

MESOTHELIOMA COMPENSATION CLAIM

SUCCESSFUL CLOTHING CASE FOR PUB WORKER WHO DEVELOPED MESOTHELIOMA

We successfully represented the husband of a lady who developed mesothelioma and died after exposure to asbestos from local factory workers.

She ran the White Horse public house in Harefield with her husband between 1978-1996. Workers from local Cape factories used the pub. They came into the pub after work still wearing their overalls and work clothes, which were heavily soiled with asbestos. Unknown to them, they were bringing asbestos fibres into the pub.

Our client's wife served these customers and also carried out cleaning duties. In particular, she dry swept a stone quarry floor in the public bar and toilets, brushing up asbestos dust and fibre that would have been left behind.

She developed mesothelioma and died.

We were instructed to investigate the claim and carried out extensive investigations.

We were able to trace witnesses after various appeals for witnesses to come forward through the local press and other means.

We were eventually able to obtain evidence from a number of former Cape workers who confirmed that they came into the pub in their lunch hour and after work still wearing their work clothes that were covered with asbestos. Their employers did nothing to inform them about the risk of exposing others to asbestos dust and fibre. They were not told to change out of their work clothes and get washed before they came home.

We obtained detailed witness statements and supportive medical and engineering evidence. Court proceedings were issued in the Royal Courts of Justice in London and the case was listed for trial in April 2008. Cape denied that they were responsible for the factories and denied that they caused our client's wife to develop and die from mesothelioma. They argued that the factories were a subsidiary of Cape Plc. They contended that the subsidiary company was an entirely separate legal entity from Cape Plc and that Cape was not responsible for their acts or omissions. There is a legal principle known as the "veil of incorporation" which basically means that parent companies are unlikely to be held accountable for

actions of their subsidiaries except in unusual circumstances because each company is a separate legal organisation.

We had successfully dealt with previous claims against Cape's factories in Harefield and argued that they were part of Cape Plc and not a subsidiary. In any event, we also argued that Cape Plc had "a controlling mind" and would have known about the conditions and what was going on through its senior management.

After negotiations and an earlier offer from the Defendant, which was refused, further negotiations took place and a settlement was reached. Our client will receive £150,000 in settlement of his claim (this includes a payment that was received by our client's wife from the Government when she was alive of £36,484).

Background

[Mesothelioma](#) is an asbestos-related cancer that affects the lining around the lungs (the pleura) and certain other organs such as the peritoneum. There is no cure for mesothelioma. Radical surgery is available to a limited number of eligible patients. The condition can be difficult to diagnose and patients generally survive less than 18 months from diagnosis. The only known cause of mesothelioma is asbestos. Mesothelioma often occurs 30 to 40 years after asbestos exposure, with no upper time limit. Although mesothelioma is an occupational disease, victims include teachers, nurses, doctors, shop workers and family members of people who have worked with asbestos.

John Pickering and Partners LLP

[John Pickering and Partners LLP](#) is a specialist legal practice that has represented claimants in the leading asbestos "test cases" in the last ten years. The firm represented Sylvia Barker in *Barker v Corus (UK) Plc*, a case that highlighted the legal tactics of employers and insurers trying to cut back their compensation liabilities to mesothelioma sufferers, and which prompted the amendment of the Compensation Act 2006 to ensure full compensation for mesothelioma claims. The firm represented two of the three claimants in the *Fairchild appeal*, in which the insurance industry tried unsuccessfully to block compensation altogether for mesothelioma sufferers unable to identify which of two or more sources of asbestos exposure had caused their illness.

The firm represented Alice Jefferson, a mesothelioma sufferer, whose illness and compensation claim against Cape Asbestos were featured in the important

documentary "*Alice: A Fight For Life.*" Shown by Yorkshire Television in July 1982, the programme was an important catalyst for legal change and public awareness of the plight of the victims of asbestos.

If you need advice about an asbestos related illness, [contact us](#) now for information about making a claim for compensation.

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