

fieldfisher

# Asbestos News 2025

More than 40 years of asbestos claims



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# Leaders in Asbestos Claims

2023 marked 40 years of Fieldfisher's asbestos claims practice. Peter Williams shares key moments.

In May 1983, Rodney Nelson-Jones took on our first asbestos case and, ever since, asbestos litigation has been at the heart of our Personal Injury practice. Rodney went on to win the Association of Personal Injury Lawyers' (APIL) award for outstanding achievement in 2002.

## Early years

The early cases resulted from the relentless work of campaigners such as Nancy Tait to raise awareness of mesothelioma and to encourage those affected to demand justice and seek compensation. Nancy's husband died in 1969 following exposure to asbestos while working for the General Post Office. No one predicted that, 50 years later, we would still be battling the consequences of employers exposing their workers to asbestos dust.

Since the 1930s, workers at Cape Asbestos in Barking and at Turner & Newall in Manchester worked with raw asbestos materials. Liggers were mixing lethal asbestos insulation in oil drums with their bare hands and pasting it onto pipework and boilers, and the men in the shipyards at Tyneside, Birkenhead, Chatham, Devonport and London were working in the asbestos-

riddled boiler rooms of vessels of the Royal Navy and merchant shipping fleets.

In the 1950s and 1960s, dockers in London and Liverpool unloaded sacks of raw asbestos cargo shipped from South African and Canadian mines and liggers and pipefitters worked in a haze of asbestos used as insulation during the boom in construction of power stations.

Years later, all this exposure culminated in terrible injury and loss and an endless stream of claims.



## 'Nobody told me!'

The common refrain from those suffering from crippling disease decades later was 'I didn't know', 'I was just doing my job', 'Nobody told me', even though the dangers of asbestos had been recognised since the 1930s.

As the numbers of those suffering from asbestosis and mesothelioma grew and the true scale of the disaster emerged, Fieldfisher acted for yet more individuals and families whose lives had been shattered. We fought the government and the insurance industry, reeling in shock at the sheer volume of claims and desperate to reduce its outlay.

We demanded full compensation for our clients and, along the way, built a database of the 3,000 companies and insurers we have brought to account.

## Chase Manhattan and Cape Asbestos

Key milestones in our asbestos litigation include travelling to Chase Manhattan Bank in New York in the early 90s to retrieve Turner & Newall's archive, which proved

they knew the dangers long ago. Similarly, in the first product liability claim against Cape Asbestos, disclosure revealed they knew the real dangers of asbestos far earlier than was admitted publicly.

In *Fairchild*, we were part of the team that successfully battled the insurance industry that sought to halt mesothelioma claims for good; in *Phipps*, we compelled insurers to pay their rightful share of damages, and more recently in *Head*, we obtained one of the largest mesothelioma awards ever at £2.6m.

## DMPS Fast Track

The team helped set up the speedy Mesothelioma Fast Track process in the High Court in 2002 to deliver swift compensation to victims of mesothelioma, especially those with a short life expectancy. We campaigned alongside APIL to establish the Diffuse Mesothelioma Payments Scheme.

## Immunotherapy

More recently, we were the first to demand companies and their insurers pay for hospice care of those suffering from mesothelioma. We were the first to obtain a court order for future funding for expensive immunotherapy treatment and brought a landmark case against BT where the claimant's interpretation of an immunotherapy agreement was challenged by the employer, but upheld by the court.

The number of hidden documents that have emerged from our involvement in litigation is staggering:

- the Cape Scheme of Arrangement details Cape's subsidiaries, factories, operations and insurance arrangement across the globe;



- the Concept 70 papers lay bare Cape's historic knowledge of the risks of using asbestos and asbestos products;
- the Marley papers established that floor tiles contained asbestos despite company denials;
- countless Freedom of Information disclosure exercises have proved vital to so many cases.

Our extensive experience also allows us to help other solicitors and law firms pursue their own cases. Another firm recently settled a mesothelioma claim against Guys hospital, relying on the evidence we obtained years ago in similar cases where we were able to obtain permission from our original witnesses to release their statements.

Through all the lobbying and campaigning, our clients remain our first priority. We have seen their stories change over time. Now we see office workers, teachers, nurses, and doctors struck down having worked in buildings containing asbestos materials. We see carpenters who sawed

Asbestolux sheeting to build housing in the early 70s and we see the women and children exposed to asbestos brought home on their father's and husband's work clothes. We see people who have developed mesothelioma by simply living next to an asbestos factory.

Over the past 40 years, we have recovered more than £300 million in thousands of cases and have raised thousands of pounds for mesothelioma charities and to help fund research. We are proud of our heritage and we pay tribute to every one of our clients and their families. We celebrate the part we play in easing the financial burden of this terrible disease.

## Asbestos charities

Over the page, you can read about some of our client successes and about our achievements alongside our campaigning partners: APIL, Mesothelioma UK, HASAG and GMAVSG, Disability First, Cheshire Asbestos Victims Support Group.

### The work continues.



# Coffee mornings

## Portsmouth

I have been attending the Portsmouth HASAG coffee mornings for the last three years. I very much look forward to these coffee mornings as I enjoy seeing so many friendly, familiar faces. There is always a great turnout and the room is usually filled with chatter and laughter. I have seen many people bond over their shared experiences and the atmosphere is always a positive one. Then there is the raffle and an extra quiz or game of bingo thrown in for good measure which gets everyone's spirits up. My purpose for being there is to be on hand to provide legal advice on the compensation process to anyone who may need it but I am also there as a form of support.

**- Natalie Amara, Solicitor**

## London

HASAG's London coffee mornings, on the doorstep of Guy's Hospital, have become a regular fixture for many patients. There is always a representative from Guy's Mesothelioma Nursing Team. Rachel from HASAG herself worked at Guy's as a mesothelioma nurse so she knows the people and personalities who look after the patients and brings a sense of calm and purpose, which enables everyone to have their say in a "safe space". It is nice to see regular faces, and to

hear how their treatments are going and how they are negotiating this part of their life. They bring a mix of emotions. It is clear to me that everyone feels better for sharing and that is why they keep coming back.

**- Andrew Morgan, Partner**

## Guildford

I very much look forward to attending the Guildford coffee morning where I have had the privilege of getting to know the group over the last year. There is a real sense of community among those that attend and it is lovely to see the close relationships they have built with one another. Alongside the monthly meeting the group enjoy regular dog walks and pub lunches which are always a great day out.

**- Abby Bennett, Solicitor**

## Uckfield

I attend the Uckfield coffee mornings at the Civic Centre behind Tesco's. There are about 20 in attendance every month most from my "manor" in East Sussex. It's lovely to catch up, share local stories and see how everyone is progressing - as long as you remember to get back to the car park at Tesco's before they fine you!

**- Peter Williams, Head of Asbestos Claims**

## Reading

I always look forward to attending the Reading coffee morning and seeing familiar faces. The group is well known to one another with so many regular attendees. The highlight is always the very generous raffle prizes and of late the musical performances from one of the patients attending. It is hard not to leave this coffee morning with a smile on your face and feeling lucky to be able to meet such brave and positive families.

**- Dushal Mehta, Partner**

## Braintree

I regularly attend HASAG's coffee mornings in Laindon and Braintree which provide vital support to mesothelioma patients and their families. Rachel leads these sessions, bringing her extensive experience and heartfelt care to guide patients and their families on treatment options and clinical trials. The patients meet others diagnosed with mesothelioma. As a solicitor, I support patients alongside panel firm solicitors by addressing claims process queries. In July, Rachel's commitment shone through as she organised the Action Mesothelioma Day at Hyde Hall, featuring insights from a local oncologist.

**- Shaheen Mosquera, Partner**





## International Workers Memorial Day: Remember the dead, fight for the living

Shaheen Mosquera and Abby Bennett attended the asbestos memorial in Barking in April, organised by Susan Aitouaziz, Secretary of the Barking, Dagenham & Havering Trades Union Council. This follows an unveiling last year of a memorial to asbestos victims employed at the Cape Asbestos factory in Barking.

# Conferences

## Mesothelioma UK

Fieldfisher attended Mesothelioma UK's 20th annual Patient and Carer day, which was held at the King Power Stadium in Leicester in October.

The day was full of insights into the disease including updates on treatment and the various studies taking place, as well as practical advice to help those suffering. We heard from some truly inspiring patients and those who support them and it was a real privilege to be a part of.

## BTOG

Andrew Morgan, Abby Bennett and Natalie Amara represented Fieldfisher's Mesothelioma team at the 23rd British Thoracic Oncology Group Conference in Belfast. For three days in April, the conference provided an excellent opportunity for networking and learning about latest advancements in thoracic oncology.

The event provided a valuable learning platform to exchange important information.

## LCNUK

On behalf of Fieldfisher's Asbestos and Mesothelioma team, Shaheen Mosquera, Natalie Amara and Dushal Mehta attended the Lung Cancer Nursing UK Conference in Glasgow.

Over two days in June, the conference provided an excellent platform to share updates and take part in lively sessions.



# Our Reputation

# Top ranking in Legal 500

Fieldfisher's industrial disease team remains at the top of the personal injury rankings at Tier 1 in Legal 500.

*'Absolutely standout claimant personal injury and industrial disease team. Fieldfisher have an outstandingly able team of lawyers who devote significant amounts of focused partner and senior solicitor time to their cases. They provide exemplary, compassionate and supportive client care and are unflinching in their pursuit of their cases.'*



Leading Partners

**Andrew Morgan**

Leading Partners

**Bridget Collier**

Hall of Fame

**Peter Williams**

Next Generation Partners

**Dushal Mehta**

Other key lawyers

**Shaheen Mosquera**

LEADING PARTNER

**Legal500**

UNITED KINGDOM

**2026**

HALL OF FAME

**Legal500**

UNITED KINGDOM

**2026**

NEXT GENERATION PARTNER

**Legal500**

UNITED KINGDOM

**2026**

RECOMMENDED LAWYER

**Legal500**

UNITED KINGDOM

**2026**

# Testimonials

*'Absolutely standout claimant personal injury and industrial disease team. Fieldfisher have an outstandingly able team of lawyers who devote significant amounts of focused partner and senior solicitor time to their cases. They provide exemplary, compassionate and supportive client care and are unflinching in their pursuit of their cases.'*

*'The genuine care that they display towards their clients is unparalleled, as is the attention to detail in claim management, optimising outcomes for their clients. They drive cases incredibly hard to conclusion. They have a very tough litigation and negotiation style but are pragmatic, flexible and resourceful. They are simply hugely experienced and able. In particular, unlike many others they are nimble on their feet but have huge resources at their disposal because they are part of a city firm.'*

**'Andrew Morgan** is tenacious and with his persistence achieves good settlements'

**'Peter Williams** is fantastic. Not only is he super knowledgeable and commercially astute, but he's also really tactful and kind.'

**'Our claim has been handled by Dushal Mehta.** In our opinion he could not have been more professional, dedicated and of an extremely high level of expertise in asbestos claims. Dushal was highly caring, thoughtful and always explained the different stages in our claim very thoroughly.'

**'I find Shaheen Mosquera** very hard-working, kind, thoughtful, patient and always there to explain things.'

**'Bridget Collier** provides a highly personalised service, demonstrating genuine compassion and patience throughout her dealings with us whilst simultaneously keeping us on track, leading us and navigating the process for us.'

## Band 1 in Chambers & Partners

The asbestos and industrial disease team is again ranked Band 1 in legal directory Chambers, reflecting the hard work and remarkable achievements of the team on behalf of clients affected by mesothelioma and other asbestos-related disease.

Head of the team Peter Williams and long-standing partner Andrew Morgan are both individually ranked Band 1.

Chambers says:

*" Their client service is of a very high standard, and they always answer my questions in a detailed manner so I can gain a good understanding of the complications connected in my case. Every email and phone call is dealt with promptly and accurately."*

*" The team has superb knowledge and the ability to advise on case law and likely outcomes. They are clearly a leader in this field.."*

# Fundraising

2025 has been another year of fundraising success for the Industrial Disease team at Fieldfisher.



Bridget Collier, partner in our Industrial Disease team, has become the first person to complete a solo continuous running of the Dragon's Back Race route, raising £3,200 for Greater Manchester Asbestos Victim Support, Cumbria and Lancashire Asbestos Support Advice Group and Cheshire Asbestos Victim Support.



2025's annual fundraiser raised a total of £4,143 for HASAG and Mesothelioma UK.

Shaheen Mosquera, Natalie Amara, Lily Cox and Abby Bennett faced the challenge of the UK's tallest permanent abseil tower. Located in Northampton, the National Lift Tower is a Research and Development facility which was originally designed and built to test lifts. The tower is 418ft tall! A big thank you to everyone who contributed to a great cause.

Fieldfisher's Industrial Disease team was honoured to attend several impactful #ActionMesotheliomaDay events across the UK. These gatherings united patients, families, and professionals to raise awareness, share experiences, and inspire hope.

Andrew Morgan and Natalie Amara represented Fieldfisher at HASAG's Portsmouth event, where they learned about research funded by the June Hancock Mesothelioma Research Fund (JHMRF).



Bridget Collier attended the Cheshire Asbestos Victims Support Group event in Runcorn, gaining insight into Halton's cancer support services and Morgan's Hair & Beauty's work on hair loss support.



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# £360,000 settlement against Philips Electronics Limited

Peter Williams acted for James who contracted biphasic mesothelioma at the age of 76. The course of his illness was incredibly rapid. He contacted Peter 6 months after diagnosis and, as it turned out, only a few short days before he died.



After an initial consultation where Peter took evidence in an online Teams discussion (Covid restrictions being in place), James explained he thought he may have worked with asbestos at the Science Research Establishment between 1961 and 1973 whilst refurbishing computer rooms. He stopped the interview as he was feeling unwell and resolved to resume the next day. Sadly he deteriorated quickly and passed away without talking again about another reported exposure in 1974 whilst working for Philips Electronics (UK) Limited. He'd informed HASAG that he was present when demolition took place at an old factory in Cambridge, again to install new computer rooms. Detail, however, was scant.

Peter was able to piece together more evidence from a work colleague and from what James told his wife and from what was written on the HASAG application forms for IIDB. Details about how and where he could have been exposed to asbestos were frustratingly absent.

Despite this, Peter obtained the support of leading Counsel Harry Steinberg KC and issued proceedings in the High Court against both former employers.

The Science and Research Council subsequently located detailed plans of the refurbishment works which showed categorically that asbestos was not used. The case proceeded against Phillips alone.

One of the largest claims made in the case was a novel one. James had been managing their extensive investment portfolio himself and garnering high returns. When he died, his wife, Kate had to employ fund managers to do this work - at considerably greater expense. In addition claims were made for loss of pension income and earnings as a non-executive director of his past company.

The Claim was vigorously denied by Philips for amongst other things lack of evidence. Peter pushed hard for disclosure of documents relating to the factory in Cambridge during the case management part of the court procedure which ultimately led to an offer of £360,000 damages plus costs. The case settled before reaching a Judge.

Kate commented:

*'What a result and for me what a relief... I owe you a huge thanks for your diligence and patience with me without which I would have given up a long time ago. It will be my pleasure to report my satisfaction to HASAG. Any grieving family would be lucky to have you fighting their corner.'*



## Peter Williams

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# Payment for immunotherapy obtained within seven days

In September 2021 Andrew Morgan settled a claim for Mr C, who was suffering from mesothelioma, on the basis that he could come back to court for an additional payment if he needed privately-funded medical care, including immunotherapy.



Mr C was doing well on conventional treatment until 31 July 2024 when Andrew received a letter from Mr C's treating oncologist who said that Mr C's mesothelioma had advanced and that there were other complications and that privately-funded dual-agent immunotherapy was now recommended.

Andrew wrote to the client the same day, by email, to say he would be able to make a claim for further compensation.

By this time the oncologist had said that treatment should start on 7 August and that a payment of £20,000 was needed in advance or else treatment would be delayed.

Andrew immediately wrote to the insurers

who had settled the original claim and explained the urgency of the case, saying that £20,000 was needed within 7 days otherwise Mr C's treatment would not start on time.

The insurers replied saying they would abide by the original settlement agreement. They made arrangements to pay £20,000 direct to the healthcare provider to avoid delay. They agreed to continue making those payment direct to the healthcare provider for as long as required.

Agreement to fund the immunotherapy was reached within 24 hours and the insurers paid the funds to the healthcare provider within 7 days as a result of

Andrew's intervention, so that Mr C's treatment could start on time, fully funded by insurers, without Mr C having to make any payment on account from his own funds.

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## Andrew Morgan

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# Compensation for asbestos salesman

Dushal Mehta achieved a £185,000 settlement on behalf of man who was diagnosed with mesothelioma after working with asbestos products.



Michael started working as a sales representative for Lanofilm Ltd in 1970 and travelled around Northwest England selling products for a range of uses including in lift shafts, aeroplanes, ventilation systems, and fire escapes. He carried samples of the asbestos products in his car and visited the factory where they were made to pick up supplies every two weeks or so.

He was diagnosed with mesothelioma in January 2022 after experiencing sharp pain in his right side. A scan revealed he had fluid on his lungs, and he had surgery to have his right pleura removed.

Throughout his time at Lanofilm he regularly inhaled asbestos fibres from the samples he handled, in the office when he interacted with workers and on visits to the factory floor. The products were manufactured from

large sheets of marinite, which contains asbestos.

Michael instructed Dushal to investigate a claim for him following his diagnosis.

Michael remembered the factory where the items were cut being "absolutely covered with white dust" and his car and hands having asbestos dust on them after a day showing samples. Michael spent hours in the factory office every week and would be in regular close contact with workers that cut the asbestos sheets, who had the dust all over their clothing and on their skin and hair.

Michael left the company in 1973 and did not work with asbestos products again. Dushal brought a claim against Lanofilm Ltd for its failure to protect Michael at work. The company would have known the dangers of working with asbestos and did not put any

measures in place to prevent Michael and other employees from inhaling the harmful dust.

Michael's symptoms of mesothelioma started in December 2021 and after experiencing a pain in his right side for three to four days, he went to his doctor. A CT scan and x-ray showed there was fluid on his lungs.

Prior to his illness Michael was an independent, social father of two who enjoyed travelling. He was left extremely weak and fatigued by the surgery and several rounds of chemotherapy and his daughter moved back home after finishing university to care for him. He had travelled to South Africa to take care of his affairs. He was able to travel business class and the costs recovered because of his illness. He was also able to make substantial alterations to his penthouse flat he lived in because it was not suitable to his needs. Dushal secured an early admission of liability and with the money provided as an interim payment he was able to make adaptations to his bathroom to turn it into a wet room and other more general changes around his property. Dushal obtained a helpful care report which addressed his future care needs but also the changes he would require in the home and the likely costs. Michael was able to make these changes during his life to make it more comfortable for him during his illness.

Sadly Michael died in March 2024.



## Dushal Mehta

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# Additional damages for client suffering second asbestos disease

Mr D originally brought a claim in 1993 against his former employer Thermac Insulation Ltd for compensation, after he developed pleural plaques.

Mr D began working for the company in the 1960s as an apprentice insulation engineer or 'lagger'. He would pour raw asbestos fibres from large brown bags into drums, which threw up huge clouds of dust covering him head to toe in white dust 'like a snowman'.

He would then mix this with water by hand to form a paste which he would then deposit into buckets of 'Maggie' used to insulate pipes and boilers. Once he was a qualified lagger, he too would apply the Maggie to the pipes and boilers. He did this full time until he left the company in 1966.

Mr D had attended a chest clinic since 1985 for annual monitoring of his lungs. A chest X-ray flagged abnormalities and a CT scan confirmed he had pleural plaques - areas of thickened tissue that develop on the pleura and are exclusively caused by asbestos exposure.

Mr D was devastated to learn of his diagnosis, not least since he had witnessed colleagues die of asbestos related diseases. He contacted Fieldfisher and initially settled his claim in 1992.

Fieldfisher lodged Court proceedings which secured his right to return for further compensation should he ever go on to develop another asbestos related disease listed in the Court Order. Another CT scan in 2022 unfortunately diagnosed Mr D with pleural thickening of the left lung.

Natalie Amara instructed respiratory Consultant Dr Andrew Leonard to review Mr D's medical records and produce a report to the Court detailing the chances of the disease progressing into mesothelioma or other asbestos disease. A 10% chance of Mr D developing pleural thickening in the right lung in future was noted. Natalie then traced the relevant insurer and put them on notice of Mr Ds diagnosis and intention to claim for further compensation in line with the 1993 Court Order. She then transferred the proceedings to the asbestos list in the High Court.

The insurer made a reasonable offer of compensation, which Natalie increased by arguing that Mr D would not be able to return for further compensation again



if the pleural thickening did affect the right lung since the original Court Order stipulated there was only one claim allowable per condition.

The insurers increased their offer which Mr D gladly accepted. Natalie will now ensure that Mr D again protects his right to return to the High court for a further award of compensation should he develop mesothelioma, asbestos lung cancer or asbestosis.

Mr D said *"Thanks again for working tirelessly on my behalf and achieving the result that you did."*

## Natalie Amara

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# Positive judgment for mesothelioma patients facing claims against defunct employers

Shaheen Mosquera and Counsel John-Paul Swoboda won judgement on behalf of Shaheen's client Michael Keegan that he can claim the shortfall in his mesothelioma settlement directly from the insurer of his defunct former employer.

Mr Keegan was exposed to asbestos performing general maintenance work for Jas C Flaxman & Sons Ltd at various Marks & Spencer stores from 1972 until around 1984. By the time Mr Keegan was diagnosed with mesothelioma, the company was no longer operating.

Mr Keegan, 73, began to suffer with symptoms of mesothelioma early in 2021. On the advice of his oncologist, Mr Keegan decided to undergo dual agent immunotherapy, an expensive treatment that, at the time, was only available privately. Mr Keegan therefore spent a large portion of his life's savings on the private treatment while his claim was ongoing.

Since Jas C Flaxman was no longer a registered company, Shaheen previously would have had to restore it to the Companies House register, a process that generally takes around six months. But to speed up Mr Keegan's settlement, the legal team prepared the claim under the Third Party (Rights Against Insurers) Act 2010 against the two former insurers of the company (IICL and Zurich).



Shortly prior to trial, settlement was agreed with Zurich for £650,000 plus an indemnity for future treatment costs, but this left a £200,000 shortfall on the full value of Mr Keegan's claim.

In a judgement handed down recently, Justice Yip found that actionable damage occurred when Mr Keegan was appreciably worse off which was after the 2010 Act came into force on 1 August 2016. Justice Yip also entered judgment against IICL in the sum of £854,076.23, the amount claimed in the Schedule of Loss. Court proceedings were issued against the FSCS to recover the shortfall of Mr Keegan's damages and costs. Initially, they denied that they were liable for Mr Keegan's damages but then agreed to pay the shortfall of Mr Keegan's damages but deny that they are liable for costs and therefore the case is still ongoing.

The legal team believes this is the first time that the application of the 2010 Act has been considered in the context of a mesothelioma claim and is therefore an important decision. It provides greater clarity regarding the interpretation and applicability of the 2010 Act and going forward should give clients greater confidence to issue against even insolvent insurers, rather than having to go through the lengthy process of restoring a company to the register.

Following judgment, Mr Keegan said:

*'What a wonderful outcome to such a stressful time in our lives! Having been*



*introduced to Fieldfisher through HASAG, Sylvia, my wife of 48 years, and I have been looked after every step of the way by Shaheen and her team. It wasn't easy but it has been made easier with home visits, video calls and telephone calls, conversations, instructions and information received in the post.*

*'The case proved difficult at times, with sometimes good news followed by some disappointing bits of information or delay which led to a court hearing. John-Paul, our barrister, immediately put us at ease, although with a bit of worry, with his understandable instruction and explanation of the pending proceedings. The case was due at the Royal Courts of Justice on the hottest day of the year but Sylvia and I were spared the problems of attending in person by attending via a video link, with the court. We watched in awe as the proceedings took place and saw the superb work that John-Paul and Shaheen presented to Mrs Justice Yip.*

*'What a result, with the final verdict! We are obviously as pleased as punch with the settlement and the judgment but even more so that the work on this case could or will pave the way for future cases being settled far quicker and easier, for those inflicted with this dreadful disease.*

*'Thank You Shaheen and John-Paul.'*

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**Shaheen Mosquera**

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# Six-figure settlement despite insurers disputing claim on every allegation

Bridget Collier secured both an acknowledgement of negligence for exposure to asbestos and six-figure compensation to provide Kenneth Jonas with financial security and the chance to hire carers to deal with his asbestosis.



The insurers of F A Griggs & Son, his employer in the 1960s, disputed his claim on every allegation despite such significant exposure their own medical expert acknowledged the levels had caused his asbestosis.

For 10 years, Kenneth worked in industrial outbuildings on farms and cut corrugated asbestos sheets known as 'big six' and asbestolux board for firedoors, exposing him to asbestos dust. He also worked around others using asbestos.

The company was no longer trading, but Fieldfisher has significant experience of tracing company insurance to pursue a claim. Bridget guided Kenneth through the process, obtaining expert evidence about his care needs to deal with his breathlessness and included the costs in the valuation of the claim.

Bridget said:

*'I am pleased that there has been a resolution for Kenneth by an out of Court settlement despite the insurers resisting the claim throughout. They tried to suggest that the claim had been brought too late, however whilst the hospital had requested many x-rays and scans it was only after our medical expert in the case looked at those records that the diagnosis of asbestosis was made. I was happy to investigate the claim and delighted with the result.'*

## Bridget Collier

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# Mesothelioma settlement for the benefit of widow and teenage children

Peter Williams settled a claim on behalf of Mr D who was exposed to asbestos working at Joseph L Thompson & Sons Ltd, a large timber merchant in Sunderland in the 1960s and 70s. Mr D was diagnosed with mesothelioma in early 2020 aged 72 and sadly died from the disease in 2021.



Mr D, who left school at 15, began working as an apprentice for Thompsons in 1963 primarily at their saw mill and joiners shop where timber was brought up from the local docks, made into planks and other products and sold in the yard.

Mr D particularly remembered being asked to repair damaged asbestos corrugated roof sheeting, with only rope around him to protect him from falling, and cutting asbestos sheeting to fit into fire doors using a large circular table saw, surrounded by plumes of dust that landed on his face, clothes and hair. He would often spend entire days every couple of months working only on cutting up asbestos sheets, with no mask or ventilation and no warning about the danger.

Mr D eventually left the company in 1971 and went onto to pursue another career for

30 years. He retired in 2007 and became a 'househusband' which enabled his partner to work as a full-time solicitor.

Mr D would perform all the household tasks – cleaning, laundry, shopping – as well as gardening and DIY. He also ensured his son and daughter got the most from their out of school activities, including training and taking part in swimming competitions.

Peter successfully concluded the case which provided a six-figure settlement to enable his widow to work part-time and look after the children.

Mr D's widow described Mr D as 'one of a kind', irreplaceable and dreadfully missed. He spent all of his time selflessly ensuring that we were cared for and that we never had anything to worry about.

Mrs D said:

*'I was extremely lucky that the first place I called for legal support was Fieldfisher and even luckier that Peter actually answered the phone! He and his team dealt with the case pro-actively and conscientiously throughout. He is experienced in this area of law and knows how to handle matters. Not only that, he is a thoroughly decent and kind person who understood the awful situation I suddenly found myself in. I was very fortunate to come across him.'*

## Peter Williams

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# Six-figure settlement for family of mesothelioma patient suffering psychosis

Dushal Mehta was instructed by Leanne\*, the executrix of her father's Estate. Peter\* suffered peritoneal mesothelioma as a result of his asbestos exposure in 1965 working for Cape Distribution Ltd. Damages of £150,000 were achieved for the Estate.

Dushal Mehta was instructed by Leanne\*, the executrix of her father's Estate. Peter\* suffered peritoneal mesothelioma as a result of his asbestos exposure in 1965 working for Cape Distribution Ltd. Damages of £150,000 were achieved for the Estate.

Peter worked in the premix department at Cape and in the fibre and board cutting departments. Working in the premix department involved loading large bags of asbestos and cement onto pallets, which often opened and released asbestos dust and fibres into the air, which Peter inhaled. He was also required to cut asbestos boards which released asbestos dust and fibres into the air.

Ultimately, the environment Peter worked in meant he was regularly exposed to large quantities of asbestos dust and fibres, which he frequently found embedded in his clothes. He did not receive any protective clothing nor any pre-warning of the dangers of asbestos. Peter described the asbestos in his work environment as 'you could see it floating around in the factory atmosphere. It just became part of our

day to day life.'

The Defendant contested the deceased's claim, asking for proof of the injury that Peter suffered and the damage caused. Dushal pursued the evidence needed to settle the claim quickly due to Peter's rapid deterioration over 6-7 months, impacting his physical and mental health.

As a result of the mesothelioma spreading to his brain, Peter suffered psychosis which transpired into a delusional schizophrenia-like disorder, described by experts as *'it is hard to believe that there could be a more serious case in terms of symptoms of mesothelioma than the present case.'*

This was a particularly rare and unusual case due to Peter's mental deterioration which meant he needed constant care from his family, which was very difficult and distressing for them.

Expert medical evidence showed that the asbestos was a material contributor to Peter's death and likely shortened his life by nearly 10 years. Sadly, Peter died during the early stages of the claim.



The case was made more complicated because Peter's partner had to be considered part of the settlement since she was entitled to a bereavement award. She lacked capacity due to Alzheimer's and Peter had been her main carer until his own illness progressed. Dushal ensured that she had a deputyship order through the London Borough of Hillingdon and that she was awarded an appropriate sum in damages for the loss of care and support Peter would have provided.

Following settlement, the family said:

*'Thank you for your help over this time we are grateful to you for all you have done to support us through this.'*

\* names changed

## Dushal Mehta

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# £950,000 for family of former rail worker who died of mesothelioma

Mr D, born in 1945, worked for British Rail from 1960 until the early '70s, having secured an Electrical Engineering apprenticeship with the help of his uncle.



Mr D was based in Doncaster station. To gain experience, he would transfer between departments, one of which was the assembly plant where the locomotives were built.

Mr D recalled being present when his colleagues sprayed the front and rear bulkheads of the locomotives and the driver's cabins with blue asbestos, which he described as having a texture like candyfloss. Once sprayed, Mr D would be tasked with fitting and wiring the control panels, which inevitably meant breaking through dried sprayed asbestos to push wires into place.

Mr D was the primary carer of his wife who suffered with Muscular Dystrophy and was profoundly disabled. She was bed-bound and used a ventilator at night. Mr D had an adapted vehicle to take her to the seafront and to her various medical appointments. Mrs D also relied on her husband to do the cooking and take care of the house.

Mr D began to experience breathlessness and went to his GP. After undergoing various tests, he was diagnosed with mesothelioma.

Mr D contacted Andrew Morgan who visited him at home. Andrew quickly secured an admission of liability and an interim payment of £50,000.

Mr D underwent major surgery to remove the part of his lung that was the most affected. He also endured seven cycles of chemotherapy, the side effects of which left him hospitalised and in need of blood transfusion on more than one occasion. Their daughter moved back into the family home to provide care and in his last weeks, Mr D had a Marie Curie Nurse to care for him during the night. Sadly, Mr D died at home in October 2017.

Andrew spent a great deal of time carefully valuing the tricky care element of the claim, which was worth a substantial proportion of the claim, as Mrs D had lost not only her husband but also her main carer. Any settlement needed to take account Mrs D's future care needs, which would include the cost of a residential carer plus day carers for the rest of Mrs D's life, or else the cost of

moving to a nursing care home.

Andrew's initial valuation of the claim stood at just over £1m which was supported by evidence from expert witnesses. Andrew's valuation accounted for the fact that Mrs D's condition was deteriorating and would continue to do so.

Since her husband's death, Mrs D had spent a considerable amount of her own savings to pay for private carers. Andrew therefore secured a further five interim payments of £50,000 each to ensure she had the vital funds needed to continue paying for her care needs.

The Defendant argued that as Mr D was elderly, having died in his early 70's, the level of care he would have provided his wife, had he not contracted mesothelioma, would have decreased as he became more frail and that he would have had to have appointed carers at some point in any case.

Eventually, after intense negotiations and days before issuing court proceedings, Andrew settled the claim for £950,000. This compensates Mrs D for the loss of her husband's pension income and for his support in the past and also funds her care for the rest of her life.

## Andrew Morgan

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# Midland Rollmakers U-turn in asbestos claim to agree compensation

Bridget Collier recently settled a claim against Midland Rollmakers, where previous solicitors failed to find evidence of exposure to asbestos. Their false assumption was that two employers had used asbestos in the process of turning metal, but they could not find the evidence to prove it.

Bridget took over the case and turned it around after she spoke at length with the client, watched videos shot in the workplace and spoke extensively to her client's colleagues.

Midland Rollmakers had a huge machine workshop and foundry containing sizeable machinery used to produce metal rolls of around 20 tonne in weight, for use in the steel trade. Around the walls of the building there were numerous pipes for the heating system and foundry which were lagged with asbestos.

The lagging was subject to damage and required regular maintenance. Although Bridget's client had worked on machinery in a separate bay, Bridget discovered evidence that maintenance on the pipes created large amounts of dust. The company did not provide protection for their employees who were duly exposed as they went about their daily work.

Bridget then re-defined the case and returned to the insurers who had previously denied liability. The additional witness evidence was helpful. Consequently, at

the point of proceedings being issued, the insurers performed a U-turn and accepted that it was the company's negligence that did indeed cause her client to develop mesothelioma.

The case subsequently settled for a 6-figure sum and in addition, the insurers agreed to pay for recommended treatment that may not be available through the NHS.

Bridget said:

*"It was satisfying to succeed in this difficult case that initially did not look positive. Once I had asked about the pipes within the building, it was the information from the witnesses tracked down by my client that was crucial in turning this case around.*

*"Initial solicitors potentially damaged the chance of success, by disclosing evidence to the Defendants that assumed a white powder coating the metal was asbestos. Fortunately, I was able to overcome this. Without specialist knowledge of industry, these claims are very difficult. I am delighted in the result for my client."*



The client said:

*"I have had the privilege of knowing Bridget for a couple of years now through recommendation and during this time I have had the opportunity to witness her outstanding qualities, integrity and exceptional character.*

*"During the time Bridget's worked on my case I've witnessed her remarkable traits through her dedication and determination and have been very impressed by her professionalism and strong work ethic demonstrating competence in her field of work."*

## Bridget Collier

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# Evidence from HASAG assists with settlement of fatal mesothelioma claim for electrician

Shaheen Mosquera secured a settlement on behalf of the family of Alan who died from mesothelioma after being exposed to asbestos during his employment with Wes Electrical Services Limited (formarly known as D Alldridge & Sons Limited and Wincanton Electrical Services Limited), where he worked as an electrician in Hampshire between 1964 and 1992.



This case was particularly difficult since the deceased had not been able to provide evidence. The exposure information was limited and there was not much evidence other than a short description in the 'Industrial Injuries Disablement Benefit' application to support the claim. There were also entries in medical records identifying jobs where Alan believed he was exposed.

Shaheen obtained a statement from Lisa Booth of HASAG. Lisa's evidence was as follows:

*"Mr Lacey was referred to HASAG by his lung cancer nurse specialist and we arranged a home visit to advise him regarding his eligibility to benefits because of his diagnosis of mesothelioma.*

*I went through Mr Lacey's employment history.... He said he was exposed to asbestos when he worked as a qualified electrician for D Alldridge and Sons which then became Wincanton Electrical Services and they were based in Hampshire.*

*Mr Lacey was absolutely aware that he had been exposed to asbestos and in particular that he had worked adjacent to laggers when they were stripping and applying asbestos in boiler houses. Mr Lacey made it clear to me that he was not mixing or applying asbestos lagging. He said that his work was always*

*dirty and dusty and his employers did not provide him with any protection from the dust."*

Alan's health deteriorated quite rapidly following his diagnosis of mesothelioma and he required assistance with his shopping, errands and getting dressed. He also experienced lots of pain.

He began to struggle with his breathing, his care requirements increased, and his mobility was largely curtailed by his symptoms. He was later transferred to Mountbatten Hospice for palliative care, until he died at the age of 77.

Shaheen was able to bring a successful claim years after the exposure to show on Alan's family's behalf that his exposure to asbestos while working for the company had ultimately led to his fatal contraction of mesothelioma. If Alan had not succumbed to mesothelioma, he was expected to have lived for a further 7.7 years.

Damages were recovered for Alan's pain, suffering and loss of amenity, gratuitous care provided by his sister and £3,150 for the Mountbatten Hospice.

The client said:

*'I would like to thank solicitor Shaheen Mosquera in securing a*

*settlement for Alan Lacey's family. The case wasn't straightforward, the evidence limited and the outcome uncertain. Shaheen's perserverance, dedication and professionalism proved pivotal in securing compensation that I was happy to accept.*

*I would not hesitate in recommending Shaheen Mosquera as a solicitor to represent other asbestos victims.'*

**Shaheen Mosquera**

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# Emergency support for mesothelioma client and wife in conjunction with HASAG

Dushal Mehta achieved an admission of liability and interim payment for his client David who had been diagnosed with mesothelioma and was badly affected by it.

Dushal met David and his wife Susan at their home. Susan suffers with MS and until his diagnosis, David had been her primary carer. Susan relied on David for all aspects of her care.

It was clear at the meeting and from discussions with HASAG that the family needed urgent help and support. Susan had carers coming in a few times in the day but that was not enough and, in addition David now had his own care needs and was by now extremely frail and weak. Dushal was concerned over the couple's safety and felt they were extremely vulnerable.

With HASAG's support, Dushal contacted the social care team to ensure that David had some emergency care and support put in place. The concerns raised from his visit were addressed by the social worker involved with the family.

Dushal was also able to quickly obtain agreement from the defendant in the case to pay an interim payment.

David's witness statement about his exposure to asbestos as an employee was finalised quickly and with the help and support of other lawyers on the HASAG panel who had run claims against this same defendant in the past, Dushal could identify the right contact and obtain an admission and agreement to an interim payment.

Very sadly, on the same day that the agreement was received, we were advised that David had passed. However, the claim will now support Susan and provide the care she needs in the future, be it at home or in a care home.



This case highlights that successful collaboration with HASAG and the panel lawyers can move mountains to achieve early admissions of liability to support clients who desperately need help and support following a mesothelioma diagnosis.

## Dushal Mehta

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# Six-figure settlement for London refuse collector diagnosed with mesothelioma

Natalie was instructed by David\* who was diagnosed with biphasic mesothelioma in August 2023 following months of intense breast pain and swelling.



In the mid-1960s, David worked for Ealing Council, initially working as a refuse collector for the first two years. David would hang off the back of an HGV lorry as it crawled down each street and he would empty residents' dustbins into the back of the lorry. The contents would be crushed by the lorry's internal crusher mechanism which would give off a cloud of dust. On occasion, David would accept a cup of tea or a small sum of cash to collect larger items of waste such as old plaster board, timber and other DIY waste. David then obtained his HGV license and moved across to the specials rounds – a pre-booked service collecting larger items of waste such as old mattresses and unwanted furniture. David would go to the Council's office each morning and collect a list of addresses that had booked a waste collection. David recalled collecting old corrugated asbestos roofing sheets amongst the other waste to be disposed of. If the corrugated sheets were still intact, he would break them apart either by stamping on them or using a shovel. He would then pick them up and chuck them into a wheelbarrow and then empty this

into the back of his red TK Bedford HGV lorry.

He estimated collecting these piles of corrugated asbestos sheets at least once every few weeks. David would then drive down to the Council Tip in Greenford and empty the waste into the tip. He would often need to use a long-handled broom to drag any missed pieces of waste out the back of the lorry and then chuck these onto the tip below. David did this work from about 1968 until he left the Council in 1980.

David's neighbour contacted Natalie following news of his diagnosis as David was at a loss of what to do next. Natalie arranged to see David at home with Peter Williams and took a detailed statement from David. She quickly traced the Council's employment liability insurers and sent them a detailed letter of claim setting out the allegations. The Council were swift to deny that they were liable for David's illness, stating that any exposure to asbestos that he sustained would have been 'de-minimis' i.e. too trivial to be taken into consideration. Natalie commissioned supportive expert evidence and then

issued Court Proceedings against the Council. A date was set for a first Court Hearing when the Council made an out of Court settlement offer which David accepted.

The client said:

*'Natalie and Peter have been nothing more than professional, courteous, made all paperwork and conversations at a level that we could both understand and this made the whole experience so much easier to understand and to digest what will happen.'*

*We cannot express how grateful we are that this has come to a satisfactory conclusion and to say that this would not have happened without your legal expertise.'*

## Natalie Amara

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# Pinning liability on the reluctant insurer

Andrew Morgan secured damages of £250,000 for his client Mr W who was diagnosed with mesothelioma after being exposed to asbestos while fitting air conditioning units at hospitals in London decades earlier.



Mr W, who is now in his seventies, grew up in south London and was employed by Willard Works Limited out of their premises in the shadow of Battersea Power Station between 1968 until 1972. For a period of about five years, he worked at Northwick Park Hospital and then St Thomas' Hospital fitting the ductwork in air conditioning units using asbestos rope for sealing.

He worked alongside carpenters who were sawing asbestos sheets. The asbestos dust floated about in the air and irritated him and his colleagues as they breathed it in. At St Thomas's Hospital he saw asbestos insulation being mixed up in a bucket and applied to bandage-like lagging to give it a smooth finish. The rooms where this work was done were large but often underground and poorly ventilated, so it was impossible not to inhale the asbestos dust in the air.

Mr W was not given any warnings about the dangers of working with asbestos. He was never given any personal protective equipment, such as gloves or a mask.

On a recent holiday in Turkey Mr W became breathless every time he had to climb the stairs to reach his apartment. He went to see his GP when he got home and was given antibiotics, which failed to resolve the issue. He was referred to hospital where an X-ray

showed a shadow on his lung which required investigation.

Shortly after he had a biopsy taken and was told that he was suffering from the asbestos disease of mesothelioma. He began a course of immunotherapy on the NHS.

Mr W contacted HASAG for advice and after being given details of various solicitors, he instructed Andrew Morgan.

Andrew obtained Mr W's extensive HMRC employment history schedule. He cross-referenced this against Mr W's statement and narrowed down possible defendants to two employers where there was clear evidence of some asbestos exposure.

Mr W was exposed to asbestos when working for one employer in the Houses of Parliament, but they were able to show that they had taken some steps to protect their employees, and the period of exposure was so short as to be insignificant when compared with the exposure at Willard Works.

The insurers for Willard Works initially denied any responsibility for the company, saying the name on their records did not match the name on the HMRC Schedule. The company itself was dissolved, so Andrew had to undertake detailed investigations to identify the company beyond doubt. He investigated telephone

directories and trade directories from the late 1960 and early 1970s. When they were given this evidence, the insurer continued to deny liability because of a small difference between the trading name of the business in the Yellow Pages and the registered name of the incorporated limited company.

At this point Andrew threatened to bring a claim directly against the insurer itself under the Third Party (Rights Against Insurers) Act. In such a claim the insurer is obliged to provide copies of any internal documents that it holds that are relevant. In the face of this, the insurer admitted responsibility for the company and the case then settled quickly for £250,000.

Mr W was already receiving immunotherapy on the NHS, but he was concerned that NHS funding might be withdrawn in the future, or that he might be offered other treatment for which NHS funding is not available. Andrew therefore settled the claim on the basis that Mr W could come back to the other side for a further payment for future private medical care costs for his mesothelioma if needed.

## Andrew Morgan

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# Mesothelioma hospice 'so grateful' for repayment of care costs following settlement

Staff at the hospice that cared for Shaheen Mosquera's client Roy Aston said they were 'so grateful' for the nearly £15,000 presented by cheque recently by Roy's widow, Patricia Aston.



Mrs Aston and their three children visited the Weldmar hospice in Dorchester nearly a year after Roy's death to present staff with the funds recovered as part of a settlement against his former employer.

Mr Aston died from mesothelioma last October aged 81 after he was diagnosed with the asbestos-related cancer nine months earlier. Roy was exposed to the fatal dust during his 40-year career as a builder and carpenter working around Dorset. He was diagnosed with mesothelioma on Christmas Eve, 2019, at

Dorset County Hospital.

The Astons instructed Shaheen to investigate a claim against Roy's former employers, W.F. Dickinsons (Dorset) Ltd and Roger Burrage & Co Ltd. Shaheen was able to settle the claim for nearly £160,000, which included the Weldmar's costs.

Patricia Aston told the Dorset Echo, which covered the story:

*'The nurses and staff at Weldmar gave such good care to Roy and it's so nice to be able to give*

*something back, especially as they don't receive that much money and haven't been able to do their fundraising during the pandemic.*

*'What happened to Roy was so awful. It was terrible watching him waste away with such a horrible disease but I am so glad he pushed me to make the negligence claim.'*

*Matt Smith, director of fundraising and marketing at Weldmar, said: 'We are so grateful to Patricia for giving this money to us. We lost 80 per cent of our income when the pandemic hit and this money will go straight to providing care to our other service users.'*

Shaheen said that she was very pleased to be able to help Patricia present the money to the hospice.

*'Reclaiming hospice costs is something we started here at Fieldfisher and we now reclaim them in all our cases.'*



## Shaheen Mosquera

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# Compensation for the family of a carpenter exposed to asbestos at the Royal Court Theatre

Mr Olsen was employed as a carpenter with the English Stage Company, working at the Royal Court Theatre in London's Sloane Square, having spent many years previously at sea working for the Merchant Navy in the 1960s.



Mr Olsen started out at the Royal Court Theatre, having got the job through a relative, who was a master carpenter. Mr Olsen detailed how he would work tirelessly through the weekend as one show ended, pulling down and rebuilding sets every six weeks or so, when a new show was due to start and for various festivals held at the Theatre.

The sets were built by external carpenters and Mr Olsen and his colleagues would have just 48 hours to build the new set ready for Monday morning rehearsals. He detailed having to work up in the ceiling 'on the grid' which was a system of gantries and pulleys that were used to gain access above the stage in order to install the scenery or to secure the black borders which framed the stage. This meant Mr Olsen was in very close proximity to the pipes above the stage which, like many pipes at the time, had been coated in old asbestos lagging to help retain their heat. At other times, Mr Olsen would cut asbestos insulating boards which were used for building maintenance work. Mr Olsen also recalled how the Theatre's safety curtain, which was dubbed 'the iron cloth' was made of asbestos fibre.

Mr Olsen worked here from the late 1960's until about 1975, by which time the true dangers of asbestos were well-known. His employer, like many others, did not warn him of the dangers of asbestos, nor was he provided with a mask or any other protective equipment.

Mr Olsen was being treated for an auto-immune disease in 2019 when he mentioned to his Consultant that he had been experiencing some breathlessness. He was immediately sent for a chest X-ray, the results of which showed that Mr Olsen had fluid in his lungs. He was sent for a biopsy a short while later and was diagnosed with mesothelioma, a rare cancer caused by exposure to asbestos. Sadly, despite undergoing treatment, his disease progressed remorselessly and Mr Olsen died in January 2020.

Andrew Morgan was instructed during Mr Olsen's lifetime, shortly after diagnosis. The Claim appeared to be relatively straightforward on the facts however, the English Stage Company were unable to provide details of any employer's liability insurance policy that was in place at the time. During the years Mr Olsen worked for the English Stage Company, Employers Liability Insurance became compulsory. Despite this, searches for insurance cover with the Defendant and with ELTO proved fruitless. Andrew discussed the problem with specialist insurance archaeologists and brokers and the case was picked up by the Daily Telegraph, to no avail.

Although there was no insurance cover, Andrew was unable to consider a claim under the Diffuse Mesothelioma Compensation Scheme, because the English Stage Company was still trading. Because the theatre was closed during the early stages of the Covid pandemic, there was no guarantee that the

Defendant would remain in existence or have sufficient funds of their own to meet the claim. But with Andrew's persistence and with the threat of Court Proceedings looming over them, the English Stage Company eventually admitted they were liable for Mr Olsen's condition and agreed to compensate him out of their own funds.

Andrew was able to secure an interim payment for Mr Olsen's estate whilst he calculated the value of the claim, which including a claim for services lost to the family, such as DIY and decorating, which Mr Olsen often did. There was a substantial claim for the cost of childcare too because before his illness, Mr Olsen and his wife would care for their grandchildren three days a week, allowing their daughter to work part-time as a Deputy Headteacher.

Andrew managed to negotiate a six figure settlement on behalf of Mr Olsen's estate, having rejected the Defendant's first offer. The case settled days before court proceedings were due to be issued. Sonia Olsen said:

*'Thank you Andrew - The job you all do for victims of asbestos poisoning is amazing. We're so lucky to have had you helping us.'*

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**Andrew Morgan**

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# Mesothelioma settlement for labourer's widow years after asbestos exposure

Shaheen Mosquera secured a settlement on behalf of the family of Alan\* a labourer who died from mesothelioma after being exposed to asbestos at the Richborough Power Station in the 1960s.



Alan worked for Cork Insulation & Asbestos Company Limited and was responsible for loading the dumper truck with asbestos materials and delivered them to different areas around the power station in Kent.

He was not provided with a mask or any protective equipment and regularly handled asbestos materials that had been damaged and disturbed.

There were also pipes with preformed sectional lagging at the power station which were cut then fitted around the pipes. The asbestos materials were being cut to size with handsaws and other labourers were dry sweeping areas around the power station, creating a dusty environment.

Alan's health began to deteriorate following his diagnosis of mesothelioma and he required assistance with all his daily tasks, lost significant weight and experienced pain and breathlessness. He died at the age of 81.

Shaheen encountered some difficulties in this claim including the fact that Alan had been diagnosed with Alzheimer's disease

and dementia in 2017, which reduced his life expectancy and exacerbated his mesothelioma symptoms.

Initially the defendant rejected Alan's evidence, claiming that his reduced memory from dementia meant his recollection of his time at the power station was not accurate. However, following an expert medical report that confirmed dementia tends to affect short-term memory rather than long-term memory, they accepted his statement.

An inquest was held and the Coroner determined the cause of death as mesothelioma (an industrial disease) because of asbestos exposure. While his comorbidities were mentioned in the coroner's report, they were not considered a cause of death.

Shaheen was able to bring a successful claim years after the exposure to show on Alan's behalf that his exposure to asbestos while working for the company had ultimately led to his fatal contraction of mesothelioma.

Shaheen was able to recover significant

damages due to the severity of Alan's symptoms following his diagnosis. Towards the end of his life, his wife provided care. This was pleaded by Shaheen to obtain a successful gratuitous care award, as well as awards for loss of dependency, hospice costs and funeral costs.

Following settlement, Alan's widow said:

*'I am very grateful for Shaheen Mosquera of Fieldfisher for dealing with my husband's case and the problems she dealt with. I thank Shaheen for her professionalism and expertise which led to a successful outcome. I would recommend Shaheen Mosquera.'*

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**Shaheen Mosquera**

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# Short stories



## Patricia

Back in September 2020, Shaheen Mosquera achieved a six-figure settlement for her client Patricia Diss, who was exposed to asbestos when working as a complaints manager for Barnet Hospital.

Patricia was diagnosed with mesothelioma in 2018 following months of unexplained breathlessness and weight loss. After enduring five cycles of chemotherapy, which caused her to suffer terrible side effects, she was told that the mesothelioma had progressed. Professor Szlosarek, Professor of Medical Oncology, recommended Patricia began immunotherapy treatment, and this commenced in January 2020. Immunotherapy was not an NHS approved first-line treatment for mesothelioma until July 2022 which meant that, back in 2020, Patricia had to self-fund her treatment which cost her tens of thousands of pounds.

As part of the settlement agreement, Shaheen ensured that the Defendant would agree to fund the cost of Patricia's future private immunotherapy treatment for the rest of her life in addition to recovering the full cost of the immunotherapy treatment Patricia had paid for already.

This goes to show how vitally important it is to secure an indemnity for the funding of any and all ongoing reasonable future mesothelioma treatment. In April 2020, just months before the claim was due to go to trial, Patricia was given a prognosis of 6-18 months, and she has outlived her prognosis.

Whilst this is now available on the NHS, patients are limited to two years of NHS-funded treatment, after which they will need to pay for it privately.

To date, the Defendant has paid a staggering £420,000 for the cost of immunotherapy and an additional £25,000 for private radiotherapy treatment. Without this agreement in place, it is unlikely Patricia could have continued with her treatment, which has seen her life extended by over four years.

- Shaheen Mosquera, Partner

## Edward

Edward was employed as a lagger's mate, a lagger and then a foreman by Kitsons Insulation between about 1965 and about 1996. In the early years, he undertook insulation work in a variety of settings including schools, hospitals and privately owned mansions. The principal raw materials that he used to provide insulation all contained asbestos so Edward came into contact with and inhaled asbestos dust and fibres in the course of his employment. He had to carry paper sacks containing raw asbestos. He had to cut open the sacks and he had to mix raw asbestos fibres together with water in a drum before it could be applied to pipework. He swept up asbestos dust and debris.

Throughout this period Kitsons knew or should have known that inhalation of asbestos dust might be dangerous and that they could and should have protected employees such as Edward.

Many years later, in 2020, Edward contracted mesothelioma. He first became unwell in July. His disease progressed

unremittingly so that he died only five months later.

As soon as he was diagnosed Edward contacted HASAG who gave him details of various solicitors. He contacted Andrew Morgan for help.

Kitsons is well known to Fieldfisher. Andrew has made many claims against Kitsons over the years. Edward contacted Andrew during the height of the Covid lockdown. Andrew discussed the case with him and took a statement by video link in November. He got an admission of liability and an interim payment of £50,000 within a month. These sums proved helpful in obtaining private nursing care.

Prior to his illness, Edward had been caring for his wife who had a number of physical and psychiatric difficulties of her own. He was able to manage her condition and provide her with supervision, care and support. As he became ill, and after his sad death, his wife needed intensive levels of care and support from others. She spent many months in a specialist nursing home. Andrew was able to obtain a second interim payment of £50,000 to help pay for this care.

It was clear that Edward's widow lacked mental capacity to give instructions regarding the claim. Her daughter, who was already the Executrix of Edward's estate, instructed Fieldfisher to apply for a Deputyship so as to manage her mother's affairs and so that she could get access to her mother's medical records for the purposes of the claim.

Sadly Edward's widow died about 18 months after Edward himself.

The claim eventually settled for £270,000.

- Andrew Morgan, Partner

## Daniel

Charlotte Thorpe acted for Daniel following his diagnosis of mesothelioma.

He had worked as a tool maker for Ford Motor Company Limited from 1952 until 1992. He started working for Fords as an apprentice and continued with them for the rest of his working life as a tool maker. He spent his time maintaining and repairing machinery within the Fords factory in Dagenham. Daniel was exposed to asbestos in a variety of different ways, such as by

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# Short stories



using asbestos gloves and asbestos aprons. He also recalled asbestos lagging being present around the factory, which was often disturbed and replaced in close proximity to him around the factory. He also made clutch pads and brake linings, which contained asbestos.

He described drilling and working with all sorts of materials at Fords. He also described the factory environment as being very dusty and dirty. At times he could not see his hand in front of his face as the air was so thick with dust. The factory was open plan and the various departments throughout the factory would be working with materials including asbestos, which made it difficult to avoid the dust or inhalation of dust.

Fords did not warn Daniel of the dangers of asbestos exposure nor was he provided with a face mask or any personal protective equipment.

He started to feel breathless and hospital investigations including a biopsy led to his diagnosis of mesothelioma.

Charlotte went to visit Daniel at his home to take a detailed statement from him regarding his work history and exposure to asbestos. Charlotte was then able to prove that Daniel had been negligently exposed to asbestos by Fords and obtained an admission of liability and an interim payment for Daniel. Charlotte also obtained supportive medical evidence for the claim and the medical expert concluded that the work Daniel had done for Fords would have caused his illness.

Unfortunately the insurers for Fords were slow to respond to correspondence, so to ensure that the case was progressed swiftly, Charlotte issued court proceedings against Fords. The case was to go before a judge in February 2024 to decide the amount of damages to be awarded to Daniel. Charlotte

gathered evidence to demonstrate his losses as a result of his diagnosis and reduced life expectancy, but very sadly he passed away just days before trial.

The claim continued on behalf of his Estate and Charlotte was able to settle the claim for the Estate for a six figure sum just several weeks after the trial had been due to take place.

This was a relief for Daniel's family and children, who were grieving and wanted justice for their dad.

**- Charlotte Thorpe, Solicitor**

## Graham

Natalie Amara is representing the Widow of a former employee of the Royal Aircraft Establishment who sadly died of mesothelioma in July 2024.

Graham secured a five-year apprenticeship with the Royal Aircraft Establishment in Farnborough in 1962 following the successful completion of a supervised test and practical examination. He excelled and completed his apprenticeship within three years and was offered a permanent job within the space department.

Graham recalled the clouds of dust that dispersed into the air around him as he machined the asbestos. He was not provided with a mask or gloves at any point by his employer. He left in 1972.

Graham was further exposed to asbestos when working for a small engineering factory in Farnborough. Here he would machine Ferodo which was to be used in brake linings. He recalled the terrible conditions of the factory, with thick layers of dust sitting on the door frames.

Graham, who medically retired in the early 2000s, received his diagnosis following months of chest pain and breathlessness. Because of his pre-existing health conditions, he was highly susceptible to respiratory illnesses and decided to ask his GP for some antibiotics. His GP advised him to immediately attend his local accident and emergency centre for a chest x-ray upon listening to his breathing that day.

Graham was diagnosed with epithelioid mesothelioma in November 2023. He underwent palliative chemotherapy and a pleural drain was fitted to help ease his symptoms but he sadly succumbed to his illness less than a year after receiving his diagnosis.

Natalie was first contacted by HASAG in January 2024. She made arrangements to attend Graham's home and took a detailed statement from him. After establishing that the Royal Aircraft Establishment fell under the remit of the Ministry of Defence and that both former employers were insured at the time of the asbestos exposure, she then wrote to each insurer setting out the allegations and liability investigations commenced. Natalie then instructed renowned respiratory consultant Dr Andrew Leonard to review Graham's evidence and produce a report to the Court.

The Ministry of Defence admitted full liability for Graham's diagnosis just days before his passing. Natalie was able to secure a £50,000 interim payment for Graham's Widow and is on course to settle the claim by the end of the year.

**- Natalie Amara, Solicitor**



# Meet the team

## Peter Williams

0330 460 6805  
[peter.williams@fieldfisher.com](mailto:peter.williams@fieldfisher.com)



**Peter Williams** is head of the group. He has specialised in asbestos-related disease claims for over 20 years and he gives annual talks to solicitors on the issues. Legal directories say: '*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*'.

## Shaheen Mosquera

0330 460 6817  
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**Shaheen Mosquera** is a Partner 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 has recovered millions of pounds in damages for those diagnosed with mesothelioma and other asbestos related diseases.

## Andrew Morgan

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**Andrew Morgan** 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 say: Andrew has '*a strong reputation for his expertise in handling industrial disease work, particularly mesothelioma cases*' and sources describe him as '*true specialist*' and '*a very talented lawyer*'.

## Dushal Mehta

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**Dushal Mehta** specialises in asbestos disease cases, with specific expertise in mesothelioma claims. He is a partner in the Asbestos Disease team. He has developed a reputation for securing settlements in high profile cases. Legal directories say: '*Dushal Mehta is highly experienced in representing claimants suffering from mesothelioma*' and '*he is a dedicated and incredibly hardworking practitioner who knows this area inside out*'

## Brigid Collier

0330 460 6740  
[bridget.collier@fieldfisher.com](mailto:bridget.collier@fieldfisher.com)



**Brigid Collier** heads up our mesothelioma and asbestos claims practice in Manchester. Brigid has over 20 years' experience in conducting asbestos, industrial disease and employer liability claims. She has sat on the exec committee of APIL and the DMPS on the Executive Committee of the Association of Personal Injury Lawyers (APIL) and the Oversight Committee of the Diffuse Mesothelioma Payment Scheme.

## Leah O'Brart

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**Leah O'Brart** is an Associate in the Industrial disease team. She joined Fieldfisher in 2025.

# Meet the team

## Natalie Amara

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**Natalie Amara** joined Fieldfisher's asbestos disease team in 2022. She places great emphasis on client care, ensuring she keeps clients and their loved ones as informed and involved as possible in all stages of their case.

## Abby Bennett

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**Abby Bennett** joined Fieldfisher's asbestos disease team in 2023. She has a particular interest in asbestos related claims. She is passionate about helping others and building strong relationships with clients and their families.

## Zoe Burrage

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**Zoe Burrage** joined Fieldfisher's asbestos disease team in 2025 as a paralegal.



# Our heritage

Our Asbestos Disease Team has a distinguished heritage. This year, we celebrate 40 years since former head of the personal injury team Rodney Nelson Jones took on his first asbestos disease case.

We are pleased to continue to build on the work of the team's pioneers.

## Rodney Nelson Jones

Head of Asbestos Team 1983 - 2012

Rodney was head of the Personal Injury practice at Fieldfisher from 1983. Until his retirement in April 2012, Rodney Nelson-Jones led the Asbestos Disease Team during which period the team recovered over £180 million in 2,350 successful claims.

Rodney dedicated more than 30 years of his career to getting compensation for asbestos victims. He is remembered for his work getting victims and their families the money they deserve. His victories have paved the way for many others to obtain compensation.

In 2002 Rodney received the APIL (Association of Personal Injury Lawyers) Annual Award for Outstanding Achievement, in part for his work on the House of Lords appeals in the mesothelioma cases of *Fairchild*, *Fox* and *Matthews* and in part as recognition of his achievements in personal injury law and literature.

As a result of his efforts in 2010 the Independent on Sunday included Rodney in its Happy List of 100 people who make Britain a better and happier place to live.



## Caroline Pinfold

Partner 1984 - 2018

Caroline joined Fieldfisher at the same time as Rodney and spent much of her legal career in our Asbestos Disease Team, having spent some years at another firm she returned to Fieldfisher at 2013. She is remembered as being '*incredibly hard working*' and '*fighting very hard for her clients*'.

Caroline obtained the High Court judgment confirming it was possible to recover compensation for hospices

(*Drake v Foster Wheeler Ltd*)

Caroline retired in 2018 on a high note, having obtained damages from Cape PLC in a ground-breaking product liability case.



For 40 years we have been leading the way in asbestos litigation. The team continues to build on the work of its pioneers.

# Freephone 0800 358 3848

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