

Mesothelioma victim turns campaigner

Harminder Bains acted on behalf of Christopher Morgan, a 58 year old mesothelioma sufferer who was exposed to asbestos whilst working as an apprentice pipe fitter from 1967 to 1972. He was employed by Johnson Matthey Ltd, based in Hatton Garden, London. This company made industrial items out of precious metals such as gold and platinum. Chris Morgan was exposed to asbestos whilst stripping asbestos from flues and pipes throughout the premises and cutting corrugated asbestos sheets.

We settled his claim within a few months for £494,000.

Chris agreed to help the Health and Safety Executives campaign to highlight the risks of asbestos exposure.

His interview was shown on the BBC and will be shown at health and safety events all over the UK as part of the awareness campaign.

A clip of Chris' interview can be seen on the HSE website:
www.hse.gov.uk/asbestos/hiddenkiller/index.htm



▲ The photo shows Christopher and Jean Morgan on holiday.

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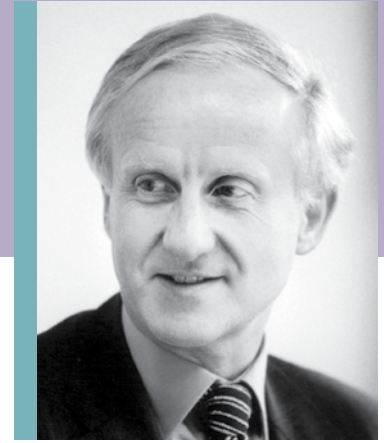
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Introduction



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 £147 million for our clients in over 2100 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 often 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 settlement 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

Alternatively, call the team for free on
0800 358 3848

Over £15 million compensation recovered for patients this year

Overview

So far this year we have recovered £15,638,106.00 in compensation for 83 sufferers of asbestos-related diseases.

Some of our successful cases from 2009 include:

£703,347 award after a nine day High Court battle, for the widow of an engineering consultant. The client's late husband was exposed to asbestos contained in the fabric of buildings when employed as an electrical engineer for a number of different employers

£218,000 recovered for a 67 year old mesothelioma sufferer who worked with asbestos between 1960 and 1968 as a lagger's labourer on sites and as a fitter's mate at a power station

£200,000 recovered for a 72 year old mesothelioma sufferer who in 1954 had worked near carpenters sawing asbestos sheets and installing asbestos lining in cabins and in the state room of a large private yacht

£180,000 recovered for the widow of a former boiler fitter who died from mesothelioma after he removed asbestos insulation in boiler houses between 1978 and 1986

£106,000 recovered for a 74 year old mesothelioma sufferer who breathed asbestos between 1954 and 1960 when employed as a labourer in an asbestos factory

£220,000 for a man who was exposed to asbestos whilst working for A.G. Manly Plumbing Limited, previously known as J&M Podmore Limited, from 1958 to 1978 as a plumber. His claim settled within six months

£115,000 awarded to a widow within six months. Her husband was exposed to asbestos working for a scaffolding company at a power station under construction in about 1966/67. He worked near ladders who were employed by a contractor. Damages were awarded against that contractor, even though it was not the Claimant's employer

£212,866 obtained for the widow of a lighting engineer who was exposed to asbestos used in the construction of lights and lighting rigs for the film and television industry. The employer ceased trading many years previously, but we were able to identify the insurers and obtain full compensation

£205,000 recovered for the widow of a 50 year old carpenter and joiner who, in the early 1970s, cut and sawed asbestos sheets to size in order to fit them into fire-check doors

£200,000 awarded to a victim of mesothelioma who was exposed to asbestos for about ten months between 1977 and 1979 when working as a miller. Settlement was achieved within eight months of instruction

£192,500 awarded for a victim of mesothelioma who was exposed to asbestos dust between 1991 and 1998 when he was a maintenance electrician. Settlement was achieved within six months of instruction

£190,000 recovered for a power station worker at Bradwell who, in the 1980s, was exposed to asbestos lagging which fell off the pipes whilst the station was being "run up". He died from mesothelioma as a result

£187,500 recovered for a the widow of a 70 year old former lagger. £12,500 of this was paid over to the hospice which had cared for him during the last three weeks of his life

£167,000 awarded to a widow whose husband had been exposed to asbestos as a teacher and deputy head teacher at a junior school between 1973 until about the early 1980s

£120,000 settlement won for a man who is sadly dying from mesothelioma aged 73, after being exposed at Chatham Dockyard where he worked as a joiner from 1951 to 1957

£250,000 recovered for the family of a lagger who worked for Halsen Asbestos Company Limited. We were unable to take a statement from him during his lifetime but following his death we were able to take statements from those who had worked for Halsen who we were able to identify using our extensive data banks

£219,377 recovered for an engineer at Bankside Power Station. Before the onset of his symptoms he took care of his disabled wife. The claim settled within the client's lifetime and included a sum for the cost of care for his wife

Husband recovers compensation to assist wife with household tasks

cases

Peter Dennison worked with asbestos as a lagger's labourer employed by Cape Insulation Ltd from 1960 to 1962.

He was then exposed further to asbestos when employed by the Central Electricity Generating Board as a fitter's mate at Bow Power Station from 1964 to 1968. In the autumn of 2008, at the age of 66, he contracted malignant mesothelioma of the pleura.

His wife suffers from severe pain in her left knee, diabetes and oedema in her lower legs. She needs two wheelchairs and an electric scooter. Consequently Mr Dennison performed such tasks as Hoovering and dusting, hanging out the washing and bed-changing, taking her

shopping and loading and unloading, as well as general tidying around the house – all tasks that will need to be performed by paid help after his death.

In a ground breaking settlement in August 2009, Rodney Nelson-Jones helped Mr Dennison to recover almost £50,000 for his inability to perform these services for his wife after his death, thereby providing the funds for her to pay someone to carry them out. This formed part of the overall settlement figure of £218,000.

Factory worker's claim settled within three months



The photo shows workers of the British Uralite at their Christmas party in Higham, Kent in 1949. Joyce Holley is third from the left.

"Thank you so much for dealing with my case. I was very surprised with how quickly and how easily everything went through and with no effort on my part at all. So a big thank you to all who helped my case."

Joyce Holley

Harminder Bains acted on behalf of Mrs Joyce Holley who worked at the British Uralite asbestos factory in Higham from 1943 to 1949.

Initially she worked in the women's pipe shop and then finally in the canteen. She was exposed to asbestos whilst making asbestos products such as pipe bends, pipe terminals, pipe cowls and garden boxes.

She also cut wet asbestos sheets, wrapped the asbestos around moulds and finally took the moulds to a fire to dry out. After drying she would smooth the asbestos products down with an emery board and polish them with French chalk.

Mrs Holley was diagnosed with mesothelioma in July 2009 and her case settled for £118,000 in October 2009.



Claim won by mesothelioma widow after she changes lawyers

Christopher Robin Clifton (“Robin”) was employed by Randolph Harper Limited from 1961 until about 1988.

Up until the early 1980’s, when Asbestolux was banned, he used to have to saw through Asbestolux sheets as part of his job near Oxford. As a result he developed mesothelioma in September 2003 and initially instructed local solicitors to make a claim. However, Randolph Harper Ltd had ceased trading and the owner had since passed away. Sadly Mr Clifton died 18 months later, in February 2005, without any insurers having been traced.

Mr Clifton’s partner, Valerie, instructed the same solicitors to pursue the claim but they could not continue with the claim, because they could not trace the insurers.

In 2008, more than three years after Mr Clifton died, Valerie instructed Andrew Morgan to take over the claim. He obtained the file of papers from the previous solicitors and reviewed the material that they had obtained.

Amongst those papers Andrew found a document that identified the correct insurers. The previous solicitors had not understood its significance. Andrew issued court proceedings and the case was settled at its full value of £140,000.

Lung cancer proven to be caused by asbestos in heavy smoker

In June 2009 an £84,000 settlement was achieved for Mr B, a 67 year old man from Hayes who contracted lung cancer after being exposed to asbestos dust when working as a labourer for Cape Building Products Limited in the 1960s.

During his 18 months at Cape Building Products, Mr B was heavily exposed to asbestos dust in the course of his work. His tasks included handling sacks of raw asbestos which he was required to open and empty out.

Generally it is very difficult to prove the connection between lung cancer and asbestos exposure where the sufferer has not first contracted asbestosis.

Mr B’s son said:

“ I would like to take this opportunity, on behalf of my father and myself, to thank the firm for the professional and sympathetic way they have dealt with our claim ”

In this case Mr B had also smoked heavily for most of his adult life, making it even harder to establish the connection.

We were able to prove, with the help of a medical report, that asbestosis did not need to be present for Mr B’s lung cancer to be attributed to asbestos exposure. The settlement took into account a deduction of 17.5 % to reflect his history of smoking.

Compensation worth over half a million pounds, including periodical payments, awarded to blind widow

Harminder Bains acted on behalf of a widow whose husband died from mesothelioma on March 2009 after being exposed to asbestos whilst working for Halsen Insulation & Engineering Company Limited.

The deceased worked for the company from approximately 1961 to 1982 as a lagger. He was exposed to asbestos whilst carrying out his work in various sites including Ford Motor Company, Tilbury A Power Station and BP Oil Refinery.

The widow is blind and her husband, before he left for work in the morning, set out breakfast for his wife and then in the evening returned home and cooked the evening meal.

Harminder comments:

"This was a difficult case but I am happy that periodical payments for care and case management were obtained. These will greatly assist the widow in respect of the care she requires for the rest of her life."

We claimed for compensation to include the cost of care provided by the husband. The widow received a lump sum of £145,000 together with £23,200 each year in periodical payments to pay for the cost of care and case management for life.

This is believed to be one of the first cases in which periodical payments have been awarded to the dependant of a mesothelioma victim.

Speedy interim payment for Mr Whitehead

Peter Whitehead was exposed to asbestos in his employment with the Central Electricity Generating Board between about 1961 and about 1980.

He developed asbestos-related pleural plaques and made a claim for compensation. He settled his claim in May 2005 for £5,000 on a provisional basis.

Sadly, Mr Whitehead then developed mesothelioma in 2009. He was not happy with his original firm of solicitors and instructed Andrew Morgan to advise and to make a claim.

Andrew obtained the full file of papers from the previous solicitors, took over conduct of the original claim at Sheffield County Court and applied for the case to be transferred to the mesothelioma fast track in the High Court in London.

Andrew notified the claim to the employer's solicitors speedily and obtained a payment on account of £50,000 for Mr Whitehead exactly one month after Mr Whitehead first contacted him.

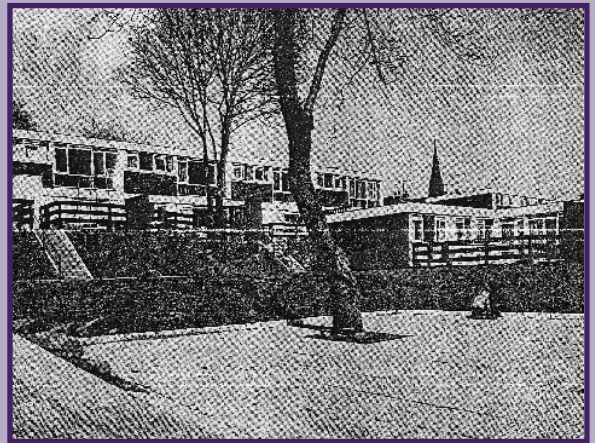


Architect recovers compensation for mesothelioma caused by work on Government housing

An architect contracted mesothelioma from breathing in asbestos whilst working for the Government on a brand new housing project in the late 1960s.

In one of his first jobs Mr W, who later became a successful architect and was awarded an OBE for his voluntary work and services for access to buildings for disabled people, worked for the Ministry of Housing on the "5M housing system" in Sheffield, Leeds and Catterick. Mr W was able to provide extensive details of the system from the Royal Institute of British Architects.

These showed that asbestos was extensively used in the fascias, cladding, insulation and party walls. Mr W breathed in asbestos during site visits. He was diagnosed with mesothelioma in 2008. Peter Williams conducted his action against the Government which was settled for £250,000 without the necessity of court action.



▲ The photo shows one of the housing projects in Sheffield (where asbestos was extensively used) which Mr W worked on.

Peter says:

"Even in the late 1960s the Government was ignoring its own advice about the risk of mesothelioma from asbestos exposure. The consequences of those decisions are still being felt today by those who worked in ignorance of the dangers".

Case settled within 25 days for £115,000

On 20 July Mr. A, a 73 year old man, instructed Rodney Nelson-Jones to pursue his claim for damages for mesothelioma.

Rodney visited him at home in Hornchurch the next day, entered into a no-win no-fee agreement and took a full statement from him. Mr A, who was divorced, had worked near ladders fitting asbestos whilst he was employed as a maintenance fitter between 1965 and 1990 by the Central Electricity Generating Board at Barking Power Station and by National Power at West Thurrock Power Station.

Rodney immediately notified his claim, commissioned a medical report on him from his treating oncologist, obtained

his medical records and his employment history from HM Revenue, and sent the insurers the oncologist's medical report together with a detailed eight page schedule of loss.

In order to put pressure on the insurers, he commenced High Court action on 12 August. On 14 August the insurers made an offer in settlement. Rodney persuaded them to increase it, and the case was settled later that day for £115,000. All this took place in the space of 25 days.

£1.4 million award in mesothelioma case

In May 2009 Rodney Nelson-Jones obtained one of the highest compensation awards in a mesothelioma case.

Mrs S sadly lost her husband in June 2008 at the age of just 47 years to mesothelioma. He was diagnosed with the asbestos related tumour after being exposed as an engineer in the late 1980's. The claim was made against his former employers.

The award was exceptionally high because Mr S was due to start a new business venture shortly before his diagnosis,

a venture which had prospects of being very successful. Rodney enlisted the aid of a leading forensic accountant to carry out a complex calculation of the loss of profit from the new business over the next 20 years.

After disputing the claim his former employers settled for £1.4 million compensation, an award later approved by the Senior Master of the High Court in March 2009.

Family of electrician diagnosed with peritoneal mesothelioma recover damages

Brian Cox worked for a large electrical company, Lighting Maintenance Ltd, between 1969 to tax year 1971/2 and cut asbestos panelling to trace electrical cabling during re-fits to Mothercare stores.

He sadly contracted the asbestos cancer of mesothelioma and died in 2008. The company had ceased to exist but Peter Williams managed to trace insurers from August 1971. The insurers alleged that he was not employed by the company during their period of employer's liability insurance.

Disclosure of the full employment record was sought from Inland Revenue and this showed that he must have worked for the company at least up to March 1972. The pathologist at post mortem had incorrectly thought Mr Cox died from pancreatic cancer. We were able to obtain an independent pathologist report to prove the cause of death was peritoneal mesothelioma - a particularly virulent form of the disease. The case was settled without the necessity of court proceedings on behalf of Mr Cox's widow for £245,000 damages.



▲ The photo shows Brian Cox

Brian's brother Jon says:

"Brian would have been pleased at the end result, because he would have, like your firm, fought for the right result. We all have, and will continue, to recommend you to others."

“We will stop the compensation culture when you stop exposing us to asbestos” states Union Leader

Rodney Nelson-Jones and Harminder Bains attended the third pleural plaques lobby on 28 October 2009.

Many eminent trade union leaders, MPs and other activists spoke at the lobby. Dr Robin Rudd also spoke and set out in detail the information he had provided to a Government Minister. He stated:

“If a model sustains a facial injury which leaves a scar which makes her look less attractive, an ‘anatomical injury’, she will be entitled to substantial damages even though the ‘physiological function’ of her face has not been in any way impaired.

The law already allows compensation of persons who do not even have any ‘anatomical damage’ demonstrable. Perhaps the best example is where a person receives an injection that, for a while, is thought to be contaminated with human immunodeficiency virus (HIV).

Although the only physical injury is puncture of the skin by a needle, damages are awarded for the psychological consequences of it being thought (even if erroneously) that the injection might have transmitted HIV infection.

It must be at least equally appropriate to award damages to persons who are acknowledged to have been negligently exposed to asbestos, who have suffered ‘anatomical injury’ i.e. pleural plaques, and who are at significant, and in some cases large, long term risks of lung cancer and mesothelioma.

To restore the status quo ante would cost the public purse nothing and would assuage the strong sense of injustice felt by thousands of people who have sustained exposure to asbestos through their employer’s negligence, some of whom already have pleural plaques, some of whom will develop pleural plaques in the future and some of whom will develop and die from more serious asbestos related diseases in the future.”

MPs Mick Clapham, Jim Sheridan, David Anderson, Andrew Dismore and Stephen Hepburn are due to meet the Prime Minister, Gordon Brown to discuss matters further. We hope justice is restored and that the House of Lords’ judgment of 2007 is overturned by legislation, thus restoring the right to claim compensation for pleural plaques.

▼ The photo shows lobbyists standing outside the House of Commons on 28 October 2009



▼ The photo shows John Cruddas MP, Jimmy Parrish GMB, Dr Robin Rudd, Rodney Nelson-Jones and Tony Kent GMB



Leading the way in securing compensation for charitable hospices

Rodney Nelson-Jones, head of our asbestos team, has been pioneering a new initiative to recover compensation for the hospices who care for mesothelioma patients on a charitable basis.

It has long been possible to recover compensation for the value of care provided by relatives so our innovation has been to extend this principle to charitable care provided by hospices.

Our campaign began in November 2008 after Rodney successfully recovered damages for the family of a 64 year old man, who lost his fight against mesothelioma in December 2007. The gentleman had worked as a carpenter, painter and labourer throughout his life. Rodney was able to prove he had been exposed to asbestos dust during his employment with J Murphy & Sons Ltd and he recovered compensation of £170,000.

During the last four weeks before his death he had been cared for in a North London Hospice dedicated to cancer patients, so £12,500 of this settlement was paid to the hospice which provided him with care worth over £400 a day.

A further £12,500 was recovered again in early 2009 for St Francis Hospice in Romford for its care of Anthony Schneider, a mesothelioma victim who contracted the disease after being employed as a lagger's mate by Apex Insulation. Mr Schneider had been sent to work at schools, factories and offices in the London area where he had to pour asbestos out of paper bags into a large tub where he mixed asbestos with water and took it to where the ladders were working.

Rodney says:

"The recovery of over £30,000 for three hospices represents a valuable source of extra funding for these important charitable organisations. In each case, the families of the mesothelioma victims have been very happy to see the payments made to them".

He also stripped off old asbestos from pipes and boilers and swept up waste asbestos into piles with a broom. He breathed huge quantities of asbestos for about a year whilst he was employed by Apex Insulation and inevitably contracted the fatal asbestos tumour of mesothelioma 50 years later. Mr Schneider's widow, Linda, instructed Rodney to pursue the claim against Apex Insulation and recovered £187,500 overall, of which £12,500 was paid over to the hospice.

The third hospice case was completed in June 2009 on behalf of the family of Roger Wrench who breathed significant quantities of asbestos when employed as a boiler man fitter by International Computers Ltd between 1978 and 1986.

In 2007 he contracted mesothelioma and on 30 May 2008 he was admitted to a Hospice in Sussex and was cared for there on a charitable basis until his death on 12 June 2008. Rodney succeeded in recovering damages in respect of this care and a cheque for £6,200 was sent to the Hospice and gratefully received.

We are delighted to have been able to secure extra funding for these hospices, who rely on charitable donations to provide much needed palliative care for cancer patients. We hope that they are now provided with an additional source of funding through the legal press.



What our clients say about us

" We would like to take this opportunity to thank you and your colleagues for all the hard work you all put into bringing my late brother Brian's case to a successful conclusion. What seemed to be a straightforward case at the beginning started to turn into a living nightmare for all the family after the first pathologist gave the wrong cause of death, and if had not been for you, your colleagues and Dr Steele of Barts Hospital, we would have got nowhere. Brian would have been pleased at the end result, because he would have, like your firm, fought for the right result. We all have, and will continue, to recommend you to others. Again many thanks from all of Brian's family"

Jon Cox, Brother of Brian

" I want to thank you for the hard and protracted work you have done on my behalf, regarding my claim. Your success has given me not only a financial stability but importantly a new found confidence to face the future. Justice has been done for my husband whose only fault was 'to go to work'. Thank you sincerely"

Maureen Evans

" Where do I start and how can I thank you enough. We were both in a quandary as to what to do and now, following your memo to my daughter, Alison, it is clear what we must do and how to approach this problem we have"

Mr & Mrs Keel

" I am writing to express my thanks and gratitude to you for all the work and help you have given me over the last three years. The outcome of my husband's claim was well beyond anything I expected"

Mrs E Nelson

" I would like to thank you for all the hard work that you have done on our behalf. I feel so much better now, money apart, but in the end my brother was compensated for his early death. I do not think that without your help we would have ever succeeded"

Mr Charman

" We thank you very much for the sensitive way in which you have dealt with our father's claim from the very beginning. I was extremely worried when Dad first told me that he was going to pursue a claim as I thought it would cause him unnecessary stress but he was determined that he wanted to do it as it gave him comfort to know that he was helping us and you made it very easy for him for which I thank you. Our Dad was an amazing man and he only ever thought of us and this money will enable me to give up my stressful job as a midwife and allow me to spend more time with my two young children which is very important to me and something Dad knew I had wanted to do for a long time. Helen and I still find it hard to comprehend what has happened over these last few months but we gained comfort from the fact that Dad knew that his claim had been successful which gave him great piece of mind"

Elizabeth Cann

" I would like to take this opportunity to thank you for all your hard work and dedication that you put towards my father's case. He spoke very highly of you, your kindness and professionalism. Thank you for all that you did for him"

Helen Spiers

" This has been a long and sometimes troubling road for the Martin family, and the way in which you have handled all matters has made the journey an easy and ordered one. Thank you again"

Bob Smith

Contacts



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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".



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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.



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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.



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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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