

DISERENS v CAMBRIDGESHIRE COUNTY COUNCIL (2007)

Total Damages: £10,000

PSLA: £8,000

Trial/settlement date: 5/2/2007

Type of Award: Out of Court Settlement

Court: Out of Court Settlement

Age at trial: 45

Age at injury: 44

Sex: Female

The claimant, a 45-year-old woman, received £10,000 for the neck injury sustained in a sporting accident in October 2005. She required surgery to stabilise her neck.

Claimant: Female: 44 years old at date of accident; 45 years old at date of settlement.

Sporting; Other: On October 10, 2005, the claimant (C) was participating in a team-building exercise at a leisure centre run by the defendant local authority (D). Whilst descending the climbing wall she fell from a height of approximately two metres onto her neck.

C sustained injury and brought an action against D alleging that it was negligent in (i) failing to provide her or her colleagues with adequate training in undertaking the activity safely, particularly as one of her colleagues was responsible for belaying her safely on the way down the wall; (ii) failing to adequately supervise them and ensure that they were safe.

Liability admitted.

Injuries: C sustained a tearing of the main ligaments supporting the cervical spine near the neck, rendering a segment of it unstable.

Effects: C underwent surgery to stabilise her neck. She also underwent physiotherapy and was unable to work for three months following the accident.

C had made an almost full recovery approximately one year after the accident although she still experienced aching in her neck when carrying out minor activity.

Prognosis: C was expected to recover two years after the accident but with possible ongoing minor discomfort on activity.

Out of Court Settlement: £10,000 total damages.

Background to damages: The case was settled on a global basis with no particular breakdown of damages. However, the claimant's solicitors estimated the following breakdown:

Breakdown of General Damages: Pain, suffering and loss of amenity: £8,000.

Breakdown of Special Damages: Past care costs: £1,250; Past travel expenses: £170; Miscellaneous costs: £580.

Henmans LLP (Oxford) for the claimant. Barr Ellison LLP for the defendant.

LTLPI 3/5/2007 (Unreported elsewhere)

This Quantum Report was provided courtesy of Mike Harvey of Henmans LLP, solicitors for the claimant.

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