

HALL, LEVY & LIVELY

ATTORNEYS AT LAW

STRASBURGER BUILDING, 806½ WALNUT

P. O. BOX 575

COFFEYVILLE, KANSAS 67337

CLEMENT H. HALL
JOE L. LEVY
JACK L. LIVELY
JON R. VIETS

TELEPHONE
AREA CODE 316
251-1300

October 16, 1978

D. G. S.

OCT 19 1978

Mr. David Sarvadi
Sherwin Williams
101 Prospect, N.W.
Cleveland, Ohio

REDACTED

Re:

vs.

Sherwin Williams
Claim No. C979-30171 HOD

Dear David:

We enclose the following items, to-wit:

1. A complete set of medical records of **REDACTED**
2. A current medical report of Dr. Curtis C. Drevets.
3. A summary of claimant's testimony.

We are in the process of checking with the various employees to verify claimant's testimony.

Your assistance in this matter is greatly appreciated.

Very truly yours,

HALL, LEVY & LIVELY



Jack L. Lively

JLL:bh
Enclosures

cc: Mr. Bill Smith

P.S. We enclose a copy of a list of all chemicals that was subjected to from 10-1-76 to 10-13-76.

REDACTED

JLL

N40383

0007-SWP-005806110
CONFIDENTIAL

HALL, LEVY & LIVELY

ATTORNEYS AT LAW

STRASBURGER BUILDING, 808 1/2 WALNUT

P. O. BOX 575

COFFEYVILLE, KANSAS 67337

CLEMENT H. HALL
JOE L. LEVY
JACK L. LIVELY
JON R. VIETS

TELEPHONE
AREA CODE 316
251-1300

September 28, 1978

Mr. Bill Smith
Liberty Mutual Insurance
3000 West Kellogg Drive
Wichita, KS 67213

Re: vs. Sherwin Williams
Claim No. C979

SUMMARY OF PARTIAL TESTIMONY OF A
PRELIMINARY HEARING AND FIRST HEARING OF ABOVE CLAIM

Dear Bill:

On September 22, 1978, Examiner Harris held the Preliminary Hearing and First Hearing for the above claim. We were not permitted to complete our cross-examination of the claimant due to the time and hearing was continued to October 20, 1978. A copy of the Preliminary Order will be attached to the report.

IMPRESSION OF WITNESS:

is 32 years of age, portly, married, 4 minor children at home, average in neatness, fair command of the English language, in apparent physical distress with breathing problems and an average witness on her behalf.

SUMMARY OF TESTIMONY:

testified she was previously employed by W. O. Ligon Company, a Tulsa CPA firm, the Oklahoma Osteopathic Hospital, the Coffeyville Memorial Hospital, a clothing manufacturing company at Chanute, and Sherwin Williams Chemical Company. Prior to her present employment, she never knowingly suffered from asthma or bronchitis.

She started work on September 27, 1976, worked to April 13, 1977, except for a layoff from January 10, 1977, to February 6, 1977, in the labor pool, the black ash, and suffered no employment related physical problems, except a skin rash caused by propionic acid, which was treated by Dr. Wilson on February 16 and 17, 1977, and has fully healed.

0007-SWP-005806111
CONFIDENTIAL

Mr. Bill Smith
Liberty Mutual Insurance
3000 West Kellogg Drive
Wichita, KS 67213
September 28, 1978
Page -2-

She admitted being off from April 14, 1977 to April 20, 1977, for acute influenza and pneumonia of the right lung, which was treated by Dr. Wilson.

She returned to work on April 21, 1977, worked to June 28, 1977, in the black ash and ozark zinc-oxide, without suffering any employment related physical problems.

She was off work from June 26, 1977, to August 20, 1977, with a gall bladder operation, which was not related to her employment.

On August 21, 1977, she returned to work, in the ozark zinc-oxide department. She was required to wear a company furnished respirator in marked areas. She wore the respirator where she was required to wear it and didn't where she was not required to wear it. Every employee was allotted three respirators, the respirators were turned in at the end of each work shift, and cleaned by a company employee, named . She returned to work on August 21, 1977, she had two respirators, she made verbal complaints to fellow employees,
and .

REDACTED

*Alleged(?)
PSS*

She claims no job related physical problems in the ozark zinc-oxide department, from August 21, 1977 to October 1, 1977. On or about October 1, 1977, while working at the ball mill, handling re-work material, she first started having physical problems. She suffered eye and throat irritation and coughed up a flim containing re-work material dust. She complained to foreman . During her last week of employment, she had one respirator and didn't keep it clean. She asked fellow worker to examine the respirator, he saw it was cracked, she reported the cracked respirator to foreman who immediately destroyed it. She worked the last week with a dirty and cracked respirator.

REDACTED

She was admitted to the Coffeyville Memorial Hospital from October 16, 1977, to November 16, 1977, and the bill was \$5,216.30. She was admitted to Halstead Hospital from November 16, 1977, to November 29, 1977, and the bill was \$2,799.00. She was re-admitted to the Coffeyville Memorial Hospital from May 26, 1978, to May 28, 1978, and Blue Cross Blue Shield paid \$634.70. She

N40383.01

0007-SWP-005806112
CONFIDENTIAL