



Neutral Citation Number: [2021] EWHC 2805 (QB)

Claim No: F90MA238

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

1 Bridge Street West  
Manchester  
M60 9DJ

20<sup>th</sup> October 2021

**Before :**

**MR JUSTICE FORDHAM**

**Between :**

**MR LEE STAMMERS**  
**(a Protected Party by his Mother and Litigation**  
**Friend SHEILA COOK)**  
**- and -**  
**MR CHRISTOPHER DYSON**

**Claimant**

**Defendant**

**Richard Hartley QC** (instructed by Simpson Millar) for the **Claimant**  
**Tim Horlock QC** (instructed by Weightmans) for the **Defendant**

Hearing date: 20/10/21

Judgment as delivered in open court at the hearing

**Approved Judgment**

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....  
THE HON. MR JUSTICE FORDHAM

Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment in a Coronavirus remote hearing.

**MR JUSTICE FORDHAM :**

1. The purpose of today's hearing has been for me to consider whether the proposed settlement of the damages claim in this case is in the best interests of the Claimant. I commend the speed and cooperation with which the legal representatives and the experts have dealt with this case in the last few weeks to enable an approval hearing to go ahead, on a fully prepared and fully informed basis, today.
2. This was a fully remote, public hearing by Microsoft Teams. I joined from my room at the Manchester Civil Justice Centre. The open justice principle was secured, through the publication in the cause list – publicly accessible through the “courtserve” website – of the hearing and its start time, giving an email address usable by any member of the press or public who wished to observe the remote hearing. A remote hearing meant that the Claimant – a vulnerable person – and his litigation friend could be present, and in the same way as everyone else, but without having to travel to or be present in a court room. It also allowed the participation by the Claimant's Leading Counsel, Richard Hartley QC who is currently unavoidably overseas but was able fully to participate and assist the Court remotely. It avoided an adjournment. It also meant that there was no broadcasting from a court room.
3. The Claimant, Lee Stammers, is aged 44. On 17 August 2016 he was riding his motorbike lawfully when a car driven by the Defendant turned into his path. I will come on to describe the consequences and injuries that he sustained on that day. There was in due course a full admission of liability. Judgment was entered. Only questions of quantum of damages remained for resolution.
4. In September 2019 the Court approved a settlement of that part of the claim which related to accommodation, in the sum of £700,000, which was accompanied by an approved further interim payment. That course enabled the purchase and full adaptation of a bungalow into which the Claimant moved in November 2020, 4 years and 3 months after the road traffic collision. It is from that specially adapted bungalow that the Claimant and his mother have been able to join today's hearing, and it is into that specially adapted bungalow that I have been able to look through my screen.
5. The consequences of the road traffic collision for the Claimant were that he sustained catastrophic brain injuries. There was direct trauma, direct and indirect vascular injury to the brain, and hypoxic brain injury. There were many other complications including a cardiac arrest. He was airlifted to the Northern General in Sheffield and received life-saving surgery. He was transferred from intensive care to Hallamshire Neuro Critical Care. For six months after the collision, he remained in a condition involving a prolonged disorder of consciousness. He required several surgical interventions and experienced ongoing setbacks, including several near-death experiences: seizures, recurrent jaw dislocation, serious respiratory infections, each associated with neurological relapse or regression. He spent three years at the Goole Neuro Rehabilitation Unit – as their longest ever resident – and then a further eight months at a transitional specialist unit called Ariya House. Although he has defied all predictions in terms of recovery, gradually recovering the power of speech (which he has used at this hearing today) and some movement on his left-hand side, with some ability to stand and even turn with assistance, he remains severely disabled. His injury is described as devastating and of the utmost severity. He has suffered a four-limbed motor disorder. Essentially, one half of his body does not work and the other needs considerable

assistance. He needs one-to-one but also, for significant periods, two-to-one care during the day, as well as a ‘sleeping carer’ at night. He remains dependent on others to complete all tasks of personal care. He depends on a powered wheelchair for mobility.

6. What is proposed is that there be a lump sum award of £3.85 million, from which credit is to be given totalling £1.58 million in respect of previous interim payments and £21,322.64 as being repayable to the Compensation Recovery Unit. The balance of the lump sum (£2,248,677.36) will be payable into the Claimant’s Deputyship Account. In addition to the lump sum, there are three streams of index-linked periodical payments, to be made throughout the Claimant’s life. First, in the case of future care and case management there will be periodical payments linked to the (very familiar) ASHE 6115 index, starting at £210,000 per year. Secondly, in the case of future therapies – occupational therapy and physiotherapy – there will be periodical payments linked to the (less familiar) ASHE 222 index (an index for that type of worker), starting at £11,000 per year. Thirdly, in the case of Court of Protection and Deputyship expenses there will be periodical payments linked (rather unusually) to a GHR (Guideline Hourly Rate) index, starting at £15,500 a year. Those indexes have all been explained, and agreed, and I am satisfied – as was the independent financial adviser, to whose Report I shall return – that the use of them is justified and appropriate.
7. Mr Hartley QC has helpfully given me his overall capitalised value of this award as being approximately £10.9 million.
8. I have had the benefit of reading the very thorough confidential Advice dated 15 October 2021 by Mr Hartley QC and his junior Mr Anthony Mazzag. It sets out the reasons why they and the Claimant’s solicitors Simpson Millar consider that a settlement in these figures and structured in this way is in the Claimant’s best interests. The detailed explanation in that Advice covers 25 different topics. I also have the confidential Report of the independent financial adviser, Richard Cropper, itself dated 15 October 2021. That Report addresses the appropriateness of the periodical payments and the indexes. The Report and Advice dovetail. I have also been provided with a substantial bundle of relevant materials including statements and reports filed in the proceedings, and also the Schedule and Counter-Schedule of Loss (both recent documents).
9. In the light of the materials and the assistance given to me, including at this hearing, I am satisfied that the proposed settlement is a sensible settlement from the Claimant’s point of view. I am happy to give my approval to that settlement and will make an Order in the form that has been proposed and discussed. My Order – a document available from the court files – will contain the appropriate recitals, including my satisfaction of features relating to the periodical payments orders being made. I will also, as I am invited, record that I approve a payment out to the Claimant’s litigation friend. That will be recorded in a recital: the Court has approved the payment out by the Deputy to the Claimant’s Litigation Friend of the sum of £75,000 in respect of past gratuitous care. I will also order a further payment on account of costs, as agreed, in the amount of £516,586.09. I am satisfied that all aspects of the Order are appropriate.
10. The papers before the Court tell me a lot about the Claimant, about his family and about his friends. I have seen photos. I have read about family relationships. I now know something of the “gentle giant” – 6 foot 8 inches in height – with the love he had for walking, cycling and swimming. Larking around with his friends. Breeding his silkie

chickens. Looking after his allotment. Going to the gym with his brother, five times a week. Working as a teacher and caring assistant for children with special needs at a special school. Living independently. Loving the outdoors. Doing the charity kick boxing match. Going to Sheffield Wednesday matches with his friends.

11. The papers also tell me about how Lee Stammers has defied all predictions. I have read about the situation when his legal representatives first attended him at Goole, when his method of communication was by squeezing a thumb. I have also read about the day when his mother Sheila Cook heard him whisper his first word – “hospital” – in July 2019, after everyone had come to terms with the fact that he would never speak again. Out of immense fortitude and determination, he has regained a level of talking, joking, enjoying television programmes, being a bit of a bad loser at games, enjoying fishing, operating his electrically powered wheelchair and computer equipment, and going in his wheelchair to the pub with friends. His recovery has been described as “miraculous”. It has also, rightly, been described as bringing great credit upon the dedicated professional care and the dedication of his family, in particular his mother. Mr Horlock QC at today’s hearing has paid his own tribute to the dedication and remarkable care, which has without doubt made a huge difference, which has come from Sheila Cook as the Claimant’s mother and his litigation friend. As Mr Horlock QC put it, she has rightly been concerned to safeguard her son’s interests and his future. I associate the Court with that tribute.
12. I also associate the Court with the tributes which have been paid by Mr Hartley QC and the Claimant’s legal team. From the papers that I have read, and in what Mr Hartley QC has said in open court today, I have been able to get a good sense of the very many people who have played important roles in the story. They include professionals involved in treatment, rehabilitation, representation and appraisal. They include lawyers, experts, therapists, clinicians, family, supporters, and friends. Among them, as I have already mentioned, is the Claimant’s mother. Leading Counsel and Junior Counsel have communicated to me that neither of them – with all their experience – can recall a family member showing such a level of dedication to an injured relative as Sheila Cook has shown for her son Lee Stammers. She spent those nights in a chair or on a mattress on the floor next to his bed, in those various hospitals, so as to be able to listen out for any warning signs of any breathing difficulty. She went every day to the rehabilitation unit, during those three years, leaving home at 2:30pm and back at 7:30pm. She continued the same unstinting devotion when the Claimant was in Ariya House, and again after his move into his bungalow. She is described in the witness statement of a family friend as having been through “hell” but being “100% committed to his recovery”. Her devotion is rightly described by the Claimant’s legal team as “humbling”. In approving this settlement, and in wishing the Claimant Lee Stammers well, I can leave the last word to her, his extraordinary mum. Writing in June of this year, five years after the collision, and two years after she was at her son’s side to hear him whisper that first word, she told the Court: “Lee is certainly not now the Lee that we once knew... [but] he can speak again and he is making amazing little improvements all of the time. Every little bit is worth having. His cheeky personality is still there ... [and] I will never forget the moment that Lee wheeled himself over the threshold of his new home.”