



Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta
National Treasury Management Agency

An Ghníomhaireacht um Éilimh ar an Stát
 State Claims Agency

8th October 2018

Ms. Margaret Falsey,
 Committee of Public Accounts Secretariat,
 Committee of Public Accounts,
 Leinster House,
 Dublin 2.

Our Ref: CB/PW/PAC

Please quote our reference number on all correspondence

Your Ref: PAC32-I-1077

Dear Ms. Falsey,

I wish to acknowledge receipt of your letter of 2nd October, 2018 with accompanying transcript excerpt detailing the Committee's discussions following receipt of a letter from the Irish Thalidomide Association (ITA).

I note from the transcript that Deputy Catherine Connolly refers to the ITA letter and notes that the ITA "*feels what was said was not accurate*".

I take this to mean that the ITA has stated that my evidence to the Committee on 12th July, 2018, concerning Thalidomide litigation-related matters, was inaccurate. A copy of the ITA's letter was not attached to your correspondence and this, of course, places me at a distinct disadvantage in understanding what allegation of "inaccurate" evidence is being made against me.

I would like to reassure the Committee, however, that the evidence I gave was accurate and I do not accept any suggestion to the contrary.

Separately, I note from your correspondence that the Committee has requested a note in relation to the Mediation regarding Thalidomide litigation and the number of outstanding cases.

1. Status of Mediation

The State, in 2014, agreed to enter into a Mediation Conference with the Thalidomide survivors and a formal Mediation Agreement, to include confidentiality provisions, was signed by the parties.

/continued.....



Clause 9.3 of the Mediation Agreement permits the Mediator to discontinue the Mediation. The Mediator has not done so in this group of cases and he has not been requested to do so by either of the parties. Accordingly, it would be incorrect to describe the Mediation as concluded as the Mediator has not formally brought it to an end.

Clause 11 of the Agreement, however, permits the parties to contemporaneously continue the litigation process and the Thalidomide plaintiffs relied on this clause in furtherance of their litigation. On the 21st June 2017, the plaintiffs' Counsel informed the High Court that the Mediation "*had not worked*" and that this was "*nobody's fault*".

2. Number of Cases

We have classified the Thalidomide cases by reference to four distinct categories, as follows:

Acknowledged Survivors	17
Unacknowledged Survivors	10
Compensated Survivors	6*
Pre-Litigation Survivors	2
Total	35

*6 Thalidomide survivors were offered and accepted compensation (€62,500), in July 2013. These survivors discontinued their cases against the State at that time.

Yours sincerely,



Ciarán Breen,
Director.