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PLEASE RESPOND TO: SAN FRANCISCO

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PRACTICE LIMITED TO FEDERAL COURT

OF COUNSEL
WILLIAM W. WERTZ
RITA F. GILMORE

January 14, 1988

John F. King, Esq.
Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, OH 44115-1075

REDACTED

Re: Kaiser Shipyard #3, et al.
WCAB Case No: OAK 141300
Claim No: 918 C 31408/SMBS No: 144.054

Dear Mr. King:

This matter was in fact set on the Workers' Compensation Appeals Board conference calendar for January 12, 1988. We appeared at the Oakland office, and met with Judge Mason only to learn that the matter had in fact been continued. We were obviously not given notice of the continuance since we were not a party defendant, and our name did not appear on the address sheet. We advised Judge Mason of our representation of Sherwin-Williams on the subpoena and our Motion to Set Aside the Order Compelling Answers; and, he did in fact note for his file our representation, and stated that the issue of the Order to Set Aside would come up when the matter is next on calendar.

This matter is going to be reset in the very near future. Please note that we have written to counsel, who issued the subpoena asking that they advise us as to when the matter is returned to calendar.

Presently, we would suggest that you review in depth the Declaration of Mr. Strazulo in support of the Order Compelling

0007-SWP-005803666
CONFIDENTIAL

John F. King, Esq.
Re:
January 14, 1988
Page Two

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Answers to Subpoena Duces Tecum. We would like you to respond to us in writing to the allegations made by Mr. Strazulo concerning his conversations with you on August 14, 1987, August 21, 1987, and an apparent conversation which took place on November 2, 1987.

If you could respond in written form, we can then review the materials, and discuss with you preparation of a Declaration in response to that of Mr. Strazulo.

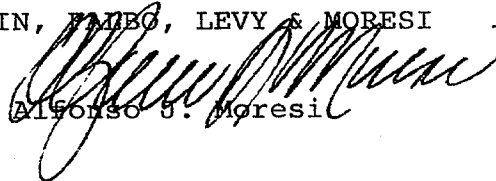
Presently, we are satisfied that the records from Sherwin-Williams do not have to be produced. Now that you have representation, we do not think the Board will move to impose any sanctions or order production pursuant to Labor Code §132.

As always, if you have any questions concerning this matter, please advise us.

Very truly yours,

LAUGHLIN, FALBO, LEVY & MORESI

By:


Alfonso S. Moresi

AJM/jm
Enclosure