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File Name	Contract Unit Claim File: Robert Horsman Oct. 23/67: Amended Sept. 5/68
Scanned ?	yes
Source	JMA: NS-JM
Start Year	1967
Stop Year	1967
Contents	claim
Notes	

WORKERS' COMPENSATION APPEALS BOARD - CALIFORNIA
(INDUSTRIAL ACCIDENT COMMISSION, prior to 1966)

APPLICANT ROBERT HORSMAN CASE # LA 316509

Asbestos Installer

DATE CLAIM FILED Oct. 23, 1967 Amended Sept. 5, 1968

INJURY ALLEGED Inhaling foreign substances

ALLEGED DATE OF INJURY 1925-1967

EMPLOYER/INSURER Thorpe Insulation Co./Firemen's Fund Ins. et. al.
including J-M Insulation

OTHER NOTES Pulmonary fibrosis secondary to asbestosis

DATE OF RESOLUTION Jan. 22, 1970

RESOLUTION Compromise & Release $19,000 settlement
apportioned among 18 employers/carriers

DOCUMENTS COPIED 1) Compromise & Release # OF 5 PAGE
2) Application showing original defendants

CLAIMANT Robert Horsman

California Workers' Compensation Appeals Board

CARRIERS INVOLVED:

- ●The AETNA Casualty & Surety Co.
- oAmerican Automobile Ins. Co.
- oAmerican Employers Ins. Co.
- ●American Motorists Ins. Co.
- ●Argonaut Ins. Co.
- oAssociated Indemnity Corp.
- oCalifornia Casualty Indemnity Exchange
- oCalifornia Compensation & Fire Co.
- ●Casualty Ins. Co. of California
- oEmployers Liability Assurance Corp.Ltd.
- ●Employers Mutual Liability Ins. Co. of Wisconsin
- oFidelity & Casualty Co. of New York
- ●Fireman's Fund Ins. Co.
- ●General Accident, Fire & Life Assurance Corp. Ltd.
- oGlobe Indemnity Co.
- ●Guarantee Insurance Co.
- oGreat American Ins. Co.
- oHardware Mutual Casualty Co. (Sentry Ins. Co.)
- ●Industrial Indemnity Co.
- oIndustrial Indemnity Exchange
- oInsurance Co. of North America
- oLiberty Mutual Ins. Co.
- oLumberman's Mutual Casualty Co.
- oMaryland Casualty Co.
- oMichigan Mutual Liability Co.
- ●Mission Insurance Co.
- oNational Automobile & Casualty Ins. Co.
- oNew Amsterdam Casualty Co.
- oOcean Accident & Guarantee Corp.Ltd.
- ●Pacific Employers Ins. Co.
- oPacific Indemnity Co.
- oReliance Ins. Co. (Standard Accident Ins. Co.)
- oRoyal Indemnity
- oSecurity Ins. Co. of Hartford (U.S. Casualty Ins. Co.)
- ●State Compensation Insurance Fund
- oTransport Indemnity Co.
- ●The Travelers Ins. Co.
- oThe United Pacific Ins. Co.
- ●U.S. Fidelity & Guaranty Co.
- oZenith National Ins. Co.
- oZurich Ins. Co.
- ● Hartford Accident & Indemnity Co.
- ● Security Mutual Casualty Co.
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WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

ROBERT J. HORSMAN,

Applicant

vs.

THORPE INSULATION COMPANY, et al, FIREMAN'S FUND INSURANCE COMPANY, et al.

Defendant

CASE No. 67 LA 316-509

C E R T I F I C A T I O

I hereby certify that the attached documents are true and correct copies of the original documents filed in the record of this office in the above-entitled matter.

ATTEST my hand and the Seal of the Workers' Compensation Appeals Board of the State of California.

ALFRED C. WILLIAMS
Workers' Compensation Judge
Workers' Compensation Appeals Board

Dated at San Francisco, California, this 6 day of April, 1981

DIA WCAB FORM 115 (NEW 1-78)

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS

McLAUGHLIN, EVANS, DALBEY & CUMMING
1717 North Highland Avenue
Los Angeles, California 90028

466-8541

Attorneys for Owens-Corning Fiberglass Corp. and Aetna Casualty & Surety Co., Defendants

APR 24 8 54 AM '70
CORRECT ADDRESS
PROOF(S) REC'D
INSERT

WORKMEN'S COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

ROBERT J. HORSMAN,
SSA: 562-03-2606
Applicant

vs.

MUNDET CORK CORPORATION, et al.
Defendants

CASE NO.: 67 LA 316 509

COMPROMISE AND RELEASE AGREEMENT

The parties hereto, for the purpose of compromise only, hereby submit the following agreed statements of fact:

1. Robert J. Horsman, born August 26, 1904, claims he was employed between 1925 and June 28, 1967, at various locations within the State of California as an asbestos installer as a result of which he sustained an injury arising out of and occurring in the course of his employment from inhaling foreign substances, or injured self in some other manner, resulting in injury to his lungs and other injuries, symptoms, conditions and complaints set forth in the medical reports on file.

2. During the alleged period of employment, the applicant was employed at various times by Coast Insulating Company, The Philip Carey Mfg. Co., Owens-Corning Fiberglass Corporation, Mundet Cork Corporation, Fiberglass Engineering and Supply Company, Procter & Gamble Soap Company, Los Angeles Department of Water and Power, J. T. Thorpe, INC., Insulations, Inc., Marine Engineering Company, Tenneco, Inc., a corporation, successor to California Petroleum Corp.

Los Angeles Rubber Company, Los Angeles Cork Company, Plant Ash Company, Coast Insulating Products, Swift Packing Co., Armstron Cork Company, Metal Clad Insulation Co., Accurate Insulation Co Inc., Shell Oil Company, Johns-Manville Sales Corporation, Arms Contracting and Supply Corporation and various employers set fo in the Application for Adjudication of Claim.

(3.) The actual weekly wages of the employee at the ti injury are in dispute.

(4.) The employee's present disability is in dispute.

(5.) No temporary disability indemnity has been paid to employee.

(6.) The parties hereby agree to settle any and all cla on account of said injury by the payment of the sum of $19.000. said sum, to be payable to the applicant in one lump sum, after deducting of attorney fees and lien claims of record, excepting t lien claim of the Department of Employment and said Dept. of Empl ment lien should be denied since the applicant's condition has be permanent and stationary since June 30, 1967 (Dr. Derry's report of December 8, 1967) and the Department of Employment commenced payments July 5, 1967.

(7.) The applicant's medical expense has been self-procu and none has been furnished by the employers or carriers.

(8.) At various times the insurance carriers for various employers during the alleged period of injury were:

	CONTRIBUTION
(a) ARGONAUT INS. CO.	1,694.00
(b) CASUALTY INS. CO. OF CALIF.	328.00
(b) THE TRAVELRS INS. CO.	1,259.00
(c) HARTFORD ACCIDENT & INDEMNITY CO.	41.00
(d) MISSION INS. CO.	91.00
(e) STATE COMPENSATION INS. FUND	1,950.00
(f) UNITED STATES FIDELITY & GUARANTY CO.	55.00
(g) GUARANTEE INS. CO.	701.00
(h) AMERICAN MOTORISTS INS. CO.	680.00
(i) SECURITY MUTUAL CAS. CO.	118.00
(j) INDUSTRIAL INDEMNITY CO.	144.00
(k) FIREMAN'S FUND INS. CO.	1,780.00
(l) GENERAL ACCIDENT FIRE & LIFE ASSUR.	275.00

		CONTRIBUTIO
(m)	Pacific Employers Ins. Co. 7/76	$ 3,008.
(n)	Employers Mutual Liability Ins.Co.	969.
(o)	Aetna Casualty & Surety Co. 5/77	5,262.
(p)	Proctor & Gamble Soap Co., permissibly self-insured	25.
(q)	Los Angeles Department of Water & Power, legally self-insured	620.

9. The employee's attorney is Steven Roseman, 1543 West Olympic Boulevard, Los Angeles, California 90015

10. Attorney requests the fee of $ 1600.00 .
Amount of attorney's fee previously paid, if any, $ None .

11. Reason for Compromise: A bona fide dispute exists as to whether or not the applicant sustained injury which arose out of and occurred in the course of his employment through exposure to any deleterious substances while working for the named employers. The nature of the applicant's illness and the extent of his disability is set forth in the medical reports on file. There is a dispute as to whether or not any portion of the applicant's disability is due to causes other than industrial exposure. The applicant has expressed the desire of resolving the litigation by obtaining a lump sum amount and controlling his own medical treatment in the future. All parties desire to resolve the disputed issues by this settlement, thereby avoiding protracted delay and expense of litigation.

12. The undersigned request that this Compromise and Release Agreement be approved.

13. Upon approval of this Compromise Agreement by the Workmen's Compensation Appeals Board or a Referee, and payment in accordance with the provisions hereof, said employee releases and forever discharges said employer and insurance carrier from all claims and causes of action, whether now known or ascertained, or which may hereafter arise or develop as a result of said injury, including any and all liability of said employer and said insurance

carriers and each of them to the dependents, heirs, executors, representatives, administrators or assigns of said employee.

WITNESS this 22 day of January, 1970, at Los Angeles, California.

Robert J. Horsman
ROBERT J. HORSMAN, Applicant

Steven Roseman
STEVEN ROSEMAN, Applicant's atty

ARGONAUT INSURANCE COMPANY
SECURITY MUTUAL CASUALTY CO.
By: HANNA AND BROPHY
By H. Norman Harrell

THE TRAVELERS INSURANCE CO.
By: PARKER & DALLY
By

CASUALTY INSURANCE CO. OF CALIF.
By William Reynolds

HARTFORD ACCIDENT & INDEMNITY CO
By James Woods
JAMES WOODS

MISSION INSURANCE COMPANY
By FW Harrington

STATE COMPENSATION INSURANCE FUND
By Robert Hutton

U. S. FIDELTY & GUARANTY CO.
By: HERLIHY, HERLIHY, JONES & NELSO
By F. J. Herlihy

LOS ANGELES DEPARTMENT OF WATER & POWER
By

PROCTOR & GAMBLE SOAP CO.
By: HERLIHY, HERLIHY, JONES & NELS
By F. J. Herlihy

GUARANTEE INSURANCE COMPANY
By: GONZALEZ & DOLISKEY

By _____

AMERICAN MOTORISTS INSURANCE CO.;
LUMBERMEN'S MUTUAL INSURANCE CO.

By _____

INDUSTRIAL INDEMNITY COMPANY

By _____

FIREMAN'S FUND INSURANCE COMPANY
By: WEINGAND, KENDIG & STOCKWELL

By _____

GENERAL ACCIDENT FIRE & LIFE
ASSURANCE COMPANY
By: HERB GARABEDIAN

By _____

PACIFIC EMPLOYERS INSURANCE CO.

By _____

EMPLOYERS MUTUAL LIABILITY INS. CO.

By _____

AETNA SURETY & CASUALTY CO.
By: McLAUGHLIN, EVANS, DALBEY & CUMMIN

By _____
Ray B. Cumming

STATE OF CALIFORNIA)
(ss.
COUNTY OF LOS ANGELES)

On this 22 day of January A.D., 1970, before me, the undersigned, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared ROBERT J. HORSMAN, known to me to be the person whose name is subscribed to the within Instrument, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(S E A L)

_____
Notary Public in and for said
County and State.

My Commission Expires

CASE NO. [illegible]

ADJUSTED APPLICATION

Mr. [illegible] (INJURED EMPLOYEE)

1731 [illegible] Street (INJURED EMPLOYEE'S ADDRESS)

Social Security No. [illegible]

[illegible] California

(APPLICANT OTHER THAN INJURED EMPLOYEE)

(APPLICANT'S ADDRESS)

vs.

Thorpe Insulation Co. (See attached sheet) (EMPLOYER)

2741 S. Yates Avenue (EMPLOYER'S ADDRESS)

Los Angeles, California

Fireman's Fund Insurance Co., a Corp. (See attached sheet) (EMPLOYER'S INSURANCE CARRIER OR STATE IF SELF-INSURED OR PERMISSIBLY UNINSURED)

3333 W. 6th Street (ADDRESS OF INSURANCE CARRIER IF ANY)

Los Angeles, California

IT IS CLAIMED THAT:

1. The injured employee, born 3/26/1904 (DATE OF BIRTH), while employed as a Asbestos Installer (OCCUPATION AT TIME OF INJURY) on or about 1925 to 6/20/1967 (DATE OF INJURY) at various (CITY) (STATE), by the employer sustained injury arising out of and in the course of employment to Occupational Disease (STATE WHAT PARTS OF BODY WERE INJURED)

2. The injury occurred as follows: Inhaling foreign substances (EXPLAIN WHAT EMPLOYEE WAS DOING AT TIME OF INJURY AND HOW INJURY WAS RECEIVED)

3. Actual earnings at time of injury were: Maximum (GIVE WEEKLY OR MONTHLY SALARY OR HOURLY RATE AND NUMBER OF HOURS WORKED PER WEEK)

(SEPARATELY STATE VALUE PER WEEK OR MONTH OF TIPS, MEALS, LODGING OR OTHER ADVANTAGES REGULARLY RECEIVED)

4. The injury caused disability as follows: June 20, 1967 to date (SPECIFY LAST DAY OFF WORK DUE TO THIS INJURY AND BEGINNING AND ENDING DATES OF ALL PERIODS OF DISABILITY)

5. Compensation was paid (YES) no (NO) $ (TOTAL PAID) $ (WEEKLY RATE) (DATE OF LAST PAYMENT)

6. Medical treatment was received yes (YES) (NO) (DATE OF LAST TREATMENT). All treatment was furnished by the employer or insurance company (YES) no (NO) other treatment was provided or paid for by (NAME PERSON OR AGENCY PROVIDING OR PAYING FOR MEDICAL CARE)

Doctors not provided or paid for by employer or insurance company, who treated or examined for this injury are Dr. George H. Derry and Dr. Reginald Smart (GIVE NAMES AND ADDRESSES OF SUCH DOCTORS AND NAMES OF HOSPITALS TO WHICH SUCH DOCTORS ADMITTED INJURED)

7. Unemployment Insurance or Unemployment Compensation Disability benefits have been received since the date of injury (YES) (NO)

8. Other cases have been filed for industrial injuries by this employee as follows: (SPECIFY CASE NUMBER AND DATE OF INJURY)

None.

The applicant claims the following benefits: Temporary disability indemnity, Permanent disability indemnity, Rehabilitation, Medical treatment, Compensation as provided for by Section [illegible] of the Labor Code, and for all other appropriate benefits provided by law.

Dated at Los Angeles (CITY), California (STATE), September 7, 1967

[illegible]

[illegible] Insulation Co. 2711 S. Yates Avenue Los Angeles, California	1960,1961, 11,12/1962 1,2,3,4,1963	Fireman's Fund Insurance Company 3223 W. 6th Street Los Angeles, California
Metalclad Insulation Co. 21750 S. Western Avenue Torrance, California	April, 1967	Hartford Ins. Group 540 S. Spring Street Los Angeles, California
The Philip Carey Mfg. Co. 532 S. Monterey Pass Rd. Monterey Park, California 91754	June, 1967	General Accident Ins. Co. 3535 W. 6th Street Los Angeles, California
Western Asbestos Co. 240 Valley Drive Brisbane, California, 94005	6/12/65 1/2/66	
Insulations Inc. (sold to) Philip Carey Mfg. Co. 2 S. Monterey Pass Rd. Monterey Park, California	3,4/65 and Feb., 1966	Pacific Employers Ins. Co. 4050 Wilshire Boulevard Los Angeles, California
Owens Corning Fiberglas Corp. P.O. Box 901 Toledo, Ohio	10,11/1952 11,12/1953 1-7/1954 1-12/1957 3-12/1959 1959,1961,1962, 2,3,4,5,6/1963 3-12/1964 and 8-10/1966	The Aetna Casualty & Surety Ins. Co., 2404 Wilshire Boulevard Los Angeles, California and Employers Mutuals of Wau 3540 Wilshire Boulevard Los Angeles, California
Los Angeles Cork Co.	12/1964 and 1,2/1965	Fireman's Fund Ins. Co. 3223 W. 6th Street Los Angeles, California
J.T. Thorpe, Inc. 940 E. 2nd Street Los Angeles, California, 012	1961, 1963 & 1964	American Motorists Ins. 3545 Wilshire Blvd. Los Angeles, California
Armstrong Contracting & Supply 120 N. Lime Street Lancaster, Pa.	1961, 1962, 1963 & 1964	The Travelers Ins. Co. 3600 Wilshire Boulevard Los Angeles, California
Commercial Contracting Corp. 32217 Stephenson Hwy. Madison Heights, Michigan	1962	
The Isotherm Co. 605 Williams Street Bakersfield, California	1962	
Nundet Cork Corporation 7101 Tonnelle Avenue No. Bergen, N.J.	1939,1950,1959 & 1961	The Aetna Casualty & Sur Ins. Co. 2404 Wilshire Blvd. Los Angeles, California

Name & Address	Date	Carrier
Construction Metal Works [illegible] W. Chico Monte, California	1961	
Plant Asbestos Co. 1540 W. 9th St. Long Beach, Calif.	1961	Industrial Indemnity Co [illegible] Los Angeles, California
Accurate Insulation Co., Inc. 8920 Mettler St. Los Angeles, California	3,10/1960 11,12/1960 1961	Casualty Ins. Co. of Ca P.O. Box 3105 Anaheim, California and State Compensation Ins. P.O. Box 2134 Los Angeles, California
Air Conditioning Inc. 7001 Kettner Boulevard San Diego, California	2,3,4/1960	
Coast Insulating Products (No longer in business) [illegible]04 Lacy St. Los Angeles, California	12/1954, 1-12/1955 1-12/1956 1959 and 5-10/1960	Argonaut Insurance Co. 440 Shatto Pl. Los Angeles, California and Guarantee Ins. Co. 1671 Wilshire Blvd. Los Angeles, California
Department of Water & Power of the City of Los Angeles 207 S. Broadway Los Angeles, California	8-10/1954	(LEGALLY UNINSURED)
Armstrong Cork Co. 120 N. Lime St. Lancaster, California	11,12/1954	The Travelers Ins. Co. 3600 Wilshire Boulevard Los Angeles, Calif.
[illegible]rown & Root Construction Co. [illegible]uston, Texas	1951, 1-4/1952	
Johns Manville Insulation Co. South Carolina	1942,1947,1948 1949, 6-9/1952	(Self Insured)
[illegible] [illegible]kas City, Texas	1951	
Houston, Texas	1948, 1-3/1950	
North Brothers Atlanta, Ga.	1940,1941 & 1950	
Pittsburg, Pa.	6-9/1950	
Denver, Colorado	9-11/1950	
Stern Brothers Denver, Colorado	1949	
Standard Asbestos [illegible], Texas	1946, 1947	
Brown [illegible] Co. Houston, Texas	1945	
[illegible] Engineering Co.	1945	

EMPLOYERS & ADDRESSES	DATE	CARRIER
Warren & Bates Houston, Texas	1942, 1943, 1944 & 1945	
Pos Pipe and Heating Co. North Carolina	1941	
Paulsborough, New Jersey	1939, 1940	
Richmond, Virginia	1940	
Brooks, Fisher Insulation Co. Atlanta, Ga.	1940	
Marine Engineering Co. Los Angeles, California	1938, 1939	Pacific Employers Ins. 4050 Wilshire Boulevard Los Angeles, California
Badger Construction Co. (chita, Kansas	1939	
Plant Rubber & Asbestos Co. San Francisco, California (537 Brannon Street)/ Swift Packing Co. Los Angeles, California	1938 1937	(Self Insured) Security Mutual Cas. Co c/o Reeves & Bay Adjuste 1139 W. 6th St. Los Angeles, Calif.
Warren & Bailey Insulation Co. Los Angeles, California	1937	State Compensation Ins. P.O.Box 2134 Los Angeles, California
General Petroleum Co. Los Angeles, California	1934, 1935 & 1936	Occidental Indemnity (address unknown)
s Angeles Rubber Co. os Angeles, California	1933	State Compensation Ins. P.O. Box 2134 Los Angeles, California and Lumberman's Mutual Ins. 3545 Wilshire Boulevard Los Angeles, California
Proctor and Gamble Soap Co. 1601 West 7th Street Long Beach, California	1931 and 1932	(Self Insured)
Texaco Oil Co., Inc. (main office) 3350 Wilshire Los Angeles, California	1930	California Cas. Indemnit Exchange 417 S. Hill Street Los Angeles, California
Thom s Haverty Plumbing Co. Los Angeles, California (NO LONGER IN BUSINESS)	1927,1928,1929	
Fiance Laboratories Co. Los Angeles, California	1925 and 1926	
ell Oil Co. ngeles, California	1926	State Compensation Ins. P.O. Box 2134
R.V. Brock Co. Denver, Colorado	1926	