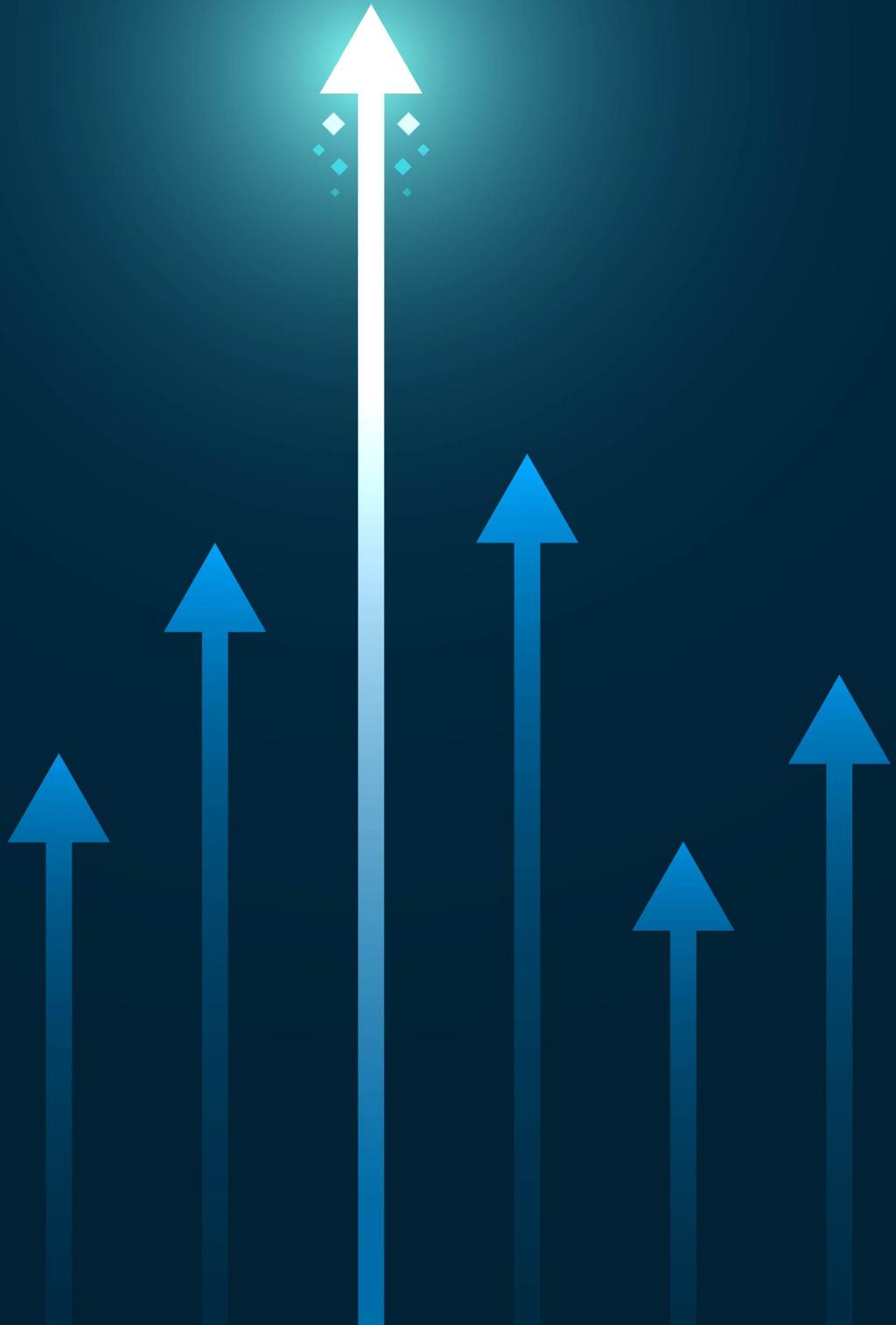

STRATA RECOVERY SUCCESS



CASE STUDY

Strata Service:
Recovery

Claim Handler:
Shannon Patel

Client:
Transportation
Client

Strata Approach:

We provide an in depth service to our clients providing a robust, expert and proven capability that delivers results. Our strategy is to coordinate and control every aspect of the claim to drive it forward to conclusion, minimising cost/leakage and reducing claim lifespan.

Overview:

This claim arose from a road traffic accident involving a third party who had lost control of their vehicle when turning from a side road. The severe collision with our Client's vehicle resulted in extensive damage in excess of £20,000.00.

We pursued the third party insurers only to find that the vehicle was stolen. With the help of CCTV footage, we contacted the police in an attempt to trace the driver and it transpired that the driver of the stolen vehicle had been charged with aggravated vehicle taking and dangerous driving.

Outcome:

We were able to locate the driver of the stolen vehicle and pressurise the third party insurers to deal with our Client's claim as RTA Insurer under Section 151 of the Road Traffic Act 1988.

As a result, we were able to recover the damages in full, which were owed to our Client. This is a prime example of how conducting further investigations and using all the evidence at our disposal is vital in ensuring that we are able to make a full recovery for our Client. This also resulted in a saving for our Client as all passenger personal injury claims were also re-directed to the third party insurer.

CASE STUDY

Strata Service:
Recovery

Claim Handlers:
Abigale
Tucknott-Boxell

Client:
Vehicle Rental
Client

Strata Approach:

We provide an in depth service to our clients providing a robust, expert and proven capability that delivers results. Our strategy is to coordinate and control every aspect of the claim to drive it forward to conclusion, minimising cost/leakage and reducing claim lifespan.

Overview:

Our Client requested us to pursue a recovery of a claim whereby the circumstances of the road traffic accident were not as straightforward as they seemed. The renter of the Client's vehicle was proceeding ahead and due to traffic building up, the renter braked slightly harder than required. This resulted in the third party colliding into the rear of the Client's vehicle.

As expected, the third party insurers disputed the Client's damages and alleged that the renter had slammed on the vehicle brakes for no apparent reason and it was a deliberate attempt to cause a rear end collision.

We were able to use the dashcam footage, which showed that the third party had failed to keep a safe distance, and in an attempt to settle the matter amicably, a split liability offer in accordance with the case of **Ali v D'Brass (2011)** was made. The third party insurers subsequently rejected this offer and they maintained that the renter was 100% liable for the claim.

Outcome:

As we were not able to reach an agreement with the third party insurers, we decided to issue court proceedings to compel the third party insurers into accepting a split liability offer. Whilst we were in the midst of litigation, the renter failed to respond to us and due to the liability dispute; we had no option but to make an application to the court to summon the renter to court. The request was granted and we eventually proceeded to trial.

The District Judge found in our Client's favour based on the evidence and awarded a 90/10 split along with our legal costs of £6,129.58. With preparation and perseverance, Strata were able to go the extra mile in securing the best result for our Client.

CASE STUDY

Strata Service:
Recovery

Solicitor:
Shannon Patel

Client:
Logistics Client

Strata Approach:

We provide an in depth service to our clients providing a robust, expert and proven capability that delivers results. Our strategy is to coordinate and control every aspect of the claim to drive it forward to conclusion, minimising cost/leakage and reducing claim lifespan.

Overview:

The Client instructed Strata regarding a high value fatality claim whereby the third party drove on the wrong side of the road and collided head on into the Client's vehicle. This resulted in the third party's vehicle being thrown off the road causing an unfortunate fatality. Due to the dreadful incident, the matter gained media coverage and resulted in various news articles being published.

The Strata recovery team were required to undertake extensive investigations in an attempt to make a recovery for the Client's losses.

Outcome:

Following inquiries with the police, Strata approach the third party insurers which resulted in a dispute surrounding quantum. We applied pressure on the third party insurers by confirming our intention to issue County Court proceedings.

As a result, we were able to reach a favourable agreement for our Client which **resulted in a recovery of over £50,000 for our Client** and £11,000 for our legal costs. Strata were able to handle the claim in an effective way to ensure that the Client's damages were secured by also taking into consideration their Client's reputation due to the coverage regarding the fatality.

CASE STUDY

Strata Service:
Recovery

Solicitor:
Shannon Patel

Client:
Postal Services
Client

Strata Approach:

We provide an in depth service to our clients providing a robust, expert and proven capability that delivers results. Our strategy is to coordinate and control every aspect of the claim to drive it forward to conclusion, minimising cost/leakage and reducing claim lifespan.

Overview:

Strata were instructed on behalf of the Client involving damage to their property. As a result of a flood, the Client's boilers were significantly damaged and essentially written down to 'Nil' on their asset register. Strata's recovery team were required to approach the third party council and secure a sum towards replacement boilers whilst also considering the issues surrounding betterment.

Outcome:

By using our tactical negotiation skills and also relying on the case of **Harbutt's Plasticine Ltd v Wayne Tank and Pump Co Ltd [1970]**, Strata were able to secure double the amount of damages originally offered by the third party council along with our legal costs. This shows that by using our research and negotiation skills, Strata were best placed to approach the third party council with an informed argument and recover damages above the Client's expectations.

CASE STUDY

Strata Service:
Recovery

Claim Handler:
Rachel
Leatherland

Client:
Transportation
Client

Strata Approach:

We provide an in depth service to our clients providing a robust, expert and proven capability that delivers results. Our strategy is to coordinate and control every aspect of the claim to drive it forward to conclusion, minimising cost/leakage and reducing claim lifespan.

Overview:

Strata were instructed following an incident whereby the third party driver who was known to the Client's driver deliberately collided into the Client's parked vehicle and fled the scene. The third party denied involvement in the collision and provided evidence by way of an engineer's report to show there was no damage to his vehicle.

Despite the evidence on our file in favour of our Client, we were not able to reach an agreement with the third party insurers. As a result County Court proceedings were issued to compel the third party insurers to settle our Client's claim in full.

Outcome:

Strata were required to make thorough investigations into the history between the parties, alongside retrieval of the 999 call transcript. The transcript was vital to our Client's claim as it provided us with a step by step sequence as to what occurred on the date of the incident.

Following our enquiries it transpired that the engineer's report which was provided by the third party was a result of an inspection that was carried out two months after the incident. At disclosure stage, the third party failed to file and serve any evidence to support his allegations, despite reportedly having an independent witness. With these failures alongside the evidence we had on file including the 999 call transcript and circumstantial evidence from family members of our Client's driver, the third party insurers were left with no choice but to settle our Client's claim in full. Strata's recovery team are committed to ensuring that all investigations and enquiries have been carried out to enable the Client to get the best possible result in their favour.

CASE STUDY

Strata Service:
Recovery

Claim Handler:
Sanna Hussain
Denise Mapfumo

Client:
Managing General
Agent (MGA) Client

Strata Approach:

We provide an in depth service to our clients providing a robust, expert and proven capability that delivers results. Our strategy is to coordinate and control every aspect of the claim to drive it forward to conclusion, minimising cost/leakage and reducing claim lifespan.

Overview:

This claim arose from a property damage incident involving the malfunction of automatic gates belonging to a third party. The gates closed on our Client's passing vehicle causing moderate damage.

The Strata recovery team pursued the owners of the gates for reimbursement however, they refused to deal with the claim. The third party owners failed to provide any evidence by way of service records to show that the gates had been maintained and therefore, the evidence seemed to be in our Client's favour.

We were not able to reach an agreement with the third party and as a result County Court proceedings were issued in order to settle our Client's claim in full.

Outcome:

Strata were required to make thorough investigations into the claim and pursue the third party owners for any maintenance records. The third party owners subsequently alleged that there was pre-existing damage to our Client's vehicle and further had three witnesses who could support this. They alleged that our Client's driver had driven into the gates and they had not closed onto the vehicle as our Client alleged.

Following lengthy meetings with our Client and driver, we drafted a detailed witness statement in support of the allegations and prepared our Client's driver for trial. We were also able to obtain maintenance records for our Client's vehicle to show that there was no pre-existing damage to the vehicle prior to the incident.

On the day of the trial, the District Judge found our driver to be a credible witness whilst under cross-examination and confirmed that his account remained consistent with his witness statement and the maintenance records. The witness statements which had been filed by the third party owners all gave varying accounts of the incident and rang untrue throughout the course of the hearing, along with the third party owners oral evidence.

Based on the evidence, the District Judge was satisfied that our Client had met the burden of proof required and found the matter in favour of our Client. The third party was ordered to pay for our Client's damages as well as costs and disbursements which had been incurred throughout the claim.

Strata's recovery team are committed to ensuring that all investigations are carried out and all relevant evidence is gathered to support our Client. We are able to use our expertise in preparing witnesses to ensure that they are confident and credible under intense cross examination. With the challenges presented by Covid-19, Strata are still able to obtain the best possible results for their Clients.

