

RTX
(BY HER LITIGATION FRIEND PWY)

Claimant

- and -

MR ABDIRISAQ MOHAMUD

Defendant

ORDER

Before Mr Vaitilingam QC (sitting as a Deputy Judge in the High Court) in the Royal Courts of Justice, Strand, London, on 28th April 2021 remotely by MS Teams

Upon hearing Laura Begley, Counsel for the Claimant and Andrew Davis QC, Leading Counsel for the Defendant

WHEREAS the Claimant has brought these proceedings against the Defendant in respect of a road traffic collision which occurred on 5 November 2015 in respect of which liability was admitted

AND WHEREAS the Claimant is a Protected Party and brings the Claim by her Litigation Friend Marian Clarke

AND WHEREAS the Parties have agreed terms of settlement as are set out below subject to the approval of the Court

AND UPON reading the Advice of Laura Begley dated 21 April 2021 and upon reading the documents lodged with the Court for the purposes of considering the proposed settlement in this action

AND UPON the Court being satisfied that a lump sum payment is the more appropriate form of damages for all elements of past and future losses and that CPR Parts 21 and 41 have been complied with

AND UPON THE COURT approving the settlement negotiated between the parties in full and final settlement of the Claimant's claim pursuant to CPR 21.10

IT IS ORDERED BY CONSENT THAT:

1. The Defendant shall pay and the Claimant shall accept the sum of £220,000.00 in satisfaction of the Claimant's claim for damages and interest, such sum to be satisfied as follows:
 - 1.1. By the Claimant giving credit for the interim payments already paid of £5,000.00;

- 1.2. By the Defendant paying to the Compensation Recovery Unit the sum of £125,597.70 in satisfaction of the Defendant's obligations pursuant to the Social Security (Recovery of Benefits) Act 1997 as at the date the compensation payment is paid by the Defendant;
- 1.3. By the Defendant paying the balance of £89,402.30 to the Claimant's solicitors by 4pm on 19 May 2021.
2. The Defendant shall pay the Claimant's costs of the action on the standard basis, such costs to be assessed by detailed assessment if not agreed.
3. The Defendant shall pay an interim payment on account of the Claimant's costs in the sum of £300,000.00 by 4pm on 19 May 2021.
4. Upon payment to the Claimant's solicitors of the sum set out in paragraph 1.3 above and the costs set out in paragraph 2 above, the Claimant shall discharge the Defendant from all and any further liability in respect of all and any claims made in or arising out of the Claim, including for the avoidance of doubt claims for costs, the Claimant accepting that she has no other claim arising out of the subject matter of the Claim against the Defendant or any other person.
5. All further proceedings and claims in the Claimant's claim against the Defendant be stayed generally upon the terms set out above except for the purpose of carrying such terms into effect, and for that purpose the Claimant and the Defendant each have permission to apply in these proceedings.

AND IT IS ORDERED THAT:

6. The sums referred to in paragraph 1.3 above shall be held by the Claimant's solicitors pending the appointment of a Deputy on behalf of the Claimant and shall thereafter be transferred to the Deputy account within 28 days of notification by the Deputy to the Claimant's solicitors of the details of the account.
7. There shall be a detailed assessment hearing to determine what costs shall be payable by the Claimant to her solicitors, such costs to be assessed on the indemnity basis pursuant to CPR 46.4. Such assessment shall take place following the conclusion of the assessment or agreement of the Defendant's liability for the Claimant's legal costs.

Dated 28 April 2021