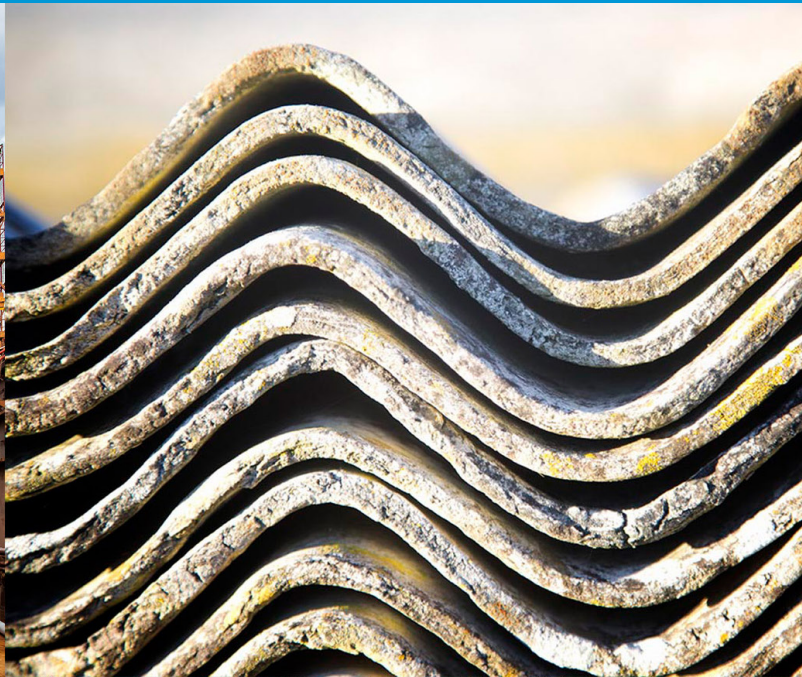


fieldfisher

Asbestos News 2024

More than 40 years of asbestos claims



0800 358 3848

Leaders in Asbestos Claims



Last year marked 40 years of Fieldfisher's asbestos claims practice. Peter Williams shares key moments.

In May 1983, Rodney Nelson-Jones took on our first asbestos case and, ever since, asbestos litigation has been at the heart of our Personal Injury practice. Rodney went on to win the Association of Personal Injury Lawyers' (APIL) award for outstanding achievement in 2002.

Early years

The early cases resulted from the relentless work of campaigners such as Nancy Tait to raise awareness of mesothelioma and to encourage those affected to demand justice and seek compensation. Nancy's husband died in 1969 following exposure to asbestos while working for the General Post Office. No one predicted that, 50 years later, we would still be battling the consequences of employers exposing their workers to asbestos dust.

Since the 1930s, workers at Cape Asbestos in Barking and at Turner & Newall in Manchester worked with raw asbestos materials. Lagggers were mixing lethal asbestos insulation in oil drums with their bare hands and pasting it onto pipework and boilers, and the men in the shipyards at Tyneside, Birkenhead, Chatham, Devonport and London were working in the asbestos-

riddled boiler rooms of vessels of the Royal Navy and merchant shipping fleets.

In the 1950s and 1960s, dockers in London and Liverpool unloaded sacks of raw asbestos cargo shipped from South African and Canadian mines and lagggers and pipefitters worked in a haze of asbestos used as insulation during the boom in construction of power stations.

Years later, all this exposure culminated in terrible injury and loss and an endless stream of claims.



'Nobody told me!'

The common refrain from those suffering from crippling disease decades later was 'I didn't know', 'I was just doing my job', 'Nobody told me', even though the dangers of asbestos had been recognised since the 1930s.

As the numbers of those suffering from asbestosis and mesothelioma grew and the true scale of the disaster emerged, Fieldfisher acted for yet more individuals and families whose lives had been shattered. We fought the government and the insurance industry, reeling in shock at the sheer volume of claims and desperate to reduce its outlay.

We demanded full compensation for our clients and, along the way, built a database of the 3,000 companies and insurers we have brought to account.

Chase Manhattan and Cape Asbestos

Key milestones in our asbestos litigation include travelling to Chase Manhattan Bank in New York in the early 90s to retrieve Turner & Newall's archive, which proved

they knew the dangers long ago. Similarly, in the first product liability claim against Cape Asbestos, disclosure revealed they knew the real dangers of asbestos far earlier than was admitted publicly.

In *Fairchild*, we were part of the team that successfully battled the insurance industry that sought to halt mesothelioma claims for good; in *Phipps*, we compelled insurers to pay their rightful share of damages, and more recently in *Head*, we obtained one of the largest mesothelioma awards ever at £2.6m.

DMPS Fast Track

The team helped set up the speedy Mesothelioma Fast Track process in the High Court in 2002 to deliver swift compensation to victims of mesothelioma, especially those with a short life expectancy. We campaigned alongside APIL to establish the Diffuse Mesothelioma Payments Scheme.

Immunotherapy

More recently, we were the first to demand companies and their insurers pay for hospice care of those suffering from mesothelioma. We were the first to obtain a court order for future funding for expensive immunotherapy treatment and brought a landmark case against BT where the claimant's interpretation of an immunotherapy agreement was challenged by the employer, but upheld by the court.

The number of hidden documents that have emerged from our involvement in litigation is staggering:

- the Cape Scheme of Arrangement details Cape's subsidiaries, factories, operations and insurance arrangement across the globe;



- the Concept 70 papers lay bare Cape's historic knowledge of the risks of using asbestos and asbestos products;
- the Marley papers established that floor tiles contained asbestos despite company denials;
- countless Freedom of Information disclosure exercises have proved vital to so many cases.

Our extensive experience also allows us to help other solicitors and law firms pursue their own cases. Another firm recently settled a mesothelioma claim against Guys hospital, relying on the evidence we obtained years ago in similar cases where we were able to obtain permission from our original witnesses to release their statements.

Through all the lobbying and campaigning, our clients remain our first priority. We have seen their stories change over time. Now we see office workers, teachers, nurses, and doctors struck down having worked in buildings containing asbestos materials. We see carpenters who sawed

Asbestolux sheeting to build housing in the early 70s and we see the women and children exposed to asbestos brought home on their father's and husband's work clothes. We see people who have developed mesothelioma by simply living next to an asbestos factory.

Over the past 40 years, we have recovered more than £300 million in thousands of cases and have raised thousands of pounds for mesothelioma charities and to help fund research. We are proud of our heritage and we pay tribute to every one of our clients and their families. We celebrate the part we play in easing the financial burden of this terrible disease.

Asbestos charities

Over the page, you can read about some of our client successes and about our achievements alongside our campaigning partners: APIL, Mesothelioma UK, HASAG and GMAVSG, Disability First, Cheshire Asbestos Victims Support Group.

The work continues.



FFW ASBESTOS NEWS

February 1997

INTRODUCTION

This bulletin summarises some cases conducted recently by FFW's specialist asbestos claims team: partner Rodney Nelson-Jones, consultant Caroline Pinfold and assistant solicitors Andrew Morgan, Peter Williams and Michael Osborne.

Members of the FFW team have recovered over £37 million damages in 830 successful claims on behalf of asbestos disease sufferers and their families.

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Tel No. 0171 481 4841. Enquiries to Rodney Nelson-Jones and Caroline Pinfold.

ASBESTOSIS AND LUNG CANCER

Between 1946 and 1966 Patrick Fields was employed to work with asbestos as a lagger's mate and steel erector by numerous companies. He contracted asbestosis and lung cancer from which he died in April 1991. His widow was represented by a well know firm of trade union solicitors who advised her that only two of his former employers could be sued and that this was not worthwhile.

Consequently in August 1994 she instructed FFW Partner Rodney Nelson-Jones. He traced a total of 10 companies which he successfully sued on her behalf. Her case was settled in March 1996 for £95,000 damages. (*Fields -v- British Shipbuilders*).

CARPENTER

T was exposed to asbestos as a teenage apprentice carpenter and joiner employed by a firm of builders of whom the

proprietor W had died many years before the claim was made. T therefore sued the executrix of W's estate in a claim for asbestosis and pleural disease.

The exposure occurred in the early to mid-60s, most obviously from using a disc cutter which was described as "the villain of the piece". T gave evidence that he had worn a handkerchief over his mouth when working in clouds of dust on occasions when he used the disc cutter. The case hinged on whether W knew or ought to have known of the risk of injury to T in the light of knowledge of the early to mid-1960s.

Upholding T's claim, the Judge held that W saw T at work and would have seen this, so should "have known in general terms that excessive inhalation of dust posed a health risk and that, if the dust contained an element of asbestos fibre, there was a risk of injury". This should have put W on enquiry and if he had enquired, he would have been given advice

equipment which was insulated with asbestos. He later worked for the UK Atomic Energy Authority and from 1968 until 1970 undertook occasional repairs on a nuclear reactor which was partly insulated with asbestos. Mr N subsequently moved to the Electricity Supply Commission in South Africa where he became head of Planning Services at a nuclear power station. In May 1992 he was diagnosed as suffering from mesothelioma.

Caroline Pinfold issued proceedings on behalf of Mr N and Michael Osborne settled his case in October 1996 for £200,000.

FOREIGN CLAIMANTS

FFW has acted on behalf of clients in Australia, Canada, South Africa, and the Middle East arising out of periods of employment in England where asbestos exposure occurred. Mr S was employed as a sail maker's apprentice by Fleetwood Trawlers Supply Company Limited between about 1961 and 1966 in Fleetwood, Lancashire. He was exposed to asbestos when insulating pipes in the engine rooms of fishing vessels using asbestos cloth, rope and twine. He died of mesothelioma in Australia on 30 October 1988, having emigrated there in June 1968. He left a widow and two children for whom Caroline Pinfold obtained full compensation.

LAGGERS (THERMAL INSULATION ENGINEERS)

FFW have successfully conducted numerous thermal insulation engineers cases. This has resulted in a wealth of knowledge about insulation companies and their insurers. It also enables FFW to conclude briskly cases that may otherwise take several years.

This is illustrated by two claims pursued by FFW Partner Rodney Nelson-Jones during 1996. In an asbestosis case, £265,000 was recovered on behalf of a former lagger; this complicated claim against eight defendants took only 20 months from start to finish. In a fatal mesothelioma claim, £143,000 was recovered on behalf of a lagger's widow; although it was necessary to sue as many as 18 defendants, the whole case was completed in 15 months.

NEIGHBOURHOOD EXPOSURE

This term is applied to asbestos exposure suffered by those who live in the vicinity of asbestos factories.

Between 1951 and 1967 Gordon Prior lived a few hundred yards away from the Barking factory of Cape Asbestos Co Ltd. He also attended a school directly opposite it and remembered asbestos drifting over like snow into the playground. When he later contracted mesothelioma, FFW Partner Rodney Nelson-Jones sued on his behalf and Cape settled his claim at its full value. (*Prior -v- Cape PLC*).

OCCUPIER'S LIABILITY

From 1966 to 1976 John and Jean Walker lived in a rented Council house in Bromley. In 1974 the Council wrote to inform tenants that the houses comprised "metal frames set in breeze concrete against external asbestos cement block-shaped forms, and lined internally with flat asbestos cement sheets on battens".

Before 1974, not knowing of the asbestos Mr and Mrs Walker had twice redecorated the whole house from top to bottom. In particular, Mr Walker stripped all the walls and then re-sanded some of them in order to get it smooth. Clearing up after these activities, Mrs Walker dusted the waste asbestos off ledges and swept it from the

Coffee mornings

Portsmouth

'I joined the team at Fieldfisher in July 2022. Within my first week, I joined Andrew Morgan at one of HASAG's coffee mornings in Guildford, where I met a lovely man who had recently been diagnosed with mesothelioma. We had a coffee and a chat and I almost forgot the time! Coffee mornings are one of the perks of my job as I enjoy hearing about people's lives and sharing travel stories.'

'To my surprise, I found that most people refrain from speaking about their illness as they prefer to share stories with one another, exchange pictures of their grandkids and make friends. I often ask people if they are pursuing a case and let them know that they can speak to me if they are unsure about what this involves. The relaxed and friendly setting makes for the perfect environment to ask any questions they may be unsure of.'

- Natalie Amara, Solicitor

Manchester

'The Greater Manchester Support Group shook things up when they moved their meetings to a pub in the centre of town! There is always nice hub of friendly chatter and a positive vibe.' - Bridget Collier, Partner



London

'It is always a particular pleasure for me to attend the London Coffee Mornings in Bermondsey. The Bermondsey Village Hall is barely 15 minutes' walk from our London Office, on the other side of the River Thames, nestling in the shadow of Guy's Hospital. I'm a South Londoner myself so it feels like I'm coming home, to my 'manor' as Bob Hoskins might have said.'

- Andrew Morgan, Partner

Braintree

At one of the very enjoyable Braintree coffee mornings, my very proud client Michael Keegan (see his case below) shared photos of his nephew who is equerry to King Charles!

- Shaheen Mosquera, Partner

Uckfield

I attend the Uckfield coffee mornings at the Civic Centre behind Tesco's. There are about 20 in attendance every month most from my 'manor' in East Sussex. It's lovely to catch up, share local stories and see how everyone is progressing - as long as you remember to get back to the car park at Tesco's before they fine you!

- Peter Williams, Partner

Reading

'I have once again really enjoyed attending the HASAG coffee mornings in Berkshire. They are always so well attended and inspiring.'

- Dushal Mehta, Partner

Guildford

'There is a vibrant community of patients and family who are regular attenders at the Surrey coffee mornings which have been held near Guildford for the past few months, having previously been held near Weybridge. We are making friends here and sharing our stories, both our mesothelioma stories and our stories about our children and grandchildren and about our holidays, at home and abroad. It was at one such meeting that I learnt about the game Viking Kubb, which I now play with friends and family every summer.'

- Andrew Morgan, Partner

Southampton

The Southampton coffee mornings are always very well attended and it is a pleasure to see the same familiar faces attending each month as well as new ones. It is a special community, which is clearly very uplifting and supportive for patients. I am sure it is a very much welcomed distraction for patients and their families, as they form new friendships with those going through a similar experience or just have a chat over coffee and biscuits in a friendly environment.

- Charlotte Thorpe, Solicitor



International Workers Memorial Day: Remember the dead, fight for the living

Shaheen Mosquera and Natalie Amara attended the asbestos memorial in Barking in April, organised by Susan Aitouaziz, Secretary of the Barking, Dagenham & Havering Trades Union Council. This follows an unveiling last year of a memorial to asbestos victims employed at the Cape Asbestos factory in Barking.

Conferences

Mesothelioma UK

Fieldfisher attended Mesothelioma UK's annual Patient and Carer day and Gala Dinner which was held in Nottingham in October.

During the day speakers covered topics from the newest treatments and how to access it, to managing symptoms and a guide to 'passported' benefits. So much of the information is unique to those with mesothelioma and the day of information is highly recommended by our specialist in Manchester Bridget Collier, who attended.

BTOG

Bridget Collier and Dushal Mehta represented Fieldfisher's Mesothelioma team at the 21st British Thoracic Oncology Group Conference in Belfast. For three days in April, the conference provided an excellent opportunity for networking and learning about latest advancements in thoracic oncology. Sessions included discussions around 'What is the optimal diagnostic pathway for mesothelioma?' and 'Early detection of mesothelioma - is it worthwhile?' The event provided a valuable learning platform to exchange important information.

LCNUK

On behalf of Fieldfisher's Asbestos and Mesothelioma team, Shaheen Mosquera and Natalie Amara attended the Lung Cancer Nursing UK Conference in Birmingham.

Over two days in May, the conference provided an excellent platform to share updates and take part in lively sessions. Topics included 'Scanxiety in Mesothelioma' and 'Lung cancer profiling in 2023.'



Our Reputation

Top ranking in Legal 500

Fieldfisher's industrial disease team remains at the top of the personal injury rankings at Tier 1 in Legal 500.

'Absolutely standout claimant personal injury and industrial disease team. Fieldfisher have an outstandingly able team of lawyers who devote significant amounts of focused partner and senior solicitor time to their cases. They provide exemplary, compassionate and supportive client care and are unflinching in their pursuit of their cases.'



Leading Individuals
[Andrew Morgan](#)

Other key lawyers
[Bridget Collier](#)

Hall of Fame
[Peter Williams](#)

Next Generation Partners
[Dushal Mehta](#)

Other key lawyers
[Shaheen Mosquera](#)



TOP TIER
2023



LEADING FIRM
2023



LEADING INDIVIDUAL
2023



NEXT GENERATION PARTNER
2023



RISING STAR
2023

Testimonials

'Absolutely standout claimant personal injury and industrial disease team. Fieldfisher have an outstandingly able team of lawyers who devote significant amounts of focused partner and senior solicitor time to their cases. They provide exemplary, compassionate and supportive client care and are unflinching in their pursuit of their cases.'

'The genuine care that they display towards their clients is unparalleled, as is the attention to detail in claim management, optimising outcomes for their clients. They drive cases incredibly hard to conclusion. They have a very tough litigation and negotiation style but are pragmatic, flexible and resourceful. They are simply hugely experienced and able. In particular, unlike many others they are nimble on their feet but have huge resources at their disposal because they are part of a city firm.'

'Andrew Morgan is highly intelligent... A very experienced, intellectual lawyer who is very thorough and knows the market inside out.'

'Peter Williams is one of the very best in the field of industrial disease.'

'Dushal Mehta is an outstanding lawyer – he's dedicated, exceptionally hard-working and very caring.'

'Shaheen Mosquera is an absolutely top-class operator in asbestos litigation; tenacious and conscientious in equal measure. She gets superb results for her clients in difficult claims on both liability and quantum. I would highly recommend her for complex and high-value mesothelioma claims.'

'Bridget Collier is a very caring, patient and understanding professional person willing to listen in supporting every concern. She is conscientious to ensure that the legal statements are accurate and is dedicated to getting the best outcome for a claim. She kindly helps with reassuring confidence boosting chats when I'm feeling low and makes me feel she is a true friend. I can wholeheartedly recommend her to the highest degree of excellence, without hesitation.'

Band 1 in Chambers & Partners

The asbestos and industrial disease team is again ranked Band 1 in legal directory Chambers, reflecting the hard work and remarkable achievements of the team on behalf of clients affected by mesothelioma and other asbestos-related disease.

Head of the team Peter Williams and long-standing partner Andrew Morgan are both individually ranked Band 1.

Chambers says:

'Fieldfisher is a market-leading industrial disease practice with an outstanding reputation for undertaking mesothelioma and asbestos disease litigation. The team deftly handles a range of complex and often high-value claims, and offers a strong track record in recovering hospice fees for clients. Team members represent claimants from industrial and manufacturing backgrounds, as well as hospital workers, teachers and other employees exposed to asbestos in the workplace.'

Fundraising

On Saturday 10th September, the Industrial Disease Team took on the Mighty Thames Bridges Trek, crossing 16 of London's most iconic bridges, a distance of 25km, to raise money for HASAG and Mesothelioma UK.

The trek began at 10am and the team were incredibly lucky with the warm, dry weather to say the least! They began their efforts at Bishops Park in Putney.

By 1pm, the team had crossed over Putney Bridge, Fulham Railway Bridge, Wandsworth Bridge, Battersea Bridge, Albert Bridge, Chelsea Bridge and Vauxhall Bridge.

Time for a well-deserved break. While some tucked into pastries and tea, others opted for an impromptu pub stop!

With batteries slightly recharged, the team ventured off towards bridge number 8, Lambeth Bridge, the next stop. Soon, the magnificent Big Ben and the Houses of Parliament were in view as we crossed Westminster Bridge, passing the London Eye.

The Queen's Golden Jubilee Bridges offered a moment of quiet reflection, remembering the legacy of her Majesty.

Waterloo Bridge was the perfect opportunity for the team to play spot the London office. After taking in the incredible views of St Paul's Cathedral and South Bank, we hurried along Victoria embankment towards their next stop, Blackfriars Bridge.

By this point, though tired, everyone agreed that the walk was now that much easier because of the magnificent sights and sounds of London, which were a welcome distraction.

Finally, the final few bridges were in sight... or so we thought... The last stretch of the trek seemed to go on forever. But spirits were high and Millennium Bridge did not disappoint with its spectacular views of St Paul's Cathedral.

Bridge 15 was London Bridge, which offered a familiar sight of Fieldfisher's London office.

Then it was time to take on the Mighty Tower Bridge, the team began to congratulate one another on reaching the end, but little did they know there was still some way to go until the finishing line in Southwark Park.

On they went, taking in the charm of St Andrews wharf and the many quaint balconies along the way.

Finally, the finish line was in view. After collecting their finisher's medals, it was time for some well-deserved champagne.

Team Fieldfisher completed the Thames Bridges Challenge in just under six hours and raised just shy of £4,000 for charities. Thanks to everyone for their kind donations.



Bridget Collier's podium finish at Dragon's Back Race

In September, Bridget Collier raced into Cardiff, taking second place in the world's toughest mountain race - the Dragon's Back Race.

Starting from Conway Castle, the race takes place over six days, 242 miles/389 kms over countless mountains. There is little rest in between the long days with only rivers and streams for washing and any sleep you can grab in shared tents. The route meanders over the Carneddau, Glyders, Snowdonia, Moelwyns, Rhinogs, the Elan Valley, the Brecon Beacons and onwards to Cardiff.

Bridget's personal experiences

At the start, I was intimidated standing as one of nearly 300 competitors although only about 10% women. It was 5.30am and dark, a Welsh male voice choir stuck up just to really heighten the high emotion and then I was off running along the castle walls and into the mountains. I knew the terrain, but had no idea how I would cope with such a demanding course.

The first day is feared by many as it takes in the airy and exposed scramble along the knife-edged Crib Goch. Fortunately, this is within my main training ground and I enjoy that sort of terrain. Crossing it with cramp kicking in was interesting though. I finished before torrential rain set in and settled into camp life, trying to eat and re-hydrate and study the map for the next day.

Day 2 was a different matter with the challenging pathless Rhinogs and bad weather due to come in early afternoon. I took some good navigational lines descending the craggy scramble and just cleared the worst of it before the torrential rain started. Hood up and onward. I spent

some of the day with Victoria who was in 3rd place, I was 1st lady vet 50 and importantly able to run into camp some 36 miles later.

The first 2 days are toughest and a third had already dropped out or been timed out. With a traverse of Cadair Idris before breakfast, heading into the Cambrian mountains of mid Wales and 44.4 miles, this was a different day and challenging as the longest so far. Cadair was shrouded in cloud, but later we got some fine views as well as more rain. I passed through Machynlleth, the first town on route still running well and I noticed I was creeping' up the positions. I'd left Victoria behind earlier and I knew others were struggling with injury.

Day 4 passes through the remote Elan Valley. On my recy runs I'd spent hours without seeing soul. I tried to see it as a rest day as whilst it was the longest so far and still 44 miles there was less ascent, lots of ankle-biting moorlands with no paths, but also some nice runnable distances. I had a good run and the race media starting taking notice as I took 2nd ladies place overall.

The sting was yet to arrive though and Day 5 took many out. Over 45 miles and a complete traverse of the Black Mountains and the Brecon Beacons including South Wales' highest peak, Pen y Fan. Many failed to beat the cut off times, a few including the leading man got injured. I took a few tumbles early on when the weather was doing its best to blow us backwards whilst pouring down, but by the end of the day, I finished with amazing views. I had gained a good lead on those behind me seeing me good for 2nd ladies place if I could keep going.

The last morning dawned with sunshine and I hung around camp until it was properly daylight as I hadn't been over the last 40

miles and didn't want to make any mistakes. Today was going to be runnable for those who could still run and I was one of the few still able to do so. The route took lovely low level hills into Merthyr Tydfil then more towards Cardiff. Just outside I arrived at a checkpoint of a trig point on a grassy hill and could see Cardiff and the sea in the distance, it was a joyous feeling. Finishing in 2nd place was a dream come true and testament to a gruelling year of training.

I completed the Dragon's Back Race in 65hrs 58mins 52secs coming in 18th out of all 102 that completed the course and 2nd lady (also the first veteran I aged entrant to finish with podium position).

Support mesothelioma and asbestos-related diseases groups

Thanks go to all those who supported her with messages sent via 'Dragon Mail' which she received each night in camp and so many who sponsored her. She also raised nearly £2,500 for:

Greater Manchester Asbestos Victims Support Group

Cumbria and Lancashire Asbestos Support Group

Cheshire Asbestos Victims Support Group

Readley and

Mesothelioma UK

As well as offering invaluable support and information to those affected by these terrible diseases, the charities also raise awareness about the ongoing danger of asbestos.



Case studies

Settlement includes loss of care and services provided by devoted family man	13
£900,000+ compensation in UK plus US claim for ex-Merchant Navy worker	14
Interim payments funded immunotherapy for builder as case progressed	15
Successful settlement close to limitation for hospital worker Janice Cregan	16
Positive judgment for mesothelioma patients facing claims against defunct employers	17
Six-figure settlement despite insurers disputing claim on every allegation	18
Mesothelioma settlement for the benefit of widow and teenage children	19
Six-figure settlement for family of mesothelioma patient suffering psychosis	20
£950,000 for family of former rail worker who died of mesothelioma	21
Mesothelioma compensation within 7 months of instruction	22
Claim settles for 98-year-old pipefitter working at Esso Petroleum refinery	23
Significant recovery of lost services for family in fatal mesothelioma case against the Mirror	24
Client exposed to asbestos working at Padiham Power Station in the 1960s	25
Mesothelioma hospice 'so grateful' for repayment of care costs following settlement	26
Compensation for the family of a carpenter exposed to asbestos at the Royal Court Theatre	27
Welcome settlement against Vickers Shipbuilding for joiner working in Barrow-in-Furness	28

Settlement includes loss of care and services provided by devoted family man

Peter Williams secured settlement on behalf of the family of Charles Pescod who was diagnosed with mesothelioma in 2018 having worked his entire life as a town planner for Surrey Council and later North Wiltshire Council. The settlement was particularly important in that it included an amount for the huge loss of care and services provided by Mr Pescod to his wife, his children and his then seven grandchildren.



In a witness statement, Mr Pescod said that generally when he made site visits for both councils he was surrounded by asbestos dust and debris, including old piping and corrugated asbestos sheeting lying around on the ground. There was rarely adequate washing facilities on site, meaning Mr Pescod spent the day with dust on his clothes and body. He particularly remembers his face often draped with cobwebs covered with asbestos dust.

Meanwhile, Mr Pescod continued to play a huge part in the lives of his children, always ready and willing to offer financial and emotional support whenever needed. Not only did Mr Pescod renovate his own house, he helped his son rebuild his kitchen, built a loft conversion and landscaped the garden. His son had recently bought a plot of land

and he and his father were planning to build a house on it.

Having always been very physically fit, including completing marathons, Mr Pescod and his wife began to enjoy his early retirement from 2009 onwards. On holiday in Snowdonia in 2018, however, Mr Pescod was so concerned with breathlessness he went to his GP and later was referred to Salisbury hospital where a biopsy was taken and large volumes of fluid drained from his lungs.

As his health continued to deteriorate, his wife looked after him at home with little external support from health services. They were told that the prescribed chemotherapy was not having any effect and the treatment ceased. Sadly, Mr Pescod died in February

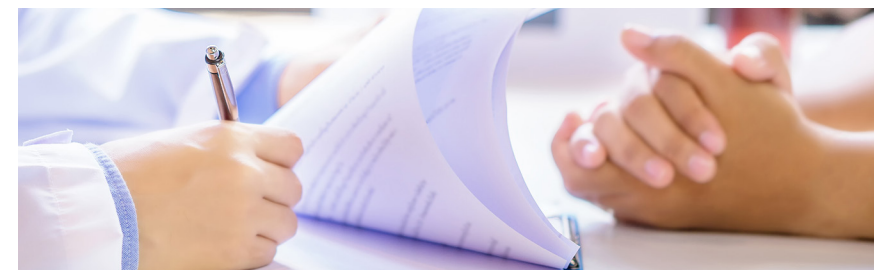
2019.

With the help of witness statements from friends and former colleagues who also worked in planning and development, Peter was able to access funds and final settlement from the insurers of both councils.

Following proceedings at the High Court, the claim settled for £850,000 damages.

Mr Pescod's daughter said:

'Thank you so much for all you have done and for making a difficult day go by smoothly. We are all so grateful for the hard work and perseverance ... Please do tell HASAG and we shall too. We have not been able to fault the service we have received and it is important to ensure others have that recommendation to assist them if they find themselves in the awful situation we have.'



Peter Williams

0330 460 6805
peter.williams@fieldfisher.com

£900,000+ compensation in UK plus US claim for ex-Merchant Navy worker

Mr D was born in 1949. Upon leaving school aged 16, he began working for the Royal Fleet Auxiliary, (RFA) part of the Ministry of Defence, as a civilian engineer Officer Cadet. After two years of training, he went to sea for 18 months, where he worked on two ships between 1968 and 1969 before returning to the UK.



Throughout his career, Mr D spent a lot of time working on old ships around the world. He recalled how he and his colleagues, unaware of the dangers of asbestos, would throw 'snowballs of asbestos' at each other in the early 1970s. He also detailed times when high-pressure pipes would blow off suddenly and he would need to rip off any old asbestos lagging remaining to access and repair the joint and fix back the lagging. During his career, he estimates having to do this more than a thousand times.

Mr D and his wife travelled to their holiday home in France. On their return, Mr D began to feel breathless and could not walk up the stairs. His wife immediately took him to their local A&E department and a week later, Mr D was diagnosed with mesothelioma. Mr D, having lost a few friends to asbestos related diseases, suspected that asbestos was the cause of his illness. He began chemotherapy a few weeks later. Sadly, Mr D died in September 2015, leaving behind a wife, two daughters and three grandchildren.

Andrew Morgan was instructed and met Mr D to take a full detailed statement. He secured an admission of liability during Mr D's lifetime and obtained an interim payment of £50,000 for Mr D's widow.

A large part of Andrew's valuation of the claim consisted of a financial dependency claim for Mrs D, who was financially dependent on her late husband's pension income. The RFA did not contest this element of the claim and a settlement figure of £326,323 was agreed. This case settled within 12 months of its inception.

US Claim

Mr D regularly put into port in the USA. Some of the machinery he monitored was US-manufactured and was designed to be insulated with asbestos materials. Andrew liaised closely with US attorney Brendan Tully and introduced Brendan to Mr D.

This was the first case that Brendan Tully brought in the USA for UK clients in this way. He interviewed Mr D's colleagues and

arranged for them to attend trial in Florida to give evidence, alongside Mrs D.

The US trial was long-delayed because of COVID but Mrs D eventually succeeded at trial and was awarded a substantial sum. The Defendants appealed. She was able to settle the appeal by accepting a figure of £962,037 (inclusive of costs).

Andrew was the first UK solicitor to introduce a UK claim to Brendan. Having already obtained £326,323 inside a year, this introduction led to Mrs D recovering just over £900,000+ compensation in the UK plus US claim for ex-Merchant Navy worker. Although US claims can take much longer than UK claims, they are well worth pursuing and it can be possible to obtain compensation in the UK in the meantime.

Andrew Morgan

0330 460 6737
andrew.morgan@fieldfisher.com

Interim payments funded immunotherapy for builder as case progressed

Dushal Mehta was instructed by Mr P to bring a claim following his diagnosis of mesothelioma. Mr P was exposed to asbestos working for two employers in the building industry in Sevenoaks - Tertian Ltd throughout the 1960s and T Jack Ltd from the late 1960s to around 1977.



Mr P's job was to cut asbestos/asbestolux sheets using a handsaw, often as insulation for boiler house doors in new builds. Neither employer ever warned Mr P of the dangers of exposure to asbestos.

Following instruction, Dushal notified the defendants' insurers of the claim and gathered the necessary evidence to prove that Mr P had been negligently exposed to asbestos, and that this had caused his illness. Dushal quickly obtained an admission of liability from both defendants and early interim payment of £50,000.

As the case progressed, Mr P began immunotherapy treatment for which Dushal sought further funding from the defendants. Even though the case had not yet concluded,

the defendants agreed to release funds for treatment. Court proceedings were issued against both defendants to ensure payments were released promptly and that there was no disruption to Mr P's treatment. The defendants continued to fund the immunotherapy up until Mr P sadly died.

The claim continued on behalf of Mr P's estate and his widow, and Dushal collated evidence regarding care the family had provided to Mr P and also their dependency on him around the home for DIY and also his pension income. The claim was due to go before a judge to decide final damages, but Dushal settled the case for £400,000 just weeks before trial. This was a great relief to the family.

Upon settlement of the claim, Mr P's widow said:

'I would like to thank you for all your help and support during our claim. You have made it easier for us to see it to its conclusion. I am sure Mr P would have been reassured with the outcome, and that it has finally settled. With my grateful thanks.'

Dushal Mehta

0330 460 6751
dushal.mehta@fieldfisher.com



Successful settlement close to limitation for hospital worker Janice Cregan

Janice had not spoken to any solicitors to pursue a case arising out of her exposure to asbestos until almost three years later when her oncologist recommended that she contact Peter Williams.



The first offer received was £450,000 but Peter was able to increase the award and settle the claim for £580,000 plus an agreement to pay for any private treatment including immunotherapy. Janice continues to do well.

Harry Steinberg KC described the award as 'truly astonishing'.

Peter Williams

0330 460 6805
peter.williams@fieldfisher.com

Janice remembered working at the Royal National Orthopaedic Hospital in 1999 and particularly one weekend where she walked through a stairwell and dust fell down on top of her as she entered the building. She was told after she had entered the building that asbestos works were being carried out. No documentary evidence was available regarding the asbestos works and we could not prove that the dust she was exposed to was in fact asbestos.

We had to issue proceedings in short order having been instructed so close to the limitation date. We agreed to act on a No Win No Fee basis. The Defendant was persuaded to admit liability and close to trial in November 2022, negotiations ensued.



Positive judgment for mesothelioma patients facing claims against defunct employers

Shaheen Mosquera and Counsel John-Paul Swoboda won judgement on behalf of Shaheen's client Michael Keegan that he can claim the shortfall in his mesothelioma settlement directly from the insurer of his defunct former employer.



Mr Keegan was exposed to asbestos performing general maintenance work for Jas C Flaxman & Sons Ltd at various Marks & Spencer stores from 1972 until around 1984. By the time Mr Keegan was diagnosed with mesothelioma, the company was no longer operating.

Mr Keegan, 73, began to suffer with symptoms of mesothelioma early in 2021. On the advice of his oncologist, Mr Keegan decided to undergo dual agent immunotherapy, an expensive treatment that, at the time, was only available privately. Mr Keegan therefore spent a large portion of his life's savings on the private treatment while his claim was ongoing.

Since Jas C Flaxman was no longer a registered company, Shaheen previously would have had to restore it to the Companies House register, a process that generally takes around six months. But to speed up Mr Keegan's settlement, the legal team prepared the claim under the Third Party (Rights Against Insurers) Act 2010 against the two former insurers of the company (IICL and Zurich).

Shortly prior to trial, settlement was agreed with Zurich for £650,000 plus an indemnity for future treatment costs, but this left a £200,000 shortfall on the full value of Mr Keegan's claim.

In a judgement handed down recently, Justice Yip found that actionable damage occurred when Mr Keegan was appreciably worse off which was after the 2010 Act came into force on 1 August 2016. Justice Yip also entered judgment against IICL in the sum of £854,076.23, the amount claimed in the Schedule of Loss. Court proceedings were issued against the FSCS to recover the shortfall of Mr Keegan's damages and costs. Initially, they denied that they were liable for Mr Keegan's damages but then agreed to pay the shortfall of Mr Keegan's damages but deny that they are liable for costs and therefore the case is still ongoing.

The legal team believes this is the first time that the application of the 2010 Act has been considered in the context of a mesothelioma claim and is therefore an important decision. It provides greater clarity regarding the interpretation and applicability of the 2010 Act and going forward should give clients greater confidence to issue against even insolvent insurers, rather than having to go through the lengthy process of restoring a company to the register.

Following judgment, Mr Keegan said:

'What a wonderful outcome to such a stressful time in our lives! Having been

introduced to Fieldfisher through HASAG, Sylvia, my wife of 48 years, and I have been looked after every step of the way by Shaheen and her team. It wasn't easy but it has been made easier with home visits, video calls and telephone calls, conversations, instructions and information received in the post.

'The case proved difficult at times, with sometimes good news followed by some disappointing bits of information or delay which led to a court hearing. John-Paul, our barrister, immediately put us at ease, although with a bit of worry, with his understandable instruction and explanation of the pending proceedings. The case was due at the Royal Courts of Justice on the hottest day of the year but Sylvia and I were spared the problems of attending in person by attending via a video link, with the court. We watched in awe as the proceedings took place and saw the superb work that John-Paul and Shaheen presented to Mrs Justice Yip.

'What a result, with the final verdict! We are obviously as pleased as punch with the settlement and the judgment but even more so that the work on this case could or will pave the way for future cases being settled far quicker and easier, for those inflicted with this dreadful disease.

'Thank You Shaheen and John-Paul.'

Shaheen Mosquera

0330 460 6817
shaheen.mosquera@fieldfisher.com



Six-figure settlement despite insurers disputing claim on every allegation

Bridget Collier secured both an acknowledgement of negligence for exposure to asbestos and six-figure compensation to provide Kenneth Jonas with financial security and the chance to hire carers to deal with his asbestosis.



Bridget said:

'I am pleased that there has been a resolution for Kenneth by an out of Court settlement despite the insurers resisting the claim throughout. They tried to suggest that the claim had been brought too late, however whilst the hospital had requested many x-rays and scans it was only after our medical expert in the case looked at those records that the diagnosis of asbestosis was made. I was happy to investigate the claim and delighted with the result.'

Bridget Collier

0330 460 6740
bridget.collier@fieldfisher.com



The insurers of F A Griggs & Son, his employer in the 1960s, disputed his claim on every allegation despite such significant exposure their own medical expert acknowledged the levels had caused his asbestosis.

For 10 years, Kenneth worked in industrial outbuildings on farms and cut corrugated asbestos sheets known as 'big six' and asbestolux board for fire doors, exposing him to asbestos dust. He also worked around others using asbestos.

The company was no longer trading, but Fieldfisher has significant experience of tracing company insurance to pursue a claim. Bridget guided Kenneth through the process, obtaining expert evidence about his care needs to deal with his breathlessness and included the costs in the valuation of the claim.

Mesothelioma settlement for the benefit of widow and teenage children

Peter Williams settled a claim on behalf of Mr D who was exposed to asbestos working at Joseph L Thompson & Sons Ltd, a large timber merchant in Sunderland in the 1960s and 70s. Mr D was diagnosed with mesothelioma in early 2020 aged 72 and sadly died from the disease in 2021.



Mr D, who left school at 15, began working as an apprentice for Thompsons in 1963 primarily at their saw mill and joiners shop where timber was brought up from the local docks, made into planks and other products and sold in the yard.

Mr D particularly remembered being asked to repair damaged asbestos corrugated roof sheeting, with only rope around him to protect him from falling, and cutting asbestos sheeting to fit into fire doors using a large circular table saw, surrounded by plumes of dust that landed on his face, clothes and hair. He would often spend entire days every couple of months working only on cutting up asbestos sheets, with no mask or ventilation and no warning about the danger.

Mr D eventually left the company in 1971 and went onto to pursue another career for

30 years. He retired in 2007 and became a 'househusband' which enabled his partner to work as a full-time solicitor.

Mr D would perform all the household tasks - cleaning, laundry, shopping - as well as gardening and DIY. He also ensured his son and daughter got the most from their out of school activities, including training and taking part in swimming competitions.

Peter successfully concluded the case which provided a six-figure settlement to enable his widow to work part-time and look after the children.

Mr D's widow described Mr D as 'one of a kind', irreplaceable and dreadfully missed. He spent all of his time selflessly ensuring that we were cared for and that we never had anything to worry about.

Mrs D said:

'I was extremely lucky that the first place I called for legal support was Fieldfisher and even luckier that Peter actually answered the phone! He and his team dealt with the case pro-actively and conscientiously throughout. He is experienced in this area of law and knows how to handle matters. Not only that, he is a thoroughly decent and kind person who understood the awful situation I suddenly found myself in. I was very fortunate to come across him.'

Peter Williams

0330 460 6805
peter.williams@fieldfisher.com



Six-figure settlement for family of mesothelioma patient suffering psychosis

Dushal Mehta was instructed by Leanne*, the executrix of her father's Estate. Peter* suffered peritoneal mesothelioma as a result of his asbestos exposure in 1965 working for Cape Distribution Ltd. Damages of £150,000 were achieved for the Estate.



Dushal Mehta was instructed by Leanne*, the executrix of her father's Estate. Peter* suffered peritoneal mesothelioma as a result of his asbestos exposure in 1965 working for Cape Distribution Ltd. Damages of £150,000 were achieved for the Estate.

Peter worked in the pre-mix department at Cape and in the fibre and board cutting departments. Working in the pre-mix department involved loading large bags of asbestos and cement onto pallets, which often opened and released asbestos dust and fibres into the air, which Peter inhaled. He was also required to cut asbestos boards which released asbestos dust and fibres into the air.

Ultimately, the environment Peter worked in meant he was regularly exposed to large quantities of asbestos dust and fibres, which he frequently found embedded in his clothes. He did not receive any protective clothing nor any pre-warning of the dangers of asbestos. Peter described the asbestos in his work environment as 'you could see it floating around in the factory atmosphere. It just became part of our

day to day life.'

The Defendant contested the deceased's claim, asking for proof of the injury that Peter suffered and the damage caused. Dushal pursued the evidence needed to settle the claim quickly due to Peter's rapid deterioration over 6-7 months, impacting his physical and mental health.

As a result of the mesothelioma spreading to his brain, Peter suffered psychosis which transpired into a delusional schizophrenia-like disorder, described by experts as 'it is hard to believe that there could be a more serious case in terms of symptoms of mesothelioma than the present case.'

This was a particularly rare and unusual case due to Peter's mental deterioration which meant he needed constant care from his family, which was very difficult and distressing for them.

Expert medical evidence showed that the asbestos was a material contributor to Peter's death and likely shortened his life by nearly 10 years. Sadly, Peter died during the early stages of the claim.

The case was made more complicated because Peter's partner had to be considered part of the settlement since she was entitled to a bereavement award. She lacked capacity due to Alzheimer's and Peter had been her main carer until his own illness progressed. Dushal ensured that she had a deputyship order through the London Borough of Hillingdon and that she was awarded an appropriate sum in damages for the loss of care and support Peter would have provided.

Following settlement, the family said:

'Thank you for your help over this time we are grateful to you for all you have done to support us through this.'

* names changed

Dushal Mehta

0330 460 6751
dushal.mehta@fieldfisher.com

£950,000 for family of former rail worker who died of mesothelioma

Mr D, born in 1945, worked for British Rail from 1960 until the early '70s, having secured an Electrical Engineering apprenticeship with the help of his uncle.



Mr D was based in Doncaster station. To gain experience, he would transfer between departments, one of which was the assembly plant where the locomotives were built.

Mr D recalled being present when his colleagues sprayed the front and rear bulkheads of the locomotives and the driver's cabins with blue asbestos, which he described as having a texture like candyfloss. Once sprayed, Mr D would be tasked with fitting and wiring the control panels, which inevitably meant breaking through dried sprayed asbestos to push wires into place.

Mr D was the primary carer of his wife who suffered with Muscular Dystrophy and I was profoundly disabled. She was bed-bound and used a ventilator at night. Mr D had an adapted vehicle to take her to the seafront and to her various medical appointments. Mrs D also relied on her husband to do the cooking and take care of the house.

Mr D began to experience breathlessness and went to his GP. After undergoing various tests, he was diagnosed with mesothelioma.

Mr D contacted Andrew Morgan who visited him at home. Andrew quickly secured an admission of liability and an interim payment of £50,000.

Mr D underwent major surgery to remove the part of his lung that was the most affected. He also endured seven cycles of chemotherapy, the side effects of which left him hospitalised and in need of blood transfusion on more than one occasion. Their daughter moved back into the family home to provide care and in his last weeks, Mr D had a Marie Curie Nurse to care for him during the night. Sadly, Mr D died at home in October 2017.

Andrew spent a great deal of time carefully valuing the tricky care element of the claim, which was worth a substantial proportion of the claim, as Mrs D had lost not only her husband but also her main carer. Any settlement needed to take account Mrs D's future care needs, which would include the cost of a residential carer plus day carers for the rest of Mrs D's life, or else the cost of

moving to a nursing care home.

Andrew's initial valuation of the claim stood at just over £1m which was supported by evidence from expert witnesses. Andrew's valuation accounted for the fact that Mrs D's condition was deteriorating and would continue to do so.

Since her husband's death, Mrs D had spent a considerable amount of her own savings to pay for private carers. Andrew therefore secured a further five interim payments of £50,000 each to ensure she had the vital funds needed to continue paying for her care needs.

The Defendant argued that as Mr D was elderly, having died in his early 70's, the level of care he would have provided his wife, had he not contracted mesothelioma, would have decreased as he became more frail and that he would have had to have appointed carers at some point in any case.

Eventually, after intense negotiations and days before issuing court proceedings, Andrew settled the claim for £950,000. This compensates Mrs D for the loss of her husband's pension income and for his support in the past and also funds her care for the rest of her life.

Andrew Morgan

0330 460 6737
andrew.morgan@fieldfisher.com

Mesothelioma compensation within 7 months of instruction

Charlotte Thorpe was instructed by a mesothelioma sufferer at the beginning of 2022 and visited the client at home just days after receiving the first call. It was clear from extracts from medical records that limitation was up within a matter of weeks.



Charlotte promptly prepared to issue court proceedings. Although the client recalled several jobs where he was likely exposed to asbestos, proceedings were issued against Merton Council for whom he had been employed to cut up and drill into asbestos sheeting, generating clouds of dust.

Charlotte served witness evidence provided by the client to prove negligent exposure to asbestos. Merton Council admitted liability and agreed to release an interim payment of £50,000. It also agreed that upon settlement it would provide an indemnity for privately funded treatment. This was important as mesothelioma patients are often candidates for treatment not available on the NHS, which is expensive to fund privately. This indemnity means the client will not need to use his damages for future treatments he may need, and the defendant will pay for it separately for as long as required.

The client was very anxious that the claim be settled during his lifetime to ensure his wife's financial future would be secured after his death. Charlotte was able to settle the mesothelioma compensation claim for more than £200,000, plus the indemnity for privately funded treatment in the future, within seven months of instruction.

Following settlement, the client's daughter said: *'I want to thank you for all your help and support with Dad's case. As a family, we really appreciate that it was sorted out so quickly and with as little stress as possible. It made it so much easier for Dad to deal with everything.'*

Charlotte Thorpe

0330 460 6744
charlotte.thorpe@fieldfisher.com

Claim settles for 98-year-old pipefitter working at Esso Petroleum refinery

Shaheen Mosquera secured settlement for 98-year-old Cyril Duro who was fit, healthy and independent. Just before becoming unwell with breathlessness, Cyril had travelled to visit his son in the Bahamas.



Cyril began suffering from breathlessness and recurrent build-up of fluid on the lungs in early 2020. His treatment was complicated because of the Covid pandemic and lockdown which prevented his family from visiting him as often as they would have wanted to during his hospital admissions.

Cyril underwent a right open pleural biopsy and was given the devastating diagnosis of sarcomatoid mesothelioma in June 2020. Unfortunately, sarcomatoid mesothelioma tends to be more aggressive and resistant to treatment and he sadly died in September 2020.

Following his death, Cyril's family instructed Shaheen to bring a claim against his former employers. It was clear from the employment history provided by the family that Cyril was exposed to asbestos working on the building of the Fawley Oil Refinery by Foster Wheeler in the 1950s and then when he remained at the site employed in the maintenance team by Esso Petroleum Ltd.

Without an in life statement from Cyril, evidence of asbestos exposure was needed from other witnesses. Shaheen located and

took a statement from a former colleague who was able to describe how Cyril was exposed to asbestos while working at the refinery for Esso Petroleum as a pipefitter removing asbestos lagging from pipes in order to make repairs.

The defendant originally disputed the value of the claim and tried to rely on previous case law and that Cyril was in his late 90s when he died to offer lower compensation for his pain, suffering and loss of amenity, but Shaheen successfully negotiated an increase.

Following settlement, the family said:

'Shaheen always showed true understanding and empathy – i.e. what we describe as the 'human touch' – and this is something not to be taken for granted in today's world. Shaheen – many thanks for this – it was really appreciated.'

Shaheen Mosquera

0330 460 6817
shaheen.mosquera@fieldfisher.com

Significant recovery of lost services for family in fatal mesothelioma case against the Mirror



Dushal Mehta successfully pursued the Mirror Group on behalf of print room worker Mr A, regarding his contraction of mesothelioma.

Mr A was exposed to asbestos working as an engineer in the Mirror Group's printing premises at Holburn Circus between 1975 and 1988. During the claim, the Mirror changed its name to Reach Plc, under the parent company Stradbroke Holdings Reach Plc.

Mr A was regularly exposed while he maintained the J-Line printing presses (which had brakes made of asbestos known as 'Hoe and Crabtree' machines), in the magazine room. As the machines were often overworked, Mr A had to replace the brakes regularly, filing them down and releasing asbestos dust.

Mr A also had to clean the 'shoots' - the pipes that carried the papers from one floor to another. Mr A was never told about the dangers of asbestos nor given protective equipment.

Mr A was diagnosed with mesothelioma in August 2020 after developing a cough during June 2020. He quickly deteriorated over 10 months, after having his lungs drained and four sessions of chemotherapy. Mr A sadly died in July 2021.

Proceedings were issued while Mr A was still alive. Mr A had previously always been in good health and the diagnosis came as a huge shock to him and his family who enjoyed an outdoors lifestyle, managing

horses on their 6-acre estate.

Expert evidence showed that as a result of the mesothelioma, Mr A's death was accelerated by 19 years which hugely impacted the family in terms of running their land.

The damages award had to be meticulously drafted due to the large dependency Mrs A had on her husband. This included Mr A's maintenance of their land and the stables they had converted into offices for commercial purposes. Mr A ran the business of letting the space to accountants, riding schools and a dog training business. Mr A had painted the stables even when he was extremely unwell.

A few days before trial, Dushal was able to achieve a six-figure settlement for the family, at least offering them some peace of mind.

The claim was particularly complex because of the land the family lived on and managed. The Deceased was heavily involved in its upkeep and looked after the horses. He drove the lorry and horse trailer to events and maintained and serviced the family's motor vehicles.

Dushal relied on expert witness evidence from those providing the replacement help and support on the land. He also obtained expert evidence from an estate agent

to comment on the value of those lost management tasks that Mr A had provided prior to his illness.

Following settlement, the family said:

'Dad's case was not easy by any stretch. Me and my family are very impressed and grateful for the respect, kindness and highly professional service you have given us for such a long time. Dushal was so patient in speaking to A when he was first diagnosed and without this we would not have had the devastating understanding of the exposure to asbestos.'

'I remember you unpicking the company structure chart of The Daily Mirror alongside the multiple insurers. Then having to understand the technical engineering terminology and of course interpret all of the equestrian terms took lots of patience - let alone get the case prepared for the court hearing. I would not want anyone to go through the suffering Dad went through - but I would not hesitate in recommending you and the team to anyone in a similar situation to us. Please be proud of all the work you have put into the case. Insurers are tricky and you fought every angle possible.'

Dushal Mehta

0330 460 6751
dushal.mehta@fieldfisher.com

Client exposed to asbestos working at Padiham Power Station in the 1960s



Bridget Collier settled a claim on behalf of Arthur Mather who was exposed to asbestos working on the construction of Padiham Power Station, east Lancashire during the 1960s.

Bridget's client Arthur Mather worked on the construction of Padiham Power Station, east Lancashire during the 1960s. As with all power stations under construction at that time, asbestos insulation was used extensively in the pipework and Mr Mather was exposed to the fatal dust generated by the ladders while he walked around the extensive premises.

Sadly, Mr Mather was 93 years old when he died, after about a year and a half of suffering

symptoms of mesothelioma. He had previously been very healthy and the disease robbed him of at least three years of life.

His symptoms began just as the first Coronavirus restrictions were put in place, making it difficult to manage hospital appointments and care. His family looked after him and rearranged their work commitments to be there for him. Obtaining compensation for this element of the claim was important,

but more relevant was the admission of liability from the insurers of his employer, WH Smith & Co (Electrical Engineers) Limited, who did not warn him of the danger of asbestos or provide any respiratory protection.

The company itself was in liquidation at the time of the claim against them, but this did not prevent a claim being pursued. Not only had the company ceased trading but also the insurers so that the compensation is met by the Financial Services Compensation Scheme (FSCS).

Bridget helped Mr Mather put together confirmation of his employment via HMRC and discussed various contracts like the power station where the use of asbestos is well documented.

With the insurers accepting responsibility for the claim, it was not necessary for Mr Mather to proceed to a Court Hearing and was able to receive the admission of evidence by the insurers.



Bridget Collier

0330 460 6740
bridget.collier@fieldfisher.com

Mesothelioma hospice 'so grateful' for repayment of care costs following settlement

Staff at the hospice that cared for Shaheen Mosquera's client Roy Aston said they were 'so grateful' for the nearly £15,000 presented by cheque recently by Roy's widow, Patricia Aston.



Mrs Aston and their three children visited the Weldmar hospice in Dorchester nearly a year after Roy's death to present staff with the funds recovered as part of a settlement against his former employer.

Mr Aston died from mesothelioma last October aged 81 after he was diagnosed with the asbestos-related cancer nine months earlier. Roy was exposed to the fatal dust during his 40-year career as a builder and carpenter working around Dorset. He was diagnosed with mesothelioma on Christmas Eve, 2019, at

Dorset County Hospital.

The Astons instructed Shaheen to investigate a claim against Roy's former employers, W.F. Dickinsons (Dorset) Ltd and Roger Burrage & Co Ltd. Shaheen was able to settle the claim for nearly £160,000, which included the Weldmar's costs.

Patricia Aston told the Dorset Echo, which covered the story:

'The nurses and staff at Weldmar gave such good care to Roy and it's so nice to be able to give

something back, especially as they don't receive that much money and haven't been able to do their fundraising during the pandemic.

'What happened to Roy was so awful. It was terrible watching him waste away with such a horrible disease but I am so glad he pushed me to make the negligence claim.'

Matt Smith, director of fundraising and marketing at Weldmar, said: 'We are so grateful to Patricia for giving this money to us. We lost 80 per cent of our income when the pandemic hit and this money will go straight to providing care to our other service users.'

Shaheen said that she was very pleased to be able to help Patricia present the money to the hospice.

'Reclaiming hospice costs is something we started here at Fieldfisher and we now reclaim them in all our cases.'

Shaheen Mosquera

0330 460 6817
shaheen.mosquera@fieldfisher.com



Compensation for the family of a carpenter exposed to asbestos at the Royal Court Theatre

Mr Olsen was employed as a carpenter with the English Stage Company, working at the Royal Court Theatre in London's Sloane Square, having spent many years previously at sea working for the Merchant Navy in the 1960s.



Mr Olsen started out at the Royal Court Theatre, having got the job through a relative, who was a master carpenter. Mr Olsen detailed how he would work tirelessly through the weekend as one show ended, pulling down and rebuilding sets every six weeks or so, when a new show was due to start and for various festivals held at the Theatre.

The sets were built by external carpenters and Mr Olsen and his colleagues would have just 48 hours to build the new set ready for Monday morning rehearsals. He detailed having to work up in the ceiling 'on the grid' which was system of gentries and pulleys that were used to gain access above the stage in order to install the scenery or to secure the black borders which framed the stage. This meant Mr Olsen was in very close proximity to the pipes above the stage which, like many pipes at the time, had been coated in old asbestos lagging to help retain their heat. At other times, Mr Olsen would cut asbestos insulating boards which were used for building maintenance work. Mr Olsen also recalled how the Theatre's the safety curtain, which was dubbed 'the iron cloth' was made of asbestos fibre.

Mr Olsen worked here from the late 1960's until about 1975, by which time the true dangers of asbestos were well-known. His employer, like many others, did not warn him of the dangers of asbestos, nor was he provided with a mask or any other protective equipment.

Mr Olsen was being treated for an auto-immune disease in 2019 when he mentioned to his Consultant that he had been experiencing some breathlessness. He was immediately sent for a chest X-ray, the results of which showed that Mr Olsen had fluid in his lungs. He was sent for a biopsy a short while later and was diagnosed with mesothelioma, a rare cancer caused by exposure to asbestos. Sadly, despite undergoing treatment, his disease progressed remorselessly and Mr Olsen died in January 2020.

Andrew Morgan was instructed during Mr Olsen's lifetime, shortly after diagnosis. The Claim appeared to be relatively straight forward on the facts however, the English Stage Company were unable to provide details of any employer's liability insurance policy that was in place at the time. During the years Mr Olsen worked for the English Stage Company, Employers Liability Insurance became compulsory. Despite this, searches for insurance cover with the Defendant and with ELTO proved fruitless. Andrew discussed the problem with specialist insurance archaeologists and brokers and the case was picked up by the Daily Telegraph, to no avail.

Although there was no insurance cover, Andrew was unable to consider a claim under the Diffuse Mesothelioma Compensation Scheme, because the English Stage Company was still trading. Because the theatre was closed during the early stages of the Covid pandemic, there was no guarantee that the

Defendant would remain in existence or have sufficient funds of their own to meet the claim. But with Andrew's persistence and with the threat of Court Proceedings looming over them, the English Stage Company eventually admitted they were liable for Mr Olsen's condition and agreed to compensate him out of their own funds.

Andrew was able to secure an interim payment for Mr Olsen's estate whilst he calculated the value of the claim, which including a claim for services lost to the family, such as DIY and decorating, which Mr Olsen often did. There was a substantial claim for the cost of childcare too because before his illness, Mr Olsen and his wife would care for their grandchildren three days a week, allowing their daughter to work part-time as a Deputy Headteacher.

Andrew managed to negotiate a six figure settlement on behalf of Mr Olsen's estate, having rejected the Defendant's first offer. The case settled days before court proceedings were due to be issued. Sonia Olsen said:

'Thank you Andrew - The job you all do for victims of asbestos poisoning is amazing. We're so lucky to have had you helping us.'

Andrew Morgan

0330 460 6737
andrew.morgan@fieldfisher.com

Welcome settlement against Vickers Shipbuilding for joiner working in Barrow-in-Furness

Settlement has been agreed on behalf of David Yates, who contracted mesothelioma after he was exposed to asbestos while working as a joiner for Vickers Shipbuilding in Barrow-in-Furness.



David began at Vickers as an apprentice in 1960 and then continued working with them for a further 20 years. He recalls regularly fitting out the bulkheads of different ships and working in amongst other skilled workers.

David remembers always being surrounded



by a cloud of dust from cutting the asbestolux or 'marinte' as they called it, and describes how unpleasant the dust-filled air became as the insulators sprayed asbestos insulation, which was chokingly thick and covered everything.

Insurers for Vickers Shipbuilding Group admitted their negligence and negotiated settlement without the need for a final hearing. Compensation will cover an amount for the condition itself and all expenses resulting from the mesothelioma, including asking family members to walk his collie dog something he can no longer manage.

David instructed Bridget Collier to pursue the mesothelioma claim for him. It is important that Vickers are accountable to those whom they exposed to asbestos. The settlement not only covers compensation but also access to treatment not yet covered by the NHS.

Following settlement, David said:

'Although making a claim seems daunting when you are unwell and the work it involves, please don't be put off. Bridget at Fieldfisher made the process as straightforward as possible even during the COVID lockdown. She provided support and many helpful suggestions, something as simple as a new electronic bed to give a good night's sleep, which previously with this condition did not come easily. Many thanks for your help Bridget.'

Bridget Collier

0330 460 6740
bridget.collier@fieldfisher.com

Meet the team

Peter Williams

0330 460 6805
peter.williams@fieldfisher.com



Peter Williams is head of the group. He has specialised in asbestos-related disease claims for over 20 years and he gives annual talks to solicitors on the issues. Legal directories say: 'Peter Williams is a ruthless analyst of the other side's weaknesses and has very high client-care skills' and is seen by market sources as 'a true expert' with 'very detailed knowledge'.

Shaheen Mosquera

0330 460 6817
shaheen.mosquera@fieldfisher.com



Shaheen Mosquera is a Partner in our asbestos disease team. She has been representing victims of asbestos and in particular those diagnosed with mesothelioma for many years. She is an APIL accredited Senior Litigator and Specialist in Occupational and Asbestos Disease claims. She has recovered millions of pounds in damages for those diagnosed with mesothelioma and other asbestos related diseases.

Andrew Morgan

0330 460 6737
andrew.morgan@fieldfisher.com



Andrew Morgan 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. Legal directories say: Andrew has 'a strong reputation for his expertise in handling industrial disease work, particularly mesothelioma cases' and sources describe him as 'true specialist' and 'a very talented lawyer'.

Dushal Mehta

0330 460 6751
dushal.mehta@fieldfisher.com



Dushal Mehta specialises in asbestos disease cases, with specific expertise in mesothelioma claims. He is a partner in the Asbestos Disease team. He has developed a reputation for securing settlements in high profile cases. Legal directories say: 'Dushal Mehta is highly experienced in representing claimants suffering from mesothelioma' and 'he is a 'dedicated and incredibly hardworking' practitioner who knows this area inside out'

Bridget Collier

0330 460 6740
bridget.collier@fieldfisher.com



Bridget Collier heads up our mesothelioma and asbestos claims practice in Manchester. Bridget has over 20 years' experience in conducting asbestos, industrial disease and employer liability claims. She has sat on the exec committee of APIL and the DMPS on the Executive Committee of the Association of Personal Injury Lawyers (APIL) and the Oversight Committee of the Diffuse Mesothelioma Payment Scheme.

Charlotte Thorpe

0330 460 6744
charlotte.thorpe@fieldfisher.com



Charlotte Thorpe joined Fieldfisher's asbestos disease team in 2021. Charlotte has experience acting for those exposed to asbestos, and specialises in mesothelioma and asbestos disease claims.

Meet the team

Natalie Amara

0330 460 7113
natalie.amara@fieldfisher.com



Abby Bennett

0330 460 7342
abby.bennett@fieldfisher.com



Natalie Amara joined Fieldfisher's asbestos disease team in 2022. She places great emphasis on client care, ensuring she keeps clients and their loved ones as informed and involved as possible in all stages of their case.

Abby Bennett joined Fieldfisher's asbestos disease team in 2023. She has a particular interest in asbestos related claims. She is passionate about helping others and building strong relationships with clients and their families.



Our heritage

Our Asbestos Disease Team has a distinguished heritage. This year, we celebrate 40 years since former head of the personal injury team Rodney Nelson Jones took on his first asbestos disease case.

We are pleased to continue to build on the work of the team's pioneers.

Rodney Nelson Jones

Head of Asbestos Team 1983 - 2012

Rodney was head of the Personal Injury practice at Fieldfisher from 1983. Until his retirement in April 2012, Rodney Nelson-Jones led the Asbestos Disease Team during which period the team recovered over £180 million in 2,350 successful claims.

Rodney dedicated more than 30 years of his career to getting compensation for asbestos victims. He is remembered for his work getting victims and their families the money they deserve. His victories have paved the way for many others to obtain compensation.

In 2002 Rodney received the APIL (Association of Personal Injury Lawyers) Annual Award for Outstanding Achievement, in part for his work on the House of Lords appeals in the mesothelioma cases of *Fairchild*, *Fox* and *Matthews* and in part as recognition of his achievements in personal injury law and literature.

As a result of his efforts in 2010 the Independent on Sunday included Rodney in its Happy List of 100 people who make Britain a better and happier place to live.



Caroline Pinfold

Partner 1984 - 2018

Caroline joined Fieldfisher at the same time as Rodney and spent much of her legal career in our Asbestos Disease Team, having spent some years at another firm she returned to Fieldfisher at 2013. She is remembered as being '*incredibly hard working*' and '*fighting very hard for her clients*'.

Caroline obtained the High Court judgment confirming it was possible to recover compensation for hospices

(*Drake v Foster Wheeler Ltd*)

Caroline retired in 2018 on a high note, having obtained damages from Cape PLC in a ground-breaking product liability case.



For 40 years we have been leading the way in asbestos litigation. The team continues to build on the work of its pioneers.

Freephone 0800 358 3848

www.fieldfisher.com/mesothelioma | meso@fieldfisher.com

Key contacts

London

Fieldfisher
Riverbank House,
2 Swan Lane
London EC4R 3TT

Manchester

Fieldfisher
17th Floor,
No 1 Spinningfields,
1 Hardman Street
Manchester M3 3EB

Peter Williams

Partner
0330 460 6805
peter.williams@fieldfisher.com

Bridget Collier

Partner
0330 460 6740
bridget.collier@fieldfisher.com

Andrew Morgan

Partner
0330 460 6737
andrew.morgan@fieldfisher.com

Dushal Mehta

Partner
0330 460 6751
dushal.mehta@fieldfisher.com

