Mr J C Dobson
EHF1

From: Mr J Canavan
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17 August 1990

cc: Dr Rejman MEDISD
     Mr Brand SOLB3

HIV LITIGATION

1.   You will wish to know what was agreed at the Conference with Counsel on 16 August.

2.   **PII** - The Judge's decision was not yet available but Counsel had received a draft copy in confidence. The Judge had ordered disclosure of performance related documents in one of the five categories. Counsel though this a good outcome for us and advised that we should not initiate an appeal.

3.   If, as seems likely, the plaintiffs lodge an appeal then we should cross-appeal. The options would be to:-

        - take a neutral stance

        - limit our appeal to two grounds

                - plaintiffs had not shown there was a
                  performance related issue in relation
                  to the category for disclosure;

                - judge was wrong in law to disregard
                  weakness of plaintiffs' case in
                  ordering disclosure

        - appeal on everything

4.   Counsel preferred the second option.

5.   It was agreed that we would no initiate an appeal but if the plaintiffs did so we would adopt option 2.

6.   Counsel will sift through the category of documents due for disclosure and sort out which are performance related and borderline cases. We will then give our views. We will sift through the other categories in case there are any stray documents which should be discovered also.

7.   We discussed briefly the handling of S of S's decision against a settlement of the litigation. I said that in presenting the decision we would wish to play-up the £34 million already given.

8.   A Conference to discuss handling had been arranged for 4.30pm

on 28 August. In the meantime Counsel will draft a letter to the Judge which he hopes to let us have by a.m. on 28 August. (He is supposed to be on holiday so I am not sure we will see it before the Confernece). He asked for papers relating to the two ex-gratia payments to help him with the draft.

9.   He is also keen on writing to the plaintiffs about the cost of pursuing the full range of allegations. He will draft a letter for us to consider as part of the "handling" package.

GRO-C

J CANAVAN