

# Application notice

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<b>Name of court</b> County Court at [REDACTED]		<b>Claim no.</b> [REDACTED]
<b>Fee account no.</b> (if applicable) [REDACTED]	<b>Help with Fees – Ref. no.</b> (if applicable) H W F - [ ] [ ] [ ] - [ ] [ ] [ ]	
<b>Warrant no.</b> (if applicable)		
<b>Claimant's name (including ref.)</b> Amanda [REDACTED]		
<b>Defendant's name (including ref.)</b> [REDACTED] Limited		
<b>Date</b>	14th August 2023	

1. What is your name or, if you are a legal representative, the name of your firm?

[REDACTED]

2. Are you a  Claimant  Defendant  Legal Representative  
 Other (please specify) [REDACTED]

If you are a legal representative whom do you represent?

The Defendant

3. What order are you asking the court to make and why?

An order pursuant to CPR 44.16 and CPR 44 PD 12.4(c) for a determination of the Claimant's alleged fundamental dishonesty.

4. Have you attached a draft of the order you are applying for?  Yes  No

5. How do you want to have this application dealt with?  
 at a hearing  without a hearing  
 at a remote hearing

6. How long do you think the hearing will last?  
 Hours  Minutes  
 Is this time estimate agreed by all parties?  Yes  No

7. Give details of any fixed trial date or period

[REDACTED]

8. What level of Judge does your hearing need?

District

9. Who should be served with this application?

The Claimant

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

[REDACTED]

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

## Statement of Truth

**I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.**

- I believe that the facts stated in section 10 (and any continuation sheets) are true.
- The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

### Signature

- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

### Date

Day	Month	Year
14	08	2023

### Full name

### Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

DIRECTOR

Applicant's address to which documents should be sent.

Building and street

Second line of address

Town or city

County (optional)

Postcode

If applicable

- (1) Defendant
- (2) [full name]
- (3) First statement
- (4) 5 exhibits
- (5) Dated:

Claim No:

IN THE COUNTY COURT AT MANCHESTER

B E T W E E N:

Ms [REDACTED]

Claimant

and

[REDACTED] LIMITED

Defendant

WITNESS STATEMENT

1. I, John Smith, Defendant's solicitor, make this witness statement in support of the Defendant's application, dated 1 September 2024. The application is for the Defendant to enforce an order for costs pursuant to CPR 44.16(1).
2. I have conduct of this file on behalf of the Defendant and its insurers. Where the matters stated in this Witness Statement are within my direct personal knowledge, they are true. Where they are within my indirect knowledge only, they are true to the best of my knowledge and belief.
3. The Court will be aware that this is a personal injury case arising from an accident that was said to have occurred on 19 August 2019. The Claimant alleged that she slipped whilst in the staff toilets at the Defendant's premises (where the Claimant was working at the material time). The cause of the slip was said to be a wet floor.

4. The Claimant relied on a medical report from Mr K (dated 28 October 2020), in which it was stated that:

“ . . . the floor was wet and she slid and the right leg went up into the air. She instinctively reached sideways with her right arm to hold onto the door frame. She was able to prevent herself from falling but recalled arching herself backwards. She was aware of having pain in her lower back on the right hand side from the scene of the accident.”

5. A further medical report was served from Mr M (dated 12 April 2021), in which it was said that:

“The Claimant was working in a warehouse. The floor was wet and she slipped grabbing a door as she fell and she twisted her back. She was in agony with her back after this”.

6. Liability was denied, and the Defendant pleaded that:

“The Claimant was overheard speaking to another worker (believed to be one Emma) by a third worker; that third worker will say the Claimant or the second worker was noted to have said that she ‘might say I slipped on the floor’, but that the Claimant did not fall”.

The Defence is annexed to this statement as Exhibit 1.

7. The case proceeded in accordance with directions, the Claimant noting in her Directions Questionnaire that the only witnesses she would call were her daughter and herself.

8. The Claimant served a witness statement (appended as Exhibit 2), signed by her with a Statement of Truth on 6 April 2023). The most salient paragraphs are these:

“16. I walked, with my colleagues, towards the toilets on the first floor. Emma and Chloe behind me as we walked to the toilet area. There was no wet floor sign to warn us that the floor was wet.

“17. As I walked to the furthest cubicle, I suddenly slipped. My right leg went forwards and I instinctively reached out with my right arm, which hit a toilet door bursting it open. I remember I screamed out.

“18. I think I caught the door handle, which stopped me from falling onto the floor but, in doing so, I badly twisted my back.

“19. I remember saying sorry to the person in the toilet cubicle whose door had burst open. She was a foreign worker and I did not know her. I told her I had just slipped and pulled my back out or something and had a lot of pain.

“20. Emma and Chloe both ran up to me and asked if I was okay. I said something like, “Oh my god, my back” as I was in agony.

“21. I showed Emma and Chloe what I had slipped on and they could both clearly see the wet floor. Emma stated that there was no wet floor sign”.

The Claimant therefore gave evidence that the immediate aftermath of her alleged accident was witnessed by Emma and Chloe.

9. As to the allegations in the Defence, the Claimant said this:

“71. Regarding defence comments, Emma did see me fall and pointed out there was no wet floor sign.

...

74. The supervisor who interviewed me for the slip, took me into the office and told me someone had said I made it up. I asked who so I could confront them and they would not say who had said it. I told them I told the truth and whoever said that they were telling lies.”

10. On behalf of the Defendant, I filed the witness statements of Linda N, Joanna O and Keeley M. Keeley was the “third worker” referred to in the Defence as



having overheard the Claimant and Emma having a conversation about the alleged accident. Keeley's evidence is very clear:

"9. I was in the cubicle in the ladies' toilets and I was aware of Emma and the Claimant who was standing by the mirrors in the toilets.

"10. I was in the cubicle and when I came out of the cubicle I heard the Claimant say, 'If we make a claim and you back me up I'll give you some money out of any settlement, if you back me up'."

Keeley's evidence is that she immediately informed her supervisors of what she had heard. I exhibit the witness statements served on behalf of the Defendant as Exhibit 3.

11. For the sake of completeness, and in anticipation of a full hearing of this matter, I also appended the Defendant's disclosure as Exhibit 4. However, I do not ask that the Court considers those documents in any pre-reading and I have not included the documents in the bundle that is before the Court.
12. I also append as Exhibit 5 screenshots of messages apparently exchanged by the Claimant and Emma. There was an exchange in September 2019 (which does not mention this alleged accident, only a trapped nerve in the Claimant's back), and a message from the Claimant on 7 February 2020 which seemingly went unanswered. The latter refers to Emma having been sacked "for false evidence".
13. Following exchange of witness statements the Claimant filed a Notice of Discontinuance (dated 24 June 2023). The Defendant now has an entitlement to an order for costs, pursuant to CPR 38.6(1).
14. The Defendant now seeks an enforceable order for costs against the Claimant, pursuant to CPR 44.16(1), on the basis that the claim is fundamentally dishonest.

15. It is not necessary to set aside the Notice of Discontinuance because of the provisions of PD44, r12.4(c):

*“In a case to which rule 44.16(1) applies (fundamentally dishonest claims) –*

*... .*

*(c) where the claimant has served a notice of discontinuance, the court may direct that issues arising out of an allegation that the claim was fundamentally dishonest be determined notwithstanding that the notice has not been set aside pursuant to rule 38.4.”*

16. It is my submission that, on the Defendant’s evidence (which has been pleaded from the outset of the claim), the Claimant has clearly lied about there being an accident in which she sustained injury – indeed, the evidence of Keeley suggests that not only was there no accident, but that there was a conspiracy to make a false claim. If that evidence is accepted by the Court, then the Claimant’s conduct has been very grave and worthy of, in my respectful submission, harsh sanction. Moreover, the Defendant has incurred a significant amount of costs in defending a case that it has maintained from the outset was fabricated.
17. On the Defendant’s case, the Claimant’s conduct meets the criteria for dishonesty set out in Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67, and also the test for fundamental dishonesty set out in the well-known cases. Since this witness statement is not the appropriate place to set out law, I will refrain from further comment.
18. I do, however, note that the Court is entitled to take into account the fact and timing of the Claimant’s discontinuance – the pre-trial checklists were due on 10 July, and the trial fee was to be paid by 7 August 2023.
19. I anticipate that the Court is likely to want to give the Claimant the opportunity to respond to this application, and the allegation of fundamental dishonesty. A draft Order accompanies this application. The draft envisages that the Claimant and the Defendant’s witnesses will give oral evidence – that would appear to be the fairest way of dealing with a serious allegation and one central factual dispute.

20. I believe that the facts contained within this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Name .....

Position .....

Signed .....

Dated this                      day of                      2023

Ref:

EXHIBIT 1

IN THE CCMCC

CLAIM NUMBER [REDACTED]

BETWEEN:

[REDACTED]

Claimant

AND

[REDACTED]

Defendant

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DEFENCE

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1. The claim is now advanced by [REDACTED]. The medical reports relied upon refer to [REDACTED]. The Claimant is required to produce documentary evidence to evidence her identity.
2. Paragraph 1 of the Particulars of Claim is admitted.
3. The Defendant denies that it employed the Claimant at the material time; on the contrary, the Claimant was employed by [REDACTED] Recruitment; and was supplied to the Defendant to work at the Defendant's premises by that company. The Claimant had been working at the Defendant's premises for a period of approximately 2 weeks at the time of the alleged incident.
4. The Defendant has no direct knowledge of the matters stated at paragraph 3 of the Particulars of Claim, and the Claimant is put to strict proof of the same. However, the Defendant will point to the following matters which cast doubt on the assertions made:
  - a. The Claimant was overheard speaking to another worker<sup>1</sup> by a third worker; that third worker will say the Claimant or the second worker was noted to have said that she "*might say I slipped on the floor*"; but that the Claimant did not fall;

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<sup>1</sup> Believed to be one Emma M [REDACTED]

- b. Ms M█████ was interviewed by the Defendant following the incident. She initially reported that:
    - i. The Claimant slipped on the toilet floor;
    - ii. The Claimant grabbed hold of the toilet door “to save herself”;
    - iii. The floor was wet, but there was no “wet floor” sign;
    - iv. The cleaner had said she put soap in the water;
  - c. Upon being interviewed again by the Defendant, Ms M█████ admitted:
    - i. She did not see the Claimant slip;
    - ii. The Claimant grabbed the door frame, not the toilet door;
    - iii. There was no wet floor sign in the toilet, but she could not recall whether there was a sign on the door;
    - iv. Ms M█████ did not speak to the cleaner; rather, it was the Claimant who had told Ms M█████ there was soap in the water;
  - d. Ms M█████ contract with ██████ Recruitment was subsequently terminated;
  - e. The Claimant was involved in a previous incident on or about 10 February 2016, in which she claimed she slipped on ripped carpet, and advanced a claim for personal injury. The Claimant is required to give disclosure in respect of that incident.
5. In the event the Court finds that the incident complained of at paragraph 3 of the Particulars of Claim did not occur, the Defendant shall invite the Court to make a finding of fundamental dishonesty, pursuant to Civil Procedure Rules, Part 44.16, and seek an order:
- a. Dismissing the claim;
  - b. Requiring the Claimant to pay the Defendant’s costs; and
  - c. Disapplying Qualified One-Way Costs Shifting.

6. Paragraph 4 of the Particulars of Claim is denied. The Defendant will say that a warning sign had been put in place by the cleaner in question. The cleaner will say that the floor was not slippery. Furthermore, the Defendant will say that, following the reporting of the incident, the toilet was checked, and the floor was found not to be wet and/or slippery.
  
7. The Defendant admits that the Regulations referred to at paragraph 4 of the Particulars of Claim applied to the Claimant's work. The Defendant denies that the Regulations in question afford the Claimant a cause of action, as a matter of law.<sup>2</sup>
  
8. Without prejudice to its primary position of requiring the Claimant to prove that any incident occurred at all, the Defendant denies that it was negligent and/or in breach of its regulatory or statutory duties:
  - a. Denied. The allegation is so wanting for particularity that the Claimant is required to provide further information as to the matter alleged;
  - b. Denied. Relevant risk assessments were undertaken;
  - c. Denied. The floors were suitable;
  - d. Denied. A suitable traffic route was provided, maintained and preserved;
  - e. Denied. The workplace was maintained and cleaned in an efficient statement;
  - f. Denied. There was no such article or substance present; to such an extent as the Claimant may prove there was such article or substance present, the Defendant avers that it was not reasonably practicable to avoid such being present on the floor, by virtue of the need to clean the floors of a toilet;
  - g. Denied. Adequate systems were in place;
  - h. Denied. The allegation is so wanting for particularity that the Claimant is required to provide further information as to the matter alleged;

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<sup>2</sup> s69 Enterprise & Regulatory Reform Act 2013

- i. Denied. There was no such water/liquid present; to such an extent as the Claimant may prove there was such water/liquid present, the Defendant avers that it was not reasonably practicable to avoid such being present on the floor, by virtue of the need to clean the floors of a toilet;
  - j. Denied. Warning signs were out;
  - k. Denied. The premises were neither unsafe nor dangerous. It would not be desirable to prevent the Claimant from utilising the toilets provided;
  - l. Denied. The allegation is so wanting for particularity that the Claimant is required to provide further information as to the matter alleged;
  - m. Denied. The allegation is so wanting for particularity that the Claimant is required to provide further information as to the matter alleged.
9. Paragraph 8 of the Particulars of Claim is noted. Any such amendment would necessitate the Defendant filing an amended Defence; the cost of such amendment at the Claimant's expense.
10. As to paragraphs 9 and 10 of the Particulars of Claim, the Defendant denies that it was in breach of its statutory duties, as set out above.
11. The Defendant does not admit, and requires the Claimant to prove that she was injured, whether as alleged or at all. The Claimant is put to strict proof of the accuracy of the matters set out in the reports disclosed. The Defendant reserves its position in terms of putting questions to the experts and/or obtaining evidence in like field of expertise.
12. The Defendant notes that the Claimant has served reports from two experts in the same field of expertise; she is put to an election as to the expert upon whose expert evidence she proposes to rely.

13. As to the contents of the reports:

- a. The Defendant notes the Claimant admitted to a previous fall some 4 years earlier, causing an injury to the Claimant's coccyx. *"She recalled no other events with regards to the lower back."*<sup>3</sup> On the contrary, the Defendant notes the Claimant's medical records indicate:
  - i. A fall on stairs in or around September 2002;
  - ii. A fall in October 2005;
  - iii. A fall in July 2006;
  - iv. Left leg and back pain in September 2011;
  - v. A slip at work causing a back injury in February 2016;<sup>4</sup>
  - vi. A badly bruised coccyx and low back pain in June 2016;
  - vii. Pain in the lower back in July 2018 for which she was seen in A&E, given diazepam and discharged;
  - viii. An undated entry, referring to left shoulder pain following a fall from a horse;
  
- b. Mr K [REDACTED] view was that the *"this should have been a soft tissue injury and muscular injury from which symptoms [the Claimant] should have recovered within the time that has elapsed."*<sup>5</sup> He went on to say that one *"would also not anticipate that there would be any referred of<sup>6</sup> symptoms into the lower limbs";*<sup>7</sup>
  
- c. The Defendant notes that the Claimant underwent an MRI scan which revealed *"minor age related discovertebral degenerative changes";*<sup>8</sup>

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<sup>3</sup> Paragraph 6 of Mr K [REDACTED] report

<sup>4</sup> Likely the incident disclosed by the Claimant, and referred to herein at paragraph 3(e)

<sup>5</sup> Paragraph 16 of Mr K [REDACTED] report

<sup>6</sup> *Sic*

<sup>7</sup> Paragraph 17 of Mr K [REDACTED] report

<sup>8</sup> Paragraph 5.3 of Mr M [REDACTED] report



d. Mr M█████'s view was that the *"Injury because of this accident to her lower back was for 9 months from the time of the accident and she has recovered"*;<sup>9</sup> this would seem to contradict Mr K█████'s report that the Claimant had ongoing symptoms when he examined her, 14 months after the alleged incident.<sup>10</sup>

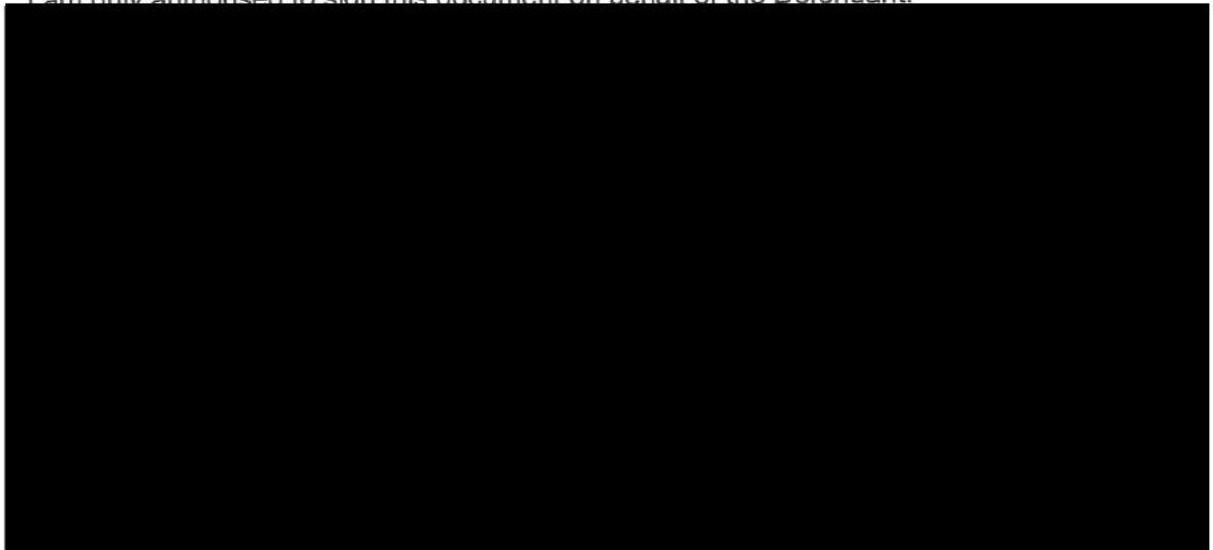
14. The Claimant's Schedule of Loss is noted but not admitted. The Claimant is put to strict proof of the same. The Defendant reserves its position in terms of serving a fully-particularised Counterschedule, following disclosure, and the exchange of lay and expert evidence.

15. The Claimant's claim for interest is noted but not admitted.

#### STATEMENT OF TRUTH

The Defendant believes that the facts stated in this Defence are true. The Defendant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised to sign this document on behalf of the Defendant.

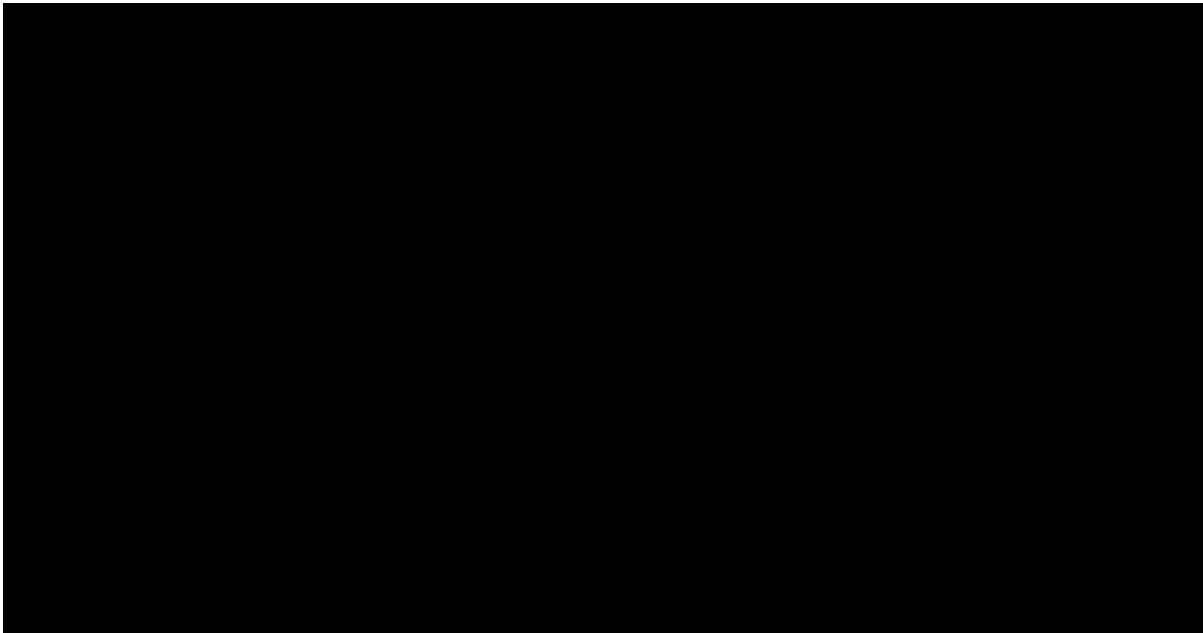


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<sup>9</sup> Paragraph 7.2 of Mr M█████

<sup>10</sup> See paragraph 7 of M█████

EXHIBIT 2



**STATEMENT OF WITNESS**

I am Amanda [REDACTED] my date of birth is 29<sup>th</sup> April 1971; I am 51 years of age.

1. I am the claimant of this action.
2. At the time of this accident, I was known as Amanda C [REDACTED]
3. I live [REDACTED] with my partner, Dan [REDACTED]. At the time of this accident, I was living at [REDACTED] with my daughter, Abbie [REDACTED] and my grandchildren.
4. I am currently employed as a transport co-ordinator. At the time of this accident, I was a warehouse operative.
5. This statement has been prepared by way of a telephone interview.
6. This statement refers to a workplace accident I was involved in, that caused personal injury, on 19<sup>th</sup> September 2019, at 8.10am, at [REDACTED]
7. I had just started working for them at the beginning of September 2019 and I was employed through the agency, [REDACTED]
8. As a warehouse operative, I was picking orders and was on a 12-week on the job training programme at the time, on how to pick orders.

9. I did not hold any other positions. I did not have any type of supervisory role.
10. Originally, I was provided with protective boots by the company. However, as these boots were too heavy, I purchased my own safety boots and wore those instead.
11. A general description of this workplace is that it was a second-floor warehouse picking floor. My accident happened on the first floor, where the toilets were, and the floor was wet and slippery.
12. My opinion of [REDACTED] Plc attitude to health and safety and training is that it was not really adequate. More importantly, the toilet area floor was wet and slippery.
13. In respect of my accident, it was a normal day leading up to my accident.
14. I was wearing my own clothing of jeans and top and my own steel toe capped safety boots.
15. On the day of the accident, I had started work at 6.00am and it was a normal morning picking orders. I had a break at around 8.00am.
16. I walked, with my colleagues, towards the toilets on the first floor. Emma M [REDACTED] and Chloe [REDACTED] were behind me as we walked to the toilet area. There was no wet floor sign to warn us that the floor was wet.
17. As I walked to the furthest cubicle, I suddenly slipped. My right leg went forwards and I instinctively reached out with my right arm, which hit a toilet door bursting it open. I remember I screamed out.
18. I think I caught the door handle, which stopped me from falling onto the floor but, in doing so, I badly twisted my back.
19. I remember saying sorry to the person in the toilet cubicle whose door had burst open. She was a foreign worker and I did not know her. I told her I had just slipped and pulled my back out or something and had a lot of pain.
20. Emma and Chloe [REDACTED] ran up to me and asked if I was okay. I said something like, "Oh my god, my back" as I was in agony.
21. I showed Emma and Chloe [REDACTED] what I had slipped on and they could both clearly see the wet floor. Emma stated that there was no wet floor sign.
22. I went next door to the locker room, where the cleaner was. I told the cleaner what had happened and she immediately put a wet floor sign out.

23. As I was hobbling back to work, holding my back, my supervisor, Linda saw me and I told her what had happened and that I had to tell the cleaner to put a sign up.
24. Later that afternoon, my supervisor advised me that she wanted to document the accident, as I was still in pain and I had to go and write a statement to report it. I did not want to get anyone into trouble but Linda said that I had to do the report so I did.
25. Emma also said she saw everything, as my back was to her when it happened, and she said that she would give a statement too. They did not want a statement from Chloe [REDACTED].
26. I did not officially see any first aider at work I was never offered the chance to. However I did take it upon myself to speak to one informally on the pick floor as he was wearing a first aid vest I told him what had happened and the pain I was in. He informally advised me to leave work and go see the doctor immediately. Hence the early departure.
27. I do not know if my accident was recorded in the company accident book and I have not seen an entry. I made a statement saying that I had slipped on the toilet floor but never saw the actual accident report.
28. I did not immediately attend hospital or my GP.
29. There were two witnesses to my accident, my work colleagues, Emma M [REDACTED] and Chloe [REDACTED] I am not sure of her full name but her Facebook account name is Chloe [REDACTED].
30. I am unaware of any other accidents in this workplace or if they have been subject to any previous health and safety investigations.
31. I do not know if there have been any changes to company practices as a result of my accident because I did not return.
32. Prior to this accident, I was fit and healthy. I had a fall in 2016 and injured my back but I had no pain at the time of this September 2019 accident.
33. My injury, suffered in this accident, was to have immediate pain in my lower back on the right side. After two to three days, the pain was going down into my right leg, as far as my knee.
34. The following day, on 20<sup>th</sup> September 2019, I went to see my GP who is at the [REDACTED]  
[REDACTED] I was told that I had twisted my back and had a trapped nerve and I was prescribed tramadol.

35. I also purchased over the counter Panadol, ibuprofen and co-codamol. I think that I also tried naproxen but not for long due to the effects it has on your stomach. I also tried deep heat and microwave wheat bags at night.
36. I had follow-up face to face GP consultations on 4<sup>th</sup> October 2019, 28<sup>th</sup> October 2019 and 11<sup>th</sup> December 2019. I may have had further GP visits but I cannot recall the dates.
37. My solicitor arranged for me to attend a private, face to face medical examination. This was held on 26<sup>th</sup> October 2020, with orthopaedic specialist Mr [REDACTED] Khan. This was one year and seven days after my accident and I went to [REDACTED] Rehabilitation, [REDACTED]
38. At this time, the injury caused by this accident had improved but was still causing me pain depending on what I was doing. For example, if I sat too long, stood too long or walked for too long. My sleep was still affected.
39. In his examination, Mr K [REDACTED] said that while I could flex my back forwards, when I bent to the right this caused pain. If I combined this extension with rotation, the pain was worse.
40. Mr Kh [REDACTED] said that if this was a soft tissue and muscular injury, I should have recovered by now. As the pain was still going down my right leg and affecting my mobility, it was recommended that I have further investigations. He recommended an MRI scan to be able to finalise this report.
41. I note the report says that I was unaccompanied at the time. This part is incorrect as I was with 2 colleagues as stated earlier.
42. My solicitors arranged for me to have an MRI scan at the Met [REDACTED] mobile MRI unit prior to April 2021 but I cannot recall the exact date.
43. After the MRI scan, Mr Sanjeev M [REDACTED], consultant orthopaedic surgeon, conducted a private medical examination on 12<sup>th</sup> April 2021, at [REDACTED] [REDACTED]. He also had my GP records and radiology results.
44. At this time, Mr M [REDACTED] found that I had no tenderness in my spine and I had full flexion, extension and could fully bend my back.
45. On review of the MRI scan, Mr M [REDACTED] said it showed minor age-related degenerative changes.
46. Mr Ma [REDACTED] diagnosis was that I had suffered a soft tissue injury to my back in September 2019. His prognosis was for nine months from the time of the accident and that a reasonable period for care and assistance would be six weeks.

47. I was provided with copies of the medical reports, which I am happy to rely on in court.
48. During the time I was trying to recover, there was an impact on my day to day life.
49. I could not do anything after this accident, as it was too painful. The pain was intense agony for three months and I could not bend. After treatment, the pain was intermittent with leg aches at night.
50. My daughter had to help me with all aspects of my personal care. She helped me to the bathroom and in and out of the bath. She got my toiletries prepared for me and also helped me to dress including putting on my underwear and trousers.
51. I needed help for six weeks. I was then able to manage but with pain and discomfort for a good three to four months after my daughter stopped helping me.
52. I was unable to sit for longer than 15 minutes and I had to lie down on the settee for about six weeks. Then, I was uncomfortable sitting down for 20 minutes and would have to change position. This went on for a few months.
53. I used to help to look after my grandchildren but was unable to after this accident. This included not being able to pick up or lift the youngest one for a few months.
54. My daughter, Abbie [REDACTED], not only helped with personal care but she also had to do all the cooking, cleaning, shopping, laundry and housework as I was not able to do anything.
55. After six weeks, I gradually did a little light housework and then got back into it as the pain reduced.
56. I could not help in the garden for six weeks.
57. At the time, I was staying at my daughter's house and sleeping on the settee. I found it very difficult to sleep and to find a comfortable position. The leg pain also kept me awake at night. This went on for a few months.
58. For six weeks, I could hardly walk and hobbled around. My back was agony for three months but even after that, I still had intermittent pain but still had the leg aches for some months afterwards.
59. I went back to work at [REDACTED] the next day after this accident. I felt that I had to go back as I had only just started working there and did not want to have any time off sick.

60. Also, because I had bills to pay and would not get paid if I did not work. However, I was unable to work, as it was too much. I then had 12 weeks off work and lost income.
61. I did not return to [REDACTED], as they sacked me for not phoning in sick.
62. When I got a taxi the day after this accident, to go and see my GP, I left my phone in the taxi and I was then without a phone as it was not recovered. Because of this, I could not phone in sick for a few days.
63. I was then off work for about five months before getting an administration job which did not affect my injury.
64. For about six weeks, I did not drive anywhere and then after that, I just did essential and shorter trips because it was painful if I sat for too long.
65. I cannot remember the exact length of time it took me to recover but present day, I have recovered from this accident.
66. In addition to my claim for personal injury, I have suffered out of pocket expenses as a result of this accident and I wish to claim them back. I refer to my schedule of special damages and the expenses are listed below:
67. **Loss of earnings** – I was in agony after this accident and could not work for 12 weeks. Based on my average weekly wage of £263.21, I lost earnings of £3,158.52 in this time.
68. **Miscellaneous expenses** – I have had to make a number of telephone calls and post back legal documents in support of my claim. This has been calculated, from receipts, to amount to £6.86.
69. **Care and assistance** – as a result of this accident, my daughter provided care and assistance to me for six weeks. This has been calculated for four hours per day at £8.45 per hour. For the six weeks, the total is £1,419.60.
70. I blame [REDACTED] Plc for this accident. Their cleaner should have put out a wet floor sign in the toilets.
71. Regarding defence comments, Emma M [REDACTED] did see me fall and pointed out there was no wet floor sign.
72. I reported to the cleaner about my fall, injuries and the wet floor and she said she would put a sign out.
73. The cleaner never mentioned putting soap in the water but it was myself who said to Emma there must have been soap in the water for it to be that slippery.



74. The supervisor who interviewed me for the slip, took me into the office and told me someone had said I made it up. I asked who so I could confront them and they would not say who had said it. I told them I told the truth and whoever said that they were telling lies.
75. Emma messaged me after the fall on Facebook asking if I was ok, as I could not go into work. I told her I had been to the doctors and trapped a nerve in my back by the sounds of it. She said hope you feel better soon, which I have still got the messages.
76. Then after a few days, I noticed she had deleted me from Facebook and I could not understand why. Then, after a while, I received a letter from my solicitors saying the defendant said they had sacked us both for making things up.
77. I messaged Emma and asked her if she had been sacked but she never replied. I have still got the message.
78. The defendant has said the second time they interviewed her, she told them she did not see me slip but then said I grabbed the door frame not the door. If she did not see me slip how would she know I grabbed the frame?
79. Why did they interview Emma twice for the same thing? She obviously thought her job was at risk if she really did change her story.
80. Also, I proved with a letter from ██████ Recruitment, which I have provided to my solicitor, that I was sacked for not ringing in sick and not for making things up. This is attached to this statement marked **Exhibit "AR1"**.
81. They also said there was a sign out, which are also lies as it was me who told the cleaner to put it out.
82. Regarding my previous medical records, the falls in 2002, 2005 and 2006 and leg pain in 2011, I had fully recovered from.
83. The slip at work in 2016 was the only time I made a claim. I had a fall at my work, as they had taken a carpet up leaving bare slippery floors and I slipped and dropped on my coccyx. There was half the office as witnesses and I had to have gas of the ambulance men for the pain.
84. ██████ held their hands up and admitted blame. So as for trying to make out it is something I often do, this is ludicrous, as this was the first ever claim in my life for anything. I was off work for 12 weeks and had rent arrears, so I had no choice.
85. This claim was the same. I would not have pursued a claim if I could have worked to pay my bills

86. At accident and emergency in 2018, I did not think this was a strain, as it was left side pain, more in my kidney area and I fully recovered.

87. I had a fall from a horse and injured my left shoulder. I cannot recall the year but again, I fully recovered.

88. I am willing to attend Court if required.

### STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

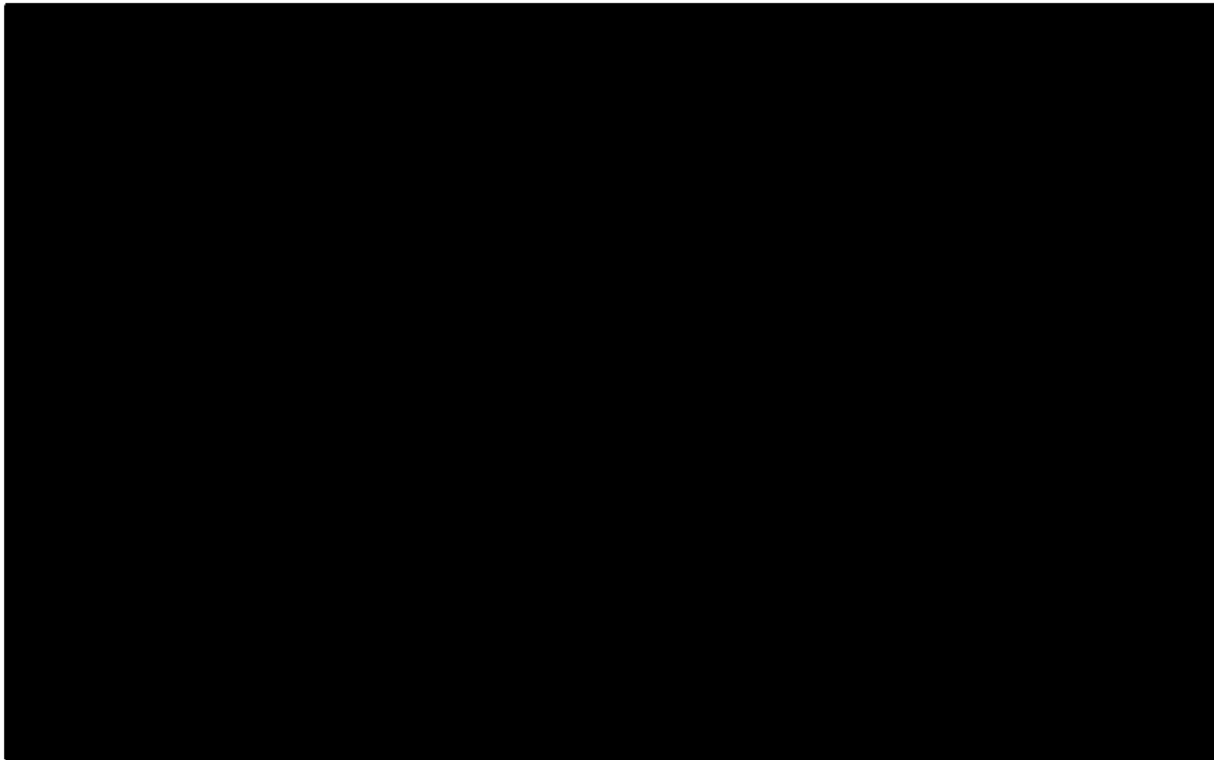
[Redacted signature block]

[Redacted line]

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EXHIBIT 3



**WITNESS STATEMENT**

I believe the facts in this statement, consisting of 2 pages, each signed by me, are true. I am aware that false statement, verified by a statement of truth, constitutes contempt of court if made without honest belief in its truth. I have been offered the opportunity to make any amendments that I see fit and consider necessary.

Dated the: 25 day of February Signature L. [Redacted]

I, Linda [Redacted] will comment as follows:

1. I make this statement in connection with a personal injury claim which is being made by Amanda [Redacted] Amanda [Redacted] alleges that on the 19/09/2019 she had just entered the toilets at the [Redacted] Centre on [Redacted] [Redacted] when she slipped on the floor due to it being wet. It is alleged that there were no signs indicating that the floor was wet at the time.

2. I am employed at the [Redacted] Centre on [Redacted] [Redacted] the centre") as [Redacted] Supervisor. I am in charge of the [Redacted] agency staff who are on the day shift. I have worked in this role for 2 and a half years



3. Amanda [REDACTED] was employed at the centre as a Warehouse Operative through [REDACTED]
4. On the 19/09/2019 Amanda [REDACTED] approached me and said she had slipped in the ladies toilets and that she had back pain as a result. Emma [REDACTED] (Amanda's friend) said she had witnessed the accident.
5. I reported the alleged accident to Joanna [REDACTED] (Supervisor) who filled in an accident report form.
6. About half an hour later me and Joanna went to the ladies toilets and checked the floor. At the time the floor was dry. There was a wet floor sign in the entrance to the toilets. I can't remember if there was another one displayed. We took a photograph of the area.
7. I then went to speak to Emma [REDACTED] (who had apparently witnessed the accident). I asked her if she saw the accident involving Amanda. She said yes and that she was 100 per cent sure that Amanda had fallen. I took a statement from her.
8. I then went back to work when a member of staff (Keeley [REDACTED]) approached me and asked me if Amanda had just told me that she had slipped and hurt her back. I said that she had. Keeley then told me that she was in the toilets (in a cubicle) when she heard Amanda say that the floor was slippery and that she might say she pulled her back out because she fell on the floor. I asked if Keeley was prepared to put what she had told me in writing. She said that she was and so I took a statement from her.
9. Me and Craig [REDACTED] then spoke to Emma again because of the conflicting evidence. She admitted that she didn't see Amanda fall but that she saw her grab the side of the toilet cubicle door frame so assumed she had slipped. She also admitted that she didn't even know who the cleaner was (despite saying in her initial statement that the cleaner had said she put soap in the water used to mop the floor) and that it had been Amanda who had told her that the cleaners put soap in the water when mopping the floor.

10. As a result of Emma lying in her initial statement her contract with [REDACTED] was terminated.

11. Amanda carried on working on the 19/09/2019 and worked her full shift on the 20/10/2019. She had two rest days and went off sick from 23/09/2019 to 01/10/2019. She said she had a trapped nerve in her back. Amanda phoned in sick for 4 days but then we received no further contact from her so her contract was terminated on the 09/10/2019.

12. No sick notes or self-certificates were received from Amanda.

I believe that the facts stated in this witness statement are true.

[REDACTED]

[REDACTED]

[REDACTED]

CASE NO:

IN THE:

COURT

BETWEEN:

[REDACTED]

Claimant

Defendant

WITNESS STATEMENT

I believe the facts in this statement, consisting of 2 pages, each signed by me, are true. I am aware that false statement, verified by a statement of truth, constitutes contempt of court if made without honest belief in its truth. I have been offered the opportunity to make any amendments that I see fit and consider necessary.

Dated the: 13 day of February 2020 Signature J. G. J.

I, Joanna [REDACTED] will comment as follows:

1. I make this statement in connection with a personal injury claim which is being made by Amanda [REDACTED] Amanda [REDACTED] alleges that on the 19/09/2019 she had just entered the toilets at the [REDACTED] Distribution Centre on Stadium Road, South Elmsall, Pontefract West Yorkshire, WF9 2XR, when she slipped on the floor due to it being wet. It is alleged that there were no signs indicating that the floor was wet at the time.
2. I am employed at the [REDACTED] Distribution Centre on [REDACTED] [REDACTED] ("the centre") as a Supervisor. I have worked here for 3 and a half years.

Signature: J. G. J.

Witnessed By

Address

[REDACTED]

Date: 13/02/2020

3. At the time Amanda [redacted] was working at the centre as a Warehouse Operative through [redacted] employment agency.
4. On the 19/09/2019 Linda [redacted] (the [redacted] Supervisor) contacted me on the radio and said there had been an accident. I grabbed the accident book and went to the meeting room. Linda and Amanda [redacted] were there.
5. Amanda told me that she had slipped in the ladies toilets due to the floor being wet. I completed the accident report form based on what Amanda told me. She said that the floor was wet and that there were no wet floor signs displayed.
6. About half an hour later I went to the ladies toilets with Linda. We checked the floor - it was dry - there were no wet spots anywhere. There was a wet floor sign in the main entrance and I think there was another one in the middle of the toilets - near the sink area. We took a photograph of the area.
7. I took a statement from the cleaner on duty (Denise [redacted] later that day as [redacted] Ltd sub-contract all the on-site cleaning at the [redacted] Centre to M. [redacted] Cleaning. Denise said that she had mopped the floor between 7.45 and 8am that morning and that wet floor signs were displayed at the time of the alleged fall. She also denied that the floor was slippery.
8. There are anti-slip tiles in the floor in the ladies toilets in the centre.
9. I didn't speak to Emma [redacted] <sup>J.S.P</sup> who Amanda said witnessed the fall. *said, she...* <sup>J.S.P</sup>
10. Amanda kept working after the alleged accident. She just took some pain killers. I think she was at work the next day too. *(I haven't been witness of that)*
11. I am not aware of any other slipping incidents in the ladies toilets.

I believe that the facts stated in this witness statement are true.









Case No: \_\_\_\_\_

IN THE \_\_\_\_\_ COURT

BETWEEN

Claimant: \_\_\_\_\_

And

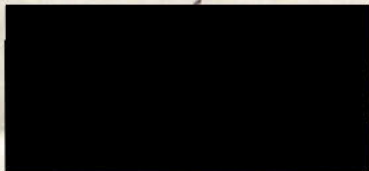
Defendant: \_\_\_\_\_

Statement of: Keeley [redacted]

Address: [redacted] Lane  
[redacted] h

1. This statement was provided by way of a telephone interview with Paul [redacted]
2. Except where otherwise indicated, it is made from my own recollection and knowledge and where I place reliance on information or belief, the source of that information is stated.
3. I am employed by [redacted] as a Warehouse Operative
4. I have been employed with the business for 5 years through [redacted] who were previously known as [redacted]
5. I make this statement in connection with an incident that is alleged to have occurred at 8.15am on 19 September 2019 involving Amanda [redacted]
6. I was not a direct witness to the alleged incident but was in the ladies toilets within one of the cubicles when the incident is alleged to have occurred.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_



Witnessed By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

7. On the day of the incident I was working at [REDACTED] Centre on [REDACTED]
8. I am aware that it is alleged to Amanda [REDACTED] slipped on the floor due to it being wet and that it is alleged that there were no signs indicating that the floor was wet at the time.
9. I was in the cubicle in the ladies toilets and I was aware of Emma M [REDACTED] and Amanda [REDACTED] who was standing by the mirrors in the toilets.
10. I was in the cubicle and when I came out of the cubicle I heard Amanda [REDACTED] say, "If we make a claim and you back me up I'll give you some money out of any settlement, if you back me up."
11. They were saying that they were going to say that there was water on the floor and that there were no signs out and that one of them was going to slip and put in a claim.
12. Emma said to Amanda that if she said that she slipped that she would back her up and said that there would be no one that knew if there were any water on the floor in the toilets.
13. Emma said "ayup," as she saw me, as I knew her.
14. I went over to wash my hands and after I'd dried them I left the toilet and went up to the office and spoke with one of the cleaners, I can't remember their name, to tell them what I'd heard and then went up to the office to speak to Emma, one of the supervisors, and I also told Linda [REDACTED] who is my Direct Supervisor
15. When I was in the toilets I checked the floor and there was no water or dampness on the floor and it was completely dry.
16. When I left, there was just them two left in the toilets.
17. Because the floor was dry there would have been no wet floor sign needed.

Signature:  
Print Name:

[REDACTED]

5 December 2022

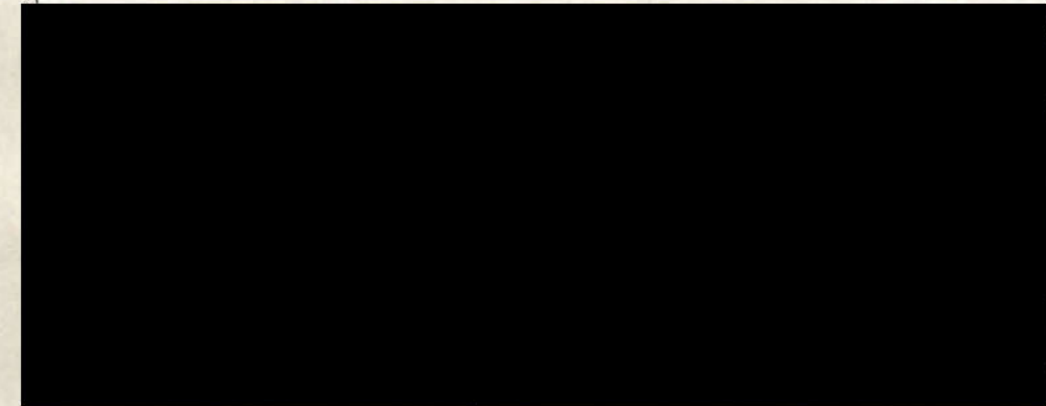
18.I was aware that Emma M [REDACTED] had had a fire at her home, which was suspicious, and knew that she was short of money.

19.I am aware that both were dismissed following the alleged incident.

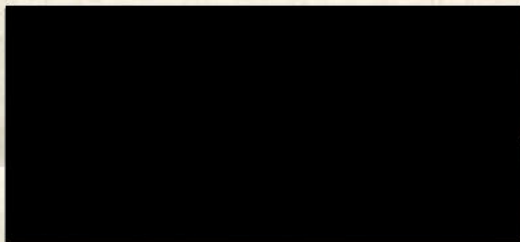
I believe that the facts stated in this witness statement are true. I understand that

akes, or

nt of truth



Signature:  
Print Name:



5 December 2022

EXHIBIT 5



Emma



Dimensions

VIEW PROFILE

13 SEPT 2019 AT 12:52

You are now connected on Messenger

23 SEPT 2019 AT 09:36



Hi love hope you are ok xx

23 SEPT 2019 AT 12:07

av trapped a nerve in my back. Went to doctors Friday after work. X

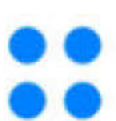
23 SEPT 2019 AT 12:58



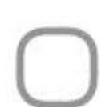
Chuff hell hope you feel better soon XX

7 FEB 2020 AT 14:11

Hia emma hope your OK. . Can I ask did superdrug sack you saying you made a false claim that a slipped in toilets? . Av just got a letter from solicitors saying me and you got sacked for false evidence !! Xx



Aa





# Emma [REDACTED]

16 mutual friends, in [REDACTED]

catering & cleaning assistant at [REDACTED] Arts  
Comm [REDACTED]  
Ad [REDACTED]

VIEW PROFILE

13 SEPT 2019 AT 12:52

You are now connected on Messenger

23 SEPT 2019 AT 09:36



Hi love hope you are ok xx

23 SEPT 2019 AT 12:07

av trapped a nerve in my back.  
Went to doctors Friday after  
work. X

23 SEPT 2019 AT 12:58

Ohuff hell hope you feel better soon

Claim No:

**IN THE NORTHAMPTON (CCMCC) COUNTY COURT**

**BETWEEN:**

**MS AMANDA [REDACTED]**

**Claimant**

**- and -**

**[REDACTED] LIMITED**

**Defendant**

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**PARTICULARS OF CLAIM**

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1. At all relevant times the Defendant was the occupier and the Claimant a lawful visitor to the Defendant's Premises situated at [REDACTED], [REDACTED] the premises' within the meaning of the Occupiers' Liability Act 1957.
2. The Claimant was at all material times employed by the Defendant as a warehouse operative via subcontract from [REDACTED] Recruitment.
3. On or about 19 September 2019 at about 08:10am the Claimant was in the staff toilet, the Claimant had just entered the toilet heading towards the cubicle when she suddenly slipped due the floor being wet. As a result the Claimant suffered personal injury loss and damage.



4. It is the Claimant's case that there was no warning sign present to alert the Claimant to the fact that the floor was in a wet condition or that it had recently been mopped.
5. The provisions of the **Management of Health & Safety at Work Regulations 1999** and the **Workplace (Health, Safety and Welfare) Regulations 1992** applied to the Claimant's work.
6. The Claimants injury, loss and damage were caused by or contributed to the negligence of the Defendants and/or the breach of statutory duty of the Defendants, their servants, employees or agents for whom the Defendant is vicariously liable. The Claimant relies on the breaches of the regulations as evidence of negligence.

#### PARTICULARS

7. The Claimant's said personal injuries have been caused by the breach of statutory duty and/or negligence of the Defendants, its servant or agent; specifically in: -
  - i. Failing to discharge the common duty of care to see that the Claimant was safe in using the premises contrary to Section 2 of the 1957 Act;
  - ii. In negligence: -

- (a) Failing to take any or any reasonable care to see that the Claimant would be reasonably safe in using the premises as a visitor;
- (b) Failed to undertake a suitable and sufficient assessment of the risks of such work contrary to Regulation 3 of the said Regulations 1999 and/or failed to give effect to such arrangements as would have been appropriate to prevent the injury or otherwise protect the Claimant contrary to Regulation 5 of the same Regulations or at all;
- (c) Failing to provide, maintain or preserve suitable floors contrary to Regulation 12(1) of The Workplace (Health, Safety and Welfare) regulations 1992;
- (d) Failing to provide, maintain or preserve suitable a traffic route contrary to Regulation 17(2) and (3) of The Workplace (Health, Safety and Welfare) regulations 1992;
- (e) Failing to ensure that the workplace was maintained (including cleaned as appropriate) in an efficient state, contrary to regulation 5(1) of the Workplace (Health, Safety and Welfare) Regulations 1992;
- (f) Failing, insofar as was reasonably practicable, to ensure that every floor in the workplace and the surface of every traffic route in the workplace was kept free from any article or

substance which may cause a person to slip or fall, contrary to W(HSW) Regs 1992, reg 12(3);

- (g) Failing to institute or enforce any or any adequate system for the inspection, maintenance and/or cleaning of the floor;
- (h) Failing to provide the Claimant with a safe place or system of work;
- (i) Causing, permitting or allowing the water/liquid on the floor to be, to become or to remain a danger/trap to the Claimant;
- (j) Causing or permitting the water/liquid to remain on the floor without any or any adequate or effective warning;
- (k) Permitting the Claimant to walk around the premises when they knew or ought to have known that it was unsafe and dangerous for her to do so;
- (l) Failed to take any or any sufficient care for the safety of the Claimant; and
- (m) In the circumstances exposed the Claimant to a foreseeable risk of injury.

8. The Claimant reserves the right to amend and or further add to these pleadings should the need arise.

9. The Defendant was subject to the statutory duties as set out above and these duties applied to the work which the Claimant was undertaking. The purpose and intent of the statutory duties included to prevent or reduce the risk of injury to employees at work. As the Defendant has breached those statutory duties then the risk of injury to employees, including the Claimant, was greater than if the Defendant complied with those duties.
10. It was therefore reasonably foreseeable that a failure to comply with the statutory duties gave rise to a risk of injury to the Claimant, and it is fair, just and reasonable for the Defendant to comply with the statutory duties so as to comply with its duty at common law.
11. By reason of the premises, the Claimant who was born on 29 April [REDACTED] and who is now [REDACTED] years old, sustained personal injuries, loss and damages and was put to inconvenience and expense.

#### **PARTICULARS OF PERSONAL INJURIES**

12. The Claimant suffered personal injuries including soft tissue injury to their back. The Claimant relies upon the attached medical report of Mr. [REDACTED] K [REDACTED] dated 26<sup>th</sup> October 2020 and Mr. [REDACTED] M [REDACTED] dated 6<sup>th</sup> May 2021 and served herewith.

**PARTICULARS OF SPECIAL DAMAGES**

See attached Schedule.

13. The Claimant seeks interest pursuant to Section 69 of the County Courts Act 1984, including interest at the full rate on special damages in the circumstances that they were incurred within a short time of the cause of action accruing.

AND the Claimant claims:-

- (i) **Damages not exceeding £10,000 but including a claim for personal injuries exceeding £1,000;**
- (ii) **Interest.**
- (iii) **Costs**