

PRESS RELEASE- 19 November 2009

Today the Court of Appeal handed down their written reasons upholding Liverpool High Court's verdict that Dianne Willmore was negligently exposed to asbestos when she was a child at school in Knowsley.

Dianne was only 49 when she died last month the day after the Court of Appeal heard her case.

Dianne was exposed to asbestos fibres from the age of 11 at Bowring Comprehensive in Knowsley in the 1970's.

The Court in Liverpool acknowledged that the council and school authorities knew about the dangers of asbestos and should have taken measures to prevent damage to asbestos.

The Liverpool Court heard of a number of occasions when the exposures may have happened: Asbestos insulation ceiling tiles had been taken down and stacked in a busy corridor whilst electricians worked on the cables in the ceiling void. Bullies took children's satchels and pencil boxes and hid them above the ceiling tiles. Vandalism occurred in the girls toilets where asbestos ceiling tiles were stacked.

Knowsley Council's appeal was dismissed unanimously by the Appeal Court Judges, although they considered that the likelihood was that Dianne did not have exposure from the prank of putting up satchels into the roof space since there was no evidence that asbestos was disturbed by that.

Dianne was diagnosed more than two years ago and because her condition was seriously deteriorating the Court dealt with her case speedily. Lord Justice Ward told the Court that they would not delay their ruling because they were aware that Dianne had not long to live. The Court showed great compassion.

Knowsley Metropolitan Borough Council has indicated that they wished to appeal to The Supreme Court but we shall know whether they are pursuing it further by 26th November.

Dianne was awarded £240,000 in damages, but she wasn't able to spend it because in the event of the appeal being successful the money would have to be paid back.

Background: Every year, there are more than 2000 cases of mesothelioma in the UK, the exposure in the UK being comparatively high because we imported so much brown asbestos. The vast majority of those mesotheliomas are caused by exposure to asbestos dust in the workplace. However there are increasing numbers of people like Dianne who develop mesothelioma from slight exposure. Her case succeeded because there was evidence of exposure.

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