

# Asbestos news

2021 Caring for our clients | Commitment to our cases | Cutting edge expertise

**In this issue:** Successful claim for engineer exposed in 1970s  
page 4

Speedy settlement for welder  
page 5

Mesothelioma claim for wife who washed overalls  
page 10

Settlement after exposure to asbestos at Barnet Hospital  
page 14



# Contents

- 3 Introduction to Asbestos news
- 4 Early 70s exposure leads to claim against Darchem Engineering Limited
- 5 Speedy settlement against Vickers Armstrong for welder exposed to asbestos at Barrow-in-Furness
- 6 FSCS funds 90% of carpenter's mesothelioma claim
- 7 Wife exposed to asbestos from husband's job with National Dock Labour Board in Southampton
- 8 Settlement for dedicated family man who died from mesothelioma
- 9 Painter and decorator exposed to asbestos when working for the London Borough of Newham
- 10 Mesothelioma claim against Stamford Construction settles for wife who washed overalls
- 11 Bricklayer exposed to asbestos at Ford plant, Halewood in the 1960s
- 12 Damages recovered for 36 year employee of Eastern Electricity Board
- 13 Vital witnesses and library evidence help settle strongly contested mesothelioma case
- 14 Settlement for complaints manager exposed to asbestos at 'dilapidated' Barnet Hospital
- 15 Successful case against DP Tanker Co for exposure on board ships in the 50s and 60s
- 16 Asbestos team top ranked by leading legal directories
- 17 Asbestos team continues to support charities and fundraising initiatives
- 18 Meet the team

## Useful organisations

### **HASAG**

hasag.co.uk  
02380 010 015

### **Mesothelioma UK**

www.mesothelioma.uk.com  
0800 169 2409

### **GMAVSG**

gmavsg.org  
0161 258 0166

### **Disability First**

disabilityfirst.org  
01253 472202

### **CAVSG**

www.cavsg.com  
01928 576641

### **Readley**

www.readley.co.uk  
07929 391529

# Introduction to Asbestos news

**Peter Williams**

Partner | +44 (0)20 7861 4825 | [peter.williams@fieldfisher.com](mailto:peter.williams@fieldfisher.com)



Members of our team supported clients remotely throughout the lockdowns

**The team at Fieldfisher continues to fight for compensation for people who have contracted mesothelioma and other asbestos disease through no fault of their own, often while going about their daily work or via contact with family members who unknowingly brought home asbestos dust from their place of work.**

We have brought claims against negligent employers who have failed to protect their employees from asbestos exposure for over 30 years. We are renowned for our determination and sensitivity and achieving the very best for our clients.

In 2020 we have recovered millions of pounds in compensation for clients and this brochure highlights some of our cases. We have a genuinely national practice with offices and lawyers in London and Manchester.

In 2020 despite covid and the intended lockdowns we have been able to see clients and deal with the courts by video-link and work from our homes where necessary. Covid has not affected the service we have been able to provide for our clients and we continue to push claims through speedily and obtain the highest awards from defendants and the courts. We have been able to build on the successes in 2019, namely to compel defendants to pay - in addition to normal compensation amounts - for expensive immunotherapy treatment

ongoing. This can prolong the life of those suffering from mesothelioma. Recovery of immunotherapy claimants - which we pioneered in 2018 and 2019 is now becoming routine.

We also have been able to win more cases on behalf of clients following our success in the Court of Appeal on behalf of Veronica Bussey in 2018. The case arising out of the death of her husband David from mesothelioma successfully challenged the level of asbestos exposure by which employers were previously judged to be liable in law. This has paved the way for more successful cases and speedy settlements for not only our clients but claimants across the county.

**If you would like to discuss a mesothelioma or asbestos claim, or simply want more information about the process, please call me on 020 7861 4825 or email [peter.williams@fieldfisher.com](mailto:peter.williams@fieldfisher.com).**



**“Market-leading industrial disease practice with an outstanding reputation”**

# Early 70s exposure leads to claim against Darchem Engineering Limited



## Peter Williams successfully settled a claim for the widow of a man who tragically died after suffering from mesothelioma following asbestos exposure.

George was employed as an engineer by Darchem Engineering Limited of Stillington, Stockton-On-Tees in the early 1970s.

The company developed vacuum heat treatment processes. George was involved in maintaining a furnace for vacuum heat treatment on a site at their South Eastern subsidiary in Morden, Surrey. The furnace continually broke down and George was involved with other apprentices using asbestos rope, sheets and cloth to cut to size and fit on the furnaces to repair. This created dust on his hands and on his clothes. The exposure to asbestos post-dated the Asbestos Regulations 1969 which virtually outlawed the use of asbestos without proper precautions. George was to go on to a successful career in the motorsport industry.

In late 2019 he began to suffer from a cough, breathlessness and backache. He was referred to a specialist at Warwick Hospital in the West Midlands and was diagnosed with suffering from mesothelioma. George instructed Peter Williams to deal with his case just before lockdown in March 2020. He tragically died shortly afterwards.

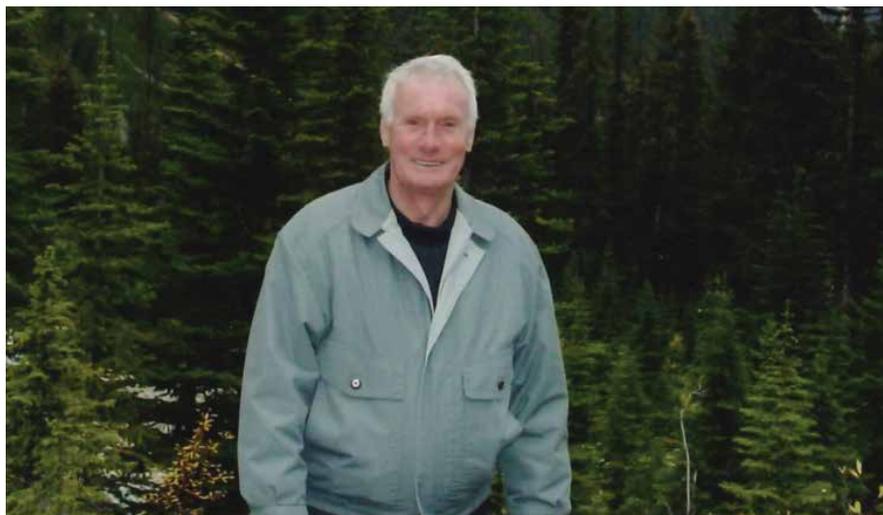
Darchem were a company Fieldfisher have sued in the past and their parent company the Darlington Chemical and Insulating Company was especially involved in exposing their employees to asbestos. Insurers were quickly identified from our database and the claim settled before proceedings in the High Court in early November 2020 for £200,000 for his widow Helen. This included a substantial sum to repay the local hospice for the care they provided to George.

This claim shows how quickly we are able to act when there was a known history against an employer we have sued before.

His widow Helen said:

*“Although no amount of money can ever compensate for my loss I take some comfort that with your expertise and my husband’s amazing memory, Darchem have been held accountable for taking away what remained of our future together. He was without a doubt the love of my life and I face a difficult future without him but you have given me the financial security I know he would have been very grateful for, as am I.”*

# Speedy settlement against Vickers Armstrong for welder exposed to asbestos at Barrow-in-Furness



Bridget Collier

## Bridget Collier acted for Kenneth Thompson in a mesothelioma claim against his employer, Vickers Armstrong.

Kenneth worked for Vickers at the dockyards in Barrow-in-Furness throughout his career. A complication in the case was that the company operated under different subsidiaries, with different names, not uncommon for a large organisation. However, Kenneth provided sufficient details about his place of work and employment so that his claim was accepted quickly by the insurers. A further complication can be that some shipyards were nationalised, affecting similar claims, but this was not the case for Vickers and the claim was put to them directly.

Kenneth worked his way up to becoming a welder with Vickers, following a five-year apprenticeship. He remembers working on aircraft carriers built at the dockyards, including the Majestic and the Melbourne, and it was here that the asbestos ladders lagged the pipework with asbestos insulation.

Work in the dockyard on the ships was very confined. Out of necessity, tradesmen worked around each other and Kenneth described situations where he was welding in a space beneath where the ladders applied asbestos paste that rained down on him like snow and contaminated the air.

The insurers accepted responsibility in Kenneth's claim and Bridget assessed what his compensation should include. Kenneth was suffering symptoms of the disease and needed daily help from family, not least to attend local medical appointments. He also needed a paid gardener to maintain his large garden once he was ill.

Following settlement, Bridget said:

*"There is a well-documented history of asbestos use in shipyards and, unfortunately, Barrow-in-Furness dockyard has a high incidence of mesothelioma.*

*"It is right that the relevant insurers accept there was exposure without protection and that those affected can bring claims quickly. I was able to trace the insurers using my knowledge of the industry and that after I put the case to them they were prepared to deal with the claim quickly and efficiently. This is not always the case and I am very pleased that I secured justice for Kenneth."*

# FSCS funds 90% of carpenter's mesothelioma claim



Andrew Morgan

## Andrew Morgan settled a claim for a carpenter who developed mesothelioma after asbestos exposure due to his employer at the time not providing appropriate protective equipment.

Leaving School in 1953, Frederick Hearnden spent 13 years working at AK Willson (sic) & Son, initially as an apprentice, later qualifying as a carpenter and joiner. He went on to become a self-employed carpenter until retirement.

In the summer of 2019, Mr Hearnden was on holiday with his family when he noticed unusual breathlessness. A subsequent X-ray showed a build-up of fluid and a suspicious mass on his lung. He was eventually diagnosed with mesothelioma caused by asbestos exposure.

In his statement, Mr Hearnden described how he had been exposed to asbestos working at AK Willson & Son and specifically cutting sheets labelled as Asbestolux. He remembers retuning home with his clothes covered in asbestos dust. He was never given any protective equipment by his employer.

AK Willson & Son was dissolved some years ago. A claim for compensation would usually be available from its insurance company, but it too had become insolvent. The insurer could not meet Mr Hearnden's claim but he was protected by Financial Services Compensation Scheme (FSCS). Because Mr Hearnden's employment ended before 1 January 1972, the FSCS paid 90 per cent of the full value of the claim.

Andrew Morgan successfully negotiated an award of £130,000, which, at 90 per cent, meant Mr Hearnden received £117,000 compensation.

Following settlement, Mr Hearnden's family said:

*"John and I are so grateful to you for dealing with our case so sensitively and the care taken when asking those more difficult questions. Your old-fashioned courtesy and politeness were very much appreciated at a most difficult time for us while trying to come to terms with this hideous disease."*

# Wife exposed to asbestos from husband's job with National Dock Labour Board in Southampton

**Marion Williams was diagnosed with mesothelioma, even though she had never worked with asbestos herself. She instructed Dushal Mehta to pursue a claim for damages.**



**Dushal Mehta**

After leaving school, Marion went straight into work as a dressmaker in various shops and married her husband, Henry, in 1955. After they had two children, Marion worked for herself, making curtains and sofa covers, until she retired in her 50s

Initially, Henry had worked for Standard Telephones & Cables, travelling across the country wiring exchanges, but after they got married, the couple settled in Southampton and Henry went to work on the docks. His father had been a stevedore before him, a job which passed from father to son in the community living around the docks. Henry became a registered dockworker under the National Dock Labour Board, loading and unloading cargos from ships docking at Southampton, some of which carried asbestos.

Henry had mentioned to Marion that he'd been required to unload asbestos - a job they all hated. He wore his own clothes to work and when he came home, he was covered in asbestos dust. Marion recalls seeing the dust on his clothes, which she washed by hand for years, until she eventually bought a washing machine.

Marion also remembered her husband telling her that the asbestos irritated his skin when he came into contact with the dust. Henry would usually wash his arms in the kitchen sink when he first arrived home to get the asbestos off his skin. Sadly, Henry died in 1994 after suffering from colon cancer.



Dushal pursued a claim against the various shipping companies and the National Dock Labour Board on behalf of Marion. Prior to the onset of her illness, Marion had enjoyed very good health. She had lived alone for 25 years since Henry died and was extremely independent. She did a lot of DIY work in her own home and had decorated the inside of her house from top to bottom just before she became ill. She was also a very keen gardener.

Dushal was able to resolve Marion's claim within a couple of months of instruction. Marion wanted to resolve her case as quickly as possible and was very much against chemotherapy or any other form of treatment. She also had no interest in pursuing the possibility of immunotherapy treatment, concerned about the side effects of any type of treatment. She died 18 months after the first appearance of symptoms in September 2018.

Shortly after the case settled, Marion passed away, but her son Mike said:

*"A few years before my Dad died he tried talking to me about the asbestos cargos in the Docks. Dad had been a shop steward and a great advocate for improving working conditions, so it was particularly distressing for him to see his former workmates and families starting to fall ill in the early 90s. He was deeply concerned about the possible impact it could have on our family, and it was difficult for him to talk about because, I think, he carried a sense of guilt and responsibility for unknowingly inflicting this risky legacy on our family."*

*"He certainly didn't want to worry Mum about it, but he wanted me to know. So when the reason for Mum's illness was revealed, I knew exactly what my Dad would have wanted us to do, which was when we got in touch with Dushal."*

*"The Coroner concluded that Mum had died from an industrial disease, directly as a result of washing Dad's asbestos contaminated work clothes. This decision was greatly facilitated by the work Dushal did for Mum's compensation claim. All of that has helped to bring a sense of justice and closure for our family."*



# Settlement for dedicated family man who died from mesothelioma



Sarah Wolf

## Sarah Wolf successfully settled a claim for a wood machinist who developed mesothelioma after he was required to saw Asbestolux sheets

Mr X developed mesothelioma decades after having been required to saw up sheets of Asbestolux while working as a wood machinist in the 1970s.

He was a devoted father and grandfather, and a skilled craftsman, who particularly loved helping his family with DIY. Despite the tragic loss of his wife some years before, he enjoyed a full and active life, and was very fit.

After receiving his shocking diagnosis, Mr X did not pursue a legal claim in his lifetime as he assumed that he would have nothing to gain, particularly as his former employer had long since ceased trading. Having experienced such a devastating loss, his adult children were clear that no amount of money would be adequate compensation, but wanted some recognition of the fact that he had suffered needlessly. They were also curious as to whether it would even be possible to pursue a claim against a company that no longer existed, given that this had not been pursued in their father's lifetime, and he did not leave a surviving spouse.

Despite their lack of confidence in a successful outcome, they approached Fieldfisher for advice. Fortunately, in addition to identifying the employers' liability insurers on risk at the time Mr X was exposed to asbestos, we managed to trace a former colleague, who was able to provide clear evidence of the conditions in which they had both worked and, in particular, details of exposure. This evidence helped us successfully secure a settlement.

Mr X's family provided care throughout his illness, and witnessed at first hand the terrible impact of mesothelioma on his day to day life. One of his daughters, a specialist nurse, kept what she knew about the likely course of his symptoms to herself for as long as possible, in order to support her father and the rest of the family.

She and her siblings ensured that he was provided with the highest level of care and support. They were also keen to recover costs for the hospice team that supported them in accessing services in the community and providing comfort to their father in his final hours.

Sadly, it is common for us to be approached by the families of mesothelioma victims after they have passed away. Even in the absence of a direct account of their exposure to asbestos, it is still possible to pursue successful legal claims on the basis of evidence from former colleagues or family members or friends with whom they have shared memories of their experiences. Given that it can take decades for the effects of asbestos exposure to manifest, we frequently pursue claims where the negligent employer has ceased trading, which is rarely an insurmountable problem. We also routinely recover costs incurred by hospices in providing their services.

# Painter and decorator exposed to asbestos when working for the London Borough of Newham

Shaheen Mosquera secured a six-figure settlement for a man who was exposed to asbestos while working for the council.



Shaheen Mosquera



Diana contacted Fieldfisher after Peter's diagnosis and Shaheen visited Peter and Diana at home and took a detailed statement and also referred Diana to the asbestos charity HASAG for specialist advice regarding Attendance Allowance.

Shaheen prepared Peter's statement and reported the claim to the London Borough of Newham but they did not admit liability during Peter's lifetime. Diana continued the claim on behalf of the Estate and as Peter's widow.

The council settled the claim for a six-figure sum and it included recovery of the cost of the care and services St Luke's Hospice had provided to Peter.

Diana said:

*"Shaheen has been totally professional, friendly and has kept me informed every step of the way. When needed she has brought in other colleagues to help with other aspects of the claim. My husband started this and I was going to continue it in his memory. If anybody suffers from any asbestos related illness, I whole heartedly recommend Fieldfisher and Shaheen Mosquera to act on your behalf."*

Peter started working for the West Ham Borough Council in 1961 as an apprentice painter and decorator after he left school.

He worked in old schools and he said "I worked in a lot of old boiler houses at the schools and I was painting steam pipes which were lagged with a Plaster of Paris type lagging. I often came across lagging which was in a poor condition. I did not wear a mask when I was doing this work". Peter also worked on Victorian council properties and was exposed to asbestos when he was preparing the soffits and down pipes by using a scraper to remove the paint and sand paper.

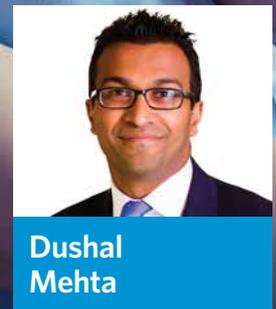
Peter worked for the council until he was 50 when he took early retirement. Peter enjoyed playing football and cricket and after he retired he worked as a football coach for a local school until he was 70. Peter's widow, Diana said "Pete was the type of man who never complained about anything and he was fit and healthy".

Peter's symptoms of mesothelioma started in 2017 when he suffered from falls and then lost his appetite. It wasn't until September 2017 when Peter was taken to a local hospital that a chest X-ray showed that he had fluid on his lungs.

Peter's health continued to deteriorate and he lost a lot of weight. Eventually, in October 2018, he was given the devastating news that he was suffering from an asbestos-related disease, mesothelioma. Diana said "Initially, the doctor said that Pete had lung cancer and I commented that he had never smoked and that is when the doctor said that mesothelioma is a cancer caused by exposure to asbestos. Pete was in tears when he received the diagnosis".

Peter was not fit for chemotherapy and did not have any respite from the symptoms of mesothelioma and became bedbound and his wife Diana cared for him at home until he passed away.

# Mesothelioma claim against Stamford Construction settles for wife who washed overalls



**Dushal Mehta was instructed by Valerie Groves to pursue a claim for compensation following her diagnosis of sarcomatoid mesothelioma, the most aggressive form of mesothelioma.**

Valerie worked in various factories and shops during her early career, but could not remember being exposed to asbestos at work.

However, Valerie's husband Colin had worked with asbestos during his career. Colin began working for Stamford Homes in 1963 and stayed with the company until he retired in 2013. The couple have lived in Peterborough for most of their lives and have two children and a granddaughter.

Stamford Homes was Colin's sole employer during that time. For some of this period, Colin worked for the company as a sub-contractor but, for all intents and purposes, he was an employee of the company, which was subsequently taken over by Linden Homes Midlands and later by the Galliford Group.

Colin began working for Stamford as a carpenter, which mainly involved roofing work. He was involved in developing large building estates, many of which housed 250+ homes.

As a carpenter, he regularly used asbestos and asbestolux on the properties, creating an asbestos soffit on each house. Colin was also exposed to asbestos dust on fire-check doors usually installed between the garage and utility room of each house. He would shave and cut the doors to size, and they were lined with asbestos, which was also used in the garages.

While he worked for Stamford, Colin was never warned of the dangers of working with asbestos, which he would later bring home on his overalls for Valerie to wash by hand. Valerie remembers she would often check and empty his pockets before shaking his clothes out before washing them, each time exposing her to large amounts of asbestos.

Sadly, Valerie developed mesothelioma having previously enjoyed very good health. She had been diagnosed with breast cancer in 2015, but was given the all-clear following a mastectomy. Valerie had always been very active prior to the onset of the mesothelioma and the couple have tried to remain positive and to maintain their social life as much as they can.

Dushal successfully concluded Valerie's claim for compensation in a short space of time and without the need for Court proceedings.

Following settlement, Valerie and Colin, who have been married for 50 years, said:

*"When Valerie was diagnosed, we had no idea where to go for help, it was all new to us. The hospital gave us a leaflet with some advice and we phoned Fieldfisher. We then got a message back saying Dushal was going to come to visit us in our home - that was worth a fortune to us to speak to someone face to face rather than on the phone.*

*"Dushal explained exactly what he could do for us, in clear, straightforward terms, and then did everything he said he would. We really appreciate what he did and would recommend him and the firm to anyone."*

# Bricklayer exposed to asbestos at Ford plant, Halewood in the 1960s

## Bridget Collier successfully settled a claim for a bricklayer who developed mesothelioma due to asbestos exposure during construction of a transmission plant in the 1960s.

Michael Myles was a devoted husband and father who grew up in Liverpool and made his family home in Skelmersdale. He retired in 1999 having worked his whole career as a bricklayer around the Liverpool and Merseyside area.

Sadly, while working with Holland Hannen & Cubitts in the 1960s constructing the transmission plant at the Ford Plant, Halewood, Michael was exposed to asbestos which ultimately led to his developing mesothelioma. Michael did not use asbestos himself but worked alongside ladders who were working onsite at the time, using asbestos insulation to lag the pipe carrying steam across the site.

He described how the ladders mixed asbestos and water in 40 litre tanks to make the lagging paste. He remembered seeing the ladders emptying sacks of asbestos dust into the tank, while dust and fibres clouded the air. Once mixed, the paste was taken to be applied, often right next to where Michael was working.

Any debris or spillage fell onto the floor and was only eventually swept away by labourers so that other workers would step on the debris, creating more dust, as did the brushes used to sweep away the lagging. They tended to wear their work boiler suits to and from the site, washing them only occasionally, meaning there was no way to avoid the dust lingering on their clothes. His employer did not think to provide any warning, training or equipment to protect him from this dust.

About 50 years later, Michael developed a persistent cough that would not go away. It was interfering with his life and the breathlessness prevented him from tending his allotment, which was a major part of his life. Several courses of antibiotics did not help and subsequent tests led to the diagnosis of mesothelioma.



Michael was close to his family and well-known in the area, particularly for his involvement at the local church. He was always helping others and was known for his DIY skills. He also volunteered with St Vincent de Paul's, visiting prisoners at Hinckley Prison every month. Michael kept up with all these activities until he was sadly no longer able.



Bridget Collier

He instructed Bridget Collier to pursue a claim against his employer for exposure to asbestos. The company has since merged with other construction companies but a claim was possible with Bridget tracing the insurers for the company at the time of employment. The claim was put to the insurers and full details of the exposure to asbestos was provided with a detailed statement. Through negotiations the insurers admitted responsibility early in the claim. This admission gave his family early peace of mind that compensation would be paid.

Further details were then needed to establish the level of compensation sought and it was necessary to consider how in England the law treats claims differently when it is for yourself or for the estate after your passing. This can have an impact on the valuation of the claim and Bridget took time to discuss this with the family.

Witness evidence was taken to describe the work Mike did for his family prior to becoming unwell and how this would be done in future. The claim was then negotiated and the case has now settled in full.

Bridget says about the case: *"Family life was so important to Mike that it was crucial to work closely with him and his wife Betty to understand just how the disease impacted on their lives and to seek the redress from the insurers"*.

# Damages recovered for 36 year employee of Eastern Electricity Board

**Peter Williams acted for the family of Mr R. Mr R spent the whole of his working life from 1963 until 1999 as an engineer for Eastern Electricity Board working in houses, offices and power stations.**



Mr R suffered a serious head injury following an accident in 1999 when he was medically retired. His wife looked after him full time.

Whilst he had been disabled for many years from his head injury Mr R began to suffer from breathlessness from about 2010. It was not until 2017 shortly before he died that he was found to be suffering from the asbestos cancer mesothelioma. Due to his head injury he was only able to recall that he worked with "asbestos ceilings" for the Eastern Electricity Board.

Peter was instructed to deal with his claim on behalf of his wife and son after he died. Peter was able to take Statements from work colleagues in the Eastern Electricity area. They clearly described dealing with asbestos panels (known as Asbestolux) in electric storage heaters and cutting into asbestos ceiling tiles to make light fittings. Mr R was also probably exposed to asbestos working in the small subways fitting electrics at Runwell Hospital and Tilbury Power Station.

Eastern Electricity first denied liability and argued the claim was of little value due to Mr R's pre-existing brain injury. We were able to prove that mesothelioma had in fact robbed Mr R of a long life expectancy and that he was negligently exposed to asbestos during the course of his work which caused his mesothelioma. His wife had lost a significant amount of his full pension.



Full damages were recovered from Eastern Electricity prior to the issue of proceedings at Court.

Mr R's son says as follows:

*"Dad's was a difficult case which took over two years to reach its conclusion. Peter was brilliant throughout the entire process, focused, meticulous and calm as you would expect from an experienced solicitor but what made him stand out were his human qualities, his empathy, his patience and good-natured understanding. He is exactly the man you want on your side if faced with this situation. Thank you for all your hard work Peter for gaining us a positive outcome and for some form of justice for dad."*

# Vital witnesses and library evidence help settle strongly contested mesothelioma case



## Dushal Mehta achieved 100 per cent settlement in a strongly disputed case on behalf of the family of Peter Frederick Smalley, who died following diagnosis of the most aggressive form of mesothelioma which progressed very fast.

Following a phone call from the family, Dushal reacted very quickly so that, despite being extremely unwell, Mr Smalley was able to provide a statement just before he died about his exposure to asbestos during his employment in a boiler factory in Lincoln for Ruston and Hornsby. HMRC records however later showed that Mr Smalley had also worked for another company, Cochran Thermax, which had likely taken over the boiler division of Ruston and Hornsby.

Since Ruston and Hornsby refused to accept liability, Dushal was forced to begin court proceedings against them. Once Cochran Thermax was also identified as an employer, Dushal applied to add them to the court action. But because Mr Smalley had not included Cochran Thermax in his statement before he died, the company refused to accept liability and applied to have the case struck out of court.

Because no insurer could be identified for Ruston Hornsby, the case was taken over by the Financial Services Compensation Scheme which assumed the role of insurer. Because of the circumstances, the FSCS would only pay 90 per cent of any such successful claim. Dushal was determined to ensure that Mr Smalley's widow received 100 per cent compensation, so the case continued.

The Defendants suggested that the work Mr Smalley had done on boilers would not have brought him into contact with asbestos. They further alleged that asbestos would not have been used in any other process in the factory where Mr Smalley had been working.

The case was listed for trial. Expert engineering evidence was obtained by both sides as to the use of asbestos on the boilers as described by Mr Smalley.

Meanwhile, Dushal managed to locate historic company manuals in the British Library and in a local library in Lincoln that clearly identified the use of asbestos on the boilers made by the Defendants. He also found other employees who had worked with Mr Smalley for both companies, who could testify to the nature of the work they and he performed and also that asbestos was involved in other processes in the factory.

A few days before the trial in the High Court, the Defendants agreed to pay full damages to the family.

At the end of the case, Mr Smalley's daughter, Sarah, said:

*"Dushal kept me informed and managed the case brilliantly. He helped navigate emotion, clearly detailed the facts and was very clear in his advice – spelling out the options which, when you have no prior legal experience, is exceptionally positive. Dushal also kept fighting for the 'last mile' of the settlement, rebutting a lower offer, confident he could achieve the full amount.*

*"We originally found Dushal via the mesothelioma charity HASAG, which I'd heard about on radio 4 years before. Without this, we would never have known that compensation might be available to us."*

# Settlement for complaints manager exposed to asbestos at 'dilapidated' Barnet Hospital

Shaheen Mosquera has finalised settlement against 72-year-old Patricia Diss' former employer, the Barnet & Chase Farm Hospital Trust, for failing to protect Patricia from exposure to asbestos.



Patricia worked as a complaints manager at Thames House, part of Barnet Hospital, around 2003/4 until she retired in 2013. Patricia described Thames House as a 'very dilapidated looking building' inside and out.

Patricia's office was on the first floor of the building and was inadequate for the amount of files and paperwork. The office was too small to house enough filing cabinets. Because of the cramped conditions the office was virtually impossible to clean. Patricia took it upon herself to clean and dust the whole office, including the fireplace recess, which has since been shown to have contained asbestos. Patricia's desk was next to the fireplace, and she was exposed to the lethal dust the whole time she worked there.

Each time Patricia pulled out a file from the fireplace recess, it was covered with a fine layer of dust, which she brushed off. The place would get so dusty she often went in on a Saturday to clean up. She also remembers her work clothes always being covered in dust. Part of her job also meant she moved around different areas and departments, now shown in the hospital's asbestos survey to have contained asbestos dust and it was even in the ladies toilet.

In 2018, Patricia began experiencing tiredness and breathlessness and following medical examinations mesothelioma - the cancer caused by exposure to asbestos - was diagnosed at St Thomas' Hospital. She underwent several rounds of chemotherapy and as the mesothelioma progressed, she was started on immunotherapy in January 2020 and is benefiting from the treatment. Patricia's disease is stable and she is feeling a lot better in herself.

Patricia instructed Shaheen to pursue a claim against her former employer. At no time while she worked there was Patricia warned about the dangers of asbestos nor informed she was working next to materials containing asbestos which she plainly disturbed. She was never given any protective equipment or told to take precautions.



Shaheen issued proceedings in the High Court in December 2019 and under the specialist mesothelioma list, requested an early date for the first hearing and it was listed in mid-February 2020. The court gave directions and Patricia's case was listed for a trial for 3 days in October 2020.

Witness evidence was exchanged in April 2020 and the witness for Barnet Hospital who was a current employee and had worked with Patricia in the Legal Department said that she could not recall Patricia working in the room with the fireplace. Shaheen spoke to Patricia's co-workers and obtained evidence which confirmed that she was sat in the room with the fireplace.

A settlement meeting was arranged for September 2020 and Patricia's case settled for a six-figure sum. The settlement included a claim for the private immunotherapy which Patricia had been self-funding and an agreement was put in place for payment of Patricia's future immunotherapy.

Patricia said:

*"Nothing prepares you for a diagnosis of mesothelioma especially as my working life was in an office in the NHS. I contacted Fieldfisher from a list of solicitors provided by HASAG and Shaheen was allocated to my case. From day one Shaheen's professional attention to the details of my claim and her instruction of expert witnesses, QC and tracking my work colleagues is reflected in the outcome. She kept me up dated at all times, most importantly she believed in me and supported me throughout."*

# Successful case against DP Tanker Co for exposure on board ships in the 50s and 60s



**Sarah recently settled a case for former marine engineer, David Davenport, who was born in Blackpool and now lives in Eastbourne.**

David was exposed to asbestos while working for BP Tanker Co in the late 50s to mid-60s, involved in running and maintaining all shipboard machinery including pumps and boilers. At that time, asbestos was routinely used within the confines of engine rooms, but David was never warned about the dangers, or provided with protective equipment.

After leaving BP, David quickly advanced in his career, achieving the rank of Chief Engineer at the age of 28. Unfortunately, when his first wife became ill, he had to return home and following her death, brought up his three children while working as an Engineer Surveyor for an insurance company.

Despite his mesothelioma diagnosis, David is determined to remain active, and he and his second wife, Joan, particularly enjoy travelling. He was very happy with the help and support he received, from Sarah, but also from the support group HASAG.

## Contact our team

Our award-winning team believes in putting clients first. We are dedicated to achieving the best results possible and pride ourselves on our sensitive approach.

If you think you or your family member has suffered due to an asbestos-related disease, our specialist team of solicitors can help you recover the compensation you and your family deserve.

For a free initial consultation, please call or email us.

## How to get in touch

Call: 0800 358 3848

Email: [meso@fieldfisher.com](mailto:meso@fieldfisher.com)

Visit: [fieldfisher.com/mesothelioma](https://www.fieldfisher.com/mesothelioma)



# Asbestos team top ranked by leading legal directories

Our team has again achieved top tier rankings in both Chambers and Partners and the Legal 500 legal directories, highlighting the exceptional quality of our work.



Alongside our team rankings, Peter Williams, Andrew Morgan and Dushal Mehta are ranked in Chambers. In Legal 500 Peter was also ranked as a *Leading Individual* and Dushal Mehta is ranked as a *Next Generation Partner*.

Both Chambers and Legal 500 research the top industrial disease teams in the UK, and we are proud to be recognised as leaders in this field, with Chambers stating we are a “*Market-leading industrial disease practice*”.

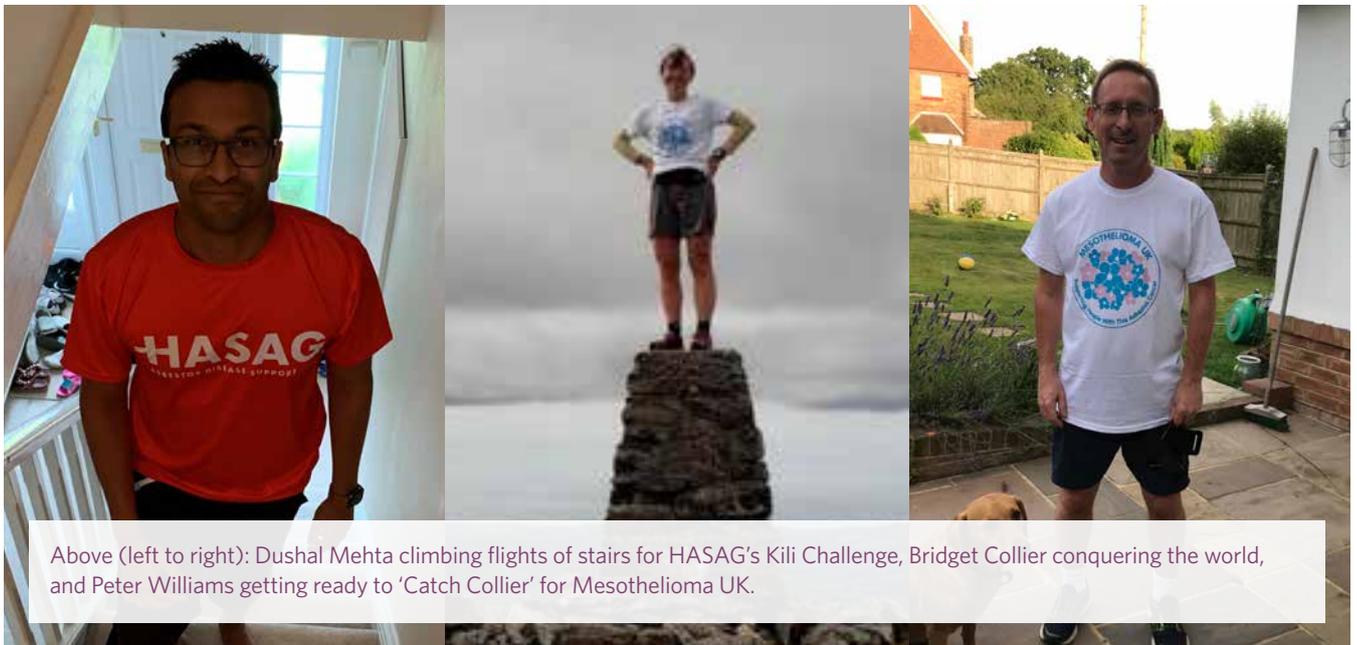
Regarding our team, sources reported that they are “*standout individuals who are at the top of their game*”, “*an amazing firm*” and that they “*went above and beyond for me and were really sensitive to my plight*.”

*“Market-leading industrial disease practice with an outstanding reputation for undertaking mesothelioma and asbestos disease litigation. Deftly handles a range of complex and often high-value claims, and offers a strong track record in recovering hospice fees for clients.”*

**Chambers 2021**

*“The firm fields asbestos and mesothelioma experts who are ‘at the top of their game’ and are “extremely strong across the board”.*

**Legal 500 2021**



Above (left to right): Dushal Mehta climbing flights of stairs for HASAG's Kili Challenge, Bridget Collier conquering the world, and Peter Williams getting ready to 'Catch Collier' for Mesothelioma UK.

# Asbestos team continues to support charities and fundraising initiatives

**Our team is actively involved in fundraising for asbestos disease charities and support groups. This year is no exception and we have been out in full force raising funds to help those suffering from the devastating effects of asbestos exposure.**

Fieldfisher have supported **Action Mesothelioma Day** since its inception and we are pleased that it was able to go ahead in 2020 despite the need for social isolation. Members of our team all logged in to support virtual events held by charities and support groups including Mesothelioma UK, HASAG and GMAVSG.

In July, our Asbestos team ran (literally) a **highly successful fundraiser for Mesothelioma UK - Catching Collier!** Five members of the team challenged Bridget Collier, our Head of Asbestos Claims in the North of England, to see who could run the furthest distance in 31 days. Bridget is an ultra-distance runner, and so 5v1 is fairer than it sounds!

By the end of July, the team had managed to run a combined 290.9 miles, just pipping Bridget at the post, who managed to run a very impressive 288.3 miles. **Our Asbestos Team raised £3,275** for Mesothelioma UK. These much needed funds will help Mesothelioma UK to continue their work improving the care and treatment of people with mesothelioma.

July was an active month for the team, who also took part in **HASAG's Kili Challenge fundraiser**. The challenge was to climb 2,578 flights of stairs over four weeks, which is the equivalent of climbing Mount Kilimanjaro in Tanzania.

Fieldfisher's team, 'Led Steppelin', competed against teams from other law firms and a team from HASAG itself.

After four weeks, Fieldfisher proved victorious managing to climb over 10,445 flights of stairs, which is more than 4 ascents of Kilimanjaro. True to form, Bridget Collier managed to climb over half of those flights of stairs by herself.

**More than £2,100 were raised for HASAG**, which will go towards supporting their fantastic work within the asbestos disease community.

# Meet the team

## Peter Williams

+44 20 7861 4825  
peter.williams@fieldfisher.com



Peter has specialised in asbestos related disease claims for nearly 30 years. He is recommended as a leading practitioner in the field by both Chambers and the Legal 500. There he is described as “a leading practitioner”. Sources comment:

*“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”.*

## Bridget Collier

+44 161 835 8046  
bridget.collier@fieldfisher.com



Bridget heads up our mesothelioma and asbestos claims practice in the North of England. Bridget has over 20 years’ experience in conducting asbestos, industrial disease and employer liability claims. She sat on the Executive Committee of APIL and the Oversight Committee of the DMPS. Bridget is an APIL accredited specialist asbestos claims solicitor.

*“We will not forget the first time we met you and the professionalism, compassion and kindness that you showed us through this difficult period.”*  
**Client**

## Andrew Morgan

+44 20 7861 4036  
andrew.morgan@fieldfisher.com



Andrew has specialised in asbestos disease claims since 1993. He is a past coordinator of the Occupational Health Group of the Association of Personal Injury Lawyers (APIL) and is an APIL Fellow. Legal directories comment:

*“Andrew Morgan is celebrated for his expertise in handling industrial disease work, particularly mesothelioma cases” and sources describe him as “Very committed to his clients - brave and willing to take on difficult cases.”*

## Sarah Wolf

+44 20 7861 6756  
sarah.wolf@fieldfisher.com



Sarah is a Senior Associate in the asbestos disease team, having specialised in personal injury work on behalf of claimants since qualifying in 1993. She has always had a keen interest in complex industrial disease claims, and has acted exclusively for sufferers of asbestos related illnesses, particularly mesothelioma, for over 12 years.

*Sarah is described by clients as "Hard working", "brilliant" and "compassionate and patient".*

## Dushal Mehta

+44 20 7861 4033  
dushal.mehta@fieldfisher.com



Dushal is a Partner at Fieldfisher and specialises in acting for clients with mesothelioma and other asbestos related diseases. He is recognised in all the leading legal directories for his expertise.

*Dushal is described by sources as "extremely hard-working and willing to take on difficult cases"*

## Shaheen Mosquera

+44 20 7861 4393  
shaheen.mosquera@fieldfisher.com



Shaheen is a Senior Associate 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 is known for going the extra mile to maximise the level of compensation she recovers for her clients.

*"Shaheen makes you feel that not only is she a very competent solicitor but that she genuinely cares."*  
**Client**

# Freephone 0800 358 3848

[www.fieldfisher.com/mesothelioma](http://www.fieldfisher.com/mesothelioma) | [meso@fieldfisher.com](mailto:meso@fieldfisher.com)

## London

Fieldfisher

Riverbank House, 2 Swan Lane  
London EC4R 3TT

## Manchester

Fieldfisher

Free Trade Exchange, 37 Peter Street  
Manchester M2 5GB

## Birmingham

Fieldfisher

Trigen House, Central Boulevard  
Blythe Valley Park, Solihull B90 8AB

**HASAG**  
ASBESTOS DISEASE SUPPORT

Greater Manchester  
ASBESTOS  
VICTIMS SUPPORT  
GROUP



**READLEY**  
Asbestos and Mesothelioma Support

