

Kelley, McCann & Livingstone

ATTORNEYS AT LAW
NATIONAL CITY BANK BUILDING
CLEVELAND, OHIO 44114
TELEPHONE (216) 241-3141

April 25, 1977

LOUIS S. BELKIN (1910-1975)
JOSEPH H. CROWLEY
OF COUNSEL
WALTER C. KELLEY
DONALD B. MCCANN
FRED J. LIVINGSTONE
JEFFREY A. BELKIN
ROBERT L. STARKS
WALTER J. LASKA
STEPHEN M. O'BRYAN
THOMAS C. LIBER
AUBREY B. WILLACY
MICHAEL L. GORDON
MARGARET A. FOSTER
STEVEN N. BULLOCH
JUDITH HARRIS RAWSON

Mr. Jack D. Kull, Jr.
Staff Assistant
Corporate Insurance Department
Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44113

Re: First Quarter 1977 Statement

Dear Mr. Kull:

Enclosed please find our statement of fees and expenses attributable to various active Workers' Compensation matters.

By way of a brief status report, I offer the following comments:

In the case, now in the Court of Common Pleas, we are in the process of completing our preliminary discovery. A court order authorizing us to obtain copies of Mr. [redacted] medical records has been obtained. Certified copies thereof have been mailed to claimant's physicians and the hospitals wherein he was treated. Some have responded, others have not. I anticipate that a deposition of the claimant will be necessary. Thus far, it appears that the right side hernia was simply a recurrence of prior hernias in the same area. The left side hernia, however, seems to have been a new one and, therefore, may pose a more serious fact-question for the jury. I doubt whether this case can be disposed of by a motion. Settlement discussions may be in order when our discovery has been completed.

The matter will, I believe, be appealed to the Commission. At present, however, we have established an "iron-clad" jurisdictional defense. I therefore doubt that the Commission will allow this claim upon such appeal. As the file now stands, an allowance would constitute a clear and gross abuse of discretion.

REDACTED

RECEIVED

APR 28 1977

N40120

CORPORATE
INSURANCE