



PRESS RELEASE
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**Gates and Partners Leads BA DVT Defence Team to Landmark Victory
In House of Lords**

London – In a unanimous judgment delivered in the House of Lords today, British Airways won the appeal against claims that it was liable for the consequences of an in-flight DVT (deep vein thrombosis).

Gates and Partners, the specialist aerospace and commercial law firm, are lead solicitors for the BA defence team. Partners Sean Gates and Paul Freeman head the Gates team.

A key element in the defence was the decision by British Airways and its insurers to waive their right to recover legal costs from the eight plaintiffs in order to encourage them to bring the case before the House of Lords. In so doing, the defence team sought to secure a ruling from the highest court in the UK on this important issue.

The Law Lords ruled that if a passenger suffers a deep vein thrombosis during an otherwise uneventful flight, this cannot be regarded as an accident under the Warsaw Convention which regulates airlines' liability to international passengers. The plaintiffs tried to establish that the accident causing the victims' DVT's was the result of sitting for long hours in a restricted position, and the airlines' failure to warn of the risks. Neither proposition has been accepted by the House of Lords in a judgment which will be relevant for many years to come in many jurisdictions. The decision will be of particular importance in the USA where the Supreme Court indicated a willingness to reconsider its recent controversial *Husain* decision if the House of Lords reached a different conclusion.

Following the ruling, Sean Gates commented, "The Law Lords' judgment is significant in England as it puts an end to the DVT litigation. It is important globally because other courts will be influenced by the House of Lords' decision. For insurers of airlines, it means that the scope of liability they are covering is now more crisply defined."

Mr. Gates has advised airlines and their insurers in DVT cases in Australia, the USA and other countries in Europe and South America since the claims were first brought to court in the year 2000.

The aerospace team at Gates and Partners is exclusively dedicated to advising airlines and insurance clients rather than manufacturers and other aviation service providers, thereby avoiding the risk of conflicts which could otherwise arise.

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