

LEE 10

To: Mr C Wilson
MCA

From: Mr J C Dobson HS1
Room 511
Eileen House
ext. GRO-C

Date: 12th December, 1989

c.c.: Mr Canavan HS1A
Dr Rejman Med ISD
Dr Pickles Med ISD
Mr R Powell Sol B3
Kate Lee Sol C5
Sue Armstrong Sol C5
RICHARD GUTOWSKI MCA.

HIV Litigation.

1. Thank you for your minute of 8th December, enclosing Kate Lee's helpful summary.
2. Since we hold firm views here on the two main issues, it may be helpful to fix a meeting at the first convenient date, even before we have Andrew Collins' opinion. Meanwhile our views are as below:

Leave to Appeal

3. While it was logical to make our point and give notice of intent to appeal against refusal of preliminary issues, the balance of advantage seems against pressing this line any further. The reasons are well expressed at 3, 4 and 5 of Kate Lee's minute.
4. We have always been more attracted to hearing the "no duty of care" point outside the HIV litigation. With preliminary issues ruled out this again becomes a viable prospect.
5. I think we could also usefully discuss the progress of the benzodiazepine trial at the meeting since I understand that Sue Armstrong is to leave this month and may not be replaced. Sol B3 will presumably need to become appraised of progress, and to see how the timings coincide.

Open Letters

6. If the preliminary issues are not heard that does indeed mean that the plaintiffs will go on incurring high-levels of costs up to the main trial date [November 1990?] unless they discontinue. Even so, I can see no acceptable way of intervening in what is essentially a matter for the plaintiffs and their advisers. An open letter warning the plaintiffs about the costs of continuing - and offering to waive our costs if they withdraw at this stage - could all too easily be misinterpreted by the Press. We therefore see

this course as being politically unacceptable. We have consulted with our medical colleagues, Dr Pickles and Dr Rejman of Med ISD, on this issue, and they are very much of the same view. As leave to discontinue will be available, we think the plaintiffs must now be left to do their own arithmetic.

7. Clearly we will make all efforts to issue the lump-sum payments in this calendar year if possible, to keep up the pressure. In equity, payment must be made well before 2 February 1990, the last date for joining the Club action.
8. Subject to confirmation Monday 18th December seems suitable to all parties as a meeting date. I would therefore suggest 10.00 a.m. in your room if convenient please?

GRO-C

PP J C DOBSON