

*HERRICK BROWN & Company Ltd.*

Single Joint Expert in a dispute over a faulty computer.

The claimant was assisted by his legal expenses insurer. The defendant was a large retailer. The claimant claimed that he had purchased the computer system with the express intention of using it to play computer games, had bought three games with it, and that the system would not play these games.

The documents supplied showed that service technicians from the retailer had examined the system on two occasions. The system has also been examined by another “expert” instructed by the claimant's insurers. That “expert” had prepared a Report. The defendant rejected that Report.

I visited the claimant and inspected the computer system. It had an unusual configuration involving an additional graphics accelerator card to enhance the performance of the primary video card, which was itself a high performance card of a relatively unusual type.

My diagnostic software showed the computer system to be complete, with all the individual components operational. The computer's operating system was operational, and the standard games, e.g. Solitaire, ran properly. I was able to isolate the problem to the interaction between the purchased games and the combination of the primary video card and the graphics accelerator.

The manufacturer of the graphics accelerator card had become insolvent, and there was therefore no prospect of being able to obtain any assistance with the problem, e.g. updated driver software.

My opinion was that the basic computer system was fault free; and that if the video components were changed, the system would be “more standard” and the claimant would have a large selection of games from which to choose.

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