

## Clout v K

Out of Court Settlement: 25.09.2016  
Damages: £5,000  
Dental Condition: Restorative  
Defendant Representatives: DDU  
Reference: lawdent.com

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The Claimant, a 50 year old man, received £5,000 in respect of injuries arising from unsatisfactory crowns provided at UR5, UL4, LR6 and LL7.

The Claimant attended the Defendant on 4<sup>th</sup> February 2010 due to fractures at LR6 and LL7. The Claimant also requested a crown at UR5 due to aesthetic reasons and for the crown at UL4 to be replaced.

On 12<sup>th</sup> July 2010, the Defendant prepared UR5, UL4, LR6 and LL7 for crowns, which were subsequently fitted on 29<sup>th</sup> July 2010.

Following the fitting of the crowns, the Claimant experienced inflammation and bleeding. On 11<sup>th</sup> May 2012, the Claimant was advised by a different dentist that the margins of the crowns were “very bulky”.

On 11<sup>th</sup> June 2014 a radiograph was taken showing that the crowns provided by the Defendant at UR5, UL4, LR6 and LL7 were unsatisfactory, ill-fitting and overhangs were present, and it was recommended that the crowns be removed and replaced.

Replacement crowns were fitted at UR5 and UL4.

On 18<sup>th</sup> February 2015, radiographs were taken showing that UR4, UL5 and LR5 had been damaged by the Defendant when the adjacent teeth were being prepared for crowns.

A replacement crown was fitted at LL7 on 5<sup>th</sup> March 2015 and on 27<sup>th</sup> March 2015 the crown at LR6 was removed prior to a replacement crown being fitted.

**Allegations of negligence:** It was alleged that the Defendant:

Misrepresented the availability of NHS Treatment to the Claimant in order to maximise profits. The Defendant advised the Claimant that the crowns at LR6 and LL7 could only be provided on a private basis, which was incorrect, as the crowns at LR6 and LL7 as well as UL4 could have been provided under the NHS. It was alleged that this yielded an additional, undeserved and inappropriate income.

Failed to use reasonable care and skill in the technical execution of the crowns at UR5, UL4, LR6 and LL7 between 12<sup>th</sup> July 2010 and 29<sup>th</sup> July 2010, in that the margins of all four crowns were not prepared to a satisfactory standard and were defective, and that damage was caused to the surfaces of adjacent teeth during crown preparation.

**Liability:** No admissions made. The Defendant maintained that there was no significant defect associated with the crown at UL4, and that no damage had been caused to UR4 or UL5 during crown preparation.

**Injuries:** The Claimant sustained damage to three adjacent teeth, which would require avoidable restorative treatment, and required replacement crowns at UR5, UL4, LR6 and LL7

**Effects:** The Claimant experienced pain, discomfort, food packing and swelling associated with the crowns after they were fitted in July 2010.

**Out of Court Settlement:** £5,000.

**Breakdown of General Damages:** No breakdown was provided by the Defendant's representatives. The Claimant's Solicitor estimates general damages of £2,000.

**Background to Special Damages:** No breakdown was provided by the Defendant's representatives. The Claimant's Solicitor estimates £3,000 for past and future financial losses.

The Dental Law Partnership representing the Claimant, The Dental Defence Union the Defendant.

This case report was provided courtesy of Sadie Cartwright, Solicitor with The Dental Law Partnership.

