

August 5, 1974

Mr. Lee R. Shealy, Claims Manager
Liberty Mutual Insurance Company
Westgate Plaza Building
20325 Center Ridge Road
Cleveland, Ohio 44116

Re: Redacted

Dear Lee:

Thank you for your letter of July 29, 1974 and the report on the above captioned claim.

Although it appears, from a strictly evidenciary position, that we have the upper hand, it has been our experience that such claims are often "settled" with the claimant benefiting from a lack of consideration of the facts. For example, the testimony of two "lay witnesses" would appear to be of very little significance. They can only testify to the effect that there are dust and fumes in our paint factory. Such testimony should hardly surprise anyone. Nevertheless, the claimant's attorney apparently believes he will gain something from such testimony.

In checking our files, we find no indication that any loss prevention surveys were done at the Oakland factory which might document the exposure to which Redacted was subject throughout his employment.

Dr. Cosentino's report of March 30, 1973 does indicate that x-rays disclosed "perihilar infiltrates" indicative of "something more than just congestive heart failure". Might there be some basis for a claim of an aggravated heart condition in this statement by Dr. Cosentino?

Although I will agree that the overall tone of Dr. Cosentino's report is favorable to us, I am inclined to hold judgement on our chances of success for the time being.

Very truly yours,

THE SHERWIN-WILLIAMS COMPANY

JDK:cnj

Jack D. Kull, Jr., Staff Assistant
Corporate Insurance Department

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