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PHONE [illegible]

October 18, 1956

The Saranac Laboratory
P. O. Box 551
Saranac Lake, New York

Attn: Dr. G. W. H. Schepers

Re: W. E. Taylor, deceased

Dear Sir:

Pursuant to your letter of July 13, 1956 to us and our telephone conversation with you of September 12, 1956, we have finally got together most of either the original artibles presented in evidence or copies thereof and would like to request your assistance in giving us your opinion pertaining to the problem of the claim for death on behalf of W. E. Taylor who allegedly died from asbestosis as having been a material contributing cause.

I am enclosing herein the following items for your perusal:

1. Asbestos Identification
2. Work record of decedent
3. Autopsy report on decedent
4. A study of the dust exposure as set up in a test conducted at Richland, Washington
5. Three X-Rays admitted in evidence being dated 10-3-52, 10-6-52 and 12-17-51.

In addition to which we are enclosing five X-Rays not yet admitted in evidence but which are dated 10-15-48, 6-6-49, 9-19-50, 10-27-52, 10-27-52.

We are also writing this date to Dr. Robert D. Johnston of 11520 S.E. Maxon Road, Vancouver, Washington, requesting that he immediately forward to you the slides prepared by him at the time of autopsy. He has, however, indicated that he would send the slides only upon request of a doctor so even though we have written to him, we would appreciate it if you would forthwith write to him and request the slides and tissue blocks from him.

CRMC-Motley1000-Subj-001738

We represent the last employer who employed W. E. Taylor prior to his death. Subsequent to his death his widow has applied for the widow's pension through the Washington State Board of Industrial Insurance. The Department of Industrial Insurance has found that the decedent had asbestosis which was a material contributing factor of the cause of his death and have held that our client, the last employer, is liable for payment of the widow's pension.

Our concern is twofold, the first being, did the defendant contract asbestosis while working for our client, or at least was it increased to the point where his employment with our client could be held to have contributed to it sufficiently to be held liable, and secondly, the question as to whether our client would be entitled to contribution from previous employers of the decedent.

We have enclosed the entire work record of Mr. Taylor but basically the facts thus far discovered would indicate that he was not engaged in any "dusty" occupation prior to 1943 at which time he went to work in the shipyards at Vancouver, Washington as an asbestos worker. The record would show that from October of 1943 to May of 1946 Mr. Taylor worked in the asbestos industry at Vancouver, Washington. Testimony of co-workers at that time indicated that Mr. Taylor was working in the holds of ships and boiler rooms of ships that were being built at the shipyards there. Testimony is to the effect that the conditions were extremely dusty and there was poor ventilation, that the workers worked six to seven days a week and worked from 8 to 12 hours a day. This having been in the war time years, there was a considerable amount of overtime work available and performed by the decedent and others in his craft.

From May of 1946 to approximately February of 1948 Mr. Taylor was not engaged in a place where he had exposure to asbestos fibers. From February of 1948 to April of 1948 he was again employed in the asbestos field.

His first employment with our client occurred in October of 1948 at which time he worked approximately 3½ months for our employer. He subsequently was employed from June of 1949 to October of 1949 and subsequently again worked from September, 1950 to October 27, 1952 for our client, all of which work for our client was done in the asbestos field.

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It has been shown that as early as October, 1950 that Mr. Taylor had seen a doctor in Vancouver, Washington at which time he had advised his doctor that he had been short of breath off and on.

While working in the employ of our client as early as the spring of 1951 it was discovered that Mr. Taylor had difficulty while working in any place where he had any physical exertion because it would cause him such a shortness of breath and his condition would turn cyanotic. He was, therefore, placed in what is known as the cutting room and was engaged part of the time with power saws and hand saws in cutting and preparing the asbestos product for fitting. The asbestos used was commonly termed as 85% magnesia with a 15% asbestos binder. Much of the time that he was working in the cutting room, however, he was engaged solely in the cutting of a form of paper used for a covering for the asbestos and also cutting metal bands. We attempted to set up a test in a cutting room as comparable to the actual workshop as we could. In fact, even the doors and windows were kept closed at the time of the test in order to give a maximum concentration as far as possible. We have enclosed the results of that test in this letter.

Further testimony would indicate that some lay people felt that he was in fairly good health until as early as 1952 at which time it became progressively more difficult for him to breathe and his cyanotic worsened. He was actually discharged because of a force reduction in October of 1952 and died in June of 1953.

We have also had tested a sample of the asbestos that was being used and have enclosed a copy of the report indicating that anthophyllite was being used. However, we do not have an accurate history of whether the anthophyllite was the only type that was used or not at this time. However, in our telephone conversation you indicated that you could determine from the slides the type of asbestos that would have accumulated in the asbestosis bodies. We would like to have this information as well.

This, of course, has been a condensation of a great many witnesses and may not be sufficiently elaborate to aid you in your conclusions, particularly as to whether the decedent may have had asbestosis at the time that he came to work for our

client, but should you need any further information, please feel free to either write me at the above address, or call me collect at the number stated on the letterhead.

Insofar as we have been given a limited time in which to contact you and secure a report, we would appreciate your prompt attention to this matter if at all possible.

We must, of course, have all of the items which we have enclosed herein returned to us as most of them have either been admitted into the court records or will be admitted in the immediate future.

Very truly yours,

OLSON & OLSON

By:

RLO:HD
Enc. a/s

Registered mail -
return receipt requested

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