



Simon Brindle

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Call: 1998

Education: University of Reading LLB (Hons),
BPP Law School, Bar Vocational Course (Very
Competent)



Practice Summary

- Clinical Negligence
- Personal Injury

Memberships

- Personal Injury Bar Association

Personal Injury

Simon has extensive experience in all areas of personal injury work, including employers' liability claims, fatal accidents, road traffic accident claims, consumer protection claims, holiday claims, highway claims and occupiers' liability claims. He has a particular interest in interpretation and application of statutory duties; brain and head injury; multiple and significant orthopedic injury; chronic pain cases; and fatal accident cases. In respect of road traffic accidents, Simon has a keen awareness of the issues arising in cases involving motorcycle accidents; having driven a moped daily in Central London for three years.

Simon acts regularly for both Claimants and Defendants (67/33% split), conducting cases in his own right and as junior counsel. He is regarded as specialist retail counsel by his Defendant clients, and specialist public liability counsel by many of his Claimant clients. He appeared before the Court of Appeal in the case of *Day v Suffolk County Council*.

Currently, Simon is consistently conducting claims valued between £500,000 and £1 million, and is being lead in a case likely to exceed £2 million. He can be relied upon

to manage cases involving multiple expert disciplines and to draft detailed and comprehensive Schedules and Counter-Schedules.

Clients take to Simon's warm and engaging, but authoritative style. He swiftly builds up the rapport of trust and confidence with both lay and insurer clients fundamental to a successful outcome in any case. As a result, he has an extremely busy practice.

Simon is the lead author of the 9 Gough Square publication Work Equipment Claims and is a regular contributor to CPDCasts. He lectures on Employers' Liability, all aspects of quantum - most recently on Life Expectancy and Ogden 7 - and claims arising from Dangerous Highways.

Clinical Negligence

Simon has experience in all areas of clinical negligence work, ranging from negligent treatment to delayed diagnosis. For example, he has acted for the estate of someone who endured unnecessary treatment following the delayed diagnosis of cancer; a woman who suffered the insult of, and subsequent breakdown of her marriage following, a negligently performed abdominoplasty; and is currently acting for a Claimant injured whilst in the care of a hospital following surgery.

His quantum experience includes establishing causation in 'loss of a chance' cases and delayed diagnosis. He acts exclusively for Claimants, conducting cases in his own right of a value of up to £250,000.

Cases

Read v MIB & Ors (Settlement, November 2011). Assisted in successful settlement of claim brought by Claimant for two significant road traffic accidents within a short space of time. Claimant suffered orthopaedic injuries as well what was believed to be a diffuse brain injury. Claim was complicated by: (a) the fact that the first accident involved an untraced driver; (b) a dispute between experts as to which accident caused the Claimant's symptoms; and (c) the Claimant had just set about rebuilding her business shortly before the first accident.

Loye v Veolia Water (Chelmsford County Court 23rd November 2011, HHJ Lochrane). Successful claim for a lady injured whilst walking down the street by a defective utilities cover. The cover tilted when she stepped on it. Defendant, relying on *Reid v BT*, argued that it was entitled to rely upon the Highway Authority's inspections, even though those inspections did not check to see if the cover was liable to tilt. Held: a Water Company could not passively rely upon a Highway Authority's inspections of its utilities covers. It had to take some steps to ensure that those inspections were checking that the covers were secure. In addition, simple visual inspection of utility covers was not sufficient and their testing, by means of a stick or similar, would have been entirely reasonable given that it would not have taken significantly more time to do, the severity of injury likely to arise from such hazards and the fact that such hazards were, by their very nature, traps.

Hargreaves v BAE Systems (Settlement 21st September 2011 - two days before trial). Advantageous settlement obtained just before liability and quantum trial. Claimant suffered bilateral macular holes in his eyes following long exposure to UV light from a welding torch. Claimant was on a job interview at time and required to demonstrate his welding experience. He claimed he was not instructed on how to use the eye protection provided. Additionally, his claim for lost earnings was predicated on the basis that he would have successfully obtained the job, which D denied. Settlement circa. £90,000.

Walker v Unilever (Settlement, September 2011). Representing Claimant, on CFA basis, whose claim was issued outside the primary limitation period. D took the point and refused to even acknowledge the claim until shortly before the limitation hearing was due to be heard. Subsequently, D settled the claim for full value.

Giddings v Eastern Counties (Settlement, August 2011). Successful settlement on behalf of partner of man run over by HGV whilst crossing the road. Liability and quantum denied. D contended that deceased had run out into the road and crossed too close to the front of the lorry for the accident to have been avoided. Additionally, deceased's business was failing just prior to the accident. Consequently, establishing the dependency claim was difficult.

Flynn v Home Retail Group (Wandsworth County Court, 2nd August 2011, HHJ Welshman). Successful defence of claim brought by estate of man run over by a

HGV whilst crossing the road. Contrary to C's liability expert's evidence, Judge accepted that C had crossed the road too close to the front of the HGV for the driver to have had a reasonable opportunity to see him.

Gaskin v Treesend Furniture (Settlement, 18th June 2011). Advising on liability and quantum on behalf of Claimant who suffered an almost complete amputation of his left, lower arm in an accident involving a circular saw. C, who was extremely fit prior to accident, made an utterly remarkable recovery following surgery to reattach his arm. D alleged he was contributory negligent. Claim settled for circa £250,000.

Hughes v BAE (Southend County Court, 31st May 2011, HHJ). Successful liability only trial. Acting for Claimant who was injured as a result of her heel catching in the grating surrounding a tree in a path outside her workplace. Claim brought against owner of building, who argued that grating was a common piece of street furniture and that C was guilty of contributory negligence. Secured judgment for 100% liability.

Camoccio v London & Local (Croydon County Court, 1st April 2011, HHJ Ellis). Defence in quantum trial brought by window fitter injured at work. Main issue in the case was whether C was able to return to pre-accident employment. Both parties' experts called to give oral evidence in trial lasting three days. Damages awarded circa £300,000; damages claimed in excess of £500,000.

Bevan v Gillies (Settlement, 2nd March 2011). Obtained advantageous settlement for 57 year old Claimant whose leg was amputated above the knee as a result of a motorcycle accident. Main issues in the case were the value of the future accommodation claim and whether the Claimant's spouse would provide future care and assistance. Damages circa £640,000.

Moulding v Mannings Heath Golf Club (Settlement, 7th January 2011). Obtained advantageous settlement for Claimant who, after a relatively minor fall at work, developed Chronic Pain Syndrome. Defendant disputed liability and causation.

Collopy v Cleaning Matters (Settlement, December 2010). Advised in claim brought by cleaner under COSHH Regulations, for injuries sustained when diluted cleaning fluid splashed in her eye.

Kerr v TWP Packaging (Settlement, November 2010). Advising on advantageous settlement for Defendant in claim brought against it by third party's lorry driver injured during unloading process at Defendant's premises. Claimant seriously injured and left wheelchair bound. Main issue in case was how Claimant's pre-existing condition would have affected him in any event.

Doughty v Gillham (Settlement, 5th November 2010). Obtained good settlement for Claimant who, following a road traffic, developed Chronic Pain Syndrome. Defendant's experts doubted the Claimant's credibility.

Woodward v John Ruck Construction (Settlement, 12th October 2010). Secured advantageous settlement for Claimant injured when he fell from a roof during the course of his employment. Main issue in the case was the extent of the Claimant's residual disability and his residual earning capacity. Settlement in sum of £235,000.

Cox v Brook Leisure (Pontefract County Court 4th August 2010, HHJ). Successful defence of claim brought against nightclub for slipping accident. Accident occurred as Claimant being ushered from one part of the nightclub to another, towards the end of the evening. Judge rejected Claimant's submissions that additional steps should have been taken by the nightclub to check floors for drinks just before this process began.

Robinson v Lloyds TSD (Lewes County Court 20th May 2010, HHJ Caultart). Occupiers' Liability claim. C slipped on leaflets on the floor of one of D's branches. In dismissing the claim, and rejecting C's submissions that *Ward v Tesco* applied, the judge held that the leaflets were not an unusual and unexpected hazard sufficient for the evidential burden to shift onto D. He also held that D's instruction to all staff to keep a look out for hazards, when those staff traversed the floor regularly throughout the working day, was sufficient to discharge any duty of care that did arise. A branch of bank was not akin to a supermarket and it was unnecessary for D to have a formal, recorded system of inspection.

Peters v FTD Johns Limited (Mediation, 6th April 2010). Secured mediated settlement worth £250,000 for a van driver injured when jumping out of the back of his van. D contended he had failed to mitigate his losses, by return to work as a van driver despite claiming he was unsuitable for the work, and had previously offered circa. £75,000.

Southfield v Bloomfield (Oxford County Court 26th March 2010, HHJ Harris QC). Successfully secured damages circa. £50,000 in an 'up to' 3 year back 'acceleration' case. C able to work for about 18 months after the accident before being retired on medical grounds. Judge concluded that acceleration period was 2 years 9 months, but accepted that the accident brought forward the retirement by this period. As a result, awarded C his lost earnings for 2 years 9 months after his retirement, rather than during the 2 years 9 months after the accident as contended for by the Defendant.

Walsh v Marks & Spencer (Settlement, 12th February 2010). Obtained advantageous settlement for Claimant when he could not recall the accident circumstances and D argued he was fabricating his symptoms.

Weekes v Hampshire Fire Service (Medway County Court 9th February 2010). Successfully defended claim brought by Fire Safety Officer against Hampshire Fire Service. C, walking on fire ground, fell down unlit and unguarded cellar door. Fire crews had been working in the cellar, but at time were outside the premises preparing to redeploy. Claim dismissed on basis that not reasonably practicable to have guarded, lit or warned C about presence of cellar at time of the accident. Fire crews were still dealing with an emergency situation at the time.

Steward v Advantage Insurance (Mayor's and City of London Court 22nd January 2010). C was a passenger in a car she knew or ought to have known was being driven without the owner's consent, and which was being driven by an uninsured driver. Defendant insurance company had an arguable defence that (a) it was not liable to C under the provisions of the Road Traffic Act 1998 by virtue of s151(4) - the 'joy rider' exemption; and (b) it also was not liable under the European Communities (Rights against Insurers) Regulations 2002 because the driver was not an 'insured person' within the meaning of the regulations. As a result, it was allowed to resile from previous admission of liability.

Atkins v B&Q (CRU Appeal, 3rd December 2009). Success appeal of CRU certificate based upon discrepancy between what C told the benefits agency and its medical assessors, and the medical evidence in her civil claim against B&Q.

Jackson v Hughes & Anr (Joint Settlement, 27 November 2009). Fatal accident

claim, brought on behalf of estranged husband and two children. Liability disputed. Claim unusual in that C claimed deceased would have continued to provide him care and assistance, and undertake domestic chores on his behalf, even though he was estranged from her. Settlement of £192,500 approved by the Court and apportioned as recommended.

Shapiro v Enfiled LB & Ors (Settlement September 2009). Successfully pursued claim for trip in disabled bay in car park. Hazard was a 'blob' of concrete less than an inch high. Case further complicated by dispute between Defendant's about who caused the 'blob' to be present and for how long it had been there.

Playford & Anr v Wandsworth Community Transport (Settlement August 2009). Fatal accident claim, brought on behalf of surviving partner and children of motorcyclist. Claim unusual in that deceased was still married to someone else, although decree nisi had been made, and in that deceased was riding a motorcycle belonging to someone else. Main issue in the case was partner's residual earning capacity. Settlement of £180,000 approved by the Court and apportioned as recommended.

Taylor v Harlow District Council (2009). Settlement of claim brought on behalf of someone injured by tripping over defect on private right of law. Claim pursued under the Occupiers' Liability Act 1984.

Tinning v Romec & Ors (unreported, Central London County Court 10th June 2009). An occupier who left a defective ladder in the corner of a large room in which its contractor and their sub-contractors would be working was not liable to an employee of the contractor for injuries sustained by him when that ladder slipped whilst he was climbing it. The ladder had been taken from the corner and used by employees of the sub-contractors. The occupier owed the Claimant no duty under the Construction or Equipment Regulations, as its control was insufficient for a duty to arise. Moreover, it owed no duty in negligence because, in the circumstances, it had taken sufficient steps to ensure that the ladder would not be used.

Carlton (2009). Settlement of claim by agency nurse for the loss of chance of becoming a full-time ward nurse following a road traffic accident. Instead, the claimant became a nurse at a GP practice.

Rana (2008). Settlement of claim on behalf of Claimant injured when run over by a car. Claimant had instigated a fight that led to his falling into the road behind a stationary car being driven by one of his friends. The Claimant had exited his car shortly beforehand, in order to start the fight. The Claimant was injured when, in an effort to escape the fight, the friend drove over him twice, whilst he was lying unconscious in the road.

Lawson (2008). Settlement of claim on behalf of Claimant injured at work. The Claimant worked as a machine operator and was required to undertake a repetitive and mundane task. During the process he accidentally operated the machine whilst his hand was still inside it. Fearing injury, he instinctively pulled his hand from the machine, sustaining injuries in the process. The claim was brought on the grounds that the Claimant became an automaton whilst undertaking the work and ought to have been provided with suitable PPE. The Defendant contested it on the grounds of there being a lack of any reasonably foreseeable injury and the Claimant being the author of his own misfortune.

Advams v Omar Homes Ltd (Cambridge County Court, 14th February 2008, Lawtel Doc. No AC0117221). Successfully defending claim brought by employee for breach of reg.17 of Workplace Regulations. Held: a loaded trolley, which was blocking the main walkway in a factory, did not render the employer in breach of reg.17. It was possible to circulate around the factory via alternative routes and the fact that the traffic route was blocked from time to time because of the work being undertaken, it not mean it was not possible to circulate in a safe manner around the factory. It was C's failure to use an alternative route that was the cause of the accident.

Bildstein v Jackson (unreported, Maidstone County Court 25th January 2008). Quantum only hearing in case involving negligently performed abdominoplasty, leading to significantly unsightly scarring and adjustment disorder. The later significantly contributed to marital breakdown. PSLA assessed at £40,000: £20,000 in respect of the scarring; £20,000 in respect of the psychiatric injury and marital breakdown.

Bush & Greene v Tameside MBC (unreported, Tameside County Court 7th January 2008). A footpath created by Stalybridge Borough Council when building

social housing in 1968 formed part of a highway maintainable at the public expense.

Dav v Suffolk County Council [2007] EWCA Civ 1436. Adequacy of driven highways inspections and whether highway authorities must have a reasonable opportunity to remedy a defect.

Dobbs v Mitchells and Butler (unreported Central London County Court, 5th December 2007). A patron of a public house who, having been refused service at the bar and then escorted from the premises, returned to the premises and attempted to gain access to the cellar through an unmarked and unlocked door was a trespasser within the meaning of the Occupiers' Liability Act 1984.

Collings v Edwards (2007). Settlement on behalf of claimant who suffered significant injuries to both legs in a motorcycle accident at £550,000, with a right to claim further (provisional) damages should material risk of loss of either or both legs below the knee materialise.

Crockett v Travel West Midlands Ltd (unreported, Birmingham County Court 24th October 2007). Successful assessment of damages for Claimant injured in a car accident and then accident at work. The Claimant suffered injuries to his back in both accidents. The Claimant's expert opined that the car accident caused an acceleration of symptoms; the Defendant's expert opined that the car accident caused only transient injuries and that the accident at work caused the Claimant's ongoing problems. Following exchange of evidence, the Claimant's employer was successfully brought into proceedings and settlement with it reached. At trial, the judge concluded that the road traffic accident caused an exacerbation injury and held that the Defendant was responsible for the Claimant's losses for around 5 years. The Claimant recovered a total of around £100,000.

Hankins (2007). Settlement on behalf of the estate of woman with terminal breast cancer, whose deterioration went undiagnosed for a year. The cancer would have been terminal in any event. However, because of the delayed diagnosis, she underwent a number of treatments that otherwise would not have been administered. Those treatments included bilateral mastectomies.

O'Boyle (2006). Settlement on behalf of claimant whose cervical cancer went undiagnosed for two years, resulting in detectable pre-malignant changes becoming

malignant before treatment was administered. As a result the claimant went on to develop cervical cancer, undergo successful treatment, but remained at a significantly higher risk of recurrence than otherwise would have been the case.

Graham v B&Q (unreported Northwich County Court 13th December 2005). Shop owner was not liable to pedestrian who tripped on kerbstone of raised island in car park; such islands constituted unremarkable features of car parks that were not hazards from which some sort of protection ought to have been offered against.

Unknown v Benjy's Group Ltd [CLY] 2001. Right of Defendant to know identity of informant on summons

Seminars

He lectures on Employers' Liability, all aspects of quantum - most recently Life Expectancy and Ogden 7 - and claims arising from Dangerous Highways.

Claims Arising from Dangerous Highways
Tripping and Slipping on the Highway

Publications

He is the lead author of the 9 Gough Square publication 'Work Equipment Claims' and a regular contributor to CPDCasts.

Simon has also had a five page article published in the December/January 2011 edition of the Personal Injury Law Journal, entitled 'Multipliers: life expectancy and contingency'.