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LINDABURY, DEPUE & FAULK

PRUDENTIAL BUILDING

763 BROAD STREET, NEWARK, N. J.

TELEPHONE
MULBERRY 1755

May 27, 1929.

RE: [REDACTED] VS. STANDARD OIL CO.
[REDACTED] VS. STANDARD OIL CO.
[REDACTED] VS. STANDARD OIL CO. #3902

Robert A. Kehoe, M.D.,
University of Cincinnati,
Cincinnati, Ohio.

Dear Dr. Kehoe,

I have your letter of the 23rd inst. In my letter of January 24th I outlined to you the facts with regard to the exposure to tetra ethyl lead poisoning that the plaintiffs claim to have had so far as we are familiar with their claim. Our principle defenses to the suits are:

1. That the plaintiffs were not poisoned with tetra ethyl lead as a result of any of the exposure mentioned in my earlier letter and that, in fact, they could not have been so poisoned as a result of any such exposure.

2. Even if the plaintiffs were poisoned as a result of doing the work which they claim to have done, the defendant is not liable because it did not know and could not, by the exercise of ordinary diligence, have known that such work involved any hazard of tetra ethyl lead poisoning.

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3. That tetra ethyl lead poisoning is lead poisoning within the meaning of the Workmen's Compensation Acts of this State and that, therefore, the plaintiffs' remedy, if any, is by resort to the procedure outlined in those Acts.

It seems to me that you will be a very important witness for the defendant on all three of these propositions. I understand that, as a result of your experience, you can testify that the work outlined in my earlier letter did not involve an exposure to tetra ethyl lead poisoning which could have resulted in any injury to the plaintiffs.

On the second question it is my understanding that, as a result of your extensive investigation of the hazards involved in the handling of tetra ethyl lead, you can testify that in the light of the then knowledge of the subject there was no reason to believe that the work done by the plaintiffs involved the slightest hazard of tetra ethyl lead poisoning; that you can base this not only upon your own experimental data but also upon the literature on the subject and the experiences of others which

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have come to your attention.

It seems to me that you will be a particularly valuable witness on this point because, as I understand the facts, you have had knowledge of practically every instance in this country where tetra ethyl lead poisoning has occurred and that you are also familiar with the methods of handling tetra ethyl lead which, as shown by experience, do not involve any hazard.

This point is, in my judgment, perhaps the most important point in the case, as we hope that we shall be able to make our testimony on it so clear and convincing that the court may direct a verdict. This, of course, cannot be done if there is a direct conflict of testimony but we are hoping that this will not occur.

The third point was discussed with you at the time of the Leech case. It is my understanding that you regard tetra ethyl lead poisoning as lead poisoning and that, in your opinion, there is no other substance in tetra ethyl lead other than the lead itself which produces poisoning.

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There is another phase of this third point which I wish to mention for your consideration. The Workmen's Compensation Act provides that certain designated occupational diseases, among which is included lead poisoning, shall be compensable "only when the exposure stated in connection therewith has occurred during the employment and the disability has commenced within five months after the termination of such exposure." Is there any known case of tetra ethyl lead poisoning on record where the disability, if any, did not commence within five months after the termination of the exposure? From your knowledge of tetra ethyl lead poisoning, do you believe it possible for a disability to commence as a result thereof more than five months after the termination of the exposure?

I would be very glad to have your views on all of these questions if you have an opportunity to write to me between now and June 17th. I shall, of course, want an opportunity for a conference with you before I call you as a witness as you can undoubtedly make very

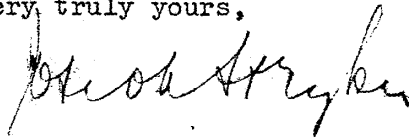
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many helpful suggestions, not only concerning your examination but concerning the examination of other witnesses.

Very truly yours,



JS/EAS

KE 0017062