



### Client comments about Waldrons

*"The Waldrons team have been brilliant from start to finish. You have always kept me informed of every step and I've always felt comfortable discussing the case and anything I've been unsure about. I feel like I've been involved in the whole process as part of the team and that it's not just been "me" and the "solicitors" like I have felt with my previous two solicitors.*

*I would also like to comment on the friendliness of the staff on the reception and your secretary who have always been a pleasure to speak to.*

*Overall, I would just like to say thank you for the great service and I will be highly recommending Waldrons and yourself in the future."*

### Case note summary

The Claimant, an 8 year old boy at the time of the incident, received a total of £25,000 following the delayed detection of appendicitis and peritonitis.

He began experiencing problems one Saturday afternoon and was admitted into hospital the following Tuesday, but was not operated upon until the following Thursday.

The delay resulted in peritonitis and the need for a second operation due to the formation of an abscess. Subsequently, the Claimant developed OCD traits upon his discharge from hospital.

Date of Settlement: September 2009;  
General damages for pain and suffering: £21,000;  
Total Award: £25,000

Claimant's Solicitor : Nicola Lewis, Waldrons, Brierley Hill  
Claimant's Counsel : Sophie Mortimer, 1 Chancery Lane, London

## **Background**

### **December 1995**

The Claimant, then aged 8, began to complain of stomach pains and began vomiting and two separate General Practitioner diagnosed urinary tract infection. The Claimant was referred to hospital where a diagnosis of gastroenteritis was given.

The Claimant continued to deteriorate and upon review, an urgent call for a surgical review was made. The appendix had perforated and a diagnosis of peritonitis was made. A laparotomy was performed the same day

The Claimant again started to experience stomach pain, and was found to have an abscess in his abdomen and a second operation was required.

### **Later implications**

Shortly after, the Claimant started to develop OCD traits including repetitive actions. He also became acutely aware of his large surgical scar and over the years began to feel embarrassed about it

## **The Claimant's Case**

Medical expert reports were obtained from a Consultant Paediatrician, a Consultant Surgeon and a Consultant Psychiatrist.

### **The paediatric expert**

A call to a surgeon should have been made upon the Claimant's admittance into hospital. The tenderness of the abdomen, vomiting of green bile and fever should have indicated the potential need for surgical review and/or intervention.

### **The Consultant Surgeon**

A review should have been undertaken sooner, however the care received following on from the call was reasonable.

Had this been done:

- The initial procedure could have been conducted via keyhole surgery.
- The second operation would have been avoided
- The perforation and subsequent abscess and abdominal cavity leakage would have been avoided

### **The psychiatric expert**

The surgery was probably the trigger event in respect of the onset of the Claimant's OCD.

The Defendant's expert raised the issue as to whether the Claimant was genetically predisposed to OCD and whether appendicitis alone could have acted as a trigger event.

### **Settlement**

#### **15<sup>th</sup> December 2008**

With the assistance of Counsel's advice, the Claimant put forward a Part-36 global offer to settle worth £35,000.

#### **5<sup>th</sup> June 2009**

Having obtained opposing expert evidence, the Defendant rejected the Claimant's offer and made a telephone offer to settle on worth £2,500. This offer was later doubled in written correspondence.

#### **13<sup>th</sup> August 2009**

Following an unfavourable report by their Consultant Surgeon, the Defendant made a Part-36 global offer to settle on worth £25,000, less any recoverable benefits, plus the Claimant's reasonable costs. This was accepted. The claim was settled on a global basis, although the Claimant's advisors would value it as follows:

Development of OCD	£14,000
PSLA caused as a result of the delay in treatment	£7,000
Care	£3,000
Miscellaneous Expenses (travel, medicines, etc)	£1,000



#### **Nicola Lewis, Waldrons Solicitors**

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As a leading specialist in Clinical Negligence Law, Nicola is a long standing member of the elite Clinical Negligence Panel and has over ten years experience working in this field and fifteen years working within Civil Litigation and high value Personal Injury law.

She has in depth experience in complex cases, with particular interest in catastrophic injuries such as brain injury, cerebral palsy, or serious spinal injuries, having recently managed several cases resulting in multi-million pound settlements.