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JOHNS-MANVILLE CORPORATION

TWENTY-TWO EAST FORTIETH STREET

NEW YORK, N.Y.

EXECUTIVE OFFICES

May 3, 1939.



Sumner Simpson, Esq.,
President,
Raybestos-Manhattan, Inc.,
Bridgeport, Conn.

Dear Mr. Simpson:

I wonder if you have seen the 1938 report of The Saranac Laboratory. If not, I suggest you obtain a copy from Dr. Gardner and note the references to Asbestosis on Page 9 of the "Report of the Director".

Included in the report are reprints of several articles or addresses delivered by various persons connected with the Laboratory. One of these by Dr. Gardner is a paper read before a meeting of the American Institute of Mining and Metallurgical Engineers in February, 1938. In this you will note also certain references to asbestos on Page 5.

There is also a reprint of an article by Dr. Gardner entitled "Etiology of Pneumoconiosis" reprinted from the November, 1938 issue of the Journal of the American Medical Association. In this article your attention is directed to a reference to Asbestosis on Pages 12, 13, and particularly at the top of Page 14.

The information covered by these references has presumably been derived from the experiments which Dr. Gardner is conducting for, and with funds provided by, the group of members of the Asbestos Textile Industry. The Progress Reports which we have received to date would seem to indicate as much. This raises a question upon which I would like to have your thoughts, namely, whether Dr. Gardner's use of this material is proper in view of the following paragraph from my letter of November 20, 1936, in which I outlined our proposal to Dr. Gardner:

> "It is our further understanding that the results obtained will be considered the property of those who are advancing the required funds,

PLAINTIFF'S EXHIBIT

> who will determine whether, to what extent and in what manner they shall be made public. In the event it is deemed desirable that the results be made public, the manuscript of your study will be submitted to us for approval prior to publication."

The proposal contained in this letter was accepted by Dr. Gardner in a letter of November 23rd, from which I quote the following paragraph:

> "The Saranac Laboratory agrees that the results of these studies shall become the property of the contributors and that the manuscripts of any reports shall be submitted for approval of the contributors before publication. "

Sincerely,

Vandiver Brown

Vandiver Brown,
General Attorney.

VB:y

Bridgeport, Conn.
May 4, 1939



Mr. Vanaiver Brown, General Attorney
Johns-Manville Corporation
22 East Fortieth St.
New York, N. Y.

My dear Mr. Brown:

I have your letter of the 3rd, in reference to Dr. Gardner's papers giving some results of the experiments with the asbestos dust.

I have not seen any of Dr. Gardner's reports, the one of the Saranac Laboratory, the paper before the meeting of the American Institute of Mining and Metallurgical Engineers, or the one in the Journal of the American Medical Association, but I shall send for them at once.

I do not believe it is proper for Dr. Gardner to use any of the material regarding asbestosis without our consent, or without submitting the report to you for approval, and I am a little surprised that Dr. Gardner has done so. He is certainly not living up to his agreement of November, 1936.

The reports may be so favorable to us that they would cause us no trouble, but they might be just the opposite, which could be very embarrassing.

As soon as the articles are received, I will again take it up with you.

Very truly yours,

SC:G

President

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