

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Writ issued 28th June 1988

HIV HAEMOPHILIAC LITIGATION

B E T W E E N

SNH. 3

Plaintiff

and

HAMPSTEAD HEALTH AUTHORITY (1)

NORTH EAST THAMES REGIONAL HEALTH AUTHORITY (2)

ATTORNEY GENERAL ON BEHALF OF THE  
COMMITTEE ON SAFETY OF MEDICINES (3)

ATTORNEY GENERAL ON BEHALF OF THE LICENSING  
AUTHORITY PURSUANT TO THE MEDICINES ACT 1968 (4)

DEPARTMENT OF HEALTH (5)

NORTH WEST THAMES REGIONAL HEALTH AUTHORITY (6)

CENTRAL BLOOD LABORATORIES AUTHORITY (7)

Defendants

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INDIVIDUAL STATEMENT OF CLAIM

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In the form of Schedule One to the

Order of Mr Justice Ognall of 24th July 1989

1. Plaintiff's reference number: SNH.3

Plaintiff's representative capacity: Not applicable

2. London number: 1989 S No 4173

3. Particulars of Writ: 28th June 1988

(a) Issue of Writ: 21st June 1989

(b) Renewal of Writ: 21st March 1990

(c) Amendment of Writ:

(d) Service of Writ on:

First to Fifth Defendant: 3rd August 1989

Sixth and Seventh Defendant: 27th March 1990

4. Particulars of Plaintiff:

(a) Date of birth: 31st October 1959

(b) Age: 30

(c) Category: b(i) and b(ii)

5. Particulars of Haemophilia of Plaintiff:

(a) Type of Haemophilia: A

(b) Date of diagnosis: 1960

(c) Severity: Severe

(d) Date of administration of blood products:

Please see Appendix 1 hereto for the best particulars that are available.

6.1 Types of blood product administered:

Imported Factor VIII, and Factor IX and NHS Factor IX, particulars are given in Appendix 1 hereto.

6.2 Details of manufacturers and batch numbers of blood products administered:

See Appendix 1 hereto.

7.1 Period during which each such blood product was prescribed for the Plaintiff, with relevant dosages and dosages for each bleeding episode:

- 7.2 The date of each and every sample of blood taken and stored:  
None apparent
8. HIV tests with negative results:  
18th June 1984 and 11th January 1985
9. First HIV test with positive result:  
Date sample taken: 5th July 1985  
Date test performed: Not noted
10. Date of sero-conversion:  
The Plaintiff will maintain that the sero-conversion occurred shortly before July 1985 or such earlier date as may be established at trial.
11. Date Plaintiff developed clinical AIDS: Not applicable.
12. Other specific matters to be pleaded: None
13. Further definition of Defendants:  
The Sixth Defendant is sued only in its BLP capacity
- 14.1 Any of the duties and/or breaches of duty pleaded in the reAmended Main Statement of Claim not alleged by this Plaintiff:  
The Plaintiff does not rely on any of the allegations in respect of clinical management and counselling set out in the reAmended Main Statement of Claim paragraph 92 Sections 7 and 8.  
The Plaintiff does not rely on the allegations listed in the general exclusion list for adult Plaintiffs.
- 14.2 Any duties and/or breaches of duty not pleaded in the reAmended Main Statement of Claim alleged by this Plaintiff:  
None are alleged.

15. Particulars of alleged injury including alleged physical and psychological damage and/or other losses:  
  
See Appendix 2 hereto.
16. Particulars of special damages and any past and future loss of earnings:  
  
See Appendix 2 hereto.
17. Details of any serious illnesses in the preceding ten years, to include dates and places where treated.  
  
See Appendix 3 hereto.
18. Details of medical notes and records held by the Plaintiff's Solicitors:  
  
Source of medical notes and records held:  
  
Royal Free, Hampstead
19. Whether an order for provisional damages is sought:  
  
Provisional damages are sought in respect of psychiatric illness, ARC, AIDS and DEATH.

Served this 23rd day of February 1990 by Messrs Shoosmiths & Harrison of P.O. Box 2, Compton House, Abington Street, Northampton (Ref: IP/WS)

Reserved this 5th day of June 1990 by Messrs Shoosmiths & Harrison of P.O. Box 2, Compton House, Abington Street, Northampton (Ref:IP/WS)

# APPENDIX 1

PRO' = PROPHYLAXIS

H.T. = HOME TREATMENT

H.T. = HEAT TREATED WHEN FOLLOWING THE PRODUCT NAME.

## HOSPITAL TREATMENT:

DATE	PRODUCT	BATCH NUMBER	OTHER DETAILS
05.10.81	TO:		
13.10.81	HYATE	550	
	PORCINE	7150	
12.10.81	FEIBA	5000	
13.10.81	TO:		
23.11.81	FEIBA	05A1181	
21.12.81	TO:		
16.01.82	FEIBA	05A1381	
28.06.82	TO:		
09.09.82	FEIBA	05A0682	
09.09.82	FEIBA	05A1082	
10.10.82	TO:		
18.10.82	NHS 1X	9D2208	
02.12.82	TO:		
04.12.82	NHS 1X	9D2202	
02.06.82	TO:		
21.06.82	FEIBA	05A1781	
22.06.82	TO:		
27.06.82	FEIBA	05A0682	
17.02.82	TO:		
27.03.82	FEIBA	05A1581	
23.01.83	TO:		
17.02.82	NHS 1X	9D2270	
18.03.83	TO:		
04.03.83	NHS 1X	9D2249 & 9D2233	
12.03.83	TO:		
03.06.83	NHS 1X	9D2256	
07.06.83	TO:		
07.07.83	NHS 1X	9D2267	HOME TREATMENT
12.06.83	TO:		
07.07.83	NHS 1X	9D2267	HOME TREATMENT
17.07.83	TO:		
11.09.83	NHS 1X	9D2262	HOME TREATMENT
23.09.83	TO:		
30.10.83	NHS 1X	9D2271 & 2275	HOME TREATMENT
03.11.83	TO:		
14.01.83	NHS 1X	9D3064 & 3082	HOME TREATMENT
20.01.84	TO:		
16.05.84	NHS 1X	9D3089 & 3080	HOME TREATMENT
03.06.84	TO:		
17.07.84	NHS 1X	9D2290A & 3117	HOME TREATMENT

04.09.84	TD:		
19.12.84	NHS 1X	9D3157	HOME TREATMENT
29.07.84	TD:		
03.09.84	NHS 1X	9D3117 & 3127	HOME TREATMENT
20.12.84	TD:		
09.01.84	NHS 1X	9D3191 & 3157	HOME TREATMENT
11.01.85	TD:		
19.05.85	NHS 1X	9D2313A	HOME TREATMENT
26.05.85	TD:		
03.07.85	NHS 1X	9D3230	HOME TREATMENT
05.07.85	TD:		
13.01.86	ALPHA	B20060	HOME TREATMENT

## APPENDIX 2

The Plaintiff felt helpless and trapped by his HIV status. He became deeply resentful that he was faced with a situation which he believed could have been avoided. He felt this especially in view of his previous experience with hepatitis infection.

The past four years have been a nightmare. He has continual worry associated with his condition, he suffers intermittent symptoms of nausea, appetite loss and the experience of feeling knotted-up in his stomach. These symptoms have been particularly prevalent over the past two years since the Plaintiff learned that his T4 counts have plummeted. He has suffered with a chronic skin condition around his ankles which may be related to the AIDS virus.

His HIV status has interfered with the sexual side of his relationship with his wife. He has now permanently shelved plans for children and regrets now not having children prior to his infection.

The Plaintiff suffered depersonalisation, subjective giddiness and generalised nervousness. It is alleged that these symptoms constituted a psychiatric condition although of moderate severity. The prognosis is that there is a greater than 50% chance that the Plaintiff will again develop psychiatric symptoms if his physical condition deteriorates.

The Plaintiff has had difficulty in financing the purchase of his own house and in addition the Plaintiff is unlikely to be able to progress further in his career, due to his wish to avoid interviews where his health may be discussed. It is doubted whether he will be realistically able to move house again, although ideally he would like something slightly bigger in a few years time.

APPENDIX 3

The Plaintiff suffered a severe episode of hepatitis in 1975 and in 1982 he suffered the onset of psoriasis which continues to trouble him.