

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU  
(Civil Jurisdiction)

Civil  
Case No. 17/156 SC/CIVIL

**BETWEEN:** International Green Structures LLC  
Claimant

**AND:** National Housing Corporation  
First Defendant  
Republic of Vanuatu  
Second Defendant  
John Terry  
Third Defendant

*Date:* 18 and 19 November 2019  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Mr N. Morrison for the Claimant  
Mr L. Huri for the First and Second Defendants  
Ms S. Mahuk and Mr J. Malcolm for the Third Defendant

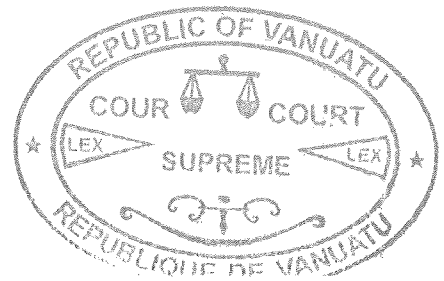
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## JUDGMENT

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### A. Introduction

1. This was a simple case alleging loss arising from a breach of contract. The First and Second Defendants' defence was run on the basis that the contract was entered into by the Third Defendant without authority and approval.
2. The first day of trial was spent with the parties attempting to resolve the matter. Unfortunately that did not succeed.



B. Result

3. At the conclusion of the evidence and submissions on the second day of trial, I did not need to reserve my decision, as the evidence only permitted the very obvious conclusions that follow. My decision was considerably assisted by my assessment of the veracity and accuracy of the only witness called for the Second Defendant, John Salong. I did not accept him as a witness of the truth.
4. In the result, I made the following orders:
  - Judgment is entered in favour of International Green Structures LLC as against the Second Defendant in the sum of US \$3,944,341.59;
  - Interest on that amount at 2% p.a. from 30 June 2016 until 19 November 2019;
  - Interest on the principal sum and the interest awarded at the usual Court rate of 5% p.a from 19 November 2019 until the amounts awarded have been in full;
  - The Claimant and the Third Defendant are entitled to indemnity costs as against the Second Defendant. The position adopted by the State as against the Claimant was indefensible. The involvement of the Third Defendant in this litigation as a scapegoat for the State's extremely poor behaviour was simply unconscionable. Counsel are invited to send their bills of costs to Mr Huri, and if they are not agreed within 14 days of submission, they are to be taxed. Once settled, the costs are to be paid within 21 days.
5. I indicated to Mr Huri that full written reasons for the decision can be supplied, if required. A request in writing should be made.

**Dated at Port Vila this 19th day of November 2019  
BY THE COURT**

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Justice G.A. Andrée Wiltens

