



intra-company correspondence

to D. M. Phillips - T/26 from C. D. Callender - T/26
date October 14, 1980
subject ASBESTOS RELATED WORKER'S cc:
COMPENSATION CASES

Prior to May, 1979, OCF maintained that it had no knowledge of any Worker's Compensation claims that may have been filed in the Pacific Coast Division prior to 1967. Lou Saxby testified that he started in the Pacific Coast Division in the Contract area and was there during the '50s and later moved to Detroit. He indicated that had there been Worker's Compensation cases filed during the time he was on the West Coast alleging asbestosis or asbestos-related injuries, he would have been aware of them. Documents discovered by reviewing the Willis Day files and other areas show the first Worker's Compensation case specifically involving Kaylo was in 1966.

In May, 1979, some Worker's Compensation files were discovered by a plaintiff's attorney. Those Worker's Compensation cases numbered 51 and most of the cases were filed in California. Those files which were certified records of the Bureau of Worker's Compensation in the various states disclosed that OCF was named as a defendant in 24 cases. The only correspondence in any of the files involving OCF was in Irvey O. McCarroll's file. In that file there was a letter from C. L. Flowers, Office Manager, Fiberglas Engineering Supply Division, Telegraph Road, Los Angeles California, to a Mr. John Andres of the Los Angeles, California Aetna office. This particular letter indicates that the claimant was never employed by Fiberglas Engineering & Supply. There were in two other files, Groenthal and Curtis, in which OCF was very much involved in the BWC litigation. A further review was conducted in which the Law Department was told that no Worker's Compensation files existed in Santa Clara nor did they exist in the Contract Units of the Pacific Coast Division. This reaffirmed a belief that OCF was not aware of the fact that Worker's Compensation cases involving asbestosis claims had been filed against OCF.

During a trip to the Los Angeles Contract & Supply Division, an interview was held with Joe Smolich who indicated that he was, in fact, aware of Worker's Compensation cases filed against OCF alleging asbestos-related claims as early as 1955 to 1960. However, there was still no documentation to substantiate Mr. Smolich's recollection.



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In a recent trip to the Santa Clara plant, a preliminary review was conducted of Law Department files located in the storage area above the Santa Clara plant. In those files was a file entitled "Workmen's Compensation 1962-1967." That file contained at least five files that were in the initial list of Worker's Compensation cases discovered by the plaintiff's attorney. That file also contained various correspondence from Law Department personnel in Santa Clara in the early 1960s. That correspondence indicates that there were, in fact, asbestosis related Worker's Compensation claims, as well as specific claims for lung cancer. That file also contained information directed to Toledo regarding asbestos-related Worker's Compensation claims. The earliest claim filed that was found in Santa Clara was a claim of a James Whitcomb Riley which was filed in 1957, but the earliest document in the file for OCF is 1959.

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