

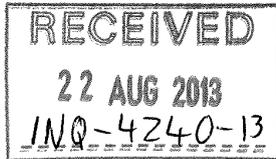


Business Services  
Organisation

## Directorate of Legal Services

— PRACTITIONERS IN LAW TO THE  
HEALTH & SOCIAL CARE SECTOR —

2 Franklin Street, Belfast, BT2 8DQ  
DX 2842 NR Belfast 3



Your Ref:  
BMcL-0114-13

Our Ref:  
HYP B02/01

Date:  
22<sup>nd</sup> August 2013

Mr B McLoughlin  
Assistant Solicitor to the Inquiry  
Arthur House  
41 Arthur Street  
Belfast  
BT1 4GB

Dear Sir

### RE: INQUIRY INTO HYPONATRAEMIA RELATED DEATHS – RAYCHEL FERGUSON PRELIMINARY

I refer to the above matter and to your letter of 14<sup>th</sup> June 2013. As you are aware the Trust has asserted a claim for privilege which is set out in the index to the DLS Lucy Crawford Inquest file which has been provided to you. Adopting the numbering from the aforementioned index I have set out the basis of the Trust's claim for privilege over those documents below: -

2. This document is a fax enclosing a draft press statement for the attention of Donna Scott. Ms Scott had recorded her comments/advice to the Trust on the draft press statement. Legal Advice Privilege is asserted over the fax to Ms Scott and the handwritten comments on the draft press statement.

9, 10, 26, 29, 64, 68 and 69. These documents are faxes from DLS to Counsel enclosing papers for inclusion in Counsel's brief. Legal Advice Privilege is asserted over this documentation.

20. This is a note of telephone call between MS Scott and Counsel. It contains a record of the discussion between Counsel and Ms Scott which contains legal advice. Legal Advice Privilege is asserted over this documentation.

34. This document is a consultation note in respect of a consultation between Counsel, Dr O'Donoghoe, S/N Swift, S/N Jones, S/n McCaffery, S/N McManus, S/N McNeill, Mr Doherty, Mrs Esther Millar and Ms Scott on 5<sup>th</sup> February 2004. It contains a record of legal advice given at that consultation. Legal Advice Privilege is asserted over this documentation.

35. This is a letter from DLS to Counsel enclosing Counsel's brief. Legal Advice Privilege is asserted over this documentation.

36. This is a copy of the letter at 35 above with a handwritten note from Counsel to DLS. Legal Advice Privilege is asserted over this documentation.

*Providing Support to Health and Social Care*



45. This is a letter from DLS to Counsel enclosing Counsel's brief. Legal Advice Privilege is asserted over this documentation.
46. This is a note of telephone call from Kevin Doherty to DLS seeking advice and a telephone call from DLS to Kevin Doherty with a note of the advice given to Mr Doherty. Legal Advice Privilege is asserted over this documentation.
47. This is a note of telephone call from Kevin Doherty to DLS seeking advice and a telephone call from DLS to Kevin Doherty with a note of the advice given to Mr Doherty. Legal Advice Privilege is asserted over this documentation.
50. This is a note of telephone call from Kevin Doherty to DLS seeking advice with regard to witness statements to be provided to the Coroner and a telephone call from DLS to Kevin Doherty with a note of the advice given to Mr Doherty. Legal Advice Privilege is asserted over this documentation.
55. This is a note of telephone call from Donna Scott to Kevin Doherty. It records a note of the advice given to Mr Doherty. Legal Advice Privilege is asserted over this documentation.
59. This is a letter to Kevin Doherty from Donna Scott detailing Counsel's advice to the Trust. Legal Advice Privilege is asserted over this documentation.
65. This is a note of a series of telephone calls between Donna Scott, Counsel, Bridget O'Rawe and Mr Kevin Doherty. It records Counsel's advice and the transmission of that advice to the Trust. Legal Advice Privilege is asserted over this documentation.
75. This is a copy of Dr O'Donoghoe's letter to Mr Kevin Doherty. It is sent to Ms Scott who subsequently makes a note of her advice regarding same onto the copy letter. Legal Advice Privilege is asserted over the handwritten notes made by Ms Scott.
84. This is an internal file note made by Eileen Finnegan with regard her advice in respect of witness statements. Legal Advice Privilege is asserted over this documentation.
85. This is a record of a telephone call with Mr Doherty and records advice given to him with regards to witness statements. Legal Advice Privilege is asserted over this documentation.
86. This is a letter from Westcare to DLS enclosing witness statements for advice by DLS. There is also an internal note containing directions in respect of same. Legal Advice Privilege is asserted over this documentation.
88. This is an internal file note containing a record of advice given in respect of witness statements. Legal Advice Privilege is asserted over this documentation.
89. This is a telephone note of a call from Donna Scott to Kevin Doherty. It contains a record of legal advice. Legal Advice Privilege is asserted over this documentation.
90. This is a letter from Westcare to DLS enclosing a witness statement for advice by DLS. Legal Advice Privilege is asserted over this documentation.
91. This is a telephone note of a call from Donna Scott to Kevin Doherty and a call from Kevin Doherty to Donna Scott. It contains a record of legal advice. Legal Advice Privilege is asserted over this documentation.
92. This is a telephone note of a call to DLS from Kevin Doherty and a call to Kevin Doherty from Donna Scott. It contains a record of legal advice. Legal Advice Privilege is asserted over this documentation.

94. This is a telephone note of a call from Donna Scott to Kevin Doherty. It contains a record of legal advice. Legal Advice Privilege is asserted over this documentation.

140. This is a note of a consultation attended by Counsel, D Scott, and John Jenkins. Legal Advice Privilege is asserted over this documentation.

I trust that this clarifies matters.

Yours faithfully

A handwritten signature in black ink, appearing to read "J Bolton". The signature is written in a cursive, slightly slanted style.

Joanna Bolton  
Solicitor Consultant