

## Lawtel document(s) - 16/01/2008 11:44

### [JOHN CLOSSICK \(BY HIS WIFE & LITIGATION FRIEND SUSAN CLOSSICK\) v KEITH WALTON BRICKWORK LTD \(2007\)](#)

**Total Damages:** £2,500,000  
**Trial/settlement date:** 2/11/2007

**Age at trial:** 43

**PSLA:** £150,000 (£150,000.00 RPI)  
**Type of Award:** Out of Court Settlement (approved)  
**Court:** Out of Court Settlement (approved)  
**Age at injury:** 39  
**Sex:** Male

**The claimant, a 43-year-old man, received £2,500,000 for the head injuries sustained at work in July 2003. The claimant suffered a significant decline in his intellectual capacity, his life expectancy was reduced, he required constant care and would not be able to work during his lifetime.**

Claimant: Male: 39 years old at date of accident; 43 years old at date of settlement.

Industrial; Employers' Liability: On July 21, 2003, the claimant (C) was working as a scaffolder for the defendant company (D). He was working approximately 2.9 metres above the ground and was attempting to remove a section of guardrail. As he struggled to remove the section, it came free and C fell to the ground. It was not D's policy to require employees to wear safety harnesses attached to safety lines and, as a result, C was not wearing such a harness at the time of the accident.

C sustained injury and brought an action against D alleging that it had breached the [Construction \(Health, Safety and Welfare\) Regulations 1996](#), the [Management of Health and Safety at Work Regulations 1999](#), the [Personal Protective Equipment at Work Regulations 1992](#) and the [Workplace \(Health, Safety and Welfare\) Regulations 1992](#).

Liability admitted. D alleged that C was contributorily negligent.

**Injuries:** C sustained severe head injuries in the accident.

**Effects:** C underwent a craniotomy operation. A further operation was later carried out and the damaged part of his frontal lobe was removed.

In January 2004, C experienced a stroke which led to a marked deterioration in his condition. Expert evidence indicated that the stroke was a consequence of the head injury.

Following the accident, C's intellectual capacity deteriorated significantly. His memory and concentration were severely impaired and his personality changed. He displayed obsessive characteristics and was irritable and bad-tempered.

C also suffered from weakness in the right side of his body including foot drop and loss of sensation. He also suffered from post-traumatic epilepsy.

C was legally classified as a "patient" under the Mental Health Act 1983. He was incapable of managing his own affairs and was dependent on 24-hour care provided by his wife and private care agencies. He had not worked since the accident.

Prognosis: C would be incapable of gaining employment in the future. His condition was expected to continue to deteriorate until he was confined to a wheelchair. It was expected that as C aged his epilepsy would require controlling through the use of medication. Following the accident, his life expectancy was also reduced.

Out of Court Settlement (approved): £2,500,000 total damages.

Background to damages: A discount was agreed to reflect litigation risk.

The case was settled on a global basis with no particular breakdown of damages. However, the following breakdown

was estimated by C's solicitors on a full liability basis:

Breakdown of General Damages: Pain, suffering and loss of amenity: £150,000; Interest on PSLA: £4,335; Future care and case management costs: £1,681,600; Future loss of earnings: £280,000; Future cost of accommodation needs: £229,671; Future aids and equipment costs: £75,000; Future costs of decorating and DIY work: £21,020; Future chiropody costs: £4,204; Court of Protection costs: £221,149.

Breakdown of Special Damages: Past care and assistance provided by C's wife: £37,000; Interest on past care and assistance provided by wife: £4,400; Past private care and case management costs: £128,500; Past loss of earnings: £78,000; Interest on past loss of earnings: £9,360.

David Allan QC and Marc Willems instructed by Ralli Solicitors (Manchester) for the claimant. David Stockdale QC instructed by Halliwells LLP (Manchester) for the defendant.

**LTLPI 11/1/2008 (Unreported elsewhere)**

This Quantum Report was provided courtesy of [Emma Hodson](#) of [Ralli Solicitors](#), solicitor for the claimant.

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