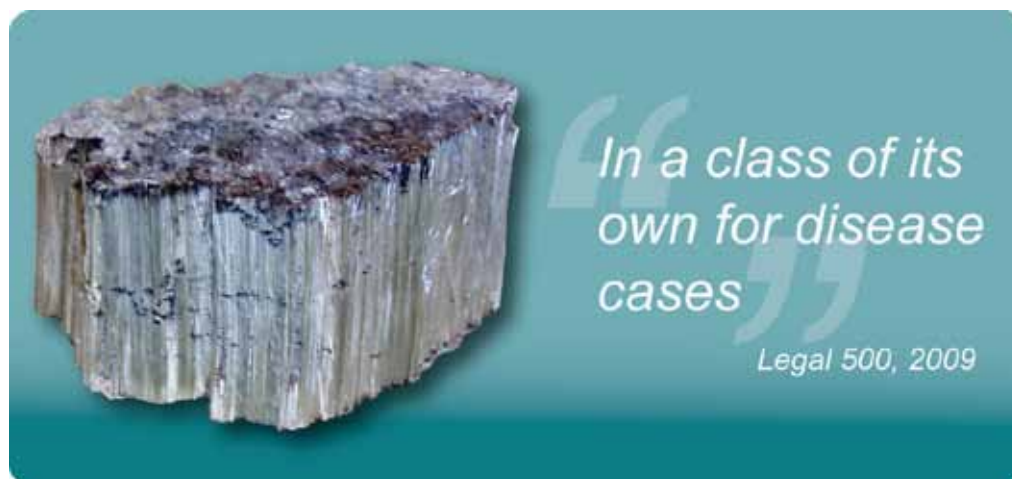


## Team recovers £155 million compensation for asbestos victims



So far this year we have recovered more than £5 million compensation for our clients. This brings the total amount of compensation that our team has recovered to £155 million compensation in more than 2150 cases.

We specialise in recovering compensation for our clients who are suffering from asbestos diseases like mesothelioma and asbestosis quickly and with minimal fuss.

We pursue our cases on a no win, no fee basis.

Our asbestos team is lead by Rodney Nelson-Jones, "a true leader in the field of industrial disease", according to the Legal 500. He recently instigated the practice of recovering compensation for hospices for the care that they have given to dying mesothelioma sufferers. We have since been able to pay £50,000 to hospices in five separate actions.

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# Introduction



## Welcome to the latest issue of Asbestos News

At Field Fisher Waterhouse we understand what a difficult time patients and their families may be going through when there is a diagnosis of an asbestos related disease.

We produce this newsletter to give you an insight into the work that we do so that you can see what can be achieved. Our clients are everyday people who have the right to compensation for a terrible illness which they have contracted through no fault of their own, but through the negligence and lack of care of their employers and others.

We have recovered over £155 million for our clients in over 2150 successful cases. Our lawyers are renowned for their expertise, their commitment and the care they take in such sensitive situations. You will see from some of the cases in this issue that there are many different circumstances that our clients encounter and we cater for them all.

We deal with things very quickly, with minimal fuss and disruption, allowing clients to concentrate on the more important business of enjoying time with their families.

You only have to read the quotes from our clients and from the independent legal directories to know that we work quickly and compassionately to win the settlements that our clients deserve.

Please take the time to read on and find out what we can achieve. If you would like more information, please ask for a copy of 'Mesothelioma and Asbestos – Claims guide for patients', which gives answers to the more technical questions you might have.

Please call us on Freephone 0800 358 3848, we would be happy to speak to you without obligation.

I hope you find this newsletter useful.

Rodney Nelson-Jones  
Head of Asbestos Litigation Department

“ A ‘true leader in the field’, Rodney Nelson-Jones leads the extremely approachable, professional and efficient team at Field Fisher Waterhouse LLP, which ‘cares for its clients’ welfare and adds the personal touch ”

Any questions or queries?  
Email us: [personalinjury@ffw.com](mailto:personalinjury@ffw.com)

Alternatively, call the team for free on  
0800 358 3848

# Mesothelioma victim exposed by companies with royal connections

Harminder Bains acted on behalf of Peter Holmes, a 56 year old mesothelioma sufferer, who was exposed to asbestos whilst working as a Print Finisher for Burrup Mathieson & Co Ltd and as a general labourer stacking trestles and boards in readiness for the flower shows at the Royal Horticultural Society.

Burrup Mathieson & Co Ltd argued photographs recording a visit by HRH Prince Philip in July 1972 proved there was no asbestos exposure on the basis that there was no asbestos shown in the photographs.

The Royal Horticultural Society argued that asbestos had been removed by the time Peter had commenced working with them and, besides, hundreds of employees of the RHS had done similar jobs and no one else had made a claim.

During the course of the claim, Harminder received hundreds of documents from both employers which they claimed proved there was no asbestos exposure. Peter gave oral evidence at his home and his case was successful and he received £200,000.

## At the end of the case Peter said:

*"The whole process was made so easy, I visited Harminder Bains at her office to make my initial statement (this was my own choice) as Harminder had wanted to visit me in the comfort of my own home to take a detailed statement, but I felt well enough at the time to travel and hold a meeting at Field Fisher Waterhouse. Then in December 2009 we had a court held in my living room which was so easy and I did not feel any intrusion in my home environment. My case was settled out of court in the end.*

*I would strongly recommend anyone who is diagnosed with mesothelioma to take the route I have taken and contact Field Fisher Waterhouse immediately. After the initial meeting with Harminder I felt so at ease and that I had known her for a very long time and looked upon her as a friend.*

*Field Fisher Waterhouse has made my life so much easier. Now that I have received compensation, all I can say is a very big thank you to Field Fisher Waterhouse and Harminder Bains."*



▲ Mr Holmes (second on the right) on holiday with his wife and friends

# NHS Nurse recovers compensation for mesothelioma

David Harden of Sidcup contracted mesothelioma in 2009 and contacted Peter Williams to deal with his claim. David, aged 57, worked as a theatre sister for St Mary's Hospital Sidcup.

He had been exposed to asbestos in an earlier career as an electrical engineer whilst working for Marryat Jackson Norris Limited. He worked in boiler houses and underground subways of hospitals and schools carrying out maintenance work and was exposed to asbestos dust from old pipe lagging.

Whilst the company was defunct Peter had successfully sued them previously and located their insurers. The case proceeded in court until a week before trial. There was a large dispute about whether David and his partner could be compensated for loss of his NHS pension. The claim settled at the sum of £270,000 a week before trial.

David says:

*"I thank Peter for the hard work on my case. He kept me up to date at all times. I am delighted with the settlement. The case went through a lot quicker than I expected and it is nice to know that my partner will now be financially looked after whatever the future holds for us".*

# Damages for mesothelioma patient who had previously developed asbestos-related pleural plaques

Mr Whitehead worked in the electricity generating industry for many years, and was exposed to asbestos when employed by the Central Electricity Generating Board (CEGB) between the 1960's and 1980's.

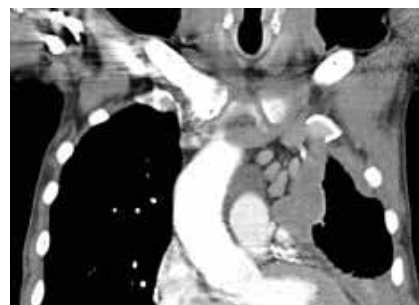
He developed asbestos-related pleural plaques and obtained a provisional award of compensation of £5,000 in 2004, when it was still possible to obtain compensation for that disease.

In summer 2009, Mr Whitehead developed symptoms of mesothelioma.

Unhappy with his previous solicitors, Mr Whitehead instructed Andrew Morgan to conduct the claim for him in September 2009. Andrew obtained the original file from the previous solicitors.

He applied to transfer the old claim from Sheffield to the mesothelioma fast track in London and took up correspondence with the Defendant's solicitors. He obtained an interim payment of £50,000 for Mr Whitehead exactly 4 weeks later and settled the whole claim for £128,930 on 15 January 2010, just 3½ months after being instructed.

The claim was taken on a *no win, no fee* basis.



◀ Mesothelioma

# Damages for asbestosis sufferer after insurers traced

Our client was suffering from asbestosis due to exposure to asbestos when he worked at a London company. Andrew Morgan pursued a claim although it proved difficult to trace the insurers of the company. The case was settled for £40,000.

Our client Mr Wallace Scott, aged 81, instructed Andrew Morgan to make a claim on his behalf, when he was diagnosed as suffering from asbestosis. Andrew had previously obtained substantial compensation for Mr Scott's brother.

Mr Scott had been exposed to asbestos when employed by London Covering Company Limited from the 1940s. There are no known insurers for the company in the early years but Andrew was able to trace insurance cover for some 75% of the period during which Mr Scott was exposed to asbestos.



▲ Mr Wallace Scott at home.

The insurers initially made an offer of £30,000 together with an offer to make a contribution towards Mr Scott's legal costs. This offer was rejected and Andrew managed to negotiate an offer of £40,000 plus full legal costs, which Mr Scott was happy to accept.

# Damages for widow of mesothelioma victim exposed by two employers

Brian Mason was diagnosed with mesothelioma in August 2007. Brian had worked for F J Baynes & Co and later as a maintenance engineer for London Borough of Lambeth. During his time with both companies he was exposed to substantial amounts of asbestos. At the London Borough of Lambeth he was required to work at the public baths in Lambeth Walk. Many of the boilers were removed and replaced and Brian would have to go in and out of the boiler houses whilst this work was being carried out.

Brian died in April 2008 before the claim was settled. Dushal Mehta was able to conclude the claim for his wife, Joan Mason, and achieved damages of £162,500.00. This would go towards ensuring that she is able to pay for the renovation work that Brian had begun at the home but was not able to finish due to his illness.

## After the case Joan said:

*"I would like to thank you for the professional yet empathetic way in which my case has been handled.*

*I have been kept informed from the outset to what was happening with my claim and the outcome was very satisfactory".*

# £250,000 compensation plus £80,000 insurance payout in brake linings case

We acted for Roy Banks of Ashford in April 2009. Roy had worked for a company who manufactured asbestos brake linings, Gandy Frictions Limited in the 1970s. He was required to restore old brake linings in the back of their storage depot in Sydenham, Kent. As a result asbestos dust collected on his clothes and hands. He was afforded with no protection or warning.

Roy was diagnosed with mesothelioma and contacted Peter Williams to proceed with a claim. Although Gandy Frictions no longer traded Peter was able to trace their insurers and proceed. Roy, aged 53, had to give up work as a welder for Network Rail and a substantial claim for loss of earnings and pension was made. Compensation of £350,000 was obtained from the insurers within a few months. In addition, we were able to spot that Roy was entitled to an ill health

insurance payout from Network Rail and we recovered £80,000+ in addition to his compensation. Roy, who is thankfully relatively well at present, says:

*"I consider myself to be one of the lucky ones who seemed to have remained fairly healthy so far. This is in fact due to Peter Williams of Field Fisher Waterhouse, not by giving medical advice but giving me sound legal advice during my claim, he was extremely knowledgeable, patient, and understanding about the disease which removed a lot of the stress. I can now face the future knowing that my family will be financially secure."*

# Damages for widow of refuse collector who worked breaking asbestos sheets

Dushal Mehta recovered £145,000 compensation for the widow of a refuse collector who was diagnosed with mesothelioma.

72 year old Dominic was diagnosed with mesothelioma, an asbestos related cancer, in April 2008 and his condition deteriorated rapidly. He died in May 2008. Prior to his illness, Dominic had been a very fit and active man. He enjoyed ballroom dancing and tended to his garden regularly.

Dominic worked for Epsom and Ewell Council for almost twenty years as a refuse collector and was required to collect asbestos sheets and break them up. Many of the houses in the area he worked were built in the 1930's and many had small garages and outhouses with asbestos roofs. Dominic was never advised not to collect corrugated asbestos sheeting when he carried out his rounds. He was regularly exposed to asbestos dust which subsequently caused his condition.

Dushal Mehta, who acted for the family, said

*'I believe that this is one of the first cases of its kind where a local Council has been found liable for exposing their refuse collectors to asbestos dust in the late 70's and early 80's. By then, it was widely known that asbestos dust was dangerous and that anyone working with asbestos should be given the proper protection. The Council were aware of the dangers, but did nothing to protect their employees'.*



## Rodney “makes Britain a better place to live.”



The Independent on Sunday has named Field Fisher Waterhouse asbestos and personal injury partner Rodney Nelson-Jones in a list of 100 people who make Britain a better place to live.

“Rodney has dedicated more than 30 years of his career to getting compensation for dying asbestos victims. He is known for his tireless work in getting victims and their families the money they deserve. His victories have paved the way for many others to get compensation.

“Rodney, who won the Association of Personal Injury Lawyer’s Outstanding Achievement award in 2002, has dedicated his career to seeking justice for those affected by the use of asbestos and their families.”

## Asbestosis victim recovers payment for household tasks

Harminder Bains acted on behalf of Mr Bourne who was exposed to asbestos whilst working for three employers - Sheerness and Portsmouth Dockyards, at Bowaters Mills and Bentalls stores.

As a result of exposure to asbestos he contracted asbestosis. He was diagnosed in July 2008 and Dr Rudd assessed his overall respiratory disability at 30%, of which 20% was attributed to asbestosis and 10% to impaired cardiac function and obesity.

Mr Bourne had difficulties with heavier tasks around the home and garden, such as pushing out heavy bins, decorating and washing the car. Harminder included a claim for domestic services. The employers resisted paying the domestic services part of the claim. They said Mr Bourne would have been unable to carry out such tasks because of arthritis and pain in the knee and back.

In response to the employers questions, Dr Rudd confirmed that the difficulties with heavier tasks around the home and garden was reasonably required on account of Mr Bourne’s respiratory disability which amounted to 30%. Dr Rudd maintained that even though Mr Bourne did not require

personal care, it was his breathlessness which gave rise to the limitation of his capacity for such tasks.

Mr Bourne elected to seek provisional damages and the employers agreed, prior to the court hearing, to pay Mr Bourne £65,000 on a provisional damage basis. Mr Bourne will be able to seek further compensation in the future. The general damages for pain, suffering and loss of amenity is between £35,000 and £40,000. The claim for domestic services was valued at £25,000 - £30,000.



▲ Mr Bourne in his garden

## Contacts



### **Rodney Nelson-Jones, Partner**

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Rodney is head of the group. He has specialised in asbestos disease claims for over 25 years. A leading legal directory commented that Rodney is "one of the finest personal injury solicitors in the country and an outstanding asbestos litigator".



### **Peter Williams, Partner**

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Peter has specialised in asbestos-related disease claims since he joined the department in 1993. He gives annual talks to solicitors on asbestos claims for Central Law training. He is a member of the Law Society Personal Injury Panel.



### **Andrew Morgan, Partner**

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Andrew has specialised in cases involving industrial diseases including asbestos diseases since 1993. He is the immediate past Coordinator of the Occupational Health Group of the Association of Personal Injury Lawyers and an APIL Fellow. He advises the Parliamentary Sub-Committee on Asbestos.



### **Harminder Bains, Partner**

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Harminder is a Fellow of ILEX and APIL with more than 15 years' experience and specialises in acting for victims of asbestos diseases. She has extensive trial experience having been involved in a multi-party test case, which concluded after a six-week trial. Her cases have featured in the Law Reports.



### **Dushal Mehta, Solicitor**

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Dushal joined the firm in 2009. He specialises in acting on behalf of claimants who are suffering with asbestos related illnesses.

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