

Comparison of Formulas used by the Courts when Calculating General Damages for Multiple Injuries Under the Personal Injuries Guidelines

| | <i>Lipinski v Whelan</i> [2022] IEHC 452 - 1 July 2022 | <i>McHugh v Ferol</i> [2023] IEHC 132 – 1 March 2023 | <i>Power v Malone</i> [2023] IEHC 366 – 16 June 2023 | <i>Zaganczyk v John Pettit</i> [2023] IECA 223 – 20 September 2023 | <i>Keogh v Byrne</i> [2024] IEHC 19 – 16 January 2024 | <i>Coughlan v CGR Construction Ltd</i> [2024] IECA 78 – 16 April 2024 | <i>O’Sullivan v Ryan</i> [2024] IEHC 326 – 17 May 2024 | <i>Collins v Parm</i> [2024] IECA 150 – 20 June 2024 |
|---|---|--|---|---|---|--|--|---|
| € for dominant injury | Moderate PTSD: €35,000 | Serious foot injury: €60,000 | Facial scarring: €60,000 | Moderate PTSD: €35,000 | Left forearm injury: €55,000 | Soft tissue injury to right shoulder: €40,000 | Leg injury: €70,000 | Moderate PTSD: €35,000 |
| € for non-dominant injuries | <ul style="list-style-type: none"> Scar Soft tissue injuries to neck, back, left wrist & left ankle. Bruising & minor abrasion to left shin | <ul style="list-style-type: none"> PTSD: €35,000 Minor head & neck injuries: €10,000 Hip & back injuries: €20,000 Broken dental bridge: sum not provided | <ul style="list-style-type: none"> Right hand with scarring Minor back pain Headaches Adjustment disorder | <ul style="list-style-type: none"> Scarring/burning injuries to face, neck, ear & left arm | <ul style="list-style-type: none"> Right wrist injury: €42,000 Soft tissue injuries: €3,000 | <ul style="list-style-type: none"> Headaches: €30,000 Chest injury: €1,000 Neck injury/whiplash: €1,000 Soft tissue injury to left wrist: €1,000 | <ul style="list-style-type: none"> Chest injuries: €20,000 - 30% due to temporal overlap = €14,000 PTSD: €20,000 – 30% due to temporal overlap = €14,000 Back injuries: €30,000 – 15% not the same temporal overlap = €25,500 | <ul style="list-style-type: none"> Spinal injury: €15,000 Tooth injury: €5,000 Tinnitus: €3,000 Scarring: €5,000 Head injury: €2,000 |
| Total uplift for non-dominant injuries | €25,000 (no breakdown of uplift) | Total of non-dominant injuries prior to adjustment: €65,000 – 50% = €32,500 | €30,000 (no clear breakdown of uplift) | €25,000 (no breakdown of uplift) | Total of non-dominant injuries prior to adjustment: €45,000 - €15,000 discount = €30,000 | €15,000 uplift allowed by HC and affirmed by CoA (no breakdown of uplift) | Total of non-dominant injuries with adjustment: €53,500 (€14,000 chest injuries + €14,000 PTSD + €25,500 back injuries) | Total of non-dominant injuries prior to adjustment: €30,000 – 33.3% due to temporal overlap = €20,000 |
| Total general damages | €60,000 (€35,000 dominant injury + €25,000 uplift) | €92,500 (€60,000 dominant injury + €32,500 uplift) | €90,000 (€60,000 dominant injury + €30,000 uplift) | €60,000 (€35,000 dominant injury + €25,000 uplift) | €85,000 (€55,000 dominant injury + €30,000 uplift) | €55,000 (€40,000 dominant injury + €15,000 uplift) | €123,500 (€70,000 dominant injury + €53,500 uplift) | €55,000 (€35,000 dominant injury + €20,000 uplift) |