

3<sup>rd</sup> August 2008

GRO-C

Newcastle Upon Tyne

GRO-C

Tel GRO-C

**RE FURTHER EVIDENCE FOR SUBMISSION TO ARCHER INQUIRY**

Dear Vijay,

First of all I hope you had a great holiday and have come back feeling refreshed! I am writing with regard to further evidence I wish to submit to the panel as a matter of urgency and I want to raise further serious concerns in relation to the behaviour of both the government and solicitors acting for haemophiliacs.

I came across a couple more documents and believe I have established further connections. I would like you to look at the parliamentary question put to Tony Newton (DHSS) from Frank Field MP dated 11<sup>th</sup> January 1988, not sure if I gave you a copy of this already at the very beginning of the Inquiry BEFORE the "Newsnight" piece went out but it is important to look at this now post Newsnight!

*"To ask the Secretary of State for Social Services when he will answer the letter sent by the honorable Member for Birkenhead on 17<sup>th</sup> September 1987, concerning the date Ministers were first informed of the dangers of HIV infection from contaminated blood products and asking for details of professional advice given to haemophilia centres regarding these dangers in 1983."*

Please look at the reply and note the answer from Tony Newton attached. And note that Tony Newton was also answering Lord Owen's questions when he was accusing the government of "gross maladministration". As you can see there is no mention of the following in 1983 which were known to the DHSS, evidence in fact that lay in DHSS offices and was exchanged with solicitors acting for haemophiliacs and are mentioned in the final opinion on haemophiliacs chances of winning the HIV litigation (11<sup>th</sup> Dec 1990).

- 1) There is no mention of the Pettriciani circular which the DHSS admit to having had from late March 1983 (see page 6, Deas legal opinion, 11/12/90)
- 2) There is no mention of the Galbraith evidence submitted to Ian Field, DHSS and which was discussed with Joseph Smith and others (see page 8, Deas Legal opinion, 11/12/90)

Deas states:

*"Given the combination of Dr Galbraith's advice and the serious concern evidenced in Dr Pettriciani's circular of March 1983 there is the makings of a sustained argument that the decision of the CSM not to withdraw Factor VIII was, at the very least negligent and arguably perverse."*

(see page 8) Deas Legal Opinion, 11/12/90)

- 3) There is no mention of the fact that there were known cases of AIDS in UK haemophiliacs in May 1983, in fact two haemophiliacs were sick and dying according to Susan Douglas (Mail On Sunday 1<sup>st</sup> May 1983). This was the article that Dr Peter Jones highlighted in his complaint to the Press Complaints Commission BUT Galbraith (PHLS) refers to this article as credible in that Susan Douglas was entirely correct in her observations and has not received an apology to this day!

The omission of known cases of AIDS in UK haemophiliacs is particularly disturbing as the UKHCDO had responded swiftly to AIDS according to Newton

*"by agreeing in September 1982 to establish a mechanism for collecting data in the UK. The details of this programme were sent to the Department in April 1983."*

I allege that the DHSS DELIBERATELY WITHHELD key documents in the letter of 11/1/88 to divert the course of justice.

I came to the same conclusions in my dissertation re the government and alleged negligence studying the documents independently as Deas did in December 1990- please read his 10 page opinion – he looks at self-sufficiency from 1973 and considers the Walford quote on the dangers of hepatitis, B and NANB - December 1979 that I also highlighted –

So what happened,-

- a) WHY WERE HAEMOPHILIACS DENIED THEIR DAY IN COURT?
- b) WHY WEREN'T HAEMOPHILIACS TOLD THE CHANCES OF WINNING THE CASE HAD SIGNIFICANTLY IMPROVED?
- c) UP UNTIL DECEMBER 1990 WHY HAD ONLY TWO LAWYERS INVOLVED IN THE LITIGATION SEEN THE GOVERNMENT'S DISCOVERY? (Deas, page 2)

Look at the first paragraph from Deas,

*"This note evidences a radical change in my perception of the plaintiffs' prospects of success on establishing breach of duty in negligence and, insofar as it is relevant, Wednesbury unreasonableness" (Deas, page 1)*

He goes on to say,

*"The purpose of this note is to explain why I am now of the view that the plaintiffs prospects of success have significantly improved both on breach of duty in negligence and Wednesbury unreasonableness and the consequential, and favourable, implications for causation" (Deas, page 1)*

However look at the next part and ask yourself-

- d) HAD THE SOLICITORS ALREADY AGREED BY THEN TO THE EX-GRATIA PAYMENT?
- e) DID THE SOLICITORS NOT LOOK AT THE EVIDENCE PROPERLY AND THEN RUN OUT OF TIME?  
- IT CERTAINLY LOOKS THAT WAY!

*"I am alive to what will be discussed in the course of the consultation later today having had a telephone call from Michael at 00.45 this morning. Given the work that has been put into the*

*preparation of the plaintiffs ' case by all counsel and the Steering Group I hesitate to inflict yet another note not least because there is rarely sufficient time to properly consider any note circulated immediately prior to or in the course of a consultation. That said, for reasons which will become obvious, it is my duty to do so "* (Deas, page 2)

Deas then puts forward his argument over the next few pages.

Vijay, consider Deas (page 10)

*" It follows that a decision to recommend acceptance today does not of itself mean that the action is at an end"*

however-

*"If the action were to proceed, for whatever reason, but we had stopped work on the preparation of the plaintiff expert evidence, then come 12<sup>th</sup> January we would be in great difficulty."*

Vijay, haemophiliacs need some answers here, on top of this they were tied in to what now appears to be an illegal waiver remember our legal opinion from Matthias Kelly QC

I have further concerns regarding the way haemophiliacs were treated by their solicitors and need to draw your attention to the most recent allegations against [GRO-D]

[GRO-D]

he was given a warning and made to pay compensation but my husband had died by then. [GRO-D] was struck off for another matter, (I will send you the Tribunal ruling as soon as I receive it, so these are yet further separate allegations from Mr Kelman.)

In addition our solicitor before that Mr Graham Ross let our case go out of time (case upheld by OSS). My fellow campaigner Mr Mossman has had no less than 5 firms of solicitors, I believe his latest solicitor rang you recently – as you know I have been helping his solicitor and QC with evidence in support of his case (see original case attached). He too had Ross, Deas Mallen Souter and [GRO-D] among his solicitors.

- f) HOW CAN A CASE GO ON FOR NEARLY 20 YEARS USING TAX PAYERS MONEY AND HAVE STILL NOT MADE IT TO COURT- I FIND THIS BIZARRE!

I hope that Lord Archer makes recommendations in the area of what service litigants ought to be able to expect from solicitors in cases such as ours.

Many thanks for your help as always.

Yours sincerely

Carol Grayson

