

FILE NAME: Early Asbestos Damage Suits (EADS)

DATE: 1938

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DOCUMENT DESCRIPTION: Book Excerpt - Silicosis and Asbestosis
with Cover Letter to BC

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October 23, 1980

Mr. Barry I. Castleman
Box 230A - Valley Road
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Dear Barry:

I want to thank you for the reference Dangerous Trades. It clearly pushes back knowledge to those "in the know" to 1902.

You asked about the documentation on Lanza's statement on the total claims of suits. This is contained in the book edited by Lanza, Silicosis and Asbestosis. I am enclosing a photocopy of the title page and certain select pages with choice statements. The one you ask about is on Page 406. (The chapter on "Public Health and Economic Aspects" was written by Lanza - See Page 405).

Note Page 419 on Asbestosis. If the "damage suit situation" caused the Lanza study - which we know commenced in 1929, Johns-Manville must have been sued in 1929. In looking for suits, I, therefore, started looking in 1929 and reasoned that the most logical place was in federal court where the largest plant was located (New Jersey), since the greatest chance of suit was there. Sure enough, I found it. I called the federal court clerk with jurisdiction over Manville, and with luck got the very clerk Johns-Manville had gone through. A copy is enclosed of the Complaint of Anna Pirskowski.

I am enclosing a Summary of the other suits. Note that in 1931, the Executive Committee of Johns-Manville Corporation referred to an upcoming trial. The 1933 Board Minutes refer to 11 cases. The Summary shows that exactly 11 cases were pending on the date of the 1933 Board Minutes and were subsequently dismissed in 1934.

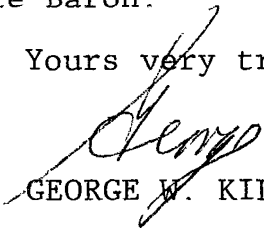
One addition since Boston: Yesterday, I received copies of Complaints in about a dozen suits filed in Cook and Lake County, Illinois arising out of the Waukegan Plant. These were filed in 1934. I am enclosing a copy of my Requests for Admissions to Johns-Manville which documents each of the suits. They were probably all removed to Federal court in Chicago. This needs to be checked, and the files copied.

Mr. Barry I. Castleman
October 23, 1980
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The total claims of the prayers in the Complaints probably totals upwards of \$1,000,000. Coupled with the New Jersey ones, the total is certainly under \$10 million. This leaves unaccounted for about 90% of what Lanza describes (both asbestosis and silicosis). My guess is that the state and federal court clerk's office index should be checked in every Johns-Manville plant location. Up until now, we have limited our search to compensation cases. It isn't that clear cut under the laws of each of the states. There are probably a great many undisclosed suits for "occupational disease" in states where the right to file a claim for worker's compensation for "occupational disease" was not clearly delineated or where there was an option as there was in New Jersey, or in California, under the original compensation act (subsequently and long since taken away).

On another subject: Steve and I have a shipyard case that will probably go to trial in December and a plant case on March 31, 1981. We may be interested in your services as an expert witness on the state of **the** art and all the various literature, depending on what we can get resolved in pre-trial. If you are interested, what arrangements can be made? It would be similar to what you did in the Lopez Case for Freddie Baron.

Yours very truly,



GEORGE W. KILBOURNE

GWK:bh
Enclosures
cc - Steve Kazan

Silicosis and Asbestosis

BY VARIOUS AUTHORS

EDITED BY

A. J. LANZA, M.D.

ASSISTANT MEDICAL DIRECTOR, METROPOLITAN LIFE INSURANCE COMPANY,
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TUBERCULOSIS AND HEALTH ASSOCIATION

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59. Statutory Rules & Orders, 1931, No. 344. H.M. Stationery Office, London.
60. First Rep. of Departmental Committee on Workmen's Compensation for Silicosis, 1924. H.M. Stationery Office, London.
61. Rep. of Departmental Committee on Medical Arrangements for the Diagnosis of Silicosis, 1929. H.M. Stationery Office, London.
62. Statutory Rules & Orders, 1931, No. 412, and 1934, No. 1063.

VII. PUBLIC HEALTH AND ECONOMIC ASPECTS *UNITED STATES*

A. J. LANZA, M.D.

ASSISTANT MEDICAL DIRECTOR
METROPOLITAN LIFE INSURANCE COMPANY

INTRODUCTION

THE occupational diseases and the health of industrial workers present one of the important phases of public health. Of the occupational diseases, none is more truly occupational than the pulmonary diseases due to the inhalation of industrial dusts. Lead, carbon monoxide, arsenic, benzol and many other toxic substances associated with industrial processes are also found in circumstances that have no connection with industry. The same cannot be said for the pneumoconioses. They stand as the most perfect type of occupational diseases. Recognized for centuries, only in comparatively recent times have their wide-spread effects been disclosed and their importance to the public health appreciated. More lately still, the inclusion of these disorders in schemes of compensation for occupational disease has emphasized their economic importance and the necessity for thorough and adequate methods for their control.

SILICOSIS AND COMPENSATION

Silicosis and asbestosis burst upon the amazed consciousness of American industry during the period 1929-1930. Previously, the terms "silicosis", "asbestosis", "pneumoconiosis", were practically unknown to industrialists except that in the hard rock mining industry, silicosis, under its various colloquial designations, was well recognized. Knowledge of these

The President advised the Board that the Corporation had been approached by various banks which were in process of reorganization with the proposition that it subscribe to common or preferred stock and that in each such case the Corporation had stated that it was not interested. It was the consensus of the Board that this was the correct policy to pursue.

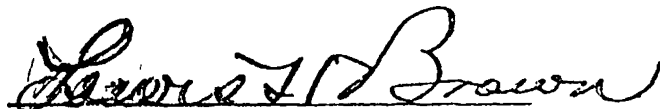
Various matters of business were discussed including the lifting of the embargo on Russian asbestos by President Roosevelt and the tax situation in the Dominion of Canada. The President advised that he anticipated an early settlement of the tax dispute.

The President advised the meeting that Messrs. Hobart & Minard of Newark had been approached by the attorney for the plaintiffs in the eleven pending "asbestosis" cases with an offer to settle all the cases upon a much lower basis than had ever been previously discussed. He further stated that our general counsel, Messrs. Davis Polk Wardwell Gardiner & Reed, as well as Messrs. Hobart & Minard had recommended that we settle for approximately \$30,000 provided written assurance were obtained from the attorney for the various plaintiffs that he would not directly or indirectly participate in the bringing of new actions against the Corporation.

After discussion, on motion, duly made and seconded, the following resolution was unanimously adopted:

RESOLVED that the President of the Corporation be, and he hereby is, authorized and empowered to enter into negotiations for the settlement of all the eleven asbestosis actions that have been brought against the Corporation by former employees and which are now pending in the Federal District Court of New Jersey and, in his discretion, to settle all said cases, provided the President shall, after further investigation, be of the opinion that such settlement is for the best interests of the Corporation.

There being no further business to come before the meeting, it was, on motion, duly made and seconded, unanimously adjourned.


Secretary of the Meeting