

# 12

King's Bench Walk

## Simon P John

Call: 1996

[sjohn@12kbw.co.uk](mailto:sjohn@12kbw.co.uk)



### AREAS OF EXPERTISE

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

### Inquests

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Simon is experienced in conducting inquests, mostly for insurers and local authorities, including inquests arising from death in custody; Occupier/School trips; RTA; and Highway Design issues and those involving complex article 2 and Reg 28 report arguments.

### Cases

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*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