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S. CHANDLER FRASER  
(1952-1959)

November 29, 1979

Davoli & McMahon  
800 State Tower Building  
Syracuse, New York 13202

Attention: Daniel McMahon, Esq.

Re: H52CC 4187219RG  
D/A: ? ? ?

**REDACTED**

v.  
The Sherwin Williams Co.

Dear Mr. McMahon:

I appeared on your behalf at a hearing held November 5, 1979 at Syracuse, New York before Judge Murphy. The claimant was present and was represented by Attorney Thaddeus B. Oot.

This case appeared on a special trial calendar for the testimony of the claimant's attending physician, Dr. J. Robert Smith.

At the call of this matter Dr. Smith was in attendance and testified basically in substance to the following, although I will not go into detail as to this since I have taken the liberty of ordering the minutes which I had also done at the last hearing and are now made a part of your file.

Dr. Smith's opinion was that after reviewing the claimant's history and her alleged exposure he felt that the exposure she had while working for your insured was the competent producing cause of her present condition.

On cross-examination I attempted to elicit from the doctor what amount of exposure would constitute a dangerous exposure of a noxious substance that he referred to as the competent producing cause of the claimant's condition. The doctor was extremely evasive and would not answer the question outright, stating that there had been no studies performed to his knowledge that would indicate the extent to which the exposure had to be before the type of cancer that was found in this claimant would occur.

I went into some detail regarding the OSHA study and the levels that were present when it would appear that one had to almost directly inhale the offending agent.

Although the doctor was somewhat evasive and in fact his testimony was overall quite speculative, he maintained his position that the exposure that the claimant had, albeit a minimal exposure, could have been the competent producing cause of the leukemia that she has. I questioned

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the doctor as to the different types of leukemia and whether or not the type that was diagnosed was only due to the exposure that was mentioned to which he stated that it was not, but that there are other causes of which they are not absolutely sure.

Although Mr. Beal was in attendance for his testimony this date, due to the lateness of the hour Judge Murphy adjourned this case one month for the testimony of Tim Beal and your medical witness.

I am returning your file together with a statement for services.

Very truly yours,

McDONOUGH, DIGBY & CONNELLY

By

CMC:sd

encs.

**INSURANCE**

**SEP 17 1980**

**T. M. L.**

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**CONFIDENTIAL**