

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

Claim No: QB-2018-005743

Before Master Cook

29 March 2021

BETWEEN

1. WXF

(by her Mother and Litigation Friend, BXF)

- and -

1. Mr Brian Hopkins

2. HCC International Insurance Company PLC



QB-2018-005743

ORDER

UPON HEARING James Bell, Counsel for the Claimant and James Candlin, Counsel for the Defendants remotely by Microsoft Teams

WHEREAS the Claimant has made a claim against the Defendants for personal injuries suffered by her arising out of the First Defendant's negligence on 6th June 2008 and in respect of which proceedings were commenced by the Claimant in the High Court of Justice, Queen's Bench Division on 23rd January 2017

AND UPON the Court being satisfied that the Claimant, who brings the claim by her Litigation Friend, BXF, is a Protected Beneficiary for the purposes of the CPR 21.11(3)

AND UPON the Court having previously approved an apportionment of liability of 40/60 in the Defendant's favour

AND UPON the Court considering the written advice of James Bell dated 9th February 2021

AND UPON the Claimant and the Defendants having agreed in full and final settlement of the Claim the terms set forth herein

AND UPON the Court being satisfied that a lump sum is the more appropriate form for all of any award of damages

AND UPON the Claimant and the Defendants having agreed in full and final settlement of the Claim that the Defendants shall pay to the Claimant a net lump sum of £542,630.15 after deduction of interim payments, totalling £35,000, and relevant deductible State benefits, totalling £22,369.85

AND UPON the Claimant, through her Solicitor, having undertaken to the Court that she will not institute any further proceedings against the Defendants in connection with the Claim save by way of enforcement of this Order

AND UPON consideration of the Claimant's Article 8 right to respect for private and family life and the Article 10 right to freedom of expression

AND UPON it appearing that non-disclosure of the identity of the Claimant is necessary in order to protect the interests of the Claimant pursuant to rule 39.2(4) of the CPR and section II of the Contempt of Court Act 1981 and rules 5.4C and 5.4D of the CPR

AND UPON a copy of this Order being published on the website of the Judiciary of England and Wales

BY CONSENT

IT IS ORDERED AND APPROVED that:

1. The identity of the Claimant and her Litigation Friend shall not be disclosed.
2. That the Claimant and her Litigation Friend be described in all statements of case and other documents to be filed or served in the proceedings and in any judgment or order in the proceedings and in any report of the proceedings by the press or otherwise as "WXF" and "BXF" respectively.
3. That the address of the Claimant and her Litigation Friend be stated in all statements of case and other documents to be filed or served in the proceedings as the address of the Claimant's solicitors.
4. That a non-party may not inspect or obtain a copy of any document on or from the Court file (other than this order duly anonymised as directed) without the permission of a Judge, Master or District Judge. Any application for such permission or to set aside the anonymity order must be made on notice to the Claimant, and the Court will effect service. The file is to be retained by the Court and marked "Anonymised".
5. That reporting restrictions apply as to the disclosing of any information that may lead to the subsequent identification of the Claimant. The publication of the name and address of the Claimant or of any member of the Claimant's immediate family is prohibited.
6. The provisions of this Order shall not apply:
 - a. To communications between the Court Funds Office/ Court of Protection and the anonymised party or Litigation Friend in relation to the payment of money into the Court Funds Office for the benefit of the anonymised party or the investment or treatment of payment out of such money; or
 - b. To communications between the Court Funds Office/ Court of Protection and/or the anonymised party or Litigation Friend and any financial institution concerned as to the receipt or investment of such money; or

- c. To records kept by the Court Funds Office or the anonymised party or Litigation Friend or any such financial institution in relation to such money.
7. There be judgment for the Claimant against the Defendants in the gross sum after apportionment of liability of £600,000 by way of immediate damages.
8. Retrospective approval is given by the Court in relation to interim payments totalling £35,000.
9. The lump sum is to be apportioned and approval given pursuant to Parts 21.10 and 21.11 of the Civil Procedure Rules as follows:
 - a. £30,000 to BXF in respect of past gratuitous care and services provided to the Claimant such sum to be paid to the Claimant's solicitors by 4pm on 19th April 2021.
 - b. £512,630.15 to the Claimant such sum to be paid into Court by the Defendants by 4pm on 19th April 2021 and to be held in the Special Account pending the appointment of a Deputy in this jurisdiction and/or a Polish Guardianship order.
10. The Defendants do pay the Claimant's costs of the action on the standard basis to be the subject of a detailed assessment if not agreed.
11. The Defendants do pay the sum of £150,000 on account of the Claimant's costs by 4pm on 19th April 2021.
12. Upon payment of the above sums in respect of damages and costs, the Defendants shall be discharged from any further liability in respect of all claims made by the Claimant against them in these proceedings.
13. There is permission to the Claimant and the Defendants to restore with regard to implementation of the terms of the order only.

DATED this 29th day of March 2021

SERVICE OF THE ORDER

The Court has sent sealed copies of this order to:

Admiral Law, Admiral House, Queensway, Newport, NP20 4AG
nxc/01291824/1

Morris Orman Hearle, Wynnstay House, St James Square, Cheltenham, GL50 3PU
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CJW.98.37554