

FILE NAME: Owens-Corning (OC)

DATE: 1992

DOC#: OC355b

DOCUMENT DESCRIPTION: Legal - Workers' Comp Claim List Produced by Owens-Corning with Cover Letter

WRIGHT, ROBINSON, McCAMMON, OSTHIMER & TATUM
ATTORNEYS

(A PARTNERSHIP OF PROFESSIONAL CORPORATIONS)

411 EAST FRANKLIN STREET, 4TH FLOOR
RICHMOND, VIRGINIA 23219-2205
(804) 783-1100
TELEFAX (804) 783-1138

44 MONTGOMERY STREET, 18TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104-4705
(415) 391-7111
TELEFAX (415) 391-8766

5335 WISCONSIN AVENUE, SUITE 920
WASHINGTON, DC 20015-2030
(202) 244-4888
TELEFAX (202) 244-5135

886 SOUTH FIGUEROA STREET, SUITE 600
LOS ANGELES, CALIFORNIA 90017-5455
(213) 488-0503
TELEFAX (213) 624-3755

October 23, 1992

Frederick M. Baron, Esq.
Baron & Budd
8333 Douglas Avenue
10th Floor
Dallas, Texas 75225

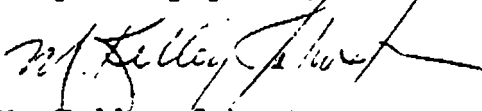
Dear Mr. Baron:

As you are aware, since the fall of 1989, Owens-Corning Fiberglas Corporation has been reviewing and updating responses to discovery requests from plaintiffs' counsel in the asbestos personal injury litigation. In this regard, OCF opened its document library in August 1989, generally supplemented discovery responses, supplemented its product chart, and provided additional information concerning asbestos-related workers' compensation claims.

When you were supplied with additional information on workers' compensation claims, you were advised that research on the topic was continuing. Research to date has revealed information which allows OCF to provide additional supplemental information regarding workers' compensation claims. Enclosed for your file is a copy of the most recent updated discovery response regarding workers' compensation claims.

OCF is providing this information in accordance with applicable court rules. Supplementing all past discovery requests would be impossible. OCF is providing the enclosed to serve as a supplement to any interrogatory response previously filed regarding information on workers' compensation claims. The enclosed is provided to you and your office for any and all cases where you or your office is an attorney of record. If there are specific cases or interrogatories in which you need supplemental answers filed with the court, please provide case name, docket number, and jurisdiction to me at the above address.

Very truly yours,


M. Kelley Johnston

MKJ:dbg

cc: Elizabeth Thompson, Esq.
Butler & Binion
Jack B. Manning, Esq.
Bean & Manning

Enclosures



OCF has been named as a party in worker's compensation actions filed by persons allegedly employed at some point in time on construction jobs involving OCF's Contracting and Supply Division. These persons were typically hired from union halls for specific jobs on an as-needed basis and were not long-term employees. As a result, these claimants filed actions against numerous past and present employers. These claimants alleged a variety of injuries from exposure--throughout their employment histories--to numerous asbestos and nonasbestos-containing materials manufactured and/or distributed by a number of companies.

OCF lacks adequate records to provide a complete response to this interrogatory for a number of reasons. Individual state workers' compensation laws determined the specific employers and/or insurance carriers which could be named as defendants in compensation actions, as well as the procedures for their notification. As a result, even though some workers' compensation claims list OCF as an employer, OCF may not have received notice of the claim, and even if OCF received notice of the claim, it may not have been aware that the claim was related to asbestos exposure or that the claimant was employed by OCF. Furthermore, worker's compensation claims historically have been processed by OCF's insurance carriers and OCF's corporate headquarters did not always receive notification of individual claims.

OCF sets forth in Table A the pertinent information from OCF's records which is presently believed to be related to workers' compensation claims filed before 1974 by individuals employed by OCF's Contracting and Supply Division:

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SAC Joined	Date of Notice to OCF	No. Other Defendants
Della, John D					Seattle, WA	....	....	1969	9
Dreley, Thomas H	11/03/16	Asbestos Insulator	..	OCF SAC Unit	Detroit, MI	"Death, pneumoconiosis, asbestosis, bronchitis, carcinoma"	1971	1971	1
Dyer, Wayne E					Los Angeles, CA	....	....	1969	24
Elsner, Lawrence F					Flint/Grand Rapids, MI	....	....	1969	....
Brubashkin, Leonard C (aka Charles C)	07/09/07	Asbestos Insulator - Foreman	1941-1963	Armstrong Contracting & Supply	Los Angeles, CA	"Lungs affected with asbestosis"	1964-FENCO & Marion Engineering, 1967-OCF	1966-FENCO, 1966-Marion, 1967-OCF	9 other employers and their insurance carriers
Draxton, Harold F	07/31/15	Asbestos Insulator	1942-1964	OCF	Los Angeles, CA	Exposure to "Irritants" resulting in injury to "lungs & general health"	1964	1964	25 other employers and their insurance carriers
Calloway, Wilson	1910	Insulator	....	....	Baton Rouge, LA	....	....	1972	....

¹ Although OCF historical files reflect that OCF received notice and limited information on this claim, the specific information in this column was obtained from a review of the workers' compensation files which OCF counsel obtained from plaintiffs' counsel in 1970 (See discussion, infra)

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Injured	Date of Notice to OCF	No. Other Defendants
Carmeny, John L				Unknown but claim alleges employment w/OCF between 10/22/66	Pennsylvania		---	1967	4
Clark, Dean	12/02/07	Asbestos Insulator	1940-1966	Walwin Ebrat Hill, Inc	Los Angeles, Ca	"Inhalation of asbestos and other foreign substances"	1960	1961	55 other employers and their insurance carriers
Clark, James	----	Asbestos pipefitter	----	Fiberglass Supply & Contracting (1967-1968)	Seattle, WA	"Breathing of asbestos over period of years caused pain in chest"	----	1970	----
Cooper, Marlen W	----	----	----	----	Seattle, WA	----	----	1969	7
Everitt, Alton R	02/07/00	Asbestos Insulator	1946-1963	Western Asbestos	San Francisco, CA	----	1964	1964	34 other employers plus their insurance carriers
Frederick, H M	----	----	----	----	Fresno, CA	----	----	1966	----

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Funkhouser, Charles F					Los Angeles, CA	....	....	1970	....
Frigo, George I	09/16/17	Asbestos Insulator	1940-1969		Oakland, CA	Injury to "lungs" from "inhalation of harmful dusts and fibers"	....	1971	....
Galgo, Evelyn					Los Angeles, CA	....	....	1971	....
Gilivich, Steven	05/16/39	Asbestos Insulator	1937-1961	FENCO - San Francisco	San Francisco, CA	Injury "to respiratory system" from "exposure to harmful dusts"	1961-FENCO 1963-OCF	1963	27 other employers plus their insurance carriers
Gons, Robert O	09/02/00	Asbestos Insulator/Insulation Meyer	....	Lorentzen & Co	San Francisco, CA	"Pharyngitis"	1963	1963	24 other employers and their insurance carriers
Grudwin, Robert E	....	....	1942-1969	....	Los Angeles, CA	....	....	1969	5
Green, Harold V	1919	Asbestos mechanic	1945-1971	....	San Diego, CA	....	....	1972	....

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Gralescher, Paul J	09/11/02	Asbestos Insulator	1942-1961	FENCO 1961	Sacramento, CA	Application "Asbestosis", Amended Application "Pulmonary disability & pneumoconiosis"	1962	1963	22 other employers plus their insurance carriers
Hagg, Alvin A	....	....	....	....	Seattle, WA	....	....	1967	7
Hoffman, Stanley	....	....	....	....	San Francisco, CA	....	....	1969	....
Humberg, Allen	09/13/17	Asbestos Insulator	Approx 1943-1971	....	Seattle, WA	"Asbestosis" from "exposure to asbestos for 28 years"	....	1971	....
Hurtich, Gerald P	....	....	....	Aber Co.	Anchorage, Alaska	....	1970	1970	3+ employers
Milstrom, Harold	....	Insulation Installer	1942-1966	....	Seattle, WA	....	....	1971	....
Norman, Robert J	....	....	....	....	Los Angeles, CA	....	....	1969	....
Ruhl, George W	....	....	....	....	Los Angeles, CA	....	....	1971	....
Lennon, Robert	....	....	Unknown (verbal for OCF between	....	Flint/Grand Rapids, MI	....	....	1968	7

2 The Workers' Compensation file OCF received from plaintiffs' counsel in 1979 reflects that this claimant also had employees

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
			6/8/63)						
Lehouard, Cecil D					Seattle, WA	....	....	1967	2
Mezey, William L					Portland, OR	....	....	1967	....
Manley, Coleman			Unknown - worked for OCF for 2 years	....	Indianapolis, IN	....	....	1973	....
Menzies, William L					Los Angeles, CA	....	....	1968	....
Merrell, Roy B	01/11/12	Asbestos Insulator	1930-1931; 1943-1969	....	Los Angeles, CA	To "lungs" from "exposure to asbestos and other noxious dusts and fumes"	....	1969	....
Moffatt, Fred					Portland, OR	....	....	1967	....
Morre, Willie W					Seattle, WA	....	....	1969	0
Nelson, George					Phoenix, AZ	....	....	1960	....

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SAC Joined	Date of Notice to OCF	No. Other Defendants
Ogle, John G	1931			----	Baltimore, MD	----	----	1968	----
Owens, Glen B	09/03/09	Asbestos Insulator	1940-1967	---	Los Angeles, CA	To "lungs, internal" from "exposure to frellonta"	1969	1969	1
Pedgett, Susan W	1910	Asbestos Insulator	Unknown but worked for OCF SAC until 1965-1968	----	Baltimore, MD	----	----	1968	----
Pflieger, Edward L.	02/24/05	Pipeworker/ Asbestos Insulator	1948-1967	----	San Francisco, CA	"Exposure to asbestos"	1969	1968	20 other employers plus their insurance carriers.
Pond, Lowell M	11/10/06	Asbestos Insulator	1942-1967	Thorp Insulation	Los Angeles, CA	To "lungs" from "exposure to asbestos and other noxious dust in work."	1969	1969	10
Poziz, Henry	04/25/07	Asbestos Insulator	1945-1967	Western Building Materials Co	San Francisco, CA	----	1967	1967	25

³ The Workers' Compensation file OCF received from plaintiffs' counsel in 1979 reflects that this claimant also had emphysema and heart disease.

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Riley, James W	10/23/09	Asbestos Insulator	1920-1957	J. T. Thorpe, Inc	Los Angeles, CA	"Lungs" due to "exposure to asbestos dust"	1957 - Marine Engineering & FERCO 1958 - OCF	1957	33 other employers and their insurance carriers
Ringston, William					St. Louis, MO			1972	
Short, Vello H					Los Angeles, CA			1971	
Stanley, John	12/17/06	Asbestos Insulator	1943-1960		Los Angeles, CA	To "lungs" from "exposure to noxious dusts including asbestos"	1969	1968	39 other employers and their insurers
Thompson, Clarence E					Los Angeles, CA			1971	
Yaskol, Vernon F					Los Angeles, CA			1961	
Todor, William E					Seattle, WA			1969	9
Vincent, Charles L				R. L. Lowler, Inc	Anchorage, Alaska			1961	

⁴ OCF historical files reflect that on 2/20/58, OCF learned that Riley's claimed injury was "possible tuberculosis." According to a review of Riley's workers' compensation file which OCF counsel obtained from plaintiffs' counsel in 1979 (see discussion *infra*), OCF was served with a claim for death benefits by Riley's widow in 1961, in which she alleged that Riley's death was caused by "exposure to dust." While Riley's workers' compensation file indicates that Riley died of lung cancer, there is no indication that OCF received notice of this specific diagnosis before 1979 when OCF's counsel received the file from plaintiffs' counsel.

In addition to the claims in Table A, OCF's records reflect that the following individuals, listed in Table B, also filed asbestos-related workers' compensation claims before 1974. It is believed these claims were probably handled by OCF's insurance carriers. OCF's records do not indicate when or if OCF received notice of these claims.

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OGC	Re Other Defendants
Overall Jerome C	10/20/21	Asbestos Insulator	1932-1971	.....	Los Angeles, CA	"Asbestos exposure, exposure to other asbestos substances as well as strenuous activity - injury in respiratory and circulatory system"	1972	.....	.....
Borden Walter	1903	.....	.....	.....	Detroit, MI	"Expired due to respiratory insufficiency, severe obstructive emphysema and associated carcinoma of left lung"	1972	.....	1
Overholt Vernon S	03/31/12	Asbestos Insulator	1940-1970	.....	Sacramento, CA	Injury to "lung" from "constant exposure to asbestos fibers and other harmful materials"	1973	.....	.....
Cher, George A	07/02/17	Asbestos Insulator	1938-1973	Fiberglas Engineering Co.	Seattle, WA	"Pulmonary metastasizing, right lung/pleural space, probable asbestos (pneumoconiosis)."	1973	.....	.....
Evans, Murray L	02/12/09	Asbestos Insulator	1942-1971	.....	Los Angeles, CA	Injury to "lung" from "exposure to asbestos and other asbestos dusts and fumes"	1972	.....	.....
Harris, Roy D	.....	.....	.....	.....	Phoenix, AZ	.....	1973	.....	.....
Kramer, Burton	.....	.....	.....	.....	Washington	.....	1960	.....	.....

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	Re Other Dependents
Lindholm Mirvia					Seattle, WA		1973		
McClure, Art	08/01/11	Abbottes Insulator	1946-1969		Oakland, CA	"Abbotteritis"	1971		
Wojcik, Edward					San Francisco, CA		1982		
Olsen, Ollie D				Jobber-Monville Sales Corp	Detroit, MI	"Abbotteritis, pneumonitis, heart and lung problems and related conditions - terminating disability"	1979		
Perfor, Robert R	08/19/13	Abbottes Insulator	1943-1972		Los Angeles, CA	"In lungs and respiratory system" from "exposure to abbotter and other noxious gases"	1972		
Angeri, Joseph	1921	Abbottes Insulator	1947-1972	OCF	Honolulu City, HI	"Fibrosis of lungs"	1972		
Simpson, David L	05/21/29	Abbottes Insulator	1951-1971		Seattle, WA		1971		
Stenotic, Leo W	08/03/08	Insulator	1942-1966		Los Angeles, CA	"Exposure to irritants"	1967		

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	Re Other Documents
Swindell, David			Sacramento, CA	....	....	....	....
Winters, Leroy E			Albuquerque, NM	....	1959	....	....

The only information OCF has on this claim is that it was apparently submitted-rejected and that OCF's insurance carrier stated its file on this claim is 1975.

In the course of litigation, a certain plaintiffs' counsel produced to OCF's Law Department portions of workers' compensation files purporting to be claims filed by various insulation workers and other tradesmen. It is believed that these files were originally obtained from codefendants or from public records, and copies were forwarded to OCF's Law Department in approximately 1979.

Some of these files reflect claims apparently filed against OCF which OCF cannot currently verify from a review of its records. Table C sets forth information from such claims where OCF was presumably a party.

Civilian Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SEC Joined	Date of Bill to OCF	Re Other Defendants
Bellup Carl A	08/05/10	Asbestos Insulator	1933-1964	FEMCO	Los Angeles, CA	"Inhalation of foreign matter"	1965	1965	11 other employers and their insurance carriers
Cloner Willard B	01/18/07	Asbestos Insulator	1938-1964	FEMCO	Los Angeles, CA	"Injury to lungs, body" from "exposure to irritants"	1965	1966	41 other employers and their respective insurers
Carlin, Harvey E	07/29/04	Pipecovering Mechanic	1949-1954	OCF, ACAS	Detroit, MI	Original application not found Petition to Reopen alleged "pneumoconiosis, asbestosis, emphysema, asthma, bronchitis and heart failure."	1966 - original claim reopened	.....	19 other employers & their ins. carriers (none to first claim, 19 to second claim.)
Strombol, John S	04/30/05	Pipecoverer/Insulator	1942-1960	Asbestos Products Co.	Spartan, WA	Asbestosis, chronic interstitial pneumonitis, pneumoconiosis "probably due to asbestos"; pleurisy - both sides.	1961 - appeal	1961 - appeal	19 other employers
Harding, Clifford P	02/28/96	Asbestos Insulator	1937-1959	M. R. Carpenter	Sacramento, CA	"Asbestosis"	.....	1961	12 other employers and their insurance carriers

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Issued	Date of Notice to OCF	No. Other Defendants
Ward, Melvin			1940-1965		Long Beach, CA				17 other employers and their insurance carriers
Smalley, Vernon E	11/29/12	Insulator	1942-1965	United Carb Co./Dorwin Enrol Mill	Los Angeles, CA	Injury to chest as result of exposure to dust - asbestos & silica of employment	1966		61 other employers and their insurance carriers
McCormick, Erroy O	03/03/03	Insulation Worker	1941-1956	Armstrong Cork	Los Angeles, CA	"Insulation dust drawn into lungs" injury to throat & lungs	1959	1959	8 other employers and their insurance carriers
Miller, Arthur H	11/03/89	Asbestos Insulator	1941-1961	Plant Asbestos	Los Angeles, CA	"lung condition - occupational disease" from "inhalation of asbestos materials"	1962	1962	24 other employers and their insurance carriers
Bozek, Edward	12/16/14	Asbestos Insulator	1940-1956	Plant Insulating, Johnston Pechling, Beza Insul Co	Los Angeles, CA	"asbestosis and/or lung condition"	1963	1964	9 other employers and their insurance carriers

1 The Workers' Compensation file OCF received from plaintiffs' counsel in 1979 reflects that this claimant had bronchial asthma and advanced pulmonary emphysema. The claim was dismissed.

2 The Workers' Compensation file OCF received from plaintiffs' counsel in 1979 reflects that this claimant also had progressive coronary artery disease.

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SGC Filed	Date of Notice to OCF	No. Days of Benefits
Reger, Willie W	02/13/05	Insulation Mechanic	1942-1963	FEMCO	Los Angeles, CA	"Palmonary fibrosis, lungs & chest due to exposure to foreign matter in material used in employment"	1984	1984	9 other employers and their insurance carriers

Slipster, John D	06/29/23	Heat & Frost Insulator	1952-1962	Amstrong Contracting & Supply	Long Beach, CA	"Exposure to asbestos dust, fibrosis and other ailments...lungs & respiratory system"	1982	1982	15 other employers plus their insurance carriers
------------------	----------	------------------------	-----------	-------------------------------	----------------	---	------	------	--

Strollherl, L J	Insulation Installer	1940-1959	Plant Asbestos Co	San Francisco, CA	"Chest disability caused pneumoconiosis, probably asbestos"	1960	1960	14 other employers and their insurers
-----------------	-------	----------------------	-----------	-------------------	-------------------	---	------	------	---------------------------------------

Strickland, Fred E	06/22/07	Asbestos Installer	1942-1957	Armstrong Cork	San Francisco, CA	"Aggravation of pre-existing tubercular condition from working w/asbestos"	1956	1957	10 other employers and their insurance carriers
--------------------	----------	--------------------	-----------	----------------	-------------------	--	------	------	---

- Miss. John 10/14/99 Asbestos Installer Mendel Cork San Francisco, CA "Chest disability; exposure to dust and foreign substances over many years" Unknown, nr. City dated 8/10/68 1962 28 other employers and their insurance carriers
- The Workers' Compensation file OCF received from plaintiff's counsel in 1979 reflects that this claimant also had emphysema.
 - The Workers' Compensation file OCF received from plaintiff's counsel in 1979 reflects that this claimant had asthma, cardiac disease and carcinoma of the stomach. The claim was dismissed
 - The Workers' Compensation file OCF received from plaintiff's counsel in 1979 reflects that the state referee could not find any medical evidence of record to support compensability.