

# Case Study



Case Overview	
Litigation	✓
Acting for Claimant/ Defendant	✓
Recovery Action	✓
>£100,000 Claim	✓
Court Representation	X
Part 36 Offer	✓

## 2 Defendants

In this complicated claim for recovery of property damage outlay for a major UK insurer implicated trees were under the ownership of 2 separate defendants.

## Duty of Care

The first defendant was a local authority; the second was a housing association. In legal terms both should have been aware of the risk their trees posed. There was a known history of subsidence damage to other properties in the street.

## DNA

DNA analysis of root evidence was being relied upon by the first defendant to demonstrate their trees were not implicated. DNA testing tests only a small number of roots present. We were able to successfully show through analysis of the level monitoring that both defendants trees must have been implicated in what was widespread damage.

## Part 36 Offer

Our CPR compliant report demonstrated to both defendants that there was a case to answer for both defendants and led to the claim being settled before it reached court.