

Personal Injury



Devereux Personal Injury and Clinical Negligence Settlement Update:  
Winter 2024/25

Posted on 17 February, 2025 by | [Stephen Killalea](#) | [Robert Weir](#) | [Colin Mendoza](#) | [Stephen Cottrell](#) | [Rob Hunter](#) | [Harry Sheehan](#)

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 KC, Robert Weir KC, Colin Mendoza, Stephen Cottrell, Rob Hunter, and Harry Sheehan.

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

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### Stephen Killalea KC

A below knee leg amputation of a 9 year old boy caused in a Road Traffic Accident. Aged 14 at the point of settlement, achieved at JSM, for a gross sum of £4.25 million.

Approved by Cotter J in February 2025. Steve led Stephen Cottrell and was instructed by Leanne Keating and Nicola Williams of Bridge McFarland.

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Loss of future of earnings settled for £2.8 million (full liability value of £4.65 million) for young cyclist who gained a First Class Honours Degree post-accident, but lost the chance of pursuing a career as an Energy Trader as a result of the accident.

Steve was instructed by Sarah Griggs and Tessa Craythorne of Irwin Mitchell, London.

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Severe traumatic brain injury for Claimant with complex quantum issues including diabetes and suicide attempts. Liability contentious. Settled at liability JSM for £5 million.

Steve was instructed by Sofie Toft of Irwin Mitchell, London.

## Robert Weir KC

Rob Weir KC has settled a large number of catastrophic injury cases over the last 6 months including:

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IAB v East Kent Hospital NHS Foundation Trust in which the claimant sustained profound cerebral palsy at birth resulting in a longterm need for 2 carers at all times. The claimant's mother repatriated to New Zealand giving rise to a number of complex issues including: the index of inflation for the PPO with Professor Wass' evidence being accepted by the court; a dispute as to the appropriate discount rate to apply with both parties adducing actuarial and economics expert evidence; a live issue as to whether damages payable in England should be taxed when transferred to New Zealand, requiring expert evidence and a private ruling from the NZ Inland Revenue; and conflicting expert evidence as to the appropriate vehicle for management of the claimant's damages in New Zealand.

The case was settled shortly before trial for: NZ \$13,439,000 plus a PPO rises to \$674,100 p.a. for life, linked to the Labour Cost Index for New Zealand, aggregate series.

Rob was instructed by Georgie Cushing of Irwin Mitchell LLP, London.

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A case for AXA defence insurer in which the claimant was in minimally conscious state and living in a care home. The claimant wanted a PPO. Settlement was achieved on the basis that the claimant do recover £2.8m plus provisional damages.

Rob was instructed by Peter Walmsley of Horwich Farrelly

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GGM v Cardiff and Vale LHB in which the claimant had severe dyskinetic cerebral palsy with profound cognitive impairment, epilepsy and cerebral visual impairment. He was fed orally and not reliant on a PEG and could vocalise but at the most primitive level. The case was settled when the claimant was 17 years old on the basis that the claimant recovers £9.25m plus a PPO of £450,000 p.a. for life.

Rob was instructed by Tim Musgrave of Huttons solicitors, Cardiff.

## Colin Mendoza

*HXC (A Protected Party proceeding by her Litigation Friends AYL) v CZW*

HXC aged 50 years of age suffered a traumatic brain injury and orthopaedic injuries in a road traffic accident. She sued the driver of the car in which she was a passenger. HXC had a significant pre-accident history of schizophrenia that had prevented her from working for decades and had also resulted in her receiving a good deal of gratuitous care in any event. It had proved impossible to set up any sort of commercial care package pre-trial. The Defendant's position was that as time passed, the needs arising from the non-accident related mental health issues would have subsumed any needs caused by the injury suffered in the accident. There were significant differences of opinion between the neuropsychiatric and care experts. The amounts to be awarded for future care and Court of Protection costs were very much in issue. The case settled at a JSM for £640,000 at which Mr Winston Hunter KC represented the Defendant.

Settlement approved by HH Judge Kelly at an approval hearing in High Court in Birmingham in February 2025.

Colin was instructed by Mr Philip Edwards of Clarke Willmott Solicitors, Birmingham Office.

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#### *JLB v CICL*

Colin was instructed on behalf of JLB, a company director, who sustained a fractured hip after being very forcefully ejected from a public house by the door staff. He suffered a fractured hip that required a repair. He maintained he had suffered a substantial loss of earnings by reason of not being able to take up a new post, offered before the incident. A civil claim was issued and pursued for assault. A trial was due to commence in March 2025 but was successfully settled on confidential terms for substantial damages at a JSM in November 2024 at which the Defendant was represented by Mr Lionel Stride of Counsel.

Colin was instructed by Mr Abraham Kallis of Chris Kallis Solicitors, Plymouth.

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#### *LC v AS and SHL*

Colin was instructed on behalf of LC who claimed damages from a plastic surgeon and the private hospital where he had worked in respect of what was alleged to be negligent breast augmentation surgery. There were issues in relation to consent and the quality of the surgery undergone. The claim succeeded and was settled on confidential terms. Another case against the same surgeon continues.

Colin was instructed by Ms Jacqueline Hardaway of Dawson Hart Solicitors, Uckfield, East Sussex.

#### **Stephen Cottrell**

Stephen obtained approval of a settlement of £4.25M for a child who had suffered a traumatic below-knee amputation. Stephen was led at the JSM by Steve Killalea KC.

Stephen was instructed by Leanne Keating and Nicola Williams of Bridge McFarland.

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Settlement of £500,000 (approved by MIB arbitrator) under MIB's untraced scheme for a fatal accident with a child dependant.

Stephen was instructed by Ken Brough of Hodge Jones & Allen.

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Settlement of £915,000 (gross) for a young man who suffered the traumatic amputation of his forearm in an industrial accident. The arm was reattached but the claimant was left with limited function and severe pain. The case was complicated by the fact that the claimant had a very significant pre-existing medical condition.

Stephen was instructed by Leanne Keating of Bridge McFarland.

### **Rob Hunter**

Rob Hunter acted for a claimant who had been treated negligently at a walk-in centre. Liability was established on the grounds that his cardiac arrest would still have occurred but if the emergency had been recognised, in-hospital resuscitation would have prevented cerebral damage pending treatment by PCI.

As a result of the negligence, the claimant sustained a catastrophic brain injury associated with global cognitive impairments, including severe amnesia, and also developed a behavioural disorder.

The claim did not settle at a JSM but subsequently the parties reached agreement in principle to compromise for a lump sum of £2.8m together with index-linked periodical payments of £200,000 and was subsequently approved.

Rob was instructed by Lauren Hurney of Irwin Mitchell, London.

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Rob Hunter acted for the dependants of a visiting academic at Swansea University who died when the roof of her bus was sliced off in a collision with a bridge. Virtually all of the loss was sustained in Yuan by Chinese dependants living in the Yuzhou province.

Expert evidence was provided by Victoria Wass on indexation and the appropriate discount rate in China, as well as a senior Chinese lawyer and an expert on loss of services. The claim settled for £670,000, which was subsequently approved.

Rob was instructed by Deborah Rose of Irwin Mitchell, Cardiff.

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Rob Hunter acted for a GP who sustained a very severe brain injury and polytrauma including significant lung, orthopaedic and spinal injuries, necessitating reports in 7 medical disciplines. The claim settled at a JSM for a substantial sum.

Rob was instructed by Sally Moore and Cameron Vincent of Leigh Day, London.

### **Harry Sheehan**

Harry was instructed in a case in which the Claimant suffered a severe fracture to her tibia when she slipped and fell from the top of a staircase down to the bottom. As a result of her injury, the Claimant lost her job and had to move to accommodation on the first floor.

The claim settled for £225,000.

Harry was instructed by Radika Barber of Irwin Mitchell (London).