

Simon Hale obtains dismissal of £10 million TCC claim for Breach of the CPR

[LSREF 3 Tigerfalkirk Limited I S.a.r.l v Paragon Building Consultancy Ltd](#) [2021] EWHC 2063 (TCC)

[Simon Hale](#) has successfully secured the dismissal of a £10 million claim relating to allegedly defective structural foundations of a shopping centre car park in Scotland.

In a hearing before Mr Justice Fraser in the TCC, Simon obtained declarations that the claim form had not been properly served on solicitors within its period of validity, and further resisted a counter application by the claimant seeking an order to validate service under CPR 6.15 or dispense with it under CPR 6.16. Any further claim is now time barred.

The judgment considered the impact of Covid-19 working practices upon the rules regarding service of a claim form – more specifically, the effect of a firm-wide email footer that required service to be effected solely by email, given that the firm’s staff were working remotely.