

IN THE HIGH COURT OF JUSTICE

1995 S No 2034

QUEEN'S BENCH DIVISION

B E T W E E N :

**STEPHEN SELBY**

Plaintiff

- and -

**CAMDEN AND ISLINGTON HEALTH AUTHORITY**

First Defendant

- and -

**ROYAL FREE HAMPSTEAD NHS TRUST**

Second Defendant

- and -

**DEPARTMENT OF HEALTH**

Third Defendant

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*3rd DRAFT* DEFENCE OF THE THIRD DEFENDANT

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P J K Thompson

Department of Health and Social Security

New Court

48 Carey Street

LONDON WC2A 2LS

Your ref: LAD/95/211/DH/RM

FS Ref: DOH/HEPC-SELBY.DF3

Ruth McEwen SOL

From: Dr A Rejman CAOPU2

Date: 9 August 1996

Copy: Ms C Corrigan

### Hep C - Selby

1. Thank you for sending me the latest draft defence and Request for Particulars. Unfortunately with such a short deadline I have only been able to give a brief consideration. My initial comments are as follows.

#### 2nd Draft Defence

2. p.6 para 9 (2) - I am unhappy for DH to say they were unaware of risk of NANB. DH and others were not aware of the long term sequelae of infection but they, treaters and patients were aware of NANB since the mid-late 70's.

3. p.6 para 10 (2) - does this refer to cryoprecipitate ? if so should be made clear.

4. p.9 para 16 - is it worth repeating that recipients of all pooled products UK or imported were at risk of NANB so there was no difference in the costs of treating hepatitis. It is also worth pointing out that at that time the costs of treating the hepatitis were low, should the plaintiffs be asked for details of costs ? The costs we have to pay now were not predicted in the mid to late 70's.

5. p.10 para 18 is it worth pointing out that it is dangerous to rely upon a sole supplier ?

6. p. 16 (o) - is it worth stressing the risks of hepatitis in so far as they were known at that time ?

#### Further and Better Particulars

7. p.4 paras 8,9 and 10; pp9 -11 paras 24-31- should these be time-limited to 1979 when the plaintiff claims to have been infected or is this what is meant by asking regarding the relevance of the pleaded date ?

8. p. 13 para 40 - is it worth asking the following :

Please state the date of each and every sample, whether fresh or stored under suitable conditions, from the plaintiff tested for hepatitis C by a suitably specific and sensitive test and the result whether positive or negative ?

9. p. 14 para 47 - you may wish to consider the following :

Please state in detail what is meant by the word re-infection. Is this infection again with the same NANB from the same donor/s i.e. using the same batch of concentrate or NANB from another donor ? Please state the clinical relevance of reinfection [DN different genotypes might be relevant]

Dr A Rejman  
EH 420 x 22836

Dr Rejman  
CA OPU2

From: Ruth McEwen  
SOLB4

Christine Corrigan  
CA OPU2

Date: 8 August 1996

**RE: STEPHEN SELBY**

1. I enclose a copy of the 2nd draft defence that Counsel has prepared (I also enclose the request for further and better particulars). I expect that Dr Rejman would like to look at it and check that it is medically correct. I would ask Christine Corrigan to also check it.

2. I would be grateful for any comments you may have on either document by Friday 9 August as I would hope to serve the defence early next week. Please do not hesitate to contact me if you think it ought to be checked by anyone else.

*amended  
to 30/8*

Many thanks

*eg*

Ruth McEwen  
SOLB4  
Ext **GRO-C**