

October 10, 1927

Mr. E. W. Webb,
c/o Ethyl Gasoline Corp.,
25 Broadway,
New York City.

My dear Mr. Webb:

In accordance with your telephone conversation I went to Winston Salem, arriving Thursday afternoon. I found that the case has been temporarily postponed until Monday, October 10. I discussed the entire case with the local representative of the Standard Oil Company, and with one of the men from the Medical Department at 26 Broadway. I then interviewed the attorneys.

By this time I was quite certain that it was not desirable for me to testify in the case, and I was also fairly well assured that unless it became absolutely necessary to do so, the case should not be allowed to appear in court. For obvious reasons I had no opportunity to interview the plaintiff in order to make an examination of him.

As near as I can make out from all of the available information, the facts are as follows:- Mr. [REDACTED] the plaintiff, was employed in the capacity of repair man over a period of several months, (namely, from about June until December 1924), in which capacity he was working with the small mixing meter and handling mothyleter containers of Ethyl fluid. He apparently worked without instructions as to dangers, etc., over this period. From this time on, however, he was given instructions on equipment with which to protect himself against possible dangers. He became ill, from what cause I am unable to say, and his illness continued over some weeks or months and he was finally sent to the Reconstruction Hospital in New York, after being seen and cared for by a number of local physicians. His condition was variously diagnosed by these local physicians as hyperthyroidism, heart disease, etc. Dr. Touart's examination and final report at the Reconstruction Hospital is to the effect that his was a typical case of tetraethyl lead poisoning, complicated by a parasitic infection of the intestine. He was discharged from the Reconstruction Hospital apparently well. Since this time, he has not been employed by the Standard Oil Company, and, according to the story which I am told, he has been incapacitated. At present, he is said to have a mental disturbance of some type, how serious this is I do not know, but the attorney for the defense, Mr. Comble, said that in his opinion the mental disturbance was not feigned. Whether it is due to tetraethyl lead is very questionable, in fact, I think it quite unlikely, but he apparently has been able to give the impression of genuine mental upset, which, as we know, would be considered a likable possibility of tetraethyl lead poisoning.

There were two points on which the defense had intended to proceed:

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1. That the possibility for skin contact and ingestion was not sufficient to give rise to poisoning, and that it is not possible to get poisoned in any other manner (the defense was of the opinion that it is not possible to be poisoned with Ethyl fluid by inhalation. Why they should have had this opinion heaven only knows).

2. That the man had signed the release under no duress, and that this should be legally binding.

I do not know anything about the law in the matter, but it strikes me that it is hardly likely that a jury would hold that \$1,000 represented adequate compensation for complete disability. The council for the defense felt that it was unlikely that the jury would consider the release as legally binding, without consideration of the evidence of illness, exposure, etc.

After these discussions and the discovery of these facts, I declined being used as expert witness in the matter, and the defense attorneys were very glad to get rid of me in this manner. I suggested, however, that it was my opinion that this was one of the most difficult cases that had been presented; that the claim of the plaintiff was apparently reasonable, and the means of defense in such a suit extremely meager. I felt that under the circumstances, both you and the representatives of the Standard Oil Company would advise a settlement out of court, if a reasonable settlement could possibly be made. I pointed out, of course, that this was my personal opinion, and recommended that they take up the matter at once with New York to determine what procedure should best be followed.

I trust that the above will acquaint you with all of the circumstances, and if there should be anything further which I can do in the matter I shall be glad to know of it.

Kindest regards.

Very truly yours,

RAK:EJ

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