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FEB 25 1985

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February 21, 1985

Aetna Casualty & Surety Company
P. O. Box 4963
Syracuse, New York 13221

Attention: Mr. Steven Westerdahl, Supervisor
Mr. John Mulcahy, Senior Claim Representative

REDACTED v. New Primex Realty Assoc. v. The Sherwin Williams Co.
Date of Loss: 11/8/78
Claim Number: H 52 CC 4187219 RG

Gentlemen:

The above captioned matter has been pending in Supreme Court, Onondaga County for some time now and it appears that it should be reached for trial in the next term of Supreme Court which commences March 4, 1985.

In the primary action, the plaintiff's contention is that the owner of the premises, New Primex Realty, was negligent in leasing these premises to Sherwin Williams without proper safeguards and compliance with the New York State Building Code after having knowledge that not only would paints be stored on the involved premises, but also that there would be mixing of paints and other toxic substances containing benzene. The main thrust of this complaint is that there was improper ventilation and that the air conditioning units and fans which were on the premises blew these toxic fumes directly into the area where plaintiff's decedent had her desk with the result that she was exposed to fumes containing benzene on a rather regular basis during the period of her employment with Sherwin Williams from September 1977 through November 1978 at which time it was discovered that she had contracted chronic myelogenous leukemia.

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