

The DWF logo consists of the lowercase letters 'dwf' in a white, sans-serif font, centered within a red, rounded rectangular shape that has a slight gradient and a shadow effect.

dwf

The background of the entire page is a photograph of a modern building's facade. It features a complex, repeating geometric pattern of white, diamond-shaped panels that create a textured, three-dimensional effect. Through the grid, some interior lights and windows are visible, adding depth and color to the scene.

Direct Commercial & DWF Law LLP Counter Fraud Success Stories

Q1 2020 - 2021



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Executive Summary

Q4 2019/20



These cases can be discussed by contacting DWF's dedicated Fraud and Financial Crime Team

- 10 highlighted case successes
- £139,810.12 total fraud savings against presented third party claims in the first instance
- 15 Claimants denied damages and costs
- 2 Trial successes
- 10 Claimants discontinued
- 3 claims repudiated pre issue
- Wasted Costs Order against third party representative



Contacts



Meet DWF's dedicated Fraud and Financial Crime Team for Direct Commercial Ltd



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Counter Fraud Successes

Q1 2020/2021



Case Summary

Mr Stephen Evans v Eurotrans Express Ltd

DWF: 2019226-203, Craig Budworth

DCL: A2018/007158

Fraud Type: LVI

Claimant Representatives: SGI Legal LLP

Outcome: Claim dismissed in full at Trial

Headline: Claim for personal injury, vehicle repairs and hire dismissed in full at Trial where a Claimant who claimed his vehicle was "whacked" in the rear failed to prove his claim

Overview:

The Claimant reported a "whack" to his vehicle, which allegedly caused vehicle damage, hire and personal injury. In contrast, the insured driver reported a momentary lapse in concentration and lifted his foot off the brake, which caused the insured vehicle to roll forward into the Claimant vehicle causing very minor contact. Images taken at the scene showed minimal scratching cosmetic damage. The Claimant did not attend his GP or hospital or take any time off work yet attended physiotherapy 3 weeks post-accident where he failed to disclose his alleged shoulder injury. The case proceeded to Trial at Nuneaton County Court where District Judge Mody found that the insured driver had only caused a few minor scratches to the Claimant vehicle and not the full extent of damage as claimed by the Claimant. In light of inconsistencies found within the course of the trial and lack of contemporaneous evidence the personal injury claim was dismissed as were the repair and hire claims, as the Judge could not quantify the damage given that it was not all accident related and the Claimant was found not to have proven his general or special damages claim

Technical Interest: This Trial showcases the importance of visual evidence of minor damage from the images taken at the scene which were persuasive and further the importance of the lack of contemporaneous evidence of injury and inconsistent reporting to undermining the Claimants credibility

Savings against presented claims:

| Details | Amount |
|-----------------|-----------|
| PI | £3,750.00 |
| Vehicle repairs | £1,104.18 |

| | |
|------------------------|-------------------|
| Credit hire | £3,487.20 |
| Physiotherapy | £1,067.00 |
| Travel | £54.00 |
| Claimant's legal costs | £12,000.00 |
| Total | £21,464.38 |

Mr Richard Williams v London Goods Transport Ltd

DWF: 2019226-132, Lucy Bevan

DCL: A2016/002719

Fraud Type: LVI

Claimant Representatives: IME Law

Outcome: Discontinuance pre Trial

Headline: Claimant discontinued his claim in full on the eve of Trial, notwithstanding that there was no witness for the policyholder (Defendant) and ahead of instructions for Defendant Counsel to robustly cross examine the Claimant on significant inconsistencies in his medical evidence and to seek a finding of fundamental dishonest pursuant to s57 Criminal Justice and Court Act

Overview:

The insured driver denied that there was any contact between the two vehicles yet following his unrelated departure from the Policyholder's employ he failed to assist in providing a witness statement. Absent a witness and with positive photographs of the vehicles at the scene, the Claimant was put to proof as to the happening of the collision against a background of the Claimant reporting a significant personal injury claim (including an alleged jaw injury which was not explained) and several months claimed off work, which did not sit with the low value of the vehicle repairs at £384.65 plus VAT. The Claimant's medical records were obtained and evidenced a history of pre accident time off work and several attendances post-accident seeking to be signed off work. He reported to the expert that he attended hospital 3 days post-accident, which was not supported in the records, yet he attended his GP 8 days post-accident and hospital 12 days post-accident for unrelated matters with no reference made to the index accident despite alleged injury to his neck, back and jaw. The records also referenced a grievance at work and a diagnosis of intermittent

explosive disorder, which gave a flavour of how he may have performed as a witness. Part 35 Questions were raised of the Claimant's medical expert with useful replies where the expert accepted that if the Claimant was held to be dishonest, his opinion as to the cause of the alleged symptoms would be unreliable and that the Claimant had been dishonest with respect to a denial of a pre-existing shoulder injury. DCL provided instructions to proceed to Trial. The afternoon before the Trial the Claimant filed and served Notice of Discontinuance of his claim in full, suspected on the advice of his Counsel given the significant material for the Defendant's Counsel to cross-examine the Claimant. DCL and DWF are exploring recovery prospects

Technical Interest: Notwithstanding that there was no evidence from the insured driver to support the causation concerns, there were sufficient inconsistencies in the Claimant's own evidence to warrant the defence of the claim to Trial. In particular, DCL and DWF's tactics in pursuing disclosure of medical records and raising Part 35 Questions of the Claimant's medical expert were key to the successful Defence of the claim

Savings against presented claims:

| Details | Amount |
|------------------------|-------------------|
| PI | £3,000.00 |
| Vehicle damage | £461.40 |
| Physiotherapy | £910.00 |
| Damaged tom tom | £114.00 |
| Claimant's legal costs | £6,260.50 |
| Total | £10,745.90 |

Muhammad Nakat & 2 Others v CS2 Transport Limited

DWF: 2019226-208, Craig Budworth

DCL: A2016/000502

Fraud Type: Late Notification and farmed claim

Claimant Representatives: YHM Solicitors

Outcome: 3 claims discontinued in full

Headline: Three claims were successfully repudiated following DCL and DWF's tactical disclosure of video footage from the insured bus to evidence that the Claimants could not have been injured in such a minor accident

Overview:

3 Claimants submitted claims for injury following a very minor collision with the insured bus. There was no visible damage to either vehicle and following receipt of Claimant medical evidence, a tactical decision was taken to disclose the footage from the bus,

which evidenced that there was no movement of either vehicle on minimal contact. In line with DCL and DWF's strategy, pre action disclosure of medical records was sought, which undermined the Claimants evidence that they attended their GP. A formal repudiation was issued and all three claims were withdrawn pre issue

Technical Interest: A request for pre action disclosure of medical records was made which undermined the Claimants' credibility, giving further weight to the repudiation, resulting in the claim being withdrawn at an earlier stage

Savings against presented claims:

| Details | Amount |
|------------------------|------------------|
| PI | £8,400.00 |
| Physio | £1,030.00 |
| Claimant's legal costs | £4,350.00 |
| Total | £9,430.00 |

Semere Abraha v PJC Sweepers Ltd

DWF: 2019226-264, Sue Potts

DCL: A2016/003910

Fraud Type: Late Notification, farmed and rehab

Claimant Representatives: New Law Solicitors

Outcome: Claim discontinued

Headline: Claimant dropped entire claim following pressure of late notified and farmed strategy and robust fundamental dishonesty Defence on spurious physiotherapy treatment

Overview:

The Claim Notification Form was not submitted until two years post-accident with medical examination three years post-accident and no medical attendances to support injury. Despite reporting to the medical expert that his injuries resolved within four months, the Claimant underwent a course of physiotherapy two years post-accident. A robust Defence was filed pleading that the Claimant had been fundamentally dishonest with respect to the physiotherapy claim and the Claimant accepted an early offer to discontinue his claim with no Order as to costs

Technical Interest: Showcases the importance of often small – here £460.00 – fraudulent heads of loss, which can lead to the entire claim being kicked out on a s57 Criminal Justice and Courts Act 2015 Defence

Savings against presented claims:

| Details | Amount |
|---------|--------|
|---------|--------|

| | |
|------------------------|-------------------|
| PI | £2,500.00 |
| Physio | £460.00 |
| Credit Hire | £6,620.00 |
| Storage and recovery | £300.00 |
| Claimant's legal costs | £7,400.00 |
| Total | £17,280.00 |

Lisa Hicks v R T Keedwell Holdings Ltd

DWF: 2019226-269, Lucy Bevan

DCL: A2017/000231

Fraud Type: Farmed

Claimant Representatives: Cordell & Co

Outcome: Discontinued

Headlines: Early intelligence and medical records disclosure supported a robust farmed Defence to kick out claim against a backdrop of a £15,000.00 Claimant Part 36 Offer

Overview: There were concerns that the claim was farmed. The Claim Notification Form was submitted four months post-accident and the Claimant did not attend a medical examination until two years post-accident, with a significant ongoing prognosis. The Claimant did not seek any medical attention and there was no evidence to confirm that she was a passenger as the Accident Report Form gave the details of the driver and a witness only. DCL and DWF utilised a farmed strategy and a robust Defence was served raising the concerns. Investigations were conducted into the Claimant's credibility and the Claimant's medical records were obtained, which evidenced a history of alcohol and drug misuse and with medical attendances during the prognosis period for unrelated matters and evidence of financial distress.

Technical Interest: Early intelligence investigations and disclosure of medical records pre Defence enabled significant inconsistencies to be pleaded within the Defence to support the farmed concerns. The Claimant was invited to discontinue her claim post-Defence and accepted the offer prior to allocation by the Court.

Savings against presented claims:

| Details | Amount |
|------------------------|-------------------|
| PI | £7,000.00 |
| Claimant's legal costs | £4,038.00 |
| Total | £11,038.00 |

Arshad Mahmood, Sima Majothi v A&J Walmsley Ltd

DWF: 2019226-55, Benedict Harper

DCL: A2017/002182

Fraud Type: LVI

Claimant Representatives: Vanstone Solicitors, Quantum Legal

Outcome: 1 claim withdrawn, 1 claim reduced to small claims and £3,124.00 wasted costs recovered from Vanstone Solicitors

Headline: Taxi passenger abandoned his claim following pre action disclosure of her medical records – following which her representatives Vanstone Solicitors had to pay wasted costs - and the taxi driver received payment of vehicle damage only and reduction to small claims costs

Overview: The insured driver reported that his vehicle "just touched" the rear of the third party taxi and he denied that anyone in the taxi could have been injured, yet both the driver and fare paying passenger intimated claims for personal injury, along with a vehicle damage claim. DCL and DWF tactically applied for disclosure of medical records pre-action, which were granted. The passenger's medical records evidenced inconsistencies about her reported injuries and she subsequently abandoned her claim. The driver's claim proceeded to trial where the Claimant accepted to settle his claim at £3,000.00 for the vehicle damage and costs, and abandoned his personal injury claim which included an alleged acute kidney injury.

Technical Interest: DCL and DWF's strategy to apply for pre action disclosure of medical records in an LVI case, which were refused by the Claimants Solicitor in the first instance was successful in pushing for a withdrawal of claims and in securing an Order for wasted costs owing to the representatives unreasonable conduct in respect of the application

Savings against presented claims:

| Details | Amount |
|------------------------|-------------------|
| PI | £7,700.00 |
| NHS Charges | £1,350.00 |
| Claimant's legal costs | £7,756.78 |
| Total | £16,806.78 |

Sunil Mahmi & 1 Other v KKM Deliveries

DWF: 2018197-550, Lucy Bevan

DCL: A2019/000788

Fraud Type: Phantom Passenger

Claimant Representatives: Scott Rees

Outcome: Discontinuance

Headline: A Claimant passenger dropped his claim in full following compelling evidence from the insured driver that there were no passengers in the Claimant vehicle into which he had a clear and unobstructed view as it was a convertible with its roof down

Overview: The Claimant issued proceedings claiming that he was a front seat passenger in a Vauxhall which was hit by the insured vehicle in the rear, causing him personal injury. Whilst breach of duty was admitted the Claimant was put to proof in respect to causation of his alleged injury. Subsequently, the insured driver provided a witness statement in which he positively stated that there was only one occupant of the Vauxhall being a male driver. The case was transferred to a dedicated DWF fraud handler for further investigation and a conference was arranged with the insured driver to proof his evidence. The insured driver presented as a confident and compelling witness who had a clear view inside the Vauxhall which was a convertible with its roof down and he clearly saw from his elevated position that there were no passengers. DCL and DWF filed an application for permission to rely upon an Amended Defence pleading that the Claimant was fundamentally dishonest in claiming that he was in the vehicle and that he was injured. Prior to the listing of the application the Claimant discontinued his claim in full. A copy of the Notice of Discontinuance and Amended Defence were served on the pre issue Claimant driver with an invitation to withdraw his claim and no further contact has been received

Technical Interest: Whilst a liability admitted Defence was filed it was not too late in the proceedings to conduct further investigations and with strong evidence force the Claimant to discontinue his claim notwithstanding that the admission had not yet been withdrawn

Savings against presented claims:

| Details | Amount |
|------------------------|-------------------|
| PI | £6,700.00 |
| Push Chair | £650.00 |
| Car Seat | £89.99 |
| IPad | £319.00 |
| Physiotherapy | £1,100.00 |
| Misc | £80.00 |
| Claimant's legal costs | £6,156.00 |
| Total | £15,094.99 |

Mr Sam Kamte & 1 Other v Nijjar Dairies Limited

DWF:: 2019226-194, Sue Potts

DCL: A2018/006838

Fraud Type: Induced

Claimant Representative: Mooney Everett Solicitors

Outcome: Discontinuance

Headline Claimant discontinued his claim in full following disclosure of dash cam footage which undermined his claim

Overview: The Claimant driver issued proceedings claiming that he was slowing down when the insured driver collided with the rear of his vehicle causing him personal injury. Camatics dash cam footage from the insured vehicle showed that the Claimant had been driving erratically and came to a stop some distance before a left hand turn. There were concerns that he may have deliberately induced the collision but unfortunately the insured driver did not provide a statement or support. The Camatics footage may have been undermined as the manner of the Claimant's driving suggested he may have been unsure as to his route and braked too early rather than deliberately induced a collision. There were, however, inconsistencies in the Claimant's evidence, including a false report to the expert that he attended his GP for his alleged injuries when his GP records did not support the attendance. DCL and DWF utilised the evidence to drive a discontinuance of the entire claim and withdrawal of a pre issue claim

Technical Interest: This case demonstrates the importance of DCL Camatics. Without a driver on board there was a risk that the Camatics would be insufficient to obtain a finding of dishonesty at trial. As such the Camatics and inconsistencies in the evidence – including specific disclosure of medical records – were utilised to obtain a discontinuance kicking the entire claim out.

Savings against presented claims:

| Details | Amount |
|------------------------|-------------------|
| PI | £6,050.00 |
| Credit Hire | £2,790.00 |
| Misc | £100.00 |
| Claimant's legal costs | £11,140.00 |
| Total | £20,080.00 |

Stephanie Coulbeck v PDS Holdings Ltd

DWF: 2019226-313, Lucy Bevan

DCL: A2018/007067

Fraud Type: LVI

Claimant Representatives: Carpenters Solicitors

Outcome: Discontinued post Defence

Headline: Claimant caught out in LVI by a denial of injury to both her GP and insurer when she claimed that the injury to her ankle and foot were immediate

Overview: The insured driver reported that he "tapped" the rear of the Claimant's vehicle and provided photographs taken at the accident scene which evidenced minor damage to the vehicles. Initially, the Claimant reported to her insurance company that she was not injured and this was supported by disclosure of her medical records which evidenced that on the day of the collision but after it had happened she presented to her GP with dizziness but which was unrelated. However, later in the course of her claim the Claimant was medically examined and she reported to her expert that she sustained immediate injury to her right knee and right ankle. The case then complicated as the insured driver left the employ of the Policyholder and refused to assist and provide a statement, which adversely affected prospects had the matter proceeded to witness statement exchange and Trial. Against the back drop of not being able to serve evidence from the insured driver but having knowledge of the Claimant's medical position on the day of the accident, an early drop hands offer was issued at the same time as filing a robust Defence, in order to elicit a discontinuance at an early stage. The Claimant sought to negotiate payment of the vehicle damage upon which she would discontinue the remainder of her claim. This was not accepted in light of the prospects of a s57 CJCA 2015 finding of fundamental dishonesty, and the Claimant ultimately accepted the drop hands offer resulting in the discontinuance of her full claim

Technical Interest: Whilst payment of the vehicle damage only, which was not disputed, was an attractive offer given the lack of a witness, the cumulative evidence to support no injury and the early stage at which the Claimant sought to compromise the claim led to DCL and DWF taking a robust stance which resulted in a full discontinuance

Savings against presented claims:

| Details | Amount |
|------------------------|------------------|
| PI | £4,000.00 |
| PAV | £1,805.45 |
| Pysio | £434.00 |
| Claimant's Legal Costs | £3,660.47 |
| Total | £9,899.87 |

Miss Thi Kim Anh Phung v Newland Contractors Ltd

DWF: 2019226-317, Lucy Bevan

DCL: A2019/000014

Fraud Type: Phantom Passenger

Claimant Representative: Lance Mason

Outcome: Discontinued

Headline Claimant discontinues her claim following a fraud Defence where the named driver described the third party passenger as a male the "size of a sumo wrestler" and the claim was from the third party driver's petite slim built sister

Overview: Following settlement of the genuine third party driver's claim the driver's sister submitted a Claim Notification Form alleging that she was a rear seat passenger and that she suffered injury to her back, left leg, neck and shoulder with a 16 month prognosis. Proceedings were issued and the named driver attended in conference with Counsel pre-Defence to proof his evidence on occupancy as the Accident Report Form referred to a male passenger. Whilst the named driver did not physically look inside the third party vehicle he was confident that from his view into the rear of the vehicle that the passenger was a large broad built male with short hair and a collared t-shirt. Whilst he could not positively ID the passenger, photo ID was obtained from the Claimant which showed that she was a petite female which did not fit the driver's description of a "sumo wrestler" build. A robust Defence was filed and served pleading fundamental dishonesty with an offer for the Claimant to discontinue her claim in full within 14 days. The Claimant subsequently filed Notice of Discontinuance within 8 days

Technical Interest: Whilst the driver was confident that the passenger was a male there were risks in the event that the matter proceeded to trial that his evidence could be challenged as he did not physically ID the occupant. On that basis, a robust Defence was served with a view to repudiating the claim at an early stage. The acceptance of the offer extinguished the litigation risk and brought the claim to a swift conclusion

Savings against presented claims:

| Details | Amount |
|------------------------|------------------|
| PI | £4,500.00 |
| Physiotherapy | £540.00 |
| Misc | £30.00 |
| Claimant's legal costs | £2,900.20 |
| Total | £7,970.20 |



Beyond borders, sectors and expectations

DWF is a global legal business, connecting expert services with innovative thinkers across diverse sectors. Like us, our clients recognise that the world is changing fast and the old rules no longer apply.

That's why we're always finding agile ways to tackle new challenges together. But we don't simply claim to be different. We prove it through every detail of our work, across every level. We go beyond conventions and expectations.

Join us on the journey.