

cc: Mr. K. C. Spacht
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

NI 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

Peter F. Flaherty
Attorney at Law

August 23, 1963

Grant Building
Pittsburgh 19, Pennsylvania

Phone 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
Encls:

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		
011	Exterior Primer					
116	Outside White					
003	Titanium Undercoat					
103	Titanium White Lead Pt.					
NO.	HOUSE PAINT	5	2	1	1/4	
010	Primer					
110	Bright White	5				
111	Gloss White					
120	Ivory					
122	Cream					
124	Buff					
133	Beige					
135	Oakwood					
141	Sunbeam					
142	Colonial Yellow					
151	Coral					
155	Provincial Red					
162	Gray					
164	Warm Gray					
166	Westchester Gray					
168	Charcoal Gray					
174	Astral Blue					
182	Green					
188	Bronze Green					
NO.	OTHER WHITES	5	1	1/4		
104	One Coat White					
115	Fume & Mildew					
NO.	SASH & TRIM		1	1/4		
210	White					
222	Cream		X			
235	Tudor Brown					
241	Accent Yellow		2			
250	Red		1			
251	Deep Coral		1			
255	Colonial Red					
275	Tropical Turquoise		4			
281	Valley Green					
282	Light Green					
284	Medium Green					
286	Dark Green					
290	Black					
272	BLUE		1			
248	YELLOW		3			
NO.	PORCH & FLOOR		1	1/4		
326	Buckskin					
332	Oak			3		
333	Brown		3			
355	Tile Red		8	9		
364	Light Gray					
365	Slate Gray					
367	Battleship Gray					
369	Dark Gray					
385	Green			3		
NO.	NALCRETE	5	1	1/4		
019	Surface Conditioner					
55B00	White					
55B02	Wood Rose					
55B12	Caribbean White					
55B19	Turf Green					
55B40	Catalina					
55B43	Pebble					
55B53	Aquamarine					
55B66	Jasper Green					
55B67	Sea Foam Green					
55B75	Pearl Gray					
55B77	Georgian Gray					
55B93	Flamingo					
55B95	Bone Ivory					
55B151	Palisades Pink					
55B152	Flaxen Yellow					
NO.	SHAKE & SHINGLE (Exterior Flat Finish)	5	1	1/4		
017	Primer Undercoater					
24-14	Intense White					
24-23	Beige					
24-28	Antique Copper					
24-32	Rustic Brown					
24-37	Chestnut					
24-42	Maize					
24-50	Coral					
24-57	Early American					
24-62	Shell Gray					
24-66	Steel Gray					
24-68	Charcoal Gray					
24-74	Aqua					
24-80	Pine Green					
24-87	Mint Green					
24-89	Forest Green					
NO.	FASTEP (Acrylic Floor Paint)		1	1/4		
71-15	White					
71-32	Sand					
71-36	Cork					
71-56	Patio Red					
71-62	Powder Gray					
71-66	Masonry Gray					
71-68	Bluestone Gray					
71-84	Tile Green					
71-86	Veranda Green					
NO.	BARN & ROOF PAINT	5	1	1/4		
24-56	Gloss Red					
24-83	Gloss Green					
NO.	LATEX HOUSE PAINT	5	1	1/4		
018	Primer		13	7		
17-10	White			6		
17-21	Cream					
17-32	Beechwood Beige					
17-36	Woodland Oak					
17-44	Cape Cod Yellow					
17-56	Sun-Ray Pink					
17-58	Rancho					
17-62	Soft Gray					
17-66	Quarry Gray					
17-68	Charcoal Gray					
17-83	Apple Green					
17-88	Balsam Green					
17-89	Woodlawn Green					
MISCELLANEOUS EXTERIORS						
NO.	SPECIALTY ITEMS	5	1	1/4	1/8	1/16
020	Anti-Corrosive Primer		5			
100	White					
102	White House & Farm Paint					
29-02	Ready-Mixed Aluminum					
29-90	Screen Enamel-Black					
795	All-Purpose Black					
70-32	Penetrating Bonding Liquid		3			
70-38	Masonry Reducer					
NO.	UTILITY PAINT		1	1/4		
24-33	Brown					
24-65	Light Gray					
24-69	Medium Gray					
24-86	Green					

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				
													70-20	Interior Satin Finish				
NO.	NALKYD SATIN EGGSHELL	5	1	1/4		NO.	SPRA-SWIFT (Aerosol)	16 OZ. Spray Can					NO. CRYSTALOID CLEARS 1 1/4 1/8					
510	White					704	Metal Primer						70-25	Clear Gloss Finish				
512	Off White				10	705	Clear						70-26	Clear Dull Sheen Finish				
520	Ivory			3		707	Silver						70-28	Clear Satin Finish				
528	Suntan					710	White						70-61	Floor & Wood Clear Sealer				
531	Mushroom			2	2	711	Appliance White						NO. URETHANE FINISHES 1 1/4 1/8					
532	Honey Beige			3	6	731	Copper						70-05	Clear High Gloss				
540	Blonde Yellow			4	9	742	Sun Yellow						70-29	Clear Satin Sheen				
544	Flaxen Yellow			14	2	743	Gold						NO. WOODCOTE FINISHES 1 1/4					
551	Coral Sands			11	4	751	Pink Coral						70-04	Clear Finish				
552	Apple Blossom			16		756	Chinese Red						23-52	Redwood Stain				
554	Bermuda Pink			6	5	772	Baby Blue						NO. INTERIOR PRIMERS 5 1 1/4 1/8 1/16					
555	Oleander Pink			1	9	776	Delft Blue						007	Int. Undercoater	X			
557	Flamingo				2	788	Garden Green						040	W. Prim. & Sealer			X	X
562	Gray Mist			8	8	790	Gloss Black						701	Enamel Undercoat	X			
564	Feather			2	2	791	Wrought Iron Flat Black						72-01	Primefast White	X		X	X
571	Pinefrost			6	2	NO. SPARKLING WHITE ENAMEL 1 1/4 1/8							MISCELLANEOUS INTERIORS					
573	Starlight Blue			4	2	715	Gloss						NO. INTERIOR GLOSS ENAMEL 1 1/4					
574	Aqua			4	3	11-15	Velvet Sheen						610	White				
576	Blue Haze			2	2	NO. DIAMOND WHITE ENAMEL 1 1/4 1/8 1/16							NO. NALCO CRAFTTESTED FINISHES 5 2 1					
583	Surf Green			4		717	Gloss						415	One Coat Flat Wall				
585	Vernal Green			3		11-17	Semi-Lustre			8	6		812	Alkyd Flat				
586	Colonial Green			5	2	MARINE FINISHES							NO. FLAT WALL ENAMEL 5 1 1/4					
587	Terrace Green			3		NO.	CABIN-HULL & TOPSIDE	1	1/4	1/8			813	Intense White				
						16-02	Special White Primer Undercoater						NO. WOOD FILLERS 1 1/4 1/8					
						16-26	Red Lead Primer						23-11	Paste Wood Filler				
						16-10	Special Gloss White						PACKING					
						16-14	Gloss Yacht White						5 GALLON KIT					
						16-15	Semi-Gloss Yacht White						2 GALLON KIT					
						16-16	Flat Yacht White						GALLONS - 4 TO CASE					
						16-24	Skiff Brown						QUARTS - 6 TO CASE					
						16-57	Signal Red						PINTS - 8 TO CASE					
						16-88	Signal Green						HALF PINTS - 12 TO CASE					
						16-90	Marine Black						QUARTER PINTS - 12 TO CASE					
						70-01	Nalco Marine Spar Varnish											
						NO.	BOTTOM PAINTS			1	1/4							
						16-44	Red - Anti Fouling											
						16-45	Green - Anti Fouling											

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	Gal.	Qt.		811	Sunlit Green	58			884	New Lavender	100a		
117 MEDIUM				813	Pewter Gray	41			885	Frosted Mint	22a		
118 LIGHT				814	Gothic Gray	17			886	Glade Green	33a		
119 DEEP				816	Ming Green	64			TOTALS 				
CABIN-HULL & TOPSIDE	Gal.	Qt.	Pt.	817	Soft Jade	57			NO.	COLOR BLENDERS DEEP	Min. No.	Tubes 4 oz.	Cans Pint
16-07 MEDIUM				818	Florentine Blue	48			901	Leaf	20		
16-08 LIGHT				819	Delphinium	50			902	Bottle Green	10		
16-09 DEEP				820	Hyacinth	44			903	Forest	9		
NALCRETE	Gal.	Qt.		821	Shale Gray	42			904	Peacock	18		
55-07 MEDIUM				822	Pebble	43			905	Gainsborough Blue	3		
55-08 LIGHT				823	Antique Rose	32			906	Bright Navy	4		
BLENDING BASES — INTERIOR				824	Spring Green	59			907	Gunmetal	16		
FLAT WALL ENAMEL	Gal.	Qt.		825	Jasper Green	66			908	Pearls	5		
807 MEDIUM				827	Provincial Green	70			909	Mulberry	2		
808 LIGHT			39	828	Aquamarine	53			910	Rubens Red	6		
809 DEEP				829	Rose Beige	108			911	Hot Chocolate	8		
SATIN FINISH ENAMEL	Gal.	Qt.		830	Wood Rose	102			912	Driftwood	13		
11-07 MEDIUM		1		831	Dusty Pink	109			913	Titian Red	7		
11-08 LIGHT				832	Landscape Green	56			914	Rembrandt Brown	15		
11-09 DEEP				833	Willow	68			916	Cherry	12		
HIGH LUSTRE ENAMEL	Gal.	Qt.		835	French Blue	51			917	Sandalwood	14		
12-07 MEDIUM				836	Pale Turquoise	54			918	Mauve	31		
12-08 LIGHT		6	28	837	Regency Blue	45			919	Athens Green	25		
12-09 DEEP				838	Sprout	71			920	Egyptian Green	26		
CRYSTALOID Stain Blending Base	Gal.	Qt.	Pt.	839	Light Sage	65			921	Turf Green	19		
23-08 LIGHT				840	Lichen Green	62			922	Soft Teal	29		
ACRYLIC LATEX				841	Celery Green	72			923	Bitter Green	23		
72-14 MEDIUM				842	Parchment	83			924	Avocado	27		
72-15 LIGHT				843	Beige	79			925	Fiesta Red	39		
NO.	SPECTRAL COLORANTS	1/4	1/8	844	Cyclamen Pink	105			927	Flame	11		
980	A - Red			845	Hawthorne	112			928	Chinese Red	35		
981	B - Orange			846	Heather	107			929	Persian Lilac	30		
982	C - Red Brown			847	Cameo Pink	111			931	Tiger Lily	36		
983	D - Red Yellow			848	Sweet Pink	103			932	Tangerine	38		
984	E - Green Yellow			849	Apricot	99			935	Deep Chartreuse	60		
985	F - Yellow Brown			850	Doekin	81			936	Aztec Gold	24		
986	G - Yellow Green			852	Desert Gray	78			938	Citron Yellow	86		
987	H - Blue Green			853	Sea Foam Green	67			939	Oriental Green	21		
988	J - Gray Toner			854	Porcelain Blue	55			940	Yorktown Blue	61a		
989	K - Black Toner			855	Pearl Gray	75			941	Burgundy	46a		
990	L - Blue			856	Carnation	110			942	Tile Red			
991	M - Violet			857	Portrait Pink	106			943	Cardinal Red	1a		
				858	Cloister Gray	76			944	Gracian Gold	40a		
				859	Ice Blue	52			945	Charcoal Blue	84a		
				860	Chartreuse	69			946	Tawny Beige	49a		
				861	Acacia	73			TOTALS 				
				862	Bamboo	94			PACKING BLENDERS				
				864	Chamais	89			1 OZ. TUBES PACKED—6 TO SLEEVE				
				865	Van Gogh Yellow	91			4 OZ. TUBES PACKED—4 TO SLEEVE				
				866	Jonquil	85			PINT CANS PACKED—12 TO CARTON				
				867	Pale Lime	74			BASES				
				868	Pastel Green	63			GALLONS PACKED—4 TO CARTON				
				870	Straw Yellow	87			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												
NO.	TINTING COLORS		1	1/4	1/16	TUBES	NO.	UNIVERSAL TINTERS		1/4	1/16	Tubes
945	BROWNS:	Raw Sienna		2	8		14-34	Raw Umber				11
959		Burnt Sienna		1			14-36	Burnt Umber				
964		Raw Umber		6			14-94	Lampblack				
965		Burnt Umber										
941	YELLOWS:	Chrome Yellow Lemon	X				14-32	Burnt Sienna				6
942		Chrome Yellow Medium	X				14-46	Iron Yellow				2
950		Chrome Yellow Orange	X				14-56	Venetian Red				3
946		Yellow Ochre										
982	GREENS:	Chrome Green Light			2		14-44	Bright Yellow				3
984		Chrome Green Medium					14-54	Bright Red				
986		Chrome Green Dark			1		14-74	Permanent Blue				
987		Chromium Oxide Green	X				14-84	Permanent Green				
973	BLUES:	Prussian Blue	X									
972		Ultramarine Blue	X									
955	REDS:	Venetian Red										
954		Bulletin Red	X									
990	BLACKS:	Lamp Black										

REMARKS:

NL 000041517