

# Sutton Coldfield Observer

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## RELIVING THE WEDDING DREAM

See Page 3

# Rare success as court rules ambulance driver was at fault in crash

By Nick Horner  
News Reporter

A DRIVER from Sutton has successfully fought a two-year legal battle against West Midlands Ambulance Service (WMAS) - against the odds - following an horrific crash two years ago.

Linda Heynes, of Powey Close, won her victory after an ambulance driver was found to be fully responsible for the accident at the junction of Tamworth Road and Whitehouse Common Road, in Sutton, in April 2009.

Despite an appeal, to a circuit judge at Birmingham County Court, the ambulance service's defence was dismissed, with its driver found to be 100 per cent responsible - a rare finding in claims involving a vehicle with its sirens sounding and lights flashing.

"The legal fight was made all the more traumatic because Linda had lost her only son, 28-year-old Benjamin Pawsey, four years ago in a car crash. He was a passenger in a vehicle

being driven at high speed. The driver was subsequently jailed.

The financial supervisor from Wainley told the *Observer* this week she believed WMAS' defence to be spurious, resulting in thousands of pounds of wasted legal costs.

"I had a strong conviction that I had done nothing wrong," the 59-year-old said.

"But my insurance company didn't back me and I was astounded that West Midlands Ambulance Service wanted me to accept 60 per cent liability for the accident.

"I have had a two-year fight to prove my case. At the initial hearing when the judge found in my favour I thought: 'At last justice.'

"But an appeal was lodged and it was only on June 23 that the appeal was dismissed.

"I am absolutely delighted and feel after two years, I have been vindicated."

Following her son's death, Linda has been campaigning for the road safety charity Brake about

raising the awareness of the dangers of speed, and she strongly disputed the ambulance driver's claim that the ambulance was only travelling at five miles per hour.

"If the ambulance driver had taken responsibility for her actions, I'd have been spared the stress of the last two years," Linda said.

"The whole experience has been made much worse by the fact that my only son Benjamin was killed in a car crash in 2007."

Linda said she was having therapy for Post Traumatic Stress Syndrome and had suffered an 80 per cent fracture to her sternum, broken ribs and extensive bruising.

She was also concerned by the wasted legal costs.

"This case will have cost thousands of pounds to fight and these could have been avoided," Linda said.

"It's cases like this that put up the cost of insurance for everyone and I find it quite shocking."

Linda's solicitor Paul Davis, from Nicholson Davis in Loughborough, said he believed the case may have more wide-reaching implications.

"Emergency vehicles have the right to go through a red light but the law says the driver must treat the junction as a give-



Linda Heynes from Wainley has won a two-year battle against the ambulance service against the odds but was angered by the stress caused and costs wasted.

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"Mr Davis said: "They have to be careful with those motorists going across on green, which didn't happen here.

"What emergency services have managed to do in the past is pass some of the blame on to the motorist. It is very unusual to get a 100 per cent victory against them and I have submitted the case to the law reporters.

"It was extremely rewarding to win the case for Linda, particularly as

she has been through the mill."

A West Midlands Ambulance Service spokesman said: "Getting to the patient as quickly but as safely as possible, saves lives. All of our staff receive nationally accredited training in advanced driving techniques to enable them to respond safely to emergency incidents. Staff must balance the need to get to emergency calls quickly with risks to other drivers."

**Concerns grow over takeover**

CONCERNS are growing that Mere Green is helping to turn Sutton Coldfield into a town of takeaways.

See Page 2

**Gang of four jailed for terrifying family**

A GANG of four who subjected a family to a "terrifying" knife-point ordeal in their own Erdington home have been jailed for a combined 34 years.

See Page 5

**Mollie is just the tonic at Good Hope**

PATIENTS in a stroke ward at Good Hope Hospital enjoyed a visit from a special furry friend.

Mollie, a husky has been bringing smiles to some of Sutton Coldfield's sickest patients.

See Page 8

**"I am absolutely delighted and feel after two years, I have been vindicated"**

LINDA HEYNES

LOOKING FOR A NEW HOME IN SUTTON OR ERDINGTON? TURN TO PAGE 47



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