12
King's Bench Walk

David Callow



Call: 1998
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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, Insurance, Fraud, Inquests, Abuse, Public Authority Liability, Arbitration

JUDICAL APPOINTMENTS

Deputy District Judge: 2010

David has a wide-ranging practice with substantial experience of claims of the utmost severity.

He has particular experience and expertise in handling claims involving psychiatric injury (particularly occupational stress claims), chronic pain and complex claims involving multiple and/ or catastrophic injury.

He is widely instructed by major insurers in their efforts to combat fraudulent claims and particularly adept at the tactics required in such claims.

He has been recognised for several years by Chambers and partners as a leading junior and is regularly instructed by both Claimants and Defendant in cases involving particular complexity in relation to causation and the valuation of quantum. A large proportion of his claims are resolved at settlement meetings where he is an experienced and robust negotiator.

David speaks regularly on a wide range of topics most recently in relation to fraud and stress at work claims.

Personal Injury

Principal areas of practice are:

- Stress and Psychiatric Injury Claims.
- Chronic Pain
- Fraud
- Catastrophic and Fatal Accident cases.

David also has a particular interest in

- all disease cases (asbestos, work related upper limb disorder/RSI, and HAVS)
- cases with an international element that raise issues as to jurisdiction or applicable law.
- Public / Employers Liability claims – including Highways Act, Stress at work, Mesothelioma, Asbestos and other chemical exposures and psychiatric injury claims.

He has lectured/ spoken extensively on the subject of stress at work and fraud.

Industrial Disease

David has a particular interest and considerable experience in all disease cases including work related upper limb disorder/RSI, and HAVS, mesothelioma, asbestos, cancers and other chemical and respiratory irritant exposures.

Insurance

MIB and Motor: Considerable experience of the MIB agreements and motor indemnity claims including claims where a s.151 insurer seeks indemnity back from the insured.

Health Cover: Currently instructed in several high value claims in relation to cover under health insurance policies including claims where C is accused of fraudulently exaggerating claims and with disputes about psychiatric injuries.

Fraud

David is regularly instructed by major insurers to combat fraudulent claims. Recent examples of work include:

- Several claims struck out as abuse of process following *Summers*.
- Application to withdraw Part 36 offer after acceptance where C found to have lied in relation to the underlying claim.
- Applications to strike out claims for NIHL where claimants have made false claims in relation to having previously pursued claims for the same loss.
- Currently involved in several applications to commit fraudulent claimants for contempt of court following strike out of claims as abuse.
- Numerous applications to set aside notices of discontinuance and to enforce orders for costs on the grounds of fundamental dishonesty.
- Numerous trials where the principal issue relates to the credibility of the Claimant's account.

Inquests

Substantial experience of inquests including:

- Asbestos related deaths.
- Deaths occurring in residential and other care settings in relation to both the elderly and vulnerable adults and children.
- Fatal accidents at work.
- Road traffic collisions.

Abuse

David has acted for both Claimants and Defendants in claims arising from allegations of sexual abuse both in institutional and employment settings.

Public Authority Liability

David has for many years carried out a wide variety of claims arising out of the operation of public bodies of which recent examples include:

- Acting as counsel to a local authority core participant in the major public inquiry into the fatal outbreak of Ecoli in South Wales where the issues ranged from procurement under the Public Contracts Regulations, control of major public health outbreaks, food hygiene/ safety and local government administration.
- Building and contractual disputes arising out of the use and maintenance of public buildings.
- Nuisance claims against public bodies of which recent examples include noise and dust from the construction of a new school, ingress of water from sewerage pipes and noise from the use of all weather sports pitches on school premises.

- Dispute (ongoing in the Chancery Division) regarding local government pensions.

Qualifications

LL.B Cardiff University

Appointments & Memberships

Deputy District Judge (2010)

Bar Standards Board panel of Approved Prosecuting Advocates for professional disciplinary cases (2012)

PIBA

Directories

Chamber and Partners – Personal Injury since 2010

Cases

Carol Sammut v The Dudley Group NHS Foundation Trust (2019, QB) – David obtains finding of fundamental dishonesty in clinical negligence claim.

El-Demellawy-v-European Bank for Reconstruction and Development (QBD) (citations)– for D in substantial 7-figure occupation stress claim with complex issues over causation and loss together with public international law/ immunity arguments.

X-v-TH Ltd – for D is claim by former employee for damages for alleged sexual assault and abuse. Claim struck out as Henderson abuse of process.

Advance Housing Ltd-v-T – contempt proceedings against claimant whose claim was struck out as an abuse of process following surveillance (ongoing).

CA Ltd-v-M – Contempt proceedings against former claimant whose claim was struck out as an abuse following discovery that a lost earnings claim was manufactured in its entirety.

M-v-FL – for C in substantial claim for indemnity under health insurance policy. Claim involves serious allegations that C has dishonestly exaggerated symptoms of CFS over a number of years while absent from work as equities trader (ongoing).

H-v-CICA – for Appellant in case of serious historic sexual abuse. Original award of £22,000 overturned and substituted with £500,000 maximum.

C-v-S (deceased) – substantial award at JSM…

K-v-CICA – £3.65M award for 17 year old who suffered cerebral palsy following an assault when only three weeks old.

Six Continents Retail Limited-v-Hone [2005] EWCA Civ 922, [2006] IRLR 49). Stress at work, overwork, foreseeability

H-v-T Ltd – Fatal Accident Act claim with novel issues of whether the claimant was a dependent of the deceased where he had been living a secret double life with another partner.

Teague v Mersey Docks & Harbour Co. & Ors, [2009] All ER (D) 249 (Feb); [2008] EWCA Civ 1601 11 December 2008 – s. 14 Limitation Act 1980 in Noise Induced Hearing Loss cases