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SIMON JOHNSON DEFEATS ATTEMPT TO STRIKE OUT MULTI-MILLION POUND GROUP ACTION IN *MORRIS & ORS V. WILLIAMS & CO*

1. On 25 July 2023 the High Court dismissed an application on the basis of *Abbott v. Ministry of Defence* to strike out a multi-million pound group action brought by Simon's clients.
2. The decision is important in the context of group actions. It is believed to be the first time that the High Court has considered and applied *Abbott v. MoD*, which sets out in a landmark judgment the criteria for permitting multiple claimants to use a single claim form.

Abbott v. Ministry of Defence

3. CPR 7.3 provides that "a claimant may use a single claim form to start all claims which can be conveniently disposed of in the same proceedings". In *Abbott v. MoD [2022] EWHC 1807 (KB)*, Master Davison held that it was an abuse for 3,500 claimants with individual tort claims against the MoD to join together on a single claim form. The Divisional Court *[2023] EWHC 1475 (KB)* overturned his order. Andrew Baker J and Dingemans LJ held that it would be convenient to dispose of all the individual cases in a single set of proceedings as permitted by CPR 7.3 if:
 - the individual cases raise common causes of action;
 - the individual cases raise common issues of fact or law;

- it would be possible and helpful or useful for those common issues to be determined for the benefit of all cases; and
 - doing so would make real progress towards resolving all the claims, even if did not finally resolve them in a single trial and individual issues remained to be determined.
4. Simon published an article on the Divisional Court’s landmark judgment in *Abbott v. MoD*, which you can read [here](#).

Morris & Ors v. Williams & Co

5. In *Morris & Ors v. Williams & Co*, Simon represents 134 claimants who sue their former solicitors for negligence in relation to advice on legal matters concerning 9 property development schemes marketed by the Northern Powerhouse Developments group, controlled by Gavin Woodhouse.
6. The defendant applied to strike out the claim on the basis of *Abbott v. MoD*, arguing that claims for solicitors’ negligence are inherently individual: the scope and content of the duty of care can only be judged on the basis of the understanding and experience of each client. Each claim turned on bespoke advice which raised no common issues at all.
7. Accepting Simon’s submissions and dismissing the application, HHJ Jarman KC, sitting as a judge of the High Court, held that that there were sufficient common issues to satisfy the test in *Abbott v. MoD*. The retainers were in the same form. The documentation on which the defendant advised was standard form. The advice it gave was materially the same and disclosed several common breaches of duty. A small number of claimants advance claims only in relation to whether the developments were unlawful collective investment schemes. The issues arising in relation to those claims were common across the board as well.
8. The court accepted Simon’s further submission that there is a well-recognised model of case management and trial, derived from group litigation under CPR Part 19, which applies. The court tries common issues and lead cases and uses the result to help resolve the other cases, which tend to settle or are determined in further hearings. Examples from Simon’s practice are:
- *Various claimants v. Giambrone & Law [2017] EWCA Civ 1193, [2018] PNLR 2,*

- *Barclay-Watt & Ors v. Alpha Panareti Public Limited & Anor [2021] EWHC 1327 (Comm), [2021] 3 All ER 804, and*
- *4VVV Ltd v. Spence & Ors.*

9. Other examples include:

- *McClean & Ors v. Thornhill [2019] EWHC 3514 (Ch) and*
- *Lancaster & Ors v. Peacock [2020] EWHC 1231 (Ch)*

10. Conclusion

11. The court's judgment in *Morris & Ors v. Williams & Co* is an important decision in the context of group actions. While each case turns on its own facts, the judgment demonstrates that there is nothing wrong with multiple claimants using a single claim form where there are common causes of action and common issues which the court can determine in a single set of proceedings, even if more than one trial may be required finally to resolve all the individual cases. The judgment is believed to be the first time the High Court has considered and applied *Abbott v. MoD.*

12. Simon represents the successful claimants, instructed by Penningtons Manches Cooper LLP.

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