

Chattanooga, Tenn.

May 3, 1934

Refining Co
Birmingham, La.

Atlanta:-

Unit #26

Referring to your letter of April 28th, 1934, relative to the above claim. I note that you quote me as promising a laboratory test, in my letter of April 2-1934. I stated that I understood such tests might be made, provided [redacted] agreed, of course, you understand that these tests would be open to [redacted] attorney, but not to us if he choose to keep that information from us, as I had no authority to contribute to the cost of any tests that might be made, and I was replying upon my ability to get what information they might reveal, rather than my right to them, without contributing to the costs, etc., as you are no doubt aware that Hospital records are very carefully guarded documents.

The progress of this case, since my last report, has been thus: Boyd Hargraves, Chattanooga, Tenn., attorney, representing [redacted], advised that he would file suit for \$50,000.00 damages on account of injuries to his client, unless settlement could be had by Tuesday, April 17-1934, see Hargraves letter of April 11th. I communicated with Hargraves, and succeeded in securing ten days extension of time, this was again set up to May 2-1934, at Hargraves request.

In the meantime, I called on Dr. John H. Revington, the attending physician, and was informed that he had not seen [redacted] in the past two weeks, and that his condition is not improving. Revington is of the opinion that [redacted] will never again be able to work, and maybe unable to use his legs at all in time.

I learned that [redacted] carried several insurance policies, one of which was with the Metropolitan Ins. Co., that this insurance company was called upon to pay the [redacted] Policy in full on the claim of total and permanent disability. The Metropolitan called in Dr. Wm. K. Bryan, Chattanooga Bank Bldg., this City, to act as a sort of referee to examine [redacted] and report on the probably permanency of his disability. Dr. Bryan is also a member of the staff of Erlanger Hospital, a man of wide experience in physical ailments that are largely of a purely subjective nature.

Accordingly [redacted] was admitted to Erlanger Hospital as a patient of Drs. Bryan and Revington, on March 30th-1934, and was examined by Dr. Jones, Interne, the records of the hospital indicate that subjective examination reveal substantially as follows:

Suddenly ill on November 17-1933 - abdominal pains.

Cholicey in nature - wrist dropping - general weakness - Lead line on examination at that time (Nov. 17-1933)

Copy from lead with further history

The physical, or objective examination, then taken by Dr. Jones, gives the following findings:

Head - No acute head pains.

Eyes - Normal

Nose - No discharge

Mouth - No lead line present.

Throat - No thyroid enlargement

Heart - No enlargement

Lungs - Normal

No tenderness of abdomen

No tenderness of liver

Rectal - Normal

Extremities - Essentially normal except for extreme muscular weakness.

Glands - Normal

Reflex - Normal

Urinalysis - O.K. Microscopical Pus 25-30

KE 0011485

Gul
No

[REDACTED] - Chattanooga, Tenn., Continued

Blood Count - Leucocytes
 Per cu. mm 5,000
 Polymuclear 66

Erythrocytes
 Per cu. mm 4,410,000

Hemoglobin
 105%

Blood Count
 No Stippled Cells Found. Blood Wass. neg.

Note. Spinal fluid - clear and sent to lab. Wass. neg.

The report carries with it an hourly record of nurses visits, kind of diet, temperature and pulse record, etc., which frequently reports the patient sleeping. And is closed with the date of his discharge viz April 3-1934, with the remarks "Improved", Patient entered the Hospital in a private car, and walked to bed, and left Hospital in private car.

In discussing this report with Dr. Revington, the Doctor stated that the spinal fluid was negative and that blood Wassermanns failed to show any indication of Syphilis. Revington was asked whether or not a Syringomyelia (Spinal Cord lesion) was found. Revington stated that it was doubtful and had not been determined by the examination. And further that nothing else had been shown to show that [REDACTED] illness was due to any other cause than Lead poison, and that this was indicated by a marked Lead Line in the gums at the time of the original examination, but that this Lead Line had since cleared up, and was not now present. He also lays considerable stress on the dropping of the wrists. Revington states that [REDACTED] wife informed him that [REDACTED] was growing more absent minded every day, and was apparently losing his mind. And further that he does not expect the patient to ever get well, or may not ever again use his legs.

This contention is not held in its entirety by Dr. Bryan, who states that he especially examined [REDACTED] on the absent mindedness phase, and found him entirely normal. He states that there is no indication of atrophy in the limbs, that there does appear to be considerable weakness, which might be caused by lack of use, the patient being in bed most of the time for several months. Nor does Dr. Bryan believe that [REDACTED] is permanently disabled. He did not examine [REDACTED] at the beginning of the illness, and in so far as his examination goes there was no indication of the Lead Line, and [REDACTED] present condition could well be the result of something yet undefined. Dr. Bryan does not think that the small amount of tetraethyl lead in Good Gulf Gasoline could have poisoned [REDACTED] and especially so in as short a space of time. As to the possibility of a Syringomyelia, Dr. Bryan's Medical dictionary gives this ailment as "Tumor of the Spinal Cord" and does not give poison of any character, including Lead Poison, as the cause.

Dr. Bryan further states that the weakness of the legs may be due to a disease of the nerves, but says that it would require a Neurologist to determine that. He states that Dr. Revington is primarily a Surgeon. And that he, himself, is a general practitioner, and has not specialized in nervous disorders. Dr. Bryan is not impressed with the correctness of Dr. Revington's original diagnosis of Lead Poison. On inquiry, I learned that this City does not support a recognized Neurologist, but that Dr. Chas. R. Thomas, Medical Arts Building, and Dr. Alex Steward are considered the leading nerve specialists.

Every effort was made to obtain a copy of the Hospital Report, but this man denied, however, I was permitted to make memory from the report, and the information shown above gives all of the salient facts. Insofar as this examination went, there is no evidence of lead poison, but this examination does not go far enough to prove that it is not lead poison in the eyes of a jury who would be led to believe that what might not affect one man, may have a deadly result upon another, and I think the authorities are in accord, that the physical

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reaction of the individual to a given substance must be considered, rather than the general effects on persons as a whole, in allowing damages.

The absence of stippled blood cells, sleeplessness and hallucinations, would indicate that there is no serious lead poison. At the time of the examination, no analysis of the face was made. Your attention is called to public Health Bulletin No. 163 (1926) a report of a Committee headed by Dr. W.H. Howell, on the findings of this committee after a study of 252 individuals, 57 of whom were garage workers subjected to possible lead (tetraethyl) poison over periods approximating two years. This group of 57 men all showed Stippled blood cells, and lead storage in the faces. This committee, after many tests, decided upon three major tests that it was hoped would yield quantitative data of an objective character, as an index of lead ingestion or absorption, these were, the amount of lead in the faces, the number of stippled red cells and measurements of the strength of the extensor muscles of the forearm. The report states that the first two methods yielded results of positive value, while the last was practically negative so far as their investigation was concerned.

From this you will note that Dr. Revington lays considerable stress on the weakness of the forearm, or wrist dropping, as an indication of lead poison, whereas the above committee says it is of negative value. The two methods found of greatest value by the committee, were not resorted to in the case of , in the one instance, that of faces anylisis, and in the other, he showed no Stippled cells. All of the 57 men above mentioned showed Stippled cells to a more or less degree.

After this information was obtained, I interviewed Hargraves and informed him that our Company was inclined to defend any suit that he might bring, but that they might be willing to settle or adjust the matter for an amount approximating the cost of such defense, that we felt, in view of the information at hand that there was no justification in the demand, we doubted the fact that  was a victim of lead poison, and if so, certainly not as a result of tetraethyl lead in Gulf Gasoline, that we were prepared to show that lead poison was accumulative, and that the quantity of lead in G.G. Gasoline was so small, and the time  was subjected to it was of so short duration, that the entire matter insofar as we were concerned was an impossible hypothesis. Hargraves would not name a figure on which he could recommend a settlement to , and suggested that I ascertain the amount the Company would consider it would cost to defend the suit, and report back to him within a reasonable length of time. This suit can not be brought for trial before the next September term of court.

Hargraves later called me and advised that two other persons had visited his office relative to tetraethyl lead poison cases in which our company was involved. He said he did not want to file the  suit if it could be settled otherwise, as to do so might precipitate a flood of such suits. I do not take that statement seriously, and think it was made to hasten matters in the  case.

If I may offer an opinion here, I would say that this case is one with very little middle ground, it is either very dangerous and should be settled, or should be defended by able council, it may be possible to deflate Hargraves idea of values and effect a reasonable settlement, even if suit is filed, but I am of the opinion that he will hold out for a sum in excess of one thousand dollars.

Unless a more reasonable settlement could be had, and such is possible with the development of new information, I would recommend the employment of Tatum Anderson and Tatum, Attorneys of Chattanooga, provided Byron Tatum's personal services could be had. You will recall Byron Tatum handled our defence in the D.T. Light case here about one year ago, and was successful in getting an instruction for the Company, as well as a jury verdict for our service station attendants, who were co-defendants, in the face of considerable odds.

Yours very truly,