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	<i>Delivered:</i> 05/02/2026

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

KING S BENCH DIVISION

MARC WILFRED POTTS

Plaintiff

and

[1] CLAIRE MARTINA MILLS

[2] COLIN MILLS

Defendants

**Colm Keenan KC with Rory McNamee (instructed by Thomas T. Montague, Solicitors)
for the Plaintiff**

Stuart Spence (instructed by DWF (NI) LLP, Solicitors) for the Defendants

SIMPSON J

Introduction

[1] The plaintiff was born on 10 October 1991 and is now aged 34. On 9 April 2019, he was injured when riding his bicycle at Clanabogan Road, Omagh. A car driven by the first defendant and owned by the second defendant turned right across his path, striking his bicycle and causing him to fall off. Liability is admitted, so the only issue for the court is the quantum of damages.

[2] The plaintiff was a professional track cyclist. He retired from this in 2021. His principal event was the Madison. Prior to his accident the plaintiff represented Ireland in nine out of 14 professional Madison events.

[3] It is the plaintiff s case that he sustained two bony injuries and some cuts and abrasions. He sustained a fracture of the right scapula, which seems to have healed within a few months leaving no further symptoms. The cuts and abrasions healed up in the usual few weeks, again with no further issues.

[4] The first main issue in the case relates to an injury to the plaintiff's left wrist and its sequelae. In 2017, he sustained a fracture of the left scaphoid. His case is that this healed well, and he was back to riding and training within weeks. However, after the accident in 2019 he started having problems in the wrist which affected his ability to train and take part in events to the same level as prior to the accident.

[5] The second main issue is the plaintiff's assertion that but for the accident he would have been chosen to represent Ireland in the Tokyo Olympics in 2020. His case is that because of the injury to his wrist he was not able to train at his previous level and, as a result, he missed selection to the 2020 Olympics, notwithstanding his determined attempts. The selection window was, apparently, 1 November 2019 to 2 March 2020. In the event, due to Covid, the Olympics did not take place in Tokyo until 2021. The plaintiff's case is, however, that the selection of those cyclists to take part in the intended 2020 games did not change thereafter, and those cyclists selected in 2020 represented Ireland in the postponed games in 2021.

[6] The matter was heard over two days: 10 November 2025 and 26 January 2026, the delay being to accommodate a professional witness.

What injury was caused, if any to the plaintiff's wrist in April 2019?

[7] I take the following from the written material in the trial bundle and from the oral evidence of the medical witnesses, and taking into account what the plaintiff is reported as saying in medical reports and his evidence to me. I have considered all of the evidence, even if it is not specifically mentioned in what follows.

[8] Following the accident the plaintiff was taken to Omagh Hospital by ambulance. The handwritten notes from the Emergency Department timed at just after 6.30 p.m. on the day of the accident record that the plaintiff was complaining of pain in his right shoulder. He was noted to be "Tender ++" in the scapula with restricted range of movements of the shoulder. Superficial abrasions and a minor scalp wound were noted. There is no record of an examination of the left wrist, which suggests that the plaintiff made no complaint of the wrist. There is a photograph of the palm of the left hand, apparently taken in the hospital, which shows a large cut. In evidence the plaintiff told me that hospital staff moved his wrist.

[9] The first medico-legal report in this case is from Mr Daniel McCaffrey, Consultant Trauma and Orthopaedic Surgeon. Although the report is dated 10 May 2019, it seems actually to have been prepared in July, the date of 10 May being the date on which he saw the plaintiff. He records the plaintiff telling him that the immediate pain from the right scapula injury was at a level of 8/10. He also records the plaintiff saying that he had immediate pain in the wrist, again at a level of 8/10.

[10] The Hospital's letter to the plaintiff's GP is dated 10 April 2019. It refers to the plaintiff's attendance at the Emergency Department on the day of the accident. Under the rubric "Diagnosis" is written –

1. Fracture, # RT scapula
2. Head injury, minor, minor scalp wound, no LOC [loss of consciousness] no vomiting, no visual disturbances, had helmet on
3. Abrasion, superficial abrasions hands, knees, bilateral scapulas, RT elbow, bridge of the nose."

[11] There is no mention of any injury to the left wrist, notwithstanding the plaintiff's evidence that the wrist was manipulated.

[12] The GP's notes and records show an attendance with his GP on 11 April 2019, 2 days post-accident, when he referred to the accident and told the GP of his injuries. Again, there is no mention of the left wrist. Those same notes and records show some further entries after April, but none refers to the left wrist. Perhaps significantly the plaintiff missed two appointments in the fracture/orthopedic clinic. This might suggest that he was not having significant problems.

[13] There is also a letter from Altnagelvin fracture clinic dated 3 May 2019, following an appointment at which the plaintiff did attend, which refers only to the scapular fracture and records that "there is no evidence of any other injuries."

[14] It was not until an entry on 15 November 2019 which records: "Closed fracture of the scaphoid seen on MRI" that there is any reference to a wrist injury in the GP's notes and records. Although it does not specifically say so, I assume this to be the left scaphoid. The plaintiff had, however, seen a physiotherapist, Ms Grant, in September 2019 a medico-legal attendance. By the time he saw her his complaint of soreness in the left wrist was only when cycling and lifting heavy weights.

[15] Among the medical reports obtained on behalf of the plaintiff are several from Mr Kieran O'Shea, Consultant Orthopaedic Surgeon, who practises in Dublin. He does not attend court outside Dublin, so did not give oral evidence in this case. He first saw the plaintiff in November 2019, not connected in any way with this litigation, apparently at the behest of a Dr James O'Donovan, of Sport Ireland. He addressed a short letter, dated 20 November 2019, to Dr O'Donovan. He notes the earlier injury to the left wrist (although mistakenly gives the date as 2016, rather than 2017). He records the plaintiff saying that since the 2019 accident he:

has discomfort in the left wrist, localised over the radial aspect and is appreciable in the evening times. During the daytime he has no restrictions in his sporting activities. He tells me that he can comfortably dead lift 100kg. He does not feel that his wrist symptoms have impacted upon his ability to train or participate in cycling."

[16] Later in the letter he says:

He certainly appears to be able to participate in his sport in an unrestricted manner and has complete function in his left wrist at present.”

He felt that there

might be consideration to allow him to compete for the remainder of the season with a view to potentially looking after his wrist during the off-season.”

[17] The plaintiff told me that he had minimised his injuries when discussing them with Mr O Shea, because he did not want those in charge of Irish cycling to have concerns about him. He admitted to lying to Mr O Shea.

[18] Mr O Shea s first report for medico-legal purposes is dated 24 June 2020. He notes the injuries sustained and refers to a left wrist injury. Under “Present Condition” he noted the plaintiff s complaints:

His wrist has become progressively painful since April 2019.

The pain is localised over the radial aspect of the wrist.

He has had to completely change his training regimen as he has found that he is quite restricted in the weights that he can lift in the gym due to pain in the left wrist.

In general, while cycling, there is no major pain in the wrist but if he sustains an impact on an uneven surface there will be discomfort.

At the end of the day there is an aching discomfort felt within the wrist.

He has no residual complaints in relation to his right scapula injury.”

[19] Thus, the entirety of the plaintiff s complaints then related to his left wrist.

[20] On examination, Mr O Shea found no visual abnormality, but noted slightly reduced flexion and extension when compared to the right wrist, but no tenderness to palpation. Noting the injury in 2017 he recorded the plaintiff saying that “he had no residual symptoms in the left wrist” following that injury. He concluded:

Given the finding on CT scanning, it is most likely that the scaphoid fracture never healed completely following the initial injury in 2017.

The repeat injury in 2019 resulted in a destabilisation of the scaphoid injury, precipitating pain and resulting in reduced function at the left wrist.

Surgery is planned to treat the symptomatic scaphoid non-union, which will involve open reduction, internal fixation and iliac crest bone grafting.”

[21] His next report is dated 2 November 2021. The plaintiff complained of discomfort in the wrist when lifting heavy weights in the gym and that, after a number of repetitions, he loses strength in his grip. As a result, later in the day the wrist will be painful. He felt that the symptoms were much the same as they were two years earlier.

[22] In a letter to the plaintiff s solicitors dated September 2022, having examined various images of the left wrist he says:

- (1) The probability is that the chronic non-union of the scaphoid fracture dates back to the 2017 incident as the subsequent imaging in November 2019 would have been too short for such radiographic changes to have occurred”;
- (2) He believes that it was a matter of time before [the plaintiff s] non-union would have become symptomatic” and the trigger for the onset of symptoms was the 2019 accident; but that
- (3) The plaintiff s symptoms could equally have been triggered at some point by any number of possible mechanisms”;
- (4) The 2019 injury did not accelerate, to any material degree, the deterioration or progression of the scaphoid fracture non-union, as it was very well established at the time of the CT scan in November 2019.”

[23] From the medical reports of Mr O Shea it is clear that the injury to the right shoulder resolved in about six months and the abrasions within a month. One stitch was inserted in the scalp wound.

[24] Mr Jeremy Johnston, Consultant in Emergency Medicine, was the only medical expert called by the plaintiff. Because of issues of uncertainty about the nature and extent of the left wrist injury, he suggested that the plaintiff should obtain a report from a Consultant Radiologist, and such a report was obtained from Dr James. It is dated 10 April 2025.

[25] Dr James reviewed x-rays of the left wrist taken on 3 April 2017. They revealed a linear non-displaced fracture of the waist of the scaphoid. There was normal alignment. He then reviewed a series of x-rays of the left wrist dated 8 November 2019. He noted a chronic comminuted un-united fracture of the waist of the scaphoid involving the distal articular surface, with some mild displacement." An MRI scan on the wrist of the same date was also reviewed by Dr James. In addition, he has seen a CT scan of the wrist dated 19 November 2019 and a CT scan dated 21 September 2021.

[26] His conclusions include the following. As the 2019 injury was 7 months prior to the imaging in November 2019 the findings are not reliable indicators as to whether the fracture demonstrated is 7 months old or 2 years old." He summarises his evidence by saying that based on the imaging, there is no accurate way of confirming or refuting if the fracture demonstrated on the 2019/2021 imaging studies is the sequela of non-union of the 2017 fracture, a 2019 re-injury of an incompletely healed 2017 fracture or a new 2019 scaphoid fracture on a background of a completely healed 2017 scaphoid fracture."

[27] Mr Johnston saw the plaintiff most recently in October 2024, some 5½ years following the accident. The plaintiff continued to complain of pain in the left wrist, describing it as 3-4/10 severity on a scale of 0-10 with 0, no pain, and 10, very severe pain." He also records the plaintiff telling him that after this accident the left wrist pain was 7-8/10 severity." The plaintiff complained to him of pain and difficulty with weight training, which he does for some 60-90 minutes 2/3 times per week, poor grip in the left hand which causes problems both weightlifting and mountain biking. The pain in the left wrist has been getting more severe over the past three years. On examination he found some tenderness on palpation and some very limited reduction in movement.

[28] In his opinion he considers that the plaintiff suffered, inter alia, a moderate degree of musculo-ligamentous" injury to the left wrist and that the plaintiff will continue to experience left wrist pain which is likely to persist as he is likely to develop degenerative osteoarthritis." He says that clearly the pre-existing left wrist injury has been exacerbated by the April 2019 injury given he had been previously asymptomatic.

[29] Mr Spence challenged the medical evidence that the plaintiff sustained any injury to his wrist in the 2019 accident. In his cross examination of Mr Johnston, he drew to Mr Johnston's attention all the contemporaneous medical evidence, including the hospital records, suggesting to him that there is no contemporaneous independent

record of any injury to the wrist. Mr Johnston expressed the view that since the hospital was concentrating on the shoulder injury, that might explain why there is no mention of the wrist injury, although he did concede that if the wrist injury was, as the plaintiff says, affecting his professional cycling, one would have expected some mention of it.

[30] On behalf of the defendants Mr Paul Nolan, Consultant Trauma gave evidence. His first medical report is dated 3 April 2023. The plaintiff told him that following the accident he had immediate pain in his right scapula area and left wrist and that several days later, because of increasing pain in his left wrist, he attended Altnagelvin Hospital emergency department. He understands that clinical examination and investigations confirmed a fracture of the scaphoid."

[31] I pause here to note that within the hospital notes and records there is nothing which supports the plaintiff's assertion that "several days later" he attended Altnagelvin hospital complaining of his left wrist. That assertion by the plaintiff is simply not true. The subsequent hospital document most proximate in time to the April accident is that dated 3 May 2019 from the Altnagelvin fracture clinic which deals only with the shoulder and states, as I noted above: "there is no evidence of any other injuries." Further, in Ms Grant's report of September 2019 she records the plaintiff as saying:

He reports that since the time of the injury he was aware of soreness in his left wrist. He felt that at the time of the injury he possibly put out his hand and twisted his wrist into a hyperextended position. In light of his shoulder being the major issue at the time of the accident he did not undergo x-ray examination of his left wrist. He managed it conservatively himself."

[32] The last sentence is inconsistent with his assertion of attending hospital several days after the accident.

[33] Mr Nolan was skeptical of the suggestion made by the plaintiff to Mr McCaffrey that the pain, at hospital, in both the shoulder and the wrist were at a level of 8/10. If the wrist pain was at that level, which he described as "a very severe level of pain", he would have expected there to be a record in the notes of a wrist injury. Since the notes made no reference to a wrist injury, he considers it improbable that the plaintiff had that level of pain. While the pain in the right scapula might be a distraction, he would have expected some mention of the wrist injury. He was asked directly by Mr Spence whether, in his opinion, the plaintiff suffered an injury to his wrist in 2019. He said:

I could not find any document in the initial weeks that he had sustained an injury.

If the pain was at a level of 8/10 I am surprised that it is not in the records.

He was seen by a triage nurse and two doctors – if there was an injury it is more likely to have been recorded by at least one of those medical professionals.”

[34] On his first examination of the plaintiff, Mr Nolan found no significant restriction of movement of the left wrist, although grip appeared to be diminished compared to the right wrist. Having reviewed the various notes and records Mr Nolan noted that following the 2017 fracture of the wrist, the plaintiff failed to attend follow-up fracture clinics. As to this he says:

If he had attended his appointments the probability is his scaphoid non-union would have been identified early and he may well have been offered more prolonged immobilisation or operative fixation at that stage if the fracture did not unite ultimately.”

[35] He also states as part of his conclusion in his first report:

The significant deterioration in his left wrist complaints appears to have occurred subsequent to his attendance with Mr O Shea in November 2019 when the plaintiff clearly indicated he could dead lift 100 kg. It would not be reasonable to advise the court that any subsequent deterioration after that appointment was in any way connected to the subject accident, given that in November 2019 the plaintiff had full function of his left wrist and no effect on his training ability.”

[36] In his most recent report dated 20 October 2025 he concludes

I would re-iterate my comments in my report that there is no objective, radiological evidence that the plaintiff sustained any structural injury to his left wrist, and this is clearly confirmed in the report from Dr James. The radiological overview in this case is probably irrelevant, in my opinion, and the clinical evidence, based on the objective, contemporaneous medical records, is clearly much more important.”

[37] Dr Loughrey, Consultant Psychiatrist, has provided reports. In a report dated 4 May 2020 he records the plaintiff as telling him:

He also mentions that he is frustrated about the manner of the injury to his left wrist which he thinks wasn't picked up as quickly as it should have been."

[38] In his report of May 2020, Dr Loughrey summarised the history taken, thus:

He was away from cycling only briefly and he made as quick efforts as he could to get back into cycling. It is the [plaintiff s] view ... that his fitness has returned. However, his performance, when it has been demonstrated, is very much below what it has been previously and he put this down to, quite simply, a certain loss of nerve which has dramatic consequences in the context of elite sport. However, this situational anxiety is present in all situations, including when he cycles locally..."

[39] Overall Dr Loughrey noted anxiety when cycling and some loss of confidence. He diagnosed dysthymia, but noted (in both his reports) that the plaintiff has never received any treatment from the GP related to his mental state.

[40] The plaintiff s evidence was that after the accident he was in pain everywhere. He said he had pain in the left wrist at the hospital, and it was assessed – the wrist was moved backwards and forwards, and there was good flexibility, although it was sore. He said he was surprised that there was no mention of a wrist injury in the notes and records. He thought it was a sprain and that it would have gone away. When challenged, in cross examination, that he did not mention his wrist to his GP when he attended two days post-accident, he said that he did tell her about it, that she examined it and said that she did not think it was broken. I do not believe this. The GP s notes and records contain quite a good note of the circumstances but there is nothing whatsoever about the wrist. I do not believe that the GP would have failed to record a complaint of pain in the wrist if it had been made to her.

Conclusion in relation to the left wrist

[41] On the basis of the evidence both written and oral, I find that the plaintiff did not sustain any bony injury to his left wrist in the April 2019 accident. In light of the contemporaneous hospital notes and records, and the involvement of three medical professionals with the plaintiff at the hospital, I find that the plaintiff s description to Mr McCaffrey of immediate pain in the left wrist at a level of 8/10 is not true. In my view if the plaintiff had pain in the left wrist at that level, notwithstanding the pain in the shoulder, he would have mentioned the pain in the wrist, and it would have been recorded.

[42] I am satisfied that he made no mention of pain to his GP on 11 April 2019 when he first attended her. It beggars belief that 4 medical professionals (3 at the hospital

on 9 April 2019, and the GP on 11 April 2019) would have failed to record a complaint in relation to the wrist.

[43] In view of the large cut to the palm of the left hand, visible on the photographs, I am prepared to accept that the plaintiff had a strain injury to the wrist. However, it was not sufficiently sore to mention at the hospital, or at the GP's surgery two days post-accident, or at Altnagelvin Hospital when he attended there on 3 May 2019. All of these attendances were for clinical reasons, not for medico-legal purposes relating to his claim. I consider that to be significant.

[44] When he first saw Mr McCaffrey, he knew that that appointment and examination was for the purpose of his claim. I am satisfied that he grossly exaggerated, for the purposes of his claim, the sprain in his wrist. Mr McCaffrey felt that "it appears that he has suffered a soft tissue injury upper left wrist (sic) that is gradually improving" and he expected resolution by 3-6 months.

[45] Unfortunately, the plaintiff is then saddled with his own description of matters in the O Shea letter to which I have referred above, written in November 2019 – again, significantly, not for the purposes of his claim. That letter specifically says, "he certainly appears to be able to participate in his sport in an unrestricted manner and has complete function in his left wrist at present." As noted above, the plaintiff sought to explain away this letter by saying that he wanted to do nothing which might jeopardise his chances with Irish cycling. However, Mr O Shea is an Orthopaedic surgeon, clearly trusted by Sport Ireland to provide accurate information to that organisation. On the balance of probabilities, I cannot accept that the sentence quoted above is other than a true reflection of the state of affairs in November 2019.

[46] I am further satisfied, on the balance of probabilities, from the evidence of Mr Nolan, Dr James and Mr O Shea, that the subsequent deterioration in the condition of the plaintiff's wrist developed naturally from the non-union of the scaphoid fracture in 2017 and that that subsequent deterioration is not a consequence of the fall on 9 April 2019.

The plaintiff's Olympic prospects

[47] It is the plaintiff's case that the selection window, if I may call it that, for the Tokyo games was 1 November 2019 to 2 March 2020. The plaintiff told Dr Loughrey the race immediately following his accident was in Minsk in June 2019 and "it was linked to qualification for the Olympics in 2020."

[48] Mr Nolan recorded that the plaintiff "was unable to advise me today as to whether his times prior to the incident would have ensured that he would have qualified for the Olympics."

[49] A Mr Aaron Bugle gave evidence. He is the Interim Performance Manager of Cycle Ireland. He commenced employment in May/June 2021, so he was not in that

role during the selection process for the 2020 Olympics. He did, however, chair the selection meeting in 2021, but he had no say in who was selected. In the event, as I have noted above, those already chosen for the intended games in 2020 went to the 2021 games. Mr Bugle was, however, a professional cyclist and was aware that the plaintiff was "one of the 3 or 4 guys being considered" for the postponed games. In relation to the Madison event two cyclists take part, and Ireland could have chosen to take only two. Ireland, however, took a reserve cyclist, so three cyclists went to Tokyo in 2021. He said that he knew the plaintiff had almost guaranteed his place in the Ireland team, but whether he would have gone as the reserve he was not able to say.

[50] When the plaintiff gave evidence he was adamant that he would have gone to the Olympic Games in Tokyo. He said he was 100% certain to go. However, following the accident he was not able to get back into training at anything like the level he was at before the accident. He would have competed in the Madison event and the Omnium. He said that prior to his accident, of 14 Madison events he took part in nine of them. His evidence concentrated on the Madison, although he also felt certain that he would have competed in the Omnium.

[51] The Madison event involves a team of two cyclists, over a distance of some 50 kilometers. One of the riders must always be "in the race" ie in the lower part of the banked track racing other competitors. The other rider is resting, which involves riding at a slower pace higher on the banking. When the riders are to switch, the resting rider accelerates his pace, comes down the banking, and takes hold of his partner's outside arm which is reached back to him. The racing rider then slingshots the resting rider into the race, effecting the changeover.

[52] The plaintiff told me how he started off in cycling, initially road cycling before switching to track cycling after an approach from Cycling Ireland, and then about his development in track cycling from about 2015 onwards. He said that he had come late to track cycling, only starting in his 20s. As he progressed he began to be selected for more events, in different track disciplines, initially in Grand Prix events (a lower level than World Cup events) in order to gain experience. By 2017 he was riding in World Cup events, achieving good results. By 2018, he says, there were Mark Downey, Felix English, Fintan Ryan, JB Murphy and the plaintiff who were riding in events. By that year he says that he felt he was going to do both the Madison and the Omnium events in the 2020 Olympic Games. He felt that Felix English was the other certainty.

[53] The accident he says changed all that. He never got back to the same level of training. There were discussions with the coaches about his prospects. When he eventually went to training camp in Majorca he was a shadow of his former self. In June 2019 he was persuaded to compete in the Madison in Brno, Czech Republic. The pair came 14th, partly because he was poor at the changeover. The plaintiff says that he cannot do this to the appropriate level. He was not picked for the Madison in the European Games in Minsk, Belarus in June 2019. But for the accident, he says, he would have been picked for the event.

[54] He and Murphy competed at a UCI World Cup event, also in Minsk, in November 2019 in the Madison, coming 16th. He was never selected again, and he was never mentioned again in conversations about the Olympics. Downey and English were chosen to represent the Irish team in the Madison at the 2020 Olympics. Ryan was the reserve, but did not race. Downey was also chosen for the Omnium.

[55] There were no races in 2020 because of the pandemic. Even when the games were pushed back to 2021 there was never any suggestion that the team would change. He never became an Olympian. Initially, he was heartbroken, then bitter and now nurses a residual annoyance at such a missed opportunity.

[56] He elected to retire from professional cycling in October 2021, and applied to the Athlete Career Transition programme. There was a financial incentive in making that decision at the time. He undertook, successfully, a Masters of Science qualification in performance coaching. Since then, he has coached and now runs a successful fitness equipment business, which developed serendipitously and which he couples with his coaching business. His case is that if he had gone to the Olympics he could have charged more for coaching than he is able to do; as a result of which he has suffered financially.

[57] Further, had it not been for the injury, he says he would have continued professional cycling until he was 35 (2026) and would have competed at a Commonwealth Games, the next Olympic Games and a further Commonwealth Games.

[58] He says he was nervous and unfit. He also says that when riding in Brno, he was nervous about other riders coming near to him, as he also was when training on public roads. He says he was aware that his wrist was an issue, but he ploughed on.

[59] There was significant cross examination of the plaintiff as to his prowess prior to the accident and the plaintiff was taken to records of his performances both before and after the accident. Only certain events, at a high enough level, would count towards Olympic selection. From the records, the following appears:

1. World championships, Netherlands, Feb/March 2018 – Madison: Mark Downey and Felix English; result 9th (the plaintiff did not compete in the Madison or in the Omnium).
2. Commonwealth Games, Australia, April 2018 – no Madison event; the plaintiff competed in other events, his best result being 12th.

3. European track cycling championships, Scotland, August 2018 – Madison: Felix English and Mark Downey; result 11th.
4. World Cup, France, October 2018 – Madison: the plaintiff and Felix English; result 18th; Omnium: the plaintiff; result 19th.
5. World Cup, Canada, October 2018 – Madison: the plaintiff and Felix English; result 11th; Omnium: the plaintiff; result 12th.
6. World Cup, Berlin, December 2018 – Madison: Mark Downey and Felix English; result 9th; Omnium: JB Murphy; result 20th.
7. World Cup, London, December 2018 – Madison: Mark Downey and Felix English; result 11th; Omnium: the plaintiff; result 16th.
8. World Championships, Poland, Feb/March 2019 – Madison: Mark Downey and Felix English; result 11th.”

[60] Although the plaintiff took part in the Madison in other, lesser events and his results were good, the level of competition was clearly less intense, and the plaintiff himself admitted that when the Irish cyclists stepped up to the higher level they found it difficult to achieve good results. Indeed, Ireland only qualified for the Olympics by the slightest margin.

[61] I found it somewhat surprising that no witness from the professional management structure, be it Sport Ireland or Cycling Ireland, who was involved in the period 2018-2020 was called to give evidence to support the plaintiff's assertions about his chances of Olympic selection. I have referred to Mr Bugle's evidence, but frankly I derived little help from his evidence, particularly in view of the fact that he was not in post during the time relevant to this case. Further, cyclists' performances and their level of fitness would be monitored by the governing body. The plaintiff accepted this. It is probable that the governing body would maintain records of fitness and performance, at the very least to allow coaches to assess both in respect of each athlete. Where the plaintiff was seeking to make the case that he was a 100% certainty for Olympic selection, any such records would be likely to be highly relevant, and I would have expected such records to be produced by the plaintiff. No records were made available to the court.

[62] At the material time, 2019 and 2020 Sport Ireland had a grading scheme, known as the International Carding Scheme; the higher the level of grading, the higher the financial payments. The highest level was Podium, implying that a cyclist had come

1st, 2nd or 3rd in an event. The next level below that was World Class , ie in the top 10 in an event. Below that was International.’ Both Downey and English were graded as World Class. Ryan, like the plaintiff, was graded International.

Conclusion on the plaintiff s Olympic prospects

[63] Having carefully considered the documentary evidence and the medical evidence and the plaintiff s own evidence, I consider that the plaintiff has failed to persuade me, on the balance of probabilities, the onus being on him, that he would have been selected for the Tokyo Olympics. It seems clear from the records of events in the year or so prior to the accident that however well the plaintiff was competing in the lesser events, when it came to the World Cup events, the Irish selectors clearly favoured as athletes for the Madison, the combination of Downey and English, both of whom were at a level above the plaintiff in the Carding Scheme. Their results were better than those of the plaintiff at the material time. In the qualifying period those two were selected in four of the five competitions. They were selected for the Olympics. Ryan went to the Olympics as reserve. I have heard no real evidence about Ryan, except that he was on a carding level with the plaintiff but that he was selected for the penultimate qualifying competition. All the contemporaneous, objective evidence suggests that, irrespective of the plaintiff s accident, the Irish selectors had concluded that Downey and English would go as competitors and Ryan as reserve. There is no evidence on which I could conclude, on the balance of probabilities, to the contrary.

[64] I do not accept the plaintiff s evidence that he would have continued professional cycling into his mid-30s. All three who went to the Olympics were younger than the plaintiff, by some four or five years. All three retired after the 2021 Games. I consider his evidence that he would have competed at 2 Commonwealth Games events and the Paris Olympics to be no more than wishful thinking, at best. I consider, on the balance of probabilities, that the plaintiff would have retired from cycling around the time he did even if the accident had not happened.

Damages

[65] I approach the assessment of damages in this case on the basis, first, that the plaintiff did not sustain any bony injury to his left wrist in the accident; secondly, that subsequent symptoms in his wrist were those which were inevitably developing from the non-union of the scaphoid fracture in 2017; and that the plaintiff would not have been selected for the Olympics in 2020 (or 2021).

[66] The plaintiff sustained an extra-articular fracture of his right scapula which required him to use a sling for 4-6 weeks. The medical evidence suggests that it cleared up within about six months. He had a number of cuts and abrasions and bruises, some of the abrasions being the classic road rash suffered by cyclists in a fall. There is minimal scarring. He had a laceration to his scalp. This has left a scar. There were some minor psychiatric sequelae, but nothing which required any professional

intervention. The plaintiff said to Dr Loughrey that he had some engagement with a life coach, as part of the transition programme when he retired. No further information is available. Clearly, for a short time after the accident, the plaintiff was unable to enjoy riding his bicycle. When he got back to doing so, he had some nervousness.

[67] In all the circumstances of this case I consider that the appropriate award of general damages is £50,000. This is made up of £17,500 for the shoulder injury; £17,500 for the various soft tissue injuries, including the sprain to the wrist, abrasions, cuts and residual minor scarring; £15,000 for the mild psychiatric sequelae; in addition, since I consider that an inability to cycle for a time for a professional cyclist is a significant loss of amenity, I award £5,000 for the loss of amenity, being the interruption to his professional cycling, for the short period when the relevant injuries interfered with that amenity. As to interest, the case has taken almost 7 years to come to court. The Statement of Claim was served in November 2020. The defence was not served until March 2023. It has taken almost three further years to come to trial. The award of interest being in the court's discretion, I award 2% per annum for five years, bringing the figure to £55,000.

[68] Because I reject the plaintiff's evidence about Olympic selection and continuing with cycling I consider that he has not sustained any loss of earnings. After his retirement he has coached and started a fitness equipment business, which I consider was his career trajectory in any event.

[69] There is a claim for £5,580 for the damaged bicycle and for £1,859.20 for damage to personal belongings. The plaintiff's accountant has calculated costs of travel to medical appointments and treatments as being £4,808. No challenge appears to have been made to these figures. I award £12,517. The plaintiff is entitled to interest on the special loss some of which was sustained immediately, some in later years. I will allow five years' interest at 5% on the sum of £12,517 to take this into account. This is some £3,130. Therefore, in relation to special damage, I award the total sum of £15,647.

[70] Accordingly, I enter judgment for the plaintiff for £70,647 damages.

[70] The plaintiff is entitled to his costs of the action, to be taxed in default of agreement.