

E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED
WILMINGTON, DELAWARE

March 28, 1938

MEDICAL DIRECTOR'S OFFICE

Dr. Robert Kehoe
University of Cincinnati
Cincinnati, Ohio

My dear Kehoe:

I have just returned from a trip to Baton Rouge, where everything seems to be going very nicely with the exception of a case which is coming up for trial on April 12, based on alleged lead poisoning. Dr. Machle has seen the man, whose name is [REDACTED] and I believe is agreed with us that the claim is unjustified. However, we have had enough experience in the State of Louisiana to know that from the legal standpoint we are not sitting in a very happy position and anything may happen. As a matter of fact, we look forward to the future with a great deal of foreboding from the medico-legal standpoint, realizing that although the compensation law is well written, the administration of the law is bad; and we stand to lose a considerable amount of money.

The doctors in Baton Rouge know very little about lead intoxication and the doctor who is with [REDACTED] on this particular case knows less than a little, I am certain; although I have not talked to him but have simply gathered my information from third party sources. It is extremely important that we win this first case because if we lose it, it will simply open the way for a lot of subsequent suits of alleged poisoning and with this case as a precedent we are almost bound to lose.

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We have discussed the matter of having testimony given by our own witnesses and our Mr. Porter, who represents the Company in Baton Rouge, advises against this. He states that the judges in that part of the country are particularly partial to local witnesses and resent outside experts, even to the extent of experts who come from New Orleans. This being so, we have decided against putting anybody on the stand, but on the other hand it is extremely important that we prepare our lawyer for his defense and sit by to help him in the cross examination. We are extremely anxious to have you or Machle, whomever you decide upon, in Baton Rouge the day before the trial, at which time we will plan the attack with Mr. Porter, our attorney. At that time we can give him some information on lead intoxication from the lay standpoint and, when the doctor who is backing Metz comes on the stand, help him to discredit his testimony in every way possible.

I believe that one of the points which we should be prepared to tear down would be his excretion analysis which I understand he has had done because therein lies a very fertile field of attack.

There is a possibility of their switching their case to one of the solvents contained in the paint and I expect to be on hand to help out from this side.

I hope that you will be able to arrange it so that one of you can be on hand for this trial, and trust that you will write me

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as soon as possible. In the event that you cannot help us in this matter, we will have Dr. von Oettingen on hand.

Yours very truly,

MEDICAL DIVISION

G. H. Gehrman
G. H. Gehrman, M.D., Medical Director

GHG:MGL

I am in the unfortunate position of having
a number of engagements which will keep me out on the
road, and your notification of the postponement
of the dance seems to me quite understandable. I shall be
glad to do what I can in connection with this
event and if you will let me know as far in advance
as possible, I will try to keep the date open so
that I can be there myself. In any case, either
myself or Dr. Leach will come to a point to be
there.

Sincerely yours,