

ETHYL CORPORATION

Subject: Houston Air Pollution Suit Date: December 12, 1955

The following paragraphs summarize the present status and future outlook of the Houston Air Pollution Suit:

1. It is the recommendation of Houston counsel, in which I concur, that no attempt be made at the present time to sever the case of Ethyl from that relating to the rest of the defendants.
2. Further pleadings must be filed by Ethyl on or before December 26. It is presently proposed that this will be in the form of exceptions requiring more specific allegations against Ethyl, a general denial of the complaint and possibly a motion to sever, if for appeal purposes we desire to hold on to that possible position. This pleading can be later amended if desired.
3. The Master has made it clear that there is no possibility of an injunction being granted at this time. The main purpose of today's hearing is to work out a method of proceeding in the future.
4. The Master intends to postpone all cases until after the first of the year except: (a) He will continue to hear evidence with respect to Consolidated Chemical Company; (b) He will hear evidence with respect to 12 other defendants who have indicated a willingness to install additional equipment

requested by the County Pollution Authority but wish to have the Master's view on the form of decree which will be entered.

5. After the above have been disposed of, the Master expects to hear the SO₂ cases. These do not involve Ethyl.

6. The Master has told us that there has been no reference to Ethyl during the hearings to date except when Mr. Quebedaux, the County Health Authority, listed the companies on the Channel who could possibly pollute the atmosphere.

7. The Master has told us he will set aside specific days for taking testimony as to each company alone. At the end of the testimony he will indicate to the defendants what his recommendation will be to the court but will not enter a dismissal as to any defendant or a judgment against any defendant until he has heard the testimony of all.

8. Our counsel has talked to Mr. Quebedaux who stated that at this time he could give no definite statement as to the troubles that Ethyl was causing or could cause, inasmuch as he had never been in the Ethyl plant. He stated that he was aware that at the time of construction Ethyl had built into its plant various safeguards and controls. Since construction, his office has had only two complaints from across the bayou in which Ethyl might have been a possible offender. These complaints were widely spaced and were not thoroughly pressed nor investigated. Mr. Quebedaux stated that between now and the time that Ethyl's case was set for hearing he would possibly visit the plant inasmuch as he now has no specific information about Ethyl.

Mr. E. L. Shea

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9. The above appear to justify a tentative conclusion that Ethyl is not one of the main targets of this law suit and that there is reason to hope that our activities will receive the approval of the Master as we believe they should.

F. P. Warne

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