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DIPLOMATE, AMERICAN BOARD OF INTERNAL MEDICINE
CHEST DISEASES

September 27, 1993

Sam Freeman, Esq.
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REDACTED

Re:
Your File No: 39678-C

Dear Mr. Freeman:

I am in receipt of your mailing of July 2, 1993. You enclosed a report from Essex Oncology Group dated July 30, 1992. As you are well aware of, I re-examined Mr. [REDACTED] on March 13, 1992 and a report was sent to you dated June 30, 1992. He was previously examined in the past on October 25, 1985 and a report was sent to you dated December 30, 1985. From the occupational history that I obtained on March 13, 1992, he told he was exposed to various chemicals and I deduced that some of these may have been, within probability, carcinogens. In fact, I mentioned in my report of June 30, 1992 that he was exposed to benzene like chemicals as well as other organic chemicals and that there is a possibility that an anemia, which he informed me about, might possibly be related to a malignancy. I informed you that considering the occupational history, this anemia should be counted as part of his occupational injuries. A report from the Essex Oncology Group discloses that the patient has the myelodysplastic syndrome. Dr. Burke in his oncology report to Dr. James Orsini, which I reviewed, took an occupational history and he also learned that Mr. [REDACTED] was exposed to high concentrations of both lead and benzene.

Dr. Gregory I. Burke provides information about an experimental drug therapy that the patient will undergo.

I reviewed a copy of a letter by Dr. James M. Orsini dated July 30, 1992 stating that Mr. [REDACTED] suffers from a myelodysplastic syndrome, type 2. He also relates in this letter the occupational history that he had multiple exposures to benzene and this is within certainty the etiology of his hematological problem. He now is transfusion dependent.

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Benzene is a well known chemical, very common one in the workplace, which causes bone marrow toxicities and symptoms of various types. The myelodysplastic syndrome happens to be one of these. There are also concomitant conditions that can also occur related to his present anemia, namely acute myelogenous leukemia. Benzene exposure can cause bone marrow failure, aplastic anemias, and leukemias.

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Fortified now with this definitive information about the hazardous substance he was exposed to, namely benzene, and the establishment of a definitive hematological abnormality, namely the myelodysplastic syndrome, I am able to render a conclusion relative to this occupational injury. Based upon the history and the findings and a review of medical records from treating physicians, it is my opinion that Mr. [redacted] has a bone marrow abnormality, myelodysplastic syndrome, for which I would estimate a disability of 100 percent of total. It is my opinion within the realm of medical probability that his exposure to chemicals, especially benzene or possibly other benzene derivatives in his employment at Sherwin Williams Company provided a significant exposure to induce his hematological abnormality. There is a direct causal relationship between his exposure in the workplace to benzene and his present bone marrow condition.

The myelodysplastic syndrome is known to evolve into other hematological conditions, such as acute leukemia. This is a possibility for the near future. However, the myelodysplastic syndrome in itself is a fatal condition and in my opinion, it would be wise to take his Deposition in order to preserve his testimony.

I want to bring to your attention that two examinations have been performed on [redacted] already alluded to: October 25, 1985 with report dated December 30, 1985 and a repeat examination February 2, 1990 with a report dated March 13, 1990. This report is an addendum report related to my findings mentioned in the February 13, 1990 report. Mr. [redacted] was also examined in my office a third time on March 13, 1992 and a report was sent to you dated June 30, 1992. Thus, according to my calculations this will now be the fourth report regarding this matter.

Very truly yours,

Sidney E. Friedman, M.D.

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