



DERBYSHIRE ASBESTOS SUPPORT TEAM (DAST)

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August/September 2019 Newsletter - Edited by Joanne Gordon

Welcome to our Newsletter Walk a Mile for Mesothelioma

Thank you to everyone who joined us on Action Mesothelioma Day on Friday 5th July. Before lunch was served, we launched this year's Walk a Mile for Mesothelioma by taking a sponsored stroll around the park and gardens at the Whitworth Centre.



So far over £800 has been raised for DAST – a great help in supporting our services for those affected by Mesothelioma.

If you would like to take a stroll to raise awareness and funds for us, please consider organising a local one-mile walk with your friends and family. Sponsor packs are available from sarah.walters@asbestosupport.co.uk.

The more people who take part in these events and talk about them, the more people are made aware of asbestos diseases and the help available to those affected.

Website

As you may be aware, we had a lot of trouble with our old website earlier in

the year when it crashed. Rather than try to revive it, we decided to contact a new IT company to set up a new website for us. It has taken some time to make sure that it is right for our needs but we can now proudly announce that our website is up and running.

There are new features this time, including a 'Patient Blogs' page where those diagnosed with an asbestos disease can share their thoughts and journeys with others. So far we have uploaded Roy's Diary, which takes us through one Staffordshire patient's treatment for Mesothelioma. If you are feeling anxious about Chemotherapy, or you would like to read how someone else coped on the same journey, do have a look at his daily record. We also have an interesting poem from Jim, who tells the story of how he was exposed to asbestos.

If you would like something that you have written considered for inclusion, please email it to sarah.walters@asbestosupport.co.uk

Don't worry about format etc as Sarah can edit your work before uploading it.

The DAST printed newsletter can also be downloaded. You will find information about all our events and services and the ways in which you can support our charity by donating or volunteering. Please do take a look at www.asbestosupport.co.uk

David v Goliath

The Asbestos Victims Support Groups' Forum took on the Asbestos Giant and Won

Report by DAST Chair – Dave Trigg

Cape Intermediate Holdings Ltd v Dring (Graham Dring is the Chair of the Asbestos Victims Support Groups' Forum)

Supreme Court 29 July 2019.

Having attended the first day of the Supreme Court hearing in this case back in February 2019, and watched the second, final day, on the Supreme Courts live stream, I wanted to come to this hearing to give Graham (Dring) some support on the day, as I genuinely felt that he would be successful.

Having arrived at the Supreme Court at around 09:30 in lovely warm weather I removed my jacket before entering the building to go through security.

Looking around, Harminder Bains from Leigh Day Solicitors (one of our Panel firms) arrived and we both entered the courts together. I was immediately stopped by security because I was wearing my DAST Tee shirt with 'JUSTICE FOR ASBESTOS VICTIMS' on it. Putting my jacket back on allowed me into the courts building. We were soon joined by Graham and his wife and two friends.

After entering Court No 2 we took our places and were soon joined by Simon Matthews from O H Parsons, (also one of our Panel firms), Dan Shears from the GMB Union, Steve Ballard from London Hazards Centre and a

representative from the Media Lawyers Association.

Graham and Harminder took their places on the front row facing the Lord Judges chairs. No one was present from Cape Intermediates. (At the original Supreme Court hearing only around six people represented Graham, and the Media, whereas Cape had what looked like a bus load of legal professionals there).

Before the Judges came in I was approached by the Court Usher and asked if I wanted to take my jacket off as I looked hot and uncomfortable, I had to reply to him that if I did take my jacket off he would do me for 'Contempt of Court' and showed him a small sample of my tee shirt lettering. He agreed.

With the Court called to order the three Judges took their places with Lady Hale taking the Presidency.

Lady Hale then proceeded to read out a statement on '*Dring*'.

She touched on the background to the case where Cape and the employer's insurers were involved in a case in the High Court. This case was settled after the trial ended but before judgement was delivered.

The Asbestos Victims Support Groups' Forum (the Forum) being aware of the papers disclosed in the case, applied to the court, under rule, for access to all documents used, or disclosed, in the trial, including 'Bundles' and transcripts. The Master held that she had jurisdiction to grant the order to release the documents. Cape appealed this to the Court of Appeal which limited the disclosure to certain restrictions. Cape appealed this decision to the Supreme

Court, arguing that the disclosure should have been more limited. The Forum cross-appealed on the grounds that the Court of Appeal had been wrong to limit the scope of the rule.

Lady Hale then went into the findings of the Court. The Supreme Court unanimously dismissed the appeal and the cross-appeal.

Lady Hale referred to the constitutional principle of 'Open Justice'. This applies to all courts and tribunals exercising the judicial power of the state.

The principle purposes of the open justice principle are two-fold: to hold individual courts and judges to account, and to enable the public to understand how the justice system works and why decisions are taken. The default position is that the public should be allowed access, not only to the parties' submissions and arguments, but also to the documents which have been placed before the court and referred to during the hearing. There are some limits to this.

After having a few photos taken in the foyer of the court, we adjourned to the 'Red Lion' on Parliament Street for a celebratory glass, or three, of Champagne. Oh, and I was able to take my jacket off.

So the Forum came out of this Supreme Court appeal with more than Cape did.

We now have to look at getting hold of the documents and think about how to seek further documents via the High Court.

When we have the documents they will have to be looked at in depth and the content used to our advantage. Cape threw a lot of money into fighting this case. They, and the insurers, and even

some employers, have a lot to lose. How asbestos cases are looked at will be refocused because of this new information. THEIR own information, on just how much they did know about the dangers of asbestos, goes way, way, back, to the earliest 'modern' use of asbestos.

Two useful links here: -

<https://www.supremecourt.uk/cases/docs/uksc-2018-0184-judgment.pdf>

<https://www.bing.com/videos/search?q=cape+v+dring&&view=detail&mid=7E87C612D5A39ECD17C37E87C612D5A39ECD17C3&&FORM=VRDGAR>

Dave Trigg

What does this mean?

The significance of the original case between Cape and the Consortium of Insurers is that, because of the value of the claim (we believe Cape eventually paid the insurers £30 million+ in the settlement) and because of the resources of the wealthy claimants (multi-national insurance companies), far more documents were disclosed in court than would have been allowed or afforded if it had been an individual mesothelioma claimant fighting for compensation on a 'no win, no fee' legal contract.

Cape were, along with Turner & Newall, one of the two main players in the UK (and in other countries). One of their key products was Asbestolux (asbestos insulation board) widely used by construction workers in the 1950s to the 1980s. Former joiners/carpenters are by far the most frequent trades we see.

20th Anniversary of the banning of Asbestos



It is shocking to realise that Asbestos was only banned 20 years ago. The anniversary of the ban being November 2019.

For many they may believe that the problem has gone away, but as you know only too well, people are still being diagnosed with asbestos related diseases.

Moreover, much of the six million tonnes of asbestos used in the country remains in place. Research undertaken by the Asbestos in Schools (AiS) Group in 2015 established that 85% of schools contained asbestos. Asbestos also remains in public buildings, social housing and our homes.

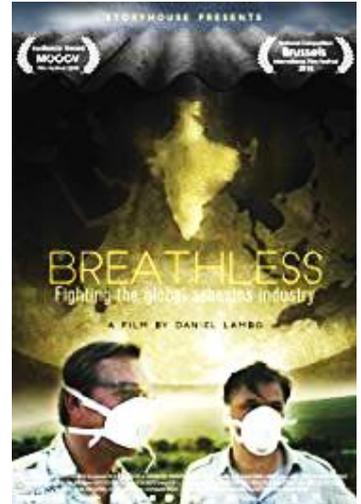
It is for this reason that, along with the Sheffield and Rotherham Asbestos Support Group, we have organised an **Awareness Event on Friday, 25th October 2019. The event will take place from 9.30am – 3.00pm at the Showroom Cinema, 7 Paternoster Row, Sheffield, S1 2BX.**

We will be watching the gripping film 'Breathless' which sees film-maker, Daniel Lambo, set off on a passionate quest to find the truth about the deadly asbestos industry following the death of his father and others from the same village. His search takes him to the largest asbestos waste dump in India

and unveils a cold-blooded industry still endangering the lives of workers and consumers around the world.

We will also hear from other passionate speakers about Asbestos in Schools and social housing, especially from Lucie Stephens whose Mother, a Teacher, died of mesothelioma and Lucie has been campaigning ever since to raise awareness.

If you would like to come along to the event to find out more about the campaigns and how you can help please email me at



joanne.gordon@asbestosupport.co.uk

Thank you to UNITE, GMB, Unison and the TUC for funding this event.

Partnership Working

We would also like to inform you about an event being organised by Macmillan Cancer Support.

Health and Wellbeing Event for anyone affected by cancer

**Wednesday 25th September, 2019
10am - 4pm - Pirelli Stadium,
Burton on Trent.**

The event will cover topics on Healthy Lifestyles, Fatigue, Mindfulness, Physical Activity.

Lunch and parking are provided.

If you wish to attend, please contact the Macmillan team on 01332 785486.

FUTURE DAST EVENTS

- **Tuesday 10th September 2019**
11am – 1pm
Patient and Carer Wellbeing Day

The Cornmarket Hall, Kettering.

An opportunity for patients and carers to get together for a chat and to get tips on keeping well.

- **Friday 11th October 2019**
10.30am – 2.30pm
Stay Active, Stay Aware

Belper Rugby Club, Derby Road, Belper.

An opportunity to try out some 'Move it or Lose it' chair based exercises and to find out how to stay safe from scams. All welcome. Buffet lunch provided. Email: clare.griffiths@asbestosupport.co.uk to book a place.

- **Monday 21st October 2019**
11am - 1pm
Hucknall Wellbeing Day

John Godber Centre, Ogle Street, Hucknall, Nottingham NG15 7FQ

- **Friday 25th October 2019**
9.30am – 3pm
'20 Years on Asbestos Awareness' event

Showroom Cinema, 7 Paternoster Row, Sheffield, S1 2BX.

- **Tuesday, 19th November 2019**
11am - 1pm
Louth Wellbeing Day

My Father's Moustache Pub, North Holme Road, Louth LN11 0HF

- **Friday, 29th November 2019**
10.30am – 12.30pm
Chesterfield Festival of Trees

The Saints Parish Centre, 16 St Mary's Gate, Chesterfield, S41 7TD
Our speaker will be David Tideswell who will be talking about Winter Birds.

- **Wednesday 11th December 2019**
11am – 1pm
DAST AGM and Christmas Meal and Social.

Best Western Stuart Hotel
119 London Road, Derby, DE1 2QR

- **Monday 23rd March 2020**
Mesothelioma in the Midlands
11am – 3.30pm
Winding Wheel, Chesterfield

We hope you will be able to join us