



# Direct Commercial & DWF Law LLP Counter Fraud Success Stories

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Issue 9: April 2022

# Contents

<b>Executive Summary Issue 9: April 2022</b>	<b>3</b>
<b>Contacts</b>	<b>4</b>
<b>Counter Fraud Successes Issue 9: April 2022</b>	<b>6</b>



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# Executive Summary Issue 9: April 2022

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

- 10 highlighted case successes
- £235,203.36 total fraud savings against presented third party claims in the first instance
- 22 Claimants denied damages and costs
- 2 Trial wins
- 7 claims discontinued
- 1 claim struck out
- 11 claims withdrawn pre issue





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# Counter Fraud Successes

## Issue 9: April 2022

### Case Summary

#### Alexandra Khatab, Susan Khatab v IVO Transport Ltd

**DWF:** 2019226-403, Benedict Harper

**DCL:** A2019/004991

**Fraud Type:** Farmed

**Claimant Representatives:** Nicholson Jones Sutton Solicitors

**Outcome:** Finding of Fundamental Dishonesty at Trial

**Headline:** Mother and daughter found to have been fundamentally dishonest after having 3 opportunities to advise of alleged injuries but not doing so

**Overview:**

This was a suspected farmed case with the involvement of Amanda Cunliffe Solicitors (now Nicholson Jones Sutton) acting on behalf of the Claimants. It was noted that although the Claimants claimed personal injury there was a lack of medical attention, a delay in bringing the claims and call recordings in which injury was denied by the Claimants to their own insurer. The case proceeded to trial at Wakefield County Court where the Claimants significantly deviated from their medical reports. The claims were found to be fundamentally dishonest with an enforceable order for the Claimants to pay the Defendant's costs of £4,000.00.

**Technical Interest:** The trial judge was focussed on the poor performance of the Claimants under cross examination and the lack of contemporaneous records of injury and the opportunity to report injury to their own insurer, finding fundamental dishonesty. The trial took place remotely which did not hinder effective cross examination of the issues.

**Savings against presented claims:**

Details	Amount
PI	£5,780.00
Credit Hire	£7,976.48
Physio	£923.00

Claimants' Costs	£16,500.00
Costs recovered	£4,000.00
<b>Total</b>	<b>£20,235.00</b>

#### Mr Ronei Modanese v Fast UK Parcel Limited

**DWF:** 2019226-354, Lauren France

**DCL:** A2019/008861

**Fraud Type:** Pre-existing vehicle damage

**Claimant Representatives:** Bond Turner

**Outcome:** Discontinued with reimbursement of 50% interim payment

**Headline:** Contemporaneous evidence of pre-existing damage secured discontinuance

**Overview:**

This is a case where breach of duty was admitted as the insured driver reversed into the Claimant's Honda motorcycle. The insured driver took photographs at the accident scene which showed that part of the motorcycle was taped up, which could not be seen in the Claimant's post-accident images, which suggested that he had removed the tape to prevent scrutiny of the damage or provided images which pre-dated a suspected earlier incident. In his witness statement the Claimant failed to provide an explanation as to these issues or discuss the pre-accident condition of the motorcycle at all. Intelligence undertaken suggested that the Claimant lived in Brazil raising doubt as to his attendance at a trial and also as to the dates of the alleged hire claim. A discontinuance offer was issued on the strict condition that 50% of the vehicle interim payment would be reimbursed and the Claimant accepted the offer.

**Technical Interest:** As the Claimant had received payment for vehicle damage he could not simply file Notice of Discontinuance, which DCL and DWF utilised to negotiate repayment and the discontinuance of the claim.

**Savings against presented claims:**

Details	Amount
Credit Hire	£12,836.72
PAV (50% recovered)	£656.00
Recovery & Storage	£1,174.80
Loss of Earnings	Abandoned not quantified
Misc	£50.00
Claimant's legal costs	£10,000.00
<b>Total</b>	<b>£24,717.52</b>

## Carolyn Bixby, Angela Kavanagh v Nijjar Dairies Limited

**DWF:** 2019226-399, Lucy Bevan

**DCL:** A2019/008047

**Fraud Type:** Phantom Occupancy and Farmed

**Claimant Representatives:** AMS Solicitors and Satchell Moran

**Outcome:** 1 claim discontinued and 1 claim withdrawn

**Headline:** Disclosure of medical records and skilful Part 35 Questions forced a discontinuance

**Overview:**

The insured driver reported colliding with a parked un-attended vehicle in a care home car park yet claims for personal injury were presented by two seemingly unconnected individuals who claimed to have occupied the vehicle. The insured driver did not complete an Accident Report Form before leaving the policyholder's employment and there were no witnesses to support the phantom occupancy concerns. The insured vehicle was fitted with a dash cam although there was no footage of the impact itself and the footage showing the approach to the third party vehicle was not clear to positively dispute occupancy on the footage alone. The concerns were, however supported by a One Call notification on the accident date which reported that the vehicle was unattended.

The alleged Claimant driver issued proceedings and a robust Defence was served placing reliance on the One Call notification and a number of inconsistencies in the medical evidence to undermine the claim. A drop hands offer was served with the Defence and Notice of Discontinuance followed from the Claimant with the passenger claim also abandoned.

**Technical Interest:** A tactical decision was taken not to plead or focus on the footage as it was not positive evidence of vehicle occupancy and the focus was instead placed on the Claimant's own evidence in the One Call notification and inconsistencies in the medical evidence.

**Savings against presented claims:**

Details	Amount
PI	£5,500.00
Claimant's legal costs	£6,000.00
<b>Total</b>	<b>£11,000.00</b>

## Amani Ali, Ibrham Shariff, Reshaad Shariff v Tiberius Vaduva

**DWF:** 2018197-138, Craig Budworth

**DCL:** 2018/000247

**Fraud Type:** Staged

**Claimant Representatives:** Rainbow Solicitors

**Outcome:** 3 x withdrawn pre-litigation

**Headline:** Significant credit hire claim withdrawn following investigations which evidenced the Claimant vehicle was in use and passed an MOT whilst allegedly in storage

**Overview:**

There were concerns that this claim was staged. The claim featured Rainbow Solicitors and Awesome Repairs who feature in 3 further claims with a similar modus operandi; where a Romanian driver has come out of a side road in the same locus into a collision with a third party vehicle of high value with multiple occupancy. A formal repudiation was issued and Rainbow Solicitors confirmed that they had not received instructions from their client for some time. The claims are now statute barred.

**Technical Interest:** Despite no direct links being established between the parties, the similar fact evidence of vehicle type, location and general MO was sufficient to warrant repudiation.

**Savings against presented claims:**

Details	Amount
PI	£7,500.00
Credit Hire	£8,948.36
Storage & recovery	£3,264.00
Claimant's legal costs	£5,497.25
<b>Total</b>	<b>£25,209.61</b>

## Simon Price, Kerrie Clemson, Stuart Francis v Dale Brothers UK Ltd

**DWF:** 2019226-174, Lucy Bevan

**DCL:** A2017/002257

**Fraud Type:** Fabricated collision

**Claimant Representative:** Hebble Law

**Outcome:** 2 x discontinued and 1 claim withdrawn

**Headline:** Technical application forces the discontinuance of suspected entirely fabricated claims

**Overview:** Three personal injury claims were intimated following an alleged collision with the insured vehicle on a roundabout. The insured vehicle was in the vicinity of the locus and the insured driver was contacted by the policyholder on his journey and denied any knowledge of contact and therefore took the initiative of taking photographs to evidence that there was no collision damage. The third party driver issued proceedings and following the Defendant's disclosure and witness evidence denying involvement he discontinued his claim in full. Over a year later, an alleged third party vehicle passenger issued proceedings at limitation. Pressure was placed on the passenger given her driver's discontinuance and lack of supportive witness evidence. Despite providing a signed disclosure list she failed to provide inspection of her documents and failed to serve any witness evidence. An application was made to strike out her claim and

the Claimant discontinued her claim in full. The claim of the second passenger was abandoned.

**Technical Interest:** Technical issues raised with the non-compliance of the Claimant's List of Documents pushed the Claimant to discontinue her claim.

**Savings against presented claims:**

Details	Amount
PI	£9,300.00
Vehicle Damage	£774.40
Physio	£685.00
Claimant's legal costs	£11,656.26
<b>Total</b>	<b>£22,451.66</b>

## Susan Higgs, Paul Higgs, Erin Higgs v 3D International Haulage Ltd

**DWF:** 2019226-298, Craig Budworth

**DCL:** A2017/003719

**Fraud Type:** Low Speed Impact and liability dispute

**Claimant Representatives:** Sheldon Davidson

**Outcome:** 2 x discontinuance, 1 x withdrawn

**Headline:** Claims redirected where third party taxi "flashed lights" to allow driver to change lanes, then collided with the vehicle

**Overview:** The Claimants were passengers in a taxi and claimed that the insured driver changed lanes into the path of the taxi causing personal injury. The insured driver denied liability and also raised causation in issue – he claimed the incident fell below the threshold of injury. A robust Defence was filed pleading the insured driver's case that the taxi driver flashed his lights as a signal for him to move and that it was in any event a very minor bump at low speed and therefore incapable of causing injury. The third party insurer settled their own passenger claims and the claim against the policyholder was discontinued.

**Technical Interest:** The robust stance and defence supporting the policyholder forced the third party insurer into buying the claims off.

**Savings against presented claims:**

Details	Amount
PI	£12,000.00
Physio	£600.00
Loss of earnings	£441.90
Claimant's legal costs	£12,000.00



<b>Total</b>	<b>£25,090.00</b>
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## Daniel Iacob, Maria Barnea, Maya Iocab, Lenuta Olaru v Muhammad Awais

**DWF:** 2019226,150

**DCL:** 2018/000640, Craig Budworth

**Fraud Type:** Staged

**Claimant Representatives:** Kingdom Law Ltd

**Outcome:** Withdrawn pre issue

**Headline:** Significant hire and multiple personal injury claims kicked out on application fraud and staged repudiation

**Overview:** This claim was initially referred owing to the involvement of a number of key attractors in a DWF Operation. The circumstances did not fit the usual MO of the Operation which was induced concerns and the evidence pointed towards the case being potentially staged. The incident was allegedly reported by the insured driver as a fault claim with incredible accident circumstances with two fully loaded vehicles and no independent verification of the incident occurring. It transpired that the policyholder denied any knowledge of the incident or the policy and he believed he was the victim of application fraud. Policy and FNOL investigations evidenced that the contact number provided for the alleged policyholder related to a theft claim and the company paying for the policy was linked to dubious claims. The claim was formally repudiated.

**Technical Interest:** The involvement of key attractors in a DWF Operation prompted the thorough investigation of the claims and revealed the application fraud which led to the ultimate abandonment of the claims.

**Savings against presented claims:**

Details	Amount
PI	£12,000.00
PAV	£6,995.26
Credit hire	£18,549.03
Claimant's legal costs	£9,894.51
<b>Total</b>	<b>£47,438.80</b>

## Justinas Kacinauskas v Benton Bros Transport Ltd

**DWF:** 2019226-479, Lucy Bevan

**DCL:** A2019/010294

**Fraud Type:** Low speed impact

**Claimant Representatives:** Carpenters

**Outcome:** Discontinued

**Headlines:** Claimant caught out by dash cam

**Overview:** The claim was investigated due to low speed impact concerns. Having viewed the insured vehicle's dash cam footage it was advised to keep liability as a live issue as the accident circumstances as pleaded were inconsistent with the footage, which showed the Claimant stop when there was no vehicle ahead and showed minimal contact. The causation concerns were supported by the Claimant's own repair invoice, which was for only £250.00. A front loaded robust Defence was served pleading reliance on the dash cam footage with an invitation for the Claimant to discontinue his claim. The offer was not accepted and so very strong draft directions seeking significant specific disclosure were filed and following this the Claimant served Notice of Discontinuance of his claim in full.

**Technical Interest:** The early deployment of the dash cam footage and a strong specific disclosure request was a tactical decision to force an early discontinuance.

**Savings against presented claims:**

Details	Amount
PI	£3,000.00
Vehicle damage	£250.00
Physio	£135.00
Misc	£30.00
Claimant's legal costs	£2,444.60
<b>Total</b>	<b>£5,859.60</b>

## Ali Temur, Fatma Temur, Selda Temur, Zildan Temur v G F Gordon Limited

**DWF:** 2019226-259, Benedict Harper

**DCL:** A2018/005712

**Fraud Type:** Fabricated / exaggerated (a DWF Operation)

**Claimant Representatives:** Ersan and Co

**Outcome:** 1 x won at Trial, 3 x withdrawn

**Headlines:** Camatics wins the day - a "stone's throw" away from damages, dismissed at trial

**Overview:** The Claimants claimed that a stone came from the insured vehicle and hit the windscreen causing the Claimant driver to brake suddenly. The first the insured driver knew of the alleged incident was when the Claimant overtook his vehicle and braked to get his attention claiming that two cracks in his windscreen had been caused by debris from the policyholder's

truck. Put simply, there was no evidence of any large objects falling from the truck. There were further concerns as to causation and exaggeration of injury with a claim for PTSD with little in the medical report to support a causal link between the alleged incident and the prognosis. The Claimant abandoned reliance on the medical report.

The trial judge found that it was impossible for the alleged stone that hit the Claimant's windscreen to have come from the policyholder's vehicle.

**Technical Interest:** The Claimant discontinued his claim for PTSD pre-trial no doubt in an attempt to avoid scrutiny

**Savings against presented claims:**

Details	Amount
PI	£22,500.00
PAV	£5,681.07
Claimant's legal costs	£15,168.00
<b>Total</b>	<b>£43,349.07</b>

## Kayse Casayr v 3D International Haulage Ltd

**DWF:** 2019226-387, Lucy Bevan

**DCL:** A2019/009625

**Fraud Type:** Phantom occupancy

**Claimant Representative:** Carpenters

**Outcome:** Strike Out

**Headline:** Technical application successfully kicks out phantom Claimant's claim

**Overview:** The Claimant alleged that he was sat in the driver's seat of his parked vehicle when it was hit by the insured vehicle, causing him to suffer personal injury. The insured driver admitted a minor contact but said that the vehicle was un-occupied and the vehicle owner approached the scene 5 minutes later. The Claimant claimed that there were two witnesses who could support his occupancy yet he failed to provide their details or serve witness evidence from them. Through the court, DCL and DWF sought extensive disclosure from the Claimant to include proof of insurance and accident history. When the Claimant did not comply an application was made for an Unless Order, where if the Claimant failed to comply his claim would be struck out without further Order. The court approved the Order without a

hearing and whilst the Claimant made some attempt to comply, he failed to disclose the certificate of insurance and gave conflicting evidence as to ownership and insurance, and did not complete his accident history

disclosure. The claim was struck out due to failure to comply with the court's Order.

**Technical Interest:** DCL and DWF are expert at technical applications placing pressure on the Claimant to prove their case and comply with court Orders or face the consequences of the same by strike out.

**Savings against presented claims:**

Details	Amount
PI	£3,600.00
Physio	£310.00
Claimant's legal costs	£5,942.40
<b>Total</b>	<b>£9,852.10</b>



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