

Simon John

Call: 1996
sjohn@12kbw.co.uk



AREAS OF EXPERTISE

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

Fraud

Simon is regularly instructed by major insurers and by 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

K v N – representing a banker in a 3-week £½m 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 £½m 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