

Asbestos News

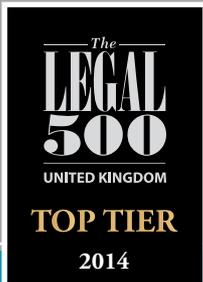
Autumn 2015 edition

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MESOTHELIOMA UK
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Supporting People With This Asbestos Cancer

Fieldfisher Supports Action Mesothelioma Day



“They’re an absolute Rolls-Royce practice when it comes to industrial disease, particularly in asbestos work - they’re top-tier”

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Commitment to our cases

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Welcome to the Autumn 2015 edition of Asbestos News



Peter Williams
Partner

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At Fieldfisher we understand what a difficult time patients and their families may be going through when there is a diagnosis of an asbestos related disease.

Our clients have the right to compensation for a terrible illness which they have contracted through no fault of their own, but through the negligence of their employers and others.

We have recovered over £220 million for our clients and concluded over 2,500 successful cases. Our lawyers are renowned for their expertise, their commitment and the care they take in such sensitive situations. The three partners here each have over 20 years experience in acting almost exclusively for clients suffering from mesothelioma and other asbestos diseases.

We have been instrumental in changing the law for the benefit of victims both at Government level and through cases in the House of Lords. Cases conducted by our partners have resulted in changes to the law to allow hospices to recover the cost of looking after mesothelioma patients from those who we sue on their behalf.

We deal with cases very quickly, with minimal fuss and disruption, allowing clients to focus on enjoying time with their families.

If you would like to discuss a mesothelioma or asbestos claim, or you would like more information about the legal claims process, please call me on 020 7861 4825 or email peter.williams@fieldfisher.com

Peter Williams
Head of Asbestos Claims Team

Ranked No 1 For Industrial Disease Litigation

Chambers & Partners

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Useful organisations

Mesothelioma UK
www.mesothelioma.uk.com
0800 169 2409

Department for Work and Pensions
www.dwp.gov.uk

British Lung Foundation
www.lunguk.org
0300 003 0555

Macmillan Cancer Support
www.macmillan.org.uk
0808 808 0000

Cancer Research UK
www.cancerhelp.org.uk
0808 800 4040

Action for Mesothelioma Day 2015

Fieldfisher lawyers have been out in force supporting Action Mesothelioma Day 2015, in which Asbestos charities around the country have put together events to promote awareness of asbestos and it's dangers, as well as to commemorate those who have died from the disease.

Andrew Morgan supported HASAG at the Queens Hotel down in Southsea, near Portsmouth. HASAG provide support and advice to mesothelioma sufferers across the south of England and their families, and prior to today had already raised £16,000 for this event. Doves were released by local MP Penny Mordaunt and Anne Moylan, a lung cancer and mesothelioma clinical nurse specialist to commemorate those who had died from mesothelioma. Other events included presentations, talks on treating mesothelioma and a raffle.

Peter Williams attended an event in Gateshead organised by the British Lung Foundation which has included talks from various medical professionals including Dr Mark Weatherhead, a respiratory consultant from North Tyneside hospital, and Beth Sage from UCL, who has done some studying into genetically modified cell therapy in mesothelioma.

Shaheen Mosquera attended an event in London organised by London Hazards Centre, where events included a dove release in memory of those who have died from mesothelioma, and talks around the subject from various organisations with in the UK and also America. The event was used to promote the Asbestos Victims Charter for Justice, which has 5 key points it would like to be raised – achieving welfare justice, achieving a fair compensation system, obtaining the right for decent medical treatment for victims, supporting properly resourced medical research and preventing further tragedies.

In addition to this Fieldfisher lawyers were present at an event at Guy and St Thomas' Hospital supporting a cake sale to help victims of mesothelioma, including Andrew Morgan who was more than happy to help out with the consuming of the cakes!





Parliamentary Update

Support groups throughout the UK welcome increased provision for sufferers of Mesothelioma



Asbestos and Mesothelioma support groups throughout the UK, welcomed news of increased provision for sufferers of Mesothelioma.

It's been announced that the Government plans to increase the compensation payments made under the Diffuse Mesothelioma Payment Scheme (DMPS). These will increase from 80% to 100% of the average court award. This increase will provide further help for people who are suffering from Mesothelioma, an invariably fatal condition which is only caused by exposure to asbestos.

The DMPS scheme was set up to help those suffering from mesothelioma when they can prove that they were negligently exposed to asbestos at work and they are unable to trace the relevant employer or insurer to make a claim.

Andrew Morgan Commented:

"The DMPS payments were initially set at the rate of 75% of an average award for a person of a given age but, under pressure from Asbestos Victims Support Groups and with the support of the House of Lords and many MPs, that figure was revised upwards, to 80%. This further increase, to 100% of the average, will further reduce the injustices and ease the financial plight suffered by eligible mesothelioma sufferers and their families.

But there is still some way to go. The scheme does not cover mesothelioma sufferers who were exposed outside work, nor does it cover asbestos-related lung cancers or other fatal industrial diseases. We call on the Government to extend the scheme to cover everyone who is suffering terminal illness as a result of someone else's negligence."



The Mesothelioma (Amendment) Bill has been launched to fund medical research into the asbestos cancer of mesothelioma.

If the Bill becomes Law it would change the Mesothelioma Act 2014 and compel active insurance companies to pay into a fund for medical research into this devastating asbestos disease.

The Mesothelioma Act already requires active insurers to fund the Diffuse Mesothelioma Payment Scheme (DMPS) which makes payments to certain mesothelioma sufferers who have good claims but who cannot obtain

compensation because their employer has no assets and its insurers cannot be found. It is estimated the active insurers will have to pay about £350M over the first 10 years of the scheme's life. The research levy would be capped at 1% of the total levy, so about £3.5M over 10 years, which is to be funneled into funding clinical research into the treatment of mesothelioma.

The Bill is a private members bill which has been introduced by Lord Alton, who is a tireless campaigner on behalf of sufferers of mesothelioma. He introduced a similar Bill in 2014 but this fell short of becoming law by just 7 votes.

Andrew Morgan, says:

"The insurance industry has benefitted over the years from inadequate record keeping by themselves and their insureds: there is no real doubt that some people have gone uncompensated not because there was no insurance in place but simply because the records could not be found. The Mesothelioma Act goes some way to addressing that but it applies only to people who develop mesothelioma as a result of exposure at work. It does not cover asbestos-related lung cancer or other industrial diseases. It does not cover exposure that occurred outside work.

But this proposal will give some hope to everyone who is at risk of developing mesothelioma. It would provide an injection of substantial new funds at a moment when medical research into this disease is beginning to take huge strides in new directions and is very much to be welcomed"

Damages recovered for exposed tiler

Successful lung cancer claim for former lagger



Don Godfrey contracted asbestosis and then lung cancer as a result of exposure to asbestos. He worked as a lagger's mate, mixing up a powder containing asbestos with water to form a lagging plaster for 2 years from around 1952. This was an extremely dusty activity and he was often surrounded by clouds of asbestos dust and fibres throughout this period. He then learned to apply lagging himself, although he was often working close to others who were mixing up the powder containing asbestos to form the lagging plaster. He also stripped off old lagging which contained asbestos and cut pre-formed asbestos pipe sections. All of these processes exposed him to substantial amounts of asbestos dust and fibres.

He continued doing this work until about 1966. His employers during this period included Cork Insulation, Kitsons Insulations Limited and the Ind Coope Brewery in Romford, Essex.



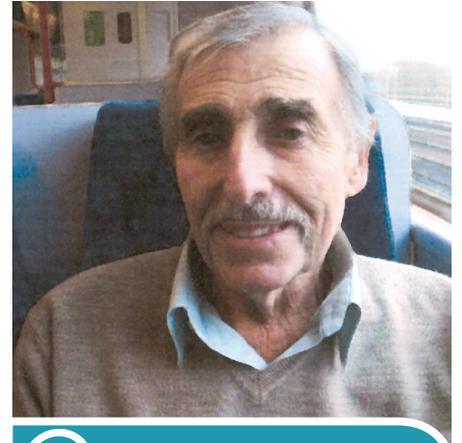
Mr Godfrey had also smoked until around the age of 64. The effects of asbestos and smoking acted together to cause his lung cancer. He had some breathlessness from 2001 as a result of smoking-related disease and asbestosis which gradually worsened. He was admitted to hospital in August 2012 as an emergency because of breathlessness and subsequent investigations led to a diagnosis of lung cancer in January 2013. Sadly, his condition deteriorated despite chemotherapy and radiotherapy and he passed away in December 2013 aged 77.

Caroline Pinfold was instructed to pursue a claim on behalf of Don during his lifetime but unfortunately it was not possible to complete the claim before he passed away. The claim was therefore carried on by his brother for the benefit of Don's estate and was successfully concluded in December 2014.



Dushal Mehta was instructed by the late Mr Ray Reeves to bring a claim following his diagnosis with mesothelioma. Mr Reeves recalled being exposed to asbestos whilst working as an apprentice tiler in the late 1950's for a company called Hall & Co. During the time that he worked for this company he recalled working close to others removing asbestos lagging without care and attention. Mr Reeves was required to sweep up the lagging so that he could tile the floors. Mr Reeves then recalled working for two other companies, Maxwell Walker Tiling Company and the London Tiling Company. Unfortunately, Mr Reeves' condition deteriorated very quickly. It became apparent after his death that he was not in fact employed by the London Tiling Company. His work history from HMRC indicated that he was self-employed at the time. He was therefore not able to recover damages for the period that he was self-employed.

Dushal was unable to locate the insurers for Maxwell Tiling Company and that just left a claim against Hall & Co. The company had dissolved many years ago but it did have insurance in place at the time that Mr Reeves worked for the company. Dushal failed to get any substantive response from the insurers for Hall & Co. This only left the prospect of issuing court proceedings. Dushal instructed a barrister to advise on the case. The barrister advised that this was a case which was not worth pursuing. The exposure with Hall & Co was at a time when employers were only aware that substantial quantities of asbestos could cause mesothelioma. Mr Reeves' evidence was not enough to establish negligence.



How we can help

We investigate all claims and with our experience, reputation and knowledge we are often able to achieve settlements in difficult legal claims

We did not have enough evidence to show substantial exposure to asbestos whilst Mr Reeves was employed by Hall & Co.

Dushal was unable to secure insurance cover (to protect Mrs Reeves from paying the Defendants costs if the case was lost) for the claim due to the barrister's unwillingness to support the case. Despite this, Dushal issued court proceedings to try and negotiate a settlement for Mrs Reeves and her family. After proceedings were issued Dushal was able to secure a settlement for Mrs Reeves of £126,000.00 despite the numerous difficulties in the case.

At the end of the case Mrs Reeves had the following to say:

“You have achieved a wonderful result and I shall be eternally grateful to you and Fieldfisher for persevering on my behalf”

Painter and decorator exposed working in government buildings



Dushal Mehta, Senior Associate at Fieldfisher Solicitors was instructed to bring a claim by Mr Robert Adams following his diagnosis with

mesothelioma.

Mr Robert Adams was aged 55 at the time of his diagnosis. He had spent most of his working life as a painter and decorator in London. He started his career working as an apprentice painter and decorator for a company called Sykes & Sons Ltd. Sykes & Sons Ltd was and still is to this day a large building and construction company in the heart of London.

Mr Adams had worked for the company for a period of approximately 10 years, from 1975 to 1985. During this time, he had spent most of his time working in Whitehall. He worked in No 10 Downing Street, the Foreign Office, the Cabinet Office and the Treasury to name a few.

Mr Adams was married but separated from his wife, Julie. They had two children, Ben and Lee. Ben had been suffering with learning difficulties from a young age and had been for a number of years living in local authority provided care. On weekends he would stay with Julie. Mr Adams had played a key role in the upbringing of his children and in particular Ben.

Mr Adams had no intention to stop working as he still had a number of working years ahead of him. He also wanted to financially support and provide for Julie and his two children. Unfortunately, his illness had cut short his ability to work and provide for himself and for his family.

Dushal Mehta took on the case and very soon after meeting with and taking Mr Adams' instructions he notified the claim to Sykes & Sons.

Mr Adams had alleged that he regularly had to brush down pipework which was lagged with asbestos. This was in the course of his work and his painting duties. He was required to paint pipework and ceilings and was not advised of the dangers of working with or coming into contact with asbestos. He was not given any training or provided with a mask by the company.

Mr Adams could not recall which buildings contained asbestos and where he was engaged to work on pipes which were

lagged with asbestos. Mr Adams also cleaned up after others and he had to make sure that he left the area he was working in clean and free from dust which had been left behind by other tradesmen. He often worked alongside plumbers, carpenters and other labourers. Mr Adams could recall seeing carpenters cutting up asbestolux sheeting.

Mr Adams' condition dramatically declined and he underwent extensive radiotherapy and chemotherapy treatment. He found it difficult to eat and drink. The tumour started to grow and extended out of his back and this caused him extreme pain and made it even more difficult for him to sleep or rest.

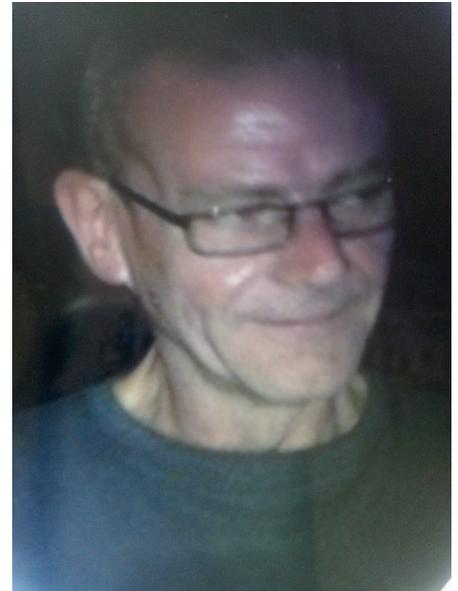
The Defendants maintained their denial of liability throughout. They served three witness statements from existing and previous employees of the company to discredit Mr Adams' statement. They alleged that he would not have been required to carry out the duties he had said he had carried out and in fact he would only have been engaged in 'finishing' jobs. They stated that he would not have come into contact with asbestos.

Dushal issued court proceedings in December 2014 to put pressure on the Defendant. They maintained their denial of liability and wanted to cross examine Mr Adams on the evidence he had given.

His evidence was taken at his home in March of this year. After the examination, the case was set down for a two day trial in June 2015 due to Mr Adams' extremely limited life expectancy and deteriorating health.

Dushal was able to secure a settlement of £150,000.00 for Mr Adams approximately four weeks before the trial. This ensured that Julie could support her son Ben in the future with his complex care needs.

Mr Adams sadly passed away two weeks after the claim settled.



Mrs Adams went on to say:

"I would like to say that Dushal Mehta and his colleagues at Fieldfisher couldn't have been more helpful, supportive and caring throughout the two years that they worked on my husband's case, Dushal was always only a phone call/email away if we needed him. If he needed to see my husband it was never too much trouble to, if he was feeling unwell, to come and visit him and always gave him good advice and support when needed. Dushal always gave us hope that Sykes and Sons had a case to answer and fought our corner all the way and did his up most to ensure that we got the best outcome that was possible."

Son's long fight for justice for his dad

How we can help

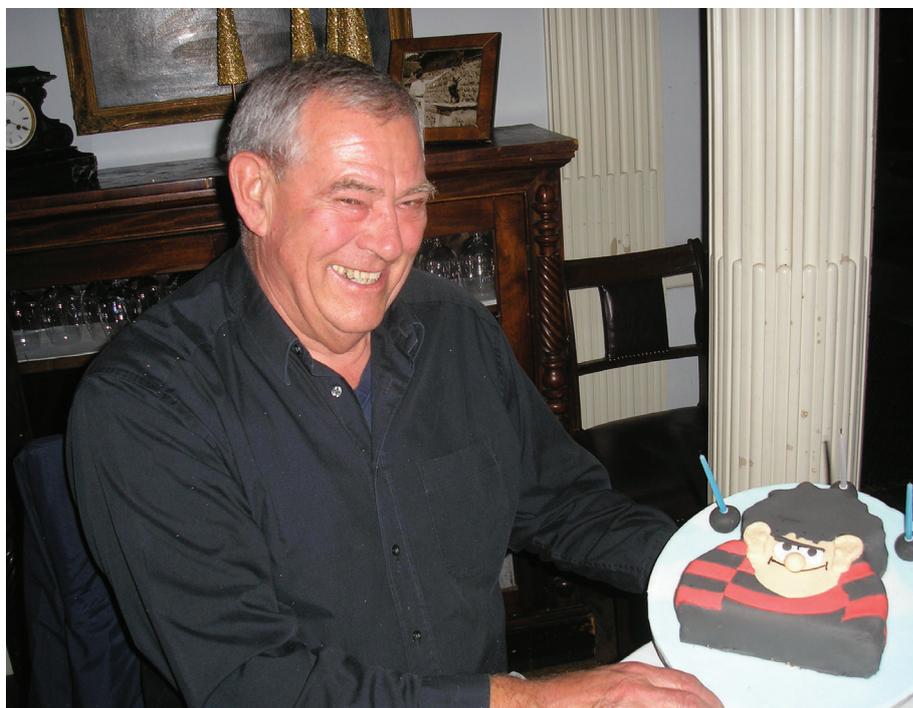
- ▶ We often take on claims other lawyers have failed to investigate properly or where they have not been able to achieve a settlement
- ▶ When necessary we issue court proceedings to progress our client's claims
- ▶ We are proactive in our approach to our cases



Peter Sinclair contracted mesothelioma in 2011. From the age of 15, he had worked as mastic asphalt spreader laying

asphalt on roofs and floors for a number of employers.

During the course of his work he cut and fitted asbestos roofing tiles. He had instructed solicitors in Kent to deal with a claim against his former employers but sadly died before the claim was resolved. Following his death the post mortem revealed that in addition to mesothelioma Peter had in fact contracted lung cancer. This was not asbestos related but it was the lung cancer not the mesothelioma which led to his death.



Peter's son, Sean continued to pursue a case against his father's former employers for the terrible pain and suffering his father endured from mesothelioma before his lung cancer took over. After three years working on the case his solicitors in Kent advised there was little prospect of recovering substantial damages.

Sean asked Peter Williams and Alice Ketteringham at Fieldfisher to give him a second opinion. We took up the

case and issued proceedings against Peter's former employers. We pursued them to a few days before trial when the case was settled for Peter's Estate in the sum of £55,000 to reflect the acute pain and suffering and the care he required due to mesothelioma even before his lung cancer took hold.

Sean never gave up the fight for justice for his dad even in the wake of local legal advice to do so.

Sean said:

“With Peter and Alice it was clear they were in a different league and installed confidence from the outset, you were never too much trouble when bombarding them with questions as you inevitably do in these situations and you were always kept informed of what was going on. They never gave up and were successful in pursuit of the only justice open to us.”

Compensation recovered for employee exposed whilst steam cleaning and sand blasting



Dushal Mehta was instructed by Mr John Wisdom following his diagnosis with mesothelioma. Mr Wisdom was only able to recall being exposed to asbestos whilst employed by a company called Wilson & Wilson Limited between 1976 and 1983/1984.

Wilson & Wilson Limited was engaged in the business of steam cleaning, sand blasting and high pressure water work. Mr Wisdom was required to remove asbestos lagged pipe work from boilers from the old laundry premises. In addition, in the course of the sand blasting and high pressure water work, Mr Wisdom disturbed and damaged asbestos containing materials including the asbestos roof of premises. He also carried out repairs and replaced broken asbestos sheeting. He regularly had to attend customers' sites where he came into contact with asbestos dust.

Mr Wisdom initially worked for Wilson & Wilson Limited as an employee but latterly became a Director. This, he said, was in name only as the owner of the business required substantial capital which Mr Wisdom was able to put into the company. In exchange he was offered the position of Director. His day to day duties remained the same and for



all intents and purposes he remained as an employee.

Dushal pursued a claim for Mr Wisdom but unfortunately Mr Wisdom died before his case was concluded. Dushal had to issue Court proceedings to progress the claim which was now brought by his wife

and Executor to his Estate, Mrs Jennifer Wisdom. The owner of the Defendant company served a statement (after Mr Wisdom's death) to suggest that Mr Wisdom would not have been exposed to asbestos in any way and that he was responsible for health and safety when he took on the position of Director of the company. Dushal was unable to obtain any further witness evidence as the family did not have any contact details for any other employees of the company.

Despite the Defendant's statement, Dushal was able to secure Judgment for Mrs Wisdom shortly prior to a contested hearing in the High Court. The case was then set down for a hearing to value Mrs Wisdom's claim. This hearing was set down for 18 June 2015.

Despite the Defendant's suggestion that Mrs Wisdom should accept a reduction to her damages to reflect the fact that her late husband had taken on the position of Director towards the end of his time with the company, Mrs Wisdom was still able to secure full damages prior to the hearing in the sum of £140,000. The case settled three days before the final hearing.

Mrs Wisdom said:

“I would like to thank you for your help and support in dealing with my claim. It was a difficult period in my life and of course John's aswell. You handled everything with such kindness and thoroughness, which made a difficult process much easier. Your company can be very proud of your commitment to their clients. If I find myself having to recommend you, I will do it with pleasure.”

Six weeks to settlement in Ripley Arts Centre case

Speedy settlement for 1940s lagger



Mr G grew up in London before the Second World War and worked as a lagger for a little less than a year in about 1945 before leaving London to

take up a job near his evacuated family in Essex.

Nearly 70 years later at age 84 Mr G developed the asbestos disease of mesothelioma and turned to Andrew Morgan for advice.

Andrew had access to the extensive insurance archives that we hold at Fieldfisher. Although the employer ceased trading many years ago he was able to trace insurance records going back as far as 1923 and so was able to make a claim for Mr G.

The claims was pursued speedily to a full value settlement of £130,000 within 7 weeks of first meeting Mr G to discuss his case and to take his statement. Without access to our archive of insurance, this mesothelioma case would have been difficult to settle within such a short time frame.

After the case had settled, Mr G's daughter-in-law had this to say about Andrew Morgan:

“Both my father-in-law and myself would like to take this opportunity to thank you and express our appreciation for the time and your professional expertise in dealing with this case and for the short length of time it has taken to sort out. The financial reward coming his way will help him greatly not to worry and also to enjoy his life as best he can”.



Mr Watson was born in Chelmsford, Essex, in 1944. He worked in retail and then in a hardware store for many years. He began working as a plumber for Frank Wilson Plumbing & Heating Limited in 1972 and in 1975 he took the business over.

When Mr Watson was employed by Frank Wilson Plumbing & Heating Limited, some time between 1972 and 1975, he was exposed to asbestos at the Ripley Arts Centre in Bromley. He had to go into the boiler room there in order to replace a pump on the pipework, this being the pump for the central heating system.

On this job Mr Watson worked in a confined space in the boiler room. The boiler and associated pipes were lagged with asbestos material. Some of the lagging was already powdery and loose when Mr Watson began his work. He remembered that there was dust on the floor that had fallen down from the pipes over the years. In removing and replacing the pump Mr Watson disturbed and shook the pipework and was exposed to asbestos dust, which he inhaled.

Importantly, Mr Watson was not given any warnings about the dangers of working with asbestos, nor was he provided with any protective equipment, even though low levels of asbestos had been known to cause serious injury since 1965.

In about September 2014 Mr Watson developed a pain on the left side of

his torso. He thought he had strained a muscle picking up a heavy weight. His GP referred him for an x-ray. He underwent further procedures and investigations before he was, sadly, diagnosed as suffering from mesothelioma.



Mr Watson contacted Andrew Morgan for assistance in February 2015. Andrew met Mr Watson and took a detailed statement from him. It seemed to Andrew unlikely that the insurer for Frank Wilson Plumbing & Heating Limited would ever be found so he made a claim to the new Diffuse Mesothelioma Payment Scheme (DMPS).

DMPS accepted that there had been negligent exposure which had caused Mr Watson's mesothelioma and agreed that no insurer had been found. In April they made an award to Mr Watson of £128,548, which included a contribution towards legal costs. However, because Andrew had conducted the case so efficiently Mr Watson was able to keep some of the costs contribution for himself.

Mr Watson went on to say:

“I did not expect any compensation due to the fact I was either self employed or sub-contracted. I was so surprised to get the compensation; it was only six weeks from when I first saw you”.

How we can help

We often rely on our own extensive insurance database to identify details of insurers of dissolved companies and we're often approached by other lawyers who are trying to trace insurer's information

Steeplejack wins claim after eight months of first instruction



James Allen undertook a number of jobs over the years but from about 1960 to about 1970 he worked for F E Beaumont Limited as a steeplejack. In this employment he was exposed to asbestos.

Mr Allen's job was to erect steel chimneys, to paint or clad them with aluminium sheeting, to maintain brick chimneys and so on. His job took him to power station chimneys, cooling towers, church spires all across the country.

On one occasion Mr Allen was working away from home in Barrow in Furness. He was unable to get lodgings and so slept in the boiler house. He and his driver were sleeping on bags of some very soft material and in the morning he was told by ladders that they had been sleeping on bags of asbestos.

On a number of other occasions Mr Allen was working in the boiler room, connecting the chimney to the boiler and taking the chimney upwards, while there were ladders around him, working in the same room, applying asbestos insulation. He saw the ladders "knock up" asbestos lagging in a big tub. He saw them emptying bags of asbestos into the tub and then mixing it with water. He saw them pick it up with their hands and throw it directly on to the boiler, where it would stick. The dust was clearly visible in the air around him and Mr Allen could see grey specks of dust in the atmosphere.

When Mr Allen was erecting steel chimneys he and his colleagues would secure ladders in place around the lower lengths of the chimney by means of a wired bond. This is effectively a wire that runs from one leg of the ladder around the back of the chimney and attaches to the other leg of the ladder. In order to prevent the wire bond damaging the chimney Mr Allen would put little bits of asbestos rope between the wire and the chimney. He would cut asbestos rope into short lengths for this purpose, and he did so on countless occasions.

On some jobs Mr Allen had to fix aluminium cladding around the steel chimney. He needed to create a space between the external aluminium sheet



and the interior steel chimney of about quarter of an inch. He and his colleagues achieved this by placing a ring of asbestos rope around the steel chimney and in so doing he handled the asbestos rope and came into contact with airborne asbestos fibres and debris.

In early 2014 Mr Allen began feeling unwell. He went to see his GP who referred him on to hospital and in May 2014 he was told that he was suffering from mesothelioma. In early June Mr Allen contacted Andrew Morgan for advice.

Andrew went to see Mr Allen at home in Bexleyheath, Kent, to give him some advice about his claim and to take a detailed statement. Mr Allen was able to provide helpful photographs.

Andrew set about tracing the employer. Although the exposure happened long ago Andrew was able to identify the company. Indeed Fieldfisher had pursued F E Beaumont Ltd previously for another client and had kept records. Andrew was able to show that the company was no longer trading but even so he identified the insurer and made a claim. He obtained a speedy medical report that confirmed the diagnosis and confirmed that this employment was the cause. He gave Mr Allen advice about the strengths of the case and its likely value and Mr Allen agreed to make a "Part 36 Offer" to settle the case. The Defendant did not accept that offer but in February 2015 the Defendants made a counter offer which Mr Allen was happy to accept, only eight months after first instructing Andrew.

Mr Allen went on to say:

"Andrew was brilliant, we had a couple of appointments that we had to change because I was due treatments, he was very understanding and always rescheduled for me. Andrew visited my home and noted down everything perfectly. I can't fault him or the practice, they were brilliant from start to finish and I was more than and satisfied with end result."

Five month to settlement in Portsmouth electronics case

Claim for carpenter sawing Asbestolux



Paul Andrew had been working as a self-employed carpenter since 1977. He is a keen golfer and was very fit. He continued to work

full-time. He began to notice pain in his stomach in December 2013 although he did not have a cough, a scan and a biopsy revealed he was suffering from mesothelioma due to asbestos exposure. He was absolutely shocked by this.

Paul had worked for a large carpentry business, F.G. Minter Limited having undertaken an apprenticeship with them between 1971 and 1974. As part of his work he sawed up “Asbestolux” sheets to box in service pipes. He used this product in maisonnettes, at the Imperial College and on jobs for Councils in London. He was not warned it was dangerous and did not wear a mask.

Paul instructed Peter Williams to pursue a claim against his former employers arising out of his mesothelioma. F.G. Minter had been dissolved many years ago but Peter quickly managed to trace their insurers. He made a claim on Paul's behalf to include his past and future loss of earnings and pension arising out of the diagnosis. The claim was eventually settled for the full compensation within eight months.

Paul remains well following radical pluriectomy surgery in July 2014 and has been able to fulfil a lifelong dream of playing at St Andrew's Golf Course.

Paul Says:

“I was very pleased with the final settlement figure and in a case which was conducted in such a short time period. Peter took all the stress away from me and my wife and handled this claim so professionally, thoroughly and with compassion from the very first time we spoke with him.”



Mr Rowsell worked for Marconi PLC, an electronics company, near Portsmouth, from 1976 until he retired in 2012. The company had also been known at various

times as “Telent” and BAE Systems

Mr Rowsell's job included laying out complex wiring for sensitive components in delicate electronic instruments. Like his colleagues, he experienced problems soldering the intricate parts together and in applying heat to the “shrink on” coverings that protected the individual wires - connecting up one set of wires to one or other component was liable to damage neighbouring components or connections so that the electronic assembly would fail Quality Control and would be rejected.

Mr Rowsell and others also used a large commercial oven to heat certain components to high temperatures for “curing”. When removing these components from the oven they used heatproof gauntlets which contained asbestos.

In about 1978 Mr Rowsell and his colleagues developed a new system for soldering and for applying the heat gun to the “shrink on” coverings. In order to protect the delicate components from

the heat that was being applied nearby they would cut out small pieces from the heatproof gauntlets and form heat resistant pads which they would place between the closely spaced components. This prevented heat damage and the number of rejects at Quality Control fell.

After some months the system changed so that aluminium foil was used to protect the components rather than the asbestos pads made from gauntlets – the foil would conduct the heat away so that no harm was caused.

But Mr Rowsell was exposed to the asbestos from the gauntlets. This was his only known asbestos exposure. As a result of this exposure Mr Rowsell developed the asbestos disease of mesothelioma.

In August 2014 Mr Rowsell contacted Andrew Morgan for advice. Andrew went to see Mr Rowsell at home and took a full statement from him. He identified the successor to the 1970s company and made a claim. He obtained Mr Rowsell's medical records and instructed a medical expert to prepare a report. He identified the insurers and entered into negotiations. He obtained an offer in January 2015 which Mr Rowsell was happy to accept.

Compensation recovered for carpenter exposed to asbestos



Dushal Mehta was instructed by Mr B to bring a claim for damages following his diagnosis with asbestosis. Mr B had worked as a carpenter for the company Bovis between approximately 1964 and 1995. As far as he was concerned, he worked for the same Bovis company throughout this time and had continuity of employment. Whilst working for Bovis he worked in many Marks & Spencer stores as they were constructed or re-fitted. On an almost daily basis he cut asbestos sheets to size and was also required to remove old asbestos sheets. He also removed asbestos ceiling tiles in Marks & Spencer stores.

We identified the insurers for Bovis for almost the entire period that Mr B had worked for them. There was a short period of time which appeared to be uninsured. We requested Mr B's HMRC employment record and when this was received it identified three separate companies between 1964 and 1995. One of the three companies was still actively trading, the other two were dissolved. We pursued the Bovis company, which was now known as Lend Lease Construction Limited, as the only trading Bovis company which employed Mr B at the relevant time.

The insurers failed to progress Mr B's claim and simply ignored our correspondence. We therefore issued Court proceedings to progress Mr B's claim. The Defendants tried to allege that Mr B was employed

by different Bovis companies and the company which was being pursued should only pay a proportion of his damages, if any at all.

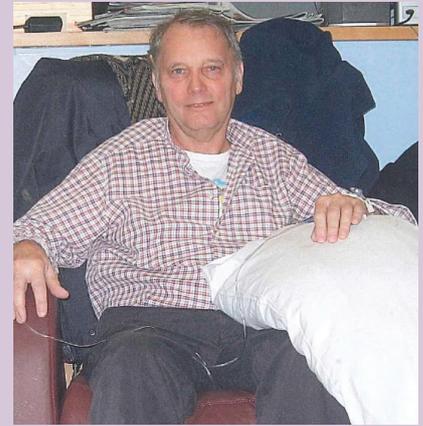
Just prior to the initial hearing in March 2015, and despite having seen Mr Butcher's evidence for well over a year, the Defendants sought the Court's permission to obtain the expert evidence from an engineer and to adduce witness evidence from another case. They sought a trial late in 2016.

Dushal was able to resist those arguments at the initial hearing and the Court awarded Mr B his claim and the case was set down for a hearing to consider the value of the case in June 2015.

The Defendants failed to make Mr B an offer in settlement of his claim until approximately a week before the final hearing. His claim was eventually settled a day before the final hearing in the sum of £68,000 and this settlement was by way of provisional damages to allow Mr B the opportunity to make a further claim if he developed lung cancer or mesothelioma.

Mr B already had a respiratory disability of between 30% and 40% as a result of his asbestosis and he was at an increased risk of developing asbestos related lung cancer or mesothelioma. Mr B was able to secure full settlement from the active Bovis company and should he need to make a further claim in the future he will be able to secure full damages.

Contractors accept liability for carpenter



Michael Morton was exposed to asbestos when working as a self-employed carpenter and joiner under the supervision of D J Higgins & Sons Ltd. He had to cut up sheets of asbestos during the construction of a primary school in Ilford, Essex from about 1973 to 1974. Although he was not a direct employee, Higgins Construction PLC, the successors to the contractors accepted liability for his mesothelioma and paid compensation during his lifetime. He is now aged 66 and the money will enable him to pay for others to carry out repairs to his property that he would have carried out himself if he had not contracted mesothelioma.

Michael thanked Caroline Pinfold for obtaining the compensation for him and said he appreciated her:

“friendly but professional help in achieving the outcome.”



How we can help

- ▶ We often rely on our extensive witness statement database to assist in cases. These statements often make all the difference
- ▶ Many previous witnesses and clients will agree to their statements being used in further cases

Quick settlement for pipefitter exposed to asbestos with large frozen food company



Robin James spent all his working life from 1959 to 1996 as a mechanical engineer for a large frozen food company.

In the early years, he recalled effecting repairs to pipework in the factory involving stripping asbestos based insulation.

He also worked alongside the resident lagger then who mixed up asbestos based powder in tubs to effect repairs. Robin was not warned this was dangerous nor provided with a mask. He was diagnosed with the asbestos related cancer mesothelioma this year and instructed Peter Williams to pursue his claim. Peter quickly notified the claim and came to terms with the company's insurers for a full value sum of £140,000. The case took less than six months to complete.

Robin said:

"I was delighted that Peter took the time to travel several hours to meet me and my family in my home and put pen to paper with all the facts of my case. I thought that finding a big city lawyer to help me seek damages from the one employer I've had my whole working life, would be a terrifying thing to do and I almost didn't start the process. However, I'm very glad that I did because Peter was so down to earth and pleasant that in the end it just seemed like no more than a cup of tea and a chat."



Successful claim acknowledged family business depended on mesothelioma sufferer



Alan Toms was exposed to asbestos as an apprentice plumbing and heating engineer by H Willmore in the late 1960s and by R B Plant

Installation Limited in the early 1980s. Tragically, he died from mesothelioma as a result of these exposures in September 2013 at the age of 63.

Alan had been running his own successful business when he began to suffer the effects of mesothelioma. He had hoped to pass on his knowledge and experience to his sons and daughter so that the business could continue which he was now unable to do due to his diagnosis. It was not possible to carry on the business without his extensive skill and experience and his widow, who had been a partner in the business, suffered financial loss as a result.

Caroline Pinfold acted on behalf of Alan, and later settled the mesothelioma claim on behalf of his widow Barbara.



Barbara said:

"We would like to thank you for dealing with this claim. We have found you to be a compassionate and professional lawyer who has shown us kindness throughout this difficult period in our lives. This money cannot replace Alan, however it does ensure financial security for the future."

Successful claim for retired cabinet maker



David Hammett was exposed to asbestos when working as an apprentice cabinet maker for E F Mills & Son in Colchester between about 1958 and 1963.

The main business of the firm was to make luxury mobile homes, many for fairground and circus people. The homes were known as “Compton Caravans” because of the site where this work was done. They were fitted out to a very high standard and had fireplaces which were lined with asbestos sheets.

The business no longer exists and the owner passed away some years ago. Caroline Pinfold, who was instructed by Mr Hammett to pursue a claim for his mesothelioma, was able to trace the relevant insurers from a previous claim that was successfully conducted by Fieldfisher.

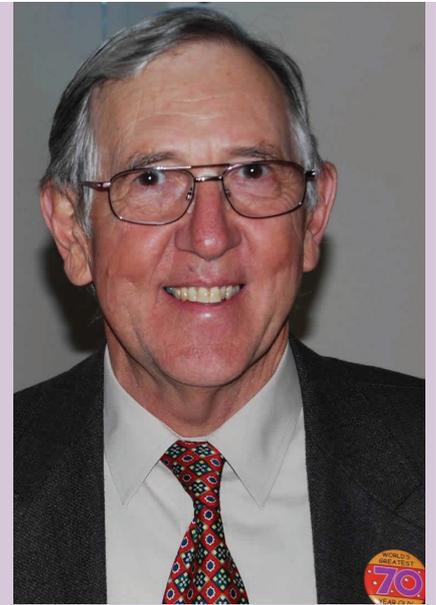
Mr Hammett was also exposed to asbestos doing carpentry work on housing estates for Sir Lindsay Parkinson and H C James in the 1960s. His exposure to asbestos by sawing, drilling and fixing asbestos materials without any respiratory protection in all of this work caused his mesothelioma which was diagnosed in October 2013.

Caroline Pinfold successfully settled the claim in March 2015.

Mr Hammett said:

“I would like to thank Caroline for all her help and kindness in pursuing my claim and achieving a very successful result. After 50 years of marriage my wife Delphine and I are so grateful that this award makes our future together secure. Our anniversary present to ourselves was a trip to Rome which was so much more enjoyable after receiving the news from Caroline about the award just before we were due to leave.”

Successful claim for asbestos exposure 50 years ago



Brian Thomas was exposed to asbestos when working for Percy Williams & Sons Limited, firstly as an apprentice carpenter and later as

a carpenter between 1959 and 1965 in Redruth, Cornwall.

Tragically he contracted mesothelioma as a result of this exposure, which was diagnosed shortly after his 70th birthday. He had chemotherapy but passed away as a result of the mesothelioma in August 2013.

An admission of liability was obtained and an interim payment of compensation was made during Brian's lifetime, but he passed away before the claim could be settled. His widow instructed Caroline Pinfold to carry on the claim on behalf of his estate. She described how Brian had been a DIY enthusiast and builder, and keen gardener before he contracted the mesothelioma. He had also done maintenance work for their local church where he served as Deacon. They had enjoyed travelling and visiting Brian's children in Australia. The claim was successfully settled in February 2015.

Meet the team



Peter Williams
Head of Asbestos Team

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Peter is head of the group. He has specialised in asbestos-related disease claims for 20 years and he gives annual talks to solicitors on the issues. The legal 500 recommends him as a leading personal injury lawyer who is *"universally respected, and superb with clients"*.



Andrew Morgan
Partner

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Andrew has specialised in asbestos disease claims since 1993. He is a past coordinator of the Occupational Health Group of the Association of Personal Injury Lawyers (APIL) and is an APIL fellow. The Legal 500 describes Andrew as *"clever, hardworking and respected by opponents"*.



Caroline Pinfold
Partner

e: caroline.pinfold@Fieldfisher.com
t: 020 7861 4022

Caroline has specialised in asbestos disease claims for over 25 years. She is a Trustee of the East London Mesothelioma Support Group (ELMS). She is a member of the Association of Personal Injury Lawyers and a Fellow of the Royal Society of Medicine. Chambers, a leading legal directory states she is *"incredibly hard working, has an eye for detail and fights very hard for her clients"*.



Dushal Mehta
Senior Associate

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Dushal specialises in asbestos disease cases, with specific expertise in mesothelioma claims. He joined the firm in 2009 and is a member of the Association of Personal Injury Lawyers. He has developed a reputation for securing early settlements in high profile cases.



Shaheen Mosquera
Solicitor

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t: 020 7861 4393

Shaheen joined Fieldfisher in 2015 as a Solicitor in the Asbestos Claims team and has been representing victims of asbestos exposure and in particular those diagnosed with mesothelioma. For the last 5 years she has settled many claims, recovering thousands of pounds in damages for the sufferers of Mesothelioma, Asbestosis and Asbestos related diseases.

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