

Permission granted by the Court of Appeal in Greenway & Ors v Johnson Matthey Plc [2014] EWHC 3957 (QB)

Frank Burton Q.C., Harry Steinberg and Ed Ramsay have been successful in the application for permission to appeal in this important test case concerning actionable harm and contractual recovery in personal injury.

The Appellants were employed by Johnson Matthey Plc at its chemical plants in Royston and Brimsdown. In all but one case the Appellants were chemical process operators. All were exposed in the course of their employment to complex halogenated platinum salts and developed sensitisation to the salts. Sensitisation without further exposure is an asymptomatic condition. Following a trial in the High Court in November 2014 Mr Justice Jay dismissed the claims brought in tort and for breach of contract. The Court of Appeal has granted all five Claimants permission to appeal on all grounds.

The claims raise novel issues regarding the definition of actionable harm in tort as well as the legal principles governing contractual recovery in personal injury claims.

Harry Steinberg and Ed Ramsay appeared for the Claimants in the High Court last November.