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April 5, 1979

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James Green, Esquire
JOHNS-MANVILLE CORPORATION
Ken-Caryl Ranch
Denver, Colorado 80217
PB5723

RE: PAVLOCK VS. JOHNS-MANVILLE ET AL
OUR FILE: T-6091 (FEM)

Dear Mr. Green:

I took the discovery deposition of Edward Pavlock who was born May 22, 1914, married with three children, 38, 33 and 23 years of age and who left school after the 9th grade. He has been working for Sun Ship Building Company for nearly 40 years and claims to have had perfect sound health until about November of 1977 when he became aware of shortness of breath on any exertion such as climbing the stairs. Even though he was examined by his doctors, they pronounced him fit and he continued to work. His shortness of breath continued and he noticed that he was getting weaker and unable to move about or lift the way he had in the past and began thinking of an early retirement. All of his work with Sun Ship Building Company was as a machinist up to the time of his actual retirement February 28, 1978. It is clear that this man obviously would have continued working beyond that point and at least until age 65 had he not had this series of developments recited above. His general foreman was Joseph Walls and he, Mr. Pavlock, was the supervisor of the gang of machinists who generally worked in engine rooms on board ships. During World War II they worked primarily on Government vessels and after that on cargo vessels and tankers.

He recognized the name Garlock which consisted of asbestos material that he and other men cut out and used on turbines, condensers, piping, valves, etc. during the course of

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these jobs which lasted about three months on each vessel. He also worked with asbestos products in brakes for deck winches and had considerable work in replacing brake shoes, etc. He used and worked with Flexitallic gaskets and though he and his crew worked as machinists, they also worked in conjunction with pipe fitters and pipe coverers. Most of their insulation work was done with finished and shaped products and generally his work was dusty because these men would use hammers and other tools to break off the old asbestos and replaced it with new product. He has been with the Union since his employment with Sun Ship being AFLCIO United Boiler Makers. Up to the day of his retirement he had never been warned by anyone about any hazard of working in and around asbestos dust nor had he ever used respirators except when he was using a grinder on rust or rough metal. He never went to Union meetings and there were no warnings or mention of asbestos as a problem or concern in any Union or S.S. bulletin board. Respirators were available for more than ten years prior to his retirement but he never used a respirator except while grinding but certainly never used it for asbestos dust. His explanation was that he never had any warning, never had any chest x-rays up until the time of his retirement and even as late as October of 1977, he was told that he was O.K. He then recounted that he averaged about \$20,000 per year for the last 3 or 4 years and experienced his first real pain sometime in March of 1978 when he learned that he had a brain tumor and his doctor said that this was asbestos related since he also had the same kind of problem in his lungs. After treatment in the hospital and medication his headaches ceased. He has not smoked for 20 years although he conceded that he was a heavy smoker before that time. When it came to identifying products except for the above reference to Garlock, he talked of cloth and rope from Pacor and recalled the name Johns-Manville on boxes and cartons in their warehouse but conceded that he did not read any of the labels or writings that may have appeared on those boxes during this period of time.

His video tape deposition was then taken since this man is in fact confined to bed and could not even sit up in bed or on a chair for his deposition. He weighed between 212 and 215 lbs. at the time of his retirement and is now down to about 155 lbs. He is bald with fairly pronounced features that are obviously emphasized by his substantial loss of weight. He coughed heavily and one heard the deep sounds of lung congestion but through it all maintained his total alertness and did nothing to try and generate sympathy in what must be a clearly losing battle to

Brain
tumor
products

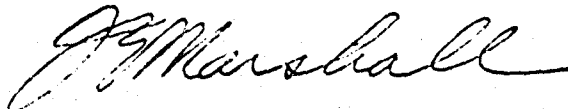
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him and his wife. She was present and would make an excellent witness if she appears as a witness at the trial. He also indicated that his hobbies were fishing and hunting and that until three years ago he had a deer in each of nine deer hunting season trips and explained that he was very strong, very healthy, very much an outdoor's man and worked in the garden, etc.

This video tape deposition will certainly place this matter in a true perspective with no exaggeration or phony enlargement of the man's real situation.

It will be our position of course that the mere finding of evidences of asbestos' bodies in his lung cannot without more establish that the lung condition was directly attributable to his obvious exposure to asbestos dust during his working years. We are pursuing that matter further and will keep you advised of further developments as they occur.

Very truly yours,



FRANCIS E. MARSHALL

FEM/jbf

cc: Ms. Kathleen Friedman
David Gross, Esquire

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