Witness Name: Alan Burgess Statement No:WITN1122001 Exhibits: WITN1122002-4 Dated: February 2019

## INFECTED BLOOD INQUIRY

### EXHIBIT WITN1122003

WITN1122003\_0001

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L/N 1989 H. 2717

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

WRIT ISSUED 26TH OCTOBER 1988

BETWEEN :-

#### H.S.1(3) AND H.S.2(4)

Plaintiffs

-and-

CAMBRIDGE AREA HEALTH AUTHORITY (1) EAST ANGLIAN REGIONAL HEALTH AUTHORITY (2) ATTORNEY GENERAL ON BEHALF OF COMMITTEE OF SAFETY OF MEDICINES (3) ATTORNEY GENERAL ON BEHALF OF THE LICENSING AUTHORITY PURSUANT TO MEDICINES ACT 1968 (4) DEPARTMENT OF HEALTH (5) EAST SUFFOLK HEALTH AUTHORITY (6) CENTRAL BLOOD LABORATORIES AUTHORITY (7) NORTH WEST THAMES REGIONAL HEALTH AUTHORITY (8)

Defendants

AMENDED INDIVIDUAL STATEMENT OF CLAIM

In the form of Schedule One to the Order of Mr Justice Ognall of 24th July 1989

1. Plaintiff's Reference Number: HS 2(4)

Plaintiff's representative capacity: not applicable

2. London Number: 1989 H No. 2717

#### 3. Particulars of Writ

- (a) Issue of Writ: 26th October 1988
- (b) Renewal of Writ: Not applicable
- (c) Amendment of Writ: 15th September 1989

and 22nd March 1990

(d) Service of Writ: On 1st Defendant: 27/9/89

On 2nd Defendant: 27/9/89

On 3rd Defendant: 27/9/89
On 4th Defendant: 27/9/89
On 5th Defendant: 27/9/89
On 6th Defendant: 27/9/89
On 7th Defendant: 29/3/90
On 8th Defendant: 29/3/90

## 4. Particulars of Plaintiff

- (a) Date of Birth: GRO-C 1959
- (b) Age: 31
- (c) Category: 2(g)
- (d) Relevant Haemophiliac: HS1(3)
- (e) Relevant Haemophiliac's category: B(i)
- (f) Relationship to HS1(3): Wife

# 5. Particulars of Haemophilia of HS1(3)

- (a) Type of Haemophilia: A
- (b) Date of Diagnosis: 1967
- (c) Severity: Mild
- (d) Date of Administration of Blood Products between 1st January 1978 and 5th September 1985
   See Appendix 1 served herewith

6.1 <u>Types of Blood Product Administered between 1st January 1978 and 5th</u> <u>September 1985</u> Cryoprecipitate, NHS and Commercial Factor VIII: See Appendix 1 served

- 6.2 <u>Details of manufacturers and batch numbers of blood products</u> <u>administered between 1st January 1978 and 5th September 1985</u> See Appendix 1 served herewith
- 7.1 <u>Period during which each such blood product was prescribed for the</u> <u>Plaintiff, with relevant dosages and dosages for each bleeding</u> <u>episode</u> See Appendix 1 served herewith
- 7.2 <u>The date of each and every sample of blood taken and stored</u> None recorded in notes
- 8. <u>HIV tests with negative results</u>: None
- 9. <u>First HIV test with positve result</u>: 5th September 1985

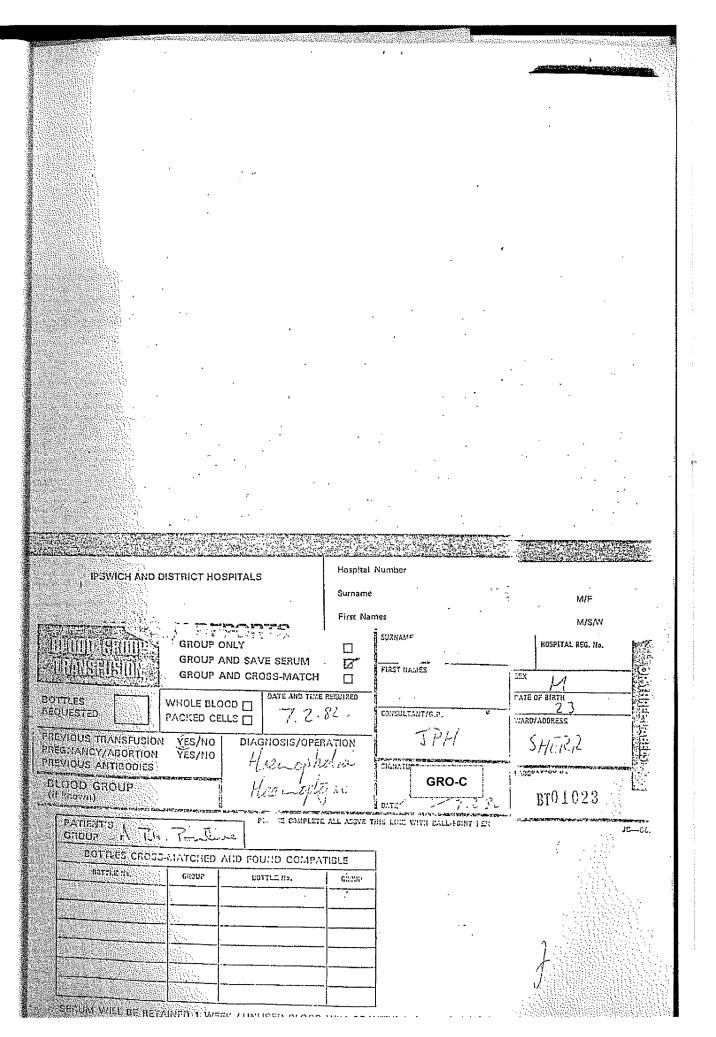
## 10. Date of Sero-conversion

Although there has been no back testing on samples of HS1(3)'s blood, HS1(3) has not received Factor VIII since 1982. Whilst therefore the HS1(3) can state with certainty that the sero-conversion took place in or before 1985, the history of treatment with Factor VIII suggests that sero-conversion probably occurred following contamination with Factor VIII given in December 1982

- 11. <u>Date HS1(3) developed clinical AIDS</u>: HS1(3) has, since August 1989, probably been suffering from AIDS in a mild form
- 12. <u>Other Specific Matters to be pleaded</u> None
- 13. <u>Further Definition of Defendants</u> None
- 14. <u>Any of the Duties and/or Breaches of Duty pleaded in the Re-Amended</u> <u>Main Statement of Claim not alleged by this Plaintiff</u> The Plaintiff does not rely on the allegations listed in the general exclusion list for haemophiliacs infected before 1983
- 14.1 The Plaintiff does not rely on the allegations in respect of clinical management and counselling set out in the Re-Amended Main Statement of Claim Paragraph 92 sections 7 and 8 except: (ag), (ah), (ai), (aj), (ak), (al), (am), (ar), (as)
- 14.2 <u>Any Duties and/or breaches of Duty not pleaded in the Re-Amended Main</u> <u>Statement of Claim alleged by this Plaintiff</u> None
- 15. <u>Particulars of alleged injury including alleged physical and psychological damage and/or other losses</u> See Appendix 2 served herewith

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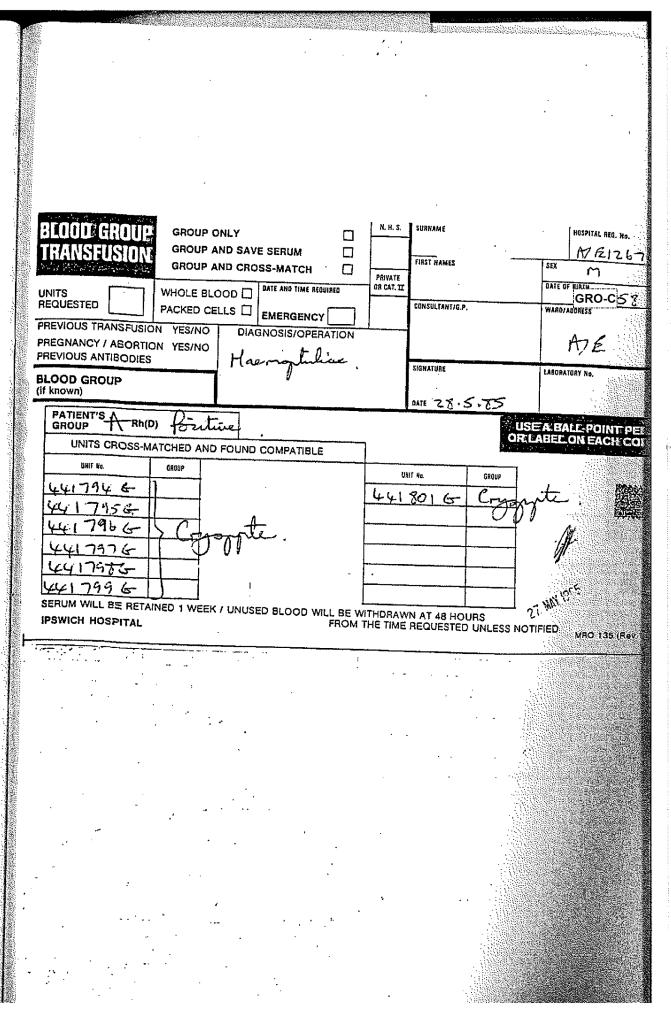
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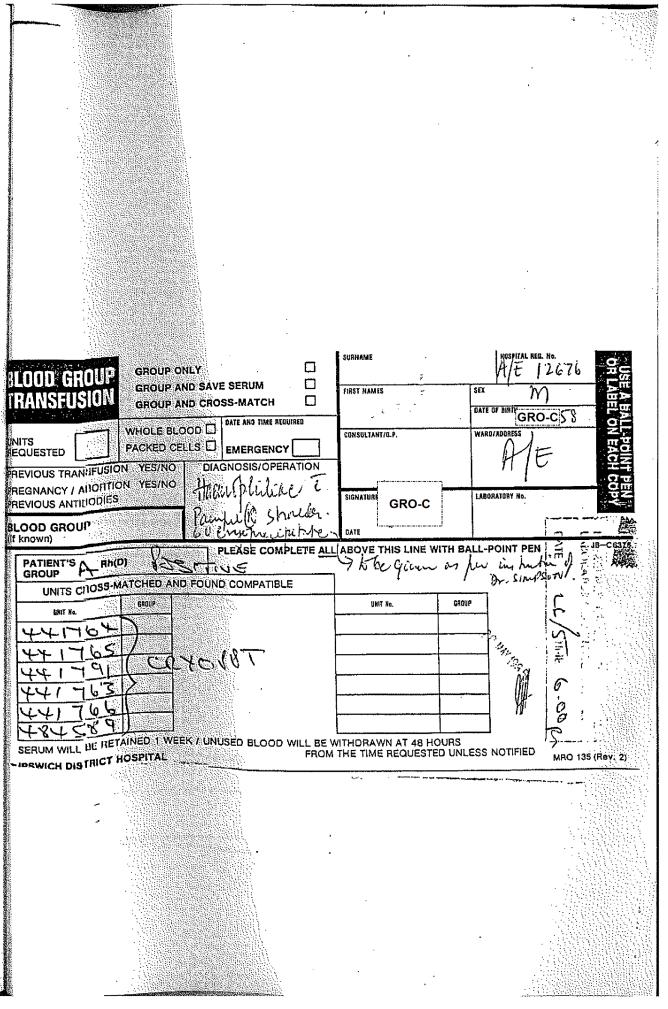
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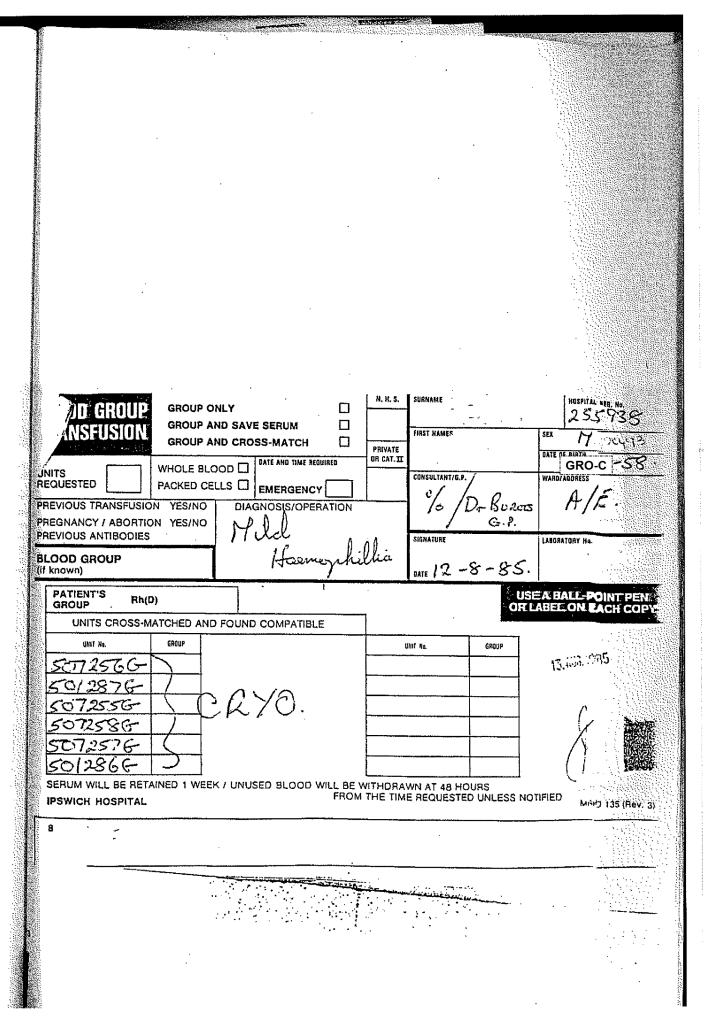
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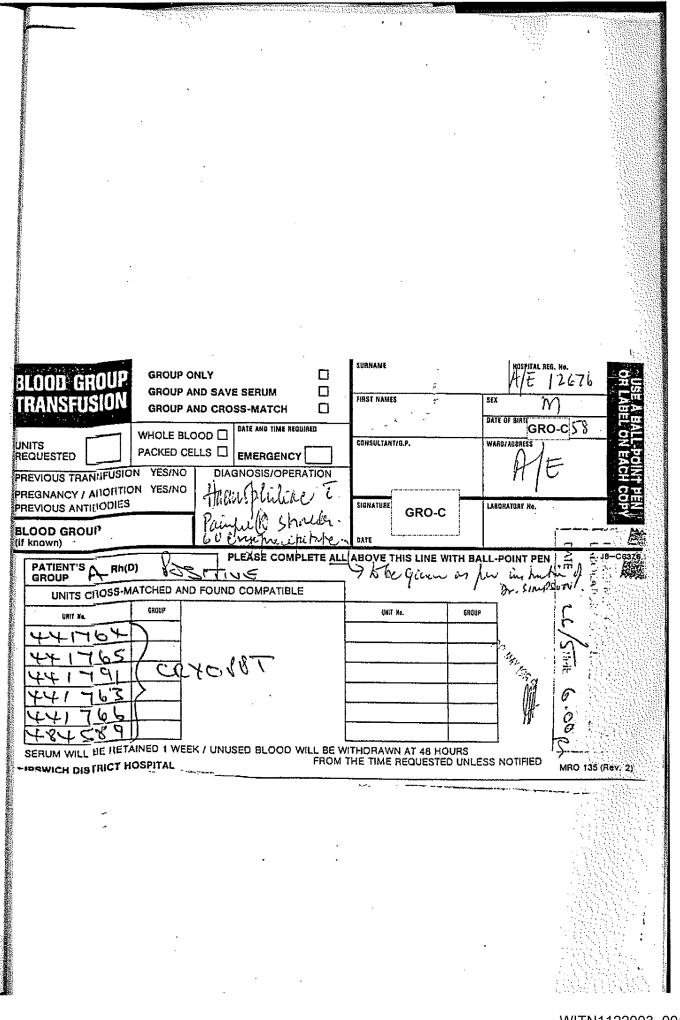
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# APPENDIX 2: PARTICULARS OF LOSS AND INJURY

The Plaintiff is married to HS1(3) and has 3 children, two girls (d.o.b. 1980 and 1982), and a boy (d.o.b. <u>GRO-C</u>1986). The two girls are likely to be carriers of haemophilia. The Plaintiff's life was uninterupted by her husband's \_\_\_\_\_ haemophilia and the news of the diagnosis has changed her whole life. She and her husband live in constant fear of AIDS, they worry about every illness, and she has to attend for blood tests frequently.

As a result of inadequate counselling about the implications of being HIV+, the Plaintiff and her husband were unaware of the risks to the Plaintiff and to unborn children of "unprotected sex", and the Plaintiff's son was conceived after the Plaintiff's husband had been told about his infection. This caused great anxiety for the Plaintiff and her husband when they realised the implications.

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The Plaintiff suffers the isolation of anyone who lives with an HIV+ individual, and worries about the children and others finding out about the situation.

The family have been unable to move house because of the impossibility of obtaining a mortgage.

1990 H. 345

IN THE HIGH COURT OF JUSTICE

#### QUEEN'S BENCH DIVISION

BETWEEN:

HS 2(4)

Plaintiff

-and-

CAMBRIDGE AREA HEALTH AUTHORITY and Others

Defendants

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AMENDED STATEMENT OF CLAIM

Hansell Stevenson & Co 11 Upper King Street NORWICH NR3 1RJ

(REF: PBH)

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