

ETHYL GASOLINE CORPORATION

CHRYSLER BUILDING
135 EAST 42ND STREET

NEW YORK April 17, 1934.

[REDACTED] vs. Shell
Petroleum Corporation

Dr. Robert A. Kehoe,
College of Medicine,
Eden & Bethesda Aves.,
Cincinnati, Ohio.

Dear Dr. Kehoe:

A few days after receipt of your letter of March 5th addressed to Dr. Edgar regarding this case I wrote Shell Petroleum, copy of which is enclosed.

I also enclose copy of the acknowledgment by Shell and their letter of the 6th instant with the memorandum from Mr. Cunningham referred to.

All these matters had previously been brought to the attention of our attorney, Mr. B. C. Loder, of this City, who wrote to the defendant and me on the 12th instant--copies are enclosed.

It would be appreciated if you would take care of this matter as you think most advisable on hearing from Mr. Cunningham or some other apparently authorized source in behalf of the defendant.

It is, as indicated by Mr. Loder, to the interest of Shell as well as ourselves that your relations with the Ethyl Gasoline Corporation should not be disclosed. Of course, in this connection it is obvious to all concerned that such relationship would undoubtedly be disclosed in the event you should make the examination and appear at the trial--if there was a trial. However, this is always a risk that the defendant must take if he avails himself of your knowledge of the subject to the extent of having you either make the examination or be present at the time it is made and with the possibility of your being called as a witness.

I am informed that if the attorneys for the plaintiff are as would be indicated by the initials signed on the petition, Messrs. Cunningham & Walker, then the defendant is up against some very clever and dangerous attorneys, whose practice is almost exclusively that of damage suits for plaintiffs.

Very truly yours,

B. C. Loder

A:H

March 8, 1934.

 vs. Shell Petroleum Corp., et al

Shell Petroleum Corporation,
Shell Building,
St. Louis, Missouri.

Gentlemen: Attention: Mr. J. F. M. Taylor, Vice President

Thank you for sending us a copy of the petition in the suit filed against you by .

It would appear that neither the plaintiff nor his attorney has any very definite idea as to just what materials produced his alleged injury. He claims, as you know, all manner and types of exposure and acts of omission and commission and assurances of safety, etc. upon the part of the several defendants, as a result of which one has no way of determining beforehand which type of injury will be stressed or the particular negligent act or acts bringing such injury about.

We have associated with us a number of physicians who have made a study of the hazards associated with the use of Ethyl for a number of years, and we would be pleased to have one of these physicians consult with your physician regarding a physical examination of the plaintiff, if one has already been had by you, or to be present if it could be arranged at an examination to be had in the future. If such were so arranged, I think it would be advisable and in the interest of the defense that such physician as we may have consult with yours do so in the capacity of your physician. For if it should be disclosed that he was associated with us at the time of the examination, the plaintiff's attorney or physician might conclude that you and ourselves were apprehensive that whatever injury the plaintiff may have sustained, if any, was due to exposure to tetraethyl lead, and cause them to do everything possible to fortify their position in that respect. Whereas with the petition as now framed it may be very difficult indeed for the plaintiff to single out any particular thing or to cause him to think that any particular exposure brought about his claimed injury.

In the event the case should proceed to trial it might be that you would wish our attorney to sit in with yours and cooperate in the preparation and be present to render such assistance as your attorney might think he could render at the trial. This we would be pleased to do if your attorney requested it.

There would be no expense to you for services rendered or disbursements incurred by our physician or attorney in cooperating as suggested if you should desire such type of cooperation.

Yours very truly,

A:H

E. W. WEBB

COPY

SHELL PETROLEUM CORPORATION
Shell Building
St. Louis, Mo.

March 17, 1934.

Re: [REDACTED] . Shell Petroleum Corp., et al

Ethyl Gasoline Corporation,
Chrysler Building,
New York, N. Y.

Gentlemen: Attention: Mr. E. W. Webb

We wish to thank you for your letter of March 8 and your kind offer to assist us in the defense of the above case. We have transmitted the information contained in your letter to our attorneys, who will determine whether the plaintiff's alleged exposure to lead is of sufficient magnitude to justify the acceptance of your offer. You will hear from our attorneys direct on this subject at an early date.

Yours very truly,

SHELL PETROLEUM CORPORATION

J. F. M. Taylor

Vice President

CED:DCH

C.c. Public Relations Dept.

KE 0011502

COPY

SHELL PETROLEUM CORPORATION
SHELL BUILDING
ST. LOUIS
MO.

April 6, 1934.

Ethyl Gasoline Corporation,
Chrysler Building,
New York City, New York.

Attention: Mr. E. W. Webb

Gentlemen:

In re: [REDACTED] vs. Shell Petroleum
Corporation et al

Mr. J. F. M. Taylor, Vice President, has referred to us his correspondence with you on subject matter.

Our legal representative, Mr. George W. Cunningham, Mayo Building, Tulsa, Oklahoma, is in charge of preparation of our defense. We have now received from Mr. Cunningham a memorandum, copy of which we are attaching. You will note that Mr. Cunningham is of the opinion that your physician and attorney can be of great assistance to us in preparing our defense. He has requested us to ascertain and forward to him the name of the physician and attorney who will assist. In order to prevent delay we suggest that you advise Mr. Cunningham direct.

If you have any literature on the effects of Ethyl and other gases used around a refinery on the human system, we should appreciate your forwarding same to Mr. Cunningham. It would be appreciated if you would let us have a copy of your letter to Mr. Cunningham.

Yours very truly,

SHELL PETROLEUM CORPORATION
Carl Barker, Manager Public Relations

By M. E. Grant
Legal Section

MEG:MK

cc: Tulsa, Oklahoma -
Geo. W. Cunningham
cc: Manufacturing Dept. -
J. F. M. Taylor

KE 0011503

COPY

SHELL PETROLEUM CORPORATION
Mayo Building Tulsa, Okla.

FROM LEGAL DEPARTMENT

DATE: APRIL 4, 1934

TO PUBLIC RELATIONS DEPARTMENT
ST. LOUIS

IN

SHELL PETROLEUM COR-
PORATION, NO. 22087,
DISTRICT COURT OF
COWLEY COUNTY
KANSAS.

Since receiving your letter of the 20th inst. we have written plaintiff's attorneys requesting that we be permitted to have Mr. Mumme examined by our physicians, and they have agreed to this providing we will furnish them with a duplicate report of the findings of the physicians, all expenses, of course, to be defrayed by us.

We are sure that Ethyl Gasoline Corporation's physician and attorney could be of great assistance to us in the preparation and trial of this case, since they have undoubtedly had a great number of similar experiences, and we would therefore appreciate your advising this company that we accept their offer of assistance in this case and request them to have their physician and attorney get in touch with us. It may be that this corporation has an attorney at Wichita and, if so, he might be quite helpful in our fight to keep this case in the Federal Court. If you will ascertain and forward to us the name of the physician and attorney that will assist in this case, we will get in touch with them and arrange for a physical examination of claimant at an early date.

It is probable that this company has some literature on the effects of Ethyl and the other gases used around the refinery upon the human system and, if so, we should like very much to have such literature.

We have not yet decided upon a physician to examine Mr. Mumme, and it may be that the physician of Ethyl Gasoline Corporation will be in a position to assist us in selecting a toxicologist familiar with the gases which plaintiff alleges have incapacitated him.

Geo. W. Cunningham

GWC:MW

cc - Land Department

KE 0011504

COPY

BENJAMIN C. LODER
17 John Street
N.Y.

April 12, 1934.

Mr. E. W. Webb
Ethyl Gasoline Corporation
135 East 42nd Street
New York, N. Y.

Re: [REDACTED] vs Shell Petroleum Corp. et al

Dear Earle:

In accordance with my conversation with you today I have written Mr. George W. Cunningham, copy of which I enclose. I have also mailed a copy of my letter to Mr. Cunningham to Mr. Barker of the Shell Petroleum Corporation in accordance with the request in his letter of April 6th.

I understand that you will communicate with Dr. Kehoe asking him to comply with any request that he may receive from Mr. Cunningham to either examine the plaintiff or attend at the time of his examination by a physician of Mr. Cunningham's selection and to cooperate in every possible way, from a medical standpoint, in the defense of the action against the Shell Petroleum Corporation. As mentioned in our conversation I think it would be well to caution Dr. Kehoe that a copy of the report of any examination he may be requested to make will have to be furnished to plaintiff's attorneys and for that reason he should omit, in such report, any confidential suggestions or conclusions. Also that his relations with the Ethyl Gasoline Corporation should not be disclosed.

Yours very truly,

Benj. C. Loder (signed)

KE 0011505

COPY

April 12, 1934.

George W. Cunningham, Esq.,
Mayo Building,
Tulsa, Oklahoma.

Legal Dept. Shell Petroleum Corporation

In re: [REDACTED] vs. Shell
Petroleum Corporation et al

Dear Sir:

I have a copy of your communication of April 4th to the Public Relations Department of the Shell Petroleum Corporation referring to the above case. Mr. Webb, President of the Ethyl Gasoline Corporation, has requested me to write you that in accordance with your suggestion the firm of Brooks, Brooks & Fleeson of Wichita, Kansas, will be advised to communicate with you and offer their co-operation in the defense of this suit. Also that Dr. Robert A. Kehoe, College of Medicine, Eden & Bethesda Avenues, Cincinnati, Ohio, will be glad to render every possible aid in connection with the preparation of the medical features. However, as you can well appreciate, the Ethyl Gasoline Corporation does not wish to have its activities in this respect disclosed and, consequently, they wish to have it distinctly understood that as far as plaintiff's attorneys are concerned, the services of Dr. Kehoe will be used as those of an expert for your Company and that any activities upon the part of Brooks, Brooks & Fleeson will be in the nature of your consulting attorneys.

To avoid delay possibly it would be advisable for you to communicate with Dr. Kehoe directly at the above address and advise him when his services will be required.

Yours very truly,

B. C. Loder

BCL:CAH

CC: Mr. Carl Barker, Mgr.
Public Relations
Shell Petroleum Corp.

KE 0011506