

Six Becker Farm Road
Roseland, New Jersey 07068-1743
Telephone: (201) 740-9400



AUGUST 31, 1992

SHERWIN WILLIAMS CO
David Gauntner
101 Prospect Ave NW
Cleveland, OH 44115-1075

WORKERS'
COMPENSATION
SEP 2 - 1992

D. J. G.
SEP 1 - 1992

REDACTED

EMPLOYEE:
INSURED: SHERWIN WILLIAMS CO
CLAIM NUMBER: WC 324-508333
DATE OF ACCIDENT: 11/17/89

Dear Mr. Gauntner,:

I am the adjuster handling the above captioned NJ Worker's Comp matter on your behalf. I have enclosed for your review copies of correspondence regarding the above trial that have been sent to Mr. Colangelo. I respectfully request that you review your file and advise me if you will authorize the 50,000.00 that we have requested or we will try this to the mat with a potential minimum exposure of 148,018.50. Your prompt attention is appreciated. If you have any questions please contact the undersigned at extension 2228.

Sincerely,


KATHLEEN KURCZ
Claims Department

ENCLOSURE

CC: W. Nussear w/o enclosures
CC: D. Grunstra w/o enclosures
CC: G. Neuner w/o enclosures

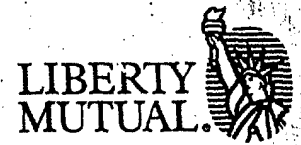
the 80th
ANNIVERSARY

Liberty Mutual Insurance Group/Boston
Equal Opportunity Employer

N40342

0007-SWP-005800332
CONFIDENTIAL

Six Becker Farm Road
Roseland, New Jersey 07068-1743
Telephone: (201) 740-9400



August 25, 1992

WORKERS'
COMPENSATION
SEP 2 - 1992

THE SHERWIN WILLIAMS CO
101 PROSPECT AVENUE NW
CLEVELAND OHIO 44115-1075
ATTENTION: ANTHONY COLANGELO

REDACTED

RE: Sherwin Williams Co.

Date Of Injury: 11/17/89

File No: WC 324-508333

FILE

Dear Mr. Colangelo:

In reference to our recent conversation, please find enclosed all medical information contained in our Workers' Compensation file in reference to

The records included are:

REDACTED

1. Defense exam performed by Dr. William Burke October 25, 1990.
 2. St. James hospital records for admission of 11/17/89.
 3. Petitioner's attorney exam performed by Dr. Herbert Silberner on November 15, 1990.
 4. Dr. Edwin Rothfeld performed defense exam on March 21, 1991.
 5. Defense exam performed by Dr. Edwin Rothfeld February 13, 1990.
- I hope this will assist you in your determinations.

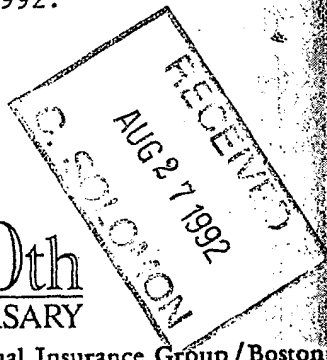
As per conversation on August 12, 1992, a lay witness testified on behalf

The witness' name was William Lodato who lives at 15 Hunt Place in Nutley, New Jersey. Mr. Lodato testified that he worked for Sherwin Williams for approximately 43 years and left in 1990. Mr. Lodato worked in the same department and saw him everyday. Mr. Lodato's job title was a material handler. He also testified that he worked in the Quonset hut before they ripped it down because of the asbestos. He also testified that due to the asbestos in the Quonset hut, the employees were required to take a shower before leaving the building. Mr. Lodato confirmed the petitioner's testimony which is outlined in my letter dated August 3, 1992.

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Of note, Mr. Lodato was a witness to the nuocide incident that occurred on November 17, 1989. The hospital records from this incident are enclosed for your review.

I would appreciate at your earliest possible convenience if you could go through your file on this incident and contact me at your earliest convenience. Again, I strongly recommend that you extend authorization for us to try and dispose of this matter for \$50,000 pursuant to a Section 20. As outlined in my letter dated August 3, 1992, the potential exposure in this case is a minimum of \$148,018.50. It is my feeling that Judge Bolstein will hit us for perm total in this matter.

I request that you contact this office no later than September 14, 1992 to advise us whether you wish us to attempt to settle this case or continue with the trial. We are scheduled to produce our lay witnesses on August 23, 1992. As I have explained to you, Judge Bolstein will not allow us to adjourn this again as we were suppose to produce our witnesses on September 23, 1992. Besides witnesses that will testify to the general working conditions and anyone with first hand knowledge it would be most helpful if you could produce a Chemist who could testify to the contents of the various materials in question in this matter. I am thanking you in advance for your cooperation.

Very truly yours,

REDACTED


Kathleen J. Kurtz
Senior Claims Adjuster

KJK/rn

CC: Home Office Claims
John Hesko - Examiner

Roseland Claims
Don Grunstra - Assistant Claims Manager

RRR

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32409223800209

August 3, 1992

ANTHONY J. COLANGELO
SHERWIN WILLIAMS CO.
101 PROSPECT AVE
CLEVELAND OHIO 44115

REDACTED

RE: Sherwin Williams Co.
Date of injury: 11/17/89
File: WC 324- 5083333
CP # 90-019878

FILE

Dear Mr. Colangelo:

This letter is to bring you up to date in the trial in the above Workers' Compensation Claim. The petitioner's testimony was taken July 22, 1992.

The petitioner testified that he worked for Sherwin Williams from October 3, 1950 through March 16, 1990. He worked as a fork-lift driver and would transport raw materials to be used in paint. On November 17, 1989, he was exposed to a material called Nuo-Cide and then an hour later developed shortness of breath. He was taken by ambulance to St. James Hospital in Newark where he remained until November 23, 1989. Final diagnosis at the hospital was chronic obstructive pulmonary disease with acute exacerbation. The type of petition that the petitioner has filed alleges injury to the lungs due to exposure to harmful chemical substances, such as Nuo-Cide and exposure to asbestos. The petitioner testified that when he started his employment with Sherwin Williams on October 3, 1950 he was in good health. His first job was in the filling department where he filled paint into cans. After approximately five years, he was transferred to the receiving department which is located in a quonset hut. In the quonset hut, he filled out paint orders having contact with a material such as white lead, red lead, bakelite and Nuo-Cide. He testified that his eyes would tear and he developed nasal congestion when he used Nuo-Cide. For this reason he told his foreman he could not handle this material and subsequently was kept away from it. The petitioner brought with him to court the label from a drum of Nuo-Cide 960 which was introduced into evidence over objection by Bob Gilbert, Esq.

indicated that his problem with Nuo-Cide began 15 years ago. He also testified at times when he came in contact with the chemical he had allergic reaction also testified that the quonset hut was insulated with asbestos. This asbestos would flake down on to the raw material. In 1987 the Environmental Agency told Sherwin Williams to tear down the asbestos according to

present complaints are shortness of breath, cannot walk more than 100 feet without getting out of breath, and has problems climbing stairs, also his eyes bother him. He also testified his main problem was his breathing, but his breathing problem has gotten better since he has left Sherwin Williams.

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