



TELEPHONE: EXPRESS 7-3631



120 NORTH LIME STREET
LANCASTER, PENNSYLVANIA

February 29, 1960

Mr. W. B. Hofferth
Armstrong Cork Company
Liberty and Charlotte Streets
Lancaster, Pa.

Dear Wally:

Subject: James R. Shepherd
Asbestosis Claim

We attach a copy of a letter dated February 19 from John Roper reporting on the settlement in the asbestosis claim for one James R. Shepherd. This man worked for us for less than two months and to me it seems the \$5,600 settlement is, to say the least, high.

Your comments will be appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. E. Zeller". The signature is written in a cursive style with a large, looping initial "J".

J. E. Zeller
Manager, Construction
and Warehouse Operations

DB

Enclosure

✓ R. C. Schiedt, Jr., Armstrong Cork Co.

INTES/

OFFICE COMMUNICATIONS

February 19, 1940

To J. E. Zeller, Lancaster
Re J. J. Soper, Boston
From James R. Shephard
Construction Employee
Asbestosis Claim



We have your memo of February 17th in regard to the case of Frank Jones and George Anderson, our foreman on the job, whose case was worked from September 17, 1937 to November 4, 1937, after the hearing today at the Industrial Accident Board, 170 Tremont Street, Boston, where the case was held before an auditor. Attorney Spier called several witnesses. The hearing was concluded and Jones and Anderson appeared with all necessary records pertaining to the case but since they had consulted with Attorney Spier prior to the hearing, they were not called at the hearing.

Attorney Spier informed Frank Jones that incident as Mr. Jones's wife is 52 years old and she has a life expectancy of approximately fifteen years, if we were to go to Court on the matter, it could be that at least in the vicinity of \$20,000 and that in view of the amount of compensation of approximately \$3125 and other heavy expenses for medical and hospital bills. Spier deemed it advisable to settle the case out of Court for \$10,000. Despite the fact that Shephard worked for us for a period of approximately two months, I am not sure that we were his employer and for other reasons best known to himself, he did not want to take the case before a jury and make the above-mentioned settlement.

Shephard's attorney had a very prominent lung and cancer specialist named J. Stewart McCreary, employed to testify for the plaintiff at the hearing. This medical man is presently engaged by the Jan. 1st Attorneys in the current cancer case being tried in this area. We do not know whether this is peculiar to Massachusetts law or not, but Attorney Spier informed Frank Jones that the last firm for whom an employee works in a case of this kind, is usually held chiefly responsible for a death and you may be interested also to know that the attorneys for the plaintiff did not claim that the tuberculosis was contracted necessarily while Shephard was in the employ of Industrial Accident Board, but rather that while employed by them during this latter part of the case, the disease was accelerated to the point of contributing to his death.

If you have any other questions concerning this matter please write to Frank Jones or to us and we will try to answer them for you.

EP

J.W. Liddell, Lancaster

P.S.- I have told Frank Jones that as an old, experienced employee, I am making an effort to determine, when hiring new employees, the best way to handle them. I know this is a difficult task to perform and I am sure that you will be able to help us or by our Company regarding the best way to handle them.

J. E. Zeller

- 2 -

Feb. 17, 1960

J. J. Roper

They undoubtedly cause our insurance rate to go up every time something of this nature takes place, and perhaps we could determine on some manner of securing X-ray reports on new men as I understand the Union now takes X-rays of at least a large portion of the men's chests each year. I think some study on this point might be worthwhile. I would appreciate your comments on this at your convenience.