

Successful Mesothelioma Claim for Research Scientist

Our client, Mrs M, was only 59 years old when she was diagnosed with mesothelioma on 8th February 2008. Mesothelioma is a terminal cancer, which is nearly always caused by exposure to asbestos.

Mrs M was a graduate of Glasgow University where she studied biochemistry in the late 1960's. Following her degree she took up a post as a Scientific Officer with J D Searle Pharmaceuticals in High Wycombe. She was employed by the company from September 1970 to April 1972. The company manufactured the oral contraceptive, sweeteners and other pharmaceuticals.

Mrs M worked in several different laboratories before concentrating on gas liquid chromatography. This was a process, which separated chemicals by passing them through a gas or liquid state through a heated column. The columns had asbestos sleeves to preserve the heat and to keep it at a constant temperature. The columns were heated in an oven which was asbestos lined and had asbestos rope around the door to seal it. Given the high temperatures involved asbestos pads were used to protect the bench tops.

Mrs M was provided with asbestos gloves to handle equipment. She was also given tongs and clamps to hold equipment with, which had asbestos pads at the end. Mrs M had to heat up various flasks using heating mantles. The flasks stood on an asbestos base to protect them from the direct heat of the element.

Mrs M contacted John Pickering and Partners, via Merseyside Asbestos Victims Support, in February 2008. She had been diagnosed with

mesothelioma and was aware that she had a terminal condition. This was a devastating blow for Mrs M, her husband and children. The situation was made even more tragic as Mrs M was diagnosed as she was recovering from her fifth operation for a brain tumour. She had been fighting her battle against her brain tumour for ten years. This had resulted in the sight in her right eye being severely impaired and the loss of hearing in one ear. As a cruel coincidence Mrs M's father and uncle died of mesothelioma.

We started a claim against Mrs M's former employers in March 2008. We instructed a Consultant Respiratory Physician who confirmed the diagnosis of mesothelioma. The expert also stated that, in their opinion, Mrs M's mesothelioma occurred as a direct consequence of her exposure to asbestos during her employment.

We also instructed a Consultant Neurosurgeon who provided a helpful report regarding Mrs M's health, in the absence of her mesothelioma. This confirmed that her brain tumour would not necessarily have affected her life expectancy.

We were able to obtain a witness statement from an ex colleague of Mrs M who was able to corroborate her statement. We also carried out research into the gas chromatography process, which proved helpful in jogging her memory.

The solicitors instructed on behalf of Mrs M's employers denied liability for the claim. They argued that asbestos was used as a generic term and at the time of Mrs M's employment the products in question were formulated from asbestos free alternatives. They referred to a product called Marinite, which they claimed was a non-asbestos insulating material, being used to line the ovens.

We obtained evidence from a forensic scientist who confirmed that brown asbestos was used in the manufacture of Marinite. He stated that Marinite did

not become an asbestos free product until 1978. He also confirmed that asbestos gloves, pads, mats and heating mantles were commercially available during Mrs M's employment. He was of the opinion that Mrs M's exposure to asbestos was at a time when her employers ought to have known about the risks to health posed by asbestos.

Sadly Mrs M died of mesothelioma on the 4th August 2008. The case continued in her husband's name.

An offer was made by the defendants to settle the claim for £103,326.00. This was accepted in September 2008 and approved by a Judge. Mr M received the cheque in settlement of the claim in November 2008.

This was a lower settlement than many of our other mesothelioma claims as Mr M had a higher income than his wife. This prevented us from claiming a loss of dependency on her income.

This was a particularly tragic case which could have been avoided had Mrs M's employers taken appropriate precautions to protect her from asbestos.

Mrs M was looking forward to a long and happy retirement with her husband and two children. She had been married for 35 years. As a result of her employers negligence she was robbed of this precious time.

We were happy to be able to bring this compensation claim to a successful conclusion. We were only sorry that M died without seeing her former employers accept responsibility for causing her untimely death.

This claim was handled by Neil Fisher in our Manchester Office. Neil says: "This was a particularly sad case given the client's ten year battle against brain tumours. Mrs M was actually recovering from her final operation when she

began having symptoms of mesothelioma. It was such a shame that she died from a preventable disease given the traumatic treatment she had just suffered. This situation was made worse by the fact Mrs M lost two family members to mesothelioma.”

Notes

[John Pickering and Partners LLP](#)- Specialist [mesothelioma compensation solicitors](#)

We are a specialist personal injury law firm. We have been handling claims for industrial disease for over 30 years. Most of our work involves acting for asbestos disease victims. We only act for the sufferers of asbestos diseases and never act for the organisations that caused the asbestos exposure or their insurers. We have an ethical approach and pledge to donate 10% of our net profits every year to good causes that help asbestos sufferers. [Click here](#) to find out about our donations to good causes. We have also been involved in most of the landmark judgments that shape this area of law. Find out more [about us](#) or find out about [our reported cases](#). We are on the panels of several asbestos support groups and are ranked highly by legal guides. [Click here](#) to find out more about what others have said about us.

[John Pickering and Partners LLP](#) is a niche 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 mesothelioma and other asbestos disease sufferers and a prompt for important legal reform.

Mesothelioma is a type of cancer that affects the lining of certain bodily organs. It most commonly affects the lining of the lungs (the pleura) but it can affect other areas including organs in the abdominal cavity (the peritoneum).

According to the [British Lung Foundation](#), more than 2,000 people are diagnosed with mesothelioma every year in the UK and there is one mesothelioma death every five hours. The number of deaths from mesothelioma increased from 153 in 1968 to 1,969 in 2004 and is expected to peak at 2,450 between 2011 and 2015.

The [British Lung Foundation](#), supported by John Pickering and Partners LLP, launched the first Action Mesothelioma Day on 27th February 2006, to raise

awareness about mesothelioma, to improve the treatment and care of mesothelioma patients, and to lobby for better funding for research into mesothelioma and for the protection and education of people working with 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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