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From: Ronald Powell
Sol C3
Date: 17th July 1989

Mr J Canavan
HSLA
A404 APH

cc: Dr Rejman
Mr Barton) with copy
Mr Dobson) letter
Dr Pickles) 5th May

also: Mr Gutowski Med Div ✓

HIV HAEMOPHILIAC LITIGATION:

GRO-A

I attach copy minute from Treasury Solicitor with enclosure. In paragraph 4 he asks for information as to the categories of documents involved and their extent. Can you (and the AIDS Unit) let me have some information, if possible by Friday morning, so I can pass it on to T/Sol?

As regards the numbered paragraphs I assume comments will be something like:-

- (i) documents of all classes in paragraph 9 of Fisher Meredith's letter of 5th May have been in the possession, custody or power of the DoH/SoS,
- (ii) we are not prepared to disclose any documents voluntarily,
- (iii) some documents will be privileged because for example they relate to legal advice or were prepared in connection with the litigation. Precisely what objections to disclosure will be raised can only be given when the documents have been examined,
- (iv) this must await detailed examination of the documents.

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MINUTE SHEET

No. L89/3211/JND.....

File No. **GRO-A**.....

Mr Ronald Powell
Solicitor C3
Department of Health and Social Security
Room A105
Richmond House
Whitehall
London SW1

RE: HAEMOPHILIAC/HIV LITIGATION

I refer to my minute of 6th July regarding pre-action discovery in this matter.

In the **GRO-A** case there is a Summons for discovery of documents and I am hoping that it would be heard after the main General Summons for Direction has been disposed of by the Judge.

However it is likely that the Judge will hear the Summons for discovery on 28th July and it is important that Mr Fenwick is instructed before that date; in broad terms the three Defendants wish the question of discovery to be considered from their points of view.

I have discussed this matter with Mr Neilson and I agree that there should be no voluntary discovery in accordance with the Department's policy and that there should be a Court Order. However, it will be helpful if the Judge can be informed of the categories of documents involved and the extent of documents.

The details of documents for discovery sought against the Government Defendants are set out in paragraph 3 of the Summons, copy of which you have. I shall be grateful if you will let me have your comments on the categories of documents sought to be discovered based on the following points: inter alia:

- (i) whether the documents listed have been at any time in possession, custody or power.
- (ii) whether there are any documents which any of the Defendants is willing to disclose voluntarily.
- (iii) grounds of objection in respect of each category of documents.
- (iv) categories of documents in respect of which public interest immunity is to be claimed.

Copy of Mr Winyard's affidavit is enclosed.

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J N DESAI
For the Treasury Solicitor

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July 1989