FILE NAME: Contract Unit Workers Comp Claims (WCC)

DATE: 1978

DOC#: WCC032

DOCUMENT DESCRIPTION: Workers Comp File - Staples, John D

Contains all documents found in the Claimant's file, with one blank page between each separate document

Armstrong List -- John Staples, California also Owens Corning

The only defendant of interest besides Armstrong is Mundet Cork. Mr. Staples had about 10 years of pipe covering work, including less than a year total with "Armstrong Construction". The claim was filed May 17, 1962. The parties applied to the Commission for approval of a Compromise and Release Agreement January 11, 1963, and this was approved February 1x 1963. Total amount paid was $9,250, of which $821.80 came from Armstrong's carrier, Travelers. It appears from the reports of doctors from both sides that Staples had partial disability from asbestosis, at the age of 37.

July 25, 1978

"Plant Asbestos" also named.

Nellie? Xerox one copy & send original to Barry C.

Armstrong List -- John Staples, California

The only defendant of interest besides Armstrong is Mundet Cork. Mr. Staples had about 10 years of pipe covering work, including less than a year total with "Armstrong Construction". The claim was filed May 17, 1962. The parties applied to the Commission for approval of a Compromise and Release Agreement January 11, 1963, and this was approved February 1, 1963. Total amount paid was $9,250, of which $821.80 came from Armstrong's carrier, Travelers. It appears from the reports of doctors from both sides that Staples had partial disability from asbestosis, at the age of 37.

July 25, 1978

Nellie

Don't forget to call Weir re sending files to L.A. rather than San Fran

→ Ron

Done

GW

John J. Wren
Attorney at Law
3745 Long Beach Blvd.,
Long Beach, California
Telephone: GArfield 4-0411

RECEIVED
JAN 11 1963

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

JOINT COMPROMISE AND RELEASE — CASE NO. 62 LB 19396

JOHN D. STAPLES	10634 Ceres, Whittier, Calif.
Applicant	
-vs-	
ARMSTRONG CONSTUCTION	4400 E. Bandini, Los Angeles
C. F. BRAUN	1000 Freemont St., Alhambra
CAL STATE COMPANY	8823 Mettler St., Los Angeles
COAST INSULATING	2684 Lacy St., Los Angeles,Calif.
R. T. DINWIDDIE	8627 So. Atlantic, South Gate
FIBERGLAS ENGINEERING	5933 Telegraph Rd.,Los Angeles
L A CORK	4189 E. Washington, Los Angeles
KIRCHER ASBESTOS,	Box 6652, Phoenix, Arizona
MUNDET CORK CORP. a corporation	6116 Walker, Maywood, California
OIL FIELD CONSTRUCTION	Box 947, Bakersfield, California
PLANT ASBESTOS Co.,a corporation	1540 West 9th, Long Beach,Calif.
BAKER PERKINS	1000 Hess, Saginaw, Michigan
REECE INSULATION COMPANY, Clark Reece, dba	4563 Valley Blvd., Los Angeles
J. T. THORPE	948 E. 2nd St., Los Angeles,Cal.
WEBER BAKING COMPANY	
Employers	Addresses
AETNA CASUALTY AND SURETY CO.	810 South Spring, Los Angeles
AMERICAN MOTORIST INS. CO.	3545 Wilshire, Los Angeles
AMERICAN EMPLOYERS INS. CO.	639 S. New Hampshire, Los Angeles

Insurance Carriers	Addresses
ARGONAUT INSURANCE CO.	1001 Wilshire Blvd., Los Angeles
CASUALTY INSURANCE CO. OF CALIF. a corporation	810 South Spring, Los Angeles
INDUSTRIAL INDEMNITY COMPANY a corporation	3745 Long Beach Blvd.Long Beach
MICHIGAN MUTUAL LIABILITY	c/o Brown Bros. Adjustors, 3517 West Sixth St., Los Angeles
NATIONAL AUTOMOBILE AND CASUALTY INSURANCE CO.	633 South Spring St.,Los Angeles
PACIFIC EMPLOYERS INS. CO.	2484 Pacific Avenue, Long Beach
STATE COMPENSATION INS. FUND	3629 Atlantic Ave. Long Beach
TRAVELERS INSURANCE COMPANY	Ocean Center Bldg.,Long Beach
ZURICH INSURANCE COMPANY	Box 3203, Terminal Annex Los Angeles

The parties hereto, for the purpose of Compromise only, hereby submit the following agreed statement of fact.

1. That John D. Staples, the applicant herein, was born on June 24, 1925.

2. That John Staples, while employed as a heating and air conditioning installer, for Armstrong Construction, C. F. Braun, Cal State Company, Coast Insulating, R. T. Dinwiddie, Fiberglas Engineering, L. A. Cork, Kircher Asbestos, Mundet Cork Corp, a corporation, Oil Field Construction Company, Plant Asbestos Company, a corporation, Baker Perkins, Reece Insulation Company, Clark Reece, dba, J. T. Thorpe and Weber Baking Company, at various wages, at various geographic locations within and without the County of Los Angeles, State of California, during the periods of October, 1953 through March 7, 1962, alleges that he sustained one or more injuries to his lungs and respiratory system during said periods of employment by being continually exposed to asbestos dust, fiberglass and other irritants from materials handled and used during said employment.

3. That John D. Staples, alleges that as a result of the said injuries, he has suffered a permanent disability.

4. That during the periods alleged, the insurance companies were as follows:

(a) Armstrong Construction: Travelers Insurance Co.
(January 1, 1955 to July 29, 1955;)
(April 23, 1957 to July 31, 1957)
(March 2, 1962 to March 8, 1962)

(b) C. F. Braun: American Motorists Ins. Co.
January 1, 1954 to January 1, 1955
A.T. THORPE INC. - AMERICAN MOTORISTS INS. CO.
JAN. 1955 TO JAN. 1959

(c) Cal State Company: No Record of Coverage

(d) Coast Insulating: Pacific Employers Ins. Co.
May 1, 1961 to May 1, 1962

(e) R. T. Dinwiddie: State Compensation Ins. Fund.
July 1, 1958 to July 1, 1959

(f) Fiberglas Engineering: Aetna Casualty and Surety Co.
(March 1, 1954 to September 1, 1959)
(September 1, 1961 to September 1, 1962)

(g) L. A. Cork: Zurich Insurance Company
October 27, 1959 to October 27, 1960

(h) Kircher Asbestos: No Record of Coverage

(i) Mundet Cork Co, a corp; Aetna Casualty and Surety Co.
December 31, 1960 to December 31, 1961

(j) Oil Field Construction Co: Casualty Ins. Co. of Calif.
January 1, 1954 to January 1, 1955

(k) Plant Asbestos Co.,a corp; Industrial Indemnity Co, a corporation
January 1, 1960 to January 1, 1961
(2) American Employers Ins. Co.
January 1, 1962 to January 1, 1963

(l) Baker Perkins and Weber Baking Co; Michigan Mutual Liab.
January 1, 1953 to January 1, 1954

(m) Reece Insulation Co. Clark Reece dba:
1. National Automobile and Casualty Insurance Co.
(March 1, 1956 to October 1, 1957)
(July 1, 1959 to July 1, 1960)
2. Industrial Indemnity Co., a corporation.
October 1, 1957 to October, 1, 1958.

(n) J. T. Thorpe: Pacific Employers Ins. Co.
January 1, 1953 to January 1, 1958

That the above employers and insurance carriers are, by agreement, parties to this Compromise and Release. That it is expressly

understood, and intended by each and all of the parties hereto, that the amount set forth below will be paid and received in consideration of the release of the above named insurance carriers and each of them, together with a release of each and all of the above named employers.

It is further agreed that the release herein and hereby granted by the applicant shall extend and inure to the benefit of any and all employers, whether named in this proceeding or not.

5. That the actual weekly wages of the employee at the time of the claimed injuries are in dispute; that the average weekly wages are in dispute.

6. That applicant contends that he was temporarily disabled as a result of his injuries; that defendants and each of them deny that applicant was temporarily disabled from his employment due to any injury or injuries.

7. That medical treatment was necessary and that such treatment was obtained by applicant on a self-procurred basis.

8. That the parties hereby agree to settle any and all claims on account of said injuries by payment of the sum of $9,250.00, apportioned as follows:

(a)	Industrial Indemnity Company:	$2,221.95
(b)	Aetna Casualty & Surety Co.	1,918.70
(c)	Pacific Employers Ins. Co.	1,415.05
(d)	American Motorist Ins. Co.	1,005.90
(e)	Travelers Ins. Co.	821.80
(f)	State Compensation Ins. Fund	800.00
(g)	National Automobile & Casualty Ins. Co.	703.85
(h)	American Employers Ins. Co.	120.75
(i)	Zurich Insurance Co.	120.40
(j)	Casualty Ins. Co. of California	57.40
(k)	Michigan Mutual Liability	39.20
(l)	Argonaut Insurance Co.	25.00
	Total	$9,250.00

The above sum of $9,250.00 shall be paid in one lump sum to applicant except as otherwise provided in item 8 (a) below, less $500.00 advanced by Industrial Indemnity Company, less any allowable lien claims of record not satisfied as itemized in item 8 (a) below; that applicant agrees to pay any and all expenses incurred

which may have otherwise been properly claimed under Labor Code Section 4600 to have been the responsibility of the defendants herein.

8. (a) That the sum of $9,250.00 shall have deducted the following disbursements which shall be made directly to those persons, companies, corporations or firms as set forth below and such disbursements shall be made from the amount designated to be paid by Industrial Indemnity Company as set forth in Item #8 above; that the herein disbursements represent reduced lien claims of record and are payable in amounts as follows:

1. Less $50.00 to Silver & McWilliams for living expenses advanced.

2. $996.22 To DEPT. OF EMPLOYMENT.

That any sums due by said Company not exhausted by disbursement or attorneys' fees set forth in Item #10 below shall be paid directly to the applicant or as the Honorable Commission may direct.

9. That all self procurred medical, if any, shall be the sole responsibility of the applicant and that the defendants, or any of them, shall not be liable for any of said expense. That the defendants or their carriers, are responsible for medical treatment and/or examinations here-to-fore authorized by them, but that all future medical shall be the sole responsibility of the applicant herein.

10. That the name and address of applicant's attorneys is Silver, McWilliams and Sherman, 305½ North Avalon Boulevard, Wilmington, California; that said attorneys request a fee to be paid directly to them by Aetna Casualty and Surety Company, as set forth in Item #8 (a) above, in the total amount of $Set by I.A.C. That said attorneys have expended the sum of $ None as reasonable litigation costs.

11. Reason For Compromise: Multiple issues exist which make

settlement the most practical solution to the problem posed by protracted litigation as follows: whether applicant's injuries arose out of and were sustained in the course and scope of employment; date of injury; issue of occupational disease; applicability of the Statute of Limitations; extent of apportionment allowable as between defendants; applicant's actual earnings; applicant's average earnings; extent and duration of temporary disability, if any; nature, extent and duration of permanent disability, if any; need for further medical treatment; liability for self procurred medical; liability for medical legal costs; allowance of reduction of lien claims; coverage for the periods of employment alleged.

The applicant desires a lump sum settlement and to take control of his own medical treatment. The applicant, and the defendants, separately and as a group, desire to buy their peace and to avoid the expense, delay, hazard and uncertainty of extended litigation and to settle their differences for a sum certain. The applicant feels that the liens of _____ and _____ should be allowed in the sum of $ Per Parag. 8 of the amount claimed.

12. The undersigned request that this Compromise and Release Agreement be approved by the Honorable Commission.

13. Upon approval of this Compromise and Release Agreement by the Industrial Accident Commission or a panel thereof and payment in accordance with the provisions hereof, said employee releases and forever discharges said employers and insurance carriers from all claims and causes of action, whether known or ascertained, or which may hereafter arise or develop as a result of said injuries, including any and all liabilities of said employers and said insurance carriers and each of them to the dependants, heirs, executors, representatives, administrators or assigns of said employee.

14. It is agreed by all parties hereto that the filing of this

document is the filing of an application for adjustment of all claims on behalf of the employee, and that the Commission may in its discretion set the matter for hearing as a regular application, reserving to the parties the right to put in issue any of the facts submitted herein, and that if hearing is held with this document used as an application, the defendants shall have available to them all defenses that were available as of the date of filing of this document, and that the Commission may thereafter either approve such a Compromise and Release Agreement or disapprove the same and issue Findings and Award after hearing has been held and the matter regularly submitted for decision.

15. In further consideration of the payment in accordance herewith, applicant agrees that this release applies to all unknown and unanticipated injuries and damages resulting from such actions, casualties, events and/or employments, as well as those now disclosed, and all rights under section 1542 of the Civil Code of the State of California are hereby waived. California Civil Code Section 1542 reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known, by him, must have materially effected his settlement with the debtor."

WITNESS the Signature hereof this 1st day of November, 1962, at Wilmington, Calif.

X John D. Staples
John D. Staples, Applicant
SILVER, MCWILLIAMS & SHERMAN

By Richard L. McWilliams
Attorney for Applicant
AETNA CASUALTY AND SURETY CO.

By W. Gilmore

AMERICAN MOTORIST INS. CO.

By R. Glazigna

AMERICAN EMPLOYERS INS. CO.

By Chas Fox

Witnesses

The Injured Applicant's Signature must be attested by two disinterested persons OR acknowledged before a Notary Public.

STATE OF CALIFORNIA }
County of }

ARGONAUT INSURANCE CO.

By _____

CASUALTY INSURANCE CO. OF CALIF.

By _____

INDUSTRIAL INDEMNITY COMPANY

By _____
John J. Wren, Attorney at Law

MICHIGAN MUTUAL LIABILITY

By _____

NATIONAL AUTOMOBILE AND CASUALTY

By _____

PACIFIC EMPLOYERS INS. CO.

By Clopton & Penny - Robert R. Wills

STATE COMPENSATION INS. FUND

By _____

TRAVELERS INSURANCE COMPANY

By _____

ZURICH INSURANCE COMPANY

By _____
James C. Thomason

On this 1st day of November A.D., 1962, before me _____, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared John D. Staples, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

_____

Notary Public in and for said County and State of California.

RECEIVED NOV 14 1962

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CASE NO. 62 LB 19396

LONG BEACH OFFICE
INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

FILED OCT 5 - 1962

JOHN D. STAPLES,

Applicant,

vs.

BAKER PERKINS; J. T. THORPE; C. F. BRAUN; COAST INSULATING; OIL FIELD CONSTRUCTION; ARMSTRONG CONTRACTOR; FIBERGLASS ENGINEERING; REECE INSULATION; R. T. DINWIDDIE; KIRCHER ASBESTOS; LOS ANGELES CORK; PLANT ASBESTOS; MUNDET CORK CORP.; CAL STATE COMPANY; AMERICAN MOTORISTS INS. CO.; CASUALTY INSURANCE CO. OF CALIFORNIA; STATE COMPENSATION INS. FUND; ZURICH INSURANCE CO.; PACIFIC EMPLOYERS INS. CO.; ARGONAUT INSURANCE CO.; AMERICAN EMPLOYERS INS. CO.; TRAVELERS INSURANCE CO.; NATIONAL AUTO & CAS. CO.; AETNA CASUALTY & SURETY CO.; MICHIGAN MUTUAL LIAB. CO.; INDUSTRIAL INDEMNITY;

Defendants.

MINUTES OF HEARING

THIS CAUSE came on for hearing October 5, 1962, at 9 A.M., in Department D of the Industrial Accident Commission, Long Beach, California, before Honorable GEORGE WESTWICK, Referee.

T. Hanagami, Reporter.

PRESENT:

Silver, McWilliams & Sherman, by Richard McWilliams, attorneys for applicant

F. W. Carignan, representative for American Motorist

Herlihy & Herlihy, by Kennis Jones, attorneys for Argonaut Ins. Co. and American Employers

John Montgomery, representative for Travelers Ins.

Murray H. Roberts, by James Thomason, attorneys for Zurich Ins. Co.

No test. tn.

FORM 339

PRESENT (Cont'd):

Clopton & Penny, by Robert Wills, attorneys for Pacific Employers

Eugene Barnes, attorney for Industrial Indemnity

Paul Klein, attorney for State Compensation Ins. Fund

Wallace & Brown, by W. Gerald Brown, attorneys for Aetna Casualty and Surety Co.

Maury & Schuyler, by Rob R. Schuyler, attorneys for Michigan Mutual

Licker & McClure, by Robert Licker, attorneys for National Auto & Casualty

EXHIBITS:

Applicant's 1 - Reports attached to letters of 8-29-62 and 6-19-62
Industrial Indemnity Co. Ex. A - Reports attached to letter of 10-3-62
Pacific Employers Ex. B - Report attached to letter of 9-11-62

DISPOSITION:

45 days to file compromise and release agreement.

LAW OFFICES

EDWIN SILVER
RICHARD L. McWILLIAMS
ARTHUR SHERMAN
ERNEST L. GRAVES
LOUIS BERSON
LAWRENCE WEITZER

SILVER, McWILLIAMS & SHERMAN
3054 NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2595 • SPRUCE 5-6128

SANTA ANA OFFICE
METCALFE AND SILVER
1935 NORTH MAIN STREET
KIMBERLY 7-0011

August 29, 1962

105

AUG 30 1962

Industrial Accident Commission
236 East Third Street
Long Beach, California

Re: John D. Staples vs. Plant Asbestos, et al
62 LB 19396

Gentlemen:

_____ Please find enclosed the following medical
X reports for filing in the above-entitled
_____ matter.

Report of George E. Fralick, M.D. dated Aug. 24, 1962

_____ Please be informed that the applicant in
the above-entitled matter now resides at:
_____

_____ Please be informed that I now represent the
applicant in the above-entitled matter and
_____ hereby request that copies of all material
documents be served upon me.

Very truly yours,

SILVER, McWILLIAMS & SHERMAN

BY Richard L. McWilliams
RICHARD L. McWILLIAMS

enclosure

cc: Please see attached sheet.

DRS. HUSBAND AND FRALICK
PHYSICIANS · SURGEONS

BERTRAM P. HUSBAND, M. D.

1610 E. WHITTIER BLVD.
WHITTIER, CALIFORNIA
PHONE 696-1181

GEORGE E. FRALICK, M. D.

August 24, 1962

AUG 27 1962

Mr. McWilliams
305½ North Avalon
Wilmington, California

Re: John D. Staples

Dear Mr. McWilliams:

On April 25, 1962, I sent a letter to you regarding Mr. John Staples. Please refer to this letter for information concerning Mr. Staples prior to this date.

This patient has been seen subsequent to the last letter as follows:

4-30-62 Conjunctivitis - Cough continues - Rales inchest continue

5-10-62 Worse past 2 days "had to goto bed" Cough and rales persist. Diathermy, etc.

5-15-62 Some improved, complains of weakness

5-28-62. Pt. failed to keep appointment

5-31-62 Complains of difficulty breathing. Temperature remains normal. Rales in left lung field persist.

6-25-62 About the same. Sent to the laboratory for lung vital Capacity. Laboratory report patients vital capacity is 50% of normal.

7-2-62 Patient still complains of weakness - X-rays ordered to be repeated at the La Mirada Hospital. Patient instructed to completely stop smoking.

Upon contacting La Mirada Hospital, on 8-21-62, I found Mr. Staples had failed to have follow-up x-rays. They informed me that the patient had not been in for the x-rays that I had ordered on July 2, 1962. I have not seen this patient since July 2, 1962 in my office.

My recommendations as stated in the letter of 4-25-62 remain unchanged. I feel this patient should not be employed in any occupation where lung irritatants are involved. X-ray and laboratory tests substantiate the diagnosis of pulmonary fibrosis and probable asbestosis. Vital capacity is reduced to 50% of normal.

Sincerely yours,

George E. Fralick, M. D.

GEF:jn

McCartney, Hall & Ryan
Attorneys at Law
639 South Spring Street
Los Angeles, California

Murray Roberts
Attorney at Law
750 Broad
Wilmington, Calif.

Herlihy & Herlihy
Attorneys at Law
Ocean Center Building
Long Beach, California

American Motorists Ins. Co.
3545 Wilshire Blvd.
Los Angeles, Calif.

Casualty Ins. Co.
810 So. Spring St.
Los Angeles, Calif.

State Compensation Ins. Fund
3629 Atlantic Ave.
Long Beach, Calif.

Zurich Insurance
Box 3203, Terminal Annex
Los Angeles, Calif.

Pacific Employers Ins. Co.
2484 Pacific Ave.
Long Beach, Calif.

Argonaut Ins. Company
1001 Wilshire Blvd.,
Los Angeles, Calif.

American Employers Ins. Co.
639 So. New Hampshire
Los Angeles, Calif.

The Travelers Ins. Co.
Ocean Center Building
Long Beach, California

National Auto & Casualty Co.
639 South Spring St.
Los Angeles, Calif.

Aetna Casualty & Surety Co.
810 South Spring Street
Los Angeles, California

Michigan Mutual Liability
c/o Brown Brothers Adjustors
3517 West Sixth Street
Los Angeles, Calif.

Industrial Indemnity Company
3745 Long Beach Boulevard
Long Beach, California

LAW OFFICES

SILVER, McWILLIAMS & SHERMAN

EDWIN SILVER
RICHARD L. McWILLIAMS
ARTHUR SHERMAN
ERNEST L. GRAVES
LOUIS BERSON
LAWRENCE WEITZER

3051½ NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2595 • SPRUCE 5-6128

SANTA ANA OFFICE
METCALFE AND SILVER
1828 NORTH MAIN STREET
KIMBERLY 7-0611

June 19, 1962

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION — LONG BEACH
JUN 20 1962
AND FILED
EXHIBIT CASE NO.
REFEREE

Industrial Accident Commission
236 East Third Street
Long Beach, California

Re: John Staples vs. Reece Insulation Company, et al
62 LB 19396; 700923

Gentlemen:

_____ Please find enclosed the following medical reports for filing in the above-entitled matter.

X

Report of G. E. Fralick, M.D. dated April 25, 1962

_____ Please be informed that the applicant in the above-entitled matter now resides at:

_____

_____ Please be informed that I now represent the applicant in the above-entitled matter and hereby request that copies of all material documents be served upon me.

Very truly yours,

SILVER, McWILLIAMS & SHERMAN

BY Richard L. McWilliams
RICHARD L. McWILLIAMS

enclosure

cc: National Auto & Casualty Ins. Company
639 South Spring Street, Los Angeles

George E. Fralick, D. O.

B. P. HUSBAND, D. O.
1610 E. WHITTIER BLVD.
WHITTIER, CALIFORNIA

OXford 61181

April 25, 1962

Apr 28 1962

Mr. McWilliams
305-1/2 North Avalon
Willmington, California

Dear Mr. McWilliams:

Re: John D. Staples

Mr. Staples has been under my care for a chest problem since March 8, 1962. He has had a chronic cough, hemoptysis and pain in chest area, both right and left. He was hospitalized March 9, 1962 at Murphy Memorial Hospital with acute pneumonitis.

Repeated x-rays of his lungs have shown evidence of chronic irritation. He has consistantlyhad fine rales in left low lung fields and coughs frequently. His condition has become better with treatment but has not subsided entirely. Due to the pulmonary findings on the x-ray examination and after discussing this case with the radiologist at La Mirada Hospital, Dr. Richard Siggers, it was felt wise to advise this patient to seek a different occupation. It was so felt because the lung fields showed fibrosis and there was evidence of chronic irritation. And, due to the fact that the patient is working in asbestos, where he is exposed to asbestos dust and fibers and due to the fact that asbestos can cause and can irritate such a condition, I felt that he should definitely seek employment where his lungs would not be subject to this type of irritation.

I feel that continued exposure to lung irritants will lead to more fibrosis and repeated acute pulmonary episodes which he had when I first saw him. The likelihood of active tuberculosis and heart disease would be increased.

It is therefore my recommendation that Mr. John Staples seek employment in a field of endeavor not requiring contact with lung irritants.

Sincerely yours,

George E. Fralick, D. O.

GEF:rn

LAW OFFICES
CLOPTON & PENNY

SUITE 1225
639 SOUTH SPRING STREET
LOS ANGELES 14, CALIFORNIA

TELEPHONE
MADISON 7-1566

September 11, 1962

WHEN REPLYING
PLEASE REFER TO # 19963 and A

Industrial Accident Commission
236 East Third Street
Long Beach, California

Re: John Staples vs. Coast Insulating, et al
Case No. 62 LB 19396 Hearing Date Oct. 5, 1962

Gentlemen:

Please find enclosed the following medical report for filing in the above entitled matter.

R.T. Johnstone, M.D., dated Aug. 22, 1962

Very truly yours,

William H. Kennedy

WILLIAM H. KENNEDY
Office Manager

WHK:kb
Encl.
cc:
Silver, McWilliams & Sherman
McCartney, Hall & Ryan
Murray Roberts
Herlihy & Herlihy
American Motorists Ins. Co.
Casualty Ins. Co.
State Comp. Ins. Fund
Ind. Ind. - L.B.

Zurich Insurance
Argonaut Ins. Co.
American Employers Ins.Co.
Travelers Ins. Co.
National Auto & Casualty Co.
Aetna Cas. & Surety Co.
Michigan Mutual Liability
Pac. Emp. - L.A.
71 PC 73643 & 73644

RUTHERFORD T. JOHNSTONE, M.D.
BROCKMAN BUILDING
530 WEST SEVENTH STREET
Los Angeles 14, Calif.
MADISON 3-2965

OCCUPATIONAL DISEASES
INDUSTRIAL HEALTH

INDUSTRIAL TOXICOLOGY
PLANT SURVEY

August 22, 1962

Pacific Employers Insurance Co.
1033 S. Hope Street
Los Angeles 15, Calif.

Re: JOHN STAPLES
Coast Insulating Products
Claim: 71 PC 73643
Our File: 6108-R

Gentlemen:

At your request the above captioned individual was examined by the writer on 8-9-62. He gave his address as 10634 Cores, Whittier, Calif. His occupation as an insulator.

HISTORY: Mr. Staples states that in March of 1962 hedeveloped pneumonia. For this he was cared for by Dr. Frolick and was hospitalized in the Murphy Memorial Hospital in Whittier. X-rays were taken and according to the patient the doctor first suspected that he might have tuberculosis. A number of tests were run but, according to the patient, none of these showed evidence of pulmonary tuberculosis. The patient was then told that the lungs might have been affected by the fiberglas and asbestos. Mr. Staples also states that he had a cardio respiratory test which, according to him, showed about "50% capacity." The patient has not worked since March on the recommendation of his doctor.

Present Complaints:
1. "I do not have any energy."
2. "I am short of breath on effort. This has been coming on for the past year."
3. "Occasionally I feel a sort of constriction in my chest."

Past Medical History: Had an appendectomy. He had pneumonia two years ago and also in March of 1962. He had a whiplash injury two years ago.

Occupational History: Mr. Staples states that he has been in the insulating business for approximately ten years with the exception of oneperiod of nine months. He has worked for various companies for various periods of time. If I understood Mr. Staples correctly he has worked the longest for the Plant Asbestos Company. This being approximately three to four years although not constantly. He has worked for the Coast Insulating Products, for the Armstrong Corporation, and Baker-Perkins Company.

For these various companies his work is primarily as follows.

He wrapped pipe or ducts with fiberglas cloth. On top of the fiberglas in some instances is placed an asbetos covering. The asbetos has previously been molded. He estimated that the useof asbetos as compared to the use of fiberglas was considerably less. In other words the percentage of asbestos was very little compared with that of fiberglas.

Personal History: The patient is married, wife and four children living. He knows of know tuberculosis, cancer or diabetes in the family history.

Inventory of Systems:

Head - States that he has occasional headache, no dizziness or tinnitus. His tonsils have been removed. Teeth are false.

Respiratory system - Has a morning cough which is occasionally productive. He has never expectorated any blood.

Cardiac - Has some dyspnea on effort, occasional palpitation and occasional constriction-like discomfort. Has no orthopnea.

Gastro-intestinal - Appetite is normal. Has no symptoms of indigestion. Has no constipation or diarrhea. Stools are normal.

Genito-urinary - No nocturia, dysuria or frequency.

Weight - Patient states that he did loose about 17 pounds on a diet but is regaining some of this.

Nervous system - States that the doctor placed him on Miltown because of he was somewhat nervous, he is not irritable and he sleeps well.

Extremities - No history of ankle edema, joint pain or joint enlargement.

Habits: Smokes about one pack of cigarettes a day. Does not drink alcoholic beverages.

PHYSICAL EXAMINATION: The patient is a normal appearing, normally intelligent cooperative 37 year old male. His weight was 177 pounds. Temperature normal.
Head and Neck: The pupils were round, equal and reacted to light. Ears, nose and throat negative. The teeth were false. No enlargement of the cervical glands.
Chest: Slightly emphysemateous in appearance. The percussion note was resonant throughout. Auscultation of the lungs revealed no friction rubs or rales. Respiratory rate 18.
Heart: Rate of 76; regular, no murmurs heard. B.P. 110/70.
Abdomen: Obese, no organs or masses palpated. No tenderness elicited. There is present an old scar from previous operation.
Back: Motions of the back were painful due to a recent strain.
Extremities: Normal. No ankle edema present.
Neurological examination: Normal.

No. 3 8-22-62
Re: John D. Staples

LABORATORY: Urinalysis: Color-yellow Appearance-clear
Reaction- pH 5.5 Sp. Gravity - 1.010
Albumin - 0 Sugar - 0
Micro: negative

Blood count: Hemoglobin - 13.8gms. - 95%
Erythrocytes 4,180,000
Leucocytes 8,600
Polys 65
Lymphs 30
Monos 4
Eosins 1

Blood sedimentation rate: 16 mm 1 hr. (Wintrobe)

ELECTROCARDIOGRAM: Normal.

X-RAY EXAMINATION: Posterior anterior and lateral views of the chest reveal the cardiac shadow to be within normal limits. There are old egg-shell calcifications of both hilar areas. There is one small calcification in the left lower periphery. There is slight accentuation of the bronchovascular markings and a few scattered micronodules.

DISCUSSION: The physical examination of Mr. Staples was essentially normal. Likewise the urinalysis, blood count were normal. The blood sedimentation rate was slightly elevated. The electrocardiogram was normal.

From the history there are two types of dust to be considered in this case. The first is that of fiberglas. This material is notorious for causing a mechanical irritation to the skin. However it is not known to cause any effect upon the pulmonary tissue. This is not any arbitrary statement based upon my own experience. It is based upon the additional opinions of other clinicians and those engaged in research in industrial toxicology. The references to the following quoted material are appended to this report.

In a clinical study by Carpenter and Spolyer, "In a clinical study negative chest findings were observed in a mineral wool industry." According to Gardner, "The lack of pulmonary damage from exposure to glass wool dust is being demonstrated by an inhalation experiment. For over a year animals have now been exposed to as high concentrations of this material as could be obtained, with no serious effect upon their lungs."

In 1956, Schepers et al of the Saranac Laboratory (Trudeau Foundation) reported on the biological action of fiberglas-plastic dust on rats, rabbits, guinea pigs and monkeys. According to these investigators, "this fiberglas dust behaved like an inert substance. This is a most portentous finding, as it is so

frequently assumed that all siliceous dusts necessarily must be injurious when inhaled." In view of the fact that in the pneumoconioses "the main causes of disability or death are pulmonary fibrosis, emphysema and bronchitis, vascular occlusion with cor pulmonale and secondary infection, mainly tuberculosis these animals were carefully studied with these complications in mind. "The fiberglas-plastic dust provoked no serious lesions of the foregoing categories."

On the other hand asbestos fibers are respirable. Under a given set of circumstances they can five rise to a pneumoconioses known as asbestosis. It is believed that it takes from seven to ten years in a fairly high concentration of asbestos fibers to develope asbestosis.

In the case of Mr. Staples no positive opinion can be given at this time. Certainly this is so from the standpoint of interpreting the x-ray films. Pendergrass, a radiologist who has probably the greatest experience in interpreting x-ray films in the field of pneumoconioses states "a roentgneological diagnosis of early asbestosis is unreliable." With this I agree and I fail to understand how any other doctor could state that the x-ray films of Mr. Staples represent asbestosis or any other pneumoconioses.

Before any opinion can be offered in this case an investigation is necessary that would include a determination of the presence or absence of asbestos fibers in the working environment, a determination of concentration and particle size and an estimation of actual or fairly approximate length of time that there has been any exposure to asbestos. After this is done and there remains evidence of the need, a lung biopsy could be made. As previously stated, no positive opinion can be made presently. At this time it is my impression that Mr. Staples does not have asbestosis or any pulmonary disturbance from fiberglas. Furthermore, I believe he could return to work.

Yours very truly,

R T Johnstone M D

R. T. Johnstone, M.D.

RTJ/rcm

No 5.-
Re: John D. Staples

8-22-62

References:

1. Schepers, G. W. H. et al: The Action of Fiberglas Plastic Dust, AMA, Archives of Ind. Health, 18:34, 1959

2. Carpenter, J. L. and Spolyar, L. W.: Negative Chest Findings in Mineral Wool Industry. J. Indiana M.A., 38:389, 1945

3. Pendergrass, Eugene P: The Pneumoconioses-Diagnosis, Evaluation and Management: Council on Occupational Health, American Medical Association, 1962

3745 LONG BEACH BOULEVARD • LONG BEACH 7, CALIFORNIA • GARFIELD 4 0411

G.W.

INDUSTRIAL INDEMNITY COMPANY

INDUSTRIAL ACCIDENT COMMISSION

Long Beach, Calif. OCT 4 1962

October 3, 1962

I.A.C. No: 62 LB 19396
Applicant: John D. Staples
Employer: Plant Asbestos Co.
Claim No: C62-43-09355

Gentlemen:

Your attention is respectfully directed to the following;

( ) Request is hereby made for further hearing to permit cross examination of _____ and presentation rebuttal evidence.

( ) Please take the above matter off calendar because _____.

( ) You will find attached a duly executed Compromise and Release for your approval.

( ) Please place this matter on calendar for hearing on all normal issues _____.

( ) Please dismiss the above matter for lack of prosecution.

( ) By a copy of this letter to applicant's attorney, we request that we be served with all medical reports in your possession or control pursuant to the rules of the Industrial Accident Commission.

(XX) Attached for filing herein are:

Dr. Bernard Smolens' reports dated September 27 and August 31, 1962.
Dr. D. Simmons' report dated September 14, 1962.

Copies served on:
Silver, McWilliams & Sherman
305½ N. Avalon, Wilm.

Sincerely,

INDUSTRIAL INDEMNITY COMPANY

By: J. A Karr

BERNARD M. SMOLENS, M.D

DANIEL A. LANG, M.D.

1245 GLENDON AVENUE
WESTWOOD VILLAGE
LOS ANGELES 24, CALIFORNIA
GRANITE 8-0111

DIPLOMATES OF THE AMERICAN BOARD OF INTERNAL MEDICINE

62-W3-9355

September 27, 1962

Re: John D. Staples
Employer - Plant Asbestos

J. A. Karr, Claims Adjuster
Industrial Indemnity Company
3745 Long Beach Boulevard
Long Beach 7, California

Dear Mr. Karr:

I examined Mr. Staples on September 11, 1962, and the results of my examination and laboratory studies are as follows:

A. Chief Complaint: Shortness of breath, chest pains, frequent chest colds and pneumonia in March 1962 from which he feels he has never fully recovered and which he feels all are due to asbestos inhalation.

B. History of Present Illness: Mr. Staples is a 37-year-old white male who has the following occupational history. He has been a heat and frost insulator working with asbestos for the past nine years. Prior to this, he drove a truck, owned and worked in service stations primarily. He worked for North American Aviation for six months in 1950. At no time in his prior occupations was he exposed to any dust or asbestos or any type of inhalant.

In the past nine years, he worked for nine or ten different companies in the same occupation. His job always involved installations of heating or air conditioning insulation on the job in many types of building construction. This involved carrying asbestos or fiberglass to various parts of installations, cutting and fitting it around pipes or ducts. The asbestos was occasionally put on in a semi-liquid form, molded and dried on a fitting like a plaster cast. He never wore a mask except on one occasion when he was opening bags of asbestos and pouring it into a mixer. He had no other occasion to use a mixer or pour bags of asbestos.

He never noted any adverse affects from this work until he began noticing shortness of breath about one year ago. He noted that he was getting tired and short of breath in the early afternoons at the job. He would pick up something and couldn't carry it very far because

of this shortness of breath. He noted an increase in his usual "cigarette cough." Less and less activity produced more and more shortness of breath but he continued to work until he got pneumonia in early March 1962. At that time, he was hospitalized with fever, chills, lightheadedness and a productive cough including streaks of bright red blood in the sputum. He had X-rays and sputum studies and tuberculosis was not found although initially suspected. He was given antibiotics but required no oxygen. He was told that this was due to asbestos and he should not return to his usual occupation. He has had episodes of feeling better but then if he gets a cold and his cough increases, he gets very short of breath. Generally, he produces almost no sputum in the morning - if he does it is only a teaspoonful or two. It is very stringy and brown in color. He has taken penicillin but became allergic to it so now he takes sulpha when he gets an infection. He takes no bronchodilators or other lung medication. He has had no wheezing attacks prior or since the pneumonia.

He has smoked cigarettes for 25 or 26 years at the rate of one and one-half to two packs per day for many years and two to two and one-half packs the year prior to the pneumonia. He has smoked one pack a day since his pneumonia.

C. Past History: He was born in Missouri and came to California in 1939. He served in the U.S. Navy from 1943 to 1946 and spent two years in the Pacific Theater. He was not sick or wounded except that both ear drums were ruptured from concussion blasts. He denies any intake of alcohol since 1949 but states that briefly before that date, he drank fairly heavily for one or two years. Family History - His father is living at age 60 and has pulmonary emphysema. His mother is living at age 57 and is in good health. One sister is living at age 40 and is in good health. He has been married 17½ years. His wife is 40 and in good health. There are four children, one of whom is a son age eight who has a ventricular septal defect. There is no family history of tuberculosis, cancer or any other serious disease except for the pulmonary disease which his father has.

He had the usual childhood illnesses. Adult Illnesses - He had mumps in the service and tonsilitis in 1959. Surgery - He had an appendectomy for a ruptured appendix in 1952 and tonsillectomy in 1959. System Review - His maximum weight has been 184 pounds, average weight 170 to 175. His hearing is decreased bilaterally because of the perforated ear drums. He sleeps with one pillow

and on his side. There has been no ankle edema. His appetite has been good.

D. Physical Examination: Height: 5'9". Temperature: 98. Pulse: 80. Blood Pressure: 100/70. Weight: 175 as ordinarily dressed. He appeared as a well developed, well nourished white male, alert, oriented and cooperative and in no breathing distress while at rest. On mild exercise in the office, consisting of rapid walking and bending, he exhibited objective evidence of mild respiratory distress. Head and Neck: Revealed no venous distention, thyroid enlargement or adenopathy. Eyes: Pupils, external ocular muscles and fundi were normal. Ear, Nose and Throat examination: Both tympanic membranes appeared to be intact and there was no decrease in hearing of the wrist watch tick. Chest: Revealed symmetrical respirations bilaterally with minimal restriction of chest motion. Lungs: Revealed slight decrease in breath sounds bilaterally with persistent rales at the left base laterally. Heart: Not clinically enlarged. There was regular sinus rhytnm without thrills, murmurs or rubs. The second aortic sound equaled the second pulmonic sound. Abdomen: Obese. There were no organs, masses or tenderness noted; there was a well healed right lower quadrant scar. Genitalia: Revealed an atrophic left testicle. Neurological examination: Produced physiologic responses. Extremities: Revealed no clubbing, cyanosis or edema. The remainder of the physical examination was not remarkable.

E. Laboratory Data: Complete blood count - hemoglobin 15.6 grams; packed cell volume 46%; white blood count 8200 with a normal differential except for a slight lymphocytosis. Urinalysis - specific gravity 1.026; no abnormal chemical or urinary sediment findings. Sedimentation rate 18 mm. at the end of one hour. The CO_2 combining power 26 mEq. with a normal for our laboratory from 24 to 32 mEq. Electrocardiogram revealed a heart rate of 76; PR interval of .18; QRS .08; QT interval .36. The heart was in an intermediate electrical position with a transition zone at V-3 and normal R wave progression although there were slightly large R waves on the right side of the precordium. The impression was that of an electrocardiogram within normal limits. X-rays of the chest taken in the PA and left lateral projections in the inspiratory as well as expiratory phases revealed the cardiac silhouette to be unremarkable. Both hilar shadows were somewhat prominent and extensive calcification was present in both hilar areas. The lung markings were exaggerated throughout. The inspiratory and expiratory study revealed good motion of the diaphragms and no evidence

Re: John D. Staples
Employer - Plant Asbestos

.of emphysema radiographically. Pulmonary function tests performed at the Cardio-Pulmonary Laboratories of the Mt. Siani Hospital revealed a slightly decreased or low normal vital capacity and moderately reduced maximal breathing capacity with low air velocity index. The impression was that of "minimal airway obstruction without hyperinflation. This will be consistent with mild asthma or bronchitis. There is no emphysema."

F. Discussion: It is my impression that the combination of a long history of exposure to asbestos and the X-ray findings of exaggerated lung markings consistent with early pulmonary fibrosis plus additional evidence of dyspnea on exertion, make asbestosis a medical probability. At this time, the degree of pulmonary impairment is minimal but a more exact evaluation of the pulmonary function can be determined by further and more elaborate tests such as blood gas analysis at rest and after exercise, as well as other studies which would indicate more precisely the degree of fibrosis present. An absolute diagnosis of asbestosis can only be made, however, on histologic grounds, after a lung biopsy. The chest X-ray snows evidence of numerous calcifications which reflect prior inflammatory disease of a nonindustrial nature and the element of his very long and heavy cigarette smoking must be considered. However, the history he presents and the X-ray changes present at his relatively young age make asbestosis a probability. Therefore, I feel that this is an industrial condition. I feel that his condition is permanent and stationary because the changes brought about by asbestos inhalation are not progressive once the patient is removed from the offending irritant, incontradistinction to such diseases such as silicosis which progress regardless of further exposure. For this reason, I feel that it would be most wise that this patient seek employment in another field of endeavor.

Very truly yours,

Bernard M. Smolens, M.D.

BMS:lc

BERNARD M. SMOLENS, M.D.

FOR BENCH

OCT 1 8 [illegible]

1A

BERNARD M. SMOLENS, M.D. DANIEL A. LANG, M.D.

1245 GLENDON AVENUE
WESTWOOD VILLAGE
LOS ANGELES 24, CALIFORNIA
GRANITE 8-0111

DIPLOMATES OF THE AMERICAN BOARD OF INTERNAL MEDICINE

935
II

August 31, 1962

J.A. Karr
Claims Adjuster
Industrial Indemnity Company
3745 Long Beach Boulevard
Long Beach 7, California

Re: John B. Staples
Employer Plant Asbestos

Dear Mr. Karr:

Pursuant to our telephone conversation of two weeks ago, and the letter dated August 22, 1962 to Mr. Staples, my office reserved two hours at 2.15 PM on August 30 for this examination. Mr. Staples failed to appear, nor was any notification of cancellation received from either him or your office. Enclosed please find my statement for this reserved time, and advise me as to any future arrangements in this matter.

Sincerely,

Bernard Smolens, M.D.

Bernard Smolens, M.D.

BMS:rs

9/26

MOUNT SINAI HOSPITAL

REPORT OF PULMONARY FUNCTION TESTS

PATIENT: Staples, John Date: 9/14/62 Time: _____

ROOM: POP Case No. _____ Dr. B. M. Smolens

Age 37 yrs.; Height 5 ft. 9 in.; Weight 175 lbs.; Surface area 1.95 m²; Sex M

	OBSERVED VALUES	PREDICTED NORMAL	% PREDICTED NORMAL
SPIROMETRY			
Vital Capacity, Total (VC), cc.	3494	4117	85%
1 sec. V.C.(VC_1), % of VC	71%	83%	
3 sec. V.C.(VC_3), % of VC	92%	97%	
Maximum Breathing Capacity (MBC), L/min.	81	138	59%
Air Velocity Index (AVI)	0.7	0.8-1.2	
Minute Vol. of Resp. at rest (MVR), L/min.	9	4-8	
Expiratory Reserve (ER), cc.	1112		
Respiration Rate (RR), /min.	14		
LUNG VOLUMES			
Functional Residual Capacity (FRC), cc.	3038	3330	91%
Residual Volume (RV), cc.	1926	2033	95%
Total Lung Capacity (TLC), cc.	5420	6440	84%
FRC/TLC x 100, % TLC	56.1	49.4	114%
RV/TLC x 100, % TLC	35.5	32.2	110%

O_2 saturation, % (Ear oximeter):
Rest, air _____; Rest, O_2 _____; Exercise _____; Forced ventilation _____
Normals: Air: 92-102; O_2: 97-105

BLOOD GASES: (Arterial ___; venous ___; arterialized venous ___)
pH _____
pCO_2 _____ mm Hg
O_2 saturation, %: Rest, air _____
Rest, O_2 _____
Exercise _____

SPECIAL PROCEDURES:

REMARKS: V.C. low normal. Timed V.C. slightly low. Moderately reduced MBC with low AVI.
Lung volumes are within normal limits.

IMPRESSION: Minimal airway obstruction without hyperinflation.
This would be consistent with mild asthma or bronchitis.
There is no emphysema.

D. H. Simmons

INITIALS:

CARDIO-PULMONARY LABORATORY

FORM 88

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION
OF THE STATE OF CALIFORNIA

Notice and Request for Allowance of Lien

SEP 24 1962

Case No. 62 LB 19396

Date of Injury From 1963 to March 1962

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT — LIEN CLAIMANT

P. O. Box
P O box 1466 Santa Ana Calif — ADDRESS

vs.

John D Stanles — EMPLOYEE

10634 Ceres, Whittier Calif — ADDRESS

497 12 2206 — EMPLOYEE'S SOCIAL SECURITY NUMBER

~~Armstrong Contracting~~ — EMPLOYER

~~4400 E Gandini, L Los Angeles 22 Calif~~ — ADDRESS

Travelers Insurance Co — INSURANCE CARRIER

110 W Ocean Blvd Long Beach 2 Calif — ADDRESS

1. The undersigned hereby requests the Industrial Accident Commission to determine and allow as a lien the sum stated below as "Total," which represents the amount of unemployment compensation disability benefits paid to date, and in addition a lien is requested for any further benefits which may be paid, up to the amounts stated in paragraph "3.", below.

2. Filed under Labor Code Section 4903(f):
Disability benefits at the weekly rate of $ 70.00
paid for the period _____ to 9 6 62 inclusive $ 1820.00
(182 days at $ 10.00 per day including 6 days paid for waiting period waived)

Filed under Labor Code Section 4903(b):
Additional benefits for hospital confinement at the daily rate of $ 12.00
paid for the period 3 9 62 to 3 13 62 inclusive $ 48.00
TOTAL $ 1868.00

3. Further unemployment compensation disability benefits may be paid to the employee for both daily indemnity and additional benefits for hospital confinement which will not exceed $ 0 and $ 0, respectively.

4. The undersigned declares he has delivered or mailed a copy of this document on September 21, 1962 to each of the parties listed. Also copies served on the following representatives and attorneys of record:

Silver, McWilliams & Sherman
305½ N Avalon Blvd
Wilmington Calif

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT

H C Brock
LIEN CLAIMANT

See reverse

r

EMPLOYEE'S CONSENT TO ALLOWANCE OF LIEN

I understand that the amount shown above as "Total" may not represent the total amount of disability benefits that I may be paid by the Department of Employment pending the Commission's decision on my workmen's compensation claim. I consent to the allowance of a lien in the total amount I am paid by the Department of Employment as shown on any final "Notice and Request for Allowance of Lien" filed by the Department of Employment.

EMPLOYEE

DE 2561 Rev. 9 (1-58)

EST. DI-1-6200. 4C126 4 61 20M ⓢ SPO

INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

JOHN D. STAPLES

Applicant

vs.

BAKER PERKINS, J.T. THORPE, C.F. BRAUN, COAST INSULATING, OIL FIELD CONST. ARMSTRON CONTR., FIBERGLASS ENG., REECE INSULATION, R. T. DINWIDDIE, KIRCHER ASBESTOS, L.A. CORK, PLANT ASBESTOS, MUNDET CORK CORP., CAL. ST., CO.

Defendants

CASE No. 62 LB 19396

Notice of Time and Place of Further Hearing

ONE DAY

NOTICE TO ALL PARTIES

You are hereby notified that further hearing will be held in the above-entitled action at

236 EAST THIRD STREET—ROOM 237

LONG BEACH, CALIFORNIA

OCTOBER 5, 1962 9 A.M.

Dated at: Long Beach

INDUSTRIAL ACCIDENT COMMISSION

NOTE: CONTINUANCES AND FURTHER HEARINGS ARE NOT FAVORED.

NAME AND ADDRESS OF PERSONS SERVED:

DATE 8-3-62 ip

John D. Staples, 10634 Ceres, Whittier
Edwin Silver, 305½ N. Avalon, Wilmington
Dept. of Employment, Box 1466, Santa Ana
Baker Perkins, 1000 Hess, Saginaw, Mich.
J. T. Thorpe, 948 E. 2nd, Los Angeles 12
C. F. Braun, 1000 Fremont, Alh.
Oil Field Const., Box 947, Bakersfield
Coast Ins., 2684 Lacy, Los Angeles 31
Armstrong Const., 4400 Bandini, Los Angeles
Fiberglass Eng., 5933 Telegraph Rd, L. A. 32
R. T. Dinwiddie, 8627 S. Atlantic, S.G.
Kircher Asbestos, Box 6652, Pnx. Ariz.
LA Cork, 4180 E. Washington, L.A. 23
Plant Asbestos, 1540 W. 9th, LB.
Mundet Cork Corp., 6116 Walker, Maywood
Cal St. Co., 8823 Mettler, Los Angeles 3
Wallace, et al, 300 W. Coast Hwy., Newport Beach
McCartney, et al, 639 S. Spring, L.A. 14
Murray Roberts, 750 Broad, Wilmington
Herlihy & Herlihy, Ocean Center Bldg, L.B. 2
Reece Insul. 4563 Daggett — 1932

Amer. Motorist Ins., 3545 Wilshire, L. A.
Cas. Ins. Co., 810 S. Spring, L.A.
St. Comp., 3629 Atlantic, L.B.
Zurich Ins., Box 3203, Terminal Annex, Los Angeles 54
Pacific Employers Ins., 2484 Pacific, Long Beach
Argo Ins., 1001 Wilshire, L.A.
Amer. Emp., 639 S. New Hampshire, L.A. 5
Travel. Ins., Ocean Center Bldg., Long Beach
Nat'l. Auto & Cas., Box 5780, L.A.
Aetna Cas. & Sur., 810 S.Spring LA
Mich. Mut. Liab., c/o Brown Bros. Adjs., 3517 W. 6th, L.A. 5
Indust. Indem., Box 2251, L.B.

CLOPTON & PENNY
639 S. SPRING
LOS ANGELES 14, CALIFORNIA

(Signature of Person Serving Notice)

46-404 8-62 10M © SPO

Before the Industrial Accident Commission of the State of California

JOHN D. STAPLES.

Applicant

vs.

BAKER PERKINS, J.T. THORPE, COAST INSULATING OIL FIELD CONST., ARMSTRONG CONT. FIBERGLASS ENG. REECE INSUL. R.T. DINWIDDIE, KIRCHER ASBESTOS, L.A. CORK. PLANT ASBESTOS, MUNDET CORK CAL ST. CO., C.F. BRAUN

Defendants

Case No. 62 LB 19396

Order Joining Party Defendant

Good Cause Appearing Therefor:

IT IS HEREBY ORDERED THAT

AMER. MTRST, CAS. INS., ST. FUND, ZURICH INS. PACIFIC EMP. ARGONAUT INS., AMER. EMP. TRAVELERS, NTL. AUTO & CAS. AETNA CAS. & SURETY, MICH. MTU. LIAB. INDUST. INDEM.

be joined as a party defendant in the above entitled cause.

SEE NOTICE OF HEARING FOR NAMES AND ADDRESSES.

SERVED ON 8-3-62 eg

KEITH L. JENSEN.

Referee

INDUSTRIAL ACCIDENT COMMISSION

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION
OF THE STATE OF CALIFORNIA

JUN 2 8 1962

Notice and Request for Allowance of Lien

Case No. 62 LB 19396

Date of Injury From 1953 to March 1962

STATE OF CALIFORNIA DEPARTMENT OF EMPLOYMENT LIEN CLAIMANT	P. O. Box 1466 Santa Ana Calif ADDRESS
VS.	
John D Staples EMPLOYER	10634 Ceres Whittier Calif ADDRESS
497 12 2206 EMPLOYEE'S SOCIAL SECURITY NUMBER	
Armstrong Contracting EMPLOYER	4400 E Bandini E Los Angeles 22 Calif ADDRESS
Travelers Ins Co INSURANCE CARRIER	110 W Ocean Blvd Long Beach 2 Calif ADDRESS

1. The undersigned hereby requests the Industrial Accident Commission to determine and allow as a lien the sum stated below as "Total," which represents the amount of unemployment compensation disability benefits paid to date, and in addition a lien is requested for any further benefits which may be paid, up to the amounts stated in paragraph "3.", below.

2. Filed under Labor Code Section 4903(f):
   Disability benefits at the weekly rate of $ 70.00
   paid for the period 3-2-62 to 6-17-62 inclusive $ 1,010.00
   (101 days at $ 10.00 per day including 6 days paid for waiting period waived)

   Filed under Labor Code Section 4903(b):
   Additional benefits for hospital confinement at the daily rate of $ 12.00
   paid for the period 3-9-62 to 3-13-62 inclusive $ 48.00
   TOTAL $ 1,058.00

3. Further unemployment compensation disability benefits may be paid to the employee for both daily indemnity and additional benefits for hospital confinement which will not exceed $ 810.00 and $ 0, respectively.

4. The undersigned declares he has delivered or mailed a copy of this document on June 27, 1962 to each of the parties listed.

Silver, McWilliams & Sherman
305½ n Avalon Blvd
Wilmington Calif

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT

W. Kaufer
LIEN CLAIMANT

P /jb

EMPLOYEE'S CONSENT TO ALLOWANCE OF LIEN

I understand that the amount shown above as "Total" may not represent the total amount of disability benefits that I may be paid by the Department of Employment pending the Commission's decision on my workmen's compensation claim. I consent to the allowance of a lien in the total amount I am paid by the Department of Employment as shown on any final "Notice and Request for Allowance of Lien" filed by the Department of Employment.

John D Staples
EMPLOYEE

DE 2581 REV 3 (1-58)

Before the Industrial Accident Commission of the State of California

Case No. 62 LB 19396

JOHN D. STAPLES

Applicant

vs.

C. F. BRAUN, et al

Defendant

ORDER TAKING OFF CALENDAR

GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED That the above entitled matter be and the same hereby is taken off calendar, and all further action on the matters now pending herein suspended, subject to being reset, after notice, upon request of any of the parties hereto.

KLJ:ob
5.29.62

Kenneth L. Jensen
REFEREE
INDUSTRIAL ACCIDENT COMMISSION

FILED: MAY 29 1962
SERVED: MAY 29 1962 by (w/copy of app)
EE ✓ FEA ✓
ER ✓ ERA
INS INSA
LN. CL. SUIF

Dated at Long Beach
California
MAY 29 1962

FORM 40 (REV. 6-61)

LAW OFFICES

SILVER, McWILLIAMS & SHERMAN

3051/4 NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2595 • SPRUCE 5-6126

EDWIN SILVER
RICHARD L. McWILLIAMS
ARTHUR SHERMAN
ERNEST L. GRAVES
LOUIS BERSON
LAWRENCE WEITZER

SANTA ANA OFFICE
METCALFE AND SILVER
1325 NORTH MAIN STREET
KIMBERLY 7-0011

MAY 2

May Twenty Fourth
Nineteen Hundred Sixty Two

Industrial Accident Commission
236 East Third Street
Long Beach, California

Re: John D. Staples vs. Plant Asbestos, et al

Gentlemen:

Enclosed please find original and approximately 27 copies of application in the above captioned matter. Copy of said application together with copy of the attached employment record has been served on each of the employers named.

We are now attempting to ascertain the identity of the workmen's compensation insurance carriers and pending determination of such information, it is requested that the matter be taken off-Calendar.

Very truly yours,

SILVER, McWILLIAMS & SHERMAN

By RICHARD L. McWILLIAMS

RLMC:11

encl.

STATE OF CALIFORNIA
INDUSTRIAL ACCIDENT COMMISSION

MAY 28 1962

APPLICATION

FILE SIGNED ORIGINAL AND SIX COPIES
(PLEASE PRINT OR TYPE NAMES AND ADDRESSES)

CASE NO. 62 LB 19396

JOHN D. STAPLES
APPLICANT

10634 Ceres
Whittier, California
APPLICANT'S ADDRESS

vs.

Social Security No. 497-12-2206

SEE LISTING ATTACHED
EMPLOYER

EMPLOYER'S ADDRESS

UNKNOWN AT THIS TIME
EMPLOYER'S INSURANCE CARRIER

INSURANCE CARRIER'S ADDRESS

1. John D. Staples (NAME OF EMPLOYER), 6-24-25 (DATE OF BIRTH), alleges that while employed on Between 1953 and March 7, 1962 (DATE OF INJURY) as a heat & frost insulator (OCCUPATION AT TIME OF INJURY) at Los Angeles County & vicinity (CITY, TOWN OR PLACE WHERE INJURY OCCURRED), California, by See listing attached (NAME OF EMPLOYER), he sustained injury arising out of and in the course of the employment, as follows:

Exposure to asbestos dust, fiberglass & other irritants (EXPLAIN HOW INJURY WAS RECEIVED) resulting in

Lungs and respiratory system (STATE WHAT PARTS OF BODY WERE INJURED AND SUBSEQUENT RESULTS)

2. Unknown (NAME OF INSURANCE COMPANY OR, IF EMPLOYER WAS NOT INSURED, STATE WHETHER SELF-INSURED OR UNINSURED) was the employer's insurance carrier on date of injury.

3. Since March 7, 1962 (PERIODS OFF WORK DUE TO THE INJURY) ____ (DATE INJURED RETURNED TO WORK) ____ (DATE LAST MEDICAL FURNISHED)

4. Was compensation paid? No (YES OR NO) $____ (TOTAL PAID) $____ (WEEKLY RATE) ____ (DATE OF LAST PAYMENT)

5. Earnings at time of injury $ Max. @ ____ (MONTH OR WEEK) The basis of pay was ____ (STATE PAY PERIOD OR HOURLY RATE, HOURS A DAY AND DAYS A WEEK)

6. Was medical treatment needed? Yes (YES OR NO) Who furnished treatment? ____

Dr. George Fralick
(GIVE NAMES OF DOCTORS WHO TREATED THE INJURY AND STATE WHO PAID THEIR BILLS)

7. This application is filed to determine liability for:

a. Temporary disability yes (YES OR NO) b. Permanent disability yes (YES OR NO) c. Medical treatment yes (YES OR NO) d. Medical costs yes (YES OR NO)

e. Litigation expense yes (YES OR NO) f. ____ (STATE ANY OTHER REASON)

8. ____ (LIST CASE NUMBERS OF ANY OTHER APPLICATIONS FILED)

WHEREFORE, it is requested that a time and place be fixed for hearing and that an award be made granting such relief as may be proper under the Workmen's Compensation Laws of California.

Dated at Wilmington (CITY), California, May 17, 1962 (DATE)

Hearing requested at Long Beach (CITY)

Number of witnesses - - - unknown

Estimated time of trial ½ day

x John D. Staples
APPLICANT'S SIGNATURE

SILVER, McWILLIAMS & SHERMAN
APPLICANT'S ATTORNEY

305½ North Avalon Boulevard
Wilmington, California TE 4-2595
ATTORNEY'S ADDRESS AND TELEPHONE NUMBER

NOTE—PLEASE GIVE NAME OF CITY WHERE HEARING IS DESIRED. CASE WILL BE SET FOR CITY REQUESTED OR NEAREST CONVENIENT CITY. IF POSSIBLE, GIVE NUMBER OF WITNESSES EXPECTED TO BE CALLED, AND AN ESTIMATE OF THE TIME REQUIRED FOR HEARING SO ADEQUATE TIME CAN BE ALLOWED TO COMPLETE CASE WITHOUT A CONTINUANCE.

NOTE—UNDER THE PROVISIONS OF THE WORKMEN'S COMPENSATION INSURANCE AND SAFETY LAWS THE APPLICANT NEED ONLY STATE THE GENERAL NATURE OF THE CLAIM IN CONTROVERSY. WHEN APPLICATION HAS BEEN FILLED OUT, AND SIGNED BY APPLICANT IT MUST BE FILED WITH OR MAILED TO THE NEAREST OFFICE OF THE INDUSTRIAL ACCIDENT COMMISSION WITHOUT DELAY. DUE NOTICE WILL THEREAFTER BE GIVEN OF THE TIME AND PLACE OF HEARING. EITHER PARTY MAY BE REPRESENTED IN PERSON, BY ATTORNEY OR OTHER AGENT.

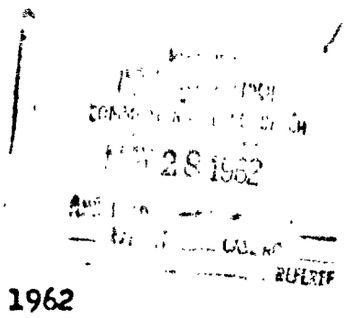
FORM 34 (REV. 6-61)

43031 6-61 175M

1953			
Oct.	Baker Perkins 1000 Hess Ave. Saginaw, Michigan	56 hours	
Oct.	J. T. Thorpe	360	"
Nov.	948 E. 2nd St.		
Dec.	Los Angeles 12, Calif.		
1954			
Jan.	J.T. Thorpe	939	"
Feb.	"		
Mar.	"		
Apr.	"		
May	"		
June	"		
July	C. F. Braun	288	"
Aug.	1000 Fremont St. Alhambra, Calif.		
Sept.	Coast Insulating 2684 Lacy St. Los Angeles 31, Calif.	88	"
Sept.	J. T. Thorpe	118	"
Oct.	Oil Field Constr. P.O. Box 947 Bakersfield, Calif.	82	"
Nov.	Oil Field Constr.	40	"
December	J.t. Thorpe	360	"
1955			
Jan.	Armstrong Contr. 4400 E. Bandini Los Angeles, Calif.	299½	"
Feb.	"		
Mar.	J.T. Thorpe	196½	"
April	Armstrong Contr.	678½	"
May	"		
June	"		
July	"		
Aug.	"		

1956			
April	Fiberglas Engineering 5933 Telegraph Rd. Los Angeles 22, Calif.	1409½ hrs.	
May	"		
June	"		
July	"		
Aug.	"		
Sept.	"		
Oct.	"		
Nov.	"		
Dec.	"		
Oct.	Reece Insulation 4563 Valley Blvd. Los Angeles 32, Calif.	56	"
1957			
Jan.	Fiberglas Engineering	684	"
Feb.	"		
Mar.	"		
Apr.	"		
May	Armstrong Contr.	497	"
June	"		
July	"		
Aug.	Reece Insulation Co.	809	"
Sept.	"		
Oct.	"		
Nov.	"		
Dec.	"		
1958			
Jan.	Reece Insulation	219	"
Feb.	"		
March	J. T. Thorpe	1149	"
Apr.	"		
May	"		
June	"		
July	"		
Aug.	"		
Sept.	"		
Oct.	R. T. Dinwiddie	486	"
Nov.	"		
Dec.	"		

APR 3 - 1962
MAY 28 1962



1959

Jan.	R. T. Dinwiddie	657	hrs.
Feb.	8627 So. Atlantic		
Mar.	South Gate, Calif.		
Apr.	"		
July	Fiberglas Engineering	366	"
Aug.	"		
Sept.	Reece Insulation	592½	"
Oct.	"		
Nov.	"		
Dec.	"		

1960

Jan.	Reece Insulation	33	"
Mar.	Kircher Asbestos	40	"
	P.O. Box 6652		
	Phoenix, Arizona		
April	Los Angeles Cork	172	"
	4180 E. Washington		
	Los Angeles 23,		
May	"		
June	Plant Asbestos	1208	"
	1540 W. 9th St.		
	Long Beach, Calif.		
July	"		
Aug.	"		
Sept.	"		
Oct.	"		
Nov.	"		
Dec.	"		

1961

Jan.	Plant Asbestos	872	"
Feb.	"		
Mar.	"		
Apr.	"		
May	"		
June	Mundet Cork Corp.	102	"
	6216 Walker Ave.		
	Maywood, Calif.		
Aug.	Cal State Company	32	"
	6623 Mettler St.		
	Los Angeles 3, Calif.		
Sept.	Fiberglas Engineering	180	"
Oct.	Plant Asbestos Co.	386	"
Nov.	"		
Dec.	"		

1962

Jan.	Plant Asbestos Company	172½	hrs
Feb.	"		
Feb.	Coast Insulating	38	"
Mar.	Armstrong Contr.	40	"

3745 LONG BEACH BOULEVARD • LONG BEACH 7, CALIFORNIA • GARFIELD 4-0411

INDUSTRIAL INDEMNITY COMPANY

January 16, 1963

JAN 17 1963

Industrial Accident Commission
236 East Third Street
Long Beach, California

I.A.C.No: 62 LB 19396
Claimant: John D. Staples
Employer: Plant Asbestos Co.
Claim No: C62-43-09355

Gentlemen:

A fully executed copy of the Compromise and Release Agreement is being served on this date to the Carriers listed below.

The original of this agreement has been submitted to the Commission by the office of Stephen J. Grogan and a copy retained by Mr. Grogan as well as the office of Silver, McWilliams & Sherman.

Very truly yours,

James A. Karr
Claims Adjuster

JAK/fa
cc:
Aetna Casualty and Surety, 810 South Spring, Los Angeles
American Motorist Ins. Co., 3545 Wilshire, Los Angeles
American Employers Ins. Co., 639 S. New Hampshire, Los Angeles,
Argonaut Insurance Co., 1001 Wilshire Blvd., Los Angeles
Casualty Ins. Co. of Calif, 810 South Spring, Los Angeles
National Automobile and Casualty, 639 South Spring, Los Angeles
Pacific Employers Ins. Co., 2484 Pacific Ave., Long Beach
State Compensation Ins. Fund, 3629 Atlantic, Long Beach
Travelers Insurance Co., Ocean Center Bldg., Long Beach
Zurich Insurance Co, Box 3203, Terminal Annex, Los Angeles

STEPHEN J. GROGAN

MAURICE R. HOGAN, JR.
JAMES R. NELSON

LAW OFFICES
STEPHEN J. GROGAN
616 SOUTH WESTMORELAND AVENUE
LOS ANGELES 5
DUNKIRK 4-3191

JAN 11 1963

January 10,1963.

Industrial Accident Commission
236 East Third
Long Beach, California

Re: John D. Staples vs. Armstrong Construction,et al.
Case No. 62 LB 19396

Gentlemen:

Enclosed for approval you will find executed Compromise and Release in the above case.

Very truly yours,

SJG:as
Enclosure

cc Attys. Silver, McWilliams &Sherman
305½ North Avalon Boulevard
Wilmington, California

EDWIN SILVER
RICHARD L. McWILLIAMS
ARTHUR SHERMAN
LOUIS BERSON
LAWRENCE WEITZER

LAW OFFICES
SILVER, McWILLIAMS & SHERMAN
305½ NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2896 • SPRUCE 5-8128

SANTA ANA OFFICE
METCALFE AND SILVER
1535 NORTH MAIN STREET
KIMBERLY 7-0011

GW

INDUSTRIAL ACCIDENT
COMMISSION — L.B. BRANCH
NOV 8 1962
ANS'D FILED
DEPT. CASE NO.
DEPUTY

November Sixth
Nineteen Hundred Sixty Two

Industrial Accident Commission
236 East Third Street
Long Beach, California

GW

Re: John D. Staples v. Plant Asbestos, et al, 62 LB 19396

Gentlemen:

Compromise and Release will be submitted in the captioned matters in the near future in the amount of $9,250.00. Inasmuch as the Department of Employment has filed a lien claim in the sum of $1,868.00, this letter is written to assist the Commission in allocating a portion of the proceeds to said lien claimant.

Medical expenses to date are $451.00, consisting of $166.00 to Dr. George Fralick, $145.00 to LaMirada Hospital and $140.00 for X-rays and laboratory tests, or, in round figures, $450.00, leaving a balance of $8,800.00. Due to the nature of the applicant's condition, the sum of $1,000.00 is allocated to future medical treatment and/or observation, leaving a balance of $7,800.00 for temporary and permanent disability.

The period of temporary disability involved is March 7, 1962, to October 1, 1962, or, for purposes hereof, $2,100.00. Based upon the nature and extent of the applicant's condition as reflected in the medical file and also because he will be unable to return to his trade, the potential permanent disability is estimated at 60 to 65%, or for purposes hereof, $13,000.00. Total potential liability is therefore $15,000.00, and, consequently, that portion of the balance of the proceeds which may be deemed based on liability for temporary disability is represented by the fraction 21/151 or $1,084.00. For the period of temporary disability involved, compensation is payable under the terms of the settlement at the rate of $5.21 per day; and inasmuch as the Department's lien covers a period of 182 days, they would be entitled to the sum of $948.22 plus $48.00 expended for hospitalization benefits or a total of $996.22.

Considering all the facts and circumstances of the case, said sum is considered fair and equitable to all parties as the amount to be allocated to the Department.

Yours very truly,

SILVER, McWILLIAMS & SHERMAN

Richard L. McWilliams

RICHARD L. McWILLIAMS

RLMcW:bc

cc: Department of Employment, P.O.Box 1466, Santa Ana
Clopton & Penny
State Compensation Ins. Fund, Long Beach
Travelers, Long Beach
Aetna Cas. & Surety
Herlihy & Herlihy, Long Beach
Industrial Indemnity, Long Beach
National Auto & Cas
Murray Roberts(Attn: Mr. Thomason)
Michigan Mutual Liab.
American Motorists
American Employers
Pacific Employers, Long Beach

LAW OFFICES
SILVER, McWILLIAMS & SHERMAN
3035½ NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2595 • SPRUCE 5-6128

EDWIN SILVER
RICHARD L. McWILLIAMS
ARTHUR SHERMAN
LOUIS BERSON
LAWRENCE WEITZER

SANTA ANA OFFICE
METCALFE AND SILVER
1929 NORTH MAIN STREET
KIMBERLY 7-0011

GW

INDUSTRIAL ACCIDENT COMMISSION
NOV 8 1962
RECEIVED AND FILED
LOS ANGELES — LONG BEACH — SAN DIEGO

November Seventh
Nineteen Hundred Sixty Two

Industrial Accident Commission
236 E. Third Street
Long Beach, California

Re: John D. Staples v. Plant Asbestos, et al, 62 LB 19396

Gentlemen:

Line 7 of paragraph 3, page 1, of my letter dated November 6, 1962, should read $15,100.00 instead of $15,000.00 as the amount of total potential liability.

Thank you.

Very truly yours,

SILVER, McWILLIAMS & SHERMAN

Richard L. McWilliams

RICHARD L. McWILLIAMS

RLMcW:bc

cc: Department of Employment, P.O. Box 1466, Santa Ana

10-5

CLOPTON & PENNY
Attorneys at Law
639 South Spring Street
Los Angeles 14, California
MAdison 7-1566

AUG 22 1962

INDUSTRIAL ACCIDENT COMMISSION
Long Beach, California

August 21, 1962

RE: **John Staples vs. Coast Insulating, et al**

Case No. **62 LB 19396 Hearing Date Oct. 5, 1962**

Our File # **19963 and A**

Gentlemen:

Your attention is respectfully invited to the following:

( ) Attached please find duly executed Compromise & Release for your approval.

( ) Request is hereby made for further hearing to permit cross examination of _____, and presentation of rebuttal evidence.

(**X**) Please notify us of any hearings or other proceedings in the above matter. We anticipate making an appearance, either special or general, on behalf of **Pacific Employers Ins. Co.** at the appropriate time.

( ) The parties request that you withhold further action herein pending the filing of a Compromise and Release Agreement.

( ) Attached for filing herein are:

WHK:kb

Copies sent to:
Silver, McWilliams & Sherman
Pac. Emp. - L.A.
71 PC 73643 & 73644

Very truly yours,

CLOPTON & PENNY

By: William H. Kennedy

WILLIAM H. KENNEDY
Office Manager

CABLE ADDRESS
HERANDHER

HERLIHY & HERLIHY

ATTORNEYS AT LAW
SUITE 518 PARK CENTRAL BUILDING
412 WEST SIXTH STREET
LOS ANGELES 14, CALIFORNIA
TELEPHONE MADISON 7-4911

LONG BEACH OFFICE
OCEAN CENTER BUILDING
110 WEST OCEAN BLVD.
LONG BEACH 2, CALIFORNIA
TELEPHONE HEMLOCK 8-1488

10-5

August 22, 1962

AUG 23 1962

Industrial Accident Commission
236 East Third Street
Long Beach, California

Re: JOHN D. STAPLES vs PLANT ASBESTOS
EMPLOYERS LIABILITY ASSURANCE COMPANY
62 LB 19396 - October 5, 1962 - 9:00 A. M.

Dear Sirs.

Please enter our appearance as attorneys of record in the above captioned case for the defendant insurance carrier, EMPLOYERS LIABILITY ASSURANCE COMPANY.

Please serve us with copies of all documents issued by the Industrial Accident Commission. By copy of this letter we request that applicant's attorneys serve us with copies of all documents which they may in the future file with the Commission or serve upon the defendant.

Yours very truly,

HERLIHY & HERLIHY

By Kennis T. Jones
Kennis T. Jones
Attorneys for Defendants.

KTJ/mhh

cc: SILVER, MC WILLIAMS & SHERMAN
ATTORNEYS AT LAW
305½ North Avalon Blvd.
Wilmington, Calif.

10-5

DOUGLAS K. WALLACE
W. GERALD BROWN

WALLACE & BROWN
ATTORNEYS AT LAW
300 WEST COAST HIGHWAY
NEWPORT BEACH, CALIFORNIA

TELEPHONE
MIDWAY 6-4459

August 8, 1962

Industrial Accident Commission
236 East Third Street
Long Beach, California

AUG 9 1962

Subject: John B. Staples vs. Baker-Perkins, et al
I.A.C. No. 62 LB 19396

Gentlemen:

This office represents the Aetna Casualty and Surety Company, carrier for defendant Mundet Cork Corp., in the above titled matter.

Defendant submits no medical reports at this time as none are in its possession.

By carbon copy of this letter, attorneys for the applicant are asked to submit copies of all medical reports in their possession to this office.

Very truly yours

W Gerald Brown

W. Gerald Brown

WGB:sr
CC: Silver, McWilliams & Sherman
Attorneys at Law
305½ North Avalon
Wilmington, California

TED D. BROWN
GENERAL MANAGER

HEAD OFFICE
SAN FRANCISCO, CALIFORNIA

RANDY F. HOWORTH
MANAGER, SOUTHERN CALIFORNIA

BROWN BROTHERS ADJUSTERS

FOUNDED 1924 BY ARTHUR E. BROWN

PLEASE ADDRESS REPLY TO

3517 WEST SIXTH STREET • LOS ANGELES 5, CALIFORNIA • PHONE DU NKIRK 7-3236

RANDY F. HOWORTH
MANAGER

July 27, 1962

IN YOUR REPLY
PLEASE GIVE OUR FILE NO. LA 28717
C/R NO.

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION — LONG BEACH
JUL 30 1962
ADJ FILE
EXHIBIT
CLERK

Department of Industrial Relations
236 East 3rd Street, Room 237
Long Beach 12, California

Attention: Lenore M. Kruger, Clerk
Industrial Accident Commission

Re: Case No. 62 LB 19396
JOHN D. STAPLES
-vs-
C. F. BRAUN, ET AL

Gentlemen:

This will acknowledge your letter of May 29, 1962 addressed to Baker-Perkins in Saginaw, Michigan.

Please be advised that Baker-Perkins, Inc. is insured for Workmen's Compensation with the Michigan Mutual Liability Company and that this insurance company is represented by the undersigned. Kindly show copies of future correspondence to the Michigan Mutual Liability Company care of this office. Your kind attention to this matter will be appreciated.

Very ~~truly~~ yours,
BROWN BROTHERS ADJUSTERS

M. L. Paule

MLP:lg

12. J. T. Thorpe by American Motorists Ins. Co.,
Policy No. 8CM-431898, 1-1-58/59
13. R. T. Dinwiddle by State Compensation Ins. Fund,
Policy No. P-180247-58, 7-1-58/59
14. Fiberglas Engineering by Aetna Cas. & Surety,
Policy No. 31C-926-RR, 9-1-58/59
15. Reece Insulation by National Auto & Cas. Ins. Co.,
Policy No. 22C-628498, 7-1-59/60
16. Kircher Asbestos - - No record of coverage.
17. Los Angeles Cork by Zurick Ins. Co.,
Policy No. 22-24-408, 10-27-59/60
18. Plant Asbestos by Industrial Indemnity,
Policy No. CC-600091, 1-1-60/61,
Policy No. CC-611154, 1-1-61/62
19. Mundet Cork Corp. by Aetna Cas. & Surety,
Policy No. 1C-23413-PT, 12-31-60/61
20. Cal State Company - - No record of coverage.
21. Fiberglas Engineering by Aetna Cas. & Surety,
Policy No. 2C-3241, 9-1-61/62
22. Plant Asbestos by American Employers Ins. Co.,
Policy No. WCP-019-8102-001, 1-1-62/63, 1-1-62/2-1-62
23. Coast Insulating by Pacific Employers,
Policy No. 1WC-28645, 5-1-61/62

It is requested that the foregoing insurance carriers be joined as party defendants herein. A copy of the application together with a copy of medical reports heretofore filed with the Commission is being served concurrently on each of the carriers named.

It is respectfully requested that the matter be restored to calendar and set for a one-day hearing.

Yours very truly,

SILVER, McWILLIAMS & SHERMAN

Richard L. McWilliams

RICHARD L. McWILLIAMS

RLMcW:bc

cc: (with enclosures) all carriers listed

DOUGLAS K. WALLACE
W. GERALD BROWN

WALLACE & BROWN
ATTORNEYS AT LAW
300 WEST COAST HIGHWAY
NEWPORT BEACH, CALIFORNIA

TELEPHONE
MIDWAY 6-4459

June 14, 1962

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION — LONG BEACH
JUN 18 1962
AND FILED
EXAMINER CASE NO.
DEFENDANT

Industrial Accident Commission
236 East Third Street, Room 237
Long Beach, California

Subject: John D. Staples vs. C. F. Braun, et al
I.A.C. No. 62 LB 19396

Gentlemen:

This office represents the Aetna Casualty and Surety Company, carrier for defendant Fiberglas Engineering Company, in the above titled matter.

Defendant submits no medical reports at this time as none are in defendant's possession.

By carbon copy of this letter, attorneys for the applicant are asked to submit copies of all medical reports in their possession to this office.

Very truly yours

W Gerald Brown

W. Gerald Brown

WGB:sr
CC: Silver & McWilliams
Attorneys at Law
305½ North Avalon Boulevard
Wilmington, California

NATIONAL
Automobile and Casualty Insurance Co.
HOME OFFICE—LOS ANGELES

639 SOUTH SPRING STREET
MAIL ADDRESS—BOX 5780, METRO. STATION
LOS ANGELES 54, CALIF. MADISON 6-9552

June 12, 1962

RECEIVED
INDUSTRIAL ACCIDENT COMMISSION — LONG BEACH
JUN 14 1962
ADJ FILE
EXHIBIT CASE NO.

Silver, McWilliams & Sherman
305½ North Avalon Blvd.
Wilmington, California

Re: Cl: 700923
Joyn D. Staples
vs
Reece Insulation Co.,
C.F. Braun, et al

Gentlemen:

Demand is hereby made of applicant's attorney for all medical reports on this matter in his possession or under his control.

Very truly yours,

M. Cummings

M.Cummings
Compensation Claims

/mc
cc: Industrial Accident Commission
236 East Third Street
Long Beach, California

DIVISION OF ADMINISTRATION
MARGARET C. RITCHIE, CHIEF

CONCILIATION SERVICE
GLENN BOWERS, SUPERVISOR

DIVISION OF APPRENTICESHIP STANDARDS
CHARLES F. HANNA, CHIEF

DIVISION OF HOUSING
LOWELL NELSON, CHIEF

DIVISION OF INDUSTRIAL ACCIDENTS
S. W. MACDONALD, CHAIRMAN

STATE OF CALIFORNIA

EDMUND G. BROWN
Governor

JOHN F. HENNING
Director

DIVISION OF INDUSTRIAL SAFETY
THOMAS N. SAUNDERS, CHIEF

DIVISION OF INDUSTRIAL WELFARE
FLORENCE G. CLIFTON, CHIEF

DIVISION OF LABOR LAW ENFORCEMENT
SIGMUND ARYWITZ, CHIEF

DIVISION OF LABOR STATISTICS AND RESEARCH
MAURICE I. GERSHENSON, CHIEF

STATE COMPENSATION INSURANCE FUND
EARL R. HOWARD, GENERAL MANAGER

DEPARTMENT OF INDUSTRIAL RELATIONS

HEADQUARTERS: 965 MISSION STREET, SAN FRANCISCO 3

ADDRESS REPLY TO:

RECEIVED
JUN - 8 1962
INDUSTRIAL ACCIDENT COMMISSION
SAN FRANCISCO OFFICE

May 29, 1962

236 E. Third Street, Room 237
Long Beach 12, California
HEmlock 5-8367

62 LB 19396

RECEIVED
JUN 11 9 25 AM '62
INDUSTRIAL ACCIDENT COMMISSION
SAN FRANCISCO
EXHIBIT ___ CASE ___ AND FILED

Baker Perkins
1000 Hess Ave.
Saginaw, Michigan

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury on between 1952 to March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly
Lenore M. Kruger
Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: Michigan Mutual Liability Company
102 Chamber of Commerce Bldg.
Saginaw, Michigan

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

May 29, 1962

236 E. Third Street, Room 237
Long Beach 2, California

Hemlock 58367

62 LB 19396

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION
JUN 11 1962

Mundet Cork Corporation
6116 Walker Avenue
Maywood, California

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury ~~on~~ between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION
INSURANCE COMPANY: AETNA CASUALTY & SURETY COMPANY

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION
JUN 8 1962
AND FILED
EXHIBIT CASE NO.
REPORT

UR

May 28, 1962

236 E. Third Street, Room 237
Long Beach 2, California
Hemlock 5-8367

62 LB 19396

Reece Insulation
4563 Valley Blvd.
Los Angeles 32, California

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury on 1953 to March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: NATIONAL AUTOMOBILE AND CASUALTY INSURANCE CO. L.A. POLICY # 22-C 645588

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

May 28, 1962

236 E. Third Street, Room 237
Long Beach 12, California
Hemlock 5-8367

Armstrong Contractor
4400 East Bandini
Los Angeles, California

62 LB 19396

RECEIVED
JUN 6 1962

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury ~~my~~ between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly
Lenore M. Kruger
Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION
INSURANCE COMPANY: TRAVELERS INSURANCE COMPANY

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

PLANT ASBESTOS COMPANY

ENGINEERS • CONTRACTORS

1300 - 64th STREET • EMERYVILLE 8, CALIFORNIA • OL 2-5378
1540 - WEST 9th STREET • LONG BEACH, CALIFORNIA • HE 7-0443

June 1, 1962

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION - LONG BEACH
JUN 6 1962

State of California
Industrial Accident Commission
236 E. Third Street, Room 237
Long Beach 2, California

Attention: Lenore M. Kruger, Clerk

Subject: 62 LB 19396
John D. Staples

Gentlemen:

With reference to your letter dated May 29, 1962 concerning an Application for Adjustment of Claim alleging injury between 1953 and March 7, 1962 which was filed by John D. Staples, you have requested the name of our Workmen's Compensation Insurance Carrier which is as follows:

American Employers Insurance Co.
639 South New Hampshire Street
Los Angeles, California
Our Policy No. A-19-8102-001 Expires 1/1/63

Should there be any further information which you may desire, please let us know.

Very truly yours,

PLANT ASBESTOS COMPANY

Paul G. Nieto

Paul G. Nieto
Vice President

PGN:bw
cc: American Employers Insurance Co.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION



May 28, 1962

236 E. Third Street, Room 237
Long Beach 2, California
Hemlock 5-8367

62 LB 19398

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION
JUN 4 1962

Kircher Asbestos
Post Office Box 6652
Phoenix, Arizona

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury on between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

Policy #18148

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: The Industrial Commission of Arizona

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

RECEIVED
JUN 4 1962
ANSWERED
EXHIBIT CASE
FILE

May 28, 1962 (MAIL)

236 E. Third Street, Room 237
Long Beach 2, California
HEmlock 5-8367

62 LB 19396

Fiberglass Engineering
5933 Telegraph Road
Los Angeles 22, California

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Starles alleging injury ~~on~~ between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: AETNA LIFE INS. CO. LOS ANGELES CALIF.

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION - LONG BEACH
JUN 4 1962
ADJ FILED
EXHIBIT CASE NO.

May 28, 1962

236 E. Third Street, Room 237
Long Beach 2, California
Hemlock 5-8367

R. T. Dinwiddie
8627 South Atlantic Avenue
South Gate, California

62 LB 19397

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury ~~on~~ between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: State Compensation Ins Co.

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

May 29, 1962

236 E. Third Street, Room 237
Long Beach 2, California

HEmlock 58367

62 LB 19396

Cal State Company
8823 Nettler Street
Los Angeles 3, California

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION — LONG BEACH
JUN 4 1962
AND FILED
EXHIBIT CASE NO.
REFERENCE

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury ~~on~~ between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger, Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: Argonaut Insurance Co. 1001 Wilshire Blvd., Los Angeles 17, Calif.

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

DIVISION OF ADMINISTRATION
MARGARET C. BITTNER, CHIEF

CONCILIATION SERVICE
ALBAN DIGGS, SUPERVISOR

DIVISION OF APPRENTICESHIP STANDARDS
CHARLES P. HANNA, CHIEF

DIVISION OF HOUSING
LOWELL NELSON, CHIEF

DIVISION OF INDUSTRIAL ACCIDENTS
E. W. MACDONALD, CHAIRMAN

STATE OF CALIFORNIA

EDMUND G. BROWN
Governor

JOHN [illegible]
Director

DIVISION OF FABRIC LAW ENFORCEMENT
SIGMUND ARYWITZ, CHIEF

DIVISION OF LABOR STATISTICS AND RESEARCH
MAURICE I. GERSHENSON, CHIEF

STATE COMPENSATION INSURANCE FUND
EARL R. HOWARD, GENERAL MANAGER

J. T. THORPE

DEPARTMENT OF INDUSTRIAL RELATIONS

HEADQUARTERS: 965 MISSION STREET, SAN FRANCISCO 3

ADDRESS REPLY TO:

May 2[illegible], 1962

236 E. Third Street, Room 237
Long Beach 12, California
HEmlock 5-8367

J. T. Thorpe
648 E. Second Street
Los Angeles 12, California

62 LB 10396

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Stubles alleging injury on between 1953 to [illegible] 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION
INSURANCE COMPANY: Employers Insurance Company 1953-54-55
American Mutual Insurance Company 1956 to date

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION
JUN 1 1962
ANSWERED

May 29, 1962

236 E. Third Street, Room 230
Long Beach 2, California
Hemlock 5-8367

Los Angeles Cork
4180 East Washington
Los Angeles 22, California

62 LB 19398

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury ~~~~ between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: Zurich Insurance Company
4465 Wilshire Blvd, Los Angeles 5, Cal.

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION
JUN 1 1962

May 29, 1962

236 East Third Street, Room 237
Long Beach 12, California

62 LB 19396

Oil Field Construction
Post Office Box 947
Bakersfield, California

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Starles alleging injury ~~on~~ between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: Casualty Ins. 1953 thru 1957 ~~State Compensation Insurance Fund~~ 1958 thru 1962

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

DIVISION OF ADMINISTRATION
MARGARET G. RITCHIE CHIEF

CONCILIATION SERVICE
GLENN BOWERS, SUPERVISOR

DIVISION OF APPRENTICESHIP STANDARDS
CHARLES P. HANNA, CHIEF

DIVISION OF HOUSING
LOWELL NELSON, CHIEF

DIVISION OF INDUSTRIAL ACCIDENTS
S. W. MACDONALD, CHAIRMAN

STATE OF CALIFORNIA

EDMUND G. BROWN
Governor

JOHN F. HENNING
Director

DIVISION OF INDUSTRIAL SAFETY
THOMAS H. SAUNDERS, CHIEF

DIVISION OF INDUSTRIAL WELFARE
FLORENCE G. CLIFTON, CHIEF

DIVISION OF LABOR LAW ENFORCEMENT
SIGMUND ARYZITZ, CHIEF

DIVISION OF LABOR STATISTICS AND RESEARCH
MAURICE I. GERSHENSON, CHIEF

STATE COMPENSATION INSURANCE FUND
EARL R. HOWARD, GENERAL MANAGER

DEPARTMENT OF INDUSTRIAL RELATIONS
HEADQUARTERS: 965 MISSION STREET, SAN FRANCISCO 3

ADDRESS REPLY TO:

236 E. Third Street, Room 237
Long Beach 12, California
HEmlock 5-8367

May 29, 1962

C. F. Braun
1000 Fremount Street
Alhambra, California

62 LB 19396

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury on between 1953 to March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lemore M. Kruger

Lemore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION INSURANCE COMPANY: AMERICAN MOTORISTS INSURANCE CO
3545 WILSHIRE BOULEVARD
~~LOS ANGELES 5, CALIFORNIA~~

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

STATE OF CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

May 29, 1962

236 E. Third Street, Room 237
Long Beach 12, California
Hemlock 5-8367

62 LB 193/96

Coast Insulating
2084 Lacy Street
Los Angeles el, Calif.

On May 28, 1962 an Application for Adjustment of Claim was filed by John D. Staples alleging injury on // between 1953 and March 7, 1962

The application does not show the name of your workmen's compensation insurance carrier. Will you please give us this information in the space provided below. If you are not insured, please state the reason.

Since the Commission joins the insurance carrier as defendant in these cases, your carrier should be notified that the above application has been filed.

You will receive Notice of Hearing as soon as the claim has been placed on the calendar. If you are neither self-insured nor have a workmen's compensation insurance policy, you should attend the hearing for your own protection.

The prompt return of this form will be very much appreciated.

Yours very truly

Lenore M. Kruger Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION
INSURANCE COMPANY: -

NOTICE: The law provides that failure on the part of the employer, for a period of ten days to furnish this information constitutes prima facie evidence that the employer has failed or neglected to secure the payment of compensation. The law further provides that failure to secure the payment of compensation is a misdemeanor.

APPLICANT:	John D. Staples	10634 Ceres, Whittier
ATTY. FOR APPL:	Silver & Mc Williams,	305½ N. Avalon Blvd., Wilmington
LEIN CLAIMANT:	Dept. of Employment	P.O. Box 1466, Santa Ana 6-28-62
DEFENDANTS: 1	Baker Perkins	1000 Hess Ave. Saginaw, Michigan
2	J. T. Thorpe	943 E. 2nd St., Los Angeles 12
3	C. F. Braun	1000 Fremont St., Alhambra
4	Coast Insulating	2684 Lacy St., Los Angeles 31 Un-Insured
5	Oil Field Construction	P.O. Box 947, Bakersfield
6	Armstrong Contractor	4400 E. Bandini, Los Angeles
7	Fiberglass Engineering	5933 Telegraph Rd., Los Angeles 22
8	Reece Insulation	4563 Valley Blvd., Los Angeles 32
9	R. T. Dinwiddie	~~8627 S. Atlantic, South Gate~~
10	Kircher Asbestos	P.O. Box 6652 Phoenix, Arizona
11	Los Angeles Cork	4130 E. Washington, Los Angeles 23
12	Plant Asbestos	1540 W. 9th St., Long Beach
13	Mundet Cork Corp.	6116 Walker Ave., Maywood
	Cal State Company,	8823 Mettler St., Los Angeles 3

ATTY. FOR DEFENDANT

INSURANCE CO.

3	American Motorists Ins. Co.	3545 Wilshire Blvd., LA
5	Casualty Insurance Co. of Calif	810 S. Spring St., LA
9	State Compensation Ins. Fund	3629 Atlantic Ave., LB
	Zurich Insurance Co.	Box 3203, Terminal Annex, LA 54
2	Pacific Employers Ins. Co.	2484 Pacific Ave., LB
	Argonaut insurance Co.	1001 Wilshire Blvd., LA
12	American Employers Ins. Co.	639 S. New Hampshire, LA 5
6	Travelers Insurance Co.	Ocean Center Bldg., LB 2
8	National Auto & Cas. Co.	Box 5780, LA 55
13 7	Aetna Casualty & Surety Co.	810 S. Spring St., LA 14
1	Michigan Mutual Liab. Co.	c/o Brown Bros. Adjusters, 3517 West 6th St., LA 5
4	Uninsured Industrial Indemnity	P.O. Box 2251

INSURANCE CO. ATTY.

7, Wallace & Brown	300 W. Coast Hwy., Newport Beach
McCartney, Ryan, Trout & Dally	639 S. Spring St., LA 14
Murray Roberts	750 Broad Avenue, Wilmington
Herlihy & Herlihy	Ocean Center Bldg., LB 2

Arnold Smith, Forum bldg, Sacto.

CLOPTON & PENNY
639 S. SPRING
LOS ANGELES 14, CALIFORNIA

NATIONAL
Automobile and Casualty Insurance Co.
HOME OFFICE – LOS ANGELES

639 SOUTH SPRING STREET
MAIL ADDRESS– BOX 5780 METRO. STATION
LOS ANGELES, CALIF. 90055 • 626-9552

November 30, 1972

Workmen's Compensation Appeals Board
107 South Broadway
Los Angeles, California 90012

WCAB NO: 72 SD 31086
Arthur L. Hauk vs. Various Employers
Our File: 20815

Gentlemen:

Would you kindly pull WCAB NO: 62 LB 19396, John Stapples vs. Various Employers, and advise this office when it is available for review.

Thanking you for your courtesy, we remain.

Very truly yours,

Marjorie Cummings
Marjorie Cummings,
Compensation Claims Examiner

MC:an

RECEIVED
DIVISION OF INDUSTRIAL ACCIDENTS
DEC 1 10 54 AM '72
CORRECT ADDRESS INSERT

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CASE NO. 62 LB 19396

JOHN D. STAPLES, Applicant -vs- BAKER PERKINS; J. T. THORPE; C. F. BRAUN; COAST INSULATING; OIL FIELD CONSTRUCTION; ARMSTRONG CONTRACTOR; FIBERGLASS ENGINEERING; REECE INSULATION; R. T. DINWIDDIE; KIRCHER ASBESTOS; MUNDET CORK CORP.; LOS ANGELES CORK; CAL STATE COMPANY; PLANT ASBESTOS; AMERICAN MOTORISTS INSURANCE CO.; CASUALTY INS. CO. OF CALIFORNIA; STATE COMPENSATION INS. FUND; ZURICH INSURANCE COMPANY; PACIFIC EMPLOYERS INSURANCE CO.; ARGONAUT INSURANCE COMPANY; TRAVELERS INSURANCE COMPANY; NATIONAL AUTO & CASUALTY COMPANY; AETNA CASUALTY & SURETY COMPANY; MICHIGAN MUTUAL LIABILITY COMPANY; INDUSTRIAL INDEMNITY COMPANY; AMERICAN EMPLOYERS INSURANCE CO., Defendants	ORDER APPROVING COMPROMISE AND RELEASE

The parties to the above entitled action having filed a Compromise and Release herein, on January 11, 1963, settling the above case for $9,250.00 in addition to all sums which may have been paid previously, and requesting that it be approved; and this Commission having considered the entire record, including said Compromise and Release, now finds that it should be approved; and,

GOOD CAUSE APPEARING THEREFOR: IT IS ORDERED that said Compromise and Release be, and it is hereby approved, payable as follows:

(a) By Industrial Indemnity Company:	$2,221.95	
To: Dept. of Employment, lien claimant		$996.22
Silver, McWilliams & Sherman, lien claimants		50.00
John D. Staples, applicant		1175.73

FORM 339

(b) By Aetna Casualty & Surety Co. $1918.70
To: Silver, McWilliams & Sherman as attorneys' fee $750.00
John D. Staples, applicant 1168.70

The following sums are to be paid to applicant by carriers as designated:

(c)	Pacific Employers Ins. Co.	$1,415.05
(d)	American Motorists Ins. Co.	1,005.90
(e)	Travelers Insurance Co.	821.80
(f)	State Compensation Insurance Fund	800.00
(g)	National Automobile & Casualty Ins. Co.	703.85
(h)	American Employers Ins. Co.	120.75
(i)	Zurich Insurance Company	120.40
(j)	Casualty Ins. Co. of California	57.40
(k)	Michigan Mutual Liability	39.20
(l)	Argonaut Insurance Company	25.00
	Total	$9,250.00

INDUSTRIAL ACCIDENT COMMISSION

GW:ca
1.31.63
62 LB 19396

George Wasteweit
Referee

DATE FEB 1 - 1963 eg

Names and Address of Persons Served:
John D. Staples, 10634 Ceres, Whittier
Silver, McWilliams & Sherman, 305½ N. Avalon, Wilmington
Dept. of Employment, P. O. Box 1477, Santa Ana
Armstrong Construction, 4400 E. Bandini, Los Angeles
C. F. Braun, 1000 Fremont St., Alhambra
Cal State Company, 8823 Mettler St., Los Angeles
Coast Insulating, 2684 Lacy St., Los Angeles
R. T. Dinwiddie, 8627 So. Atlantic, South Gate
Fiberglass Engineering, 5933 Telegraph Rd., Los Angeles
Los Angeles Cork, 4180 E. Washington, Los Angeles
Kircher Asbestos, Box 6652, Phoenix, Arizona
Mundet Cork Corp., 6116 Walker, Maywood
Oil Field Construction, Box 947, Bakersfield
Plant Asbestos Co., 1540 W. 9th, Long Beach
Baker Perkins, 1000 Hess, Saginaw, Michigan
Reece Insulation Co., by Clark Reece, 4563 Valley Blvd., Los Angeles
J. T. Thorpe, 948 E. 2nd St., Los Angeles
Aetna Casualty & Surety Co., ~~810 S. Spring~~, Los Angeles - 2404 Wilshire Blvd.
American Motorists Ins. Co., 3545 Wilshire, Los Angeles
American Employers Ins. Co., 639 S. New Hampshire, Los Angeles
Argonaut Insurance Co., 1001 Wilshire Blvd., Los Angeles
Casualty Ins. Co. of Calif., 810 South Spring, Los Angeles
Industrial Indemnity Co., 3745 Long Beach Blvd., Long Beach
Michigan Mutual Liability c/o Brown Bros. Adjustors, 3517 W.6th, L.A.
National Auto & Casualty Co., 639 S. Spring St., Los Angeles
Pacific Employers Ins. Co., 2484 Pacific Ave., Long Beach
State Compensation Ins. Fund, 3629 Atlantic Ave., Long Beach
Travelers Insurance Co., Ocean Center Bldg., Long Beach
Zurich Insurance Company, Box 3203, Terminal Annex, Los Angeles

Dated at Long Beach
California
FEB 1 - 1963 eg

FORM 339

FEB 1 - 1963 eg

Names and address of Persons Served (continued):

Herlihy & Herlihy, 110 W. Ocean Blvd., Long Beach 2
Murray H. Roberts, 750 Broad Ave., Wilmington
Clopton & Penny, 639 South Spring St., Los Angeles
Wallace & Brown, 300 West Coast Highway, Newport Beach
McCartney, Ryan, Drant & Dalby, 639 S. Spring St., & A.14 eg 2-1-63
Arnold Smith, Forum Bldg., Sacramento eg 2-1-63

Dated at Long Beach
California
FEB 1 - 1963 eg

FORM 339

CASE NO. 62 LB 19396

JOHN D. STAPLES -vs- BAKER PERKINS; J. T. THORPE; C. F. BRAUN; COAST INSULATING; OIL FIELD CONSTRUCTION; ARMSTRONG CONTRACTOR; FIBERGLASS ENGINEERING; REECE INSULATION; R. T. DINWIDDIE; PLANT ASBESTOS; MUNDET CORK CORP.; LOS ANGELES CORK; KIRCHER ASBESTOS; CAL STATE COMPANY; AMERICAN MOTORISTS INS. CO.; CASUALTY INS. CO. OF CALIFORNIA; STATE COMPENSATION INS. FUND; ZURICH INSURANCE COMPANY; PACIFIC EMPLOYERS INSURANCE CO.; ARGONAUT INSURANCE COMPANY; TRAVELERS INSURANCE COMPANY; NATIONAL AUTO & CASUALTY CO.; AETNA CASUALTY & SURETY CO.; MICHIGAN MUTUAL LIABILITY CO.; INDUSTRIAL INDEMNITY COMPANY AMERICAN EMPLOYERS INS. CO.

Referee: GEORGE WESTWICK
Dictated: January 31, 1963

Injury: Between 1953 and March 7, 1962

Silver, McWilliams & Sherman, by Richard McWilliams attorneys for applicant
F. W. Carignan, representative for American Motorists
Herlihy & Herlihy, by Kennis Jones, attorneys for Argonaut Ins. Co. and American Employers
John Montgomery, representative for Travelers Insurance Co.
Murray H. Roberts, by James Thomason, attorneys for Zurich Ins.
Clopton & Penny, by Robert Wills, attorneys for Pacific Employers
Eugene Barnes, attorney for Industrial Indemnity
Paul Klein, attorney for State Comp. Insurance Fund
Wallace & Brown, by Gerald Brown, attorneys for Aetna Casualty and Surety Company
Maury & Schuyler, by Rob R. Schuyler, attorneys for Michigan Mutual Liability Company
Licker & McClure, by Robert Licker, attorneys for National Auto & Casualty Company

REPORT OF REFEREE ON ORDER APPROVING COMPROMISE AND RELEASE

Based upon the record the proposed settlement will be approved as adequate.

Lien claim of Department of Employment will be allowed to the extent of $996.22. This is pursuant to allocation proposed by the parties. Notice of Intention to allow said lien in said amount was issued, and no objection was received during the time provided.

Silver, McWilliams & Sherman are entitled to a lien in the sum of $50.00 for living expenses advanced.

Both of the above liens are payable by Industrial Indemnity Company

from the amount designated to be paid by them.

Applicant's attorneys are entitled to a fee of $750.00. Said fee is payable from the amount designated to be paid by Aetna Casualty & Surety Company.

George Westwick
Referee

GW:ca

INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

JOHN D. STAPLES,

Applicant

vs.

ARMSTRONG CONSTRUCTION, et al;
AETNA CASUALTY AND SURETY COMPANY, et al,

Defendant

Case No. 62 LB 19396

NOTICE OF INTENTION TO

ALLOW LIEN CLAIM OF DEPARTMENT OF EMPLOYMENT TO THE EXTENT OF $996.22

IT APPEARING THAT pursuant to allocation proposed by the parties,

NOTICE IS HEREBY GIVEN that lien claim of the Department of Employment will be allowed to the extent of $996.22, and Compromise and Release will be approved within

seven days after service hereof unless Good Cause to the contrary is shown in writing within said time .

GW:ca
1.17.63

George Westerick
Referee

Name and Address of Persons Served — Date 1466, Santa Ana

Department of Employment, P. O. Box ~~469~~, Long Beach
Silver, McWilliams & Sherman, 305½ N. Avalon, Wilmington
Aetna Casualty & Surety Co., 810 S. Spring St., L.A.
American Motorist Insurance Co., 3545 Wilshire Blvd., L.A.
American Employers Ins. Co., 639 S. New Hampshire, L.A.
Herlihy & Herlihy, by Kennis T. Jones, 110 W. Ocean Blvd., L.B. 2
Casualty Ins. Co. of Calif. 810 S. Spring St., L.A.
Industrial Indemnity Co., P. O. Box 2251, Long Beach
Michigan Mutual Liability, c/o Brown Bros. Adjusters, 3517 W. 6th, L.A.

C. Anderson
(Signature of Person Serving Notice)

FORM 410 (REV. 4-62)
63711 4-62 15M GPO

CONTINUED SERVED: 1-17-63

National Auto & Casualty Co. Box 5780, Los Angeles 55
Clopton & Penny, 639 South Spring St., Los Angeles
State Comp. Ins. Fund, 3629 Atlantic Ave., Long Beach
Travelers Insurance Co., 110 W. Ocean Blvd., Long Beach 2
Zurich Ins. Co., by Jas. Thomason, 750 Broad Ave., Wilmington