

# Ben Rodgers

Call: 2007



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Ben is a civil litigation junior who, although majoring in PI and clinical negligence, likes to spice things up by doing commercial and property disputes as well.

He has expertise in cross-border litigation, maritime accidents, insolvent defendants / insurance cover, companies/insolvency, mental capacity, quantum in serious and fatal injury claims, limitation, assaults, psychiatric injury claims and road traffic insurance.

Ben played drums for Adam Masterson. After leaving school in the late 90's, Ben was Ian Brown's drum technician and then a cocktail barman in Brixton.

Ben speaks French, Serbian and Croatian.

## Areas of Expertise

### Personal Injury

Much of Ben's work in this area involves unpicking the details of complex construction site and industrial accidents, frequently involving workers who cannot give instructions in English. He knows his way around RTA liability and insurance. He is familiar with claims having a pain / fibromyalgia aspect. Much of his time is taken up with advising and drafting schedules of loss in claims worth £250,000 to £1.5m and he has advised on aspects of much higher-value claims.

### Notable Personal Injury cases

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S v. Tubb and MIB

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very high value brain injury claim; advising on service on insolvent overseas insurer

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B v. (1) Khalid Massood (2) MIB

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psychiatric injury to bus driver caught up in the 2017 Westminster attack; service on terrorist's estate

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Offord v. Royal Mail

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postperson bitten by dog, owner uninsured, claim against employer for poor training and equipment

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Semaca v. Willmot Dixon

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construction site accident, Romanian claimant, ankle injury

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Sandford Lieberon v. Dominte, Pointon and Sabre Insurance

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liability of insurer for Uber passenger opening car door

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## Travel

Ben has a busy practice advising on cross-border personal injury litigation, and lectures on jurisdiction, choice of law and limitation. Recent cross-border cases include:

### Notable Travel cases

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Claims by BP employees arising out of attack on Algerian gas facility

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Claim in England under Portuguese law against uninsured English owner of Algarve villa

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Brain injury sustained by English professional footballer in car being driven in South Africa by English driver

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## Accidents at Sea

Having once been a moderately capable seaman Ben takes an interest in accidents at sea.

### Notable Accidents at Sea cases

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Limitation claim arising out of catastrophic injuries to family members on canal boat: costs of dispute between claimants to the fund

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Defending claim against shore-based recruiter by cable-layer plough driver claiming to be employee

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Claim by powerboat driver injured off Mumbai during a race

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North Sea ferry steward injured participating in an unnecessary evacuation exercise

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Claims by stevedores against the Ports of Felixstowe and Southampton, and against Maersk

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## Clinical Negligence

Ben also accepts instructions in clinical negligence cases, and has long experience of representing bereaved families at inquests. Recent examples of work in this area include:

### Notable Clinical Negligence cases

Pintilie v. Basildon NHSFT

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maternal death in labour due to failure to infuse blood clotting products

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Death of dialysis patient who was discharged with dangerous hypertension and cerebral aneurysm

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Diathermy probe negligently causing burn to ureter during private gynaecological surgery

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Failure to diagnose slipped upper femoral epiphysis leading to hip replacement at age 17

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Failure to diagnose cancer

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claim against private histopathology department

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## Dispute Resolution

Ben applies his knowledge of the common law and of civil procedure to help with a wide range of civil disputes, with examples of recent work including:

Trial of claim by commercial landlord for miscalculated water charges

Defence to claim under Equality Act 2010 against well-known online money transfer business; defence of “information society service provider” led to claim being discontinued

### Notable Dispute Resolution cases

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Trial of £90,000 computer services contract dispute

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Trial of £20,000 claim for monies owed pursuant to agreement terminating a partnership in a restaurant

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Advising on neighbour dispute where opponent had obtained £80,000 default judgment

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## Education

- BA (Bris.) French and Politics, 1st class, 2004
- LLB (City), 1st class, 2006

## Memberships

- Inner Temple, PIBA