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FIRST CLASS
Mr William Stafford

GRO-C

Date 15 February 2005
Your Ref
Our Ref XT2/308 SAM/EM
Direct Line
Fax No
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GRO-C

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Dear Mr Stafford

**NHS SCOTLAND
SCOTTISH NATIONAL BLOOD TRANSFUSION SERVICE
CLAIM - YOURSELF**

I refer to your claim and to my letter to you dated 21st January 2005. I confirm that I am now able to respond substantively to your earlier correspondence in which you raised the issue of legal liability and the basis on which I have sought and received instructions from my clients to repudiate liability in respect of your claim.

However I would first like to confirm that the information in Dr Urbaniak's letter to you dated December 18th 1995 is indeed correct. Those instructing me within SNBTS have asked me to offer sincere apologies to you for the conflicting information that was contained in my letter of September 8th 2004. This was due to a failure in searching archive laboratory records. I can assure you that there has been no attempt to deliberately conceal any information from you.

By way of further explanation, in my letter dated 8th September 2004 addressed to Messrs Ross Harper, I set out the results of my clients' investigations regarding the testing of your own CMV status, as well as that of the twelve units of blood that were cross matched for transfusion during treatment which you received in December 1988, June 1991 and October 1991. I stated that the information available to those senior clinicians within SNBTS who undertook the investigation in 2004, was that it had not been possible to test archive samples in respect of all of the relevant units. I was advised that it had not been possible to test the donors of all of the units as not all had returned to donate again. Following receipt of your letter of 29th October 2004, with which you enclosed a copy of a letter dated 18th December 1995 from Dr S J Urbaniak to yourself, a further search was made of archive laboratory records. This confirmed that the information given to you in 1995 is correct, ie that samples relating to the three units cross matched in 1991 had indeed been tested and reported positive for Cytomegalovirus (CMV) antibody.

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Returning to the issue of legal liability, I can confirm that the basis upon which legal liability has been repudiated does not relate to it having been impossible to establish that your CMV status is due to transmission of CMV by transfusion. The issue by SNBTS of non-CMV screened units of blood for use in your treatment was in accordance with accepted practice at the time. Additionally, it is my client's view that the requesting clinicians within Aberdeen Royal Infirmary also acted according to then current guidance in not specifying a requirement for CMV negative blood for use in your treatment. Therefore, I can confirm that my instructions remain as intimated earlier to your solicitors in that legal liability continues to be repudiated.

If there is any aspect of this letter that you would wish to clarify, I would be grateful if you would contact me in the first instance so that I may return to my clients to obtain any further information which you might require.

This letter is written without prejudice to my clients' whole rights and pleas and without any admission of liability made on behalf of the Scottish National Blood Transfusion Service, or any of its employees or former employees.

Yours sincerely

Mrs Susan A Murray