

## SIMMONS V WADDOUPS (2006)

Total Damages: £13,000

Trial/settlement date: 12/4/2006

Age at trial: 20

PSLA: £9,500 (£9,558.02 RPI)

Type of Award: Out of Court Settlement

Court: Out of Court Settlement

Age at injury: 18

Sex: Male

The claimant, a 20-year-old man, received £9,500 for the leg injury sustained during a football match in January 2004. The claimant underwent an intramedullary nailing operation to repair a transverse fracture to his left tibia and fibula.

Claimant: Male: 18 years old at date of accident; 20 years old at date of settlement.

Sporting Accident: On January 10, 2004, the claimant (C) was playing in an amateur football match when the defendant (D) kicked the back of his left leg at a time when neither player was within playing distance of the ball, and the evidence suggested that one or both players may have been just off the pitch at the time.

C sustained injury and brought an action against D alleging that D had deliberately or negligently, or both, kicked the back of C's legs. C maintained that as D had not simply mistimed a tackle, the circumstances went beyond the normal risks that C had accepted when agreeing to take part in the match. In the circumstances, D's actions were deliberate, dangerous, and negligent.

Liability admitted.

Injuries: C sustained a transverse fracture to the tibia and fibula of his left leg.

Effects: C's leg fracture was repaired by the insertion of intramedullary nails and locking bolts into his leg. C was unable to work for six weeks after the accident and could only perform light duties for six weeks upon his return to work.

C had regained full movement of his ankle, knee and foot within two years of the accident, although he experienced minor sensitivity in the area of the metalwork in his leg.

Prognosis: C was expected to make a full recovery, although there was the possibility that the metalwork in his leg would have to be removed if he continued to experience sensitivity.

Out of Court Settlement: £13,000.

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 (PSLA): £9,500; Future private medical costs: £1,500.

Breakdown of Special Damages: Past care: £750; Past travel expenses: £425; Miscellaneous: £825.

Henmans (Oxford) for the claimant. Zurich Insurance Company for the defendant

LTLPI 5/5/2006 (Unreported elsewhere)

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