

Simon P. John

Call: 1996
sjohn@12kbw.co.uk



AREAS OF EXPERTISE

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

Industrial Disease

Simon is well versed in the legal and scientific arguments in a range of industrial disease cases and is regularly instructed by both claimant and defendant in HAVS/WRULD, RSI, Deafness, and has experiences of mesothelioma, asbestos and other irritant cases. He has recently advised and pleaded in a series of deafness claims against the MOD and for engineers against Telecoms Co's.

Cases

K v N – representing a banker in a 3-week £1½m claim for discrimination and whistleblowing.

P v D – representing a local authority in a high value HAVS claim involving the full range of issues including: the legal test of 'regular' exposure, the significance of sub 2.5m/s² exposure, medical causation including the significance of hand photographs, latent symptom worsening, CTS as a differential diagnosis, Rheumatologist and epilepsy issue as well as very detailed engineering issues.

G v W – achieving £1½m award in a disability discrimination claim against a local authority, Including at the EAT.

M v A – successfully representing Claimant up to EAT in high six figure PHI claim.

D v W – representing sisters in high value claims of neighbour nuisance and discrimination, including against local authority.

C v MOD – recently part of achieving a high value settlement for an ex-soldier in an 'institutional' race discrimination claim.

Re: D – advising a public authority in respect of a mass proposed service provision change with multi-£million implications.

S v L – achieving six figure settlement in a teacher stress at work claim.

S v S – advising on multiple claims for flooding arising from flooded abandoned mine shafts.

B v X – successfully defending £700k chronic pain case with findings of malingering.

A v S – Successfully defending a claimed £½ m Race discrimination police case involving interesting comparator arguments and novel judgment delay issues.

X v S – representing a local authority in two linked multi-party inquests raising some unique issues as to city centre road design as alleged contributory cause in highway deaths;

V v C – 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;

I v W – successfully defending an interesting case following and distinguishing the landmark case of *Beavis v Parking Eye* in which contractual authority and status of charges as Penalties raised;

A v S – successfully defending a high value HAVS claim, distinguishing the *O'Keefe v Isle of Man* negative inference principle and exploring Thoracic Outlet Syndrome aetiology;

L v C – case alleging breach of IRB and WRU rules on Senior v Junior play and duty of care;

Shaw v Merthyr 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

Rowan v the Environment Agency [2008] – EAT IRLR 20 – Representing Claimant on appeal in a leading 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