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COUNSEL

August 26, 1982

Sherwin Williams Company
101 Prospect Avenue N.W.
Cleveland, Ohio 44115

Attn: Thomas Locker
Administrator of Workers Compensation

Re: v. New Primex
Realty Associates v. The Sherwin
Williams Company

Dear Mr. Locker:

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As you are most likely aware, this law firm has been retained by the Aetna Life and Casualty Company and its attorneys to represent the Sherwin Williams Company on the third-party action brought against it in the above-captioned litigation.

As you are aware, in the Workers Compensation claim it was found that : contracted myelogenous leukemia as a result of her exposure to benzene quantities in paint components at your shop during her employment at Sherwin Williams. It should be noted that : died from this condition on July 3, 1982.

The defendant in the prime action which is the landlord of the premises brought a motion for Summary Judgment which was denied in late 1981. Thereafter, an appeal was taken and this appeal is presently scheduled to be heard on September 7, 1982. It is anticipated that a decision on this appeal will be rendered in late September and if unfavorable to the prime defendant and consequently to Sherwin Williams, this matter could be reached for trial during the October 1982 term or shortly thereafter. Thus the material which I am seeking in this letter and trial preparation should proceed as rapidly as possible.

Previously in speaking with a John Mulcahy of Aetna Life and Casualty and with Sam Steward, Esq. who previously handled this litigation I was directed to communicate further inquiries and

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Mr. Thomas Locker
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requests for further investigation to you. If some other individual in the employ of Sherwin Williams would be more appropriate, I would appreciate your directing this letter to him and advise me of the appropriate party.

In this regard, the following records should be obtained and forwarded to me for my review as soon as possible.

1. complete personnel file, including time cards, employment application and each and every available record on her employment with Sherwin Williams. } B. EDGENHOUSE
2. A written job description of the position of "Industrial Hygienist", the position which and his predecessor, held during employment. } LAURENCE
3. A copy of the written Sherwin Williams program for testing for toxic substances in its branch stores and, in particular, the Erie Boulevard store located at 3140 Erie Boulevard East, Dewitt, New York, especially regarding the emission and control of toxic substances. } STORE SAFETY MANUAL
4. Any and all written instructions and procedures directed to the branch/retail stores re the storage of coatings which went into the paint. "
5. The written procedures to the branch/retail stores regarding the storage of the components which went to make up the various paint coatings. "
6. The specifications as to the percentage of benzene in the components purchased by Sherwin Williams and supplied to its 3140 Erie Boulevard East, Dewitt store for the period July 1, 1977 through December 31, 1978. } MDS
7. Any procedures or written instructions for the mixing of the coatings. } MANUAL
8. The procedures for the mixing of the components which were combined to form the paint coatings. }
9. A list of the suppliers of the components of paint coatings and the components of solvents used at the 3140 Erie Boulevard East, Dewitt store from July 1, 1977 through December 31, 1978. } TO STORE MANAGER

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