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July 17, 1958

Herbert Morton Ball, Esq.,
Secretary and General Attorney,
Johns-Manville Corporation,
22 East 40th Street,
New York 10, New York

Dear Mr. Ball:

You may recall that in 1956 you expressed interest in the Workmen's Compensation case of James E. Taylor vs. U. S. Asbestos Division of Raybestos-Manhattan, Inc. At your request, we sent to you at that time the notes of testimony taken before the Referee in that case.

We represent Pennsylvania Manufacturers' Association Casualty Insurance Company which was then and is now the insurance carrier for U. S. Asbestos Division of Raybestos-Manhattan, Inc.

This Company has a great many cases of asbestosis because the Manheim Plant of the Company weaves materials in which asbestos is a component part.

We now have another claim against the Company based on an alleged causal connection between asbestosis and lung cancer, and Dr. Ward O'Donnell will be the witness for the claimant in this case.

We have sent all of the notes of testimony in the Taylor case and the partial notes of testimony of the testimony so far taken in the Geiman case to Dr. Ross K. Childerhose, a physician in Harrisburg, Pennsylvania specializing in chest diseases.

It is his opinion that there is no proven causal connection between asbestosis and lung cancer, but he feels that he is unable to testify because of the condition of his health.

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In his most recent letter he suggested that we ask for help from your Dr. Kenneth W. Smith who was mentioned in the correspondence between Paul Mueller and yourself in 1956. Dr. Childerhose says that he recently ran across a very excellent article on pulmonary disability in asbestos workers by Dr. Smith and we thought that we might be able to have you send us several reprints of the article if they are available.

We believe that it might be to the common advantage of our assured and your Company to have you give us whatever help you can in the defense of this case.

We decided not to appeal the Taylor case from the Workmen's Compensation Board to the Courts because we did not feel that our record was sufficiently good to risk establishing a Court precedent in that case.

However, in the Geiman case I believe that the insurance company might well decide to make a test case of it and appeal to the Courts what may very well be a Workmen's Compensation Board opinion in favor of the claimant.

For that reason, we will much appreciate it if you will ask Dr. Smith to give us any literature on the subject that he might have and also, if he is willing to do so, to express in letter form his opinion on the presence or absence of statistical evidence of any connection between asbestosis and lung cancer.

Sincerely yours,

Ralph M. Barley

RMB:ED

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