**IN THE HARROGATE COUNTY COURT CASE NO:**

**B E T W E E N:**

**MR EDMUND RIPON**

**Claimant**

**AND**

**MR FICTITIOUS PERSON**

**Defendant**

**PARTICULARS OF CLAIM**

1. The Claimant claims damages for personal injury and associated losses incurred in an accident at Monte Cristo House, 98 Manchester Drive, Lanchester XX44 2PI (“the Fictitious Property”), on 3 May 2012.
2. The Defendant owns the Property, which is divided into four flats. The Defendant rents out the flats at the Property to various parties.
3. At all material times, the Claimant rented and occupied one of the flats (No. 3) at the Property from the Defendant under the terms of a lease.
4. On 3 May 2012, the Claimant was descending the central staircase at the Property when he slipped and fell down the stairs. The staircase lacked any handrail or other safeguard to either prevent users from falling or to enable them to arrest a fall before sustaining injury. The Defendant had removed the original handrail to allow easier access for furniture being installed or removed into the upstairs flats. The Claimant had previously requested that the Defendant replace the handrail, or in the alternative, that he install a removable handrail, but this had not happened.
5. The accident was caused by the negligence and or/breach of statutory duty of the Defendant.

**PARTICULARS OF NEGLIGENCE**

1. The Defendant was negligent in that he:
	1. Failed to examine, inspect, repair or maintain the Property to ensure it was not defective or dangerous, either in time or at all;
	2. Permitted or suffered the staircase at the Property to be or to remain defective and/or dangerous by removing and/or failing to provide or replace any or any adequate handrail, bannister or other safety device to prevent or arrest falls;
	3. Failed to install handrails and/or other safety devices on the staircase and/or to rebuild the staircase in any other way so as to avoid creating a hazard either in time or at all;
	4. Permitted or suffered the existence or continuance of a danger or a trap constituted by the removal of the original handrails and/or failure to replace any or any adequate handrail or other safety device on the staircase;
	5. Failed to install a removable handrail, safety gate, or any other form of safety device so as to negate or reduce the danger/trap created and thereby reduce the risk of injury;
	6. Exposed the Claimant to a danger, a trap and/or a foreseeable risk of injury;
	7. In the circumstances failed to take any or any adequate care for the safety of the Claimant.
2. By reason of the above matters, the Defendant has also breached the statutory duty owed by him to the Claimant as set out in the Occupiers’ Liability Act 1957.
3. The Defendant admitted liability for the accident in open correspondence dated 19 February 2014. The Claimant will rely upon the admission and will therefore not plead further in respect of liability at this stage. In the event that the Defendant seeks to contest liability, the Claimant will rely upon the said admission to its full meaning and effect.
4. By reason of the Defendant’s negligence, the Claimant has suffered personal injury, loss and damage.

**PARTICULARS OF LOSS AND DAMAGE**

1. As a result of the accident, the Claimant sustained a fracture to his right arm and injuries to his chest. He was taken to Lanchester Hospital immediately following the accident and was discharged after four days on 7 May 2012.
2. The Claimant will rely upon the following medical evidence served with these proceedings:
	1. Reports of Mr G Doctor, Consultant Orthopaedic Surgeon, dated 29 July 2013 and 18 April 2014.
	2. Report of Dr P Medic, Consultant Psychiatrist, dated 20 May 2014.
3. The Claimant intends to adduce additional evidence from experts in the following disciplines:
	1. Orthopaedics
	2. Employment
	3. Physiotheraphy and Occupational Therapy
4. Following his admission to hospital, the Claimant’s arm was encased in a plaster-cast. The cast remained on his arm for approximately 14 weeks. During this time, his movements were severely limited and he was unable to perform most daily tasks without care and assistance from his partner. The Claimant continues to require assistance with everyday tasks and and will require additional care in the future.
5. At the time of the accident the Claimant was working as a Merchant Seaman. Following physiotherapy, he was able to return to work in around December 2013, but his capacity for work was significantly reduced and he was only able to undertake roughly a quarter of the amount of work he had undertaken prior to the accident. He has suffered from ongoing physical symptoms with his arm which were exacerbated by work, and he has not worked at all since October 2014.
6. Because of his inability to work, the Claimant was subsequently evicted by the Defendant for non-payment of rent. He now lives with his brother. His future accommodation is therefore wholly dependent upon his brother, who is planning to emigrate in the near future.
7. Full details of the Claimant’s claim for past and future losses are set out in the attached Schedule of Loss. The Claimant will file and serve an updated Schedule of Loss following receipt of updated medical evidence as set out above.
8. AND THE CLAIMANT CLAIMS:
	1. Damages for pain, suffering and loss of amenity;
	2. Damages for past, ongoing and future losses as set out in the Schedule of Loss;
	3. Interest upon damages at such a rate and for such a period as the Court deems fit;
	4. Costs

**STATEMENT OF TRUTH**

1. I believe that the facts contained in these Particulars of Claim are true.

Dated this day of

………………………………………………………………………………………

Mr Edmund Ripon – Claimant

And served this day of

…………………………………………………………………………………………………..

[Solicitor’s Name], Solicitor

[Solicitors’ Address]

Solicitors for the Claimant

Ref:

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**Claimant**

**and**

**MR FICTITIOUS PERSON**

**Defendant**

**PARTICULARS OF CLAIM**

**[Solicitors’ Name and Address]**

**Solicitors for the Claimant**

**Ref:**