

Success for Ronald Walker QC and John-Paul Swoboda instructed by Andrew Taylor of Jiva Solicitors in Mark v Universal Coatings & Services Ltd [2018] EWHC 3206 (QB).

The judgment of Mr Justice Martin Spencer provides further clarity on which breaches of rules, practice directions or orders require relief from sanction. A failure to serve a medical report and/or schedule of loss with the Particulars of Claim does not require relief from sanction and does not provide a basis for striking out a claim as had happened in the court below. This case also looked at the circumstances when a court may make a finding that it had been misled by a solicitor or legal executive acting on behalf of a party when the party making the allegation had not sought to cross examine the legal representative even though a witness statement had been made in support of an application.

The full judgment can be found [here](#).