

12

King's Bench Walk

Oliver Rudd

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AREAS OF EXPERTISE

Personal Injury, Fraud, Costs, Product Liability, Industrial Disease, International & Travel, Inquests, Public Authority Liability, Insurance

Oliver has a wide-ranging practice with extensive experience in dealing with a range of cases from chronic pain and industrial disease litigation, to cases involving alleged defective products, professional negligence and exaggerated and fraudulent claims.

Oliver regularly acts for leading national and international insurers and is frequently instructed in advisory as well as costs matters.

Oliver acts for both claimants and defendants and has experience in representing a number of local authorities and Health Care Trusts. He has frequently been instructed in cases valued at over £1m.

Oliver's areas of expertise include the following: –

- Complex orthopaedic and psychiatric injuries;
- Brain Injuries;
- Fraud and exaggerated claims [including use of surveillance evidence];
- Fatal Accidents;
- Pain disorders including "CPRS" Complex Regional Pain Syndrome, somatoform disorders, chronic pain and fibromyalgia;
- Injuries and damage arising from alleged defective products;
- Industrial disease;
- International injury cases;
- Costs.

Personal Injury

Oliver's areas of expertise include the following: –

- Complex orthopaedic and psychiatric injuries;
- Brain Injuries;
- Fraud and exaggerated claims [including use of surveillance evidence];
- Fatal Accidents;
- Pain disorders including "CPRS" Complex Regional Pain Syndrome, somatoform disorders, chronic pain and fibromyalgia.

Oliver also has experience across a range of personal injury matters and related procedural and costs issues.

Oliver has acted for the MIB and advised and represented various insurers in relation to road traffic claims and various indemnity issues.

He also has extensive experience of dealing with public liability claims and employers' liability claims and has represented many private sector businesses, local authorities and Health Care Trusts.

His cases have included a variety of claims including alleged accidents at work, assaults, defective equipment, and claims under the Defective Premises Act 1972.

Oliver has a varied paperwork practice and is regularly instructed to draft pleadings, advices on liability, quantum, Part 18 and 35 questions and schedules and counter-schedules in high value cases.

Oliver has given seminars on many aspects of personal injury, product liability, costs, and civil procedure and regularly provides in-house training to solicitors.

Recent cases have included: –

- Acted for the MIB in *Liam Clark v (1) Darren Lee Farley (2) MIB (3) Ryan Edmunds* [2018] EWHC 1007 (QB), led by Stephen Worthington QC, a case concerning the scope of *ex turpi causa* in the context of a Claimant alleged to have been participating in a joint illegal enterprise involving off-road motorcycles;
- Advice in context of automatism defence in high value road traffic case involving complicated pre-accident history of epileptic episodes;
- Successful declaration voiding policy of motor insurance from inception pursuant to s.152(2) of the Road Traffic Act 1988 with consideration of the Consumer Insurance (Disclosure and Representations) Act 2012 in the context of catastrophic claims for personal injury;
- Successful strike out of C's claim following cross-examination and enforcement of costs in favour of D pursuant to r.44.15(1)(c). Successful application for wasted costs against C's legal representatives;
- Acted for D in case involving the application of r.36.10(5)(b) (now 36.17(5)) in relation to costs consequences following compromise of claim pleaded at over £2.56 million which ultimately settled for £150,000 following disclosure of surveillance evidence. Issues included timing of disclosure of surveillance evidence, expert evidence, construction of CPR Amendment Rules, and conduct;
- Acting on behalf of NHS Trust, successful low compromise of claim pleaded at c. £1.1 million involving complex issues of causation;
- Represented D following significant claim following low speed road traffic accident resulting in alleged fibromyalgia and adjustment disorder;
- Acting for D, successful judicial finding that road traffic accident had been intimated involving vehicles acting in tandem to induce a collision on a slip-road. Findings of fundamental dishonesty against C;
- Advice leading to early settlement in case following road traffic accident in which C sustained brain injury and a range of orthopaedic and psychological injuries.

Fraud

Oliver's experience covers all types of fraudulent claims including staged and induced accidents, invented accidents and phantom passenger claims.

Oliver deals with both individual claims as well as large fraud rings. He regularly advises and drafts proceedings in cases of this nature and has successfully defended cases for leading insurers with findings of fundamental dishonesty.

Oliver advises parties in all aspects of fundamental dishonesty and fraud and has extensive experience of related costs and associated procedural issues. These include:

- Use and deployment of surveillance evidence and social media evidence;
- Similar-fact evidence;
- Wasted costs applications;
- Third party disclosure and costs applications;

Oliver has dealt with fraudulent and suspected fraudulent claims in a number of contexts including road traffic claims, disease claims, claims against local authorities, claims against employers and those within the construction and agricultural industries.

Recent cases have included:

- Acting for D, successful finding that road traffic accident had been intimated involving vehicles acting in concert to induce a collision on a slip-road. Findings of fundamental dishonesty against C;
- Successful strike out of C's claim following road traffic accident following cross examination and enforcement of costs in favour of D pursuant to r.44.15(1)(c). Successful application for wasted costs against C's legal representatives following contested costs hearing;
- **Da Costa & Anor v Sargaco & Anor** [2016] EWCA Civ 764. Represented D at first instance. Case involving judicial decision to exclude one C from court whilst the other gave evidence.

Costs

Oliver has extensive experience dealing with a range of costs issues from discrete costs points arising in litigation to detailed assessment proceedings.

He is regularly instructed to advise on various costs points including those relating to fraud and exaggerated claims.

Oliver is regularly instructed in Costs and Case Management Conferences in high value cases involving catastrophic injuries including, brain injuries, chronic pain and fibromyalgia.

Oliver has also experience advising and representing parties in detailed assessment hearings at both the County Courts and the Senior Courts Costs Office in a range of personal injury and industrial disease matters.

Oliver has given seminars on costs issues and regularly received paperwork regarding costs issues.

Recent cases have included:

- Acted for D in case involving the application of r.36.10(5)(b) (now 36.17(5)) in relation to costs consequences following compromise of claim pleaded at over £2.56 million which ultimately settled for £150,000 following disclosure of surveillance evidence. Issues included timing of disclosure of surveillance evidence, expert evidence, construction of CPR Amendment Rules, and conduct;
- Acting for D, late acceptance by C of D's Part 36 offer during detailed assessment hearing following judgments in favour of D on initial parts of C's bill including issues of hourly rates, duplication and proportionality;
- R-Successful reduction in C's bill of costs and recovery of costs of detailed assessment hearing following C's

failure to better D's Part 36 before Senior Costs Master;

Product Liability

Oliver has experience in advising and representing parties in fast and multi-track produce liability actions involving range of alleged defective consumer and medicinal products.

He has been instructed to represent both national and multi-national clients in a variety of product liability cases involving, but not limited to, personal injury, property damage (including fire and water damage) and alleged economic loss.

Oliver's cases have included: –

- White good products;
- Defective drugs;
- Defective medical devices;
- Showers;
- Windows and fittings;
- Power tools;
- Agricultural equipment;
- Batteries;
- Ladders, steps and hammocks;

Industrial Disease

Oliver deals with a wide range of industrial disease cases and is regularly instructed in cases of this nature including asbestos related claims and alleged noise induce hearing loss.

Oliver has also extensive experience of related costs and procedural issues associated with industrial disease claims.

International & Travel

Oliver deals with a range of international cases. He is regularly instructed by national and international insurance companies in relation to cases of this nature.

Oliver has been instructed in relation to accidents abroad and those in the UK involving foreign parties.

Inquests

Oliver has experience in advising and representing numerous parties at inquests including those arising out of accidents at work, road traffic accidents and deaths within hospitals.

His experiences include inquests in relation to deaths in: –

- Road traffic accidents;
- Hospitals;
- Schools;
- Custody.

Public Authority Liability

Oliver has extensive experience in representing and advising local authorities and Health Care Trusts regarding a broad spectrum of claims.

These include:-

- Claims for slipping and tripping accidents;
- A variety of accidents at work;
- Claims for assaults including within the contexts of schools, offices and prisons;

Insurance

Oliver has a broad insurance practice and is regularly instructed on behalf of leading national defendant firms.

Oliver regularly deals with various insurance matters including indemnity disputes in relation to the Road Traffic Act 1988.

Oliver has acted on behalf of a number of international insurers involving a variety of accidents and has a busy paperwork practice advising on a variety of insurance matters.

Qualifications & Awards

BVC (Ranked Outstanding in Personal Injury/Clinical Negligence) BPP Law School

GDL City University

MSc London School of Economics and Political Sciences

BA (Biological Sciences) Oxon

Exhibitioner (New College, Oxford)

Academic Prizes (New College, Oxford)

Sir Thomas More Bursary, Lincoln's Inn

Lord Haldane Scholarship, Lincoln's Inn

Memberships

Personal Injuries Bar Association