

Toby Sasse

Year of Call: 1988



Toby specialises in high value serious injury claims, including polytrauma, spinal, brain and catastrophic injury in RTA, EL and PL.

Practicing from the outset in a major common law circuit set he gained broad experience in criminal and regulatory jurisdictions (particularly with reference to large goods and public service vehicles), landlord and tenant, building and contractual disputes, which he has supplemented with a post-graduate qualification in health and safety law, as well as recently undertaking specialist training and practice in the Court of Protection. This breadth of experience has led to a reputation of thinking outside the box and he is often instructed in what are perceived to be problematic, cross-over or difficult to pigeon-hole cases.

He acts regularly for both Claimant and Defence on cases involving complex arguments of causation, fraud and fundamental dishonesty. He also undertakes direct access work and has acted for clients on this basis before the CICA, at Inquests and on advisory work.

Away from work Toby's interests include walking, sailing, rugby and cooking. He is a longstanding Cub Scout leader and believes it is important for all young people to have the opportunity to experience the challenges of outdoor adventures, through which they gain in confidence and learn about personal responsibility for themselves and others.

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Education

Exeter University 1987 LLB Hons

I.C.S.L Bar Finals 1988

University of Salford 2010- Diploma in Health Safety and Environmental Law.

Professional Memberships

PIBA

NCMLA

Notable Cases

Upper tribunal (Social Entitlement Chamber): November [2022] - On appeal secured substantial six figure increase in authority award under 2012 CICA Scheme.

DVSA v Titan Containers Limited [2022] EWHC 2780 (Admin) - successfully appealed by case stated acquittal turning on the meaning of overall length in respect of motor vehicles under the Road Vehicles (Construction and use) Regulations 1986.

ALM Limited and Eurowales Ltd - [October 2022] - Public Inquiry before Deputy Traffic Commissioner for Eastern traffic Area: successfully represented 2 multi-million pound Companies and their Directors at conjoined inquiry. Licences retained.

Walsall Builders and Timber Merchants Ltd v TC for W.Midlands October [2022] - successfully appealed revocation decision to Upper Tribunal (Transport).

Boardman v PG (NW) Limited August 2022: successfully advised on defence from initial statement of case in substantial PL claim for severe injury in fall from scaffolding - claim abandoned immediately prior to liability trial.

Hibberd v TC for Eastern Traffic Area August [2022] - successfully overturned revocation decision before Upper tribunal (Transport).

John Pronk Transport v DVSA: July [2022] - Successfully defended cabotage impounding decision on behalf of DVSA before Deputy Traffic Commissioner for Eastern Traffic Area (under appeal)

John v Dartford and Gravesham NHS Trust: May [2022] - mediated substantial settlement in clinical negligence action concerning claim for surrogacy treatment in the United States.

Woodger v Hallas [2022] EWHC 1561 (QB) - successfully conducted high court appeal on fundamental dishonesty addressing limits of judicial discretion to find “substantial injustice” for not dismissing entire claim. Appeal followed 4 day FD trial before DCJ in Derby June 2021 at conclusion of which extensive findings of FD made and damages substantially reduced but not dismissed for FD.

Danby v McGuire - February [2022]: Substantial settlement in severe TBI and poly-trauma claim with liability issues conducted over 3 years from initial stages to substantial settlement via JSM.

Prodig (NW) Limited January [2022]: Conjoined Public Inquiry Deputy Traffic Commissioner for Wales - operation under another operators’ licence -successfully retained directorial reputes and grant of new entity licence to allow business to continue.

Coles and Son Public Inquiry July [2021]: Eastern Traffic Area - Successfully represented Operator under before Traffic Commissioner - licence retained.

Shepherd v Investpower July [2021] - severe tri-malleolar dislocation at work disputed - secured substantial settlement in disputed EL claim.

Oakenful v Bunyan July [2021] - Secured substantial settlement at JSM in multi-track rta claim involving complex causation arguments and disputed diminution in company profits arising out of soft-tissue knee injury involving alleged re-rupture of previously repaired ACL.

Kay and others v Advantage Insurance and another- Manchester County Court June [2021]: successfully conducted 2 day multi-track trial for multiple claimants arising out of low velocity impact collision.

Hussain v Arfan January [2021] -Approval of settlement in brain injury claim involving loss of capacity arising out of liability disputed pedestrian rta without witnesses or formal police report evidence - advised from initial stages through to approval hearing.

Scott v Flatt [2020] - advised defence over 2 years in liability admitted TBI and poly-trauma claim to senior manager in multi-national company through to settlement.

Filer v Selway [2020] - £1.75m settlement achieved at second JSM for severe TBI client in disputed liability motorcycle on car collision in junction. No direct witness in claimant's favour; independent witnesses alleging speeding, drink and drug use, insecure helmet.

Fearns v Broome [2020] - Fatal Accident settlement and court approval secured in complex loss of dependency Claim including claim for support of non-natural child of ex-partner relying on contention that deceased would have supported sister who voluntarily assumed carer role for child after his death.

Burgess v Hutchinson [2018] -date: advised from initial instruction of liability disputed severe TBI with loss of capacity. Client had no memory and no independent witnesses or supportive police report to refute Defendant and her passengers account. Full liability secured at preliminary trial (with leader) and ongoing multi-million pound claim continuing.

Donlan v Boden [2017]

Defended Landowner in respect of substantial claim for career ending injury by horse rider arising out of alleged defects in a gate across a bridleway. Claim raised issues of technicality regarding extent of duties of care owed by servient landowners in respect of highways, the physical definition/limits of the highway and the creation/definition of rights of way. Early pleading of defining issues and tactical procedural applications led to confinement of claim to a narrow legal and factual basis, which were entirely resolved in the Defendant's favour, thereby excluding numerous more contentious allegations.

Anderson v Taylor [2017]

Advised complete re-direction of existing defence approach and successfully conducted preliminary strikeout application on behalf of landlord in respect of multi-track claim for personal injury brought by tenant for defects in state of premises in breach of alleged duties of care. Resulted in disapplication of QOCS protection and full award of defence costs.

Mee v Day [2017]

Conducted multi-track settlement and approval proceedings in respect of claim by incapacitous Claimant, including application of contribution for non-use of seat belt and cfa recoverability issues giving rise to potential conflict between solicitor and own client.

Meeloo and Others v TFL [2017]

Conducted successful claim for damages against Transport For London for injuries caused by collapsing tree on highway due to failures in tree inspection and maintenance performed by independent contractors.

Re: Thomas D & Thomas A & Thomas J [2015]

Acted for multiple family claimants in £1.3m settlement of polytrauma and fatal accident claims.

Hunter D K R v Webber A [2015]

Motorbike passenger claim involving disputed liability, illegality, capacity, complex causation and quantification issues - Settlement approved (High Court).

Wainwright S v Shafiq M & RSA [2015]

Successfully challenged jurisdiction and secured dismissal of claim based on ex parte extension of validity of claim form.