

Year called 2009

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Vaughan is a strong and experienced court room advocate. He 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 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.

PRACTICE AREAS

- Personal Injury
- Clinical Negligence
- Fraud
- Commercial
- Property
- Alternative Dispute Resolution

SECTORS

- Insurance

PRACTICE AREAS

PERSONAL INJURY

Vaughan's expertise includes:

- Cross border personal injury claims including jurisdiction and choice of law arguments
- Fraudulent claims
- Fatal Accidents Claims
- Road traffic accidents, including policy coverage issues, recovery claims and credit hire claims
- Uninsured driver claims (RTA insurer, Article 75 and MIB Agreements and recovery actions under s151(8).
- Occupiers' liability
- Employers' liability, including accidents at work and on construction sites
- Highways claims
- Public liability
- Product liability
- Use of Ogden tables and actuarial calculations concerning future loss.
- Cases involving contractual indemnity and insurance coverage issues

NOTABLE WORK

- Currently defending a £4.6 million brain injury case in which the primary issue is whether the Claimant's behavioural issues stem from a road traffic accident or were present beforehand.
- Currently defending a £10 million+ case for an employer whose 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 primary issue concerns the extent of the employer's duty of care in circumstances where the employer had no notice of any potential defect with cladding on a nearby site. Led by Neil Block QC.
- Currently defending a claim exceeding £200,000 on behalf of a contractor against 6 Claimants who claim they suffered smoke inhalation injuries and PTSD when a coach transporting them caught fire.
- Currently defending a cross border case on behalf of a Defendant holiday company whose coach was blown off a high road in Scotland in windy conditions.
- Currently defending a cross border case on behalf of a multi-national speedboat racing company facing a personal injury claim from a competitor who crashed in the Indian ocean.
- *Harris v GLJ Recycling Limited (2020)*. Represented the Defendant from the outset in an employers' liability claim pleaded in excess of £1.7 million. 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 JSM for £555,550, 30% of the pleaded value of the claim.

- *Brown v Lidl* (2020). Represented the Defendant in this employer's liability claim pleaded in excess of £580,000. The main issue was whether a loss of future earnings claim would be assessed on an Ogden 8 basis instead of a *Smith v Manchester* or *Blamire* award. The case settled for £275,000 at JSM, less than half the pleaded value of the claim.
- *White v McCauley* (2020) Represented the Defendant from the outset in this Fatal Accidents Act 1976 claim. The case was pleaded in excess of £680,000. By undermining the basis of the future financial dependency and future services dependency claim the case settled for £400,000 at JSM.
- *Ian Smith v Menzies Aviation PLC* (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.
- *Coull v Pieter Smit* (2020). Successfully defended a Dutch haulage company at trial against a substantial but spurious personal injury claim involving allegations of dishonesty following a minor road traffic accident. The Claimant discontinued his claim following Vaughan's cross-examination.
- *Raguckas v Liberty* (2019) Represented a Defendant insurer in this Fatal Accidents Act 1976 Claim. The claim eventually settled on terms favourable to the Defendant at a JSM. The Claim settled for £150,000 at JSM despite pleaded losses of over £350,000.
- *Richardson v Tesco* (2019) Successfully defended the supermarket chain at a multi-track trial before HHJ 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 the Judge dismissed the claim in full.
- *Foster Odigie v Hillsong Church London* (2019). Successfully secured a finding of fundamental dishonesty for a Defendant insurer against a Claimant bringing an exaggerated personal injury claim following a road traffic accident.
- *Matthew Boon and others v (1) Pritchard (2) Mordesci* (2018). Successfully secured a finding of fundamental dishonesty for a Defendant insurer against 17 separate coach passengers bringing linked fraudulent personal injury claims following a 6-day trial in front of HHJ Gregory QC

CLINICAL NEGLIGENCE

Vaughan's expertise includes:

- Delayed diagnosis
- Lack of consent to medical treatment
- Failed surgical treatments and procedures
- Claims involving failed cosmetic surgery
- Diagnostic failure
- Negligent prescription and administration of drugs
- Post-traumatic paramedical care

- Pre-surgical care
- Anaesthesia
- Post-operative care
- Unusual/sensitive consent to treatment
- Claims involving a break in the chain of causation
- In addition to court representation Vaughan provides detailed and efficient written advice on breach of duty, causation, quantum and litigation tactics.

NOTABLE WORK

- Defending the NHS against over 20 linked claims brought by claimants who underwent hip operations between 1995 and 2012 across the country in collaboration with Neil Block QC and Romilly Cummerson.
- Defending the NHS against a claim involving a detached guidewire in a jejunostomy tube leading to an iatrogenic perforation of the bowel.
- Defending the NHS against a claim involving an alleged traumatic catheterisation during BCG treatment.
- Successfully represented a Claimant who underwent multiple operations and sustained psychological injury following a failed mastectomy due to negligent medical treatment.
- Achieved a favourable settlement for a Claimant who was provided with negligent post-operative care and developed multiple bedsores.

FRAUD

Vaughan has an interest in civil cases involving allegations of fraud and has expertise in the following areas:

- Exaggerated claims
- Staged accidents
- Phantom passengers
- Fraud rings
- Collusion
- Contempt proceedings
- Fundamental dishonesty
- 57 Criminal Justice and Courts Act 2015
- Surveillance and social media evidence
- Costs arguments arising from fraudulent claims

NOTABLE WORK

Vaughan secured a finding of fundamental dishonesty for a Defendant insurer against 17 separate coach passengers bringing linked fraudulent personal injury claims following a 6-day trial in front of HHJ Gregory in the

case of *Matthew Boon and others v (1) Pritchard (2) Mordescal*, Liverpool CC, HHJ Gregory, 14 February 2018.

Successfully defended a Dutch haulage company against a substantial but spurious personal injury claim involving allegations of dishonesty following a minor road traffic accident. The Claimant discontinued his claim following Vaughan's cross-examination.

Secured a finding of fundamental dishonesty against a Claimant before a trial had even commenced on the basis that a Claimant's failure to verify the contents of his witness amounted to an obstruction of the just disposal of proceedings under the exception in CPR 44.15(c).

COMMERCIAL

Vaughan's expertise includes:

- Contractual disputes.
- Sale of goods and services.
- Debt actions.
- Agency.
- Company disputes, including shareholder disputes, overdrawn director's loan accounts and applications under s.994 Companies Act 2006.
- Professional negligence.
- Insurance.
- Insolvency (bankruptcy and winding up).
- Financial mis-selling.
- Unfair relationships under the Consumer Credit Act 1974.
- Regulatory rules including COBS, ICOBS and the FSA handbook.
- Employment, including
- Unfair and wrongful dismissal.
- Health and safety at work.
- Restrictive covenants.
- Equal pay.
- Breach of contract.
- TUPE transfers.
- Working time regulations.
- Redundancy.

NOTABLE WORK

Successfully resisted a winding-up petition, obtained a validation order and issued a s.994 unfair prejudice petition for a software company worth over £3.2 million, leading to a favourable settlement of the underlying claim.

Successfully appealed a first instance decision concerning non-payment of professional fees by introducing fresh evidence in accordance with the criteria laid down in *Ladd v Marshall*.

Resisted an application for strike out in a financial mis-selling claim in an appeal concerning the application of section 14A of the Limitation Act 1974 and the date of knowledge for bringing a claim outside the usual statutory limitation period.

Successfully acted for a travel company recovering over £50,000 of unpaid invoices.

Successfully defended a catering company in a contractual claim concerning the supply of goods and services.

Successfully resisted a bankruptcy petition served on a business owner who suffered financially as a result of the economic recession

Advised an insolvency practitioner on the recovery of an overdrawn director's loan account.

PROPERTY

Vaughan's expertise in property includes:

- The application of the Trusts of Land and Appointment of Trustees Act 1996
- Land registration and title disputes
- Beneficial interests in the home
- Boundary disputes
- Nuisance
- Trespass
- Proprietary remedies
- Easements
- Disputes involving the Party Wall Act 1996

Vaughan has an interest in landlord and tenant disputes and regularly appears as an advocate in the County Court, High Court and First-Tier Tribunal (Property Chamber) in relation to the following areas:

- Possession proceedings, including claims against trespassers, notices to quit and notices under s.21 Housing Act 1988 and s.8 Housing Act 1988
- Forfeiture proceedings
- Rent arrears claims
- Disrepair and dilapidations claims
- Anti-Social behaviour injunctions
- Service charges

NOTABLE WORK

Successfully acted for a housing association in possession proceedings concerning the application of s.30 of the Family Law Act 1996 and its relationship with the service of a Notice to Quit served by a sole tenant when a

non-tenant spouse remains in the family home. *Derwent Housing Association v Taylor* [2016] EWCA Civ 508.

Advised an owner of residential property about the proposed installation of gas and electric pipes on their land.

Successfully obtained an order for forfeiture for business owners following the tenant's persistent non-payment of rent.

Successfully obtained a favourable settlement for a central London business owner who fell into large service charge arrears because of a dispute about the Landlord's repairing obligations under the lease.

Obtained a favourable result for a business owner following termination of a commercial lease where the quantified demand exceeded £185,000.

Successfully negotiated the grant of a new business tenancy in a leasehold renewal dispute concerning the lease of a solicitor's firm in Central London.

Acting for a property owner whose home was destroyed following negligent work carried out by her neighbour's builders.

Obtained a possession order against trespassers squatting in high-value offices for a multi-national company in Central London.

ALTERNATIVE DISPUTE RESOLUTION

Vaughan has significant experience of alternative dispute resolution. He regularly attends mediations, round table meetings and joint settlement meetings. He is a member of 39 Essex Chambers ADR panel for fixed fee arbitrations and adjudications and has received training from Edwin Glasgow CBE QC and Marion Smith QC.

SECTORS

INSURANCE

Vaughan's expertise includes:

- Property damage caused by fire, flood, pollution and other cause
- Uninsured driver claims (RTA insurer, Article 75 and MIB Agreements) and recovery actions under s151(8)
- Coverage and indemnity issues
- Breach of conditions and/or warranties
- Construction and wording issues
- Avoidance of policies for misrepresentation and non-disclosure
- Claims by Third Parties and subrogated claims.
- Credit hire claims and related issues including enforceability, mitigation, basic hire rate and rates evidence, need, period, delivery and collection charges, engineer's fees, impecuniosity and the Cancellation of Contracts made in a Consumer's Home or Place of Work 2008

NOTABLE WORK

- Currently defending two claims brought by Highways England in connection with property damage and associated losses on motorways following a road traffic accidents.
- Currently defending a claim against a contractor said to have negligently installed a water pipe leading to the escape of a large volume of water causing widespread damage to the surround land.
- Successfully brought recovery proceedings against a driver following settlement of an innocent passenger claim in circumstances where the driver had breached his contract of insurance.

QUALIFICATIONS

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

ADDITIONAL INFORMATION

PUBLICATIONS

Vaughan has published a number of articles on personal injury and credit hire. *Stevens v Equity [2015] EWCA Civ 92: The Lowest Reasonable Rate* was published by the Personal Injury Law Brief Journal and *Bent Back to Basics: End of the Spot Hire Rate* appeared in the Personal Injury Law Journal, April 2012, Number 104, www.legalease.co.uk.

Vaughan contributed to the *RICS Commercial Guide to Service Charges 2011/2012*, specifically covering reserve and sinking funds.

Vaughan was a regular contributor to *The Lawyer's Remembrancer 2012, 2013* and 2014 Editions and submitted the sections concerning Limitation of Action, Misrepresentation, Sale of Goods and Services and Road Traffic Offences ISBN 97801-84766-930-8, Bloomsbury Professional Limited, <http://www.bloomsbury.com/uk/>.

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