



Mariusz Rumun



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Mariusz practises across Chambers' core areas, with a particular focus on insurance, commercial disputes, professional liability, property damage, and construction.

Mariusz is actively involved throughout all stages of litigation, giving clear and commercial advice, drafting statements of case, and providing representation in applications and at trial.

Prior to coming to the Bar, 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 growing 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 coverage issues in claims concerning loss of rent arising out of the Covid-19 pandemic (on secondment).
- Advising on issues of material non-disclosure, late notification, double insurance, and construction of a public liability policy following a claim arising in connection with construction works (on secondment).
- Advising on the prospects of raising a *Berni Inns* defence to a claim brought following an escape of water at a property (on secondment).
- Drafting the Defence to 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).
- Drafting Points of Claim in an arbitration concerning breach of a binding authority agreement covering marine business (as a pupil).

Professional Liability

Mariusz has a growing professional liability practice and has gained experience of professional liability issues across a variety of different professions including auctioneers, insurance brokers, managing agents, solicitors, engineers and other construction professionals.

Examples of Mariusz's work include:

- Drafting the Defence to a claim against an insurance broker alleging a failure to effect insurance to cover the Claimant's needs.
- Drafting the Defence to a claim brought against a solicitor alleging breach of undertaking and breach of trust in connection with their involvement in the proposed purchase a commercial property.
- Drafting the Defence and advising in relation to a High Court claim brought against letting agents 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.
- Drafting the Defence and advising in a claim brought against an auctioneer of real estate in a claim concerning the information contained in the auction catalogue.
- Drafting the Defence to a claim arising out of the answers provided by the defendant to enquiries contained in a CON29 Drainage and Water Report.
- Preparing an advice and drafting Particulars of Claim in a claim against a firm of solicitors with regards to its involvement in a fraudulently obtained bridging loan secured by a charge on the claimant's property (as a pupil).
- Preparing an advice on the liability of a firm of solicitors 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).
- Advising engineers consulting on design aspects of a major development as to the contractual and tortious duties owed by them in connection with issues of defective design and delay (as a pupil).
- Assisted in preparing advice on the merits of pursuing a rectification claim (for either unilateral or common mistake) following the exclusion of a section of land from a transfer, which left the purchased land landlocked (as a pupil).



Construction & Engineering

Mariusz is eager to continue developing his practice in construction disputes.

Examples of Mariusz's work include:

- Advising on and preparing 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.
- Drafting the Defence in a claim by an installer of windows and doors against a contractor concerning unpaid invoices, raising issues of defective works and abatement.
- Advising as to the contractual and tortious duties owed by the lead consultant on a major development concerning issues of defective design and delay (as a pupil).
- Preparing a note on issues of causation in a claim against the designers and builders of a lift shaft in a property which was destroyed by fire (as a pupil).

Commercial

Mariusz welcomes instructions in commercial disputes across Chambers' areas of practice, including sale of goods, contracts for services, agency, bailment, and debt claims.

Mariusz benefits from his experience specialising in commercial law on the LLM, 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.

Whilst working as a paralegal at a Magic Circle law firm Mariusz obtained hands-on experience of contentious matters involving businesses, including complaints concerning unfair business practices.

Examples of his work include:

- 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.
- Drafting the Defence in a claim against a removals company following 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 in relation to damaged property and seeking a total freeze of the company's accounts.
- Drafting the Defence in a claim against a professional carpet cleaner in relation to damage to the carpet following the provision of cleaning services at commercial premises
- Representing the defendant in a gratuitous bailment claim concerning the loss of valuables which had been left in a coat stored in 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.

- Advising on a claim concerned with 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).

Property Damage

Mariusz has a busy property damage practice and has experience of a range of disputes involving loss of and damage to property, including those concerning 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 comfortable with understanding and dealing with the technical evidence, which is often of central importance in these disputes.

Recent examples of Mariusz's work include:

- Advised on a claim for 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. The claim was settled without the need to issue proceedings.
- 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*
- Drafting the Defence in a claim against a professional carpet cleaner in relation to damage to the carpet following the provision of cleaning services at commercial premises.
- Advising in a multi-party dispute concerning damage to telecommunications apparatus during pavement works.
- Advising on a pre-action disclosure application following damage to neighbouring property caused by debris falling from a fire-damaged property.
- Representing the defendant in a gratuitous bailment claim concerning the loss of valuables which had been left in a coat stored in 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.

Product Liability

Mariusz continues to build on his experience of product liability disputes, which he gained during pupillage, concerning 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:

- Advising on a claim concerning an allegedly defective expansion vessel in a domestic plumbing system, which failed and caused an escape of water.
- 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).

Personal Injury

Mariusz has a busy personal injury practice and is experienced in road traffic, employers' liability, and public liability claims. His practice is primarily defendant focused and covers all stages of the litigation process, including advising on the merits, settling pleadings, and providing representation at interim applications and trials.

Recent examples of Mariusz's work include:

- Drafting the Defence and Counter-Schedule in a claim brought by a delivery worker who suffered injury whilst undertaking a delivery of furniture to a restaurant.
- Successfully resisting a pre-action application in a claim brought pursuant to s.2 of the Animals Act 1971 for an order that a dog be examined by a veterinary expert to prepare a report on his behaviour and characteristics. The court found that it did not have jurisdiction to make such an order under s.52 of the County Courts Act 1984.
- Providing representation in a number of pre-action disclosure applications in matters concerned with assaults on staff working with vulnerable persons.
- Successfully resisting an application for an interim payment following an RTA where liability was admitted, but significant issues of causation remained at large.
- Appearing for the Defendant in an application under s.33 of the Limitation Act to disapply the primary limitation period in a personal injury claim and transfer the matter to the part 7 procedure.

Qualifications

- BPTC (Very Competent), BPP Law School
- LLM Commercial Law (Distinction), London School of Economics and Political Science
- BA (Hons) Law (2.1), University of Cambridge, Downing College