Victory for postal worker in unwinnable car accident case

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An off duty Manchester postal worker, whose **car was totalled by a pizza delivery man**, has been vindicated in a legal case lawyers had dismissed as 'unwinnable'.

Fifty-seven year old Andrew Naylor from Blackley won his case with the help of the legal services provided by the **Communication Workers Union (CWU)**. The payout follows a lengthy battle championed by national legal firm **Simpson Millar LLP**. The firm took over Andrew's claim when it was dropped on the basis of 'no reasonable prospects of success' by Irwin Mitchell, the law firm acting for his car insurance provider Liverpool Victoria.

The incident occurred 3 years ago in Moston, at the junction of Mosten Lane and Ebsworth Street as Andrew, his wife and 2 children were returning from a family barbecue.

"I had pulled up at the end of Ebsworth Street, waiting to turn left, when a **Nissan Micra travelling from the right on Moston Lane crashed into us**. The impact tore off the front of the car and forced us sideways so that we collided into the steel bollards on the pavement – knocking the tyre off the wheel trim just below where my wife was sitting," said Andrew.

"At first we were all in complete shock. The bumper and grill had been torn off, the lights smashed, and the front of the car was just a complete mess of broken car parts. It was very scary and we were lucky not to have been even more seriously injured."

The driver of the Nissan Micra, which was later written off, was a man who had been on his way to deliver pizza using his own vehicle. Police attending the scene said the vehicle had not been insured for business purposes.

The incident was witnessed by 2 members of the public who testified that Andrew's car was stationary at the time of the crash, and that the other vehicle had swerved into it.

Andrew and his family returned home and it was not until the **following morning that he realised the extent of his injuries**.

"I'd been running on adrenalin and hadn't realised how badly I'd been knocked about until I woke up the next day. I could barely move, the pain had kicked in and I felt extremely nauseous and dizzy," he said.

Medics at North Manchester General Hospital diagnosed **concussion alongside damage to his right leg, ankle, neck and back**. He was prescribed strong painkillers and told to rest; initially signed off work for 6 weeks.

"I'm not one to be easily beaten but I couldn't straighten up and was in horrendous pain. I spent 8 weeks downstairs on a sun lounger which I could adjust to change position. It took 9 long weeks before I was able to function normally."

Andrew's wife, son and daughter also needed medical treatment ranging from back pain to a damaged finger.

"My insurance was fully comprehensive and covered my car and our medical costs. I provided the other party's insurers with the necessary paperwork, diagrams and photographs taken at the scene – convinced entirely that it was a no brainer to allocate the fault to him since I had been completely stationary at the time."

Several months down the line, the matter was still unresolved when Andrew received a letter that the claim against the other driver had been dropped.

Andrew said: "By this time my insurance premiums had doubled and the lawyers who were supposed to be representing me said the accident must have been my fault. I was so angry and thought to myself 'I'm not having it' but I didn't know what else I could do."

A poster at work alerted him to the fact that he was entitled to free legal advice from Simpson Millar through his CWU membership so he got in touch and was told that if he lost the case, the CWU would

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underwrite all costs. **Susan Vanden, a partner in Simpson Millar's Manchester office** who specialises in road traffic accident personal injury claims, took on the case just as the pizza driver filed a compensation claim against Andrew.

"Andrew's insurers decided not to back his claim because they deemed it to have 'no reasonable prospects of success' but from where I was sitting, it was a strong case," said Susan.

The case went to trial and the pizza driver was found to be 100% responsible for the car accident. After the verdict it transpired that he even had a string of previous road traffic accident claims behind him.

"We were thrilled for Andrew. A careful driver, it was as much about the costs as it was about seeing justice being done for an accident that was entirely not his fault," said Susan. "After hearing detailed witness statements, the judge made it clear that Andrew was completely without blame."

Of the total £10,000 insurance claim, Andrew received **£4,900 for his injuries**. He concluded: "Everyone at Simpson Millar was absolutely fantastic. Right from the start Susan told me not to worry and said they'd look after me. Every so often she would call or send a letter to let me know how things were going and I was entirely reassured that everything that could be done was being done. I can't thank Susan and the CWU enough for supporting me and winning my case."

Company Contact:

Simpson Millar LLP Solicitors

T. 08081293320
E. info@simpsonmillar.co.uk
W. https://www.simpsonmillar.co.uk

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