



## INTERNATIONAL UPD@TE

In response to reader interest, Plaintiff introduces a new feature that tracks international legal developments. If you hear of any developments relevant to this feature, please forward them to [jchoe@apla.com](mailto:jchoe@apla.com)

### Loss of a parent or spouse's special services (UK)

Many UK cases have, in the past, recognised the pecuniary value of a mother's care of her children and a wife's care of her husband [*Hay v Hughes* (1975) QB 790, *Regan v Williamson* (1976) 1 WLR 305, *Mehmet v Parry* (1972) 2 All ER 529]. Now a decision of the CICB in March, 2000 has recognised the pecuniary value of the loss of the personal attention of a husband or father. The case involved Sergeant Robertson, husband and father of two, who was killed in 1994 whilst apprehending armed robbers. He and his wife were both employed and shared the burden of raising their children. His important role in the family was recognised and for the loss of the financial benefit of the personal attention he gave as a father and husband, Mrs Robertson was awarded £5000 and her children £8000.

[For further details see "Claims for loss of a parent or spouse's special services", Angus MacPherson, 10(5) *APIL Newsletter*, October 2000, p. 6]

### Tobacco award of US\$145 billion (US)

A jury awarded a record US\$145 billion to Florida smokers which a judge has upheld, despite pleas from the tobacco companies involved to reduce the award and conduct a new trial. They claimed that an award of over US\$375 million would bankrupt them. A long appeals process will now begin in the state courts. (See *USA Today*, 11/6/00 at

<http://www.usatoday.com/news/ndsmon05.htm>)

### EU and Tobacco (Europe)

The European Union has begun proceedings in the New York District Court to sue tobacco companies Philip Morris and R.J. Reynolds for their alleged involvement in smuggling cigarettes into the EU's 15 member states. The EU is seeking

triple damages for the tax losses resulting from the smuggling which is estimated to amount to US\$1.7 billion annually. (*Washington Post* 7/11/00 available at

<http://www.washingtonpost.com/wp-dyn/articles/A26351-2000Nov6.html>)

### North v Lloyds Bank PLC (UK)

A settlement was reached in the Birmingham County Court on 11 July 2000 where the plaintiff was awarded £100,000 plus legal costs for the damages he suffered as a result of work-related stress. The case is the first judgment in a work-related stress claim involving the banking industry in the UK. The plaintiff was a bank manager who had made many requests for his extremely large workload to be reduced, to no avail. The pressure he faced and the very long hours he was forced to work led to his having a breakdown and he now requires care and has a low prospect of recovery. (See 10(5) *APIL Newsletter*, October 2000, p. 23)

### Collins v Crisp (UK)

The plaintiff was severely and catastrophically injured at the age of 17 when he was, in the course of crossing a road, hit by a car driven by the defendant. The plaintiff suffered severe head injury with multiple haemorrhages throughout both hemispheres of the brain. He is unable to stand independently, communicates with 'yes' and 'no' signals, is incontinent and has very limited vision. Liability was agreed by consent before a High Court judge sitting at the Norwich District Registry and the defendant was apportioned 80% responsibility. The award for pain, suffering and loss of amenity are believed to be the highest ever under that head of damage, at £200,000. Total damages awarded amounted to £3,940,000. (See 10(5) *APIL Newsletter*, October 2000, p. 24)