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## **Asbestos Victims Support Groups Forum - UK**

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### **Asbestos Supreme Court Judgment Victory**

Today, the Supreme Court handed down its decision in favour of claimants suffering from the asbestos cancer, mesothelioma, in the 'Trigger' case which has been ongoing for 6 years.

The ruling means that the insurer who was 'on risk' when the exposure to asbestos occurred is liable to pay compensation. This maintains the status quo. Four insurers argued that the date when the cancer, mesothelioma, develops should be the date when the insurer's liability is triggered.

A judgment in favour of the insurers would have had a devastating effect because so many employers are no longer trading when mesothelioma is diagnosed and, as a result, there would be no insurers to satisfy thousands of claims.

Tracy Garlic, Edwin Leigh's niece says: "My uncle was a proud, caring and principled man who faced his diagnosis of mesothelioma with great courage. He believed strongly in justice and fairness and I dearly wish he had lived to witness the outcome of this case. Justice came too late for him, but I will mark this day for him as a day when justice was done, because that is what this case is all about."

Tony Whitston, Forum Chair, says: "Thousands of claimants never lived to the just outcome of this case. Their grieving families have had to wait years for justice while this case was dragged by insurers through every court in the land. They will greet this judgment with relief rather than joy. This case is the latest in a series of shameful attempts by insurers to limit their liability to pay compensation. Let us hope it is the last."

END

## Notes for Editors

Mesothelioma is a fatal cancer of the lining of the lung the only known cause of this tumour is asbestos exposure. Life expectancy from diagnosis is 9-12 months.

It can take up to 60 years to develop mesothelioma from first exposure to asbestos. Hence, the likelihood that employers will not be trading and there will not be an insurer when the disease develops decades later.

MMI, Builders Accident, Excess and the Independent Insurance Company are the four insurers that brought the case.

It is estimated that 6,000 families awaited this judgment. Most mesothelioma sufferers whose cases have been held pending the appeals have died.

It is estimated that more than 50% of all mesothelioma cases would have failed had the judgment favoured the insurers.

One of the most potentially damaging cases brought by insurers was the Fairchild case in 2002 where the insurers argued that as one fibre can cause mesothelioma, if there is more than one defendant none can be held responsible for the fatal fibre. Since that time there have been several case run by insurers.