

## 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



### Property

---

Simon is experienced in property damage claims, including private nuisance claims including against local authorities, including tree root ingress claims.

### 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/s<sup>2</sup> 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