

E V ROBERT JONES & AGNES HUNT ORTHOPAEDIC & DISTRICT  
HOSPITAL NHS TRUST (2010)

Total Damages: £22,000

Trial/settlement date: 2/6/2010

Age at trial: 51

PSLA: £22,000

Type of award: Out of Court

Settlement

Court: Out of Court Settlement

Age at injury: 47

Sex: Male

**The Claimant was rendered tetraplegic following a rugby injury sustained in 1991. He has suffered intermittent superficial and deep-seated infections since that time; in particular, he developed problems with his left hip which was operated on in 1997. The Claimant started again to display symptoms of infection in his left hip in early 2006 but he was not placed on antibiotics until October 2006 and was not admitted into hospital for treatment until January 2007.**

Claimant: Male: 47 years old at date of incident; 51 years old at date of settlement.

Clinical Negligence: Following an operation on his left hip in March 1997, the claimant frequently displayed signs of infection. Surgeons were not prepared to operate on the claimant due to the fact that the scar involved the femoral vessels and there was a real risk of making him worse.

By January 2006 the Claimant was complaining of increased pain in his left hip and leg. The wound was oozing by April 2006. An MRI was done on 13 April 2006 and confirmed chronic infection. The doctor was unwilling to give advice on appropriate antibiotic treatment until a tissue biopsy had been cultured as so many different bacteria had been isolated.

There was a delay before this was performed on 26 September 2006 and three different microbes were isolated; *Pseudomonas sp*, *Staphylococcus haemolyticus* and anaerobes. Appropriate antibiotics were given and there was persistent osteomyelitis. Two orthopaedic surgeons declined to operate and offered only long term intravenous antibiotics. The patient was acutely unwell at this point; however he was not admitted to hospital until he attended for what was a planned outpatient's appointment in January 2007.

The Claimant was eventually discharged from Hospital in September 2008 and remains under the care of district nurses for dressing changes and care of the wounds.

Injuries: Delay in treatment of infection

Effects: Prolonged suffering

Out of Court Settlement: £22,000

Breakdown of general damages: The case was settled with regard to the highly complex medico-legal position on causation, the precise extent of which was impossible to determine.

Anthony Reddiford of Guildhall Chambers instructed by Nye Moloney of Metcalfes Solicitors for the Claimant. Chris Alderson of Hempsons Solicitors instructed on behalf of the Defendant.

Report submitted by Nye Moloney of Metcalfes Solicitors.