

## Personal Injury



## Devereux Personal Injury and Clinical Negligence Settlement Update: Spring 2022

Posted on 21 March, 2022 by | [Stephen Killalea](#) | [Robert Weir](#) | [Christopher Walker](#)



Members of the Devereux Personal Injury and Clinical Negligence Group regularly act in high-value and high-profile claims, with a long-established reputation for dealing with all types of accident and disease cases. Set out below are the details of some of the recent settlements reached by Stephen Killalea QC, Robert Weir QC, and Christopher Walker.

The settlements achieved by Devereux members help the injured parties and their families with access to ongoing care, support and accommodation, improving their quality of life.

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### Stephen Killalea QC

Stephen acted for a 67 year old Claimant who sustained a catastrophic spinal and traumatic brain injury, rendering him tetraplegic, when his car was struck by a Turkish lorry on the M1 near Luton in November 2017. Although Claimant was not wearing a seatbelt, medical causation led to the case being compromised on a full liability basis. Stephen was instructed by Damian Horan and Raquel Siganporia of Aspire.

Stephen acted for a 58 year old male who was injured in an RTA, rendering him incomplete tetraplegic, when Defendant driver allegedly had a heart attack. Liability in dispute but approached by Claimant as full liability case at JSM. Compromised at £3,500,000. An unusual element was a claim for costs of spending four months a year for several years in Australia. Stephen was instructed by Paul Breen of JMW Manchester.

### Robert Weir QC

Rob acted for a claimant who became tetraplegic when he used a water slide in a water park in Spain. His case settled very shortly before an 8 day liability trial on terms which are confidential. Rob was instructed by Janice Gardner of Russell Cooke solicitors.

Rob acted for a claimant who fell from an artificial beach whilst on holiday in Kenya to the ocean beach below and became paraplegic as a result. The case settled 3 days prior to a liability trial on terms which are confidential. Rob was instructed by Damian Horan of Aspire Law.

### Christopher Walker

The High Court approved a lump sum settlement of £2.35 million to compensate the neuro-cognitive and neuro-psychiatric consequences of a traumatic brain injury suffered by a 11 year old boy as he was struck by a taxi whilst scooting across an inner city road. Though the Claimant was only 15 years old at date of approval, the Court was confident that prognosis was sufficiently clear and the settlement was sufficiently generous to meet all likely future

needs, including care & court of protection costs. Allegations of contributory negligence were in play. Settlement was achieved prior to the issue of proceedings. Christopher was instructed by Nichola Bickham of Augustines Injury Law.

A settlement of £1.2 million was approved by the High Court for a 63 year old female who suffered a severe traumatic brain injury & orthopaedic polytrauma in a road traffic accident, for which liability was admitted. While she had made an impressive neurocognitive recovery and presented as plausibly and superficially capable, she remained grossly disabled by an amnesic disorder. She had lifelong continuing care needs but little insight into the consequences of her condition and the need for such care. Christopher was instructed by Jonathan Peacock of Augustines Injury Law.

Christopher acted for a 19 year old Claimant pedestrian who suffered a severe traumatic brain injury in a collision as he ran across an urban dual carriageway. The Defendant, driving slightly above the 30 mph speed limit, failed to brake and the Claimant was thrown 15 metres. On 23<sup>rd</sup> March 2022, the High Court approved a 75/25% liability apportionment in the Claimant's favour and a settlement of over £2.1 million net of that apportionment. The settlement was achieved prior to the issue of proceedings, following an independent living trial. Christopher was instructed by Nicola Bickham of Augustines Injury Law.

#### **Robert Weir QC and Christopher Walker**

Rob acted for the claimant and Christopher for the defendant in a claim brought by a claimant, rendered C3 AIS C tetraplegic in a road traffic accident. The parties were able to reach settlement on the basis of a lump sum payment of £4.17m together with a PPO of £395k p.a. with an active reverse indemnity. Rob was instructed by Siobhan Thacker and Hannah Clarke of CFG Law. Christopher was instructed by Bryn Hesketh of MOH solicitors.