



Hannah Curtain

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Hannah Curtain

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Hannah Curtain has a broad common law practice, with a particular focus on Group Actions, personal injury, product liability, and employment law. She regularly appears at all levels of the criminal and civil courts, Employment and Property Tribunals, Coroners Court, and before the Traffic Commissioner.

Hannah is currently acting as one of the Junior Counsel to the Grenfell Tower Inquiry.

Group Actions

Hannah has extensive experience of group litigation, particularly in the context of personal injury claims.

Representative Cases

- *The Corin Metal-on-Metal Hip Litigation*
Representing the manufacturer of hip implants defending hundreds of claims by consumers in the High Court.
- *Durrheim & Ors v MOD*
Appeared for the Ministry of Defence in the High Court interlocutory appeal, on the MOD's application for a Group Litigation Order in claims brought by a number of current and former servicemen for alleged noise induced hearing loss (NIHL). The appeals raised issues of combat immunity and scope of duty (see judgment).
- *Ministry of Defence v AB*
Part of the counsel team for the MOD, led by Charles Gibson QC, in the Supreme Court appeal in the group action brought by former servicemen who had participated in the testing of thermonuclear devices in the Pacific Ocean in the 1950's, in which limitation was tried as a preliminary issue (see alerter). The claimants alleged a wide range of personal injuries and the appeals raised issues of statutory knowledge and novel arguments of causation.
- *Abdale & Others v Secretary of State for Defence*
Acted for the MOD, led by Adam Heppinstall, in the 13 conjoined war pensions' appeals in the War

Pensions and Armed Forces First Tier Compensation Tribunal, also arising out of the nuclear testing (see judgment). Hannah also acted for the Ministry of Defence in the veterans' conjoined appeal against that decision in the Upper Tribunal, led by Leigh-Ann Mulcahy QC and Adam Heppinstall (see judgment).

- *Payday Lenders*

Advised, with William Hibbert, a group of consumers in relation to a prospective group action against a number of prominent payday lenders for alleged breaches of the Consumer Credit Act 1974, the Unfair Terms in Consumer Contracts Regulations 1999, the Consumer Protection from Unfair Trading Practices Regulations 2008, and the Protection from Harassment Act 1997.

Personal Injury

Hannah regularly advises on and appears in cases involving all aspects of personal injury law, spanning slip and trip cases as well as accidents resulting in serious injury or death, including claims for psychiatric injury. Her clients include insurers, commercial and private landlords, local authorities and blue-chip companies, as well as individuals. Hannah is well-versed in personal injury limitation law having acted as one of the counsel team that represented the MOD in the Supreme Court appeal, in which limitation was argued as a preliminary issue, in the group action *Ministry of Defence v AB and others* [2012] UKSC 9.

Representative Cases

- *W v U*

Currently instructed in a high-value personal injury claim arising out of the allegedly negligent design of a bathroom appliance, led by Prashant Popat QC.

- *Brown v Richmond upon Thames London Borough*

Acted for the claimant in this successful appeal to the Court of Appeal, led by Patrick Green QC, on quantum in a stress at work case.

Product Liability

Hannah advises and represents clients in relation to a range product liability matters, under the 1987 Act and the Consumer Directive as well as at common law. She has been instructed in relation to claims concerning a wide spectrum of products, including household products, vehicles, and food.

Instructions Include

- Representing the defendant manufacturer in a large group action concerning allegedly defective hip implants.
- Advising and representing an industrial vehicles manufacturer in a claim for damage alleged to have been sustained by defective motor component.
- Advising the UK arm of a major global brand of window manufacturers in relation to an alleged design

defect in a line of their products.

- Advising in relation to the supply of harmful animal feed.
- Advising and drafting pleadings for a major ceramics manufacturer in a claim for personal injuries said to have been sustained as a result of an allegedly defective bathroom appliance, led by Prashant Popat QC.

Health & Safety

Hannah has a growing health and safety practice, and has appeared in the magistrate's, Crown and Coroner's Court. She has experience of advising and representing clients in relation to accidents at work, safety issues arising on the rail network and on construction sites, and in relation to inquiries before the Traffic Commissioner.

Hannah is a member of the Health and Safety Lawyers Association.

Instructions Include

- Acting as junior counsel for British Telecommunications, led by Prashant Popat QC, in a prosecution brought by the HSE arising out of an incident involving serious injury to two BT engineers.
- Assisting Toby Riley-Smith QC in relation to the HSE prosecution of a construction company following the collapse of a roof structure of a school in Telford.
- Assisting Prashant Popat QC in relation to a prosecution brought by the ORR following a fatal accident at a level crossing.
- Representing a construction company at an inquest following the death of a lorry driver on a stretch of motorway where works were being carried out.
- Representing the owners of a motocross track at an inquest following the death of a motorcyclist after a collision on their premises.
- Representing heavy goods vehicles operators in proceedings before the Traffic Commissioner.

Commercial & Consumer

Hannah has a broad commercial and consumer practice. She regularly advises and represents banks and other financial institutions in relation to claims involving misrepresentation, undue influence, sale of goods and supply of services, civil fraud, and claims under contracts regulated by the Consumer Credit Act 1974.

Hannah also has experience of advising in relation to unfair terms in consumer contracts both from the business and from the consumer perspective. She advises and represents clients in corporate and personal insolvency matters, and appears regularly in both the Companies Court and the County Court in contested winding-up petitions, applications to set aside statutory demands, and final hearings.

Instructions Include

- *Jackson v Thompsons Solicitors & ors [2015] EWHC 218 (QB)*: Acting for the claimant, led by Patrick Green QC, in the six-week High Court trial of this economic torts claim involving allegations of unlawful means conspiracy and procuring a breach of contract.

- *Stirling Mortimer Global Property Fund PCC Ltd v ELS & Ors*: Acting for the claimant, led by Patrick Green QC, in a large-scale claim for civil fraud spanning a number of jurisdictions.
- Advising a major lender in relation to claims of alleged mis-selling of financial products in the context of the Financial Conduct Authority's review.
- Advising the Office of Fair Trading in relation to its investigation into the use of unfair terms in gym and health club contracts.
- Advising, with William Hibbert, the claimant in a claim concerning the meaning of "consumer" under the Unfair Contract Terms Act 1977 ("UCTA") and the Unfair Terms in Consumer Contracts Regulations 1999 ("UTCCR"), in the context of a contract for the marketing and sale of company shares.
- Advising a consumer in proceedings before The Property Ombudsman arising out of the design and installation of a kitchen, alleged to be not fit for purpose.
- Advising and representing both consumers and estate agents in relation to a number of claims for unpaid commission, concerning arguments as to the fairness of contractual terms under the Unfair Terms in Consumer Contracts Regulations 1999.
- Advising the Office of Fair Trading on the interpretation of the Estate Agents Act 1979, and the scope of its regulatory purview in relation to online forums for the marketing and sale of property in the UK.
- Advising, with William Hibbert, a group of consumers in relation to a prospective group action against a number of prominent payday lenders for alleged breaches of the Consumer Credit Act 1974, the Unfair Terms in Consumer Contracts Regulations 1999, the Consumer Protection from Unfair Trading Practices Regulations 2008, and the Protection from Harassment Act 1997.

Employment

Hannah maintains an enthusiasm for employment law. She has extensive experience of representing both claimants and respondents in the Employment Tribunal, in multi-day cases concerning unfair dismissal, constructive dismissal, disability discrimination, sex discrimination, pregnancy discrimination, harassment and victimisation, TUPE transfers and whistleblowing.

Hannah also has experience of providing advice and representation in proceedings for the enforcement of tribunal judgments.

Hannah is a qualified FRU representative, and a member of the Employment Lawyers Association.

Instructions Include

- Regularly instructed by a major UK supermarket to provide advice and representation in wide-ranging claims brought by employees and former employees.
- Advising and representing a major high street retailer in a case concerning claims of sex discrimination, victimisation and harassment.
- Advising and representing the claimant in a complex unfair dismissal claim under TUPE.
- Advising and representing the respondent in a 5-day claim for racial and religious discrimination, harassment and victimisation, involving two interpreters.
- Advising and representing a national vehicle retail company in relation to a high-value claim for whistleblowing brought by a senior employee.

Property

Hannah has experience of a wide range of property matters, including disrepair, breach of covenants, forfeiture, leasehold enfranchisement, boundary disputes, and anti-social behaviour.

Hannah also regularly appears in the County Court representing clients in contested actions for possession, both for claimants (including private landlords, local authorities, and mortgagees) as well as defendants. She has experience of making and resisting injunction applications on the grounds of anti-social behaviour and harassment.

Instructions Include

- Acting for the tenant in proceedings for the forfeiture of a high-value residential lease in central London.
- Representing the landlord in the First-tier Tribunal (Property Chamber) in relation to disputed service charges and claims under s.168 of the Commonhold and Leasehold Reform Act 2002 for a determination of breaches of leasehold covenants.
- Advising the freeholder of a large commercial property in relation to a potential easement over the land claimed by the owner of a residential neighbouring property.
- Advising a local authority landlord in relation to a claim for conversion when apparently abandoned good left at a property after the tenant's occupation had ended.

Data Protection & Freedom of Information

Hannah has a growing practice in Data Protection and Freedom of Information law and is currently instructed by a number of high-profile clients regarding sensitive data protection concerns. Her cases relate both to complaints and contentious subject access requests made by individuals, and to general high-level compliance issues, as to which she has provided advice and delivered comprehensive training to senior office members.

Hannah has experience of dealing with vexatious complainants and has provided advice in relation to appropriate policies and procedures for dealing with cases of this nature.

Instructions Include

- Advising a large and well-known members' organisation in relation to data protection concerns raised by a former member and vexatious complainant.
- Advising a smaller members' organisation in relation to a number of subject access requests by a current member. The requests followed a decision to remove the individual from his office within the organisation, on the basis of a highly sensitive and confidential report compiled by a committee put together in order to investigate member misconduct.
- Providing general advice on data protection compliance issues to a well-known client in relation to its computerised database of members, the need for consent under both the current regime and under the new EU General Regulation, and the expected effect of Brexit, with Peter Susman QC.
- Advising a local authority in relation to disclosure of highly commercially sensitive contract information following a tendering exercise.

Memberships

- Employment Lawyers Association
- Health & Safety Lawyers' Association

Education

- BA (Hons) Oxon, First Class (2nd in year)
- GDL, City University, Distinction
- BVC, City Law School, Outstanding (1st in year)
- Scarman Scholarship, City Law School (2010)
- Winner of the Blackstone Mooting Competition (2010)
- Bedingfield Scholarship, Gray's Inn (2009)
- The David Karmel Entrance Award, Gray's Inn (2008)
- The Katherine Chesney Prize for Modern Languages, St Hilda's College, Oxford (2007)