GORDON R. PATE
ATTORNEY AT LAW
1118 Beaumont Savings Building
BEAUMONT, TEXAS 77701

May 24, 1968

AIR MAIL

Re: Civil Action No. 5402 - Claude J. Tomplait vs. Combustion Engineering, Inc., et al

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Mr. R. R. Standel, Jr.
Johns-Manville Corporation
22 East 40th Street
New York, New York

Dear Mr. Standel:

This will confirm our telephone conversation of Wednesday, May 22, 1968, at which time I advised you that the above case had been passed for the setting of May 27, 1968 and specially set for the week of September 23, 1968. This will give us some additional time to properly prepare our defenses to the allegations contained in the Plaintiff's Second Amended Complaint. It is my thought that we should continue in our efforts to arrange a meeting here in Beaumont within the next thirty days, in order that we may discuss all aspects of this case at that time, as I am sure it would be beneficial to me as well as to you and any witnesses whom we plan to use.

You indicated in our letter of May 8, 1968 that it was not until subsequent to 1962 that the industry finally determined that a substantial risk existed in working around insulating products containing asbestos. In July, 1961, the plaintiff, Claude J. Tomplait, was seen by a doctor of his own selection, Dr. T. R. Jones of Houston, Texas, who advised him that if he wanted to live that he should stop working as an insulator and get out of the dust; yet he continued to work as an insulator and is, at the present time, working as an insulator.

It is my thought that some of the following items might be of assistance:

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(1) Why was it not until 1962 that it was finally determined that a substantial risk existed? (Mr. Jim Hoard, President of Sabine Insulators in Orange, advised me and several of the other defense attrrneys that the problem was recognized in 1946 when he graduated from Engineering School and went to work for Johns-Manville)

(2) If the problem was recognized in 1962, why did the industry wait until 1964 to give any warnings or place precautionary labels on various products?

(3) Are there any trade publications or other writings available which would reflect that the problem was not generally recognized or known in the industry until 1962 or 1964?

(4) Testimony that Dr. Selikoff was retained by the Asbestos Workers Union and has been advising them from an early date; yet the unions were not sufficiently concerned with the problem to require respirators to be furnished until 1966 in some locals (New Orleans Local) and not even at the present time in some locals (Lake Charles Local).

(5) Medical testimony that the condition of asbestosis is somewhat akin to an allergy because it takes some 20 years of exposure to develop a reaction, according to Dr. Selikoff, and then there is a reaction in only a small percentage of cases.

I will contact you within the near future in order that we can make arrangements to meet here in Beaumont.

Yours very truly,

Gordon Pate
GORDON R. PATE

GRP/je

cc: Mr. R. L. Payne
The Travelers Insurance Company
Post Office Box 3616
Port Arthur, Texas

Re: B-1702479

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