. **Section 32**, which deals with the issue of the Registrar’s certificate and order for burial, provides that:

“32. – (1) The Registrar, upon registering any death, or upon receiving such written notice of the occurrence of a death accompanied by a medical certificate as is before provided by this Act, shall forthwith, give, without fee or reward, to the person giving information concerning the death or sending the notice, a certificate under his hand in the prescribed form that he has registered or received notice of the death, as the case may be.

(2) In the case of the death of any person in which a Coroner, Justice of the Peace or Officer or Sub-Officer of the Constabulary shall either-

- (a) direct a medical practitioner to make a post-mortem examination under the Coroners Act of the body of the deceased person and upon the receipt of the report on such examination shall authorize the burial of the body; or*
- (b) decides, after investigation, that the circumstances of the death are not such as to require the making of a post-mortem examination under the Coroners Act,*

the said Coroner, Justice of the Peace or Officer or Sub-Officer of the Constabulary shall deliver to the person causing the body to be buried an order for burial in the prescribed form and shall notify the Registrar in writing within forty-eight hours that the said order has been delivered to the said person.

(3) Every certificate of the Registrar and every order for burial issued under this section shall be delivered to the person effecting the burial of the body of the deceased person, and any person to whom such certificate was given by the Registrar who fails so to deliver or cause to be delivered the same shall be liable to a penalty not exceeding five hundred thousand dollars.

(4) The body of a deceased person shall not be buried before a certificate of the Registrar or an order for burial issued under this section has been delivered to the person effecting the burial, that is to say –

- (a) in the case of burial in a burial ground, to the person who has control over or ordinarily buries bodies in such burial ground;*
- (b) in the case of burial not in a burial ground, to the relative, friend or legal representative having charge of or being responsible for the burial;*
- (c) in the case of burial in a public cemetery to the keeper of the cemetery;*

Provided that a person effecting the burial may proceed with the burial, if he satisfies himself by obtaining a written declaration in the prescribed form that a Registrar's certificate or order for burial has in fact been issued in respect of the deceased.

(5) The person effecting the burial of the body of a deceased person shall, within ninety-six hours of the burial, deliver to the Registrar in the prescribed manner a notification as to the date and place of the burial.

(6) Any person who effects the burial of the body of a deceased person in contravention of this section or who fails to deliver to the Registrar a notification of the date and place of the burial as required by this section shall be liable to a penalty not exceeding five hundred thousand dollars." (Emphasis mine)

[19] Section 36 of the RBDA provides for circumstances where no medical certificate of the cause of death can be obtained, and no post-mortem examination under the Coroners Act has been made. Section 36 (1) provides, in part, that:

"36. –(1) In case of any death in respect of which no medical certificate of the cause of such death can be obtained and no post-mortem examination under the Coroners Act has been made, the person required to give information concerning the death shall deliver to the Registrar a written declaration that no medical practitioner attended the deceased during his last illness or, if the deceased were so attended, shall declare in writing the reasons why a medical certificate cannot be obtained. On receipt of such declaration the Registrar may register the death or if it appears to him that it will be possible in the future to obtain a medical certificate of the cause of death of the deceased, the Registrar may, without registering the death, issue a certificate under

section 32 that he has received notice of the death of the said deceased...” (Emphasis mine)

ISSUE (1): Whether the order sought by the Claimant compelling the UHWI to release the body can properly be made against the UHWI since the UHWI had not been in physical possession of the deceased’s body since December, 2020

[20] It is not in dispute by the parties that the deceased died at the UHWI. Neither is it in dispute that his body left the UHWI and ended up at two different funeral homes. Accordingly, as far as physical custody is concerned, I accept Mr Allen’s evidence that the UHWI was not in physical custody of the body of the deceased at the time these proceedings commenced.

[21] However, the issue of physical custody cannot be seen to be the substratum of the overall circumstances of this matter. If that were the case, then this claim would be a simple matter. One must look carefully at the history or chronology of events and determine whether the UHWI had released the deceased body to his family. Though the evidence given by Mr Allen in his affidavit is quite evasive on this issue, it is quite clear from the letter of the Roman’s Funeral Home and the statutory declaration given by Miss Powell that the UHWI never released the deceased’s body to his family.

[22] When the error was discovered that Mr Palmer’s body was mistaken for that of another, it was Miss Powell who directed that Mr Palmer’s body be sent to the Jones Funeral Home, the UHWI’s temporary morgue facility. The family of Mr Palmer was not notified until January 19, 2021. The sole purpose of that notification was in relation to a post-mortem examination. There was no discussion of the release of Mr Palmer’s body.

[23] The law is quite clear that one does not need to be in physical possession or custody in order to be in legal control of it. In the absence of physical custody, the court must look at the circumstances of the case to determine whether the body of the deceased, was still under the control of the UHWI.

[24] A useful starting point is a careful analysis of the chronology of events to date. These are as follows:

- a. On December 4, 2020, Mr Palmer died at the UHWI.
- b. On December 4, 2020, his body was sent to the UHWI's temporary morgue located on the compound of the UHWI.
- c. On December 10, 2020, Mr. Palmer's body was inadvertently released to the Roman's Funeral Home.
- d. On December 11, while at the Roman's Funeral Home, Mr. Palmer's body was embalmed.
- e. On December 15, 2020, the error was revealed.
- f. On December 15, 2020, Miss Powell instructed the Roman's Funeral Home to deliver Mr. Palmer's body to the Jones Funeral Home, the UHWI's mortuary service provider.
- g. On January 19, 2021, the attorney-at-law for Mr. Palmer's family made contact with the UHWI and expressed an interest in having a post-mortem examination done. On the same day, Miss Powell contacted the Jones Funeral and advised them of the same.
- h. On December 23, 2021, the Claimant filed her claim for the release of Mr Palmer's body.

[25] Based on the above chronology of events, there is nothing to indicate that Mr Palmer's family was instructed to take control of his body or that the body was ever released to them. It remained with Jones Funeral Home, the UHWI's mortuary service provider, from December 15, 2020. Therefore, an order can be made against the UHWI to release the body of the deceased, which continues to be in its possession and under its control.

[26] I am also aware that the issue regarding whether the UHWI still had control of the deceased's body also affects the deeper issue of who should bear the cost for its storage from December 2020. Having found that the UHWI did not release the deceased's body to his family and remained in control of it, the court concludes that the cost for the storage of the deceased's body must be borne in full by the UHWI.

ISSUE (2): Whether the absence of a known cause of death or post-mortem examination result precludes the RGD from authorizing the burial of the deceased

[27] Prior to the matter coming before the court, there were significant discussions surrounding the cause of death of Mr Palmer and the circumstances by which his body came to be embalmed. As can be seen from the affidavits of the Claimant and Mr Allen, there were also discussions as to who authorised Mr Palmer's body to be embalmed. This was quite puzzling as the evidence before the court made it clear that the deceased's body was embalmed as a consequence of an administrative error on the part of the UHWI. I do not think that issue is up for debate.

[28] Additionally, I do not consider the issue of embalming to be relevant, in so far as it relates to the orders that the court is being asked to make. A careful assessment of section 36 of the **RBDA** is necessary, in my view, to determine this case.

[29] It is instructive to note that this is not the first time the UHWI has been confronted with an issue concerning the release of a deceased's body to its family members. In the case of **Nadine Evans v University Hospital of the West Indies and Administrator General of Jamaica** [2018] JMSC Civ 119, the court examined a similar issue regarding a family member's refusal to consent to a postmortem and the absence of a cause of death with respect to the deceased. At paragraph [11], Rattray J opined that:

"[11] On an examination of section 35, I am of the view that that section does not mandate that a post-mortem must be done before the registered

medical practitioner can issue a certificate of cause of death. What it does indicate is that the practitioner must state to the best of his knowledge and belief, the cause of death of the person. However, the circumstances may be such that the practitioner cannot state to the best of his knowledge and belief the cause of death, as is the situation in the present case. I am mindful then that a post-mortem would be of great assistance, and would be a necessary requirement for the medical practitioner, in light of the fact that Ms. White's cause of death is unknown. However, that section does not indicate that a post mortem is mandatory, for if that were the case, the legislation would have expressly so provided. As a consequence, I am satisfied that the Hospital cannot force Ms. Evans to consent to a post mortem, as a precondition for the issuance of the certificate of cause of death."

[30] Rattray J also specifically spoke to the application of section 36 of the **RBDA**. At paragraphs [12] to [14] and [16], the learned judge stated that:

*"[12] Section 36 of the **RBDA** however, deals specifically with the situation where a certificate of cause of death cannot be obtained. This is the case in the present matter, as the medical practitioner who last attended Ms. White, is unable to state to the best of his knowledge and belief her cause of death. Further, Ms. Evans is not prepared to consent to a post mortem being conducted by the Hospital..."*

*[13] I am satisfied that section 36 is applicable to the circumstances of the present case, as a certificate of cause of death cannot be obtained, and a post mortem under the **Coroners Act** has not been ordered. The medical practitioner from the Hospital, who last attended Ms. White must comply with the requirements of that section by making a declaration in writing, as to why a certificate of cause of death cannot be obtained, and submit same to the Registrar. Once this is done the Registrar may register the death, or without registering the death, may issue a certificate to Ms. Evans indicating that he has received notice of the death. The Registrar after receiving notice of the death from the Hospital, is statutorily obliged to send a notice in writing to the Medical Officer (Health) of the parish in which the death occurred informing him of the death. After receiving the notice, that Medical Officer is mandated to investigate the circumstances of the death, and thereafter send a written certificate of the cause of death to the Registrar.*

*[14] The Hospital having submitted the declaration to the Registrar, would then be in compliance with its statutory obligations under the **RBDA**. In such circumstances, there would be no reason for the Hospital to remain in possession of the deceased's body, where it is not in a position to issue the certificate of cause of death. As such, the Hospital should deliver possession of the deceased's body to Ms. Evans, so that she can begin to make the necessary arrangements for burial. It is to be noted however, that although Ms. Evans will be in possession of the body, she cannot effect the burial until she has received the Registrar's*

*Certificate, or a Burial Order, as the case may be, as he would be in breach of section 32(4) of the **RBDA**, which prohibits a burial taking place without either of those documents.*

...

[16] As highlighted from the evidence before the Court, Ms. White died at the Hospital while an inpatient, and there is no evidence to suggest that her death was violent. Neither is there evidence before the Court that her death was unnatural or sudden. In essence, there is no information before the Court pertaining to the circumstances that led to Ms. White's death. As a consequence, I am of the view that the Coroners Act would be of no assistance to Ms. Evans. If however, Ms. Evans has any information relating to the circumstances of her daughter's death, which would lead her to reasonably believe that her death was violent, unnatural or sudden, then the matter ought to be reported either to the Coroner, a Justice of the Peace, or a police officer, so that a coroner's post mortem can be ordered pursuant to section 6 of the Coroners Act."

- [31] I find the guidance provided by Rattray J to be helpful in considering the circumstances of this case.
- [32] Section 36 makes provision that, if the deceased was attended by a medical practitioner and a medical certificate of the cause of death cannot be obtained, then the medical practitioner shall declare in writing the reason why a medical certificate cannot be obtained and on the receipt of such declaration, the Registrar may register the death. From the clear evidence of Dr Newnham, the cause of death cannot be ascertained, and a post-mortem examination would be necessary, if one is able to be done. The Claimant has contended that a post-mortem examination was done by Dr Ford. However, the evidence is very unclear as to when this was done. What is clear, however, is that Dr Ford is now deceased, and the post-mortem examination result is not likely to be forthcoming.
- [33] The UHWI had provided the RGD with two declarations in keeping with section 36 of the **RBDA**. In the court's view, these two declarations, when considered with the overall evidence, are sufficient for the Registrar to register the death and provide the necessary certificate in keeping with section 32 of the **RBDA**.

In the court's view, that statutory requirement has been met, and the Registrar, based on the factual circumstances, should proceed to register the death of Mr Palmer and issue the relevant certificate for the burial to proceed.

ORDER

[34] In light of the foregoing and after considering the submissions of counsel on the question of costs, I conclude that the following orders should be made:

1. The Claimant, Miss Nalikia Palmer, is to be appointed Administrator Ad Litem in the estate of the deceased, Daniel Palmer, for the sole purpose of these proceedings.
2. The Defendant, through its agent and or temporary morgue facility, the Jones Funeral Home, is to release the body of Mr. Daniel Palmer on or before September 7, 2022, at 4 pm, to the Claimant or a nominated funeral home to facilitate his burial.
3. All the costs associated with the storage and or release of the body of Mr Daniel Palmer are to be borne in full by the Defendant, from the period January 25, 2021, to June 20, 2022.
4. The Registrar General's Department is to issue a Burial Order in keeping with section 36 of the Registration (Births and Deaths) Act to Miss Nalikia Palmer on or before September 14, 2022.
5. Costs to the Claimant in the sum of \$500,000.00 are to be paid by the Defendant within 30 days of this Order.
6. The Claimant's attorney is to prepare, file and serve the orders made herein.