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JUL 26 1988

C. A. LIVINGSTONE
1896-1982

LESLIE V. DRAKE
1895-1971

July 21, 1988

Ms. Christine Nelson
Senior Claims Administrator
Self-Insurers Service, Inc.
111 East Wacker Drive
Chicago, Illinois 60601

Dear Ms. Nelson:

In re: , Widow of , Deceased
v. Sherwin Williams
Your File No.: L9935-1-80
Date of Incident: April 15, 1981

Replying to your letter of July 12, 1988, I shall first answer the latter two of the three questions you pose. Our exposure is still the full death benefit, which would be weekly payments of compensation to the widow from the date of death until her demise. More specifically, the Act allows the surviving spouse the greater of twenty (20) years of compensation, or of \$250,000.00. The rate of compensation here is \$156.45 per week, so that payments could extend 30.7 years from the date of death. Death cases are an all or nothing proposition unless there is a negotiated settlement.

I don't think that , or her attorney, would agree to a nuisance settlement. If we're talking about just a few thousand dollars, they would have nothing to lose by continuing the case. As I indicated in my letter of August 26, 1987, \$75,000.00 - \$85,000.00 might create some interest. Perhaps a little less now that we are in the winner's circle, at least temporarily. It is worth mentioning that if is able to turn this case around in the Appellate Court, that by the time that decision comes down, she will have at least eight years of compensation accrued, - some \$65,000.00.

I can only hazard a guess that there could be a 40% chance of overturning the Decision of the Circuit Court. A point in our favor is that Judge Mark M. Joy wrote out his "Order" stating the rationale behind his reversing the Decision of the Commission. On the other hand, the Industrial Commission had made its statement through its Decision principally addressing the issue of causation. I certainly think we should inquire of the widow's attorney for what he would recommend the case be settled at this point. There's certainly some continuing exposure.

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