FILE NAME: Insulation Contractors & Distributors (ICD)

DATE: 1960 Apr 29

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THE BUILDING INDUSTRY EMPLOYERS OF NEW YORK STATE
ALBANY Originated 1893 NEW YORK

Big Workmen's Comp/ Safety Group

Group Managers
Safety Management Company

241 Church St.
New York 13, N.Y.
WOrth 6-2050

April 29, 1960

Mr. Ray C. Braun
Niagara Asbestos, Inc.
62 Washington Street
Buffalo 3, New York

Dear Ray:

As returning the notice of Decision in the Cavanagh Case and am enclosing a report by Mr. Greenfield who reviewed the facts at my request. Mr. Greenfield is head of our Claims Department and incidentally, in my opinion is one of the most experienced Workmen's Compensation Claims experts in the State of New York. [redacted] twenty eight years as assistant to the Director of Claims in the State Insurance Fund, during which time he handled claims running into hundreds of millions of dollars. The former State Fund Claims Director is now Chairman of the Workmen's Compensation Insurance Board. I suggest that you read his report and do what you can to follow the safety recommendation contained therein.

Unfortunately, asbestosis is a very serious disease and is practically incurable. Particles of asbestos once ingested continue their slow, insidious tissue destruction through the years, even though exposure may long have terminated. If the exposure is slight, as in well guarded plants with excellent exhaust ventilation and use of adequate mask protection, insufficient asbestos will be absorbed to destroy a vital amount of lung.

According to medical experts the average exposure before the appearance of the disease is 13.5 years. It is very rarely found with less than five years exposure but rapidly increases after this duration and beyond the tenth year the likelihood of asbestosis is exceedingly great.

Since the Workmen's Compensation Law makes the last employer for whom there was injurious exposure liable for full payment of compensation, it is important to be selective in hiring new employees who have been exposed to harmful dust with other employers for long periods. In fact, if Cavanagh had left your employment in 1958 and had become ill while working for another in the same industry for several months where he had been exposed to harmful asbestos dust, it is likely that you would have escaped liability entirely even though his exposure for you lasted many years.

It may be well to keep in mind, in view of the above and the enclosed report, that you may in hiring an employee who has worked for a competitor either in your area or in the same industry in other areas, be acquiring a potential compensation case.

It might be very worthwhile considering physical examination when hiring such an employee so that you may not be stricken with the cost. The last employer is the one who pays.

This case may alert others in your employ and if you hear of any further activity regarding the attorney who represents the deceased. I would appreciate your advising me so that we may take steps to protect your interests.

Perhaps you will now understand why I was so interested in doing the research on the case which occurred prior to the time we began to service you. Being armed with the facts will at least give us an opportunity to know what we are up against and do everything in our power to prevent the recurrence of this type of claim.

With kindest personal regards.

Sincerely,

SAFETY MANAGEMENT COMPANY, INC.

JML:glb
Encs.

Jack M. Lovell

cc: Mr. F. C. Wopperer
Frontier Ins. & Asbestos Inc.

CLAIMS RESOLUTION MANAGEMENT CORPORATION

A subsidiary of MANVILLE PERSONAL INJURY SETTLEMENT TRUST

Margaret J. Baumgardner
Information Processing Coordinator

VIA FEDERAL EXPRESS

March 28, 2000

John N. Lipsitz
Lipsitz & Ponterio, LLC
135 Delaware Avenue, Suite 506
Buffalo, NY 14202

Re: Documents from Repository

Dear Mr. Lipsitz:

Enclosed is the affidavit with the documents you requested. I have also included a copy of my first letter to you with a copy of the information packet. If you need a copy of the order mentioned in the agreement, please contact me and I will forward one to you. If you have any questions or need additional research, please do not hesitate to contact me.

Sincerely,

Maggie Baumgardner

Margaret J. Baumgardner

Enclosures

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