

Dr. Lee B. Grant



HOLD FOR
- CENS/0511
PAUL GRAD
FILE PITTS
CORNING

June 24, 1968

AIR MAIL

George E. Duncan, Esquire
Wells, Duncan & Beard
Beaumont Savings Building
Beaumont, Texas 77701

Re: Tomplait Case Against
Pittsburgh Corning Corporation

Dear Mr. Duncan:

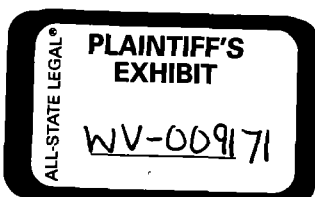
Pittsburgh Corning would like to begin at once to place the following legend on cartons of UNIBESTOS shipped from the factory:

"THIS PRODUCT CONTAINS ASBESTOS FIBER. IF DUST IS
CREATED WHEN THIS PRODUCT IS HANDLED, AVOID
BREATHING THE DUST. IF ADEQUATE VENTILATION IS
NOT POSSIBLE, WEAR RESPIRATOR APPROVED BY U. S.
BUREAU OF MINES."

This legend appears on cartons of products shipped by some of the other members of the asbestos insulation industry.

I believe it very desirable that Pittsburgh Corning adopt this practice, but we do not wish to do so at this time if it will jeopardize Pittsburgh Corning's defense in the Tomplait case. Will you please let me know whether it is satisfactory to you, looking at it from the standpoint of trial counsel, for Pittsburgh Corning to adopt this practice.

On Page 2 of your letter to me of May 23, 1968, you said that you would appreciate my forwarding to you any and all thoughts of Dr. Grant regarding the medical aspects of this case.



SJ 01462.009

George E. Duncan, Esquire
June 24, 1968
Page 2.

Dr. Grant believes that the evidence that Pittsburgh Corning can adduce of the preemployment and annual chest x-rays of the factory workers, which do not show evidence of pulmonary damage, are of little if any value in the defense of a case brought by an applicator, because typically the applicator is exposed to a much higher concentration of dust than is a factory worker.

Dr. Grant believes that the best prospect of defending Pittsburgh Corning in the case lies in the fact that plaintiff was exposed for a maximum period of not more than six weeks to Pittsburgh Corning's product. In this connection, however, it will be necessary to adduce expert medical testimony to the effect that six weeks' exposure is far too short a time for symptoms of the disease to develop. I do not think that Dr. Selikoff's deposition can be used for this purpose. Accordingly, Dr. Grant should be consulted with respect to the selection of an appropriate expert.

I would urge you to telephone Dr. Grant directly here at the General Office -- Area Code 412 - 281-5100, Extension 2195 -- to discuss with him directly his medical views of the case and also to get his thoughts as to an expert.

I have alerted Dr. Grant to the possibility that you may be telephoning him directly and he will be glad to talk to you about the case.

Very truly yours,

RCP

Richard C. Packard
Assistant Counsel

RCP:bl

cc: Dr. Lee B. Grant

MEDICAL DIRECTOR
JUN 28 1968
RECEIVED

SJ 01462.010