

Harry Steinberg QC and Gemma Scott settle landmark product liability case

Harry Steinberg QC and Gemma Scott were instructed by Caroline Pinfold at Fieldfisher to act on behalf of the widow of Glyn Francis. Mr Francis died from mesothelioma on 29 November 2012 at age 60.

Mr Francis was exposed to asbestos in the course of his employment from 1968 to 1980. He worked as a joiner and regularly cut and handled Asbestolux boards. Initially, it seemed that the claim could not proceed; by the time of his mesothelioma diagnosis, Mr Francis' employer was insolvent and its EL insurer could not be traced. Further, there was no recourse under the Diffuse Mesothelioma Payments Scheme because Mr Francis was diagnosed shortly before it came into force.

A decision was made to issue proceedings against Cape Intermediate Holdings Ltd as (i) the manufacturer and supplier of the Asbestolux boards; and (ii) the Parent Company of a number of Cape subsidiaries that also manufactured and supplied Asbestolux.

Mrs Francis alleged that Cape and its subsidiaries were aware that asbestos could cause mesothelioma from as early as 1957. But that they failed to withdraw Asbestolux from the market and/or advise of the risks associated with its use despite knowing that the boards released harmful quantities of dust when they were cut and handled. Further, that through its membership of the Asbestosis Research Council and the Asbestos Information Committee, Cape sought to promote and defend the use of asbestos products.

Cape settled Mrs Francis's claim for a substantial sum in what is understood to be the first successful asbestos product liability claim in the UK.