



Asbestos Disease Lawyers

## **Mesothelioma and Asbestos Diseases**

Claims Guide for Patients

**Leigh Day**



Asbestos cement roof



Asbestos pipe lagging



Asbestos floor tiles



Asbestos sprayed steel beams



Asbestos spray on ceiling



Asbestos cement tiles



Asbestos ceiling tiles



Asbestos pipe lagging



Asbestos insulating boards



Asbestos pipe lagging



Asbestos pipe lagging



Asbestos corrugated roof

- We give you advice as to whether you are able to obtain compensation.
- We will advise you on a 'no win, no fee' basis and if you win you keep 100% of your compensation.
- We will come and visit you at your home, in a hospice or wherever you may be.
- We will take a detailed statement of your work history, to pin-point where you came into contact with asbestos.
- Once we have identified where you were exposed to asbestos we will trace the employers or employer's liability insurers.
- We will obtain a medical report on your asbestos disease.
- We will start a Court case quickly wherever possible. Most cases settle out of Court.
- You will not need to attend Court or travel to our offices if you are not well enough to do so.
- We have offices in **London** 020 7650 1200 and **Manchester** 0161 393 3530, and by appointment only, offices in **Liverpool** 0151 305 2760, **Chesterfield** 01246 386388, **Birmingham** 0121 728 5909 and **Newcastle** 0191 933 9104.

We have the experience and have built up good relationships with Medical Practitioners and Court Experts and we are well known and respected within this area of law. Our lawyers regularly give lectures on asbestos disease law and are often asked by other lawyers to give advice on how to deal with cases.



No amount of money can make up for harm that has been caused by past asbestos exposure, but compensation can be vital to supporting both the victim and their loved ones through what are usually very difficult times.

In asbestos claims, the typical elements of compensation include:

- **Pain & suffering ('General Damages')**: for the physical and emotional harm caused.
- **Lost earnings**: you can claim the wages you would have received if you were still at work, including bonuses and pay rises. Self-employed can claim for their loss of business income.
- **Care**: a sum can be claimed for the support provided by friends and family (or even professional nurses) to represent the time spent helping.
- **Equipment**: stair lifts, shower-seats, reclining chairs and electric beds can make life easier and the cost can be claimed, along with delivery and installation charges.
- **DIY / Household services**: if an asbestos illness stops you, or your partner, doing jobs around the house, the cost of tradesmen to replace those services can be claimed.
- **Pension loss**: if a diagnosis affects your life expectancy, you can claim lost income such as pension.
- **Other expenses**: such as travel costs and prescription charges.
- **Private health care costs**: including treatment and therapies.
- **Hospice care costs**.
- **Fatal claims**: We also act for families of victims who have died. In addition to most of the above elements we can recover funeral costs and an award to reflect the bereavement felt or the lost love and affection of a husband, wife or parent.



Mrs Allen

We represented Mrs Allen, a 53-year-old saleswoman, who was exposed to asbestos on the shop floor whilst working in two M&S stores between 1978 and 1987, first in its flagship store on London's Oxford Street and at Uxbridge.

She was diagnosed with mesothelioma and Harminder Bains applied for a court order that M&S disclose surveys of stores. As a result, M&S admitted negligently exposing Mrs Allen to asbestos.

Mrs Allen's case is thought to be the first in which Judgment has been given for a M&S employee who was exposed to asbestos by simply working on the shop floor. After the case settled Mrs Allen said: **"I feel betrayed by M&S. I worked very hard. But to think beneath the surface, they were, exposing people to deadly risks".**

Harminder said: **"It is possible that there may be other people who were exposed to asbestos in the same way as Mrs Allen. I have represented clients who have been exposed to asbestos in hospitals, offices, banks and schools.**

**However, there is no way of medically screening for mesothelioma so my recommendation to anyone who may have worked at M&S or any other public building in which there is a possibility that there has been exposure to asbestos, is that they attend their GP and ask to make a note of it on their medical records."**

You can watch a video telling Mrs Allen's story at [www.leighday.co.uk/MrsAllen](http://www.leighday.co.uk/MrsAllen).

We represented Bob Robinson after his diagnosis with mesothelioma. He had been exposed to asbestos as an apprentice engineer in the 1960s and as a heating systems surveyor / manager in the 1970s. Until 2011 he had been looking forward to enjoying his retirement with his wife and new grandchildren.

Understandably, Bob and his wife were scared by what the future held and adding the stress of a legal claim was last on their list of priorities. We therefore organised all meetings at Bob's home where he was comfortable and we agreed that his son, Andrew, should take over some of the 'admin' of the claim to take the pressure off Bob while he underwent treatment.



Bob Robinson

Within 2 months we issued court proceedings against Bob's former employers in the 'Mesothelioma Fast Track' and obtained judgment on liability at an interim court hearing which Bob did not need to attend. We were able to agree the amount of damages and made sure Bob was compensated fully, including covering his future medical treatment. The claim was resolved, start to finish, within 6 months.

Daniel Easton commented: **"I remember sitting outside with Bob to talk about the impact of his illness. He was no longer able to do the gardening and we claimed the cost of new garden furniture so he could enjoy the summer. You simply do not get that level of understanding on the end of a phone."**

After the case, Bob's son Andrew said: **"You have been an absolute pillar of strength for my parents. I have so much respect for you in how you helped them through the process of making the claim. Many, many thanks."**

We were instructed by the Asbestos Victims Support Groups Forum UK (who represent charities dedicated to the support and welfare of asbestos victims and their families) to bring a legal case against the Government when it announced that mesothelioma victims should pay up to 25% of their compensation for legal costs. After a two day hearing in the High Court, the Forum won its court case and the Judge made a finding that the Government had acted unlawfully.

Harminder Bains said: **"By the Forum taking legal action against the Government and the entire insurance industry – a modern day David vs two Goliaths – it has successfully prevented victims of mesothelioma and their dependants from having to pay legal costs which had previously been paid by the losing party."**



From left to right: Richard Stein, Kate Beattie, Jeremy Hyam, Tony Whitston & Harminder Bains.

In addition to doing everything we can for those diagnosed with an asbestos disease, we always endeavour to acknowledge the support provided by others.

Asbestos disease sufferers and their families feel deeply indebted to the care they receive during the most difficult moments in their lives. Those who are admitted to hospice are grateful for the services provided.

Many hospices are reliant on charitable donations and private funding to continue giving care. We therefore consider it imperative that they too are suitably compensated when claims are settled. Hospices are entitled to recompense and so we always endeavour to recover these costs as part of the claim.

We have been successful in obtaining thousands of pounds for hospices and will continue to do so. We acknowledge the wider impact of asbestos disease and the need for funding to flow back into the vital support community that provide a lifeline to victims and their families.

### Raising Funds to Find a Cure for Mesothelioma

Harminder Bains has personal experience of mesothelioma as her father suffered from mesothelioma. As a result she set up the DBL Charitable Trust which raises funds for mesothelioma and cancer research.

She has for many years helped to organise black tie musical events and so far with the help of other members of the DBL Charitable Trust has raised over £60,000 for research which has been paid to hospitals. She hopes to continue to raise more.



Mr and Mrs Baker

We acted on behalf of Mr Frank Baker who worked as a lagger's labourer for five weeks during some time in 1963-64. He was employed by Climax Insulation & Packing Limited.

However, this company no longer traded and the employer's liability insurers could not be traced. Mr Baker had been told by other solicitors that he had no claim and nothing could be done for him. He wrote to Harminder Bains to ask for a second opinion.

Harminder attended upon Mr Baker at his home and was saddened to see his circumstances. He had two teenage daughters and she felt strongly she wanted to help him and give him and his family some hope. She therefore decided to sue Tate & Lyle as Mr Baker had been sent to work at the Tate & Lyle sugar making factory in Silvertown, London by his employer Climax Insulation & Packing Limited.

In English Law it is usual to sue the employer, as it is the employer who owes a duty of care to the employee. Therefore, by suing Tate & Lyle as occupier, Harminder went against established legal principles. Within three months of being instructed, she won compensation for Mr Baker.

Mr Baker said: **"I can't thank Harminder enough for what she has done for me and my family, I can't believe it".**

Harminder said: **"This Judgment has allowed Mr Baker to receive compensation within his lifetime and to pay for essential items to make his life more comfortable."**

We are happy to provide free advice and assistance to our clients in making an application for benefits. Roy Nightingale is a registered social worker and he, together with the lawyers, is happy to assist our clients in completing the application forms for State benefits. We will deal with Government agencies and obtain medical evidence, so that you do not need to attend any more appointments than is necessary.

Our clients have found our guidance and assistance in completing applications for benefits to be particularly helpful, as it provides them with a means of obtaining immediate support. In most cases, our clients receive financial support within a couple of weeks.

The benefits to which our clients are usually entitled to include:

- **Industrial Injuries Disablement Benefit (IIDB):** this is a weekly or monthly payment for people who develop an asbestos-related disease as a consequence of their exposure at work. It can pay up to £166 per week, depending on the severity of the illness.
- **Pneumoconiosis Workers' Compensation (PWC):** this is a Government compensation fund for people who develop a disease due to asbestos exposure at work. Payments can be in the tens of thousands of pounds. If you do not qualify for this fund, having not been exposed to asbestos at work, you will still be able to claim under the Diffuse Mesothelioma Scheme (below).
- **Diffuse Mesothelioma Scheme (DMS):** this is a Government fund for mesothelioma victims who do not qualify for a payment under the PWC fund. The only qualifying factor is a diagnosis of mesothelioma caused by asbestos exposure in England or Wales. It is one of only two schemes in the world that pays out to mesothelioma victims who were not exposed to asbestos at work. Payments will be the same as if you had qualified for the PWC fund.

The Mesothelioma Act has set up a Mesothelioma Payment Scheme. This scheme provides a fund of last resort, from which mesothelioma victims may be entitled to receive a payment.

If the employer that caused your disease has gone out of business and we have been unable to locate the company's insurers, you may still be entitled to seek compensation under the Mesothelioma Act 2014. To qualify you must have been diagnosed on or after 25 July 2012. A successful claimant will receive 80% of the average value of an award that they might receive at Court and the average payment under the scheme has been estimated at £126,000.

We have considerable experience with the scheme and are able to assist clients with the process. We have seen payments turn around in a matter of weeks.



**Highly respected industrial disease practice offering first-rate representation to claimants suffering from asbestos-related diseases. Features prominently in headline disease cases and retains strong links to support groups and non-profits catering for those with mesothelioma.”**

**Chambers & Partners 2020**

David Chandler worked for Cape Building Products ('CBP') in Uxbridge in the early 1960s. He was heavily exposed to asbestos dust.

He later developed asbestosis and instructed Vijay Ganapathy to pursue his claim. However, CBP's insurance policy contained an 'asbestosis exclusion clause', and refused to pay compensation.



Mr & Mrs Chandler

We investigated CBP's 'parent' company, Cape Plc, once one of the largest asbestos manufacturers in the UK.

Previously, no parent company had ever been found liable in the UK for the dangerous activities undertaken by one of its subsidiaries.

We argued that Cape was liable because, even though it was not Mr Chandler's employer, it knew that workers at Uxbridge were at risk of serious injury. We fought Mr Chandler's case to trial and won. Cape, unsatisfied with this outcome, appealed but lost again.

Mr Chandler's case has set a legal precedent that creates a new avenue of claims for asbestos sufferers. This case has been widely reported because it pioneered a new means of seeking redress for asbestos victims.

On hearing the news of his success, David said: **“Wonderful news for us all... I want to take this opportunity of thanking you for your care and kindness towards myself and my wife. It has been a pleasure hearing from you even when things were not too positive.”**



Mrs Zambarda with her daughter

We dealt with Mrs Zambarda's case, her husband died from mesothelioma. He was exposed to asbestos when he used a blowtorch to remove asbestos from pipes.

Although Mr Zambarda had, until the mesothelioma, been in good health, sadly this was not the case for Mrs Zambarda who had complex medical needs. As a result Mr Zambarda took care of his wife and he carried out many of the household chores.

Mr Zambarda was extremely concerned about his wife's welfare and requested Harminder Bains to ensure that, upon his death she would be looked after.

At trial, Mrs Zambarda was awarded a significant sum, to cover not only the usual costs such as, loss of her husband's pension and her husband's assistance around the home but recovered money to secure payment for professional care on a daily basis for the rest of her life.

In addition, this case set a precedent because this is the first case in which 'case management' costs have been awarded in a mesothelioma case and the amount for intangible benefits i.e. loss of her husband's love and affection was the highest amount awarded.



The Ghoorah family

We dealt with Mrs Ghoorah's case. Her husband died from mesothelioma as a result of being exposed to asbestos at various hospitals throughout Essex including St Margaret's, Runwell, Harold Wood and Little Highwood. Mr Ghoorah worked as a trainee nurse and healthcare support worker between 1993 and 2003.

Sadly Mr Ghoorah was only 45 years old when he died. The Judge awarded a substantial sum to ensure that Mrs Ghoorah and her two young children have enough money to take care of their financial needs for the rest of their lives.

Harminder Bains said: **“This was a sad case as Mr Ghoorah was a medical professional who spent his life taking care of the sick. Yet his employers seemingly disregarded his health and safety.**

**I admire Mrs Ghoorah. She is also a medical professional and the Judge said he was impressed by how she had shown great poise by continuing with her career and managing to look after her two young children”.**

In addition to awarding, compensation to include loss of earnings, cost of childcare, the Judge recognised the pain and suffering which Mr Ghoorah endured and awarded the highest sum for pain and suffering made to a victim of mesothelioma in the UK.

- Our team has a formidable reputation in asbestos litigation as a consequence of representing victims for over 25 years in the UK and abroad.
- We will act on a 'no win, no fee' basis and our clients keep 100% of their compensation.
- Our team has achieved the highest compensation awards for pain, suffering and care for mesothelioma victims.
- We only act for victims of asbestos diseases and never defendants/ employers.
- We visit clients at home, hospital, or wherever they choose.
- We are recognised by the Legal Directories as one of the country's leading asbestos disease legal teams.
- We work closely with asbestos disease charities and one of our lawyers has raised over £60,000 and paid it to hospitals to help fund research into a cure for Mesothelioma.
- We deal with cases quickly under the High Court fast track system and aim to obtain compensation for our clients within 3 – 6 months.
- When an inquest takes place we attend to represent the victim's family and deal with the Coroner.
- We have members of the Law Society Personal Injury Panel.
- We are accredited members of the Association of Personal Injury Lawyers and help run the Occupational Health Group.
- We are involved in government consultations regarding changes to the Law in relation to mesothelioma and other asbestos diseases.



# Leigh Day

✉ asbestos@leighday.co.uk

🖱 leighday.co.uk/asbestos

🐦 @LD\_Asbestos

Birmingham 0121 728 5909  
Chesterfield 01246 386388  
Liverpool 0151 305 2760  
London 020 7650 1200  
Manchester 0161 393 3530  
Newcastle 0191 933 9104  
Leeds 0113 323 0651

## ASBESTOS DISEASE TEAM



**Daniel Easton**  
Partner & Joint Head of  
Industrial Disease team  
020 7650 1226  
deaston@leighday.co.uk



**Harminder Bains**  
Partner & Joint Head of  
Industrial Disease team  
020 7650 1166  
0121 728 5909  
hbains@leighday.co.uk



**Vijay Ganapathy**  
Partner  
020 7650 1341  
vganapathy@leighday.co.uk



**Helen Ashton**  
Partner  
01246 386 388  
hashton@leighday.co.uk



**Kevin Johnson**  
Partner  
0151 305 2760  
ktjohnson@leighday.co.uk



**Patrick Walsh**  
Partner  
020 7650 1082  
0121 728 5909  
pwalsh@leighday.co.uk



**Steven Dickens**  
Partner  
0161 393 3574  
sdickens@leighday.co.uk



**Ewan Tant**  
Partner  
020 7650 1357  
etant@leighday.co.uk



**Claire Spearpoint**  
Associate Solicitor  
020 7650 1391  
cspearpoint@leighday.co.uk



**Louisa Saville**  
Associate Solicitor  
0161 804 0761  
lsaville@leighday.co.uk



**Andrew Cooper**  
Associate Solicitor  
020 3780 0430  
acooper@leighday.co.uk



**Catriona Ratcliffe**  
Associate Solicitor  
020 7650 1346  
cratcliffe@leighday.co.uk



**Heetasha Khosla**  
Associate Solicitor  
020 7650 1208  
hkhosla@leighday.co.uk



**Leah O'Brart**  
Associate Solicitor  
020 7650 1311  
lobrart@leighday.co.uk



**Jess Pittman**  
Australian Qualified Lawyer  
020 3780 0465  
jpittman@leighday.co.uk