

Cleveland

Corporate Insurance

#18 Oakland, Calif.

July 31, 1974

R. Gienope

Redacted

Died March 26, 1973

Enclosed is a photocopy of a recent letter from the attorney representing Liberty Mutual and The Sherwin-Williams Company in the subject claim. Apparently, a preliminary conference before the California Workmen's Compensation Board was conducted on July 10, 1974.

Although the enclosed letter indicates a qualified form of optimism for the outcome of this claim, we are inclined to await the referee's ruling following a hearing on the additional testimony anticipated on behalf of the widow claimant.

We are also checking our records to see if there is any history of testing for harmful vapors at the Oakland Factory by Liberty Mutual loss prevention people.

Such evidence would tend to refute the allegations of non-expert lay witnesses who are scheduled to testify for the claimant.

Please make this a confidential part of your file in the case.

Redacted

JACK D. KULL, JR.

JDK:cnj
Enclosure

Per D. SARVADI

N40585

No record of survey of air or for
atmospheric contaminants.

V. J. Kull

GOSHKIN, POLLATSEK AND MEREDITH

ATTORNEYS AT LAW

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SAN FRANCISCO, 94111

TELEPHONE
(415) 381-1400

CHARLES F. LEE

EDWARD L. BEGGS
OF COUNSEL

July 19, 1974

Liberty Mutual Insurance Company
3505 Broadway
Oakland, California

Re:

Paint Co.

v. Sherwin Williams

Redacted

Gentlemen:

Redacted

The matter came on for conference before Referee Euliah Olsen in Oakland on July 10, 1974. Earl Grubb appeared on behalf of the widow and Bob Laws appeared for Kaiser. I represented your interests.

The purpose of the conference was simply to get time estimates and for the referee to find out how many witnesses are expected and also to lecture us on the fact that the medical witnesses will be limited in their testimony to cross-examination and the presentation of rebuttal evidence and will not be permitted to testify to what is contained in their medical reports.

Bob Laws is clearly going to be carrying the ball for the applicants here and it would appear that he is going to confine himself to Kaiser physicians. He indicated that he would produce two doctors, presumably Dr. Klatsky and one other, hopefully Dr. Stettner. I asked that he advise us of the names of any physicians within 30 days before the scheduled hearing so that we can have an opportunity to depose them if we wish. We have previously discussed the possibility of deposing Dr. Klatsky and agreed that we will not do so. However, if they submit a further medical report by someone we can then decide whether we wish to depose that reporting physician.

Laws also indicated that he would produce two lay witnesses to testify to the fumes that the decedent was allegedly exposed to.

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CONFIDENTIAL

Liberty Mutual

July 19, 1974

Re: [REDACTED]

Redacted

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Grubb, on behalf of the widow, indicated that he would produce the widow as a witness and two lay witnesses.

As things stand now, the question of compensability really comes down to a medical question and I am prepared to rest on the opinion of Dr. Cosentino, which I personally find quite persuasive. The applicants have not come up with any rebuttal and, if the case proceeds on the present record, I think that we should prevail. The danger, of course, is that they will get a doctor from Kaiser to substantiate their case but we will have Dr. Cosentino present at the hearing for rebuttal.

The case has been set over for a one day hearing.

Very truly yours,

Samuel E. Meredith

SKM:ls

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July 29, 1974

INSURANCE
JUL 31 1974

QW
**LIBERTY
MUTUAL**



J.D.K.
Westgate Plaza Building; 20325 Center Ridge Road; Cleveland, Ohio 44116 • Tel. (216) 333-8000

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

Attention: Jack D. Kull, Staff Assistant Corporate Insurance Dept.

Re: Redacted vs Sherwin-Williams

Redacted

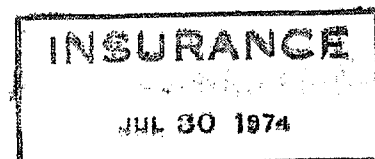
Dear Jack:

Attached is a copy of a letter from our attorney regarding the above case. Its last paragraph sounds very optimistic to say the least.

Very truly yours,

Lee R. Shealy
Claims Manager

Encl.
jt



N40585.02

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