

Draft of letter prepared by Wendell Alcorn to be used in response to inquiries concerning Enterline study and "state of the art" memorandum.

You previously indicated interest in obtaining certain materials relating to the "state of the art" defense in asbestos-related disease litigation. The materials we have were prepared at the expense of the Asbestos Information Association for the benefit of its members and the industry at large.

Since your company is a member of the asbestos industry but not a member of AIA/NA the materials on bronchogenic cancer prepared by Phil Enterline, Ph.D., E.N. Higgins, M.D., and their staffs will be made available to you at a cost of $2,000.00 That amount was determined by AIA's Board of Directors to be a fair contribution to the overall costs incurred. If you wish to obtain a set of the materials, we would also ask that you request it with respect to a particular, pending lawsuit for which you expect the information to be of valuable assistance. We view the materials as work product, to be distributed only in the context of an existing attorney-client privilege. All rights are reserved and reproduction can be made only with the express permission and consent of AIA/NA.

If you wish to acquire a copy of the aforesaid materials, please remit a draft payable to Asbestos Information Association/North America in the amount of $2,000.00. The draft should be sent to me. I shall then see that you receive a duplicate copy of the information, consisting of three volumes of papers

JHM 12933

and representing over a year's work by Dr. Enterline and his colleagues, who acted under our general direction and supervision.

In addition to the above, you may wish to receive a copy of our "State of the Art" draft memorandum, dated June, 1977. It has been distributed to AIA and represents our latest effort at restating legal principles involved in the defense. The memorandum will not be finalized until another, separate study is submitted by Dr. Enterline on the disease asbestosis, and that submission is not expected before March, 1978. The charge for the draft memorandum, as well as the final version, would be duplication costs plus a charge for legal time actually incurred in supplying the memorandum to you. The draft memorandum should also be requested by you for anticipated use in connection with a specific, pending lawsuit. The memorandum would be supplied in the context of the attorney-client privilege that has been established between you and our firm.

Please let us know if you have any further questions. We shall be pleased to meet with you or otherwise discuss the subject of this letter and any specific problems of concern to you.

Very truly yours,

W.B.A., jr.

JHM 12934