

BAUM & RUFFOLO

ATTORNEYS AT LAW

RICHARD W. BAUM
SAMUEL J. RUFFOLO

RECEIVED

MAR 12 1982

Corp., Risk Mgmt.

SUITE 619

180 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60601

(312) 726-1995

March 4th, 1982

A-0422

Mr. Steve Borgstrom
Workmen's Compensation
Service Company
55 W. 22nd Street
Suite #109
Lombard, Illinois 60148

REDACTED

RE:

V-

Sherwin Williams Co.
I.C.# 82 OD 0034
Last Exposure: 1-38-81

Dear Steve:

Enclosed please find a copy of the Subpoena issued by Attorney Frank Wiedner in calling for production by March 12, 1982 at 1:30 p.m.

I have been advised that this is the first date for hearing on this case. If that is a fact then the Arbitrator we have drawn is Mrs. Goodman which is certainly bad for our position.

Please be advised that on Wednesday, March 3rd, 1982 I had another conference with Attorney Frank Wiedner and he indicated to me additional information about the theory of his case. His theory is 1) that Mr. [redacted] was exposed to asbestos while pouring or filling cans with one of our products, 2) that Mr. [redacted] was exposed to asbestos in the new building due to spray insulation on the ceiling and walls in the new building and 3) that Mr. [redacted] was exposed to a hung asbestos ceiling which came apart and had pieces falling on him in the old building. He also contends that the treating physician states that mesothelioma has only one known cause and that is exposure to asbestos. I have an agreement with Attorney Wiedner that we will obtain the materials requested in this subpoena but not release them until the time of trial. However, we will grant him one inspection of the records with my presence.

N40106

0007-SWP-005802521

CONFIDENTIAL

JA
030882
Lda

Mr. Steve Borgstrom
March 4th, 1982
Page 2, 1982

REDACTED

RE: -v- Sherwin Williams Co.

I also advised Mr. Wiedner of the problem of our trade secret or formula involving the paints that may be involved. He has agreed that we do not have to disclose any formula but only give him a list of the contents in the paints, especially those containing asbestos and the percentage of asbestos in those paints.

It does appear that we have extremely large exposure on this case including death benefit and for the present time I would recommend that you set a reserve of \$90,000.00.

It also appears that our only possible defense can be lack of exposure since apparently there was some asbestos in some of our products.

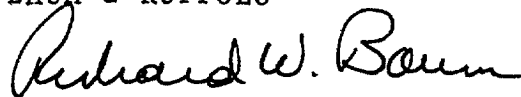
Your investigation should key in on how protected the worker who fills the cans is from fumes or other particles in the paint as the cans are filled. You should also investigate what substance was used to coat the walls and ceilings of the new building and what substance was used in the hung ceiling in the old building where Mr. works.

It seems clear that Mr. is dying from this somewhat rare form of cancer and will not live much longer so I am expecting the petitioner's attorney to push the case at least for his testimony.

I will keep you advised of further developments. If you have any questions, please do not hesitate to call or write.

Very truly yours,

BAUM & RUFFOLO



Richard W. Baum

RWB/ppm

encl.