

Year called 2009

[vaughan.jacob@39essex.com](mailto:vaughan.jacob@39essex.com)



Vaughan is an established civil practitioner. He provides advice, drafting and advocacy expertise in the personal injury, clinical negligence, insurance and credit hire, property and commercial fields.

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, the Supreme Courts Costs Office, the First Tier Tribunal (Property Chamber) and County Courts all over the country.

Vaughan secured a finding of fundamental dishonesty for a Defendant insurer against 17 separate coach passengers bringing linked fraudulent personal injury claims in the case of *Matthew Boon and others v (1) Pritchard (2) Mordescai*.

Vaughan appeared as sole junior Counsel in the Court of Appeal for the successful Respondent in the case of *Derwent Housing Association v Taylor*, having already successfully represented Derwent Housing Association at first instance and on appeal.

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 fast and multi-track trials. He is routinely instructed in complex, high value litigation.

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## PRACTICE AREAS

- Personal Injury
- Clinical Negligence
- Fraud
- Commercial
- Property

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## SECTORS

- Insurance

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## PRACTICE AREAS

### PERSONAL INJURY

Vaughan's expertise includes:

- Road Traffic Accidents
- Occupiers' liability
- Employers' liability
- Public liability
- Product liability
- Fatal Accidents Claims

Vaughan is particularly experienced in claims involving road traffic accidents and regularly appears in High Court and County Courts in multi-track trials on liability and quantum, including fatal accident claims and those involving allegations of fraud and credit hire.

### RECENT 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) Mordescai*, Liverpool CC, HHJ Gregory, 14 February 2018.

Representing a Defendant insurer in a fatal accident claim where the Claimant was parked and asleep on a section of unlit motorway.

Achieved a favourable settlement for the Defendant insurer at a JSM in a case involving a serious road traffic accident causing traumatic personal injury where the pleaded loss was over £500,000.

Successfully represented the Defendant in a multi-track claim involving a motorcycle accident where the Schedule of Loss totalled £200,000.

Resisted an appeal concerning the reasonableness of a finding of a failure to mitigate in credit hire proceedings.

Successfully represented a nightclub in a public liability claim where a visitor injured herself on a busy dancefloor and sustained serious injuries.

Acted for a professional sprinter whose career has been cut short by a road traffic accident.

### 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

In addition to court representation Vaughan provides detailed and efficient written advice on breach of duty, causation, quantum and litigation tactics.

## RECENT WORK

- 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.
- Successfully argued on behalf of a Defendant tortfeasor that treatment by an NHS Trust broke the chain of causation and amounted to a new injury in a claim involving a chemical injury to the Claimant's eye.

## 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.
- Costs arguments arising from fraudulent claims.

## 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.

## RECENT 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 in recovery of £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.

Currently advising 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 a particular 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. For a recent talk on the subject given to over 50 delegates in Middle Temple please click here: [\[insert link here\]](#).
- Rent arrears claims.
- Disrepair and dilapidations claims.
- Anti-Social behaviour injunctions.
- Service charges.

## RECENT 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.

Currently negotiating a dilapidations claim following termination of a commercial lease where the quantified demand exceeds £185,000.

Acting for the solicitor tenants in relation to the grant of a new business tenancy in a leasehold renewal dispute concerning their offices 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.

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## SECTORS

### INSURANCE

Vaughan's expertise includes:

- Interpretation and coverage of insurance contracts.
- The Third Parties (Rights Against Insurers) Act 2010.
- The Rome I and Rome II Regulations.
- Property damage claims.
- Fraudulent insurance claims.
- Credit hire and related issues, including: Enforceability; Mitigation; Basic Hire Rate and rates evidence; Need; Period; Delivery and collection charges; Engineer's fees; Impecuniosity' The Cancellation of Contracts made in a Consumer's Home or Place of Work 2008.

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## 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).

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## 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](http://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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