1990 L No. 849

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BETWEEN:-

LPN 196
Plaintiff
-and-
N.E.THAMES R.H.A.
First Defendant
-and-
N.E.ESSEX H.A.
Second Defendant
-and-
HAMPSTEAD H.A.
Third Defendant
-and-
THE DEPARTMENT OF HEALTH
Fourth Defendant
-and-
THE ATTORNEY GENERAL
(on behalf of the Committee on Safety of Medicines)
Fifth Defendant
-and-
THE ATTORNEY GENERAL
(on behalf of the Licensing Authority under the Medicines Act 1968)
Sixth Defendant
-and-
CENTRAL BLOOD LABORATORIES AUTHORITY
Seventh Defendant
-and-
N.W.THAMES R.H.A.
Eighth Defendant

FIRST SECOND AND THIRD DEFENDANTS' REQUEST FOR FURTHER AND BETTER PARTICULARS OF THE STATEMENT OF CLAIM

Messrs Beachcroft Stanleys
20 Furnival Street
London EC4A 1BN
Ref: GW/NETRHA/MAW/31188

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

1990 L NO 849

BETWEEN

LPN 196 Plaintiff

and

North East Thames Health Authority and Others Defendants

REPLY TO REQUEST OF
1st & 2nd DEFENDANTS FOR
FURTHER AND BETTER PARTICULARS OF
THE INDIVIDUAL STATEMENT OF CLAIM

Under Paragraph 92 of the Reamended Main Statement of Claim, Particulars Section 7 and 8

Of "(ag) Treated the Plaintiff with home-produced Factor VIII concentrate, when another form of treatment might have been used;"

1. State

(1) the date of each treatment as listed in Schedule I to the Statement of Claim alleged to have been negligently given under this subparagraph;

(2) separately for each such treatment, what "other form of treatment" it is alleged "might have been used";

(3) separately for each such treatment, when such other form of treatment could or should have been used;

[redacted]

(4) separately for each such treatment, why (by reference to averments in the Re-Amended Main Statement of Claim or otherwise) it is said that it is was negligent to use home produced Factor VIII concentrate in preference to that other form of treatment.

Answer

This allegation is abandoned

Of "(ah) Treated the Plaintiff with commercial Factor VIII concentrate, when another form of treatment might have been used;"

2. State

(1) the date of each treatment as listed in Schedule I to the Statement of Claim alleged to have been negligently given under this subparagraph;

(2) separately for each such treatment, what "other form of treatment" it is alleged "might have been used";

(3) separately for each such treatment, when such other form of treatment could or should have been used;

(4) separately for each such treatment, why (by reference to averments in the Re-Amended Main Statement of Claim or otherwise) it is said that it was negligent to use commercial Factor VIII concentrate in preference to the other form of treatment.

Answer

The Plaintiff's case is that on each occasion on which he was in fact treated with commercially produced Factor VIII concentrate, he should have been treated with home-produced Factor VIII concentrate because at all material times the risk of viral infection from commercially produced Factor VIII was greater than that from home-produced Factor VIII concentrate

Served this 31st day of July 1990 by Pannone Napier OF 20/22 Bedford Row, London WC1R 4EB Solicitors for the Plaintiff