

February 16, 1939

Mr. Daniel W. Hone
Tide Water Associated Oil Company
79 New Montgomery Street
San Francisco, California

Dear Mr. Hone:-

Please accept my thanks for having informed me fully as to the status of the [REDACTED] case. I am sorry indeed that this matter has turned out so badly.

I have gone over your brief in your letter of January 26th and it seems to me that it has made practically every point with regard to the clinical information that could be made, with one exception. The exception to which I refer has to do with the manner in which Dr. Paul Quaintance dealt with the analytical information. Just between ourselves having read over Dr. Quaintance's resume, it is quite apparent that he is not an expert in dealing with analytical material. However not to labor that point, I wish to call your attention to the fact that the two analyses of the urine which were used by Dr. Quaintance as important evidence, were not carried out in such a way as to inspire confidence in their accuracy, and that, moreover, the quantities of lead reported are of such magnitude as automatically to convict the analyst of gross error. I have not reviewed the record which is in my possession but unless I am very much mistaken, these analytical results were not brought into the record at the last hearing by the plaintiff's wife and her attorney. They were made a part of the record but I do not remember that they were ever discussed as evidence of this man's illness, or whether I was ever questioned concerning them. On the other hand I pointed out to you in our discussion of the case that these results were grossly at fault and were, therefore, of no value at arriving at a diagnosis. The reviewer, Dr. Quaintance, had he been familiar with the subject would himself have recognized these results as grossly erroneous. However, instead of so doing, he refers to them as important evidence of the likelihood that the patient had lead poisoning. On page 4 of the report which you sent me, he states as a fact "Therefore, the applicant's excretion was 164 to 205 times "normal".

It is fairly apparent to me that Dr. Quaintance's report is the chief reason for the decision of the Commission, for Dr. Quaintance is very definite in his belief that the patient had lead poisoning, and died of lead poisoning, and yet he comes out with the bizarre statement that there is no evidence that [REDACTED] absorbed lead as a consequence of his occupation. It is, of course, possible for a man to absorb lead from non-occupational sources but it is so improbable in the case of an adult that the Commission was right in not giving this statement much weight. It would be fairly apparent to me that if [REDACTED] died of lead poisoning, he obtained it either as a consequence of his occupation or as a consequence of his own or someone's else attempt to practice deception. The latter situation, in my opinion, is scarcely entitled to consideration in this case. In my opinion, therefore, you are not quite right in saying that the decision of the Commission is amazing. In fact I believe the Commission's decision was more or less inevitable regardless of the legalistic aspects of the matter, if it could be granted that Dr. Quaintance's conclusions were correct.

Incidentally I should be pleased to know who Dr. Quaintance is and how he comes by his "expert" knowledge.

I should be pleased if you would keep me fully informed. I hope it will not be necessary for me to return to San Francisco in connection with this case, but if some situation should arise which would quite clearly justify such a trip on my part, I hope you will bring it to my attention promptly.

With kindest personal regards,

I am

Cordially yours,

RAK:is

Robert A. Kehoe, M.D.