

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
B E T W E E N:

No. 1990 L 718

LPN 159

Plaintiff

-and-

Oxfordshire Health Authority      First  
Defendant  
and

Oxford Regional Health Authority  
Second  
Defendant  
and

North East Thames Regional  
Health Authority      Third  
Defendant

and

Hampstead Health Authority      Fourth  
Defendant

and

The Department of Health      Fifth  
Defendant

and

The Attorney General sued as the  
Attorney General (on behalf of  
the Committee on Safety of Medicines)      Sixth  
Defendant

and

The Attorney General sued as the  
Attorney General on behalf of the  
Licensing Authority under the  
Medicines Act 1968

Seventh  
Defendant

and

Central Blood Laboratories  
Authority

Eighth  
Defendant

and

North West Thames Regional Health  
Authority

Ninth  
Defendant

and

Peter Bernard Allen Kernoff

Eleventh  
Defendant

and

Charles Rocco Carmine Rizza

Twelfth  
Defendant

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STATEMENT OF CLAIM

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1. The Writ was issued on 17th day of January 1990;  
amended under RSC Order 20 Rule 1 on 1st day of February  
1990 ; and served on each Defendant on the 2nd day of February  
1990.
2. (a) The Plaintiff was born on 25th December 1962  
(b) The Plaintiff falls into Category b (i)
3. Blood Products were prescribed for the Plaintiff for the  
treatment of Haemophilia A which was diagnosed when the Plaintiff  
was a child and is severe, the Factor VIII percentage being  
0 %.
4. A Schedule setting out all the information in the  
Plaintiff's possession relating to the type, manufacturer, batch,  
date of prescription and administration and dose of the blood  
products for the Plaintiff is annexed hereto, marked Schedule 1.

8. The Plaintiff alleges that seroconversion took place before October 1986

9. The Plaintiff has not been diagnosed as suffering from clinical AIDS

10. The Plaintiff does not rely upon the following paragraphs of the reamended Main Statement of Claim set out in the Schedule II hereto.

11. As a result of the facts and matters set out in the Main Statement of Claim (subject to paragraph 10) hereof the Plaintiff has suffered injury, damage and loss.

#### PARTICULARS

##### A. PHYSICAL INJURY

The Plaintiff is infected with HIV and has sero-converted. He does not to his knowledge suffer from Aids related complex or AIDS.

Thrombocytopaenia/Vasculitis  
Purpuric Macular rashes  
Bilateral axilliary lymphadenopathy

##### B. PSYCHOLOGICAL DAMAGE

The Plaintiff knows it is likely that he will in due course suffer from AIDS and die as a result of his said HIV infection and thereby he suffers anxiety and distress.

The Plaintiff was told of his HIV status in 1986. He received no counselling at the time, but began to attend HIV meetings when he began to realise the full implications of his condition. He lives in constant fear that at some time he will develop AIDS and therefore suffers continual anxiety and distress.

C. LOSS

Full particulars of special damages will be provided by Schedule before Trial of this Action in the normal manner.

12. During the ten years to the date hereof the Plaintiff has suffered the following serious illnesses.

PARTICULARS

Mild left sided spasticity following childhood poliomyelitis  
August 83      Removal of screws from left knee arthrosis (Yemen)  
8/10/83      Exploration haemorrhage left knee (Oxford)  
19/10/83      Split skin graft left knee (Oxford)  
24/7/87      Fractured neck of left femur  
1986      Fractured left tibia

13. The Plaintiff's Solicitors have in their possession copies of the medical notes and records from the following resources:-

The Nuffield Orthopaedic Centre, Oxford

The Royal Free Hospital

14. An Order for provisional damages is sought in respect of Psychiatric Damage, ARC, AIDS and death.

15. Prior to his seroconversion, the Plaintiff's clinical treatment and concentrates were paid for by the Embassy of the United Arab Emirates. To the extent that the First and/or Second Defendants may by reason thereof not be liable for any negligence or breach of duty alleged in the recommended Main Statement of claim (subject to Paragraph 10 hereof), the Plaintiff repeats those allegations against the Twelfth Defendant. To the extent that the Third and/or Fourth Defendants may by reason thereof not be liable for any negligence or breach of duty alleged in the recommended Main Statement of Claim (subject to Paragraph 10 hereof), the Plaintiff repeats those allegations against the Eleventh Defendant. For the avoidance of doubt, the Plaintiff does not intend the Eleventh and Twelfth Defendant to be a Defendant in the main action.

5. To the best of the Plaintiff's knowledge samples of his blood were taken and stored on the following dates:-

<u>TAKEN</u>		<u>STORED</u>
Oxford	Royal Free Hospital	3/2/86
14/10/83	4/8/86	4/8/86
9/10/83	18/10/86	30/10/86
	22/10/85	
	3/2/86	
	9/4/86	

6. To the best of the Plaintiff's knowledge tests of samples of his blood for the presence of antibodies to the HIV were carried out with negative results:-

DATE OF TEST

DATE SAMPLE TAKEN

None known

7. To the best of the Plaintiff's knowledge the first test of a sample of his blood for antibodies to the HIV with a positive result was carried out as follows:-

DATE OF TEST

DATE OF SAMPLE

Before 18/10/86

Before 18/10/86

Served this <sup>28<sup>th</sup></sup> day of February 1990 by Messrs Pannone  
Napier of 20-22 Bedford Row, London WC1R 4EB, Solicitors for the  
Plaintiffs