

12

King's Bench Walk

Simon P John

Call: 1996
sjohn@12kbw.co.uk



AREAS OF EXPERTISE

Personal Injury, Employment & Discrimination, Clinical Negligence, Industrial Disease, Insurance, Costs, Fraud, Inquests, Public Authority Liability, Property

Clinical Negligence

Simon has a growing practice in clinical negligence claims for both Claimant and Defendant, including failure to detect and to advise, including interesting arguments of suboptimal practices not technically falling outside NICE.

Cases

X v Swansea CC [2016] – multi-party inquest raising some unique issues as to city centre road design as alleged contributory cause in highway deaths;

Vaughan v CMB & ors [2016] – case exploring the effect of *Smith v Northampton* and employer and occupier issues of control of workplace and knowledge of equipment for the purposes of PUWERegs 1998;

Indigo v Welply [2016] – interesting case following and distinguishing the landmark case of *Beavis v Parking Eye* in which Contractual authority and status of charges as Penalties raised;

Agius v Spencer [2015] – high value HAVS claim distinguishing the *O'Keefe v Isle of Man* negative inference principle and exploring Thoracic Outlet Syndrome aetiology;

Law v Caerphilly RFC [2015] – case alleging breach of IRB and WRU rules on Senior v Junior play and duty of care;

Shaw v Merthyr [2014] CA – Costs appeal on the enforceability of a purported part 36 offer wrongly adopting pre-2007 CPR wording, considering *Thewlis (HC)* and whether offer can be saved by CA purposive approach in *CvD* and *PHI* line of authority

Bramwell v X [2014] – £700k chronic pain case

Smith v TT [2014] – whether bonus discretionary or contractual, incorporation and variation issues

Law v Caerphilly RFC [2014] – duty to junior rugby players training with seniors

Robinson v Stoke Hall [2014] – constructive dismissal, undermining in role, abandoned criminal prosecution

Bellisario v London Bus [2013] – alleged discrimination in provision of bus services to wheelchair users

French v Canada Life [2013] – enforceability of PHI, extent of fitness to work clause

Arpa v X [2013] Solicitors negligence

Eaton v Robinson [2012] – foreseeability of psychiatric damage to secondary victim only witnessing hospital aftermath of accident

Jenkins v Gwent Police [2011] – Police Appeal Tribunal – legitimate expectation abuse of process arguments in rehearing disciplinary charges.

X v Torfaen CBC & anor [2011] – Extent of delegated control between employer and contractor for purposes of duty under the Workplace Regs.

Q fever SCA litigation [2011] – Multiple Claimant PI actions involving obscure disease and complex causation and quantification arguments.

Sarah Knight v Cartrefi Cymru [2010] – Repudiatory conduct by employer, final straw doctrine and waiver by delay and conduct.

Ellen Waters v Cardiff County Council [2010] – Duty of care to staff in dealing with violent residents in care, knowledge.

Jacobs v Rhosserchan [2010] – Whistleblowing, detriment causation, care standards, repudiatory breach.

Abdelmonium v South Wales Police EAT [2009] – Race discrimination case involving interesting comparator arguments and novel judgment delay issues.

Rowan v the Environment Agency [2008] – EAT IRLR 20 Appeal case on constructive dismissal, DDA reasonable adjustments and providing guidance on requisite findings for the tribunal.

Cornwall Gardens v RO Garrard & others (CA) LTL 19/9/01: Times June 19 2001 – Million pound dispute as to rights of way and the economic tort of interference with business rights