



Mariusz Rumun



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Mariusz Rumun practises across Chambers' core areas, with a focus on insurance, commercial disputes, professional liability, property damage, product liability, and construction. Mariusz is particularly well-placed to advise clients in claims which bring together and require consideration of issues from each of the areas above.

Mariusz is actively involved throughout all stages of litigation and is comfortable being instructed as sole counsel or being led as part of a wider team.

Recent and current cases include:

- The Grenfell Tower Litigation: Mariusz acts, as part of a team led by Andrew Rigney KC, in respect of civil claims arising out of the Grenfell Tower Fire.
- Dublin Coach v Dawsongroup & Daimler Buses: Led by Daniel Shapiro KC, Mariusz acts for Daimler Buses, the UK supplier of Mercedes coaches, in the Commercial Court.

Prior to joining Chambers, Mariusz read Law at the University of Cambridge and went on to study the LLM at LSE specialising in Commercial Law and graduated with Distinction. During his Masters Mariusz focused on international arbitration, commercial contracts, and commercial remedies (in which he achieved the highest mark in his cohort). Mariusz also spent a year working for a Magic Circle law firm as a paralegal.

Insurance & Reinsurance

Mariusz has experience of insurance and reinsurance disputes and has benefitted from a period of secondment to the insurance team at a leading law firm. Mariusz is well-positioned to advise on a range of coverage issues, including policy construction, compliance with claims conditions, and avoidance.

More generally much of Mariusz's work involves insurers, including subrogated recoveries and defending liability claims both against the insurer and the insured. He also has experience of professional negligence claims against insurance brokers.

Examples of Mariusz's work include:

- Advising on the merits of a claim alleging breach of the term implied by s.13A Insurance Act 2015 seeking damages for late payment following a fire at business premises. The underlying claim for property damage and business interruption was in excess of £1m and substantial further damages were sought.
- Advising on coverage issues in claims for loss of rent arising following the Covid-19 pandemic (on secondment).
- Advising on issues of material non-disclosure, late notification, double insurance, and construction of a public liability policy in a claim concerning construction works (on secondment).
- Advising on the prospects of raising a *Berni Inns* defence to a claim brought following an escape of water (on secondment).
- Defending a claim against an insurance broker alleging a failure to effect insurance to cover the claimant's needs.
- Successfully defending a claim brought by a litigant in person who claimed that the insurer had wrongfully retained her vehicle and sold it as scrap, having agreed and been paid a total loss valuation for the vehicle.
- Drafting the Defence to a claim under a commercial combined policy following fire damage to business premises, involving issues concerning the duty of fair presentation (as a pupil).
- Advising on the recovery of repatriation costs under a travel insurance policy (as a pupil).

Professional Liability

Mariusz has been involved in professional liability claims across a variety of different professions including auctioneers, insurance brokers, managing agents, solicitors, architects and other construction professionals.

Examples of Mariusz's work include:

Solicitors

- Defending solicitors in a £100,000+ claim concerning the payment of conveyancing money directly to the beneficiary under a discretionary trust, rather than into the trust account.
- Defending solicitors in a claim for loss of a chance, concerning allegations of negligence against the defendant firm regarding the choice of defendants and causes of action.
- Defending solicitors against allegations of breach of undertakings, negligence, breach of fiduciary duty and breach of trust in connection with their involvement in the proposed purchase of a commercial development.
- Advising and drafting a claim against solicitors with regards to their involvement in a fraudulently obtained bridging loan secured by a charge on the claimant's property (as a pupil).
- Advising solicitors on liability following the sale of a property under a fraudulently executed power of attorney, raising issues of breach of duty, breach of trust, breach of undertaking, and breach of warranty of authority (as a pupil).

Construction Professionals

- The Grenfell Tower Litigation: Mariusz acts, as part of a team led by Andrew Rigney KC, in respect of civil claims arising out of the Grenfell Tower Fire.
- Acting for an architect in an adjudication concerning the design and contract administration of concrete works in the development of a new tram terminal.

- Advising consulting engineers as to the contractual and tortious duties owed by them in respect of issues of defective design and delay in connection with a major development (as a pupil).

Insurance Brokers

- Defending a claim against an insurance broker alleging a failure to effect insurance to cover loss of rent and legal expenses in connection with a commercial property portfolio.

Miscellaneous

- Defending letting agents in a High Court claim following a failed attempt by a landlord to obtain possession of a property by way of a notice under section 21 of the Housing Act 1998.
- Defending a claim brought against a real estate auctioneer concerning the information contained in the auction catalogue.
- Defending a claim arising out of the answers provided by the defendant to enquiries contained in a CON29 Drainage and Water Report.

Property Damage

Mariusz has a busy property damage practice and experience in a range of disputes involving loss of and damage to property, including damage caused by water, oil, and fire. He is familiar with the various legal issues that may arise in such claims in tort, contract, and the different statutory regimes that may apply, including the Defective Premises Act 1972 and Consumer Protection Act 1987. Mariusz is also comfortable with dealing with the technical issues that arise in such claims and liaising with experts in respect of the same.

Recent examples of Mariusz's work include:

- The Grenfell Tower Litigation: Mariusz acts, as part of a team led by Andrew Rigney KC, in respect of civil claims arising out of the Grenfell Tower Fire.
- Defending a statutory water undertaker in a c.£100,000 claim under the Water Industry Act 1991 concerning dry rot alleged to have been caused by an escape of water from the undertaker's asset.
- Acting on behalf of an owner and operator of an anaerobic digestion biogas facility in respect of damage to a pre-buffer tank during industrial cleaning works.
- Representing the claimants in a High Court TCC claim concerning a fire in a residential property following drilling works as part of the installation a new boiler flue.
- Defending a local authority against claims in nuisance, negligence, and under the Highways Act 1980 arising out of flooding on neighbouring land.
- Advising in respect of a claim following damage caused by an escape of water from an isolation valve in a residential property, raising issues under the Defective Premises Act 1972 as well as negligence.
- Advising on the prospects of raising a *Berni Inns* defence to a claim brought following an escape of water at a property (on secondment).
- Successfully represented the Claimant in a subrogated recovery claim following the ingress of wastewater and sewage into his property on *Rylands v Fletcher*
- Advising on the prospects of success in a subrogated recovery action following a fire at the defendant's property which occurred when he was using a blowtorch whilst removing paint from wooden panels on his roof, which caused damage to the neighbouring property.

Commercial

Mariusz welcomes instructions in commercial disputes, including the sale of goods, contracts for services, agency, bailment, and debt claims. He benefits from his experience specialising in commercial law during his Masters, graduating with Distinction and achieving the top mark in cohort in Commercial Remedies. He has explored in detail issues relevant both to litigation and international arbitration. Further, whilst working as a paralegal at a Magic Circle law firm before joining Chambers, Mariusz obtained hands-on experience of commercial disputes.

Examples of his work include:

- *Dublin Coach v Dawsongroup & Daimler Buses*: Led by Daniel Shapiro KC, Mariusz is defending Daimler, the UK supplier of Mercedes coaches, in the Commercial Court.
- Defending a supplier of excavators against contractual claims for breach of warranty following loss suffered by a third party following a fire in one of the excavators which had been let on hire-purchase terms.
- Defending a removals company in a claim for damage caused to the Claimant's property during removal, raising issues concerning the British Association of Removers Model Terms and Conditions.
- Successfully resisting an application brought against a removals company by a litigant in person seeking judgment and a total freeze of the company's accounts.
- Defending a gratuitous bailment claim concerning the loss of valuables from a restaurant cloakroom. The matter included issues of breach of duty, reliance on disclaimers and the fairness of such disclaimers under the Consumer Rights Act 2015.
- Successfully defending a claim brought by a litigant in person who claimed that the insurer had wrongfully retained her vehicle and sold it as scrap, despite having agreed and been paid a total loss valuation for the vehicle.
- Advising on a claim concerning breach of a contractual warranty as to the quality and fitness for purpose of equipment supplied under a contract of hire. Issues also arose concerning a limitation clause in the contract and the application of UCTA 1977 (as a pupil).

Product Liability

Mariusz has experience of product liability disputes involving products ranging from ordinary household appliances and fittings to industrial machinery. He is familiar with the issues that arise in such cases in contract, tort, and under the Consumer Protection Act 1987.

Examples of his work include:

- *Dublin Coach v Dawsongroup & Daimler Buses*: Led by Daniel Shapiro KC, Mariusz is defending Daimler, the UK supplier of Mercedes coaches, in the Commercial Court.
- Defending a retailer of e-cigarettes after a product allegedly caught fire and caused the user to suffer burns.
- Advising on a claim concerning an expansion vessel in a domestic plumbing system, which failed and caused an escape of water.
- Advising in connection with a fire at a market following electrical upgrade works, involving evidential issues as to the cause of the fire and vicarious liability for the subcontractor who carried out part of

the installation works.

- Responding to a claim against solicitors concerning their handling of a personal injury claim concerning an allegedly defective bottle which broke whilst being handled by a customer in a restaurant.
- Advising on a claim for contribution against a supplier of firewood processors to a company whose employee had been injured using one of the machines. The case also raised issues of liability under the Sale of Goods Act 1979 to purchasers for breach of the implied term as to satisfactory quality (as a pupil).
- Preparing an advice and drafting Particulars of Claim in connection with a fire in a residential property caused by a washing machine which overheated (as a pupil).

Construction & Engineering

Mariusz has experience of construction disputes in both litigation and adjudication. Many of the property damage and professional negligence claims Mariusz is instructed in also arise in the context of construction disputes.

Examples of Mariusz's work include:

- The Grenfell Tower Litigation: Mariusz acts, as part of a team led by Andrew Rigney KC, in respect of civil claims arising out of the Grenfell Tower Fire.
- Successfully defending an adjudication commenced by a piling subcontractor seeking declaratory relief as to which of a series of letters of intent governed its relationship with the main contractor.
- Representing the claimant in a claim against the D&B contractor concerning movement in made-ground and associated issues caused by defective structural fill works, which emerged following completion of the development.
- Acting for the contractor in High Court TCC litigation concerning the construction of an extension to a domestic property, where issues have emerged concerning ground movement and cracking.
- Acting for an architect in an adjudication concerning the design and contract administration of concrete works in the development of a new tram terminal.
- Succeeded at trial representing a contractor seeking unpaid invoices following a repudiatory breach of contract and resisting allegations of defects. Mariusz obtained a substantial costs order on behalf of the client.
- Acting in a claim against a subcontractor responsible for the commission and installation of plumbing in a new-build property. The claim raised issues under the Defective Premises Act 1972 as well as in negligence.
- Defending a claim by an installer of windows and doors against a contractor concerning unpaid invoices, raising issues of defective works and abatement.

Qualifications

- MA in Law, University of Cambridge, Downing College
- LLM Commercial Law (Distinction), London School of Economics and Political Science
- BPTC, BPP Law School



Memberships

- PNBA
- TECBAR