

Simon Trigger

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Simon Trigger acts for Claimants and Defendants in high value catastrophic personal injury claims.

Simon has experience of claims arising in a road traffic, public liability and employers liability context. Simon has particular experience of cases involving brain injury following accidents.

Simon also acts in claims arising as a result of sexual abuse for both Claimants and Defendants. Simon is acutely conscious of the particular difficulties that such cases give rise to and he is able to deal with such cases both sensitively and robustly. Simon is happy to act on a CFA basis when required.

In addition to his high value personal injury practice Simon has a busy clinical negligence practice predominantly acting for Claimants. Simon has particular experience in cases arising as a result of brain damage at birth including cerebral palsy either acting in his own right or being led. Simon has achieved a number of multi million pound settlements.

Simon is also one of the leading Counsel for cases involving allegations of fundamental dishonesty and fraud in personal injury litigation. Simon is on the fraud personal injury panel for Aviva, EUI and a number of other major insurers. Simon regularly acts in cases involving allegations of LSI, fraud rings, bogus occupancy and financial exaggeration. Simon has obtained a large number of findings of fundamental dishonesty and has made a number of successful section 57 applications.

As a result of his road traffic accident practice Simon has developed significant experience in Credit Hire litigation both where fraud is alleged but also more widely.

Simon acts in professional negligence claims primarily in the fields of lawyers and expert witnesses. Simon has particular expertise in cases in which dishonesty was a feature of the underlying litigation.

Simon is ranked Band 2 for Motor Insurance Personal Injury Fraud in Chambers and Partners and ranked Tier 4 as Leading Junior in Clinical Negligence and Tier 5 for Personal Injury and insurance Fraud in Legal 500.

Areas of Expertise

Personal Injury

Simon acts for Claimants and Defendants in high value catastrophic personal injury claims, and has experience of claims arising in a road traffic, public liability and employers liability context. He has particular experience of cases involving brain injury following accidents. Some of Simon's recent cases include:

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Rawlinson v Gloucestershire NHS Trust. Simon acts for the Defendant in a claim brought by a trainee doctor who was injured trying to prevent a suicidal patient from jumping out of a window at the hospital. The Claimant sustained significant injuries to her arm and the claim is pleaded at in excess of £1.5 million.

Peat v Thirlby. Simon acts for the Defendant in a claim arising from a fatal road traffic accident in which a young family witnessed the death of their daughter. The claim is brought by all of the family members and involves secondary victim claims of a high value.

Reece v Assemblies of God. Simon acted for the Defendant in a personal injury case arising as a result of historic sexual and physical abuse by a Pentecostal Minister. The claim gave rise to complex issues relating to limitation and vicarious liability for abuse in a religious setting.

KXW v Devon CC. Simon acted for the Defendant in a personal injury case arising as a result of a child claimant being stabbed by his mother. The claim was brought against the Local Authority as a result of their functions under the children act. The Claim was presented as one of assumption of responsibility to seek to distinguish it from the Supreme Court decision in *ON v Poole*.

Raj v Aviva. This personal injury claim arising from a road traffic accident was found to be fundamentally dishonest and a fully enforceable costs order made despite breach of duty being admitted. The Defendant was able to obtain surveillance CCTV footage of the index vehicle being used in a car park at the same time that Claimant alleged it was un-driveable and in the repairing garage. The Claim also gave rise to arguments of fraud against the Claimant engineer.

Aziz v Advantage insurance. Simon acted for the Defendant in a personal injury case arising as a result of an alleged induced accident. The Defendant admitted that they had come into contact with the rear of the Claimants vehicle on the motorway. It was the Defendants case that the Claimant had stopped suddenly and for no reason to induce a high speed impact. Fraud was positively asserted.

Dias Junior v Harman. Simon acted for the Defendant in a personal injury case arising from an accident between a Claimant motorcyclist and the Defendant driver. The Defendants case was that the Claimant had deliberately driven into the side of his vehicle as he turned right. Following trial a finding of fundamental dishonesty was made and the claim was dismissed with a fully enforceable costs order.

Clinical Negligence & Healthcare

Simon has a busy clinical negligence practice predominantly acting for Claimants. Some of his recent cases include:

B v Milton Keynes NHS Trust. Simon acts for the Claimant who sustained severe cerebral palsy at birth. The claim arises as a result of a failure to obtain informed consent for a vaginal birth following a previous delivery by caesarean section. The case is pleaded at

a value in excess of £7 million.

Barrell v Royal Berkshire NHS Trust. Simon acted for the Claimant who was rendered blind in his right eye as result of the Defendants failure to fit the correct anterior chamber lens. As a result of the loss of vision the claimant lost his employment which related to testing and using boats. Having initially denied liability in full a directed Part 18 Request caused the Defendants to amend their Defence to admit breach and causation. The claim was ultimately settled at a virtual mediation.

Spencer v East Sussex NHS. Simon acts for the Claimant dependents in a tragic case in which the deceased Claimant mother developed sepsis and died. The deceased Claimant had two young children one of whom has cerebral palsy and therefore specific care needs. Since the claim was commenced tragically the deceased Claimants partner who was older has also passed away. This has left two young children as the dependents one of whom has complex care needs as a result of their cerebral palsy. The claim has a value in excess of £2 million.

Keutchanso v Chelsea and Westminster NHS. Simon acted for the widow and dependent children in a case arising as a result of the death of the claimant from sepsis. Liability for this was admitted. The claim was complicated due to the unusual pre existing family relationship and in particular unusual birth certificates. As a result the fact and extent of any alleged dependency was in issue. The claim settled at a virtual round table and the awards were subsequently approved by the Court.

Civil Fraud

Simon routinely acts in personal injury claims in which fraud is alleged. Simon is on the fraud panel for leading insurers including Aviva, EUI, Hastings and E Sure. Simon has significant experience in personal injury claims which involve exaggerated injury, bogus occupancy, fraud rings, and fundamental dishonesty. Simon has achieved a number of successful results for Defendants in cases based on fraud and has obtained a number of strike out decisions based on fundamental dishonesty pursuant to section 57.

Simon has been involved in Civil Fraud litigation on behalf of Defendants since his successful appeal for the Defendant before the DCJ in the case of *Rooney v Graves* 7th April 2004 cited with approval by the Court of Appeal in *Kearsley v Klarfeld* [200] EWCA. As a result of this experience Simon also routinely deals with cases of fraud on a wider non personal injury context, including professional negligence actions and deceit.

Credit Hire

Simon has significant experience of dealing with credit hire both in a fraudulent context and also more generally. Simon has experience at both Fast Track and Multi Track level of defending claims of credit hire and the specific legal framework of the same. This practice area has become of particular relevance in light of the whiplash reforms and the manner in which such claims are now dealt with by the Courts.

Education

- Cambridge University, Downing College MA, BA
- Shrewsbury School

Appointments

- Deputy District Judge
- HSEC (Mental Health) Tribunal Judge

Awards

- Astbury Scholar of Middle Temple
- Harmsworth Entrance Exhibitioner of Middle Temple

Accreditation Logos

