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# High Court Awards €268,000 to Worker Injured at Kerry Ingredients Plant

## Description

Joseph Coughlan, a general operative at the Kerry Ingredients plant in Charleville, Co Cork, sustained a severe injury on July 23, 2017. The incident occurred while he was maneuvering a large sheet of metal near a 20-foot-deep hole. During this task, he slipped and partially fell into the hole, striking his back against the edge of the opening. This accident resulted in chronic back pain for Mr. Coughlan.

Mr. Coughlan had dedicated 22 years to working at the milk drying facility of the Kerry Ingredients plant, which produces powder for baby milk formula. Despite his injury, he continued working for another hour to complete his shift and even returned for the night shift later that day. His dedication and strong work ethic were evident, but the pain persisted.

Kerry Ingredients (Ireland) Ltd accepted liability for the accident. The case was brought before Mr. Justice Anthony Barr for an assessment of damages. Mr. Coughlan claimed that the accident led to chronic back pain, rendering him unfit for work. He underwent extensive treatment, including physiotherapy and a regimen of strong pain-relieving medications.

## Court's Decision

The court awarded Mr. Coughlan over €268,000. This sum included €60,000 in general damages to date, €20,000 for future pain and suffering during his rehabilitation, and €121,973 for past loss of earnings up to March 28, 2022. Additionally, the court allowed for a further year's loss of earnings into the future, amounting to €46,332.

## Detailed Account of the Accident

On the day of the accident, Mr. Coughlan was assisting in maneuvering a large sheet of metal near a deep hole. As he slipped, he struck his back against the edge of the opening, causing immediate and severe pain. He was fortunate not to have fallen completely into the hole, which could have resulted in even more serious injuries. However, the impact was significant enough to cause lasting damage.

## Legal Proceedings

During the court proceedings, Mr. Coughlan's case highlighted the chronic pain that developed as a result of the accident, affecting his ability to work and perform daily activities. His legal team argued that the injury significantly disabled him, requiring continuous medical treatment and physiotherapy. He relied on a cocktail of strong pain-relieving medication to manage his condition.

Kerry Ingredients contended that Mr. Coughlan suffered only a minor soft tissue strain, which should have healed within 12 to 18 months. They argued that his ongoing pain was due to pre-existing degenerative changes in his back and that he had become physically deconditioned.

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## Judge's Findings

Mr. Justice Anthony Barr, however, did not accept the defense's argument. He noted that CCTV footage of the fall showed Mr. Coughlan lying on the ground immediately after the accident. The fact that Mr. Coughlan completed his shift and returned for the night shift was seen not as an indication of a minor injury but as a testament to his strong work ethic.

The judge was convinced that Mr. Coughlan's pre-existing degenerative back condition was asymptomatic before the accident and that the injury sustained was superimposed on this condition, leading to persistent symptoms. He dismissed the notion that psychological factors alone contributed to the chronicity of Mr. Coughlan's pain, asserting that there was no evidence of malingering or symptom exaggeration.

## Conclusion

On the balance of probabilities, Mr. Justice Barr concluded that Mr. Coughlan would be fit to return to light work after an appropriate rehabilitation program. The court awarded him £268,589, recognizing the significant impact of the injury on his life and livelihood.

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