

FILE NAME: US Gypsum (USG)

DATE: October 8, 1937

DOC#: USG018

DOCUMENT DESCRIPTION: 1937 Letter to CM Price from JJ Cuneo regarding Wetzel v National Asbestos Mfg Co

900
148

97
15
feline

LAW OFFICES
JOHN J. CUNEO
TRUST COMPANY OF N. J. BLDG.
921 BERGEN AVENUE
JERSEY CITY, N. J.

TELEPHONE JOURNAL SQUARE 2-0152

October 8, 1937.

Charles M. Price, Esq.,
c/o Scott, MacLeish & Falk, Esqs.,
c/o United States Gypsum Company,
300 West Adams Street,
Chicago, Illinois.

My dear Mr. Price:- Re: Wetzel vs. National Asbestos
Mfg. Co.

Mr. John A. Scharwath has suggested that I write you concerning a claim of asbestosis made by a former employee of his with the thought in mind that by reason of your experience in cases such as this, you may be able to offer some suggestions which may be of value to us in defending this suit.

The facts briefly are these: Mr. Wetzel, the plaintiff in this matter, was employed as an assistant bookkeeper in the office of the National Asbestos Mfg. Co., being employed by them for a period of three or four years. On occasions he had to enter the factory where actual manufacturing took place. Subsequent to the time that National Asbestos Mfg. Co., sold their business to the United States Gypsum Co., Mr. Wetzel proceeded to institute suit claiming that as the result of the nature of his work he contracted a disease known as asbestosis. He further claims that he was caused to inhale asbestos dust which circulated about the office and that there was improper ventilation which failed to remove such dust from the air.

We have no precedent in this State on such a case and are proceeding along the same lines as silicosis cases.

I am informed by Mr. Scharwath that you defended a somewhat similar suit and was successful therein. I would therefore appreciate your informing me on what theory you defended the suit in which you were involved, what experts you used and whether you have any record of the proceedings which you could forward me.

Mr. Clemens Scharwath, who is now connected with the United States Gypsum Company, informed me some time ago, that a suit defended by you on behalf of United States Gypsum Co., was on the theory that there was no such disease known as asbestosis. In this connection I might say that although we have no precedent on an as-

Ref 19 SEP. EX. NO. 19
FOR ID. AS OF 7-28-37

LAW OFFICES
JOHN J. CUNEO
TRUST COMPANY OF N. J. BLDG.
921 BERGEN AVENUE
JERSEY CITY, N. J.

TELEPHONE JOURNAL SQUARE 2-0153

Charles M. Price, Esq.

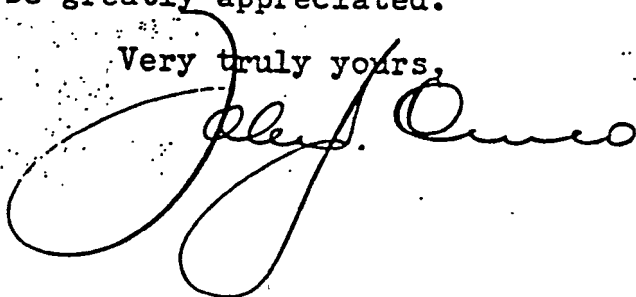
-2-

October 8, 1937.

bestosis case, physicians whom I have consulted agreed that they recognize asbestosis as a disease somewhat akin to silicosis.

Any suggestions that you can offer in this connections will be greatly appreciated.

Very truly yours,

A large, stylized handwritten signature in dark ink, appearing to read "John J. Cuneo". The signature is written over the typed name "John J. Cuneo" and extends across the right side of the page.

JJC*M.