

February 15, 1944

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Mr. D. L. Hayes,
Laverack and Haines, Incorporated,
White Building,
Buffalo, New York.

Dear Mr. Hayes:

I have your letter of February 12, with its enclosures which I have examined in some detail. I am returning the enclosures in accordance with your request.

The additional evidence presented by Dr. Akelaitis seems to me rather tenuous, and I can hardly think it will be taken very seriously in view of the previous record, if the testimony of Dr. Berzel is presented clearly on the basis of the report which he has given you. Perhaps Dr. Berzel might make his testimony even somewhat stronger than it is if he were to point out that abnormalities in the brain waves such as have been found commonly in relation to epilepsy, have also been found in connection with postural changes, certain metabolic disturbances, and certain other conditions associated with changes in the cerebral blood flow. I do not want to put words into his mouth, and moreover, he may not agree with me that the E.E.G. findings are not to be accepted as wholly trustworthy evidences of epilepsy or of organic diseases of the brain. However, there are people who question somewhat the validity of brain tracings for the diagnosis of epilepsy and would consider other clinical evidence as entirely necessary to justify diagnosis. Without having had any profound experience in the field, I am disposed toward that opinion. In any case it would not seem to me entirely necessary that I should return to testify in this case. I would certainly testify along the same lines as my previous testimony, and certainly my opinion is in no wise changed, but I see no great advantage to be gained by a restatement of what I have already said. This does not mean that I am refusing to appear, but I hope you will find it possible to release me, since I can ill afford the time that will be required for such a reappearance.

Very truly yours,

Robert A. Kehoe, M. D.

FAK ef
Enc.

LAVERACK & HAINES
INCORPORATED
INSURANCE

WILLIAM P. HAINES
WILLIAM D. LENIHAN
DONALD L. HAYES

WHITE BUILDING
BUFFALO, N. Y.

HOWARD B. CLEVELAND
RICHARD L. SLOSSON
HOWARD C. LAVERACK

February 12th, 1944

Dr. Robert A. Kehoe
Director, Kettering Laboratory
of Applied Physiology
Cincinnati, Ohio

Dear Dr. Kehoe:

Case No. 74109322
[REDACTED], Claimant v.
Rochester Products Division -
General Motors Corporation

You will recollect in the above case that the case was disallowed on the ground that there was no proof that the claimant suffered from lead poisoning as a result of his occupation. Subsequent to the disallowance, Dr. Akelaitis of the Strong Memorial Hospital through the claimant's attorney filed a report after the making of some electroencephalograms. As a result of this report, the case was restored to the calendar and in the meantime, I engaged Dr. Bercel who was recommended to me by Dr. Gibbs of Boston as knowing something about electroencephalograms.

He went to Rochester several times and checked this case for me and the electroencephalograms. It appears that the tests do indicate some abnormality.

The hearing was finally held last October at which time Dr. Akelaitis testified. Due to the illness of the hearing stenographer, I was not able to get the testimony until last week. The case has been on the calendar several times but I have had it adjourned as I did not want to go into another hearing until we had the testimony.

Due to a shortage of stenographic help in our office, I am enclosing the only copy of the testimony I have together with the only copy of Dr. Bercel's memorandum on the case. I wish that you would read these over as I am sure you will find them interesting, and return to me with your opinion.

It is my present intention, as soon as this case is called, for hearing, to have you come to Rochester to testify again, inasmuch as when you testified at the last hearing, there was no question brought up at that time with regard to the electroencephalograms, nor was there any question brought up regarding the nocturnal attacks which are now being alleged and I feel fairly certain that the type of testimony which Dr. Akelaitis has put in this record will not change your opinion.

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Dr. Robert A. Kehoe

February 12th, 1944

Will you please return the testimony and the report to me as quickly as you can and I will wire you immediately I know the date upon which the case will be scheduled.

Kindest regards, beg to remain,

Very truly yours,

LAVERACK & HAINES, INC.

D. L. Hayes

By

Donald L. Hayes
Secretary

DLH:DFF
Enclosures 2

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