

sent 29/8

To: Dr Jefferys - BM(A)
Mr Hagger - BM(B)
Dr Wood - BM(C)
Mr Hartley - BM(D)
Dr Rogers - BM(F)

From: R K Alder - BM(E)

Date: 29 August 1990

Copies: Mr Gutowski - MCA(E)
Miss C Bendall - SOLC5
Mr S Cox - MCA(E)

HIV LITIGATION: DISCOVERY OF DOCUMENTS

1. In the current litigation involving the LA and CSM we were issued with a Court Order in October 1989 requiring us to disclose all relevant documentation to both our co-defendants and the plaintiff's solicitors. As a consequence we undertook a detailed search of our database and relevant gold and policy files and filed our list of documents in November 1989. The plaintiff's solicitors subsequently asked for and have received a copy of all the detailed documentation except those for which we have claimed public interest immunity ie adverse reaction notifications. It has now transpired that our filed list may have been incomplete. During the original search it was known that a relevant file (00134/0008) existed even though it did not appear on the database or on the file checking system. Despite extensive searches (including a DM announcement) the file never materialised and so it was assumed that it had been destroyed: it was therefore not declared.

2. Following an unconnected inquiry, the file, plus one other previously unknown file (00134/0007) suddenly materialised. Neither of these files were previously recorded until they appeared on the file tracking system on 27 June 1990. This now leaves us in the embarrassing situation of having to go back to both the co-defendants and the plaintiff's solicitors and tell them of these documents which will have to be disclosed.

3. Before drawing a supplementary list of documents I should be grateful if you could arrange a search to be undertaken within your business to ensure that no other Factor VIII files exist other than those on the attached list and a written (including nil) return to be sent Mr S Cox (Room 2003 Market Towers) by close of business 31 August.

4. A note has been prepared by Miss Bendall on the preparation of documents for litigation purposes. I enclose a copy which you may care to pass on to your Group Managers for circulation amongst your staff: particularly those who might be involved in the preparation of documents in the future.

5. Thank you for your cooperation in this matter.

GRO-C

R K ALDER

GRO-C