

Miss Lee-SOLC5

From: R.M.Gutowski-MB1B

Date: 12 December 1989

cc

Mr Wilson

Mr Hagger

Dr Rotblat

Dr Purves

Mr Cannavan-HS1

HIV LITIGATION

1. Thank you for copying me your minute of 7 December to Mr Wilson.
2. I refer to paragraph 3 of your note of the short conference with Counsel concerning the proposed open letter to the Plaintiffs and in particular to the precedent set in the Opren litigation. I should point out that the Opren letter, as I understand it, was sent out by Treasury Solicitor under different circumstances to those surrounding the current proposal. In the Opren litigation, following the negotiated settlement between the Plaintiffs and the manufacturers, the Government Defendants sent a letter informing the Plaintiffs that if they also discontinued the action against them as well as the Manufacturers then the Government would forego its own costs.
3. I am uneasy about writing a similar letter in this litigation even accepting Counsel's desire to maintain the initiative gained at the last hearing. Rather than be viewed sympathetically I think such an action could be construed as being overly aggressive. It could be argued that having given the Plaintiffs an additional ex-gratia payment the Government were now squeezing for the action to be discontinued especially as the payment was outside the litigation ie that the Government was buying itself out of the litigation.

GRO-C: R. M. Gutowski