

IN THE HIGH COURT OF JUSTICE
QB-2018-001018

CASE NO:

QUEENS BENCH DIVISION
MRS JUSTICE STACEY

BETWEEN : -

**ABC (by her mother and
litigation friend XYZ)**

- and -

Portsmouth Hospitals NHS Trust



QB-2018-001018

Defendant

ORDER

Before Mr Justice Stacey

UPON the Parties having reached settlement in relation to the issue of liability in this case,

AND UPON Hearing Leading Counsel for the Claimant and the Defendant,

AND UPON reading the Opinion on Settlement prepared by Leading Counsel for the Claimant;

AND UPON the said settlement being approved,

BY CONSENT IT IS ORDERED that : -

- 1) Judgment be entered for the Claimant against the Defendant for 55% (fifty five percent) of the full value of the claim where the full value would represent the difference between the Claimant's actual condition and

had she not suffered any brain injury. Such injuries and losses to be assessed by a Judge of the Queen's Bench Division on a full liability basis.

- 2) The Trial of the Preliminary Issue listed for 15 March 2021 be vacated.
- 3) The Claimant do apply by 14 May 2021 to the Master for directions as to the trial of quantum.
- 4) By 5 April 2021 the Defendant do pay to the Claimant's Solicitors for the benefit of the Claimant the sum of £200,000.00 as an interim payment on account of the Claimant's damages.
- 5) The Claimant's Solicitors do apply to the Court of Protection for the appointment of a Deputy forthwith and upon such appointment being made, the Claimant's solicitors shall transfer the sum of £200,000.00, subject to a first charge under section 16(6) of the Legal Aid Act 1988, together with any interest accrued on that said sum from the date of this order to be carried over to the Court of Protection to the credit of the Claimant there to be dealt with as the Court of Protection thinks fit.
- 6) The Defendant do pay the Claimant's liability costs, on the standard basis to be the subject of a detailed assessment if not agreed, such costs to be paid within 28 days of a detailed assessment or agreement.
- 7) The Defendant do pay to the Claimant's Solicitors the sum of £200,000.00 on account of liability costs by 5 April 2021.
- 8) The Claimant's costs be assessed in accordance with the Civil Legal Aid (Costs) Regulations 2013.

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DAC

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Solicitors for the Claimant
Defendant

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Solicitors for the

Dated 16 March 2021