

DATED the 11th day of December 1991

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BEFORE THE HONOURABLE MR JUSTICE OGNALL IN CHAMBERS

BETWEEN:

Re: HIV Haemophiliac Litigation

UPON HEARING Counsel for the Plaintiffs and for the Central Defendants, Health Authority Defendants, for the Central Blood Laboratories Authority and for North West Thames Regional Health Authority

AND UPON the Plaintiffs and proposed Plaintiffs listed in the Schedule to the first summons herein giving by their respective solicitors the undertakings set out in the First Schedule to this Order

**IT IS ORDERED that:-**

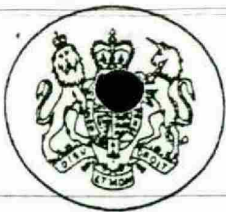
Hepatitis Infection Litigation

1. Leave is given to the lawyers acting for the Plaintiffs in the coordinated arrangements in respect of the HIV Haemophiliac Litigation, to make use of any information acquired from documents disclosed on discovery by the Central Defendants in the HIV Haemophiliac Litigation in the course of and for the purpose of acting for Plaintiffs complaining of their infection with hepatitis by transfusion of blood or blood products and to retain copies of such documents for that purpose and that such lawyers be released from the undertaking given by paragraph 14 of the Main Settlement Agreement and the requirements of paragraph 13 of the Main Settlement Agreement to that extent



2. Subject to and upon the conditions set out in the Second Schedule to this Order, leave is given to the lawyers acting for the Plaintiffs in the coordinated arrangements in respect of the HIV Haemophiliac Litigation, to make use of any information acquired from documents disclosed on discovery by the Health Authority Defendants in the HIV Haemophiliac Litigation in the course of and for the purpose of acting for Plaintiffs complaining of their infection with hepatitis by transfusion of blood or blood products and to retain copies of such documents for that purpose and that such lawyers be released from the undertaking given by paragraph 14 of the Main Settlement Agreement and the requirements of paragraph 13 of the Main Settlement Agreement to that extent

3. Leave is given to the lawyers acting for the Plaintiffs in the coordinated arrangements in respect of the HIV Haemophiliac Litigation, to make use of any information acquired from documents disclosed on discovery by the Central Blood Laboratories Authority and by North West Thames Regional Health Authority (in its Blood Products Laboratories capacity) in the HIV Haemophiliac Litigation in the course of and for the purpose of acting for Plaintiffs complaining of their infection with hepatitis by transfusion of blood or blood products and that such lawyers be released from the undertaking given by paragraph 14 of the Main Settlement Agreement to that extent. For the avoidance of doubt it is recorded that leave is not given to retain documents disclosed on discovery by the Central Blood Laboratories Authority and by North West Thames Regional Health Authority ( in its Blood Products Laboratories capacity) in the HIV Haemophiliac Litigation or copies of such documents; as to such documents and copies thereof, paragraph 13 of the Main Settlement Agreement remains in full effect



#### HIV Transfusion Litigation

4. Leave is given to the lawyers acting for the Plaintiffs in the coordinated arrangements in respect of the HIV Haemophiliac Litigation, to make use of any information acquired from documents disclosed on discovery by the Central Defendants in the HIV Haemophiliac Litigation in the course of and for the purpose of acting for Plaintiffs complaining of their infection with HIV by transfusion of whole blood or plasma and to retain copies of such documents for that purpose and that such lawyers be released from the undertaking given by paragraph 14 of the Main Settlement Agreement and the requirements of paragraph 13 of the Main Settlement Agreement to that extent

5. Subject to and upon the conditions set out in the Second Schedule to this Order, leave is given to the lawyers acting for the Plaintiffs in the coordinated arrangements in respect of the HIV Haemophiliac Litigation, to make use of any information acquired from documents disclosed on discovery by the Health Authority Defendants in the HIV Haemophiliac Litigation in the course of and for the purpose of acting for Plaintiffs complaining of their infection with HIV by transfusion of whole blood or plasma and to retain copies of such documents for that purpose and that such lawyers be released from the undertaking given by paragraph 14 of the Main Settlement Agreement and the requirements of paragraph 13 of the Main Settlement Agreement to that extent

6. Leave is given to the lawyers acting for the Plaintiffs in the coordinated arrangements in respect of the HIV Haemophiliac Litigation, to make use of any information acquired from documents disclosed on discovery by the Central Blood Laboratories Authority and by North West Thames Regional Health Authority (in its Blood Products Laboratories capacity) in the HIV Haemophiliac Litigation in the course of and for the purpose of acting for Plaintiffs complaining of their infection with HIV by





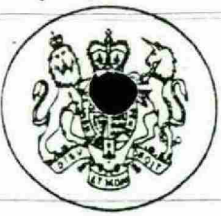
transfusion of whole blood or plasma and that such lawyers be released from the undertaking given by paragraph 14 of the Main Settlement Agreement to that extent. For the avoidance of doubt it is recorded that leave is not given to retain documents disclosed on discovery by the Central Blood Laboratories Authority and by North West Thames Regional Health Authority ( in its Blood Products Laboratories capacity) in the HIV Haemophiliac Litigation or copies of such documents; as to such documents and copies thereof, paragraph 13 of the Main Settlement Agreement remains in full effect

7. J. Keith Park, solicitors, shall forthwith return to Clifford Chance, solicitors for the CBLA, all copies of documents disclosed by CBLA to the Plaintiffs in the HIV Haemophiliac Litigation in J. Keith Park's possession, custody or control

8. J. Keith Park, solicitors, shall forthwith return to J. Tickle & Co, solicitors for North West Thames Regional Health Authority (in its Blood Products Laboratories capacity), all copies of documents disclosed by North West Thames Regional Health Authority (in its said capacity) to the Plaintiffs in the HIV Haemophiliac litigation in J. Keith Park's possession, custody or control

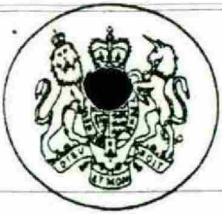
9. There be no order as to the costs of this application save that:

- (a) The Plaintiffs do pay the costs of the Central Blood Laboratories Authority and of North Thames Regional Health Authority (in its Blood Products Laboratories capacity) in respect of this application, such order for costs not to be enforced without leave of the Court
- (b) The solicitor and own client costs of the Plaintiffs in the two sets of litigation referred to in paragraphs 1 to 3 and 4 to 6 hereof and incurred in respect of this application, shall be borne between them in equal shares



(c) that the costs of the Plaintiffs be taxed in accordance with Regulation 107  
of the Civil Legal Aid (General) Regulations 1989

[This matter occupied the time of the Court for a duration 25 minutes that is to say  
from 2.00pm to 2.25pm on the date hereof]



## FIRST SCHEDULE REFERRED TO IN THE ORDER

1. Leave to make use of any information acquired from documents disclosed on discovery and/or to retain copies of such documents is granted to the Plaintiffs upon the Plaintiffs by their solicitors hereby undertaking that:

(a) neither the documents disclosed on discovery nor any information obtained from them will, unless otherwise ordered by the Court of its own motion or on the application on notice of any party, be disclosed to any other firm of Solicitors unless that firm represents one or more Plaintiffs in one of the actions within the litigation referred to in paragraphs 1 to 3 and 4 to 6 of the Order and unless that firm is prepared to give the additional undertakings set out below

(b) the Plaintiffs and their legal advisers and their experts will undertake that the documents and any information obtained from them will not be used without the leave of the Court for any purpose other than in order to establish liability in cases within the litigation referred to in paragraphs 1 to 3 and 4 to 6 of the Order

(c) neither the Plaintiffs nor their advisers will release the documents disclosed or any information obtained from them or details of an individual case not otherwise known to them to anyone other than the parties' legal advisers, experts, witnesses and the trial judge

(d) neither the Plaintiffs nor their advisers will, without the leave of the Court, contact patients or their relatives identified from the material disclosed, whether in search of further material, or for the purpose of calling them as witnesses

(e) the Plaintiffs and their legal advisers will use their best endeavours to ensure that details of individual cases obtained from the documents disclosed on discovery will not be discussed in open court in such a way that patients or their families may be identifiable without the leave of the Court

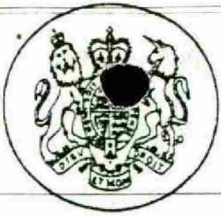


2. Copies of documents disclosed by the Defendants and retained pursuant to the leave granted by this order may be shown to Mr Charles Medwar and any other advisers who are not members of a recognised professional body on condition that the same undertake:

(a) not to take or retain any copies of any of the documents disclosed by any of the Defendants herein or to use any such documents for any purpose other than the proper conduct of the proceedings in the litigation referred to in paragraphs 1 to 3 and 4 to 6 of the Order

(b) to give undertakings in like terms to those given by the Plaintiffs' solicitors





## SECOND SCHEDULE REFERRED TO ON THE ORDER

1. Deas Mallen Souter and J Keith Park & Co. ('the original solicitors') shall have leave to review the documents disclosed by the Health Authority Defendants in the HIV Haemophilia Litigation with Counsel with a view to compiling a joint Schedule of the documents or (where appropriate) classes of document which they consider relevant to the transfusion or hepatitis cases (as the case may be)

2. The original solicitors shall then serve on Davies Arnold Cooper:

(a) the said Schedule

(b) a list of all cases in which they are instructed, identifying the claimant, the proposed Defendant(s), when and where the claimant received the treatment complained of and (in summary form) the nature of the claim

3. If Davies Arnold Cooper have not within 28 days of the service of the said Schedule and list notified the original solicitors of any objection to the use of any of the scheduled documents, the original solicitors shall thereafter be entitled to make use thereof for the purpose of the listed cases as if the same had been disclosed on discovery under R.S.C. Order 24, subject to the undertakings set out in the First Schedule to this Order

4. The original solicitors (or any of them) shall be at liberty to inform any other solicitor of whom they are aware of acting for a claimant in the transfusion/hepatitis litigation of the nature of the documents as held by them and to supply them with a copy of the Schedule. Any such solicitors wishing to inspect or obtain copies of the schedule documents shall so notify Davies Arnold Cooper in writing, giving the information





identified at 2(b) above, who shall within 21 days either give their consent to the disclosure (on the same basis as set out at 3 above) or give notice of objection

5. If any solicitor who has already had disclosure of the scheduled documents in accordance with the above procedure is subsequently instructed on behalf of any claimant he shall be entitled, on giving written notice to Davies Arnold Cooper (giving the information identified at 2(b) above) and receiving no objection within 14 days, to use them for the purpose of that claim on the same basis as set out at 3 above

6. Any objection under 3, 4 or 5 above to be resolved on an application to Master Turner by the claimant(s) under RSC Order 24

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DATED the 11th day of December 1991  
IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
MR JUSTICE OGNALL IN CHAMBERS  
BETWEEN:

Re: HIV Litigation

**ORDER**  
made on First Summons  
Court 5

Deas Mallen Souter  
DX 61085 Newcastle

Ref: AM

Solicitors for the Plaintiffs