

December 7, 1929

Mr. K. S. Meuche,
The Refiners Oil Co.,
Dayton, Ohio.

Dear Mr. Meuche:

In the matter of the claim of [REDACTED] against your dealer Howard W. Miller I have at hand only such information as I have been able to obtain from Mr. Miller and Mr. Berry, his attorney. Mr. Berry assured me that further information would follow from the physicians, but as yet I have not received such information though I have written him again today requesting further information. All Mr. Berry was able to tell me was that the man apparently has paralysis agitans. He further stated that the injury to Stoker was thought to be the result of exhaust gas. I have not requested an opportunity for examining Mr. [REDACTED] since I wish to obtain as much information as possible in advance. If the information already obtained is adequate there is no point in my examining him. If the facts are as they have been suggested in Mr. Berry's letter, it would appear to me to be reasonable to assume that [REDACTED] was overcome by the carbon monoxide of exhaust gas, and that he now has certain nervous system symptoms as result of this exposure. This may or may not be the case. In so far as Mr. Miller is concerned, I can not say whether his defense against the suit would be any better in the event of the injury having been demonstrated as due to carbon monoxide than it would be if it were shown to be due to other ingredients of the exhaust gas. In any case I will await further information either from you or from Mr. Miller or from his attorney before proceeding. I am entirely willing to arrange for the examination of Mr. [REDACTED] if it seems desirable. It occurs to me, however, that you might wish to use me in the matter simply as an expert to determine a proper interpretation of the facts which are already available. There is an old law in effect in at least some parts of this country, which states that one who has made a physical examination of a patient may not act as expert witness in a court in the event of suit. Such a law may not be effective in this state, and since it is a very ancient one it may not be brought up in any case. I happen to know of one instance, however, in which this law was made use of very effectively against the defendant. I have proceeded therefore with some caution in the matter and have wished to obtain all the necessary information in advance of any action on my part. I would be pleased to have you advise me as to what had best be done.

Very truly yours,

RAK:EJ