

bcc: Mr. K. C. Specht
Mr. C. B. Winslow

September 10, 1963

Peter F. Flaherty, Esquire
Grant Building
Pittsburgh 19, Pennsylvania

Re: Wheeler's Paints, Inc.

Dear Sir:

A copy of your letter of August 23, 1963 addressed to our Cleveland Branch has been forwarded here by Mr. C. B. Winslow pursuant to the suggestion set forth in the last paragraph. Having reviewed the file, we are pleased to respond to your letter.

It appears that the franchise was terminated by written notice to your client as provided for in the agreement. While no reason for termination is required to be given, we understand that your client was unable to continue to operate in his premises because of condemnation proceedings requiring him to vacate and that a new location has been or is being opened in an area already serviced by a Dutch Boy franchised dealer. It appears also that your client understood and appreciates this fact, and while it is unfortunate that termination resulted, we have to disagree with your position that it is "a direct violation of the Federal Anti-Trust laws"... We suggest that the reason given is substantial and the action was taken in good faith. Should proper conditions come into being, we would be pleased to consider granting a franchise to your client or any qualified dealer.

As to the return of inventory with which your letter is also concerned, the files indicate that all the material

N 27346

ALL 000041511

Page Two

Peter F. Flaherty, Esquire

September 10, 1963

to be sent back to us and credited to your client was so returned and credited by March 1963. If the tender of July 27th is part of the original inventory which could not be returned by March, as your letter states, we will ask our manager to be in touch with your client for so determining, and to accept this material if it is in order to do so under our original offer.

Very truly yours,

TPM/dm

NL 000041512

C-48

Peter F. Flaherty
Attorney at Law

August 23, 1963

Grant Building
Pittsburgh 19, Pennsylvania

New 261-1970

National Lead Company
Paint Division
1776 Columbus Road
Cleveland 13, Ohio

Re: Wheeler's Paints
115 West Ohio Street
Pittsburgh, Pennsylvania

Attention: Mr. Charles B. Winslow

Dear Sir:

I represent Wheeler's Paints, who have consulted me concerning the legality of your cancellation of the Dealer Franchises on Dutch Boy Blue & White Line Paints and Paint Products as set forth in your letter of October 24, 1962.

On November 2, 1962 you were advised by Wheeler's Paints of their unwillingness to accept the cancellation of the franchise and that Wheeler's Paints "stand ready, willing and able to continue business with National Lead Company as we have over the past forty years."

You are again advised now of our refusal to accept the cancellation of the franchise and that Wheeler's Paints stands ready, willing and able to continue with National Lead.

It is our position that your cancellation is in direct violation of the Federal Anti-Trust Laws pertaining thereto and constitutes an unfair restraint of trade within the meaning of the Federal laws applying thereto.

By your letter of November 6, 1962 you have advised Wheeler's Paints to return and that you will accept "the return of your entire stock of saleable Dutch Boy Paints for full credit." It was not possible for Wheeler's to return the entire inventory in one shipment. On March 25, 1963 a partial return of inventory was made to you in the sum of \$5,250.49. On July 27, 1963 we tendered return of the balance of our inventory in the approximate sum of \$2,500.00, a copy of this inventory is attached, and we hereby again legally tender the return of the said inventory. Kindly advise us as to whether this return of inventory, dated July 27, 1963, is accepted, so that we may prepare shipment and receive full credit thereof.

I suggest that you turn this letter over to your general counsel concerning the legality of your cancellation of this franchise.

Very truly yours,

Peter F. Flaherty
PETER F. FLAHERTY

f
Encl:

N 27346.01

NL 000041513

"COPY"

NATIONAL LEAD COMPANY - CLEVELAND BRANCH

1776 Columbus Road
Cleveland 13, Ohio

3241 Walden Avenue
Depew, N. Y.

1376 River Avenue
Pittsburgh, Pa.

Charge To WHEELERS PAINTS

Street Address _____

City & State INVENTORY

Ship Via REQUEST FOR RETURN Prepaid ☐ Collect ☐

Ship To _____

Street Address _____

City & State _____ F.O.B. _____

Our Order No. 7/27/63

When Ship _____

Salesman _____ Terms _____

Customer's Order No. _____ Date _____



NO.	WHITE LEAD PAINT	5	1	1/4	NO.	PORCH & FLOOR	1	1/4	NO.	FASTEP (Acrylic Floor Paint)	1	1/4					
011	Exterior Primer				326	Buckskin			71-15	White							
116	Outside White				332	Oak		3	71-32	Sand							
					333	Brown	3		71-36	Cork							
003	Titanium Undercoat				355	Tile Red	8	9	71-56	Patio Red							
103	Titanium White Lead Pt.				364	Light Gray			71-62	Powder Gray							
					365	Slate Gray			71-66	Masonry Gray							
NO.	HOUSE PAINT	5	2	1	1/4	367	Battleship Gray			71-68	Bluestone Gray						
010	Primer					369	Dark Gray			71-84	Tile Green						
110	Bright White	5				385	Green		3	71-86	Veranda Green						
111	Gloss White																
120	Ivory																
122	Cream					NO.	NALCRETE	5	1	1/4	NO.	BARN & ROOF PAINT	5	1	1/4		
124	Buff					019	Surface Conditioner				24-56	Gloss Red					
133	Beige					55B00	White				24-83	Gloss Green					
135	Oakwood					55B02	Wood Rose				NO.	LATEX HOUSE PAINT	5	1	1/4		
141	Sunbeam					55B12	Caribbean White				018	Primer		13	7		
142	Colonial Yellow					55B19	Turf Green										
151	Coral					55B40	Catalina				17-10	White			6		
155	Provincial Red					55B43	Pebble				17-21	Cream					
162	Gray					55B53	Aquamarine				17-32	Beechwood Beige					
164	Warm Gray					55B66	Jasper Green				17-36	Woodland Oak					
166	Westchester Gray					55B67	Sea Foam Green				17-44	Cape Cod Yellow					
168	Charcoal Gray					55B75	Pearl Gray				17-56	Sun-Ray Pink					
174	Astral Blue			1		55B77	Georgian Gray				17-58	Rancho					
182	Green					55B93	Flamingo				17-62	Soft Gray					
182	Bronze Green			1	5	55B95	Bone Ivory				17-66	Quarry Gray					
NO.	OTHER WHITES	5	1	1/4	55B151	Palisades Pink				17-68	Charcoal Gray						
104	One Coat White				55B152	Flaxen Yellow				17-83	Apple Green						
115	Fume & Mildew					NO.	SHAKE & SHINGLE (Exterior Flat Finish)	5	1	1/4	17-88	Balsam Green					
						017	Primer Undercoater				17-89	Woodlawn Green					
NO.	SASH & TRIM		1	1/4		24-14	Intense White				MISCELLANEOUS EXTERIORS						
210	White					24-23	Beige				NO.	SPECIALTY ITEMS	5	1	1/4	1/8	1/16
222	Cream		X			24-28	Antique Copper				020	Anti-Corrosive Primer		5			
235	Tudor Brown					24-32	Rustic Brown				100	White					
241	Accent Yellow		2			24-37	Chestnut				102	White House & Farm Paint					
250	Red		1			24-42	Maize				29-02	Ready-Mixed Aluminum					
251	Deep Coral		1			24-50	Coral				29-90	Screen Enamel- Black					
255	Colonial Red					24-57	Early American				795	All-Purpose Black					
275	Tropical Turquoise		4			24-62	Shell Gray				70-32	Penetrating Bonding Liquid		3			
281	Valley Green					24-66	Steel Gray				70-38	Masonry Reducer					
282	Light Green					24-68	Charcoal Gray										
284	Medium Green					24-74	Aqua				NO.	UTILITY PAINT		1	1/4		
286	Dark Green					24-80	Pine Green										
290	Black					24-87	Mint Green										
272	BLUE		1			24-89	Forest Green										
240	YELLOW		3														

PACKING

5 GALLON KIT
2 GALLON KIT
GALLONS - 4 TO CASE
QUARTS - 6 TO CASE

PINTS - 8 TO CASE
HALF PINTS - 12 TO CASE
QUARTER PINTS - 12 TO CASE

N 27346.02

NL 000041514

NO.	NALKYD WONSOVER	5	2	1	1/4	NO.	QUICK DRYING ENAMEL	1	1/4	1/8	1/16	1/32	NO.	CRYSTALOID WOOD STAINS	1	1/4	1/8	1/16	
410	White					707	Chrome Aluminum	X					23-24	Driftwood					
412	Off White		X			710	White						23-32	Butternut					
414	Ceiling White		X			720	Light Ivory	X					23-42	Blonde					
420	Ivory					730	Chocolate Brown	X					23-64	Platinum					
428	Suntan					740	Tulip Yellow	X					NO.	VARNISH STAINS	1/4	1/8	1/16		
431	Mushroom					742	Sun Yellow	X					23-34	Dark Oak					
444	Flaxen Yellow					750	Vermilion						23-38	Walnut					
451	Coral Sands					751	Pink Coral	X					23-44	Oak					
454	Bermuda Pink					754	Bright Orange	X					23-54	Maple					
457	Flamingo					756	Chinese Red	X					23-58	Mahogany					
464	Feather					758	Maroon	X					NO.	OILWOOD STAINS	1/4	1/8	1/16		
471	Pinefrost					762	Silver Gray	X					23-33	Dark Oak					
473	Starlight Blue					772	Baby Blue	X					23-35	Salem Maple					
474	Aqua					773	Aqua	X					23-37	Walnut					
476	Blue Haze					776	Delft Blue	X					23-43	Oak					
483	Surf Green					782	Nile Green	X					23-57	Mahogany					
485	Vernal Green					784	Jade Green	X					NO.	VARNISHES	1	1/4	1/8	1/16	
486	Colonial Green					788	Garden Green	X					70-00	SPAR Ext. Marine					
						790	Black						70-02	SPAR Int. & Ext.					
						791	Flat Black						70-10	Int. Floor & Trim Gloss					
NO.	NALKYD SATIN EGGSHELL	5	1	1/4		NO.	SPRA-SWIFT (Aerosol)					16 OZ. Spray Can	70-20	Interior Satin Finish					
510	White					704	Metal Primer						NO.	CRYSTALOID CLEARS	1	1/4	1/8		
512	Off White				10	705	Clear						70-25	Clear Gloss Finish					
520	Ivory		3			707	Silver						70-26	Clear Dull Sheen Finish					
528	Suntan					710	White						70-28	Clear Satin Finish					
531	Mushroom		2	2		711	Appliance White						70-61	Floor & Wood Clear Sealer					
532	Honey Beige		3	6		731	Copper						NO.	URETHANE FINISHES	1	1/4	1/8		
540	Blonde Yellow		4	9		742	Sun Yellow						70-05	Clear High Gloss					
544	Flaxen Yellow		14	2		743	Gold						70-29	Clear Satin Sheen					
551	Coral Sands		11	4		751	Pink Coral						NO.	WOODCOTE FINISHES	1	1/4			
552	Apple Blossom		16			756	Chinese Red						70-04	Clear Finish					
554	Bermuda Pink		6	5		772	Baby Blue						23-52	Redwood Stain					
555	Oleander Pink		7	9		776	Delft Blue						NO.	INTERIOR PRIMERS	5	1	1/4	1/8	1/16
557	Flamingo			2		788	Garden Green						007	Int. Undercoater	X				
562	Gray Mist		8	3		790	Gloss Black						040	W. Prim. & Sealer			X	X	
564	Feather		2	2		791	Wrought Iron Flat Black						701	Enamel Undercoat	X				
571	Pinefrost		6	2		NO.	SPARKLING WHITE ENAMEL			1	1/4	1/8	72-01	Primefast White	X		X	X	
573	Starlight Blue		4	2		715	Gloss												
574	Aqua		4	3		11-15	Velvet Sheen												
576	Blue Haze		2	2		NO.	DIAMOND WHITE ENAMEL			1	1/4	1/8	1/16						
583	Surf Green		4			717	Gloss												
585	Vernal Green		3			11-17	Semi-Lustre			8	6								
586	Colonial Green		5	2															
587	Terrace Green		3																
NO.	NALPLEX	5	1	1/4			MARINE FINISHES												
72-11	White					NO.	CABIN-HULL & TOPSIDE			1	1/4	1/8							
72-12	Off White					16-02	Special White Primer Undercoater							NO.	INTERIOR GLOSS ENAMEL		1	1/4	
72-13	Ceiling White				1	16-26	Red Lead Primer							610	White				
72-20	Ivory				11	16-10	Special Gloss White							NO.	NALCO CRAFTTESTED FINISHES	5	2	1	
72-26	Suntan		16	9		16-14	Gloss Yacht White							415	One Coat Flat Wall				
72-31	Mushroom		12	9		16-15	Semi-Gloss Yacht White							812	Alkyd Flat				
72-32	Honey Beige		14	9		16-16	Flat Yacht White							NO.	FLAT WALL ENAMEL	5	1	1/4	
72-40	Blonde Yellow		8	8		16-24	Skiff Brown							813	Intense White				
72-44	Flaxen Yellow		9	14		16-57	Signal Red							NO.	WOOD FILLERS	1	1/4	1/8	
72-51	Coral Sands		2	6		16-88	Signal Green							23-11	Paste Wood Filler				
72-52	Apple Blossom		16	9		16-90	Marine Black												
72-54	Oleander Pink		8	14		70-01	Nalco Marine Spar Varnish												
72-57	Flamingo			6		NO.	BOTTOM PAINTS			1	1/4								
72-62	Gray Mist			1		16-44	Red - Anti Fouling												
72-66	Feather		6	8		16-45	Green - Anti Fouling												
72-71	Pinefrost		8	6															
72-72	Starlight Blue		4	5															
72-73	Aqua		13	3															
72-75	Blue Haze		5	4															
72-82	Surf Green		16																
72-84	Vernal Green		5	6															
72-86	Terrace Green		4	7															
72-90	ACORN BROWN		2	2															

PACKING

5 GALLON KIT

2 GALLON KIT

GALLONS — 4 TO CASE

QUARTS — 6 TO CASE

PINTS — 8 TO CASE

HALF PINTS — 12 TO CASE

QUARTER PINTS — 12 TO CASE

NL 000041515

COLOR GALLERY PRODUCTS

BLENDING BASES — EXTERIOR				NO.	COLOR BLENDERS LIGHT	Min. No.	Tubes 1 oz.	Tubes 4 oz.	NO.	COLOR BLENDERS LIGHT (Cont'd)	Min. No.	Tubes 1 oz.	Tubes 4 oz.
MASONRY PAINT													
	Gal.	Qt.		801	Off White	101a			879	Flamingo	93a		
101 LIGHT				803	Cream	96			880	Sunset Pink	98a		
106 MEDIUM				806	Peach Tone	97			881	Lamplight	34a		
				807	Dusty Rose	104			882	Camellia	37a		
				808	Georgian Gray	77			883	Cool Aqua	90a		
HOUSE PAINT				811	Sunlit Green	58			884	New Lavender	100a		
	Gal.	Qt.		813	Pewter Gray	41			885	Frosted Mint	22a		
117 MEDIUM				814	Gothic Gray	17			886	Glade Green	33a		
118 LIGHT				816	Ming Green	64			TOTALS 				
119 DEEP				817	Soft Jade	57							
CABIN-HULL & TOPSIDE				818	Florentine Blue	48			NO.	COLOR BLENDERS DEEP	Min. No.	Tubes 4 oz.	Cans Pint
	Gal.	Qt.	Pt.	819	Delphinium	50			901	Leaf	20		
16-07 MEDIUM				820	Hyacinth	44			902	Bottle Green	10		
16-08 LIGHT				821	Shale Gray	42			903	Forest	9		
16-09 DEEP				822	Pebble	43			904	Peacock	18		
NALCRETE				823	Antique Rose	32			905	Gainsborough Blue	3		
	Gal.	Qt.		824	Spring Green	59			906	Bright Navy	4		
55-07 MEDIUM				825	Jasper Green	66			907	Gunmetal	16		
55-08 LIGHT				827	Provincial Green	70			908	Parma	5		
BLENDING BASES — INTERIOR				828	Aquamarine	53			909	Mulberry	2		
				829	Rose Beige	108			910	Rubens Red	6		
FLAT WALL ENAMEL				830	Wood Rose	102			911	Hot Chocolate	8		
	Gal.	Qt.		831	Dusty Pink	109			912	Driftwood	13		
807 MEDIUM				832	Landscape Green	56			913	Titan Red	7		
808 LIGHT			39	833	Willow	68			914	Rembrandt Brown	15		
809 DEEP				835	French Blue	51			916	Cherry	12		
SATIN FINISH ENAMEL				836	Pale Turquoise	54			917	Sandalwood	14		
	Gal.	Qt.		837	Regency Blue	45			918	Mauve	31		
11-07 MEDIUM		1		838	Sprout	71			919	Athens Green	25		
11-08 LIGHT				839	Light Sage	65			920	Egyptian Green	26		
11-09 DEEP				840	Lichen Green	62			921	Turf Green	19		
HIGH LUSTRE ENAMEL				841	Celery Green	72			922	Soft Teal	29		
	Gal.	Qt.		842	Parchment	83			923	Bitter Green	23		
12-07 MEDIUM				843	Beige	79			924	Avocado	27		
12-08 LIGHT		6	28	844	Cyclamen Pink	105			925	Fiesta Red	39		
12-09 DEEP				845	Hawthorne	112			927	Flame	11		
CRYSTALOID Stain Blending Base				846	Heather	107			928	Chinese Red	35		
	Gal.	Qt.	Pt.	847	Cameo Pink	111			929	Persian Lilac	30		
23-08 LIGHT				848	Sweet Pink	103			931	Tiger Lily	36		
				849	Apricot	99			932	Tangerine	38		
ACRYLIC LATEX				850	Doekin	81			935	Deep Chartreuse	60		
	Gal.	Qt.		852	Desert Gray	78			936	Aster Gold	24		
72-14 MEDIUM				853	Sea Foam Green	67			938	Citron Yellow	86		
72-15 LIGHT				854	Porcelain Blue	55			939	Oriental Green	21		
				855	Pearl Gray	75			940	Yorktown Blue	61a		
NO.	SPECTRAL COLORANTS		1/4	1/8	856	Carnation	110		941	Burgundy	45a		
980	A - Red				857	Portrait Pink	106		942	Tile Red			
981	B - Orange				858	Gloister Gray	76		943	Cardinal Red	1a		
982	C - Red Brown				859	Ice Blue	52		944	Gracian Gold	40a		
983	D - Red Yellow				860	Chartreuse	69		945	Charcoal Blue	84a		
984	E - Green Yellow				861	Acacia	73		946	Tawny Beige	49a		
985	F - Yellow Brown				862	Bamboo	94		TOTALS 				
986	G - Yellow Green				864	Chamcis	89						
987	H - Blue Green				865	Van Gogh Yellow	91		PACKING BLENDERS				
988	J - Gray Toner				866	Jonquil	85						
989	K - Black Toner				867	Pale Lime	74		BASES				
990	L - Blue				868	Pastel Green	63						
991	M - Violet				870	Straw Yellow	87		GALLONS PACKED—4 TO CARTON QUARTS PACKED—6 TO CARTON				
					871	Bone Ivory	95						
					872	Mission White	92						
					874	Dove Gray	80a						
					875	Castle Gray	82a						
					876	Nougat	88a						
					877	Aqua Capri	28a						
					878	Sapphire	47a						

NL 000041516

BLACK AND YELLOW LABEL PRODUCTS

PRODUCT		100 lbs.	50 lbs.	25 lbs.	TINS 5 lb.	TINS 1 lb.						
Soft Paste White Lead												
Heavy Paste White Lead												
PRODUCT		5	1	1/4	1/8	1/16						
050 Metal Primer												
051 Semi Quick Drying Red Lead												
052 Quick Drying Red Lead												
054 Red Lead Phenolic Primer												
055 Liquid Red Lead in Oil												
70-30 Lead Mixing Oil				12								
70-31 Flatting Oil				6								
70-40 Liquid Drier												
		</										

REMARKS:

NL 000041517