CONFIDENTIAL

JM Johns-Manville

# Internal Correspondence

To: P. Kotin, M.D.

Date: January 16, 1978

From: W. B. Reitze

Depo EXHIBIT 0329-0079
FOR ID. 6-7-94
MARY SCHLOFF, C.S.R. 3563
WITNESS Kotin

Copies:

Subject: REVIEW OF HEALTH PICTURE AT PITTSBURG PLANT

As you may remember, in November 1977 Mr. George O'Dair called a meeting attended by himself, Leo Bartolanzo, James Tracy, George Johannes, Dick Von Wald, Walter Curtner and me. The purpose of the meeting was to discuss our workers' compensation liability.

It was agreed at this meeting that the five plants (excluding Manville and Waukegan, for which we already had information) should be requested to review the medical files and advise us of any potential claims that we might expect in the next 10 years. For four of the plants--Billerica, Long Beach, Marrero, Nashua--this was a rather simple operation, and the information was received from the plants and transmitted to the Finance Department in my memo of November 18, 1977. The Pittsburg plant, however, had difficulty in obtaining this information, largely because of the method of record-keeping that was used at the Pittsburg location.

The decision was made by the Employee Relations Manager to forward the X-rays and medical records to our local contract doctor, Dr. Donald Smith, for his review. Apparently from the records, Dr. Smith could not determine whether any of the individuals who had abnormal findings had ever been notified, and Dr. Smith informed the plant that it should be clearly understood that if he reviewed a patient's records and found disease, he had full intention of complying with his legal, moral, and ethical responsibilities to inform the patient of these findings. It was at this point that Emmett Randolph notified me of the possible legal implications regarding this notification and the possible effect it might have upon our existing litigation at Pittsburg. It was then that I discussed this with Dick Von Wald, who advised that since the possible liability was so great, our top Corporate management should be made aware of this before the final decision was made. It is obvious that our Corporate legal staff, as well as top Corporate management agreed with me that we have no options but to comply with our legal, moral, and ethical obligation to inform the employee if he was not previously informed of the matter.

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PROTECTIVE ORDER RE DISCOVERY MATERIALS
MARCH 30, 1983
HON. IRA A. BROWN, JR.
COORDINATION TRIAL JUDGE
SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 1702