

# Simon Brindle

Call: 1998

<b>E</b>	<a href="mailto:sbrindle@dekachambers.com">sbrindle@dekachambers.com</a>
<b>T</b>	<a href="tel:+44(0)2078320500">+44(0)20 7832 0500</a>



Simon Brindle is an highly experienced and skilled barrister, practicing in the fields of Personal Injury and Clinical Negligence.

Simon can be trusted to help progress the most difficult and complex of cases. In the field of Personal Injury, he is instructed on behalf of both Claimants and Defendants. His work is split roughly 80/20%. He conducts cases in his own right, often against leading counsel, and as junior counsel. In disputes arising out of Clinical Negligence, Simon acts exclusively for Claimants.

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.

Simon is praised by his professional clients for his advocacy, breadth of knowledge and approachability.

## Areas of Expertise

### Personal Injury

Simon has extensive experience in all areas of personal injury work. He regularly is instructed in cases involving catastrophic injuries, traumatic brain injuries, and amputation. He is instructed in employers' liability claims, fatal accidents claims, road traffic accident claims – particularly accidents involving motorcycles – and public liability claims.

He has a particular interest in: brain and head injury; spinal injuries; amputation; chronic pain; and fatal accident cases.

Simon can be relied upon to manage cases involving multiple expert disciplines, and to draft detailed and comprehensive Schedules and Counter-Schedules. He consistently conducts serious and catastrophic injury claims and defences, both on his own and as junior counsel. In recent years he has helped secure £3.2 million and Provisional Damages for an ASIA C spinal cord injured client; £4.25 million for a woman, in her 50s, who suffered an above knee amputation; £1mill for the widow and children of a man, killed in a motorcycling accident; and £4.833 million and Provisional Damages for a man who suffered traumatic brain injury in a road traffic accident.

Simon is a contributor to the APIL Catastrophic Injuries Guide, 3rd edition.

## Notable Personal Injury cases

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### In re: Duffy (MIB award January 2021)

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Simon was asked to advise and prepare a schedule of loss for, a Claimant under the Motor Insurer's Bureau untraced driver's agreement. The Claimant suffered an AIS-D spinal cord injury as a result of a road traffic accident. The award was in excess of £2million plus the MIB equivalent of Provisional Damages.

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### Wapshott v Singh & Ors (settlement December 2020)

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The Claimant, represented by Simon, was a pillion passenger on a motorcycle which, unbeknown to her, was stolen. It was involved in a collision with another vehicle, which may or may not have been insured at the time. The Claimant suffered a traumatic brain injury as a result. However, the Claimant's helmet came off in the accident and contributory negligence was alleged. Successful settlement was achieved involving the two drivers, two road traffic insurance companies and the Motor Insurer's Bureau

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### Liste v Cocklin & Anr (settlement October 2020)

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The Claimant was involved in a road traffic accident, in which contributory negligence was alleged. At hospital her treatment fell below an acceptable standard, such that those advising the Claimant felt it amounted to gross negligence. Claims were brought against both the other driver involved in the accident and the hospital. Simon assisted in both quantifying and settling this complex case, which was made more difficult by allegations of fundamental dishonesty.

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### Beveridge v Homan & Anr (settlement September 2020)

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Liability disputed employer's liability claim, in which employee injured whilst attending another's premises. Contributory negligence was a significant issue. The Claimant suffered an AIS-C spinal cord injury. Settlement agreed at £3million gross.

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### Clarke v Axa Insurance (settlement June 2020)

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Successful settlement of a claim brought behalf of man who suffered traumatic brain injury as a result of a road traffic accident. Settlement for £4.9million plus Provisional Damages.

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### Coulter v Waktins (High Court, 4th, 5th & 6th October 2016, HHJ Wood QC sitting as High Court Judge; and settlement 4th April 2020)

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Liability established at trial against motorist who collided with Claimant. At the time, the Claimant, who was 12, was on a skateboard. Issue in the case centred upon whether the Claimant was lying on the skateboard at all material times, as so hidden from the Defendant's view. Quantum involved assessing the damage done to the Claimant's professional footballing career.

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Karir v Anwar & Anr (settlement September 2019)

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Successful resolution of fatal accident claim, in which main dispute was the extent to which an Asian man's children would have remained dependent upon him.

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Wortt v Centre Parcs (settlement May 2019)

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Simon assisted in the settlement of the claim of a Claimant who suffered a complete spinal cord injury following a slip in the showers at the Defendant's swimming pool. Liability was denied initially, and quantum proved contentious due to the Claimant's age and disputes as to life expectancy.

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Osborne v Bourne Leisure [2019] 2 WLUK 626

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Successful claim on behalf of woman seriously injured during a game of musical chairs at a holiday park

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Clarke v MIB (settlement April 2019)

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Simon advised the Claimant in a long standing MIB untraced drivers case. The Claimant suffered very significant injuries to her pelvis in a road traffic accident. At the time she was pregnant. Fortunately, her baby was unharmed. However, complications during delivery of the child, arising from the accident, resulted in it being necessary for a total hysterectomy to be carried out. Simon's advice included tactical considerations, when dealing with the MIB under the untraced drivers scheme.

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Thewedros v City of Westminster (HHJ Bailey, Mayor's and City of London Court 8th to 10th January 2019; and settlement 4th March 2019)

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Successful claim brought on behalf of schoolboy assaulted in playground by a group of boys. The Defendant contended that there were at least four teachers on duty at the time and, so, it could not have prevented the assault. The Claimant developed serious mental illness a number of years the assault, the causation of which was disputed. Settlement involved pragmatic approach to management of the fund received by the Claimant.

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## Clinical Negligence & Healthcare

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; the widow of a man whose spinal cord injury was misdiagnosed by paramedics; and a Claimant who required life-saving surgery following the failure of a negligently fitted gastric band.

Causation issues permeate through most clinical negligence cases. His professional clients rely on Simon to explain them, in clear and simple terms to their lay clients, and help obtain appropriate and cogent evidence on the issues from the experts in the case. Simon's clients find his firm, but approachable style has helped achieve successful outcomes in almost all cases he has been involved in.

His quantum experience includes establishing causation in 'loss of a chance' cases and delayed diagnosis.

### Notable Clinical Negligence & Healthcare cases

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#### Liste v Cocklin & Anr (settlement October 2020)

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The Claimant was involved in a road traffic accident, in which contributory negligence was alleged. At hospital her treatment fell below an acceptable standard, such that those advising the Claimant felt it amounted to gross negligence. Claims were brought against both the other driver involved in the accident and the hospital. Simon assisted in both quantifying and settling this complex case, which was made more difficult by allegations of fundamental dishonesty.

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#### Cook v Taunton & Somerset NHS Foundation Trust & Ors (settlement December 2019)

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Simon assisted in the settlement of a claim brought by a man who suffered the onset of acute ischaemia in his leg which was misdiagnosed by his GP and then, when he was admitted to hospital, was mistreated during the necessary amputation. He ended up with a hindquarter amputation.

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#### Baxter v South Western Ambulance (settlement August 2019)

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Simon assisted in the settlement of a claim brought by the widow of a man whose spinal cord injury was not recognised by the paramedics who attended him after a fall at home. Paramedics attended on two occasions. Breach of duty was denied for the first visit, but accepted for the second. However, causation of his subsequent neurological collapse was denied, on the basis that it was inevitable.

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#### Rippon v Chelsea & Westminster (settlement November 2018)

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Successful compromise of a Claimant who received negligent treatment of gynaecological complications at the Defendant's hospital. Causation was a significant injury, as was the cause of the Claimant's inability to work since the negligence.

## Education

- Law (LLB), Reading University 1996
- BVC, BPP Law School 1998

## Memberships

- PIBA
- AvMA

## Notable Cases

- *Gosling v Hailo* [2014] 4 WLUK 770. The first decided case on what amounts to ‘fundamental dishonesty’.
- *Camden v Jackpot Leisure* (Unreported, 15th July 2015). Believed to be the first successful employer’s liability claim for a dog attack suffered by an employee whilst visiting premises belonging to another.
- *XP v Compensa and Anr* [2016] EWHC 1728. Successful claim on behalf of woman injured in a road traffic accident in Poland, and then a subsequent road traffic accident in the UK. As a result of the first accident, she suffered a miscarriage. She was awarded the costs of fertility treatment as part of her damages.
- *Osborne v Bourne Leisure* [2019] 2 WLUK 626. Successful claim on behalf of woman seriously injured during a game of musical chairs at a holiday park.

## Accreditation Logos

