

ETHYL GASOLINE CORPORATION

ATLANTA OFFICE

RHODES-HAVERTY BUILDING

ATLANTA, GEORGIA

April 4, 1940.

INTER-OFFICE
CORRESPONDENCE

DR. ROBT. A. KEHOE,

Dear Dr. Kehoe,

Following receipt of your report on the case of D. C. Hubbard, Deceased, employed by the Orange State Oil Company, I arranged for a meeting of the management personnel of the Orange State Oil Company as well as a representative of the Maryland Casualty Company, in the Orange State Oil Company's offices on Tuesday, April 2nd. This meeting was attended by the following:

- John E. Fenn, President of the Orange State Oil Co.
- R. W. Van Brunt, Secretary " "
- Major Carter, Mechanical Department " "
- E. F. Carter, " " "
- J. D. Kille, Attorney and Adjuster for the Maryland Casualty Co.
- W. H. Phipps,
- J. A. Costello.

At this meeting, I read your report to those in attendance and furnished the original copy to Mr. Fenn and one carbon to Mr. Kille. After completing the reading of the report, we discussed at length the various possibilities in the case and I presented your views of what disposition should be made of it. Peculiarly, while Mr. Fenn had been informed of what had happened, he had not up to that time realized what possibilities might develop from it, if a settlement were not made immediately. He was particularly concerned about the liability of his own corporation and also the possibilities of adverse publicity, after I had pointed these things out to him. As a result, he instructed the insurance company representative that it was his opinion this was a matter for them to settle immediately under the terms of the existing State Compensation Laws, and that this not only applied to [REDACTED] but to [REDACTED] as well; and that he felt the insurance company should also determine the whereabouts of the other man, [REDACTED], whom Don Phipps was unable to locate. He also stated that he expected to be in Jacksonville on Wednesday of this week and at that time, would get in touch with Dr. Bedell and inform him that he could be assured that the insurance company would make every effort to settle the case in a equitable way with as little delay as possible.

Mr. Kille stated that he was not in a position to make any commitments as to what his company would do inasmuch as it was a matter

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for his home office people to decide. However, he felt that from his own viewpoint, it should be settled in accordance with Mr. Fenn's instructions and he would so recommend. He also said that your report would be incorporated in his report to his home office. He further advised that as soon as a decision had been reached, he would notify the Orange State Oil Company and the in turn would notify us.

After we had completed that part of our discussion which concerned the insurance company, Mr. Phipps and I held a separate discussion with Mr. Fenn and Mr. Ven Brunt in connection with the confidential report which you made on the past performance of the Orange State Oil Company's tank cleaning department. Mr. Fenn made no attempt to defend his organization but readily admitted that they had been guilty of negligence and felt it was in part due to the fact that they had probably handled the product so long, their familiarity with it developed negligence which might possibly be excusable. However, he assured me that nothing would be left undone to develop every possible cooperation between his company and ours in the future in order to prevent a reoccurrence. Actually, he had previously made this statement during the time Major Carter and Mr. Glover sat in the previous discussion, and I am inclined to feel that we can expect his views will be very scrupulously carried out in the future. When we were ready to leave the office, Mr. Glover stopped us on the way out and asked us to give him a list of equipment which we felt would be necessary for their purposes in future tank cleaning, this equipment to include airline masks and other necessary material. I am arranging for Mr. McCooley to take care of this in order that the equipment will be purchased while they are still in the mood to spend the money.

I feel that the whole tenor of the meeting was indicative of the fact that the Orange State Oil Company was entirely sympathetic with your views as to how this case shall be handled and they are also quite honest in their determination to prevent a reoccurrence of what has happened.

If there is anything else which you feel we ought to do at the moment, we, of course, will be glad to take care of it. If not, we will hold the matter in abeyance for a reasonable length of time, waiting on the action of the Maryland Casualty Company.

Very truly yours,


J. A. Costello.

JAC/F.L

CC-Mr. Lewis
McCooley.