



Personal Injury – Case Study

Successful award of compensation following a road traffic accident

Our client v Third party driver

Date of Accident – 13th September 2016

Date of Settlement – 7th July 2017

Acting: Wake Smith Solicitors

Facts:

On 13th September 2016, our client was injured whilst driving his own vehicle.

Our client was travelling along a country road in South Yorkshire. He was wearing his seat belt and the weather was fine and dry. The road was a single lane in each direction and our client was travelling at within the speed limit at approximately 50 mph.

As he travelled along the road, he observed a car in the distance in the opposite lane, looking to make a right turn onto a side road. There were also other cars behind waiting.

Our client's vehicle had the right of way but just as he approached the junction where the third party vehicle was indicating to turn right, the third party vehicle suddenly turned into the side road thereby causing a collision with our client's vehicle.

The next thing our client recalled was waking up in an ambulance about to be taken to a local hospital where he spent 5 hours being assessed before he was discharged home.

Our client had 5 separate x-rays to his neck, chest, shoulder, wrist and pelvis in order to ascertain the nature and severity of his injuries. Fortunately, his x-ray examinations were clear.

The police attended the scene and spoke with our client, initially in the ambulance, and then a week or so later to take a statement.

Consequences:

Our client suffered multiple soft tissue injuries down his left hand side as well as injuries to his back, neck and shoulders. He also suffered chest bruising and headaches. His vehicle was written off.

The third party driver's insurance company agreed to provide physiotherapy treatment for our client and he underwent 8 sessions in total to assist his recovery.

Our client was absent from work for a total period of 28 days in the wake of the accident as he struggled to return to work. He undertook light work until he was recovered enough to continue his normal duties.



In addition to his physical injuries, our client suffered irreparable damage to his mobile phone, incurred expenses relating to the registration number of his vehicle and also medical expenses.

Whilst he did not suffer a loss of earnings directly, he was also required to recover his sick pay absences under the terms of his contract of employment.

The Proceedings:

The case was pursued via the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents.

The Defendant's insurance company admitted full liability on behalf of their policyholder for the accident. In addition, they put forward a pre-medical offer of settlement in an effort to settle the claim immediately without formal medical evidence.

Our client, following advice from Wake Smith, chose to refuse the offer and proceed to obtain a medical report documenting his injuries.

A medical report was obtained on behalf of our client, which allowed us to properly quantify his claim

Prognosis:

Our client's medical report indicated that his back, shoulder and neck pain was estimated to resolve at around 11 months after the accident. His left sided pain was estimated to resolve at around 6 months after his accident and his headaches at around 8 months. Our client had also developed situational anxiety because of the accident and this was expected to last around 8 months also. The injuries to our client's chest were said to be relatively minor.

Fortunately, our client, with the assistance of the rehabilitation, made a quicker than estimated recovery and as such we were able to enter into settlement negotiations with the Defendant's insurer to conclude the claim.

Settlement:

Settlement was agreed for a sum in excess of the pre-medical offer previously put forward by the Defendant's insurer.

The Claimant also recovered in full, his mobile phone damage, his vehicle registration expenses, his medical expenses and the claim on behalf of his employer for his sickness absences.