# DOLMANS INSURANCE BULLETIN

**Welcome to the September 2021 edition of the Dolmans Insurance Bulletin**

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If there are any items you would like us to examine, or if you would like to include a comment on these pages, please e-mail the editor,
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# REPORT ON

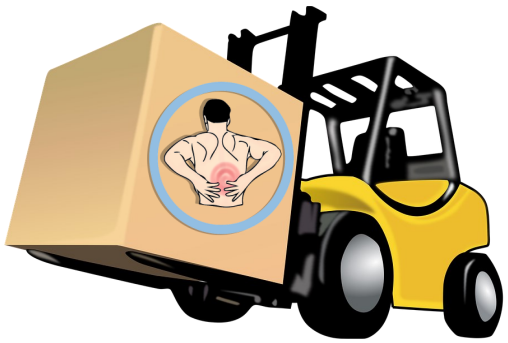
## Recovery of Costs in Fundamental Dishonesty Cases

## ***MB v ALC***

On 19 July 2021, the County Court at Swindon found that the Claimant, 'MB', had been fundamentally dishonest in his claim for damages for personal injury and loss against his employer, an automotive logistics company (or "ALC"), and it directed that the ALC's costs of the claim may be enforced against him to their full extent and, importantly, for those costs to be deducted from his redundancy payment, if not paid in advance of that payment being made (see below).

MB alleged that on or around 18 April 2017, during the course of carrying out his employment duties, he was reversing a forklift truck when a colleague reversed another forklift truck into collision with him. Liability was denied on the grounds that the collision occurred at very low speed (because both forklift trucks were fitted with speed limiters) and both drivers were carrying out reversing operations (the other driver was travelling at about 2 mph), no damage was caused to either vehicle, the other driver sounded his horn twice as he was reversing and it was denied that MB was injured as alleged or at all.

In respect of his injuries, MB alleged that as a direct result of this incident, he sustained soft tissue injuries to his neck, with pain radiating to the left shoulder and arm, and an injury to the lower back, in respect of which his medical expert[1] was of the opinion that MB had sustained a whiplash-type injury which had caused permanent pain and limited flexion with a "*slightly compromised*" disadvantage on the open labour market.



The ALC's record was that MB did not report any injury immediately after the accident or at all. MB had worked the balance of his shift and continued to work as a forklift truck driver for well over a year thereafter and did not report any symptoms or injuries. MB did not seek any medical treatment, either at the time or in the subsequent days, weeks or months, until about September 2018 (and which did not appear to be accident related). Following 3 periods of absence from work due to symptoms in his left shoulder, neck and back, MB gave explanations at return to work interviews which were inconsistent with his claim (i.e. that the symptoms were either not related to work or had simply been aggravated by turning his head and neck whilst driving the forklift truck).

[1] Mr Alistair Ross, whose report is dated 15 October 2019

# REPORT ON

MB instructed solicitors who commenced a claim in the Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims (the "*EL Portal*") on 9 May 2019. On 18 June 2019, the claim was repudiated by the ALC's employers' liability insurers, Mitsui Sumitomo Insurance Co (Europe) Ltd.


MB commenced Court proceedings by way of a Claim Form dated 17 April 2020 limited to £50,000.00. The Particulars of Claim, which was verified by a statement of truth signed by MB personally, also contained a statement of value in a sum limited to £50,000.00. Damages for pain, suffering and loss of amenity for an injury of the kind described by MB's medical expert were worth in the region of £7,410.00 to £12,900.00. MB served a Schedule of Special Damages, which was verified by a statement of truth signed by him personally, in the combined sum of £19,343.00, and which included a claim for disadvantage on the open labour market in the sum of £17,280.00. The whole claim was, therefore, worth in excess of £30,000.00.

Proceedings were deemed served on the ALC on 14 July 2021 and Dolmans Solicitors were instructed to file a Defence and to serve questions on MB's medical expert.

In his replies to questions, MB's medical expert made clear that the opinion expressed in his report was based on MB's account in his (as yet undisclosed) Witness Statement that he had suffered the immediate onset of symptoms after the accident, which was plainly not the case. Although the expert considered that symptoms from a whiplash injury often do not become apparent for 24 to 48 hours, that was not MB's account to him as to what occurred; he claimed he had reported injuries to his neck, with pain radiating to his left shoulder and arm, and an injury to the lower back, to his team leader, which was not true. In fact, MB reported, when interviewed after the accident, that he was not injured, which is the precise opposite of what he told his expert. In addition, MB's account to his expert that he saw a practice nurse on 21 September 2018 *"since his symptoms were not resolving"* was also untrue; MB went to the Accident & Emergency Department at Great Western Hospital in Swindon on 17 September 2018 and then subsequently saw his GP because of an onset of symptoms earlier in September 2018 – his attendance had absolutely nothing to do with the occurrence of the accident, he did not mention the accident, and he did not claim to anyone he saw that he had experienced symptoms for approximately 17 months as alleged or at all.

On the basis of the expert's replies, the combined value of MB's claim for general damages for pain, suffering and loss of amenity and special damages would have probably been in the region of £3,000.00 at its highest.

# REPORT ON

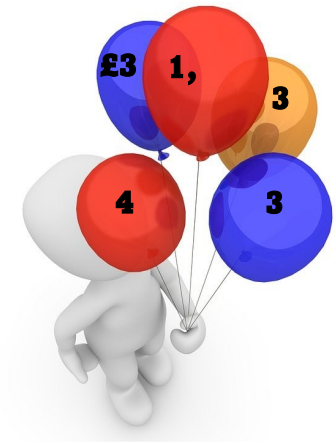
In his disclosed Witness Statement dated 5 February 2021, MB gave a reason for not reporting any injury at the time of his accident that *"I did not advise my team leader or the Defendant that I had injured myself as I did not want to risk losing my job. I also did not take any time off work immediately following the accident as I was still in my probation period … I did not attend my General Practitioner initially as I did not want to take time off work to attend the surgery whilst I was still within my probationary period and I hoped that my symptoms would settle."* All reference in his expert's report that MB's statement was he reported *"soft tissue injuries to his neck, with pain radiating to the left shoulder and arm, and an injury to the lower back"* to his team leader was now removed from his disclosed evidence.

In fact, MB had been on nightshift when his accident occurred and continued to be on nights until 30 October 2017. Also, there was a company shutdown from 29 May to 1 June 2017. MB, therefore, had ample opportunity to report any symptoms that he might have had to his GP, but did not do so. The Claimant's probationary period ended on 6 August 2017. MB could, on his own case, have sought medical treatment after that date, but did not do so for more than a further 13 months. In any event, the ALC's case was that reporting an injury or taking time off for medical appointments would not have counted against MB, who would have been aware of this as he had been told that during his probationary period that his performance would be assessed in line with the requirements of the role and business expectations. MB's probationary period did not prevent him from taking a day off sick on 3 April 2017. MB's explanation for his delay in reporting symptoms to his GP and/or taking time off work and/or reporting his alleged injury to the ALC was simply not credible.

Dolmans wrote to MB's solicitors on 20 August 2020 enclosing a copy of the medical expert's replies and inviting them to confirm that MB conceded that any accident related symptoms would have been minor and short-lived and that the claims for special damages and disadvantage on the open labour market were abandoned. No response was received, despite being chased on 27 August 2020 and 2 September 2020. Notwithstanding that he had permission to do so, MB did not serve an up-to-date (and more appropriate) Schedule of Loss by 27 March 2021 or at all, and did not otherwise seek to discontinue his claims for special damages and disadvantage on the open labour market, despite having been invited to do so. The ALC served a Counter Schedule of Loss on 2 September 2020 in the sum of nil.

MB discontinued his claim on 12 May 2021, just 2 days before Trial.

# REPORT ON




When a Claimant discontinues a claim, then they become liable for the costs which the Defendant incurred on or before the date on which Notice of Discontinuance was served on them (the '*deemed Costs Order*')[2]. However, where a claim commenced in the EL Portal, the general rule is that the Costs Orders, deemed or otherwise, may not be enforced against a Claimant save in very limited exceptions (the so-called Qualified One-way Costs Shifting, or '*QOCS*', provision)[3]. One of the limited exceptions is where the claim is found, on the balance of probabilities, to be fundamentally dishonest and the Court gives permission[4].

In addition, section 57(1) of the Criminal Justice & Courts Act 2015, which provides that the Court is satisfied, on the balance of probabilities, that the Claimant has been fundamentally dishonest in relation to the primary claim or related claims, it may, on an application by the Defendant, dismiss the claim and award costs.

MB's untrue statements to his expert inflated a claim which had a value of between nil and £3,000.00 to one which had a value of approximately £31,343.00.

The ALC's costs incurred in defending the claim amounted to £8,421.00. On 12 May 2021, The ALC applied for an Order permitting them to enforce their costs against MB to their full extent on the grounds that his claim was fundamentally dishonest.

There was a degree of urgency about the Application. MB's medical records indicated that he was born in Wroclaw, Poland, and he was presumed to be a Polish national. Dolmans' investigations indicated that MB did not own his home, and his employment with the ALC was due to terminate on grounds of redundancy on 30 July 2021 (along with much of their workforce) at which time he was expected to be awarded a significant redundancy payment. If the Application was not heard significantly before 30 July 2021, there was a risk that MB would simply disappear and enforcement of any Order would no longer be possible. Fortunately, the ALC's Application was listed remotely before Deputy District Judge Martin Loughridge sitting at the County Court at Swindon on 19 July 2021. MB represented himself with the assistance of a Polish speaking interpreter. The ALC instructed Mrs Rachel Russell of St John's Chambers, Bristol.

MB had failed to file and serve a Witness Statement in response to the ALC's Application as ordered by the Court, notwithstanding that he conceded he had received all the papers, and the Deputy District Judge, therefore, ruled that MB would not be permitted to give evidence and would be limited to responding to the Application.

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[2] CPR 38.6(1)
[3] CPR 44.13(1)
[4] CPR 44.16

# REPORT ON

The ALC's case was put on two bases: first, that the claim was dishonest from the start and that MB had been uninjured in the collision; and second, in the alternative, that MB knew following Dolmans' letter to his solicitors on 20 August 2020 that the vast majority of his claim was unsustainable and that any injury sustained in April 2017 was likely to have been minor. More generally, it was submitted that the very act of abandoning the claim so late in the day was not the act of an honest Claimant who thought they had a legitimate claim and was likely a belated attempt to avoid a finding of fundamental dishonesty.

MB's response was that he was an honest person who had been let down by his solicitors and his employer.

The Deputy District Judge found, on the balance of probabilities, that MB had sustained a relatively minor injury during the forklift collision and that he had, in fact, believed himself to have been injured. There was a lot of evidence that indicated that the more serious symptoms in September 2018 could not properly be attributed to the incident in April 2017. Once that evidence was identified, it was completely unreasonable for the claim to be pursued for permanent injury relating to the collision. It was then reasonable only to pursue a smaller claim, as contemplated by the ALC in Dolmans' letter of 20 August 2020, up to a maximum value of £3,000.00. MB's claim, certainly from 20 August 2020, and perhaps slightly before that, did fall foul both of s.57 CJCA 2015 and the fundamental dishonesty provisions. It was exaggerated to a very large degree in the way in which it was presented. Large figures for handicap on the labour market and future loss of earnings were pursued, none of which were justifiable on the evidence available at that time.

It had to be assumed, when looked at from the point of view of the Court and the ALC, that MB was responsible for what his solicitors were doing and that they knew what they were doing; they should have been consulting and discussing and allowing him to make decisions. It was no defence for him to say that he was not happy with his solicitors; that was a separate matter for him to take up with them.

The Deputy District Judge declared that MB had been fundamentally dishonest and he ordered that the ALC's costs may be enforced to their full extent in the sum of £8,421.00, plus Application costs in the sum of £1,392.50 – a combined sum of £9,813.50, to be paid by 29 July 2021, failing which the ALC would be permitted to deduct that sum from MB's redundancy payment (which it subsequently did).

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# RECENT CASE UPDATES

## Family Foster Carers - Sexual Abuse - Vicarious Liability

***D J Barnsley MBC and AG***
***Sheffield County Court - Unreported***

The Claimant's, 'C', parents separated. C initially stayed with his father, but the Defendant Council, 'D', became involved due to concerns regarding the father's itinerant lifestyle. In 1980, C went to live with his maternal uncle and aunt, Mr and Mrs G. In August 1980, D formally received the Claimant into care and the Gs were approved as de facto foster carers. The Claimant was boarded out to them pursuant to D's powers under the Boarding Out of Children Regulations 1955.

The Child Care Act 1980 came into force, pursuant to which D assumed parental rights for D in November 1983.

C alleged that he was sexually abused on a regular basis by Mr G (the Part 20 Defendant herein, AG) between March 1980 and March 1986. In 2019, C issued proceedings against D claiming damages for the abuse. A preliminary issue hearing was ordered on whether the relationship between D and AG was capable of giving rise to vicarious liability on the part of D. It was common ground that D was required to keep C in its care and to comply with the parental duties imposed by the Acts in force at the time, even if the Claimant was boarded out to the Gs and that D's duties included a duty to provide accommodation and maintenance for C and that a foster placement, and a placement with the child's family, were among the means by which that duty could be discharged.

The Judge noted the authorities established that the issue was whether AG was in a relationship akin to employment with D. In doubtful cases, the five 'incidents' identified in *Various Claimants v Catholic Child Welfare Society [2012]* (the *Christian Brothers* case), which usually make it fair, just and reasonable to impose vicarious liability, are considered.

Both parties submitted that there was no need to consider the five incidents. C relied upon *Armes v Nottinghamshire CC [2017]*, in which the Supreme Court held that a Local Authority was vicariously responsible for abuse perpetrated by a foster parent on a child in the care of the Local Authority who had been placed with the foster parent, submitting that there was no material distinction between the Gs as foster parents and commercial foster parents. D submitted that the Gs fell squarely within the exception identified in *Armes* in relation to parents performing the activity of raising their own child.

The Judge concluded that this was a doubtful case which would be assisted by consideration of the five incidents. On the facts of this case, the Judge concluded that it was far more consistent with a family situation than with a commercial foster situation. The Gs were chosen to foster C because they were relatives. They were not professional foster parents. They did not receive extensive safeguarding and reference checks, albeit they received some, did not attend pre-approval training and were not recruited for fostering. The Gs were bringing up a relative. This was not akin to a contract of employment. Accordingly, the relationship between D and AG was not capable of giving rise to vicarious liability on the part of D.

***We are grateful to Mr Steven Ford QC for sending us a copy of the Judgment of Mr Recorder Simon Myerson QC in the above case.***

# RECENT CASE UPDATES

**Personal Injury - Duty of Care - Occupiers' Liability - Instruction/Risk Assessment**

***Harrison v Intuitive Business Consultants Ltd (t/a Bear Grylls Survival Race)***
***Intuitive Business Consultants Ltd (t/a Bear Grylls Survival Race) v Beyond the Ultimate Ltd***
***[2021] EWHC 2396 (QB)***

The Claimant was a participant in a 'Bear Grylls Survival Race', a themed obstacle course comprising of a mixture of obstacles and survival challenges. The obstacle course was designed and marketed as suitable for people of all abilities, with events being held across the country.

The First Defendant, 'D1', was the overall organiser of the event.

The Second Defendant, 'D2', and the Part 20 Defendant were subcontractors of D1 and were responsible for the design of the course, the management of the race, the provision of staff and the risk assessment of the obstacles.

The Claimant had never run an adventure race previously. She was, however, a regular gym attendee, and the evidence was that she was very fit and well equipped to deal with the challenge presented by the obstacle course.

The Claimant sustained serious injuries to her leg and shoulder whilst attempting an elevated monkey ring obstacle. It was not disputed that this obstacle was one of the more challenging in the race and one from which a significant number of racers fell (serious injuries had been sustained by participants at two previous Bear Grylls Survival Races held earlier that year).

A risk assessment of the course was carried out before the event. This identified two hazards. First, a risk of a hard landing from fallings from the initial rings, which could be reduced if marshals briefed the participants to reach out for the rings from a seated position rather than swinging out from a standing position. Second, an increased risk of injury when falling from the rings if there had been a movement of the hay covering the landing surface, which could be reduced by marshals redistributing the hay between waves of runners.


The Claimant claimed that she had taken a standing position as she had not been informed to adopt a seating position and that the hay had not been appropriately distributed.

**Held**

The Claimant's claim was dismissed. It was held that the accident was not occasioned by any fault of the Defendants. Accidents were an inherent risk of participation in obstacle races; and no amount of care and vigilance by the organisers could eliminate the possibility of such risks materialising from time to time. The Court held that a balance had to be struck between an obstacle course which is testing, challenging and demanding and one which is not unduly hazardous.


The Defendants had assumed a responsibility to give an instruction to all participants to swing out from a seated position, as stipulated in the risk assessment. A duty of care was owed under Section 2 of the Occupiers Liability Act 1957 to give that instruction, but not to speak individually to each participant or mandate that the participants adopted a seated position. It was sufficient for the instruction to be given generally to those standing on the platform. To give a specific instruction to each individual was not reasonably practicable. The Court held that, on balance, the instruction was given to the Claimant.

In any event, a failure by the Defendants to give the appropriate instruction would not have been found to have caused the accident. Most participants fell off the monkey rings at some stage, whether they started from a sitting or standing position. It was a matter of chance as to how well or badly they landed, and since the accident occurred as the Claimant reached for the second ring, any connection between her departure from the platform in a standing position and her injuries was tenuous.

The Defendants owed a duty of care to provide a reasonably safe landing surface. Although none of the Claimant's witnesses had observed the hay being redistributed, it did not follow that that had not happened and there was no reason to doubt the evidence of the marshal that they had been vigilant about doing it. In any event, even if there had been a culpable failure to redistribute the hay, it had not been established that any failure had any causative potency.

**Personal Injury - Fatal Accidents - Dependency Claims**

***Steve Hill Ltd v Witham***
***[2021] EWCA Civ 1312***

The Appellant appealed against the assessment of damages due to the Respondent in the Respondent's claim for damages arising from the death of her husband. The Respondent's husband had died in January 2019 of mesothelioma contracted following exposure to asbestos at work. His widow brought a claim under the Law Reform (Miscellaneous Provisions) Act 1934. Liability and causation were agreed.

The Respondent was working as a specialist paediatric diabetes nurse. The deceased was a builder. The couple had fostered two children on permanent placements. They decided that the Respondent would return to work full-time and the husband would be the parent at home. The couple received a fostering allowance from the Local Authority. The Respondent continued to receive the allowance after her husband's death, but stopped work to care for the children.

At first instance, the Judge found that the relevant dependency was the Respondent's, not the children's; she had depended on him to act as the children's principal carer which had allowed her to pursue her career. The Judge held that the replacement care at commercial rates was the appropriate measure of loss and was recoverable in law because the Respondent had a "reasonable expectation of pecuniary advantage"; i.e. the money she would have earned at work as the result of her husband being present to look after the children.

The Appellant appealed. The Court was required to determine the following issues:

**Dependency**

The Appellant argued that the true nature of the deceased's services was for their foster children and they were the ones deprived of the deceased's services rather than his wife.

However, the Judge's finding that the Respondent had suffered a loss was based on the finding that the husband would have been the children's primary carer, enabling the Respondent to pursue her career. The Respondent had lost her career as a result of the husband's death and her loss of his services. The fact that the children also benefitted from the deceased's care did not mitigate against the Respondent's claim. The Respondent was entitled to claim the cost of securing the childcare services to place her in the position she had been in before her husband's death.

**Foster Care Payment**

The Appellant's case was that the Respondent had suffered no loss as she took over care of the children and continued to be paid the carer's allowance by the Local Authority.

The Court held that the act of the payments did not affect the Respondent's loss of dependency on her husband's services. The Respondent had the benefit of the allowance payment before her husband's death.

**Cost of Care at Commercial Rate**

The Appellant argued that as the Respondent had been accepted to be the person who would care for the children, the Judge should not have costed care at the commercial rate.

The Court held it was the value of the lost services which required compensation, not the value of how the Respondent was managing after the death. The Judge was entitled to value care on the cost of employing someone to provide it on a commercial basis.

# RECENT CASE UPDATES

**Care of Foster Children**

An additional ground of appeal was added, following a further Application to the Court, under which the Appellant sought to rely on fresh evidence (arising after the original Trial) which showed that the children were no longer in the Respondent's care. They had been removed in May 2020 by the Local Authority and not returned. This was not disputed, although the Respondent had complained to the Local Authority, which was investigating.

No submissions or cross-examination had taken place at Trial on the likelihood of the foster arrangements not working. There had been no grounds upon which to properly base such questioning or submissions. What had subsequently occurred was unforeseen. The Court accepted, as Smith LJ said in *Welsh Ambulance Services NHS Trust & Another v Jennifer Mary Williams [2008] EWCA Civ 81*, that the dependency is fixed at the moment of death and the only relevant post-death events are those which affect the dependency. It found the new evidence directly relevant to the dependency because as the children were no longer in the Respondent's care, the dependency could not be said to be continuing. To refuse to admit the evidence would affront common sense or a sense of justice; *Mulholland v Mitchell (No.1) [1971] A.C. 666, [1970] 11 WLUK 110* followed.

Therefore, whilst the original grounds of appeal were dismissed, the appeal was successful on the additional ground regarding the change in the Respondent's circumstances in relation to the foster care, and it was held that the matter would be remitted to the Trial Judge to re-evaluate the Respondent's dependency, unless the parties could agree.

**Sexual Abuse - Vicarious Liability**

***Blackpool Football Club Ltd v DSN [2021] EWCA Civ 1352***


In June 1987, while on a footballing tour for young boys to New Zealand, which also visited Thailand on the way home, the Claimant, who was then age 13, was sexually abused by R who was in charge of the tour and was the only adult leading the trip. R was a convicted sex offender, having convictions for indecent assaults on males contrary to s.15 of the Sexual Offences Act 1956 recorded in 1960, 1961, 1965 and 1984.

The primary limitation period expired in 1995. R died in 2005. The Claimant first disclosed the abuse to his wife in 2013. His mental health was seriously affected by the disclosure. In November 2016 he made a Statement to the police and in April 2017 instructed solicitors. Proceedings were issued in January 2018. At first instance, the Judge held that the applicable primary limitation period should be disapplied pursuant to s.33 of the Limitation Act 1980; and he held that the Defendant Football Club ['Blackpool FC'] was vicariously liable for the acts of R when he abused the Claimant. Blackpool FC appealed.

The Court of Appeal upheld the finding on limitation, but overturned the finding that Blackpool FC was vicariously liable for the abuse.

# RECENT CASE UPDATES

The first instance decision was given before the Judgments of the Supreme Court in *Various Claimants v WM Morrison Supermarkets Plc [2020]* and *Various Claimants v Barclays Bank Plc [2020]*, and the Court of Appeal commented that the Judge did not have the corrective guidance of the *Barclays* case primarily in relation to stage 1 of the test for vicarious liability and *Morrison No 2* primarily in relation to stage 2.

The grounds of appeal in relation to vicarious liability were that the Judge was wrong on the facts and in law to hold that R was at any material time in a relationship with the Defendant that was capable of imposing vicarious liability on the Defendant for his torts; and was wrong in law and, in fact, to hold that there was a sufficient connection between the Claimant's assault and any relationship between R and the Defendant.

At the material time, Blackpool FC's financial situation was dire and, as a result, it could only afford to employ a minimum number of staff. The club was dependent upon volunteers for functions which might, in a bigger or better funded club, have been performed by paid employees. At first instance, the Judge found that identifying, recruiting and retaining the allegiance of promising young footballers was part of the core business of the club. The club employed a Head of Youth Development, but he could not do the job alone and had the help of unpaid volunteers.

R ran his own sports clothing shop. He acted as an unpaid 'scout' for Blackpool FC. The Judge, at first instance, found that Blackpool FC gave R credibility by lavishing tickets and access on him, and providing him with his 'aura' and that R was so much a part of the work, business and organisation of Blackpool FC that it was just to make Blackpool FC liable for his torts within the first limb of the two stage test for vicarious liability.


The 1987 trip was not billed as a Blackpool FC trip. The Court of Appeal noted that the Claimant was only one, or possibly two, of the boys who went from the Blackpool FC School of Excellence. Subject to a financial contribution of £500 from Blackpool FC, R carried the entire cost of the tour, estimated to be in the region of £25,000. There was no evidence that Blackpool FC had any involvement in the planning, running, administration or financing of the trip other than the contribution of £500. R used the Thailand leg of the tour to recoup his outlay by buying counterfeit sport goods which he would sell in his business.

The Court of Appeal concluded that the evidence as identified and found by the Judge did not justify a finding that the relationship between Blackpool FC and R was one that could properly be treated as akin to employment. While it could properly be said that what R did as a scout conferred important benefits upon Blackpool FC in the conduct of its business, and that R was afforded deference and welcome by the club in recognition of his having produced good players in the past and in hope that he would continue to do so, none of the normal incidents of a relationship of employment were otherwise present. R had a completely free hand about how he did his scouting, there was no evidence of any control or direction of what he should do.

Although the running of Blackpool FC's business gave rise to the risk of sexual offending against young boys, the relationship between R and the Defendant fell far short of being akin to employment as that phrase has been developed in the authorities. R carried out his scouting activities with a degree of independence and lack of control by the club that compelled the opposite conclusion. The requirements of stage 1 were not satisfied in the present case.

As regards stage 2, Blackpool FC did not require R to organise or lead the 1987 trip, place R in the position of leading the trip or assign the leadership of the trip to him. Blackpool FC did not assume responsibility for the boys going on the trip or entrust them to R's care. There was no requisite close connection linking the relationship between Blackpool FC and R and the sexual abuse he inflicted upon the Claimant on the tour.

Blackpool FC's appeal in respect of vicarious liability was, therefore, allowed on both grounds of appeal.

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- Housing disrepair claims
- Industrial disease for Defendants
- The Jackson Reforms (to include : costs budgeting; disclosure of funding arrangements; disclosure of medical records; non party costs orders; part 36/Calderbank offers; qualified one way costs shifting (QWOCS); strikeout/fundamental dishonesty/fraud; 10% increase in General Damages)
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