

# 12

King's Bench Walk

## Marcus Dignum

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### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, International & Travel, Insurance, Fraud

Marcus has developed a predominantly Defendant Personal Injury practice for large insurers covering both RTAs and EL/PL work, although he is equally happy representing Claimants.

Recognised as a Leading Junior in Chambers & Partners and the Legal 500, he is lauded for his "robust, realistic and very personal service." He combines "intellectual rigour, a commercial approach and great charm" to good effect on high-value catastrophic injury cases.

Marcus deals with claims of the highest value, and whilst happy to be lead, is often instructed alone to represent his clients' interests against Silks and other senior Juniors. He has substantial experience of claims involving the most serious head and spinal injuries where awards are made or settlements reached of several million pounds.

In addition, Marcus accepts instructions in most other areas of the common law, including in particular, contractual disputes, construction work, interlocutory relief and carriage of goods cases.

### Personal Injury

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Marcus is much sought after as a trial advocate in cases where liability is in issue. This is true both in the fields of RTA and EL/PL.

So far as quantum is concerned, he deals with claims of the utmost severity, including those arising out of brain Injury (including "subtle") paralysis and amputation.

He also has significant expertise in Fatal Accident claims, cases involving PTSD, CRPS, CPS and Fibromyalgia.

### Cases

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#### *PAULA DRABBLE v IAN HUGHES (2013)*

A patient had not complained to her dentist of changes in the appearance of a white patch in her mouth, and no such changes had been apparent. Although the patient was later found to have a tumour, the dentist had not been negligent in not making an urgent referral to an oral surgeon.

## PERSONAL INJURY – CLINICAL NEGLIGENCE – HEALTH – NEGLIGENCE

QBD (Recorder Sweeting QC) 23/01/2013

References: LTL 29/1/2013

### *J W GRANT & CO v TROY FOODS LTD (2012)*

A judge had properly directed himself in respect of the considerations relevant to the weighing of hearsay evidence and in respect of the law of conversion when deciding that the defendant had failed in its duty as bailee to return to the claimant certain containers used to transport vegetables.

## TORTS – CIVIL EVIDENCE

[2012] EWCA Civ 1702

CA (Civ Div) (Sir Andrew Morritt C, Longmore LJ, Davis LJ) 24/10/2012

References: LTL 24/10/2012 EXTEMPORE

### *KNOWLES v CULLEN & ORS (2012)*

The court determined liability in a personal injury claim following a road traffic accident involving multiple defendants.

## PERSONAL INJURY – ROAD TRAFFIC – NEGLIGENCE

[2012] EWHC 3536 (QB)

QBD (Swift J) 12/10/2012

References: LTL 15/10/2012 EXTEMPORE

### *SCOTT v SYMONS (2012)*

A judge had been entitled to find, on the balance of probabilities, that a motorcyclist was responsible for the road traffic accident in which he was injured by riding his motorcycle onto the wrong side of the road.

## ROAD TRAFFIC – PERSONAL INJURY

[2012] EWCA Civ 1354

CA (Civ Div) (Lord Neuberger MR, Moses LJ, Rimer LJ) 19/06/2012

References: LTL 19/6/2012

### *(1) NIGEL DAVID STANGROOM (2) EQUITY RED STAR LTD v VALERIE ANN BROWN (ADMINISTRATOR OF THE ESTATE OF CHRISTOPHER NOEL BROWN, DECEASED) (2012)*

A judge had been wrong to find that a tractor driver had any liability for an accident in which a motorcyclist travelling at high speed collided with his tractor and trailer while he was pulling slowly out of a lay-by.

## PERSONAL INJURY – NEGLIGENCE – CIVIL EVIDENCE

[2012] EWCA Civ 424

CA (Civ Div) (Lord Neuberger MR, Longmore LJ, Stanley Burnton LJ) 4/04/2012

References: LTL 4/4/2012

*MALASI v ATTMED (2011)*

While a road traffic accident in which a cyclist was injured had been caused by a taxi driver's excessive speed, the cyclist had been contributorily negligent in failing to stop at a red traffic light and failing to brake in sufficient time to avoid the collision. Damages for personal injury were therefore reduced by 80 per cent.

PERSONAL INJURY – ROAD TRAFFIC – NEGLIGENCE

[2011] EWHC 4083 (QB)

QBD (Judge Seymour QC) 5/12/2011

References: LTL 6/12/2011 EXTEMPORE