

Insurance Non-Injury Update July 2018

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Litigation Costs will not always follow the event

On the 21 July 2017 Mr Justice Binchy in the High Court took the position that where an open offer to settle has been made but refused by the other side, the Court may depart from the normal rule that the costs of the litigation follow the event.

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Interrogatories & the Discovery "Crisis"

Personal injuries proceedings were issued by the Plaintiff, a mechanic with the Aer Corps, alleging injuries arising out of exposure to toxic chemical fumes whilst at work. The Plaintiff sought 15 categories of discovery from the Minister of Defence. An Order was made by the High Court for discovery of 13 categories dating back to 1990. The defendants advised the High Court that it would take 220 man hours and 10 staff members to locate, review and categorise the documents sought.

[Read more](#)

What is the Event that Costs Follow?

This case arose from a dispute over an Agreement for Lease over two kiosks at Grand Canal Square. Planning Permission was obtained by the Plaintiff but included a significantly enlarged demise, including a basement.

During the trial it emerged that the Plaintiff had failed to make proper discovery and that it was seeking to rely on pre-contractual dealings not pleaded in the Statement of Claim. The Court granted leave for an Amended Statement of Claim to allow the Plaintiff to mend his hand in this respect.

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