

August 2, 1929

Mr. E. W. Webb,
Ethyl Gasoline Corp.,
25 Broadway,
New York City.

Dear Mr. Webb:

I got in touch with Mr. Bartholomew following our telephone conversation of several days ago, and the enclosed letter is the outcome. This letter is self-explanatory, indicating that this case is very like some of the others in which Ethyl Gasoline has apparently produced serious illnesses.

I am leaving tomorrow to be gone for several weeks holiday. In case you wish to get in touch with me you will find me at the following address - Katie's Ranch, Box 61, Aspen, Colorado. I hope nothing occurs that will make it necessary, but I would suggest that if you want to get in direct communication with me it would be best to write or wire me direct rather than through the office.

Kindest regards.

Sincerely,

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June 4, 1929

Mr. E. W. Webb,
Ethyl Gasoline Corp.,
25 Broadway,
New York City.

Dear Mr. Webb:

I just returned yesterday morning from Dallas after having had a discussion with Mr. Grisham of Thompson, Knight and Baker, and Mr. Hamilton who I understand is representing the Continental People. Furthermore, I saw Mr. [REDACTED] the injured man, and talked with Dr. Dorman of Dallas, who examined him some time ago and who has had him under treatment.

[REDACTED] There is little or no doubt about the facts in [REDACTED] case. He has had a skin condition which has been due to some irritating material either applied to his skin or excreted through his skin after having been absorbed. The primary condition here may or may not have been the result of exposure to gasoline. It sounds very like the typical dermatitis due to gasoline exposure, but it has recurred on one or two occasions without any recurrence of exposure, which makes me suspect that after all it might have been some dietary thing that is responsible for it. That would be very difficult to run down in a short time. In addition to this, however, he has a wrist condition, an arthritis or rheumatism, which is undoubtedly of an infectious kind and has no relation however to lead. There is therefore nothing in this picture whatever that suggests lead poisoning and there is no evidence of any kind available which can make a diagnosis of lead poisoning plausible. I discussed the thing therefore with the attorneys attempting to show them the strength of their case in that first of all the magnitude of exposure was so slight that it would need to be proven beyond all doubt that lead poisoning existed, before such an exposure could be regarded as in itself as significant. Now in a case of this type the proof of significant exposure constitutes one of the most important diagnostic points. Therefore in the absence of adequate proof of lead poisoning, and in the absence of proof of significant exposure, and with other plausible ways of explaining his entire illness, it should be very difficult indeed to convince a jury that this man is suffering from lead poisoning.

After this type of discussion with the attorneys, in which I tried to make clear the entire position which I would take, I left, not completely convinced that the case would be handled with all the vigor and confidence

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that it would seem to me proper. I believe that Mr. Grisham, representing the Travelers, took in and appreciated the entire matter. I am not so sure as to the other men, and I was not impressed by their enthusiasm or optimism. Mr. Hamilton seems to feel that it might be a difficult matter to convince a jury, and I must say that to my point of view he failed to show the understanding of the whole matter that I would wish. This I am saying for your private ear as being my own impression of the attitude of these men.

The opinion was expressed to me by one of the medical men whom I saw that the attorney for [REDACTED] would probably be willing to settle this matter out of court, and it would appear that he does not feel that his case in any way is too good. It strikes me, therefore, that since the injury from gasoline would appear to be a plausible explanation of his skin condition, and that if it could be settled on this basis of his being injured from gasoline and not from lead, it might conceivably be a proper solution of the matter. On the other hand, if the matter goes to court and if the question of lead enters into the matter, I believe that it will require adequate expert testimony in order to overthrow the hypothesis that the entire matter is one of lead poisoning. I believe that Dr. Dorman is an able medical man and that his conclusion as to the condition of his patient is correct. However, I do not believe that he will make a good expert witness because of a certain hesitancy of manner and a certain slowness of speech which might place him at a disadvantage in expressing a straightforward opinion. I have therefore only two suggestions to make as result of my trip. One is the possibility of settlement of this thing in a not very costly fashion out of court, which it might be advantageous for the Continental people to do. The other is that I believe the attorneys will need further help from expert witnesses in order to properly prepare and present their case if it comes to trial and if the issue is made over the matter of lead poisoning. If this case is presented properly in federal court I see no reason whatever for a decision for the plaintiff.

Very truly yours,

RAK:EJ

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ETHYL GASOLINE CORPORATION
25 Broadway

NEW YORK, May 8, 1929.

Mr. Earl Bartholomew,

Dear Mr. Bartholomew:

I have your letter of the 3rd in reference to J. E. Coates, and the attached extract of letter from Dr. Kehoe.

In view of Dr. Kehoe's statement that "It is certainly not good for him to stay in this kind of work, and the Company assumes a responsibility which I do not believe it is justified in assuming", and your statement that you "cannot think of any position in our company for which he is fitted that does not involve exposure to lead", there is but one thing left for me to do and that is to ask you to arrange to have Mr. Coates sever his connection with our company. In making this request I can assure you I do so with due appreciation of the embarrassment in which it places not only Mr. Coates but yourself. Considering all of the circumstances I think it only fair to pay Mr. Coates up to two months' full salary after the termination of his employment with us. This is done on the basis that it will probably require that length of time for him to make some other satisfactory connection.

Of course, it may not be necessary to make a payment equaling two months' salary after he has left our employ, but assuming that he is an honorable man--and I am sure that he wouldn't have been employed if you thought otherwise--then you might suggest to him that you will pay him his regular salary up until the time he gets other employment, but not exceeding the period of two months. He might, of course, procure a position within a week or so after leaving us and there would be no occasion if he got such a job for us to be penalized because of the unfortunate failure to meet our health test.

With the condition found by Dr. Sanders and with knowledge on our part of the desirability of having him removed from any lead exposure I think it expedient for you to bring about his termination of employment immediately. I concur in the view expressed by you and Dr. Kehoe in the establishment of a policy of conducting a physical examination before employment.

Yours very truly,

(Signed) E. W. Webb

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Copy to Dr. Kehoe

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