

# Andrew McLaughlin Succeeds in Huge FD Case Against QC

## £1.6m Claim Dismissed on Grounds of Fundamental Dishonesty

**Andrew McLaughlin, St John's Chambers**

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A claim for nearly £1.6m brought by a 60 year old former managing director, Richard Walkden, against Drayton Manor Park has been dismissed by HHJ Murdoch on the grounds it was dishonestly exaggerated.

On 18 April 2014 Mr Walkden and his wife and son were in a gondola at the theme park when it swung violently as it was pushed too hard by a ride operator. Mrs Walkden and their son had only minor injuries.

Mr Walkden claimed he suffered a severe back injury and developed a chronic pain syndrome which prevented him from working normally. He alleged his Leicestershire based ground source heat pump company, Earheat, went downhill over the next 3 years forcing him to sell it for a nominal sum after a heart attack resulting in him losing over £1m.

Mr Walkden also claimed he was in so much pain he could not bend his back at all and needed care from his wife for 2 hours every day. A two week trial took place in March 2020 at which Mr Walkden was represented by Satinder Hunjan QC and Affinity Law.

Drayton Manor's insurers, QBE Insurance, instructed Andrew McLaughlin and Anthony Bushell of Plexus Law. Mr Walkden was cross examined over 2 days during which the Judge held he groped for explanations when confronted with inconsistencies in his claim.

Mr Hunjan QC urged the court to accept his client was honest and truthful and he had been left seriously disabled by what he alleged was a horrific accident. In a written judgment handed down on 7 July 2020 the Judge said Mr Walkden was evasive, he misrepresented and exaggerated the effects of the accident, he was untruthful about his past medical history, he failed to disclose documents and he lied about the reasons he had not worked.

The Judge also found Mrs Walkden was not credible. 5 medical experts, Dr Stephen Alder (neurologist), Professor Abel (psychiatrist), Darren Forward (orthopaedic surgeon), Dr John Williams (pain consultant) and Dr Challenor (cardiologist) as well as Stephen Harris, a forensic accountant, were called to give evidence on his behalf but their opinions were rejected.

The Judge said he preferred the evidence of each of the Defendants experts (Robert Macfarlane, John Webb, Michael Bond, Graham McDowell and Professor Channer) who had carefully analysed video surveillance of Mr Walkden which showed he had a good range of movement of his back and was far less disabled than he had claimed. The Judge also preferred the evidence of Matthew Geale, Forensic Accountant.

Mr Walkden had made a claim on an income protection policy following his heart attack in 2017 but resisted disclosing the documents he had submitted in support until about 1 month before the trial and only after relentless pressure and 2 court orders against him. Some documents were not even sent until after the trial had finished. The Judge held the documents showed he had lied to the court and this reinforced his conclusion about Mr Walkden's lack of credibility.

The Judge assessed damages at £17,600, about 1% of the damages he claim but ruled he should receive nothing and his claim should be dismissed with costs on the indemnity basis because he had been dishonest.

Mr Walkden now faces a bill of in excess of £300,000 and the prospect of bankruptcy if he does not pay.

A link to the judgment and the order made will be available when provided by the court.

Andrew McLaughlin  
St. John's Chambers  
7<sup>th</sup> July 2020