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Fibreboard

TO

NAME/LOCATION R. G. Anderson

NAME R. A. Beck

DEPARTMENT Legal

LOCATION Francisco Street

DATE May 20, 1974

SUBJECT Asbestosis Litigation
Borel v. Fibreboard et al.

cc: J. S. Mitchell
V. H. Erickson
A. L. Kretz
H. B. Sturtevant
R. F. Gamble

As you may recall, the six defendants in the Borel suit including Fibreboard filed a Motion for Rehearing with the Fifth Circuit in New Orleans some months ago following an affirmation by the Fifth Circuit of the lower court's verdict for plaintiff and judgment in the amount of slightly over $60,000. The Fifth Circuit has now denied our Motion for Rehearing.

If we wish to appeal further, probably the only course of action is to apply to the United States Supreme Court for a Writ of Certiorari. Mr. Weller, the attorney retained by our insurance carrier to handle this suit, suggests that all defendants evaluate the opinion of the Fifth Circuit and then discuss this possibility. I have talked to Dick von Walt, who handles asbestosis litigation for Johns-Manville, and he has volunteered to contact all other defendants to get their thoughts on this matter.

A matter of major importance to be considered now is the effect which a final decision in Borel may have on future litigation. There are now 14 cases pending in which Fibreboard is named as a defendant as well as several others in the Eastern states in which we are not involved. We would anticipate a number of new suits after the Borel decision of the Fifth Circuit is publicized.

Although in the past meetings with the other defendants have not been fruitful, we believe that if another one develops, we should attend. Meanwhile, it is suggested that a meeting be arranged within the company in the near future to evaluate our legal positions, insurance coverage and future actions.

R. A. Beck

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