

Re an attorney Dave Smith Re

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It would be difficult to qualify for the subsequent injury fund since we had to know about the disability at the time of hire. The Ct did have a pre-employment physical & passed but the Ct never told our doctor about the previous strokes. As a result we can't show that we were aware of this condition at the time of hire and hired him anyway. We will try to determine if anyone at ETS became aware of his prior condition before his stroke in 12/6/85. If so we will attempt to pursue the subsequent injury fund, if claim is allowed.

Dave said he has submitted his brief & is awaiting the Ct's atty to do the same. After which the judge will make a ruling. He expects a decision within a month. Dave suggested we hold off on any settlement until a ruling is reached. The Ct's atty make a verbal offer of \$60,000 - NO WAY to settle this claim. Dave also said it appears the Ct's medical condition is deteriorating & may not be around a while. This fella has other serious medical conditions unrelated to the industrial claim.