

Avid Cyclist Told ‘Outright and Deliberate Lies’ in Damages Claim

A private detective photographed an avid sports cyclist regularly riding the tough Sean Kelly route in the Comeragh Mountains in Co Waterford, at a time when he claimed his cycling was limited due to injuries sustained in a cycling accident, the High Court in Waterford heard last week.

In an action for damages, Michael Looby (48) of Clarke villas, Clonmel, admitted telling “deliberate and blatant lies” in his statement of claim in respect of the accident at Colligan, Dungarvan, on April 27, 2010.

Senior Counsel Michael McGrath, for the plaintiff, said his client was an avid cyclist and he was rear-ended by a car and propelled through the air for some distance. He suffered a fracture of a lower lumbar vertebrae and grazing to the side of his legs and was left with ongoing pain in the lower back.

It was unfortunate for Mr Looby, he said, because he was second on a local authority panel for a job working on a street cleaning and sweeping machine. He received a letter offering him the job but was unable to take up the offer because he was in a back brace. Mr Looby lost out to another individual who was still in the job, the court heard.

In evidence, the plaintiff said cycling was his passion in life. Before his accident he could cycle 100K in five hours and, on one occasion, he cycled from Malin Head to Mizen Head.

However, in cross-examination the plaintiff admitted that when he was examined by doctors he told “outright blatant and deliberate lies” in order to make his claim for damages look better. When asked why he now had a “crisis of conscience”, he said he knew a detective had been watching him for a year. The “game was up” and he was found-out cycling at a level inconsistent with the claim he made in his pleadings.

Barrister Elaine Morgan, defending, said the plaintiff was seen regularly over a course of months cycling from Clonmel to Dungavan and then onto Carrick-on-Suir, on the route that Sean Kelly took when training for the Tour de France. It was a favourite route for cycling enthusiasts and had significant climbs, the court heard.

On one such trip, the plaintiff made a detour and added another 7K by going out the Dublin Road and he completed 105K without a break, she said. It was strenuous activity and his cycling was not reduced to just an hour and a half on the bicycle.

Ms Mogan said the plaintiff lied in his pleadings and inflated the value of his claim. She applied for a dismissal of the action.

Ms Justice Barr reserved judgement and adjourned the case to Dublin.