



Emma De Zoete
19/10/99 10:35

Sent by: Emma De Zoete/HSD2

To: "s=Ryan/i=SB/ou1=MS42/o=Department of Social Security/p=DSS/a=Gold 400/c=GB" **GRO-C**
cc: "s=James/i=A/ou1=MS42/o=Department Of Social Security/p=DSS/a=Gold 400/c=GB" **GRO-C**
Kate Darwin/HSD2/DOH/GB **GRO-C**
Charles Lister/HSD1/DOH/GB **GRO-C**
Heather Gwynn/HSD2/DOH/GB **GRO-C**

Subject: HepC litigation - to be cleared by 12.00ish today



RESTRICTED - Medical

Sue,

Please see the attached letter. I discussed this with Anita James yesterday whose advice was that we should not concede this point on the basis that it may go to an ECJ reference. We are reluctant to concede the point, particularly considering that should the ECJ reference go forward we think that there would be considerable support from other MS for our position. In terms of an unhelpful ruling from the Judge on this point we would hope that the case would be settled before such a ruling would be made.

Consequently we agreed to provide further advice to Simon Pearl at DAC backing our position on the one heart transplant case. Attached is a draft letter which Anita is going to send to DAC. **I would be grateful if you could check that you are happy with what I have put together here and forward an ammended version to Anita (copied to me).** You will recognise much of it from your advice. I have tried to pull out the key points from your advice and combine it with some policy aspects (I have left out the section on property as I wasn't sure whether this was a point which distinguished organs from blood/blood products). Thanks very much for all your help with this. We need to get the letter to DAC by **lunch time today.**

Heather - you will have seen my (now out of date) update note on this, but of course happy to discuss. We have had to move fairly swiftly on this.

Sue - thanks for all your help with this. I will be around today if you need to speak to me.

Emma



draft letter to DAC 19.10.99d