

FILE NAME: Quebec Asbestos Mining Association (QAMA)

DATE: 1942 May 6

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DOCUMENT DESCRIPTION: Solicitor Letter to Dr. Gardner RE Diagnosing
Compensable Conditions Under Quebec Law

ROBINSON AND SABOURIN
BARRISTERS & SOLICITORS

IVAN SABOURIN, K.C.

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ALDRED BUILDING;

MONTREAL, May 6, 1942,

Doctor Leroy U. Gardner,
Adelphia Hotel,
Philadelphia, Pa. U.S.A.

Dear Doctor,

Re: Payeur.

I beg to confirm our long distance telephone conversation of this morning when you were in New York City.

I am enclosing the proposed opinion which I have taken the liberty of drafting for you in view of the relative urgency of presenting it to Commissioner Sharpe, a member of the local Board, who intimated yesterday, his desire of taking communication of same.

At bottom of page two and top of page three, I have pointed out what I recall you told me as regard the dissimilarity of the two pathological conditions in the case of silicosis and in the case of asbestosis; also your opinion to the effect that the tuberculosis in Payeur must have been anterior to his asbestosis. I do not believe this will be disputed.

Under the local Quebec law infectious silicosis ~~may comprise~~ is compensable if accompanied by intercurrent tuberculosis. It thus becomes advisable here to point to the tuberculosis occurring before and not after asbestosis (intercurrent in its pathological sense meaning "running between" a malady setting in after another is already existing...")

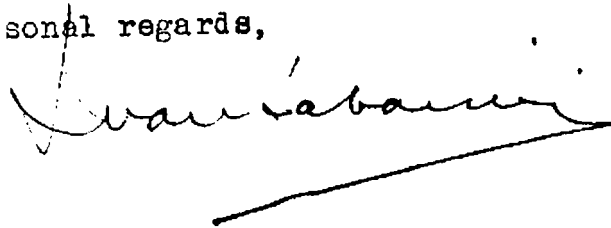
In view of this, I have referred to tuberculosis and asbestosis, in the proposed opinion as tuberculosis complicated by asbestosis (top of page 1 and 1st par. under heading "comment" . I take it does not change the purport of your opinion and it does prevent the reader here to be inclined to believe that asbestosis preceded and likely was causative of tuberculosis.

I have also deleted from your opinion, as worded for the benefit of my clients, portions which I submit to you respectfully do not seem to alter the meaning of the opinion as a whole, that is of the conclusions, yet are very informative but need not be tabled at this stage unless in rebuttal. In short I have endeavoured to preserve the substance and trust that you will forgive me for drafting the document myself and not leaving to you alone this task as this is your opinion and your responsibility. But I would not have rushed matters thus had I not been told yesterday evening that you would be away for a week possibly.

If this is at all possible, and if the draft is agreeable, would you oblige me greatly and return me the opinion signed in duplicate by to-night's mail leaving Philadelphia (air-mail) 1.50 a.m. Thursday May 7th; thus I would receive same tomorrow (Thursday) noon here and file same in the afternoon.

I beg again for your indulgence.

Best personal regards,



S/I.

Enclosed: draft (in triplicate, two to be returned);
envelope for return mail.

also opinion already signed by Dr. Garner.
This document has not been filed or exhibited.

*For instance I have received
the report of Chemical Analysis
as I should prefer not
to give these data until it
has become opportune.
N.S.*