

# Pressure Pays Off

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In a recent out of court settlement Jennifer Brown and Rachel Glover of the Complex Injury team achieved a great result on behalf of Ageas Insurance by maintaining pressure on the claimant and his legal team to reach a settlement at a realistic figure.

The claimant had been injured when a one tonne pole had fallen across his legs. Astonishingly he had only suffered soft tissue injuries. However he alleged that, as a result of the accident, he had to use crutches and had developed chronic pain/CRPS. The case was complicated by him possibly having a somatic symptom disorder/health anxiety.

Whilst the claimant's future losses had not been quantified at the time proceedings were served, PSLA and past losses were pleaded at over £200,000. Given he had not worked for three years and was intimating he had care needs, it was clear that the claimant's schedule of loss was going to be substantial.

The claimant had not apparently suffered any severe injury and yet alleged he could not work and had to use crutches. Surveillance evidence we obtained showed the claimant indeed using crutches but apparently not weight-bearing through them, walking further than he said he could and possibly also working although the evidence on this was not conclusive.

The risk for the client was that, should we run a fundamental dishonesty argument and be unsuccessful, the claim had potential given that liability was not in dispute. Ultimately what got this case over the line was the firm pressure exerted on the claimant to attend our experts, a robust Defence and Part 18 Request, pressing him about why he failed to attend one medical appointment repeatedly with no plausible reason and pleading an earlier criminal conviction which went directly to his integrity and honesty. The claimant eventually accepted a low Part 36 offer of £75,000, having made earlier offers of £200,000 and, subsequently, £120,000.

Although we did not have enough evidence on this occasion to prove fundamental dishonesty, the outcome shows the merits of keeping the tactical and procedural pressure on a claimant who clearly knew he had had issues with his claim.

*Our complex injury team deals with claims like this on a regular basis. For more information or advice, please contact one of our experts.*

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