

ETHYL GASOLINE CORPORATION

CHRYSLER BUILDING
405 LEXINGTON AVENUE

NEW YORK July 11, 1940

INTER-OFFICE
CORRESPONDENCE

Dr. R. A. Kehoe

Dear Dr. Kehoe:

I wrote you on July 8, attaching a copy of a letter received from Kurtz, Reed, Sappenfield & Cooper, attorneys for the Maryland Casualty Company of Baltimore, insurers of the Orange State Oil Company in the G. C. Hubbard case.

I discussed this matter later with our counsel, Mr. B. C. Loder, who felt that we should place copy of the letter on file with the Travelers Insurance Company, who cover us in such matters.

There is attached hereto copy of Mr. Loder's letter to Travelers,- I having told him that you had conducted a personal investigation of considerable scope and had quite a lot of information on it.

We received today a letter by registered mail directly from the Orange State Oil Company wherein they place themselves on record as to their intentions in the event they sustain any damages as a result of the case. Copy of the Orange State Oil Co. letter is attached hereto.

This is all for your information and we trust you will advise us if you have any comments to make at this time.

Very truly yours,



M/R

cc - Mr. B.C. Loder

KE 0021064

ORANGE STATE OIL COMPANY
368 N. E. 58th Terrace
Miami, Florida

SUBJECT: Accident Report File

July 9, 1940

[REDACTED] ses

Ethyl Gasoline Corporation
New York
New York

Gentlemen:

Your Atlanta office is aware of the death on December 23, 1939 of one of our employees, [REDACTED]. We understand the contention will be made by claimants that his death was caused by tetraethyl lead fumes while cleaning a gasoline storage tank belonging to us, and that he was exposed to these fumes through the negligence of your corporation.

We are in receipt of letter from Mrs. [REDACTED] which we quote in full as follows:

Havana, Florida
June 23, 1940

"Mr. J. E. Penn
Miami, Florida

Dear Sir:

In regards to the death of [REDACTED] December 34, 1939.

I wrote you several months ago concerning this accident and to date I have no reply from you.

I have definite information he died of Tetraethyl poison contracted while in the employ of your Company, under Mr. Earl Glover.

I am ready to negotiate with any one you designate for compensation for his two children who were dependent upon him for support.

I will expect areply from this letter by return mail.

Yours truly,

Mother of deceased.
[REDACTED]

Havana, Florida
c/o L.A. Gray "

RE 0021065

N 24473.

Ethyl Gasoline Corporation
July 9, 1940
Page No. 2.

You will note from Mrs. [REDACTED] that she is making a claim against us on account of [REDACTED] death for compensation for his dependents.

This is to advise you that in the event we are required to expend any moneys in connection with or on account of the death of the said G. C. Hubbard that we will take all legal steps to hold you responsible therefor and will expect and demand full and complete reimbursement therefor.

Yours very truly,

ORANGE STATE OIL COMPANY

R. W. Van Brunt

Secretary

RWVB:VP

cc: Ethyl Gasoline Corp.
Rhodes-Haverty Building
Atlanta, Ga.
Attn: Mr. J.A. Costello
Division Manager

Kurtz, Reed, Sappenfield & Cooper
Security Building
Miami, Florida
Attn: Mr. Wm. L. Reed

Hudson & Cason
Attorneys at Law
350-53 Seybold Building
Miami, Fla.
Attn: Mr. F. W. Cason

cc: Mr. John D. Kille, Mgr.
Miami Claim Division
Maryland Casualty Co.
220 Seybold Building
Miami, Fla.

Mr. J. Alton Douglas, Adjustor
Maryland Casualty Co.
Suite 8-B, Atlantic Nat'l. Bank
Annex Building
Jacksonville, Fla.

REGISTERED MAIL

KE 0021066

c o p y

July 9, 1940

Travelers Insurance Company
Claim Department
100 East 42nd Street
New York, N. Y.

Gentlemen:

The attached is a copy of a letter received recently by us and which is self-explanatory. We have been advised that investigations made by Dr. Kehoe disclose that the accident in question was not due to any negligence on the part of this Company and that he has considerable data available for the defense in the event of a suit. However, we would like to have your representative discuss the situation with either Mr. Harry Kaley of this Office or with me before instituting any investigation in Florida.

Very truly yours,

B. C. LODER

BCL:Mcg
Enc.

KE 0021067

ETHYL GASOLINE CORPORATION

CHRYSLER BUILDING
405 LEXINGTON AVENUE

NEW YORK July 8, 1940

INTER-OFFICE
CORRESPONDENCE

Dr. R. A. Kehoe

Dear Dr. Kehoe:

You will find attached hereto copy of a letter received in this office by registered mail today.

I am not too familiar with the status of this case, although I did see a report from Mr. Costello on the subject within the past few days.

Has it been customary for you to handle such things as this directly with our division managers, or through your own staff, or is there anything you would like us to do from this end.

Very truly yours,



M/R
Enc.

cc: Mr. J. A. Costello
Mr. Ben Loder

KE 0021068

KURT, REED, SAPPENFIELD & COOPER
SECURITY BUILDING
MIAMI, FLORIDA

July 5, 1940

Ethyl Gasoline Corporation
Chrysler Building
New York, N. Y.

Gentlemen:

We are writing to you as attorneys for Maryland Casualty Company, of Baltimore, Maryland, the insurer of Orange State Oil Co., of Miami, Fla.

It now appears that the dependents of [REDACTED] deceased, are making claim against the Orange State Oil Company and contending that [REDACTED] death was occasioned by exposure to tetraethyl lead fumes while cleaning a gasoline storage tank.

From our investigation of this matter it appears that [REDACTED] died on December 23, 1939. The report of Dr. Robert A. Kehoe, of the Rectifying Laboratories in Cincinnati, Ohio, together with the other information we have been able to develop causes us to conclude that this man's death was due to exposure to tetraethyl lead through the negligence of the Ethyl Gasoline Corporation.

We have notified the Florida Industrial Commission of Hubbard's death, and have simultaneously notified the Commission that we will controvert any claim made by his dependents. In the event a claim is filed with the Commission it will, of course, mean a trial of the case on the facts before a Deputy Commissioner in Florida, and if the claimants receive an award at the hands of the Deputy Commissioner an appeal through the appellate courts of this state would quite possibly be indicated. In the event no claim is filed before the Florida Industrial Commission, or if such a claim is filed and the claimant denied an award, our assured would, we believe, actively defend any common law suit that might be filed by the widow, or other surviving dependents.

This is to advise you that in the event our client is required to expend any moneys in connection with or on account of the death of the said [REDACTED] they will hold you responsible therefor and will expect and demand full and complete reimbursement therefor.

It is our understanding that the Orange State Oil Company and a representative of your Atlanta, Georgia, office have had conversations in connection with this matter, and we are therefore, sending a copy of this letter to your Atlanta, Georgia, office.

Very truly yours,

KURTZ REED SAPPENFIELD & COOPER

By W. L. REED

WLR-RP

RE 0021069