

Appendix B

Quantum cases reported on Lawtel Personal Injury and in Kemp & Kemp of awards up to £1,000 PSLA for soft tissue injuries 2011 to 2016

Summarised in Table D

R (A CHILD) v FARDELL (2011) Kemp
PSLA: £500 (£556.6 RPI)
Trial date: 21/11/2011 Judge: District Judge Mort
Court: County Court (Sheffield) Type of Award: Court Award
Age at injury: 2 Age at trial: 3
Sex: Male

Most significant injury: Soft tissue injury to abdomen and psychological shock.
Extent of injury: Abdominal injury resolved within seven days.
Total injury duration: 1 months

R, male, aged two years at the date of the road traffic accident and three at the child settlement approval hearing, suffered a soft tissue injury to his abdomen and shock. On impact, R was jerked backwards and forwards. The seatbelt tightened around his abdomen causing immediate pain. After the accident R was tearful and clingy, was taken to accident and emergency and diagnosed with a mild soft tissue injury to his abdomen. R was given Calpol for relief and he took that medication for a couple of days. R was tearful and clingy for two days after the accident; thereafter he settled down. R's abdominal injury resolved within seven days of the accident. His day-to-day routine was not especially disrupted by his injuries and any loss of amenity was therefore minimal.

General Damages: £500. [Stephen Garner, Barrister, Guildhall Chambers, Broad Street, Bristol]
Document Number: AM0505177

SPENCER v ONCERIU (2013) Kemp/Lawtel
PSLA: £750 (£789.87 RPI) Total: £902 (£949.94 RPI)
Trial date: 12/11/2013 Judge: District Judge Lloyd Jones
Court: County Court (Nottingham) Type of Award: Court Award
Age at injury: 56 Age at trial: 60
Sex: Male

Most significant injury: Laceration to tongue from the tip of a dentist's drill.
Extent of injury: Pain and difficulty eating for three weeks thereafter a full recovery.
Total injury duration: 1 months

S, male, aged 56 at the date of the accident and aged 60 at the date of trial, suffered a laceration to his tongue during a restorative dental procedure. As the

defendant dentist was grinding down amalgam from a new filling, the tip of the drill came into contact with S's tongue, resulting in a small laceration. The laceration was closed with sutures and S was given antibiotics and analgesia. S experienced pain and difficulty with eating which lasted for three weeks, after which he made a full recovery.

Simmons v Castle [2012] EWCA Civ 1288, [2013] 1 W.L.R. 1239 10 per cent uplift: not applied

General Damages: £750.
Document Number: AM0202391

PAINES v HOWELLS (2014) Lawtel
Total Damages: £960 (£996.01 RPI)
Trial/settlement date: 19/5/2014
Judge: Deputy District Judge Sherlock
Age at trial: 37
PSLA: £800 (£830.01 RPI)
Type of Award: Court Award
Court: Haverfordwest County Court
Age at injury: 36
Sex: Male

The claimant, a 37-year-old man, received £960 for the whiplash injury to his cervical spine sustained in a road traffic accident in May 2013. The injury fully resolved by three weeks after the accident.

Road Traffic: On May 20, 2013, the claimant (C) was involved in a road traffic collision with the defendant (D). D collided with the rear of C's vehicle, pushing C's vehicle into the vehicle in front.

C sustained injury and brought an action against D alleging that she was negligent in colliding with the rear of her vehicle.

Liability admitted.

Injuries: C sustained a whiplash injury to his cervical spine radiating to the right shoulder.

Total injury duration: 1 months

Effects: C worked as a process operator and had to miss four shifts as a result of his injury. He also had to cancel overtime that he was due to undertake on the day after the accident.

A medical report confirmed that C had recovered from his injuries by three weeks from the date of the accident.

[Click here for Inflation Calculator](#)

Court Award: £960 total damages

Background to damages: Despite the claim being a small claim, D sought wasted costs as C had rejected her pre-litigation offer of £1,000. The judge found that it was reasonable for C to have waited until the medical evidence was in before valuing that claim, by which time the £1,000 offer had expired.

Breakdown of General Damages: Pain, suffering and loss of amenity: £800.

Breakdown of Special Damages: Past loss of earnings: £160.

Simmons v Castle [2012] EWCA Civ 1288 10 per cent uplift: not applied.

True Personal Injury Solicitors for the claimant. Patrick West instructed by DAC Beachcroft Claims Ltd (Birmingham) for the defendant.

LTLPI 6/2/2015

This Quantum Report was provided courtesy of Emily Grey of DAC Beachcroft Claims Ltd, solicitors for the defendant.

Document No. AM0202613

REEVES v HERRERAS (2012) Lawtel
Total Damages: £900 (£972.92 RPI)
Trial/settlement date: 6/11/2012
Judge: DJ Harrison
Age at trial: 26
PSLA: £900 (£972.92 RPI)
Type of Award: Court Award
Court: Liverpool County Court
Age at injury: 24
Sex: Female

The claimant, a 26-year-old woman, received £900 for the neck and lower back injuries sustained in a road traffic accident in August 2010. She took painkilling medication for three weeks, after which her symptoms had lessened. She continued to work and was able to drive but her sleep was disturbed for two weeks. All symptoms had fully resolved by four weeks after the accident.

Road Traffic: On August 4, 2010, the claimant (C) was involved in a road traffic accident with the defendant (D). Whilst stationary at traffic lights, the claimant turned round to her daughter who was crying in the rear child seat when suddenly she felt a rear impact to the car.

C sustained injury and brought an action against D alleging that she was negligent in failing to keep a proper lookout, in failing to properly control her

vehicle, in changing lanes and in colliding with the rear offside of the claimant's vehicle.

Liability not disputed.

Injuries: C suffered an acute cervical strain and jarring to her lower back.

Total injury duration: 1 months

Effects: Immediately after the accident C was shocked and shaken up. She felt no immediate physical injuries; however, the following morning she woke up with a stiff neck. Her injuries were possibly exacerbated by the fact that she was turning round at the time of impact to her daughter who was crying in the rear child seat. C took paracetamol and ibuprofen medication. That evening she telephoned NHS Direct and was advised to take stronger medication. She took a combination of ibuprofen and co-codamol.

C began to develop aching in her lower back which worsened over the following days. She did not go to see her GP but continued to take painkillers regularly for two weeks. Her sleep was disturbed regularly throughout that period. By the third week C's symptoms were easing and she took medication only when required. By the third week following the accident, she no longer required any medication.

C carried on her job as a senior buyer for the NHS without difficulty and she continued to drive. She was unable to return to her hobby of dancing until three to four weeks after the accident.

C had made a full recovery from her symptoms by four weeks after the accident.

[Click here for Inflation Calculator](#)

Court Award: £900 total damages

Background to damages: C's medical report was prepared by a consultant in accident and emergency medicine. As the court award for general damages was for a sum less than £1,000, D successfully submitted that C's costs should be limited to the fixed costs recoverable in accordance with CPR r.27 assessed in the sum of £610.

Breakdown of General Damages: Pain, suffering and loss of amenity: £900.

Stefanie Cochrane instructed by Express Solicitors (Manchester) for the claimant. Jacqueline Swain instructed by Eversheds (Ipswich) for the defendant.

LTLPI 25/1/2013

This Quantum Report was provided courtesy of Jacqueline Swain of 7 Harrington Street Chambers, counsel for the defendant.

Document No. AM0202119

P (A CHILD) v SERVICE INSURANCE COMPANY (2014) Kemp/Lawtel
PSLA: £1,000 (£1,037.11 RPI) Total: £1,000 (£1,037.11 RPI)
Trial date: 31/7/2014 Judge: District Judge Brooks
Court: Salisbury County Court Type of Award: Court Award
Age at injury: 4 months Age at trial: 1
Sex: Female

Most significant injury: Moderate irritability for two weeks. Arching of the back for two weeks. Restriction of sleep for two weeks.
Total injury duration: 1 months

P, a female infant, aged four months at the date of the accident and one year old at the date of the child settlement approval hearing, sustained injuries when she was a passenger in a vehicle that was involved in a road traffic accident. P suffered from moderate irritability for two weeks. She also suffered from arching of the back for two weeks and problems with her sleep for 10 days. After two weeks, P made a full recovery.

General Damages: £1,000. [Cordner Lewis Solicitors, Cardiff]
Document Number: AM0202733

G v ALLIANCE BOOTS PLC (2011) Lawtel
Total Damages: £1,000 (£1,128.83 RPI)
Trial/settlement date: 24/6/2011
Judge: DJ Ellington
Age at trial: 12
PSLA: £1,000 (£1,128.83 RPI)
Type of Award: Court Award
Court: Pontefract County Court
Age at injury: 7
Sex: Male

The claimant, a 12-year-old boy, received £1,000, for the neck injury he sustained in a road traffic accident in August 2007. The injury resolved by three weeks after the accident.

Road Traffic: On August 15, 2007, the claimant (C) was travelling in a vehicle when it was hit in the rear by a vehicle driven by an employee of the defendant (D).

C sustained injury and brought an action against D alleging that its driver was negligent in driving into the rear of the vehicle in which he was travelling.

Liability conceded.

Injuries: C sustained a soft tissue injury to his neck.

Total injury duration: 1 months

Effects: Within 24 hours after the accident, C started suffering pain and stiffness in his neck which he described as 8 out of 10, with 10 being the most excruciating pain ever felt. For a few weeks he took Calpol. Within three weeks of the accident his neck symptoms had resolved.

C was not absent from school for any period of time and his activities were not restricted as a result of his injuries.

[Click here for Inflation Calculator](#)

Court Award: £1,000 total damages.

Background to damages: The district judge found that in the JSB guidelines, the neck injury was at the bottom end of Ch.6: Orthopaedic Injuries, (A): Neck; (c): Minor; (ii): up to £2,850. He assessed that £1,000 was the correct amount in all the circumstances.

Breakdown of General Damages: Pain, suffering and loss of amenity: £1,000.

Robert Skyner instructed by Philip & Robert Howard Solicitors for the claimant. Plexus Law for the defendant.

LTLPI 22/9/2011

This Quantum Report was provided courtesy of Robert Skyner of 39 Park Square Chambers, counsel for the claimant.

Document No. AM0201828