

Mr J Canavan
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Room 505
EH

From: Ronald Powell SOLB3

Date: 15 October 1991

Copies: Dr A Rejman MED-ISP
Mrs A James SOLB4

RE: HIV HAEMOPHILIA LITIGATION : DISCOVERY

1. I enclose a copy of a letter I received from Pannone Napier recently.

2. I have not had a chance yet to check the terms of the agreement as regards discovery and copies of documents but my recollection is that the obligation on Pannone Napier at the end of the case would have been either to destroy the documents concerned or to return them to us. On the face of it by passing them to J Keith Park & Co they have acted in breach of that agreement.

3. However it does not seem to me that the breach is very serious because I assume that J Keith Park & Co will have copies of all the documents already and the copies that they have will be held subject to the same undertaking as Pannone Napier gave. (I will need to check the terms of the order again concerning this).

4. Pannone Napier I understand are not involved in the transfusion cases, but both J Keith Park and Deas Mallen Souter are. I understand that Deas Mallen Souter have said that they propose to apply to the Court for an Order to allow them to use some of the HIV Haemophilia documents in the transfusion cases but nothing has been heard about that for some time.

5. On the assumption that the documents now held by Deas Mallen Souter and J Keith Park & Co (including those previously held by Pannone Napier) are still subject to the undertakings given in the Haemophilia litigation, there seems to me nothing that needs to be done at this stage, pending the outcome of any application to the Court concerning use of these documents in the transfusion cases. All I would propose to do would be to write to J Keith Park & Co asking them to confirm that they agree that the documents they have received from Pannone Napier are held subject to the undertakings given in the Haemophilia litigation.

6. I understand that Clifford Chance, who act for the CBLA, have been similarly informed by Pannone Napier. They may be taking a sterner attitude and are considering writing a firm letter to Pannone Napier, I assume taking exception to what Pannone Napier have done.

GRO-C

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