

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

Claim No: QB-2019-001584

Before Master McCloud

07 May 2021

BETWEEN

1. XXX

(A Protected Party proceeding by his Mother and
Litigation Friend, YYY)

- and -

1. Eagle House Group Limited
2. Greenwich Leisure Limited



ORDER

UPON MASTER MCCLOUD hearing an application made by Counsel for the Claimant and attended by Counsel for the Defendants

WHEREAS proceedings were commenced by the Claimant in the Queen's Bench Division of the High Court of Justice on 29th April 2019 and Judgment was entered for the Claimant on liability with issues of causation and quantum to be assessed on 22nd April 2020

AND WHEREAS the Claimant is a Protected Party and a Protected Beneficiary who brings this claim by his mother and Litigation Friend, YYY

AND UPON the Claimant and Defendants having agreed terms of settlement subject to the approval of the Court

AND UPON reading the Advice prepared by Counsel for the Claimant dated 4 May 2021 and the documents put before the Court for the purposes of the approval

AND UPON the Claimant's Solicitors waiving their right to claim further costs from the Claimant over and above the costs recovered from the Defendants pursuant to paragraph 2 of the Consent Order below

AND WHEREAS pursuant to CPR Rule 39.2(4) the Court is satisfied that an Order in the terms below is necessary to protect the interest of the Claimant and there is no sufficient countervailing public interest in disclosure

IT IS HEREBY ORDERED PURSUANT to Section 11 of the Contempt of Court Act 1981, Section 8 of the Human Rights Act 1998 and CPR Rule 5.4A to 5.4D and CPR Rule 39.2 that: -

1. There shall be no publication in any newspaper or other media or other disclosure of any name, address, image or other information tending to identify the Claimant, his mother and Litigation Friend, brother or other member of his family.
2. There shall be substituted for all purposes of this case as well as in any publication or broadcast relating to these proceedings, in place of reference to the Claimant, his mother and Litigation Friend and brother and whether orally or in writing the following references: -
 - a. The Claimant shall be referred to as "XXX";
 - b. The Claimant's mother and Litigation Friend shall be referred to as "YYY";
 - c. The Claimant's brother shall be referred to as "ZZZ".
3. A non-party may not, without the permission of a Master, inspect or obtain any copy statement of case or document from the Court file unless it has been anonymised in accordance with this direction and there has been redacted any information which might identify the Claimant, his mother and Litigation Friend, brother or other member of his family. Any application for such permission (i.e. to inspect or obtain a non-anonymised version) must be made on notice to the Claimant and in accordance with CPR Rule 5.4C(6).
4. In so far as necessary, any statement of case or other document disclosing the Claimant's name or address or the name or address of the Claimant's mother and Litigation Friend or brother already filed in the proceedings be replaced by a document describing such name or address in anonymised form as above.
5. The original of any such document disclosing the name or address of the Claimant, his mother and Litigation Friend or brother is to be placed on the Court file in a sealed envelope marked "not to be opened without the permission of a Judge or Master of the Queen's Bench Division".
6. The provisions of this Order shall not apply: -
 - a. to communications between the Court Funds Office and the anonymised party, his Deputy 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;

- b. to communications between the Court Funds Office and/or the anonymised party, his Deputy 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, his Deputy or Litigation Friend or any such financial institution in relation to such money.
7. Any non-party affected by this Order may apply on notice to all parties to have this Order set aside or varied.

AND UPON the approval of the following terms of settlement

AND BY CONSENT IT IS ORDERED that: -

1. All further proceedings in this claim be stayed, except for the purpose of carrying the terms of this Order and the terms in the attached Schedule into effect for which purpose the Claimant and Defendants shall have permission to apply to the Court.
2. The Defendants shall pay the Claimant's costs of the action on the standard basis, such costs to be subject of a detailed assessment if not agreed and to be paid within 14 days of agreement or assessment (as the case may be).
3. The Defendants shall make a payment on account of costs in the sum of £100,000-00 to the Claimant's Solicitors by 4pm on 4 June 2021.
4. Upon payment of the sums set out in the attached Schedule and the above mentioned costs, the Defendants be discharged from any further liability in respect of the Claimant's cause of action herein.

DATED this 07th day of May 2021

SERVICE OF THE ORDER

The Court has sent sealed copies of this order to:

LEIGH DAY & CO, 25 ST JOHN'S LANE, LONDON, EC1M 4LB,
DX 53326, CLERKENWELL

DAC Beachcroft Claims Ltd, The Wallbrook Building, 25 Wallbrook, London, EC4N 8AF
DX 45 London/Chancery Lane

Kennedys Law LLP, 25 Fenchurch Avenue, London, EC3M 5AD
DX 766 London/City
ZMA006-1196422-REEN-ROXANNE MITCHELL, LHW/C1050-719314 (CYM)

SCHEDULE

1. The Claimant shall accept the sum of £80,000-00 in full and final settlement of his claim.
2. The sum repayable for deductible benefits due to the Compensation Recovery Unit of the Department for Work and Pensions is nil.
3. The Defendants shall pay the sum of £17,950-00 to the Claimant's Solicitors by 4pm on 4 June 2021 of which said sum: -
 - (i) By 4pm on 11 June 2021 the sum of £11,600-00 shall be paid by the Claimant's Solicitors to YYY, the Claimant's mother and Litigation Friend, in respect of losses and expenses incurred by the Claimant's mother by reason of this claim; and
 - (ii) By 4pm on 11 June 2021 the sum of £5,000-00 shall be paid by the Claimant's Solicitors to YYY, the Claimant's mother and Litigation Friend, in respect of Court of Protection fees and costs associated with setting up the deputyship; and
 - (iii) By 4pm on 11 June 2021 the sum of £1,350-00 shall be paid by the Claimant's Solicitors to YYY, the Claimant's mother and Litigation Friend, to be used for the benefit of the Claimant.
4. The Defendants shall pay the outstanding balance of the settlement sum (namely, £62,050-00) into Court by 4pm on 4 June 2021 to be invested and accumulated in the Special Investment Account pending further Order.
5. YYY, the Claimant's mother and Litigation Friend, will apply to the Court of Protection for the appointment of a deputy, after which the outstanding balance of the settlement sum (namely, £62,050-00) together with any interest accrued on the sum from the date of this Order will be carried over to the Court of Protection to the credit of the Claimant there to be dealt with as directed by the Court of Protection.