

STANDARD OIL COMPANY

(INCORPORATED IN NEW JERSEY)

26 BROADWAY, NEW YORK

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April 10, 1933

Re: [REDACTED], Jr. v.
E. W. Rowe and Standard Oil Company.

Mr. E. W. Webb,
Ethyl Gasoline Corporation,
135 East 42nd Street,
New York City.

Dear Mr. Webb:

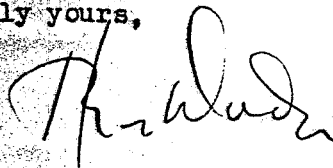
This will confirm our telephone conversation of this morning in regard to the above cited case. I am sending you herewith a copy of the complaint which was served on April 6.

I understand from our conversation this morning that you approve of our sending Mr. Gillson, of our Annuities & Benefits Department, to South Carolina to make an investigation of the case in conjunction with our attorneys in Columbia, Messrs. Benet, Shand & McGowan, and to begin negotiation for a settlement.

I have not yet learned whether the injured was ever examined by a company physician, but if we are able to obtain a physical examination now, I agree with you that Dr. Kehoe should go down to make the examination.

I am today asking for a further report on the matter and will communicate with you again as soon as I have learned anything new.

Very truly yours,



Enclosure
HD:AB

N8312

STATE OF SOUTH CAROLINA.
COUNTY OF MARLBORO.

IN THE COURT OF COMMON PLEAS

[REDACTED] Jr.,

Plaintiff

-vs-

E. W. Rowe and Standard Oil
Company, a corporation,

Defendants

COMPLAINT

Plaintiff above named complaining of the above named
defendants alleges:

1. That plaintiff, [REDACTED] Jr. is a resident and
citizen of the County of Marlboro, State of South Carolina; that the
defendant E. W. Rowe is a resident and citizen of the County of Marlboro
and State of South Carolina, and that Standard Oil Company is, and was
at the times herein mentioned, a corporation duly chartered and exist-
ing under and by virtue of the laws of one of the States of the
American Union, doing business in the County of Marlboro, State of
South Carolina, where it maintains and operates filling stations and
has agents and employees.

2. That Standard Oil Company owns a filling station in the
Town of Bennettsville, State and County aforesaid, at the corner of
East Main and Parsonage Streets, and the defendant E. W. Rowe at all
times hereinafter mentioned was in the employ of Standard Oil Company
and thereby in charge of, and operated, such filling station, and all
of the matters and things hereinafter alleged were done by the said
E. W. Rowe in the course of such employment.

3. That at the filling station above described, the
defendants dispensed and sold to the public distillates of crude oil
and the by-products of such distillation - gasoline, lubricating oil,
etc.; and they sold tetraethyl lead gasoline under the name of "Esso",
which is gasoline into which tetraethyl is introduced to create a high
test and more powerful motor fuel than the plain gasoline.

4. That ordinary gasoline, applied to the tender parts of
the body, is of such consistency as to burn, scald and otherwise

ously and permanently maim, damage and injure and cause great and suffering; that applied to the eyes it will burn, scald and destroy the tissues, causing intense pain and agony, impair the vision and eventually cause blindness, all of which was well known to the defendants Standard Oil Company and E. W. Rowe.

5. That, as plaintiff is informed and believes, tetraethyl lead gasoline is a highly poisonous compound, and is readily absorbed by the tissues of the body and pores of the skin, and the inhalation of the vapors from tetraethyl lead gasoline also conveys the poison into the system, which poison insidiously attacks the human body, causing dulled perception, sluggishness, insanity and blindness, accompanied by great pain and agony, and to the ravages and poisonous effects of this compound, as plaintiff is informed and believes, some persons are more susceptible than others, all of which was well known to the defendants.

6. That about the summer of 1929 the plaintiff herein, then a boy seventeen years of age, was by E. W. Rowe, the agent of Standard Oil Company in charge of the filling station hereinbefore described, employed as a wage earner of the defendants to help off and on about the said filling station, and his duties were, for a period of from two to three years, to wait on the trade by dispensing at retail the petroleum products and by-products there sold under the direction and control of E. W. Rowe, agent for Standard Oil Company. At this time, and prior thereto, plaintiff was in excellent health, of good physique and possessed of all of his faculties and perfect eye sight.

7. That Standard Oil Company and E. W. Rowe possessed of the knowledge, as they were, that ordinary gasoline was dangerous and that it would burn, scald and seriously and permanently injure if applied to, or poured over the body, or into the eyes; that tetraethyl lead gasoline was a highly poisonous compound, dangerous to handle, and readily absorbed by the tissues of the body and the pores of the skin; and knowing the dangers of inhaling the vapors therefrom, and the terrible consequences of having conveyed into the system the poisons therein contained, owed to the plaintiff, then a minor, the duty of warning him of the dangers incident to the

negligently, wilfully and with a reckless disregard of their duties and the consequences thereof, failed to do.

8. That the defendants, Standard Oil Company and E. W. Rowe, required plaintiff, while on duty working at the filling station hereinabove described, to wear the regulation Standard Oil Company uniform, not providing for him individual garments, but procuring same as the occasion arose, and frequently the uniforms so provided were soiled, dirty and saturated with gasoline and tetraethyl lead gasoline, but despite which and the knowledge of the defendants of the dangers and consequences of this plaintiff absorbing the poisonous compound through the tissues of the body and pores of the skin, and of the dangers of direct contact with his eyes, defendants negligently, wilfully and recklessly required him to wear such soiled uniforms, saturated with gasoline and tetraethyl lead gasoline and there was inducted into plaintiff's system the poisonous compound, tetraethyl lead.

9. That frequently, while plaintiff was in the discharge of his duties in and around the filling station in waiting upon customers and dispensing high test gasoline, quantities of the tetraethyl lead gasoline would spill on his hands and other parts of his body, and he would inhale the vapors therefrom, but never was he warned of the dangers thereof by the defendants, or advised of protective measures, although defendants were well aware of such facts and the dangers to which plaintiff was exposed; and the said defendant, Standard Oil Company and the said E. W. Rowe negligently wilfully and recklessly failed in their duty to warn plaintiff, and as a consequence, from time to time there entered into his system by absorption and inhalation quantities of the poisonous compound known as tetraethyl lead.

10. That the machine from which was dispensed tetraethyl lead gasoline, besides being otherwise defective and unsafe, as hereinafter more particularly referred to, was not equipped with a cut-off at the nozzle, and as a consequence the dangers and hazards of handling the poisonous compound were increased in that the operator was required to drain the hose for each customer, and came

into more frequent contact with the fluid and the vapors therefrom than would have been the case had the machine been properly and safely equipped, and on account of the negligence, wilfulness and recklessness of Standard Oil Co. in failing to provide reasonably safe and modern appliances, and of E. W. Rowe in requiring the plaintiff to dispense gasoline therefrom, from time to time during his service with the said defendants, tetraethyl lead gasoline spilled on plaintiff's hands and body, and he was constantly subjected to the dangers and hazards of dispensing the poisonous compound from and through an unsafe appliance.

11. That in addition to such unsafe appliance, the pump from which was dispensed tetraethyl lead gasoline, was unsafe and defective in that the slide cut-off which regulated the flow of the fluid from the glass bowl and was intended to slide perpendicularly thereon, was out of order and could not be used, leaving only the knob cut-off at the base of the bowl to control the flow of the compound from such reservoir into the hose. The defective and unsafe condition of this appliance was well known to the defendants, and each of them, but despite its defective and unsafe condition, and the knowledge thereof by the defendants, it was used exclusively to dispense tetraethyl lead gasoline and was the only method by which the said poisonous compound was dispensed.

12. On or about the 26th day of August 1929, while this plaintiff was in the discharge of his duties in and about this filling station and was dispensing tetraethyl lead gasoline from this unsafe, dangerous and defective appliance, and was in the act of hanging the nozzle on the rack beside the glass reservoir in the place so prepared for it, the knob cut-off at the base of the reservoir failed to hold or became tripped, and a large quantity of tetraethyl lead gasoline escaped from the glass container and gushed through the hose into this plaintiff's face, eyes and ear and tetraethyl lead gasoline was absorbed by the tissues of the body and pores of the skin, poisoning and burning his eyes and poisoning his system, all caused and brought about by the negligence, recklessness and wilfulness of the defendants Standard Oil Company and E. W. Rowe in requiring this

plaintiff to operate an unsafe, dangerous and defective machine, and in failing to provide for him a reasonably safe place in which to work and to warn him of the dangers incident to his employment.

13. That on account of the negligence, recklessness and wilfulness of the defendants there was from time to time in the manner and by the means herein alleged, inducted into the plaintiff's system the poisonous compound, tetraethyl lead; and in addition to the absorption and induction into his system, as aforesaid, and on account of the negligence, wilfulness and recklessness of the defendants, Standard Oil Company and E. W. Rowe, tetraethyl lead, a highly poisonous compound, and gasoline was poured into plaintiff's eyes, and the poison insidiously attacked this plaintiff, causing dulled perception and sluggishness, and his mind has been affected and he has continuously suffered great pain and agony, and he is now totally blind in one eye and the other eye is progressively deteriorating to such an extent that he will surely lose the use of it also and will be totally blind; and in addition thereto is the horrible contemplation of total blindness and its incident helplessness and humiliation and the certain knowledge that he is day by day becoming more and more helpless and incapable of reasoning clearly, all to this great damage in the sum of two hundred and fifty thousand (\$250,000.00) dollars.

14. That the defendant E. W. Rowe was negligent, reckless, wilful and wanton in that:

(1) With full knowledge of the dangers incident to the handling of gasoline and tetraethyl gasoline, he failed in his duty to warn plaintiff, a minor, of these dangers;

(2) With full knowledge as aforesaid of the dangers incident to the handling of gasoline and tetraethyl gasoline, he failed to advise the plaintiff, a minor, of proper and protective measures thereabout;

(3) He failed to provide plaintiff a reasonably safe place to work on that:

(a) He permitted and required him to dispense tetraethyl gasoline from a hose not equipped with a cut-off at the nozzle.

(b) He permitted and required plaintiff, a minor, to use tetraethyl lead gasoline from a defective appliance equipped with one cut-off only, and that at the base of the glass reservoir.

(4) He caused and required plaintiff to work in soiled and clothing saturated with a poisonous compound.

15. That the defendant, Standard Oil Company was negligent, wilful, reckless and wanton in that:

(1) With full knowledge of the dangers incident to the handling of gasoline and tetraethyl gasoline, it failed in its duty to warn plaintiff, a minor, of these dangers.

(2) With full knowledge as aforesaid of the dangers incident to the handling of gasoline and tetraethyl gasoline, it failed to advise the plaintiff, a minor, of proper protective measures thereabout.

(3) It failed to provide plaintiff a reasonably safe place to work in that:

(a) It permitted and required him to dispense tetraethyl lead gasoline from a hose not equipped with a cut-off at the nozzle.

(b) It permitted and required plaintiff, a minor, to dispense tetraethyl lead gasoline from a defective appliance equipped with one cut-off only, and that at the base of the glass reservoir.

(4) It caused and required plaintiff to work in soiled and dirty clothing saturated with a poisonous compound.

(5) It failed to provide plaintiff with reasonably safe and proper appliance; and caused the plaintiff to work about a defective and unsafe appliance.

16. That the defendants E. W. Rowe and Standard Oil Company were in the particulars hereinbefore alleged jointly and concurrently negligent, reckless, wilful and wanton and by reason of their joint and concurrent negligence, recklessness, wilfulness and wantonness caused the blindness, incapacity and injuries to the plaintiff hereinbefore set out, all to the great damage of the plaintiff in the sum of two hundred and fifty thousand (\$250,000.00) dollars.

WHEREFORE, plaintiff prays judgment against the defendants E. W. Rowe and Standard Oil Company in the sum of two hundred and fifty thousand (\$250,000.00) dollars, together with the costs of this action.

H.W. EDENS
TISON AND MILLER
Attorneys for Plaintiff

(Verified by H. H. Hubbard, Jr.)