

LIE 10

CONFIDENTIAL

Mrs Shirley-Quirk  
APS/SoS  
Room 407  
RH

From: Ronald Powell SOLB3  
Date: 3 October 1990  
Copy: Mr Waterhouse PS/  
Perm Sec  
Mr Heppell PG  
Mrs Christopherson  
ID  
Mr Thompson SOL  
Mr Dobson EHF1

HIV HAEMOPHILIAC LITIGATION

1. I have spoken to Mr Dobson this morning about the proposal to release by means of a press statement, the letter that Mr Heppell is sending today to the Treasury Solicitor, in response to Mr Justice Ognall's comments on the 26th June 1990.
2. Mr Thompson, Mr Desai at the Treasury Solicitor's Department and myself are all of the view that this letter should not be released as a press statement until Mr Justice Ognall has agreed that it may be released.
3. Mr Desai has received the letter from Mr Heppell and is sending a copy by fax to the Clerk to the Leeds Crown Court, where Mr Justice Ognall is sitting today. The Judge should get it at the end of the Court day, about 4.00 pm. Mr Justice Ognall. Mr Desai will also tell the Clerk that we would like to release the letter as a press statement and ask for Mr Justice Ognall's agreement to our doing so.
4. If Mr Justice Ognall does agree then plainly it may be released, but if he does not, then it should not.
5. At the hearing on 26th June 1990 Mr Justice Ognall said that his note should go no further than the parties and their legal advisors and The Times on Monday confirmed that publication in the Sunday Times occurred "after being leaked without the Judge's authority".
6. Publication of matters which the Court has decided should be kept confidential in the interests of justice, is a contempt of Court, and it seems to me that responding in public to a confidential matter (which cannot be done without admitting the contents of the document under response) is also arguably a contempt.

7. In any event we must do everything we can not to prejudice our standing with the Judge. Publicising the response without his agreement may well be counterproductive. The Judge's comments were released in confidence and I think it behoves us to reply in the same way. The fact that others have in the meantime made the comments public does not mean that we should respond in the same vein.

GRO-C

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