



Personal Injury - our clients' stories

November 2015

Plumber's mesothelioma compensation claim settled in 9 months for over £250,000

We recently settled an asbestos disease claim for a fit 61 year old plumber from Rochester, Medway. Sadly the claimant had been diagnosed with the asbestos disease, mesothelioma which he had contracted from his exposure to asbestos lagging 30 to 40 years earlier. We were able to settle his claim for £250,000 within only nine months of his instructing us.

The client's claim

Our client from Rochester, Medway, Kent was a fit 61 year old when diagnosed with mesothelioma at Medway Hospital. He only suspected something was wrong when he felt more tired than usual after completing a triathlon.

The mesothelioma was thought to have been caused by unprotected exposure to asbestos lagging in his employment as a plumber/central heating installer between

1975 and 1985. He also had later asbestos exposure from his own plumber's business. He was keen to pursue whatever treatments he could to prolong his quality and length of life.

He instructed us in November 2014, agreeing 'no win no fee' terms. At that time the prognosis was just over 12 months and he was still working as a self-employed plumber. This made it more complicated to prove his loss of earnings.

He had no partner or dependants, therefore, if his mesothelioma claim was not settled in his lifetime, the claim's value would be halved for his sisters as next of kin.

Our approach

We immediately requested his revenue employment history and made companies house and insurance enquiries before sending an initial letter to his former employer. Having promptly obtained full medical records, we instructed

an independent asbestos disease chest consultant to examine and report.

We took early full statements concerning his asbestos exposure/ mesothelioma from the client and a supporting witness, his former supervisor. We then sent a full letter of claim in January 2015, pressing for an early admission and interim payment.

After chasing, the insurers, Zurich, admitted liability in early March 2015. However, the insurers argued for a 10% reduction for his own business's contribution to his asbestos exposure/ mesothelioma.

The client's instructions to us were delayed by his further treatment. However, we then disclosed the medical report and a detailed further statement taken from him.

This estimated the minimal number of asbestos exposure incidents from his business compared to his employment.

To save time we chose not to involve forensic accountants to assess his loss of earnings and pension. Instead, we analysed the accounts ourselves and identified reasonable assumptions for projected losses. A schedule and supporting documents were disclosed to the insurer's solicitors in June and an offer invited.

The outcome

In July we received an initial compensation offer of £255,000. After deduction of welfare benefits and 2.5% for contributory negligence, the net offer was £200,000. Following further negotiations, in August we agreed compensation for his mesothelioma claim for an increase of £20,000;

£275,000 gross. After deductions, including a reduced 1% for contributory negligence, the client's compensation totalled £220,000 net.

Settlement included full recovery of the private medical treatment for his mesothelioma. As a mesothelioma claimant, the client kept 100% of his compensation with no costs deductions. We were pleased to obtain full and fair compensation for him within nine months of instruction and whilst he was still fit enough to enjoy that compensation.

By settling within his life time we also ensured compensation for his lost years' income which amounted to about half of his compensation; over £100,000.

Meet the team

Brachers' Personal Injury team has considerable experience in handling a range of personal injury claims, especially more serious/higher value cases, including industrial disease, head/brain injuries, serious psychiatric injury and spinal injuries. We have particular expertise in asbestos/ mesothelioma claims, for which we are one of the very few firms in the county recognised by Mesothelioma UK.



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About Brachers

Brachers are an award winning regional law firm in the South East, delivering quality and value to our clients with a personal service.

We are proud winners of 'Law Firm of the Year' award at Halsbury's Legal Awards 2015, a national award celebrating the firm's forward-thinking approach to development initiatives and client care in the face of tough market conditions.

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