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Six-figure Settlement for Clinical Negligence Client

Lester Aldridge has successfully concluded a complex clinical negligence claim and secured a six-figure settlement for a client following an injury at work.

Our client slipped off a step at work sustaining an elbow injury. The injury was diagnosed as a dislocation to the left elbow and radial head. The dislocation was reduced in A&E, placed in a back slab and our client was referred to the fracture clinic.

Failure to Properly Review X-rays and Delayed Surgery

One week later our client attended the fracture clinic. X-rays were taken which showed a posterior dislocation of the elbow and a fracture of the radial head. The risk of the fracture being unstable was noted and a follow-up appointment was made for two weeks.

At the follow-up appointment, our client had further X-rays and the plan was to continue to treat conservatively. Unfortunately, these X-rays were not properly considered at this appointment or the next appointment nearly one month later. Had the X-rays been properly considered, and by this stage, additional X-rays were also showing difficulties, it would have been noted that there was “incongruity” of the ulnohumeral joint meaning that the two ends of the joint were not fitting together properly. There was further alleged failure to properly review further X-rays and a CT scan.

Delayed Surgery and Legal Admissions

The only way to repair this was surgery. That surgery was delayed and did not take place until March 2019.

The defendant Trust made admissions that there had been a failure to properly read the X-rays and interpret the CT scan and that surgery should have happened sooner. However, they did not admit full liability, pinning their case on a factual defence that our client would not have agreed to surgery even if offered earlier and a causation point that even if the surgery had taken place sooner, the outcome for our client would have been no different.

[Melanie Lidstone-Land](#), Senior Associate in the [Clinical Negligence team](#) concluded this case on behalf of our

client. She was able to work with independent medical experts to confirm the position with regard to the need for surgery and advance arguments that this would have made a difference if undertaken sooner. Melanie obtained additional evidence with respect to the value of this claim and successfully pushed the defendants from an original offer of less than £20,000 to a six-figure settlement. She says:

“It was a pleasure to work with my client to conclude this matter. At the point I took over conduct of the case, it was clear that the defendant was steadfast in their belief that the case was worth less than £20,000. It took a little bit of time to work with our experts and barrister to perfect the evidence but once that was done, I was able to send it to the defendant and enter into settlement negotiations. I am very pleased that this has concluded so favourably for my client.”

Contact

Our team is ready to discuss your clinical negligence concerns without charge or obligation. Please get in touch with any questions or queries at online.enquiries@LA-law.com or [0344 967 0791](tel:03449670791).