

DLSDirectorate
of Legal
Services2 Franklin Street
Belfast BT7 8DQT
F
EYour Ref:
DJD/SG/5/FER/0018Our Ref:
MN T50/7/288Date:
30 June 2005Messrs Desmond J Doherty & Co
Solicitors
Clarendon Chambers
7 Clarendon Street
LONDONDERRY
BT48 7EP

Dear Sirs

**MARIE FERGUSON, PERSONAL REPRESENTATIVE OF
RAYCHEL FERGUSON (A MINOR) -v- ALTNAGELVIN HOSPITALS HEALTH
AND SOCIAL SERVICES TRUST**

I refer to the above matter and thank you for your letter dated 3 June 2005 in relation to the Civil proceedings brought by Marie Ferguson as personal representative of Raychel Ferguson -v- Altnagelvin Hospitals Health and Social Services Trust. You enquired as to whether liability is in dispute in those proceedings. You are aware that a statutory inquiry under the chairmanship of John O'Hara QC has been established in order to carry out a complete investigation into all the issues arising out of the tragic death of Raychel Ferguson. It is our client's intention and duty to assist the inquiry in every way possible and to participate fully in its investigations. There is no doubt that during the course of that inquiry the actions of the Trust will be subjected to full and complete investigation. If the Trust are found to be at fault in any way then we make it absolutely clear that it would be deeply apologetic for its failings. The Trust has already expressed and now repeats its clear sentiments of sorrow and deep regret in relation to the death of Raychel Ferguson.

The question you have posed in your letter asks the Trust to accept that it was at fault and that that fault caused or contributed to the death of Raychel Ferguson. The Trust has the greatest sympathy for the family of Raychel Ferguson in relation to her unfortunate death of 10 June 2001. As you are aware the Trust carried out an immediate investigation into the circumstance of her death. A document entitled "agreed action following critical incident meeting 12 June 2001" was prepared. No doubt during the inquiry being conducted by John O'Hara QC questions will arise as to whether the matters covered in the action plan should have been implemented prior to 10 June 2001 on the basis of foresight rather than with the benefit of hindsight. We would however make it clear that the Trust

/do

Director
Alphy McGinnessAssistant Directors
Donna Scott
Hillary WellsSolicitors
Wendy Begga
Terry Brady
Marie-Claire Carey
Ann Cassidy
Eileen Finnegan
Brian Greenaway
Angela Maguire
Audrey McClean
Carol McClean
Kathryn Minnis
Fearghal O'Connor
Jonathan Taylor
June Turkington

INVESTOR IN PEOPLE

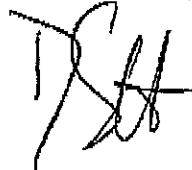
Supporting the Health & Personal
Social Services in Northern Ireland

do not accept that it or its staff were negligent or that if there was any failure to apply appropriate standards that the failure caused or contributed to the death of Raychel Ferguson and therefore liability is denied.

The Trust is however acutely conscious of the emotional trauma involved in any litigation and of the tragic circumstance of this particular case. Accordingly it is and remains prepared on an ex gratia basis, without admission of liability, to pay compensation to the Plaintiff. That is not an admission of liability but we do hope that the Plaintiff will be able to respond to our client's willingness to resolve this litigation on that basis, remaining safe in the knowledge that the inquiry is going to deal with all aspects of the Trust's care and management of Raychel Ferguson. If your client is prepared to respond on that basis then of course an immediate meeting can be arranged.

We await hearing from you.

Yours faithfully



DONNA SCOTT
Assistant Director of Legal Services

Direct Line No - [REDACTED]

E-Mail Address - [REDACTED]

Fax: [REDACTED]

41am-jm