



## Vaughan Jacob

Year of call: 2009

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Vaughan represents both claimants and defendants in a range of civil courts, including the Court of Appeal, High Court Queen's Bench and Chancery Divisions and County Courts all over the country. He is routinely instructed in complex, high value litigation. He frequently appears as sole counsel against QCs and senior juniors.

Vaughan offers commercially sound and concise advice and representation at every stage of the litigation process, including pre-trial applications, interim injunctions, interlocutory hearings, costs and case management hearings and multi-track trials. He provides detailed and authoritative guidance on liability, causation and quantum and is able to respond to instructions quickly.

Vaughan regularly attends mediation, round table and joint settlement meetings and engages with alternative dispute resolution at every stage of the litigation process.

Vaughan has a particular interest in claims which involve allegations of fraud.

## Areas of expertise

Personal Injury

Clinical Negligence

### Personal Injury

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Vaughan's expertise includes:

- Military claims, including training injuries, injuries sustained in conflict and non-freezing cold injuries
- Fraudulent/exaggerated claims
- Employers' liability, including accidents at work and on construction sites
- Claims brought pursuant to the Protection from Harassment Act 1977
- Road traffic accidents, including policy coverage issues, recovery claims and credit hire claims
- Uninsured driver claims (Road Traffic Act 1988 (RTA) insurer, Article 75 of the Motor Insurers' Bureau (MIB) articles of association and MIB agreements and recovery actions under s151(8) of the RTA.
- Travel and cross border personal injury claims including jurisdiction and choice of law arguments

- Occupiers' liability
- Highways claims
- Public liability
- Product liability
- Fatal accidents claims
- Abuse claims
- Health and safety at work
- Sports injuries
- Use of Ogden tables and actuarial calculations concerning future loss
- Cases involving contractual indemnity and insurance coverage issues
- Costs, including representation at costs and case management conferences (CCMCs) and detailed assessment hearings

#### Cases of note:

- ***Joel Fruhman v David Lloyd Club Holding Limited [2023]*** - Vaughan was successful at a full liability and quantum trial in this personal injury case having represented the Defendant from the outset of the litigation process. The claimant gym member claimed he suffered from a rare condition known as Rhabdomyolysis following an intense personal training session. The case raised interesting legal questions about the extent of a personal trainer's duty and standard of care in circumstances in which the claimant himself had asked to be 'pushed hard.' There was also a key issue regarding the foreseeability of this rare medical condition even if breach of duty was made out. Vaughan robustly argued the case at trial in front of Her Honour Judge Evans. The Claimant's case was dismissed in full saving the Defendant over £150,000 in damages and costs.
- ***Mr Perry Fieldson v Mr Matthew Smith [2022]*** - This claim concerned serious injuries arising out of a road traffic accident. Liability was not in dispute but the parties were unable to reach agreement on quantum. The claimant suffered a range of orthopaedic injuries and ongoing stomach and chest pain due to a kidney injury. The claimant claimed £2.7 million in damages, the majority of which were future loss of earnings, future pension loss, future care costs and future accommodation costs. Vaughan advised the first defendant on disclosure, settlement parameters and tactics. Vaughan then attended at a joint settlement meeting where he persuaded the claimant's legal team large swathes of the claim as presented lacked any legal merit. The case settled after a day of negotiation at £500,000, just 18% of the claimed value, saving the defendant insurer a potential £2.2 million in damages and another £250,000 in legal costs if settlement was not achieved and the case ran to trial.
- ***Mrs Elizabeth Forgash v (1) Zenith Insurance PLC (2) Mr David Forgash [2022]*** - Vaughan successfully represented the first defendant, an insurance company, from the outset of proceedings right up to a full liability trial presided over by His Honour Judge Saggerson in this high value multi-track personal injury claim. The claimant was a pillion passenger on a motorcycle driven by her husband, the second defendant. When the second defendant emerged from a crossroads junction in Fitzrovia there was a collision with a minicab driven by the first defendant's insured driver. Both the claimant and second defendant blamed the first defendant and so did a police report produced shortly after the accident. However by highlighting various inconsistencies in the Claimant's case elicited under robust cross examination the Judge preferred the evidence of the first defendant and found for Vaughan's client on a 100% basis with no reduction for contributory negligence, saving the insurer at least £500,000 in damages and a further £200,000 in legal costs. The case also provides a rare example of a successful deployment of the 'agony of the moment' defence. Such a defence concerns a motorist who takes evasive action which perhaps in hindsight was not the best course but who is nonetheless vindicated because his driving was reasonable when presented with an

emergency.

- ***Wilfred Okogie v Ministry of Defence [2022]*** - Vaughan represented the claimant soldier in his personal injury claim against the Ministry of Defence following an injury whilst serving which led to his subsequent discharge. Liability was not in dispute and the parties proceeded to joint settlement meeting. On the morning of the meeting the defendant disclosed video evidence of the soldier attending a gym in his recovery period and alleged this was a fraudulent claim. Vaughan calmly resisted such an argument, highlighting the video evidence changed nothing and that the claimant attending a gym was not in fact inconsistent with the voluminous medical evidence obtained in support of the claim. The defendant began negotiations offering just £50,000. The case ultimately settled for 10 times that sum at £500,000 due to Vaughan's persuasive negotiation.
- ***Ben Davies v Mental Healthcare UK Limited [2022]*** - Vaughan represented the defendant healthcare provider in this employers' liability case. The Claimant alleged he had sustained life changing injuries following an altercation at work when a service user threw a chair at his right shoulder. A range of expert evidence was gathered on both sides, including orthopaedic, psychological, and neurological reports, with no clear prognosis or explanation for the Claimant's alleged continuing symptoms. Vaughan successfully resisted the Claimant's application for yet more expert evidence from a pain management expert which would have significantly increased the value of the claim. Although the claimant claimed £650,000 the matter settled through Vaughan's careful negotiation at a joint settlement meeting for £240,000, just 36% of the value claimed, saving the defendant a large sum in damages and legal costs.
- ***Singh v Bedford County Council [2022]*** - Vaughan represented the claimant orthopaedic surgeon who was forced to brake suddenly on his bicycle when confronted with the defendant's van travelling on the opposite side of the road causing months off work. Vaughan successfully negotiated a substantial settlement through persuasive argument at a joint settlement hearing.
- ***Lacey v Oxfordshire County Council [2022]*** - Vaughan represented the defendant council in respect of a public liability claim involving a child who suffered a serious crush fracture when a dislodged bollard to her foot necessitating prosthetics now and in the future. Liability was not in issue. Vaughan successfully halved the claim's pleaded value at JSM to £180,000.
- ***Reed v RJ Utility Services Limited and others [2021]*** - Represented the defendant construction company and their insurer from the outset in defending a claim pleaded at over £10m when their employee suffered a serious brain injury and quadriplegia on a construction site when cladding from an adjacent site became detached and landed on him. The claimant discontinued his claim against the client following service of Vaughan's defence and a joint settlement meeting, accepting Vaughan's client had no duty of care in circumstances where he had no notice of any potential defect with cladding on a nearby site.
- ***Hajduk v Sharpak [2021]*** - Represented the defendant and her insurer from the outset in this employers' liability claim. The claimant claimed damages of over £200,000 following a minor repetitive strain injury at work. She claimed she had chronic regional pain syndrome and was unable to work but surveillance obtained by the defendant suggested she could use the arm freely and exaggerated her symptoms at her medico-legal exams. Following a robust defence, counter-schedule and skeleton argument, the claimant discontinued her case on the morning of a three- day trial in front of Her Honour Judge Gore QC.
- ***Castilho v Doldur [2021]*** - Successfully defended the defendant and his insurance company in a multi-track trial in this personal injury claim following a road traffic accident. Following robust cross examination, the judge found the claimant's account of the accident and injury was fabricated. Vaughan obtained both a finding of fundamental dishonesty and an order that the claimant's credit hire company be added to proceedings for costs purposes pursuant to Civil Procedure Rule (CPR) 44.6(2) and 44.16(2)(b).

- ***Belskis v (1) Kitunzi and others [2021]*** - Represented the defendant in at first instance and on appeal before His Honour Judge Gerald in a personal injury claim in which there was an issue over the extent of expert evidence and the discretion afforded to judge when considering what expert evidence is “reasonably required to resolve proceedings” for the purposes of CPR 35.1. The defendant was successful and the claimant’s appeal was dismissed.
- ***Harris v GLJ [2020]*** - Represented the defendant from the outset in an employers’ liability claim pleaded in excess of £1.7m. The claimant claimed he suffered from a stroke and serious brain injury, which caused his successful business to fail. Liability was not in dispute, but causation and quantum were contested. Medical evidence was obtained from a variety of experts including a consultant neurologist and forensic accountant casting doubt on the pleaded case. The case settled a month before trial at joint settlement meeting for £555,550, 30% of the pleaded value of the claim.
- ***Ian Smith v Menzies Aviation [2020]*** - Successfully defended the defendant at trial in this employer’s liability case. The claimant claimed he suffered serious injury due to the defendant’s allegedly inadequate risk assessment, training regime and supervision on site. The claim was dismissed in its entirety following Vaughan’s thorough cross- examination.
- ***Richardson v Tesco [2019]*** - Successfully defended the defendant supermarket chain at a multi-track trial before Her Honour Judge Sykes from a personal injury claim relating to a slip at one of their stores allegedly causing serious injuries and losses of over £250,000. Following Vaughan’s cross-examination, the claimant’s account was exposed as barely credible and Her Honour Judge Sykes dismissed the claim in full.
- ***Matthew Boon v others v Pritchard and others [2018] 2 WLUK 320*** - Successfully secured a finding of fundamental dishonesty for a defendant insurer against 17 separate coach passengers bringing linked fraudulent personal injury claims following a six-day trial in front of His Honour Judge Gregory QC.

## Memberships

Personal Injury Bar Association

## Qualifications

### Education

- Law conversion and Bar Vocational Course, BPP Law School London, VC.
- BA(Hons) English Literature, University of Warwick (1st class).

### Scholarships and Prizes

- Major Harmsworth Scholar, Middle Temple, 2009

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