

TIDE WATER ASSOCIATED OIL COMPANY

ASSOCIATED

DIVISION

79 NEW MONTGOMERY STREET

SAN FRANCISCO, CALIFORNIA

April 10, 1939

Dr. Robert A. Kehoe
University of Cincinnati College of Medicine,
Cincinnati, Ohio

Dear Dr. Kehoe:

In my last letter I advised you that we had filed a Petition for Rehearing with the Commission. The Commission dismissed this Petition on the ground it was filed one day too late. I am satisfied, however, the Commission is in error and that our Petition was filed in time.

Accordingly, our next step was to petition the Supreme Court to review the entire record.

Under separate cover, I am sending you a copy of our Petition to the Supreme Court, which is a printed document of some 244 pages.

The first 32 pages of this document consist of the formal application, and I believe you will only be interested in that part commencing with Article XXV on page 15 and ending with page 30, which contains a brief summary of the testimony before the Commission.

The Exhibits, from page 33 to page 69, will not particularly interest you.

However, commencing at page 70 and ending at page 244, is a Memorandum of Points and Authorities, which I think you will find interesting.

The greater portion of it is devoted to substantiating the point that there was no evidence before the Commission to show any causal connection between Telepnev's disability and his employment.

We did not particularly stress the issue as to whether or not Telepnev suffered from lead poisoning, as there was evidence both ways on this point and the Court will not review evidence where there is a conflict in the evidence on the point involved.

However, I have covered this point in part, coupled with the assertion that Applicant's medical testimony that Telepnev had lead poisoning must be disregarded for the reason that such opinion was based on erroneous assumptions. We are relying in the Supreme Court mainly on the ground that there was no testimony to show that his disability (whether or not it was lead poisoning, Bright's Disease, or something else),

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did not result from his employment and that, as a matter of fact, the handling of Ethyl gasoline presents no lead hazard whatever.

In addition, you will note we have added additional technical defenses which may or may not interest you.

If you have the opportunity to give this printed brief your careful study, I would appreciate your detailed comments on same.

I am wondering, also, whether the attorneys for Ethyl Gasoline Corporation would care to give this brief their attention and let me have the benefit of any suggestions.

With kind regards, I am

Sincerely yours,



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