



*Eatons*

## £2.5 Million Settlement in Hotel Illness Case

A group of British holidaymakers has won more than £2.5 million in compensation for illness they suffered while staying at a hotel in Spain.

Many holidaymakers contracted the 'norovirus' infection while staying at the Beach Club Hotel in Torremolinos between 2000 and 2002. Norovirus is the name given to a group of viruses, the symptoms of which are nausea, vomiting, diarrhoea and stomach cramps. The virus is often contracted from eating or drinking contaminated substances.

The effects of the virus normally last for a few days, but some of the claimants are still suffering from its after-effects years later.

The holidaymakers brought the group action against tour operators Thomson and Thomas Cook, who for a long time denied liability for the claim, even though over a prolonged period a number of people had become ill while staying at the hotel. However, medical evidence was produced as well as documents showing that the hotel management, along with others, had made serious mistakes with regard to hygiene.

Shortly before the case was due to be heard in the High Court, the claim was settled. The tour operators and the hotel agreed to pay more than £2.5 million in compensation, thought to be the largest settlement of its type. The money will be divided between nearly 1,000 claimants on the basis of a number of factors including the severity of their illnesses.

If you are struck down with illness on a package holiday, you may have a right to claim against the tour operator. It is important to remember that such illnesses are common and to obtain compensation you need to prove that the tour operator was at fault and the resort failed to exercise reasonable care to prevent infection. In order for a claim to be successful, there are a number of steps you should take:

- Get evidence. Obtaining pictures or video footage and supporting evidence from other holidaymakers is important. Make notes of the standard of cleanliness, food hygiene and so on. Ask to see and copy (or make notes on) the complaints file at the resort;

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- Share names and addresses with anyone else at the same resort who is also ill;
- Make a diary of where you went and where you ate. If you have eaten food not provided by the tour operator, be prepared to show that other people eating at the same place did not become ill;
- Inform the holiday representative of your illness as soon as possible and make notes of your conversations with them and anyone else working for the holiday company;
- Be prepared to prove that you were ill. Obtain documentary evidence of your illness from the doctor or hospital. See your doctor as soon as possible once you get home if symptoms persist; and
- Record your symptoms in detail for as long as they persist and their effect on your everyday life.

It may be difficult to obtain a great deal of evidence – especially when you are ill – but in order to be successful, you will need to demonstrate that the tour operator (i.e. the resort they have contracted themselves to) is the source of the sickness and that they are responsible for it because of a failure to exercise reasonable care to prevent the infection or contamination.

If you have had your holiday ruined by illness, contact Nichola Faith for advice on how to proceed.

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