

**THE HIGH COURT**

[2022] IEHC 129

**Record No.2020/3373P**

**BETWEEN**

**A. Z. (SUBSTITUTED BY ORDER)**

**PLAINTIFF**

**AND**

**ROBERT HANNON**

**DEFENDANT**

**SUPPLEMENTARY JUDGMENT of Mr. Justice Michael Hanna delivered on the 3rd day of March, 2022.**

1. As noted in the main judgment, the plaintiff in this action was granted a declaration pursuant to s.27 of the Civil Law (Miscellaneous Provisions) Act 2008. On the application of the plaintiff on 3rd March, 2022, and without opposition from the defendant, the title to the proceedings is to be amended to cite her name as A. Z. for the purposes of anonymity.
2. I refer to paragraph 133 of my judgment. At the adjourned hearing of this matter I was informed that special damages had been agreed in the sum of €125,122. Of this, a sum slightly in excess of €100,000 was intended to reflect the plaintiff's claim for loss of earnings to date and into the future. Ms O'Reilly BL for the defendant said that this sum was intended to encompass damages for loss of opportunity. Mr Doyle SC for the plaintiff, while agreeing that a specific sum had been agreed past and future loss of earnings, argued that no account had been taken in the agreement between the parties for such a claim; he invited me to decline to make the deduction envisaged in paragraph 133 aforesaid.
3. It is clear to me that any differences between the parties with regard to the scope of the agreement as to special damages arise entirely in a spirit of good faith. Even if Mr Doyle is correct in his understanding, the scope for awarding damages for loss of opportunity is, at best, limited given the agreement of liquidated sum to cover past and future loss of earnings. Notwithstanding any difference between the parties, having regard to the fact that the great bulk of the agreement covers loss of earnings and having regard to the plaintiff's evidence and to the overall proportionality of the final figure, I propose to reduce my award of general damages to €150,000.
4. Accordingly, the total assessment of damages in this case is a sum of €275,122.