

Suspicious Claims – Spotting them and managing them, a case study

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Partner

7 March 2018

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Fundamental Dishonesty

- o CPR.44.16(1) (Exception to QOCS, recovery of costs) – is applicable to cases where the Claimant has lost at trial or filed a Notice of Discontinuance and therefore has no entitlement to damages
- o S.57 Criminal Justice Act 2015 (Strike out and recovery of some costs) – is applicable where liability has been admitted or established by the court and the Claimant therefore has an entitlement to damages

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CPR.44.16(1): Checklist

- o Has the Claimant discontinued / Has the claim been lost
- o Does the dishonesty go to the core of the claim – e.g. collision didn't happen ("Zimi") / the claim had reduced by 50% ("Gosling")
- o Make the application
- o Need not be pleaded but can put on notice as a deterrent
- o No real downside / penalty save impecuniosity / brand protection?

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S.57 Criminal Justice Act 2015: Checklist

- o Was the claim issued on or after 13 April 2015?
- o Is the Claimant entitled to some damages?
- o Does any dishonesty go to the heart of the claim – not slight exaggeration
- o Make application so no need to specifically plead but may have to set out case in Counter-Schedule
- o Note - may only get proportion of costs back due to set-off
- o Careful when considering making Part 36 offers – should we hold off until surveillance?

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Exhibit 1

62011 62011 62011 62011 62011 62011 62011 62011 62011 62011

Person completed
if not ticked

A copy of this form should be kept for 30 days after the accident. It should then be returned and handed to the person or Department on the back cover of the book for safekeeping.

ACCIDENT REPORT FORM

1. Details of person involved in accident. (For assistance see note 1 on page 2)

Name: 33 Glynis
Address: 65 Parkstone Ave
Postcode: HDB 965
Occupation: DISCOUNT
Department: UNAT 4

2. Details about person filling this report. (For assistance see note 2 on page 2)
If you did not have the accident out or filing the report, please state below

Name: Adam Benjamin
Address: 15 Cross Green Road
Postcode: Huddersfield
Occupation: UNAT 223
Department: UNAT 223

3. Description of accident. (Use the back of the form if more than required) (For assistance see note 3 on page 2)

A) Give time and date when accident occurred: Date 13/3/11 Time 9.30
B) Give place of accident (precisely if possible): UNAT 4 ENTRANCE BY COPPER PLANT
C) Give details of how the accident occurred with cause if known: PULLEY ON FALLING JELLY & OVER RAISED STEP OF ENTRANCE INTO UNIT 4
D) Give details of any injury suffered by person involved: LOW BACK PAIN & ANKLE PAIN

4. Sign and date the record before handing to nominated record keeper, whose name is on the front of book. Please also note the date and the name of the person you handed the record to in the 2 boxes at the top of the sheet. You may tick a copy of this record for your own records.

Signed: [Signature] Date: 13/3/11

4. To be completed by employer only. (For assistance see note 4 on page 2)

Only complete this section if you report to report under RIDDOR. After satisfying yourself about the facts, you should decide whether a formal assessment is necessary and whether the accident should be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). (See note 4 on page 2)

How was the report notified to the HSE?

Date notified: 1/3/11 Name (Capital): _____ Signature: _____

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Exhibit 2

Date: 7/3/11.

To Whom It May Concern:

This is to confirm that: Jonathan Flynn.

Attended the Accident & Emergency Department of the Huddersfield Royal Infirmary at

Date: 7/3/11.
Time: 1640 - 1915.

Signed: [Signature]
Medical Practitioner
Accident & Emergency Department

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Exhibit 3

Return to Work after Absence form



Name: Jacqueline Flynn
 Department: Huddersfield Date: 1/12/11
 Date of last day of absence: 11/11
 Date of first day of absence: 11/11
 Total number of working days absent: 1
 Reason for absence: Knocked off bike - hurt back
 Did you see your doctor or visit a clinic or hospital? YES - A&E, Hospital.
 Will it be recurring? No
 Do you feel fit enough to return to work and perform your normal duties? YES
 Dates of and reasons for absence in the last 12 months:

16th 20th July 2010	Bronchitis
14th Nov	Upacke stomach
14th Nov	Flu - chest infection
20th 22nd Oct 2010	Bronchitis
20th 22nd Nov 2010	Bronchitis
21st Dec	Illness (following weeks holiday)

 Name: J Flynn Signed: [Signature] Date: 21/11
 Manager Name: _____ Signed: _____ Date: _____
 I confirm that the information provided is true and correct.

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Exhibit 4

Huddersfield Chronicle - News - Local West Yorkshire News - Suspended sentence for 10/1/11

Suspended sentence for Dalton woman Jacqueline Flynn in brothel case

<http://www.huddersfieldchronicle.co.uk/news/100111/suspended-sentence-for-100111>

A HUDDERSFIELD woman who used to help out as a receptionist in a brothel has been given a suspended prison sentence.

Jacqueline Flynn, 45, of Kirkstall Avenue, Dalton, admitted assisting in the management of the Green St. na between June, 2007, and December, 2008, when she acted as a receptionist on about six occasions.

Flynn also pleaded guilty to acquiring criminal property and making a false representation to obtain a mortgage on her home when she claimed that she was working as a business consultant earning £30,000 a year.

Bradford Crown Court heard yesterday that Flynn had also worked as a prostitute at the brothel and claimed to have been given large amounts of money by a private client who she formed a relationship with.

Between 2006 and 2008, deposits of over £20,000 were made into her building society account.

Flynn told police she had fled about her reception because she was an escort to find proper accommodation for herself and her son.

Judge Alan J. Beckford told Flynn that causing a brothel was still a serious offence and had to be marked by a prison sentence.

But he said the eight-month term could be suspended for a year and he ordered her to do 120 hours unpaid work for the community.

<http://www.huddersfieldchronicle.co.uk/news/100111/suspended-sentence-for-100111>

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Exhibit 5

15737241

Wall Poster



Glenn Haid
Share - February 22, 2009

Kelly Cain has this.

Will Beatty (with ring my friend) at
February 22, 2009 at 5:27pm

Wesley Logan (with putty) right my friend
May 14, 2009 at 2:26pm

Album: Wall Photos - 5 of 12

Share with: Public

Download

Report This Photo

©2009 Facebook. Please see
Upload on US: All rights reserved.
Ask your friends to help choose the right photo.

www.facebook.com/photo?fbid=15737241&set=album.4224025717&type=photo

1/1

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Exhibit 6

15737241

My Photos



- Profile
- Home
- Log Out
- Privacy
- Stream
- Albums
- Connections
- Marketplace



Comments

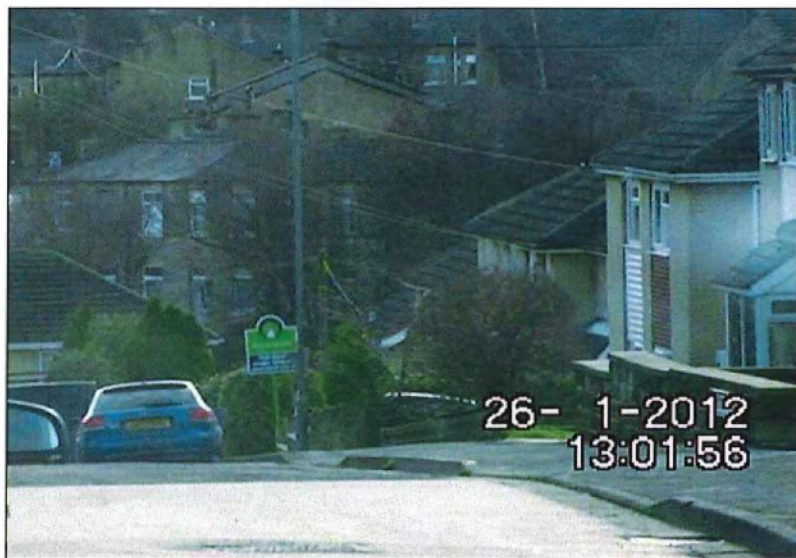
GETTIN LOST
GETTIN LOST

Account	Website	New Music Only	Musician Website	Join Myspace	Get help
Home	My Account	Profile	Musician Website	Top up	Help & Support
Home	My Account	Profile	Musician Website	Top up	Help & Support
Home	My Account	Profile	Musician Website	Top up	Help & Support
Home	My Account	Profile	Musician Website	Top up	Help & Support
Home	My Account	Profile	Musician Website	Top up	Help & Support
Home	My Account	Profile	Musician Website	Top up	Help & Support
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Home	My Account	Profile	Musician Website	Top up	Help & Support
Home	My Account	Profile	Musician Website	Top up	Help & Support

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26- 1-2012
17:00:30

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28- 2-2012
7:02:16

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Pause and reflect:

- o Conclusions on surveillance so far?
 - Return on investment with surveillance team?
 - Whether C is genuine/guarded/hyper-vigilant?
 - How best can we approach any further deployment?
 - What might give us an edge?

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Let's try again... 14 September 2014

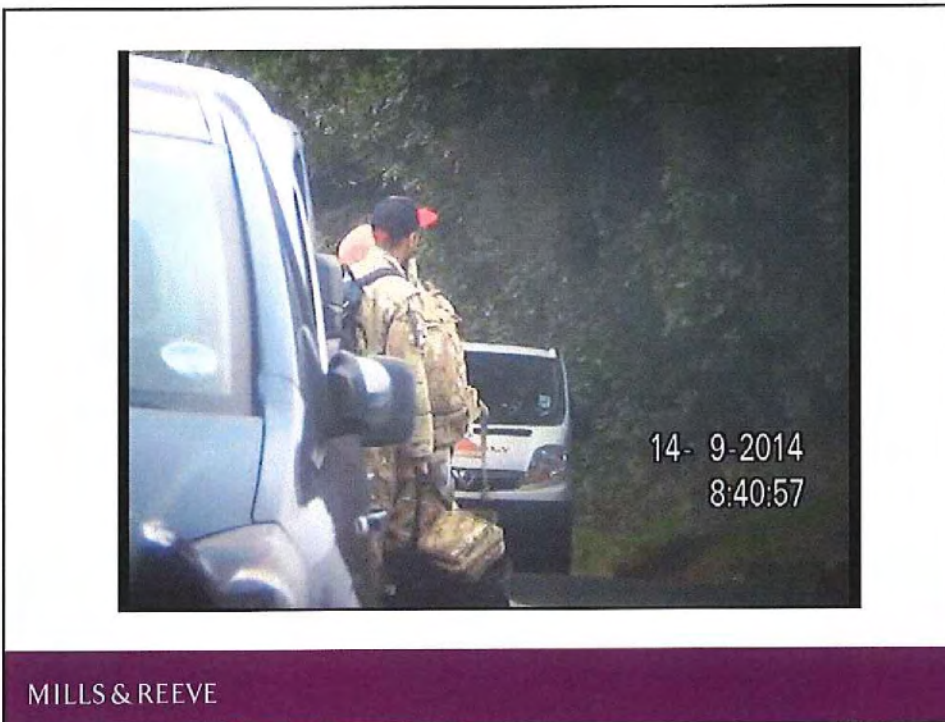
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14.09.2014 10:14:48

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14.09.2014 10:15:21

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14- 9-2014
12:05:50

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14- 9-2014
12:20:09

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Moving on to the next round...2nd
November 2014

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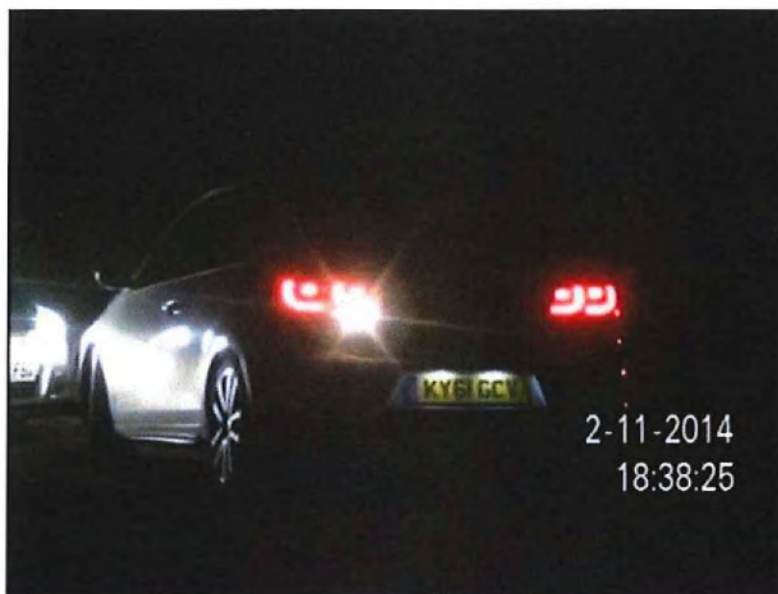
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Make your own luck...

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thank you

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