

LIEIO.

Mr Powell
Sol c3

From J. Canada HSIA
Date 19 July 1989
cc Mr Dobson HSI
Dr Rezman Med SEB
Mr Gutowski MBIB

HIV Litigation

Following your minute of 7 July, Mr Arkat has sent you our combined comments on the Plaintiffs Opening and Summons. I am replying on the other matters you raised.

Directions

I can confirm that Medicines Dev and ourselves are content to be guided by Counsel in relation to the directions sought.

Plaintiffs Costs

This was discussed at the meeting in Charles Dobson's room on 4 July. As you say, the apportionment of the costs

need not concern us, if the plaintiffs themselves are content that the proposals are reasonable.

Discovery of Documents

It was agreed on 4 July that we would follow precedent and not disclose documents voluntarily. However we would cooperate fully once a Court Order has been made.

Certainly we would wish to do the discovery only once as it will be a very time consuming exercise. When it is done is, as you say, of less concern. Our concern is that sufficient time should be allowed for the very considerable amount of work involved.

Work is already underway to identify and test relevant documents. However you are correct in saying that it will not be completed by 24 July and by then we will only be able to give an indication of the scale of the problem.

As regards Harford, Medicines Dev are considering what documents, if any, they would wish to withhold. From my own viewpoint the advice to themselves is something we would certainly wish to withhold if this were possible under public interest immunity. For the others I would like to reserve judgement until I

know the scope of public interest immunity. There would be no point in trying to withhold items which could not be covered by that immunity. I think you were going to advise us on this question. I will come back by Friday with a response to your minute of 17 July.

Chronology of Events Leading to Heat Treatment of Factor 8

You asked if a separate chronology could be prepared on this. We will do what we can but we think our files will have an incomplete record. The CBLA is probably in the best position to give the full picture. However when we spoke on the 'phone you asked me to leave the matter with you rather than make enquiries of the CBLA. Their solicitors might take it amiss if we cut them out. I think it is important, though, to get CBLA's account of events leading to heat treatment. There may also be points in the Plaintiffs Opening and Summons on which they could usefully comment. I understand you have sent their solicitors a copy.

We also spoke on the 'phone about Treasury Solicitor request for DH's views on the CBLA's proposal to give plaintiffs' solicitors ^{the} factual information they might ask for. We were uncertain whether the Dept could stop CBLA, even if we wanted to. You thought it unlikely public interest immunity would extend to a S4A like the

● CBZA but you would check. In the meantime
you would hold back a reply to T. Sol. My concern
would be to obtain a copy of any information that
CBZA did provide to plaintiffs, provided, of course this
is within the bounds of proper conduct on this litigation.

GRO-C

/ J. CANAWAN

HSIA

R 505, Eileen House

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GRO-C