

CC v WEMBLEY STADIUM LTD (2022)

Lawtel: This Quantum Report was provided courtesy of Leslie Keegan of [7 Bedford Row](#), counsel for the claimant.

Date of Award/Settlement

1 February 2022

PSLA Damages

£55,000

Total Damages

£500,000

Kemp Classification

D Injuries to the head

L Other conditions and diseases

Kemp Sub-classification

D1 Head

L20 Miscellaneous conditions and diseases

Award Type

Out of Court Settlement

Court

Court not applicable

Age at Injury

34

Age at Award/Settlement

38

Gender

Female

Legal Representative

For the claimant: Leslie Keegan instructed by Anthony Gold Solicitors .

The claimant, a thirty-eight-year-old woman, received £500,000 total damages after she developed **Functional Neurological Disorder** after she sustained a head injury (with no abnormalities) after she was struck on the head by a wooden panel in December 2017. She suffered dissociative seizures, lack of sensation or power in the right arm or leg, pain around the right shoulder, poor balance, severe headaches and blurred vision.

Most significant injury: **Functional Neurological Disorder** after suffering a head injury.

Extent of injury: Claimant developed cluster headaches, memory loss and pain and loss of movement on the right side. Later she developed dissociative seizures, lack of sensation or power in the right arm, leg, poor balance, severe headaches and blurred vision. Unable to work but anticipated claimant would be able to return to part-time work within two years of receiving appropriate therapy.

Total injury duration: permanent

Employers' liability: C, female, aged 34 at the date of incident and 38 at the date of settlement, sustained an initial physical injury on 29 December 2017 while at work in her role as a hospitality manager. A wooden panel fell from a height striking her on the head and on her right side, causing her to fall to the floor. She sustained a mild traumatic brain injury. C attended hospital, but the CT scan did not demonstrate abnormalities. She was discharged, but a couple of weeks post-incident she developed cluster headaches and memory loss, as well as pain and loss of movement in the right side.

Liability was admitted and judgment was entered on 6 December 2021, with the amount of damages to be determined by the Court.

C has not been able to work since the date of the accident, but it was anticipated that she would be able to return at least to part-time work within two years of receiving appropriate therapy. C reported that her difficulties were dissociative seizures, lack of sensation or power in the right arm or leg, pain around the right shoulder, poor balance, severe headaches and blurred vision. In 2018 she was diagnosed with **Functional Neurological Disorder** and was under the care of the National Hospital for Neurology and Neurosurgery, London.

C's neurology evidence indicated that: with a GCS of at least 14 at the scene; no post-traumatic amnesia and a late MRI scan that was normal, then if the blow to her head caused a traumatic brain injury, that was at the lower end of the scale. C's neurology evidence indicated that progress from such an injury in the vast majority of people was excellent and there would normally be recovery over a number of weeks. C's neurologist emphasised that the diagnosis of a dissociative (or **functional** or non-organic **disorder**) is made by careful assessment of the history and then the findings on physical examination and that it was the absence of findings of a structural brain, spinal cord or peripheral nerve problem that allowed the diagnosis of a **disorder** of function to be made.

C's neuropsychiatrist accepted that there was evidence of a **Functional Neurological Disorder** and that her prognosis was uncertain. The defendant's neurologist agreed that C sustained a minor head injury but without any traumatic brain injury. That was based on an argument that: if there was any loss of consciousness, that was momentary or, at most, less than a minute; **neurological** assessments were normal in the ED and cranial imaging by CT and MR had been reported as normal. The defendant's neurologist agreed that there were features of a **functional neurological disorder** and that some weeks after the accident, C began to develop a progressive **neurological** disturbance with loss of use of the right arm and leg and weakness of the right face, together with loss of sensation over the right side of the body.

Out of Court Settlement: £500,000 total damages

Interim payments: C had one previous interim payment of £10,000 on 13 May 2019. The matter came before the Court on 16 December 2021 on C's application for a further interim payment. C sought £35,000 and the Court ordered an interim payment of £15,000, adopting a somewhat cautious view, based on the defendant's psychiatry evidence. The defendant's psychiatrist described C as psychologically markedly vulnerable and took the unusual approach of stating that some other similar stressful event would have been likely to provoke a similar response. He gave examples of this similar stressful event such "banging her head unexpectedly on a beam, falling downstairs or a low-speed impact in a vehicle".

Although no formal breakdown of damages was agreed between the parties the following breakdown was provided by solicitors for the claimant:

General Damages: pain, suffering and loss of amenity: £55,000.

Past losses: care: £45,000; loss of earnings: £50,000. Future losses: care: £240,000; OT/therapy/equipment: £35,000; loss of earnings: £50,000; rehabilitation: £20,000; case management: £5,000.