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ELIOT PRESENT

June 20, 1997

David M. Lipman, Esquire  
5901 S.W. 74 Street  
Suite 304  
Miami, FL 33143Re: Abex

Dear David:

Attached are a few interesting documents on Abex. I note that you will not see answers to interrogatories 6(d) and 7 in any set you send Abex these days. Those answers have disappeared. I thought you'd enjoy the portion from its annual report in Abex v. FTC, although I know you'll enjoy the reference to cancer being omitted by Saranoc report. My favorite is the NOV 1948 letter from Abex's medical direction that "the basic facts about asbestos are already known".

Very truly yours,

PAUL, REICH &amp; MYERS, P.C.

BY: 

ROBERT E. PAUL

REP/kmo



November 20, 1936

LeRoy U. Gardner, M. D., Director,  
The Saranac Laboratory,  
Saranac Lake, New York.

Dear Dr. Gardner:

At a meeting yesterday attended by certain brake lining manufacturers, Mr. Simpson and I were able to present to a fairly large group of interested corporations the proposal that one of your dusting chambers be engaged for further experimentation with asbestos dust.

The proposal was very well received and it appears that not less than eight, and perhaps ten or more, corporations will participate in financing these further experiments along the lines discussed when we met with Dr. Lanza and Dr. McConnell a few days ago.

Accordingly, you may consider this letter as an authorization to you to commence the contemplated experiments with asbestos dust for the purpose of determining more definitely the causes and effects of asbestosis. It is my understanding that, among other questions which it is anticipated these experiments will answer, are the following:

- (1) What concentration of dust is necessary to produce the fibrosis of the lungs which is designated as asbestosis.
- (2) Whether exposure to asbestos dust will produce asbestosis without the existence of previous infection and whether the X-ray changes found in advanced human asbestosis can be reproduced in animals without infection.
- (3) Whether the fibrosis produced by asbestos is of the progressive type, that is, will the fibrosis increase (once it has started) after exposure to the dust has ceased.

- (4) Whether the fibrosis resulting from exposure to asbestos dust is occasioned by the silicon content of the asbestos or by its fibrous structure.
- (5) Whether the presence of "asbestos bodies" has any diagnostic significance.

It is also our understanding that these experiments will require approximately three years, which will mean that they will not be concluded until about the end of the year 1939; and that they will cost \$5,000 annually, or a total of \$15,000.

It is our further understanding that the results obtained will be considered the property of those who are advancing the required funds, who will determine whether, to what extent and in what manner they shall be made public. In the event it is deemed desirable that the results be made public, the manuscript of your study will be submitted to us for approval prior to publication.

I shall appreciate your advising me if the foregoing accurately expresses the proposition you had in mind. Also, let me know the manner in which you would like to have the funds advanced to you. Would you, for example, desire to have \$1250 paid quarterly in advance, or just what arrangement would suit you best? Any method you suggest will be satisfactory.

Since the experiments are being underwritten by a relatively large group, it has been suggested that, as a matter of convenience, any communications regarding the work be addressed to me and I will, where necessary, communicate the contents thereof to Mr. Simpson and the other parties. You will be provided with funds by either Johns-Manville Corporation or Raybestos-Manhattan, Incorporated and we or they will secure from the other parties their pro rata contribution.

I will advise you later of the names of the other contributing parties.

I shall appreciate your informing me at the earliest possible moment whether the arrangement as outlined herein meets with your approval.

Sincerely yours,

*Vandiver Brown*  
Vandiver Brown  
General Attorney

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