

RESTRICTED: LEGAL

**Dr Rejman
CA OPU2**

**From: Ruth McEwen
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**Mr Pudlo
CA OPU2**

Date: 27 June 1996

RE: HEPATITIS C: IAN CALDWELL: DRAFT INSTRUCTIONS TO COUNSEL

1. Thank you to Dr Rejman for the documents to enable me to start drafting instructions to Counsel in the case of Ian Caldwell and all potential Plaintiffs infected with hepatitis C as a result of blood transfusions.

2. I do not intend to sent instructions to Counsel until we have received a writ in this matter as I now know that the solicitors (DMS) are currently awaiting their Counsel's (Michael Brooke QC) opinion on the topic of hepatitis C. If it is unfavourable I anticipate that we will not receive a statement of claim and the proceedings will be discontinued.

3. I do however enclose my draft instructions to Counsel on two specific topics. Firstly, the issue of the introduction of testing for hepatitis C and secondly, the Consumer Protection Act. I would be grateful for help with all the "DN's". There is obviously no great rush but I would like further instructions by mid July as that is when Michael Brooke's opinion should be received by DMS and the statement of claim will be issued, if it is to be.

4. I confirm for Dr Rejman that I have not passed the papers on and will not do so without checking.

*Sent ✓
27/6* 5. I would, as discussed with Dr Rejman, be grateful for a copy of the discovery list from 1989-1991 (documents relevant to blood transfusions). I have received the additional list. I would propose to discuss discovery in more detail once we know in July whether these claims are to proceed as a result of Counsel's opinion. However I understand that this list is irrelevant to haemophiliacs and blood product claims as it is concerned with testing.

6. I would like to put Mr Pudlo and CA OPU colleagues on notice that if the claims are to proceed discovery will have to be done. A fresh discovery process will have to be begun for blood transfusion claims focusing on the introduction of testing from 1989-1991. As regards the haemophiliacs, the HIV discovery can be used as a starting point but any

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additional relevant documents either omitted by oversight from HIV or created after 1985, when heat treatment was introduced, will have to be listed. Although the process need not begin yet, I would advise that some thought is given to locating the relevant files as we want to be in a position to start the process promptly if it is required.

Many thanks

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