



Sufiyan Rana

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Year of Call: 1999

“Meticulous and attentive to detail. Willing to go above and beyond and makes you feel confident that you have a high-quality barrister on your side.” **Legal 500 2022 (Clinical Negligence and Personal Injury)**

Sufiyan specialises in Personal Injury, focussing particularly on catastrophic injuries, clinical negligence, disease and inquests. He acts for Claimants and Defendants. He is also an Accredited Mediator and also sits as a Deputy District Judge on the Northern Circuit and a Tribunal Judge in the Mental Health Chamber.

He is recommended by Legal 500 as a Leading junior (Tier 1) for ‘brain and spinal injury cases’ and is described as ‘approachable’, ‘eloquent’, and ‘direct’.

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Sufiyan has practised as a Solicitor Advocate in Personal Injury and is therefore uniquely placed to understand the pressures of litigation. He has also been a part time lecturer and is currently a visiting Advocacy Tutor at MMU for the BPTC.

Away from chambers, Sufiyan is a 1st Dan in Shotokan Karate and enjoys travelling, writing and cricket. He is fluent in Urdu and Punjabi.

Legal directory recommendations

“He is highly regarded by his peers and inspires confidence in his lay and professional clients. He impresses on first meeting and feedback on his work is excellent.” **Legal 500 2021 (Clinical Negligence)**

“Sufiyan is diligent and well organised, with very good client facing skills. He takes time to review matters thoroughly and is always happy to talk things through when faced with procedural or evidential issues that require particular attention.” **Legal 500 2021 (Personal Injury)**

“Recommended for brain and spinal injury cases” **Legal 500 2019**

“Approachable, eloquent and direct.” **Legal 500 2017**

Memberships

- PIBA
- Inquest Lawyers Group

Appointments

- Deputy District Judge (Civil) – Northern Circuit
- Fee-Paid Judge of the First Tier Tribunal (HESC – Mental Health)

EXPERTISE

Personal Injury

Sufiyan has extensive experience in Personal Injury and is regularly instructed in high value, catastrophic claims with the value regularly exceeding £1 million. He has been led by Senior Counsel on a number of occasions and is accustomed to dealing with head and spinal injury claims, fatality claims, complex conferences involving multiple experts, drafting high value schedules, conducting JSMs and Mediations, preparing approval advices and hearings and preparing detailed Part 35 questions. He is happy to provide pre-hearing advice and regularly acts in cost budgeting and case management conferences (CCMC), applications for relief, surveillance evidence, pre-trial reviews, specific disclosure, strike out, summary judgment, etc. He is happy to provide training for solicitors having previously provided training on S.69 Enterprise Regulatory and Reform Act 2013, importance of witness statements, MIB claims, cost budgeting and update in litigation.

Recent notable Cases

Re: Tuson v Hull Super League – (2020)

The Claimant, a professional rugby league player, suffered spinal disc injury in the course of a dangerous training exercise involving a swiss ball that required surgery at C5/6 causing an increased vulnerability at C3/4, which made a material contribution to a subsequent game injury and enforced retirement. Had it not been for the accident, surgery and rigidity at C5/6 that put the nearby discs at heightened risk, the Claimant would have continued playing top level professional super league rugby,

attained international honours and been eligible for a testimonial. Despite breach of duty and medical causation being disputed, the claim settled following a JSM.

Woods v Kent County Council (2020)

Instructed by the Claimant who suffered orthopaedic injuries and developed a functional neurological disorder (FND) when a child whilst running fell heavily into her back. The claim consisted of future loss of earnings, care and equipment. The claim settled following a JSM despite breach of duty and medical causation being disputed.

Iftimie v J Rosenthal & Sons Limited (2019)

Instructed by the Claimant who sustained a traumatic left patella dislocation at work that required a MPFL ligament reconstruction with a substantial period of rehabilitation, soft tissue injuries to the lumbar spine and a prolonged bout of a depressive disorder. Despite the surgery being moderately successful, she continued to complain of pain and required the assistance of a pain management expert who diagnosed chronic pain syndrome. She was unable to work for 3 years, of which only half of which was attributable to the accident, and was left with some disadvantage in the labour market. Given the issues surrounding causation, the case settled for £125,000.

Re: JT (PR of estate of MK) (2019)

Instructed by the Claimant to act for the estate of MK following his death. The claim involved an exacerbation of a pre-existing Chronic obstructive pulmonary disease (COPD) resulting in a reduced life expectancy and failure to provide care and assistance to his wife for whom he was the main carer. The damages included a bereavement award, past care and assistance, dependency of services and futures (following *Lowe v Guise* 2001 EWCA Civ 197).

Meadows v La Tasca [2016] EW Misc B28 (CC) (16 June 2016) – His Honour Judge Hodge QC sitting at Manchester CC.

At first instance, the Claimant's claim was dismissed and found to be 'fundamentally dishonest' depriving her of protection under Qualified One Way Cost Shifting (QOCS) under CPR 44.13 and causing the costs order to be enforceable against her. The appeal succeeded on the basis that the District Judge was wrong to have concluded the claim was fundamentally dishonest on account of the various inconsistencies and should have limited himself to finding the Claimant had failed to prove her claim. The Claimant was awarded costs.

Chinnock & Schumann v Veale Wasbrough & Rea [2015] EWCA Civ 441. Longmore LJ, Jackson LJ, Roth J.

Led by Michael Redfern QC. Claimant's action against Defendant law firm and Barrister for Professional Negligence emanating from an underlying wrongful birth claim.

McIntosh v World – Central London CC (on appeal from Uxbridge CC) (2014) – His Honour Judge Mitchell sitting at Central London CC.

Claimant failed to exchange statements in time. Court refused relief and struck out claim on the basis that it was not a trivial breach and there was no good reason for it (Mitchell followed). Succeeded on

appeal as District Judge had failed to consider all the circumstances (Denton followed).

Shenton –v- Shenton (2014)

Represented the Claimant in a crushing injury where she sustained a pelvic fracture and haematoma and seroma (Morel-Lavalle lesions to both hips and thighs). Drafted detailed statement and a lengthy schedule.

Chinnock & Schuman v Rea & Veale Vasborough [2013] EWHC 3730 (QB): Dingemans J.

Led by Michael Redfern QC. Claimant's action against Defendant law firm and Barrister for Professional Negligence emanating from an underlying wrongful birth claim. Case heard by Court of Appeal in March 2015 (see above).

Road Traffic Claims/Credit Hire

Sufiyan has considerable experience in this area and regularly acts for Claimants and Defendants. He is very familiar with arguments relating to period, rate, need, impecuniosity, BHR, mitigation and consumer credit act terms for both regulated and non-regulated agreements, as well as if, and how, the absence of a particular term may affect its enforceability, e.g. Cancellation of contracts made in a consumer's home or place of work regulation.

Recent cases

Baig v Haji & RSA (2020) – Burnley CC – DJ Clarke

Represented the Second Defendant in setting aside a notice of discontinuance to allege fundamental dishonesty in a multiple occupant passenger claim. The notice of discontinuance was set aside.

Tanhan v Troup – (2019) – HHJ Hellman

Represented the Appellant in an appeal against the District Judge's decision to dismiss the claim and to find fundamental dishonesty.

McDowell v Burke (2018) Liverpool CC – HHJ Gregory

Acted for the Defendant in defence of a large claim for credit hire. Successfully debarred the Claimant from relying on impecuniosity resulting in a settlement based on Defendant's BHR report.

Drinkwater v A Rhodes Ltd and Mannpower Ltd – (2018) Civil Justice Centre, Manchester – HHJ Evans

Acted for the Claimant in a two-day trial where liability between the two Defendants was disputed.

Northover v Advantage Insurance (2018) – Burnley CC

Acted for the Defendant to defend a malicious claim brought against its policyholder.

Catastrophic Injury

Re: MHA (2020)

The Claimant, a minor, suffered a severe traumatic brain injury (TBI) with intracerebral haemorrhage and soft tissue injuries to the right leg, right arm, neck and back when the Defendant motorcyclist rode into collision with him on the middle of the street knocking him towards the near side. The brain injury resulted in significant cognitive problems including memory (both immediate and delayed), word finding, ability to understand, remembering new information, learning, multi-tasking and reading with diminished higher executive function, changed personality and behavioural problems. Liability and causation were disputed. The claim settled following a JSM.

Re: AB (2020) – Ongoing

The Claimant, a highly qualified medical general practitioner, was a director of a large medical practice and a lecturer at the local University when he was involved in a road traffic accident. He underwent surgical treatments, including steroid injections and PRP therapy for the right shoulder injury following which he suffered the onset of a psychotic disorder, which fulfilled the criteria for schizophrenia leading to him being declared unfit for medical practice by the General Medical Council. He is no longer fit to practice as a GP and has relinquished his directorship and is not fit to lecture or carry out and achieve his 'Badger earnings.'

Re: DG (2020) – Ongoing

Following a road traffic accident, the Claimant sustained a fracture to his pelvis that required an open reduction internal fixation, head lacerations, dislocated right shoulder, bilateral lung contusions with small pneumothorax (collapsed lung), perineal lacerations, left ankle lacerations, injury to the right foot and right toe, abdominal pain, soft tissue injuries to the shoulder and back and post-traumatic stress disorder and depressive disorder. The pelvis fracture and perineal laceration resulted in the development of long-term, severe impairment on the patient's personal life.

Re: AR (2018)

The Claimant suffered a serious injury to her right wrist that was identified as an undisplaced fracture of the dominant radial styloid requiring five operative procedures, an arthrodesis, an insertion and subsequent removal of the Schecker prosthesis followed by a further wrist fusion. She also developed severe knee symptoms which represents a case of acceleration of 5-10 years. Sufiyan previously acted for the Claimant at the successful liability trial.

Re SB (by his wife and litigation friend) (2018)

Junior Counsel to the Claimant who sustained a severe head injury, left sided frontal sub arachnoid haemorrhage, right side intraventricular haemorrhage, bilateral pulmonary contusions, lacerations to face/ lip and suspected dislocated shoulder. The schedule of loss included past care for the claimant and his wife, accommodation, future care, equipment, therapies, transport, travel, deputy costs, and was in excess of £6 million.

Re: Anne Roberts (2018)

The Claimant sustained a fracture of the right femur which was treated surgically with a dynamic hip screw. She remained in the high dependency unit for approximately 4 days and in the hospital for approximately 2 weeks. She was barely able to mobilise during this time and at the time of discharge, some two weeks later, was struggling to mobilise using a Zimmer frame. The schedule was in excess of £150,000.

Re: Marek Podsiadly (2018) – JSM resulting in a settlement of £350,000

Junior Counsel to the Claimant who sustained a moderately severe traumatic brain injury with contusions and haemorrhage with encephalomalacia in the left inferior front lobe leading to the presentation of a dysexecutive syndrome, with problems in planning, abstract thinking, flexibility, and behavioural control.

Re: ASM (by his sister and litigation friend AK) (2017) – JSM resulting in a settlement of £3 million. Approved by His Honour Judge Platts sitting at Manchester CC.

Junior Counsel for the Claimant, who sustained severe brain injury and polytrauma with traumatic subdural haematoma on the surface of the brain and traumatic subarachnoid haemorrhage in the brain cavities. There were complex skull and facial fractures and he developed hydrocephalus. In addition to the heads of losses which included pain, suffering and loss of amenities, employment, care, accommodation, therapies and medical review, transport, equipment, holidays and emergency treatment and Court of Protection costs, there were also cross jurisdictional issues (Regulation (EU) No 1215/2012 of the European Parliament and the Council of 12 December 2012, Article 53 Certificate of Enforceability) involving approval in UK and Poland. Following a JSM, the case settled for an increased £3 million on account of the revised discount rate. The money was invested in the Polish equivalent of the Court of Protection with a bank account in the Claimant's, came under the supervision court, in which the money was transferred.

Re: VL (by his litigation friend IS) v G & RSA – (2017) – JSM resulting in a settlement of £530,000. Approved by His Honour Judge Gregory sitting at Walsall CC.

Junior Counsel for the Claimant, a Lithuanian national, who suffered from compound facial, orbital and cranial fractures with a fracture of the transverse process of the C7 vertebra as well as a widespread comminuted fracture of the left frontal and temporal bones of the skull extending into the orbital margin and sphenoid wing. He suffered from a Dysexecutive syndrome and lacked capacity. Following a JSM, the case settled for £530,000.

Fisher & Others v Minhas (2016) – JSM resulting in a settlement in excess of £1.5 million.

Led by Michael Redfern QC. The Claimant, a 36-year-old electrician, suffered brain contusion, comminuted fracture of left tibia and fibula with significant bone loss and major skin loss, i.e extensive degloving over the anterior shin, closed abdominal injury including laceration of the liver and minor splenic haematoma, soft tissue abdominal wall injury resulting in scarring and fracture of mid shaft of left humerus sustained serious injuries as a result of Defendant driving his car into him and his family. In addition to the main action, there was also a claim for psychiatric issues suffered by the wife, who did not suffer any physical injuries, and uncle, who appeared on the scene following the accident (secondary victim), dependency claim brought by the grandmother on account of the grandfather's fatality, and two young children who witnessed this horrific accident. Damages consisted of past and future care, substantial loss of earnings, accommodation, equipment, therapies and transport.

Following a JSM, all cases settled for more than £1.5 million.

Mahmood –v- Hussain & Aviva (2015) – JSM resulting in a settlement of £1.25 million. Approved by HHJ Gosnell sitting at Bradford CC.

Junior Counsel for the Claimant who suffered either a minor direct blunt trauma to his head (coup injury) or, alternatively, an acceleration deceleration injury causing trauma (contra coup injury). There was some brain trauma resulting in damage to subdural blood vessels and an acute subdural haematoma resulting from the accident on the background of anti-coagulation. But for the accident, the brain haemorrhage would not have occurred. Drafted complex statements and assisted in the preparation of the schedule. Following a JSM, the case settled for £1.25 million.

Inquests

Sufiyan regularly appears for care homes, families and insurers at Pre-Inquest Reviews (PIR) and Inquests. He has a special interest in and conducted a number of Article 2 Inquests.

Recent Inquests

Re: ALJ: Represented the spouse of the deceased following a death at work before a jury.

Re RD: Represented a care home following the death of a patient.

Re: JP: Represented family of the deceased who died in custody thus engaging Article 2. The Inquest was heard before a jury over four days and involved issues of ACCT, provision of health care, and systematic and operations failures.

Re: IH: Represented a care home following the death of a patient.

Clinical Negligence

Sufiyan has conducted a number of clinical negligence cases involving missed, delayed or wrong diagnosis, negligent treatment, wrongful birth, negligent nursing and care.

Recent cases

Re: RMZ (2019)

Junior Counsel for the Claimant who was born with severe cerebral palsy involving four limbs with spasticity, dystonia, spasms, microcephaly with the small head reflecting a small brain. He was left with severe learning difficulties, cortical visual impairment, incontinence, recurrent episodes of hypoglycaemia secondary to dumping, recurrent chest infections, epilepsy including absence seizures on a frequent basis and an externally rotated right hip and mild scoliosis. Following a Mediation, the case settled and was approved in the sum of £2,200,000 lump sum with periodical payments for the remainder of RMZ's life of £295,000 per annum.

Re: Morris & Bannister (PR of Paul Morris) 2019

Instructed by the Claimants to act for the deceased's estate following his death at the hospital where he had been admitted following 4 days of general malaise, nausea and episodes of collapse but no loss of consciousness. Despite being assessed that he should be subject to observation and monitoring, he was left alone to go to the toilet where he fell and suffered a cardiac arrest. Despite breach of duty and causation being disputed, the claim settled.

Re: Rogers (PR of estate of Nicola Rogers) v Dudley Group NHS Foundation Trust (2019) – Queens Bench Division, Master Cook.

The Claimant brought an action on behalf of the estate and dependents following the deceased's sub-standard treatment and death at the Defendant's hospital. Liability and Causation were denied. Following a JSM (in which the Claimant, represented by Richard Norton, secured a settlement of £175,000), the claim required approval before Master Cook as two of the dependents were minors and the settlement included an apportionment. Master Cook approved the settlement, invested the monies on behalf of the two minors and approved a deduction of 25% of the Claimant's past losses for the success fee charged.

Re: LAK (2019) – Ongoing

Instructed by the Claimant who developed a hypoxic ischaemic encephalopathy (HIE) with seizures, fracture of the clavicle, Erb's palsy and cerebral palsy following a delay in delivery of 58 or more minutes. The shoulder dystocia was incorrectly managed leading to fracture of the left clavicle, Erb's palsy and exacerbation of Claimant's hypoxic condition. Shoulder dystocia was not adequately declared or recognised and Prophylactic McRoberts manoeuvres were ill advised and incorrectly performed. The value of this claim is likely to exceed £5,000,000.

Re: JD (2018)

Acted for the Claimant in an action against the NHS trust for negligent treatment during child birth that led to the development of arachnoiditis.

Re: RW (2018)

Acted for the Claimant who claimed damages in respect of failure to diagnose and treat Guillain-Barre syndrome resulting in severe neurological injuries.

Re: SJH (2018)

Acted for the Claimant in a claim involving the unnecessary drainage of an endometrioma during an oocyte collection without appropriate antibiotic cover, failure to administer a metronidazole suppository, and a lack of multi-disciplinary team discussion at the end of the patient's operation.

Re: KJG (2017)

Acted for the Claimant in an action against the trust for failing to inform him about the presence of an extra-axial mass and to correlate it with the previous neurological records resulting in a failure to carry out a timeous surgical operation.

Disease

Sufiyan is highly experienced in disease cases and regularly advises on liability, causation and quantum. He regularly drafts pleadings, Part 35 questions for experts and is acutely aware of issues regarding limitation, de minimis loss and quality of audiograms.

Recent notable cases

Young v Aire, Raines and Indresco (2019) – Recorder Lazarus

Represented the Second Defendant in a NIHL claim in which breach of duty, causation and limitation were all denied.

Ashmore v Designer Choice Upholstery Limited (2018) – Coventry CC – Recorder Readings

Represented the Claimant in a NIHL case involving issues of breach, causation and limitation.

Constantine v Ip Pontefract (2017) – Sheffield CC

Acted for the Claimant in a NIHL case in which breach, causation and limitation were all denied.

Rowlinson v Stoke on Trent Boat Building (2018) – Stoke CC

Acted for the Claimant who had sustained HAVS and CTS following exposure to vibratory tools.

ADR and Mediation

Sufiyan is an accredited Mediator for Civil and Commercial mediations.

His LLM dissertation focussed on mediation.

Mediation Experience

Sufiyan is a practicing Mediator and is proficient at dealing with high value cases. Of particular note:

In 2018, he mediated a RTA claim in which the claimant had moved to Poland following a serious injury. Mediation was successful and resulted in a settlement worth £3 million.

In 2019, he took part in a clinical negligence mediation, as Counsel representing a minor and family involving negligent delivery resulting in cerebral palsy. The mediation was successful and resulted in a settlement worth £15 million that was subsequently approved.

Sufiyan's Rating

Sufiyan is personable with a down to earth demeanour and a calming influence. He has attracted the following assessments:

He is recommended by The Legal 500 as a Leading junior (Tier 1) for 'brain and spinal injury cases' and is described as 'approachable', 'eloquent', and 'direct'.

The Legal 500 (2019): “Recommended for brain and spinal injury cases.”

The Legal 500 (2017): “Approachable, eloquent and direct.”