

1 May 2007

In reply please quote: JM/2000/2047/02

Mr Charles Farthing

**Code A**

Dear Mr Farthing

Thank you for your letter dated 16 April 2007, which we note the contents of.

We will write to you again shortly.

Yours sincerely

**Code A**

**Investigation Officer  
Fitness to Practise Directorate**

Direct Dial: **Code A**

Fax No: **Code A**

Email: **Code A**

**From:** [Code A]  
**Sent:** 22 May 2007 16:01  
**To:** [Code A]  
**Subject:** Dr Barton

Dear Mr Mallison,

I write further to your letter of 11 May 2007 and our telephone conversation today.

Our discussed we agree to have a meeting with the NMC and I understand that you will be attending the meeting as well as the caseworker and lawyer involved in the case.

I will attend the meeting with our Solicitor, Ms Sarah Ellson of Field Fisher Waterhouse Solicitors which we propose having at the GMC office in London.

I would be grateful if you would let me know if any of the proposed dates are suitable for you all;

12 June – morning only

13 June – after 1pm

21 June after 2.30pm.

I look forward to hearing from you.

Yours sincerely

[Code A]  
Investigation Officer

24 May 2007

In reply please quote: JM/2000/2047/02

Mr Charles Farthing

**Code A**

Dear Mr Farthing

I write further to my letter of 1 May 2007 and apologise for the delay in getting back to you.

We confirm that we are currently conducting an investigation concerning the Gosport Memorial Hospital which includes the treatment of your late step-father, Mr Cunningham.

Our Solicitors, Field Fisher Waterhouse, are conducting the investigation and Ms Sarah Ellson is the Solicitor in charge.

I will ask Miss Ellson to keep you informed of the progress of the investigation and to answer your query concerning the disclosure of information.

If you wish to contact Ms Ellson direct her contact details are:

Field Fisher Waterhouse  
35 Vine Street  
London  
EC3N 2AA

Yours sincerely

Code A

**Investigation Officer**  
**Fitness to Practise Directorate**

Direct Dial: Code A

Fax No: Code A

Email: Code A

**From:** [Code A]  
**Sent:** 24 May 2007 17:12  
**To:** [Code A]  
**Subject:** Merged\_S\_FUL\_REQ\_CNTNT\_1-90L9U\_1-30ZME  
**Attachments:** Letter from Mr Farthing.pdf; Merged\_S\_FUL\_REQ\_CNTNT\_1-90L9U\_1-30ZME.doc

Sarah,

I attach letter I have received from Mr Farthing concerning his step father the late Mr Cunningham and I attach my reply.

[Code A]



00047693

Tel. Code A  
Email. Code A

Code A

16 April 2007

General Medical Council  
St James's Building  
79 Oxford Street  
Manchester  
M1 6FQ

| General Medical Council                               |             |
|---|-------------|
| Original was a Photocopy                              |             |
| Original was Poor Quality                             |             |
| Date rec'd  | 18 APR 2007 |
| Scanned   |             |
| Original has been Photocopied to Improve Scan Quality |             |
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|   |             |

Dear Sirs,

**GOSPORT WAR MEMORIAL HOSPITAL**

Following the recent decision by the Crown Prosecution Service not to commence proceedings against various staff at the above hospital, I have been advised by Mr Close of the CPS, and later the Police, that you will be conducting a medical investigation into the facts behind various deaths at that hospital.

I would like you to be aware that my step-father, Mr A D B Cunningham, was one patient who died there and, indeed, was one of the dozen or so that were extracted by the Police for closer than usual scrutiny. Consequently, I would wish to be kept informed of all developments in respect of your enquiries, and to have the opportunity of making a statement and/or asking questions should this be possible.

During my interview with Mr Close on the 15 March 2007, it became apparent that there are a number of significant reports held on file to which I was refused access. These include a report by Professor Baker who was specifically commissioned by the Chief Medical Officer to conduct an independent audit of deaths at that hospital, and also a number of 'expert' reports by specialist in the medical profession. It is a fact that some of the selected information read out to me during my interview was demonstrably inaccurate and needs to be challenged.

I am very concerned that access to this information is being released to only selected individuals as it taints the whole process and the CPS decision, and particularly infers that justice may not have been done.

In addition to my involvement, it would be very much appreciated if there is anything you could do to have this information released.

Yours faithfully,

Code A  
Charles Farthing

24 May 2007

In reply please quote: JM/2000/2047/02

Mr Charles Farthing

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EC3N 2AA

Yours sincerely

**Code A**

**Investigation Officer  
Fitness to Practise Directorate**

Direct Dial: **Code A**

Fax No: **Code A**

Email: **Code A**

**From:** Ellson, Sarah [Code A]  
**Sent:** 30 May 2007 09:14  
**To:** [Code A]  
**Cc:** Tomlinson, Tamsin  
**Subject:** FW: Merged\_S\_FUL\_REQ\_CNTNT\_1-90L9U\_1-30ZME  
**Attachments:** Letter from Mr Farthing.pdf; Merged\_S\_FUL\_REQ\_CNTNT\_1-90L9U\_1-30ZME.doc

Thanks [Code A]

Tamsin or I will contact Mr Farthing shortly.

Just for future reference it might be useful to give our Manchester address for this case:

**Field Fisher Waterhouse, Tower Business Centre, Portland Tower, Portland Street, Manchester M1 3LF**

**Sarah Ellson | Partner**

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

---

**From:** [Code A]  
**Sent:** Thursday, May 24, 2007 5:12 PM  
**To:** Ellson, Sarah  
**Subject:** Merged\_S\_FUL\_REQ\_CNTNT\_1-90L9U\_1-30ZME

Sarah,

I attach letter I have received from Mr Farthing concerning his step father the late Mr Cunningham and I attach my reply.

[Code A]

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The Tun, 4 Jacksons Entry, Holyrood Road, Edinburgh. EH8 8AE

Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001





00047693

Tel.   
Email:

**Code A**

16 April 2007

General Medical Council  
St James's Building  
79 Oxford Street  
Manchester  
M1 6FQ

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|---|-------------|
| Original was a Photocopy                              |             |
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Charles Farthing

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Yours sincerely

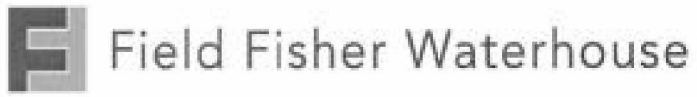
**Code A**

**Investigation Officer**  
**Fitness to Practise Directorate**

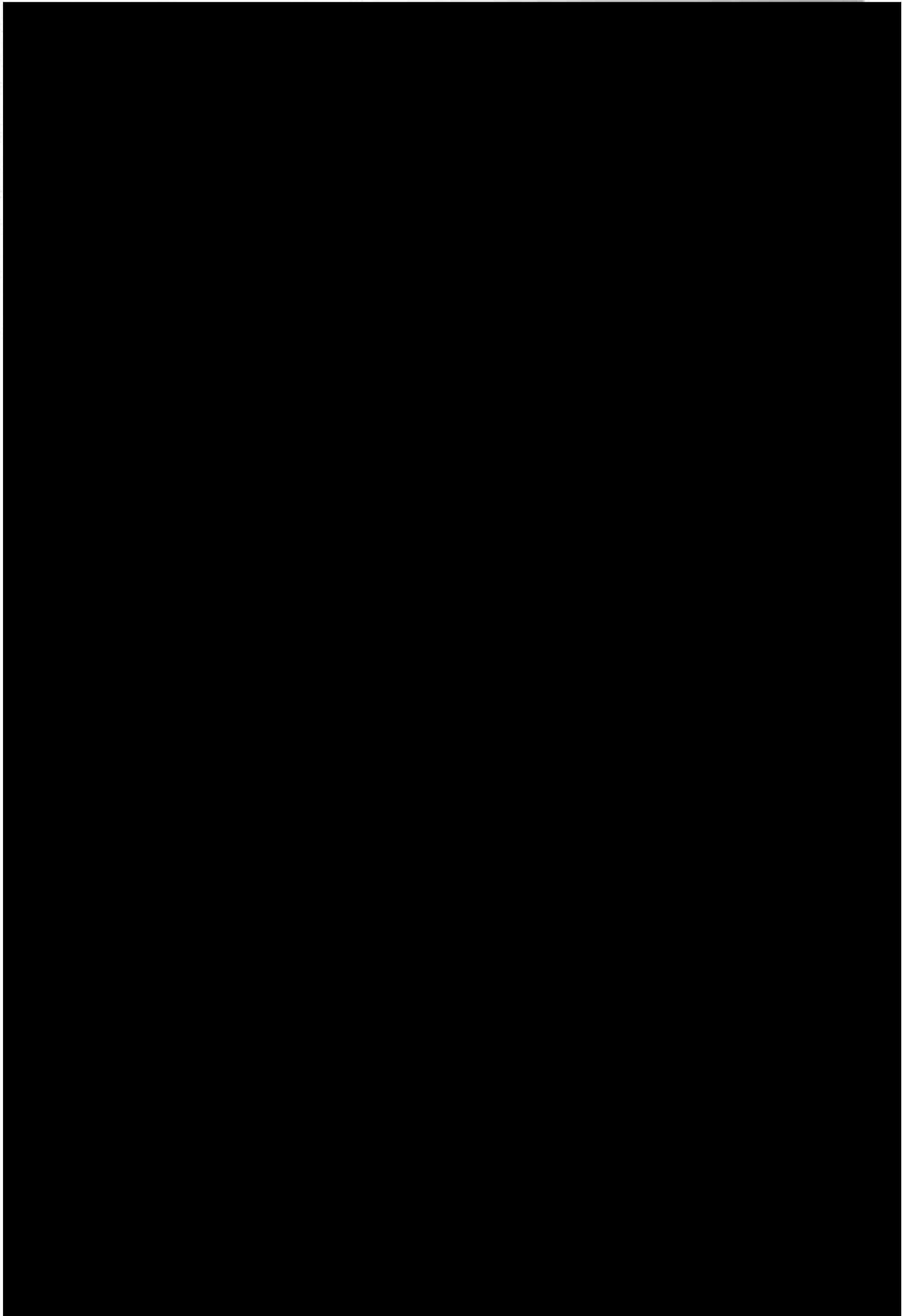
Direct Dial: **Code A**

Fax No: **Code A**

Email: **Code A**



Case Report  
May 2007



**From:** Ellson, Sarah [Code A]  
**Sent:** 05 June 2007 16:33  
**To:** [Code A]  
**Subject:** Re: Dr Barton

Yes - I will be there.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

-----Original Message-----

From: [Code A]  
 To: Ellson, Sarah [Code A]  
 Sent: Tue Jun 05 10:58:42 2007  
 Subject: RE: Dr Barton

Hello Sarah,

I've booked a room from 10.30 to 12.30 is that ok with you?

[Code A]

-----Original Message-----

From: Ellson, Sarah [Code A]  
 Sent: 01 Jun 2007 10:26  
 To: [Code A]  
 Subject: RE: Dr Barton

Thanks [Code A]- yes that is fine - as I will be coming from Manchester that morning it would be good if it were 10am or later. I wait to hear from you with more details but I have it in my diary.

Sarah Ellson | Partner

for Field Fisher Waterhouse LLP

dd: [Code A] | m: [Code A]

-----Original Message-----

From: [Code A]  
 Sent: Friday, June 01, 2007 10:05 AM  
 To: Ellson, Sarah  
 Subject: FW: Dr Barton

Sarah,

Please note the email from the NMC below are you still available on the morning of 12 June 2007?

[Code A]

-----Original Message-----

From: Mark Mallinson [Code A]  
Sent: 31 May 2007 15:56  
To: [Code A]  
Subject: RE: Dr Barton

[Code A]

Thank you for your prompt response. 12 June in the morning would be the best date for us. Can we agree this date then make firm arrangements next week when I can confirm who will be attending. I'm on leave until Tuesday 5 June but if you have any questions you can contact my colleague Mohammed Chowdhury on [Code A]

Thanks again

Mark

-----Original Message-----

From: [Code A]  
Sent: 22 May 2007 16:01  
To: [Code A]  
Subject: Dr Barton

Dear Mr Mallison,

I write further to your letter of 11 May 2007 and our telephone conversation today.

Our discussed we agree to have a meeting with the NMC and I understand that you will be attending the meeting as well as the caseworker and lawyer involved in the case.

I will attend the meeting with our Solicitor, Ms Sarah Ellson of Field Fisher Waterhouse Solicitors which we propose having at the GMC office in London.

I would be grateful if you would let me know if any of the proposed dates are suitable for you all;

12 June - morning only

13 June - after 1pm

21 June after 2.30pm.

I look forward to hearing from you.

Yours sincerely

Code A

Investigation Officer

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

\*\*\*\*\*  
\*\*\*\*\*

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Regus House, Falcon Drive, Cardiff Bay. CF10 4RU

20 Adelaide Street, Belfast. BT2 8GD

Tel: 0845 357 8001

Fax: 0845 357 9001

**From:** [Code A]  
**Sent:** 22 June 2007 16:51  
**To:** [Code A]  
**Subject:** RE: Mr Weedon's Report

Thanks

-----Original Message-----

**From:** [Code A]  
**Sent:** 22 Jun 2007 16:50  
**To:** Goldberg, Hannah  
**Cc:** [Code A]  
**Subject:** Mr Weedon's Report

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Hannah,

I have just spoken to Mr Weedon and he informed me that he is still working on the report, he wants me to ring him next Thursday to catch up on progress.

He did ask me whether or not he should e-mail across what he has done so far although he highlighted the fact that the report is in draft form and it would be a good idea to read the final version when it is completed. I agreed and said we would wait for the final version.

**Code A**

Direct Dial: [Code A]  
International: [Code A]  
[www.eversheds.com](http://www.eversheds.com)

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\*\*\*\*\* [http://www.eversheds.com/] \*\*\*\*\*

**From:** Tomlinson, Tamsin [Code A]  
**Sent:** 28 June 2007 10:38  
**To:** [Code A] Peter Swain [Code A]  
**Subject:** Dr Barton case plan and costing.DOC  
**Attachments:** DOCS\_5192955\_1.DOC

Hi

[REDACTED]

Regards

Tamsin

**Tamsin Tomlinson | Solicitor**  
for Field Fisher Waterhouse LLP  
dd [Code A]

Mobile: [Code A]

Case Plan and costing: Dr J A Barton

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

[Redacted]



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| [REDACTED]  |            |            |  | [REDACTED] | [REDACTED]  |

**From:** Peter Swain [Code A]  
**Sent:** 09 May 2007 17:43  
**To:** [Code A]  
**Subject:** FW: GMC/Barton Revised Cost Estimate 3/5/07  
**Attachments:** CAR\_LIB1-#1853375-v1-  
GMC\_Barton\_Revised\_Cost\_Estimate\_3\_5\_07.DOC

-----Original Message-----

**From:** Jones, Peter - LIT [Code A]  
**Sent:** 04 May 2007 12:30  
**To:** Peter Swain [Code A]  
**Cc:** Ryder, Robert  
**Subject:** FW: GMC/Barton Revised Cost Estimate 3/5/07

*\*\*\* Before acting on this email or opening any attachment you are advised to read the Eversheds disclaimer at the end of this email. \*\*\**

Peter, Rob has prepared the attached costs estimate following the Case Strategy Meeting.

The "10 cases" column is the original estimate on the basis of a full blown battle on all fronts, which is not a viable proposition.

The most likely scenario is the "6 cases" column, which we discussed at our meeting. The figure that is quoted for our fees there- £338th- of which some £59th has already been incurred, is in line with the estimate that I recently gave you for budgeting purposes. The figure for disbursements however is less than the estimate that we gave; we think that savings can be made in this regard.

The other issue that we discussed is that savings on all fronts may be made if admissions are forthcoming. That could significantly reduce the issues relating to hearing, and possibly evidence gathering. This possibility is not fully factored in; for budgeting purposes I thought it better not to assume that early concessions will be made ; it is important to emphasise that the purpose of this estimate is for budgeting purposes, and gives us a progress chart against which we would monitor work going forward, and project manage effectively. Obviously, if savings can be made by virtue of obtaining of admissions or otherwise, then this will lower the cost.

If you would like to discuss this estimate, or work through it with me ( eg to identify those elements that will be done in your next financial year, as opposed to your current year), please let me know. Alternatively, if you wish to discuss capping the expenditure, and cutting the cloth of preparation accordingly, then please say.

---

**From:** Inscoe, Wanda **On Behalf Of** Ryder, Robert  
**Sent:** 03 May 2007 16:03  
**To:** Jones, Peter  
**Subject:** GMC/Barton Revised Cost Estimate 3/5/07

Sorry, there was a typo in the notes - corrected version attached.

Rob

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**GMC AND DR. BARTON**

**ESTIMATES OF EVERSHEDS' FEES AND THE FEES OF EXPERTS AND COUNSEL**

| No. | KEY TASK   | TEN CASES | EIGHT CASES | SIX CASES |
|-----|--|-----------|-------------|-----------|
| ■   | ████████████████████   | ██████    | ██████      | ██████    |
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■ [REDACTED]

■ [REDACTED]

**EVERSHEDS LLP**

**3 MAY 2007**