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King's Bench Walk

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AREAS OF EXPERTISE

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

Fraud

Simon is regularly instructed by major insurers and local authorities to deal with suspected fraudulent elements in cases, including:

- Setting aside notices of discontinuance to pursue fundamental dishonesty;
- LVI/staged accidents,
- Exaggeration claims, including the tactics of surveillance evidence and their interaction with part 36 offers
- Credibility generally, and the careful forensic analysis and tactical enquiry against for example multiple historic claims, or linked witnesses.

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