

FILE NAME: Riley Stoker (RS)

DATE: 1946

DOC#: RS004

DOCUMENT DESCRIPTION: Worker's Compensation Claim of Moreno

Before the Industrial Accident Commission of the State of California

|                                                                                             |                                                                                                                                             |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <p>EXHIBIT A. 1000000</p> <p>DATE AND TIME<br/>JUL 6 1948</p> <p>FILED BY<br/>APPLICANT</p> | <p>CLAIM No. L. A. 76-144</p> <p>Notice of Time and Place of Further Hearing</p> <p>INDUSTRIAL ACCIDENT COMMISSION<br/>FOR ADJUDICATION</p> |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|

vs.

PRIME ASSOCIATING & SUPPLY COMPANY  
a corporation, et al

Defendant

NOTICE TO ALL PARTIES

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

801 N. 10th Street

Los Angeles

July 6, 1948

217 N. 10th Street

California

9:30 A. M.

ALL DAY

Dated at Los Angeles, California,

June 30, 1948

INDUSTRIAL ACCIDENT COMMISSION

By CLELL H. McCARDIE

Assistant Secretary

PARTIES PRESENT:

James A. Moreno 302 La Fayette St. San Gabriel

Frank A. Howe 306 N. Spring St. L.A.

Spring Tag & Supply Co. 941 E. 1st St. L.A.

→ Riley Stoker Co. Worcester, Mass.

James I. Barnes County, Co. 1125 Montana Ave. Santa Monica

Reginald E. Bunch 11 Box 1188 Term. Annex L.A.

Wage & Hodas o/o Assoc. Ind. Co. 111 E. 7th St. L.A.

Rock Wool Insulation Co. 534 E. Western Ave. L.A.

New Deal Manufacturing Mines Sierra St. o/o Major Suite, San Bern.

Coast Insulating Corp. 634 E. Western L.A.

Waco Mfg. Inc. Co. 1000 E. Hope St. L.A.

Lib. Mfg. Inc. Co. 714 E. Hill St. L.A. Pac. Ind. Co. 721 E. 7th St. L.A.

Wing Pump 1000 E. Broadway L.A. Assoc. Ind. Co. 111 E. 7th St. L.A.

Brent Amer. Ind. Co. 546 E. Spring St. L.A.

Calif. Comp. Inc. Co. 841 E. Spring St. L.A.

Arche Pac. Supply Co. 841 E. Spring St. L.A.

J. C. Kearney, et al 222 E. Flower St. L.A.

Tinton & Belmont 342 E. Broadway L.A.

E. P. Wallace 224 Higgins Plaz. L.A.

|                   |      |      |      |
|-------------------|------|------|------|
| FILED             | FILE | FILE | FILE |
| RILEY             |      |      |      |
| TOKER MAY 20 1948 |      |      |      |
| ORFNL             |      |      |      |
| DATE ANSWERED     |      |      |      |
| SIGNED BY         |      |      |      |

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM NO. L.A. 76-144

*Insurance*  
JEROME H. MORENO,

Applicant,

vs.

MARINE ENGINEERING & SUPPLY  
COMPANY, a corporation;  
WILLY SICKER CORPORATION,  
a corporation;  
MANOANES INCORPORATED,  
a corporation;  
JAMES I. WATKINS CONSTRUCTION COMPANY,  
a corporation;  
REGINALD E. CAMPBELL, an individual;  
TOM GOGG and STEVE RODAS, individuals,  
doing business as Gogg and Rodas;  
LEKO & BUSHYAK;  
ROCK WOOL INSULATION COMPANY,  
(Coast Insulating Corporation),  
a corporation;  
MAJOR E. R. K. WAITE, an individual,  
doing business as  
New Deal Mangrove Plant;  
L. P. PECK, an individual;  
PACIFIC EMPLOYERS INSURANCE COMPANY,  
a corporation;  
LIBERTY MUTUAL INSURANCE COMPANY,  
a corporation;  
INDUSTRIAL INDEMNITY COMPANY,  
a corporation;  
ASSOCIATED INDEMNITY CORPORATION,  
a corporation;  
GREAT AMERICAN INDEMNITY COMPANY,  
a corporation;  
CALIFORNIA COMPENSATION INSURANCE COMPANY,  
a corporation;  
STATE COMPENSATION INSURANCE FUND;  
PACIFIC INDEMNITY COMPANY,  
a corporation;  
AYTHEA CASUALTY & SURETY COMPANY,  
a corporation.

Defendants.

ORDER DENYING  
PETITION FOR REHEARING  
OF DEFENDANTS MARINE  
ENGINEERING AND SUPPLY  
COMPANY and PACIFIC EM-  
PLOYERS INSURANCE CO.

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that Petition for Rehearing, filed by the  
defendants Marine Engineering & Supply Company, a corporation, and

MT. OF 8 02  
SPR BY 8/15/19  
DATE 4/19/19  
RILEY APR 19 1943  
STOKER  
CORPN.  
DATE AND  
F.S.

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM NO. L.A. 76-104

ERNEST R. MORENO,

Applicant,

vs.

MAHINI ENGINEERING & SUPPLY  
COMPANY, a corporation;  
RILEY STOKER CORPORATION,  
a corporation;  
MANGANESE INCORPORATED,  
a corporation;  
JAMES I. BARNES CONSTRUCTION COMPANY,  
a corporation;  
ROBERTALD E. CAMPBELL, an individual;  
TOM GOGG and STEVE RODAS, individuals,  
doing business as Gogg and Rodas;  
LENG & WERNYAK,  
ROCK WOOL INSULATION COMPANY,  
(Coast Insulating Corporation),  
a corporation;  
MAYNE & D. V. HAITY, an individual,  
doing business as  
New Deal Manganese Mines;  
L. R. PECK, an individual;  
PACIFIC EMPLOYERS INSURANCE COMPANY,  
a corporation;  
LIBERTY MUTUAL INSURANCE COMPANY,  
a corporation;  
INDUSTRIAL INDEMNITY COMPANY,  
a corporation;  
ASSOCIATED INDEMNITY CORPORATION,  
a corporation;  
GREAT AMERICAN INDEMNITY COMPANY,  
a corporation;  
CALIFORNIA COMPENSATION INSURANCE COMPANY,  
a corporation;  
STATE COMPENSATION INSURANCE FUND;  
PACIFIC INDEMNITY COMPANY,  
a corporation;  
AETNA CASUALTY & SURETY COMPANY,  
a corporation,

Defendants.

ORDER EXTENDING TIME  
ON PETITION FOR RE-  
HEARING OF MAHINI  
ENGINEERING AND SUPPLY  
COMPANY and PACIFIC  
EMPLOYERS INSURANCE  
COMPANY.

GOOD CAUSE APPEARING,

IT IS ORDERED that the time for making decision on Petition

1 for Rehearing of Defendants Marine Engineering and Supply Company,  
2 a corporation, and Pacific Employers Insurance Company, a corporation,  
3 be and it hereby is extended thirty (30) days from and after  
4 APRIL 17, 1948.

6 INDUSTRIAL ACCIDENT COMMISSION

7 Ralph E. Muel

9  
10 E. B. Webb

11 COMMISSIONERS.

COPY

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23 DATED AT LOS ANGELES,  
24 CALIFORNIA  
25 APR 13 1948  
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31 L. A 76-144

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Pacific Employers Insurance Company, a corporation, on April 15,  
1948, be and it hereby is denied.

INDUSTRIAL ACCIDENT COMMISSION

W. Racine  
E. B. Shuler  
COMMISSIONERS.

COPY

DATED AT LOS ANGELES,  
CALIFORNIA  
MAY 17 1948

L. A 76-144

|      |      |     |      |
|------|------|-----|------|
| DATE | FILE | NO. | DATE |
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RILEY  
 STOKER  
 CORPN.  
 DATE ANSW.  
 MADE BY

REPORT THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA  
CLAIM NUMBER L.A. 76-144

ERNEST H. BERNINO,

applicant,

vs

DECISION  
AFTER HEARING

WATSON ENGINEERING & SUPPLY COMPANY, a  
 corporation; RILEY STOKER CORPORATION,  
 a corporation; MANGANESE INCORPORATED,  
 a corporation; JAMES I. FARNES CONSTRUCTION  
 COMPANY, a corporation; REGINALD  
 C. CAMPBELL, an individual; TOM GOGO &  
 STEVE RODAS, individuals, doing business  
 as GOGO & RODAS; LEO & BOENYAK; ROCK  
 WOOL INSULATION COMPANY, a corporation;  
 MAJOR E. R. E. WAITE, an individual,  
 doing business as NEW DEAL MANGANESE  
 MINING; L. S. PACE, an individual; PACIFIC  
 EMPLOYERS INSURANCE COMPANY, a corporation;  
 LIBERTY MUTUAL INSURANCE COMPANY,  
 a corporation; INDUSTRIAL INDEMNITY  
 COMPANY, a corporation; ASSOCIATED INDEMNITY  
 CORPORATION, a corporation;  
 GREAT AMERICAN INDEMNITY COMPANY, a  
 corporation; CALIFORNIA COMPENSATION  
 INSURANCE COMPANY, a corporation;  
 SOUTH CALIFORNIA INSURANCE FUND;  
 PACIFIC INDEMNITY COMPANY, a corporation;  
 COAST INSULATING CORPORATION; and AETNA  
 CASUALTY & SURETY COMPANY, a corporation,

defendants.

Frank G. Howe, applicant's attorney

H. S. McCartney, attorney for Marine Engineering &  
 Supply Company, Pacific Employers Insurance Company,  
 Great American Indemnity Company, Leo & Boenyak,  
 California Compensation Insurance Company, Major  
 E. R. E. Waite, doing business as New Deal Manganese

S. L. Dougherty, representative for Pacific Indemnity  
 Company and James I. Farnes Construction Company

Kathryn Flanagan, attorney for Reginald C. Campbell

George R. Paswell, attorney for Liberty Mutual  
 Insurance Company and Riley Stoker Corporation

S. S. Tipton, attorney for Tom Gogo and Steve  
 Rodas, doing business as Gogo & Rodas and Asso-  
 ciated Indemnity Corporation

1 Herlihy & Herlihy, by F. George Herlihy, attorneys  
2 for Industrial Indemnity Company

3 W. W. Wallace, attorney for James I. Barnes  
4 Construction Company

5 Carleton F. Myers, attorney for Aetna Casualty  
6 & Surety Company, Coast Insulating Corporation  
7 and Rock Wool Insulation Company

8 \* \* \* \* \*

9 A rehearing having been granted and all parties having ap-  
10 peared, and the matter having been regularly heard before GEORGE A.  
11 MARTINELLI, Referee, and submitted for decision,

12 GOOD CAUSE APPEARING THEREFOR:

13 IT IS ORDERED that Findings and Award herein dated August  
14 15, 1947, be and they hereby are annulled, and that there be sub-  
15 stituted therefor as Decision after Rehearing, Findings and Award  
16 as follows:

17 FINDINGS OF FACT

18 1. Ernest R. Morris, born December 12, 1903, while employed  
19 as an asbestos worker by various employers in the State of California  
20 for periods of time hereinafter set forth, sustained injury arising  
21 out of and occurring in the course of his employments by reason of  
22 his occupational activities, consisting of exposure to asbestos dusts,  
23 the accumulated effects of each day's exposure caused an industrial  
24 asbestosis, resulting in temporary total disability on December 8,  
25 1944. For said temporary total disability, the applicant is entitled  
26 to compensation, exclusive of the waiting period of seven days, based  
27 on earnings in excess of maximum.

28 During the periods of time hereinafter set forth, the  
29 employers and the employee were subject to the provisions of the  
30 Workmen's Compensation, Insurance and Safety Laws of the State of  
California.

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1 2. (a) Commencing May 1, 1942 to and including May 19,  
2 1942; on June 30, 1942 and commencing again July 2, 1942 to and  
3 including August 18, 1942 (a period of 68 days) said applicant was  
4 employed by Reginald E. Campbell, an individual, whose compensation  
5 insurance carrier during said period of employment was State Compensa-  
6 tion Insurance Fund.

7 (b) Commencing August 27, 1942 to and including  
8 September 26, 1942 (a period of 31 days) said applicant was employed  
9 by Riley Stoker Corporation, a corporation, whose compensation insur-  
10 ance carrier during said period of employment was Liberty Mutual  
11 Insurance Company, a corporation.

12 (c) Commencing January 27, 1943, to and including February  
13 21, 1943 and commencing again May 6, 1943 to and including June 15,  
14 1943 (a period of 68 days) said applicant was employed by James I.  
15 Barnes Construction Company, a corporation, whose compensation  
16 insurance carrier during said period of employment was Pacific In-  
17 demnity Company, a corporation.

18 (d) Commencing February 24, 1943 to and including May 6,  
19 1943 and commencing again June 14, 1943 to and including November 5,  
20 1944 and commencing November 21, 1944 to and including December 8,  
21 1944, less one day (a period of 598 days) said applicant was employed  
22 by Marine Engineering & Supply Company, a corporation, whose compen-  
23 sation insurance carrier during said period of employment was Pacific  
24 Employers Insurance Company, a corporation.

25 3. The total number of days of exposure as found herein is  
26 766 days.

27 4. The claim herein filed against Marine Engineering and  
28 Supply Company, a corporation, and its insurance carrier, Pacific  
29 Employers Insurance Company, a corporation, is not barred by the  
30 Statute of Limitations.

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1 -5. The claim against the other defendants listed in Find-  
2 ing No. 2 was not filed within the time allowed by law and since none  
3 of said defendants furnished any compensation benefits to the appli-  
4 cant on account of said disease or made any promise therefor, appli-  
5 cant's claim against said defendants is barred by the period of limit-  
6 ations provided by the Labor Code of the State of California.

7 In accordance with the decision of the Supreme Court of  
8 the State of California in the case of Colonial Insurance Company  
9 -vs- Industrial Accident Commission and Victor E. Pedrosa, L.A. No.  
10 18627, the entire liability resulting from said occupational disease  
11 must be borne by Pacific Employers Insurance Company, a corporation,  
12 the insurance carrier for Marine Engineering and Supply Company, a  
13 corporation.

14 6. Applicant is entitled to be reimbursed for the reason-  
15 able value of medical treatment procured by him to cure or relieve  
16 him from the effects of said injury. The value of said medical  
17 treatment should be adjusted and determined between the parties. In  
18 the event of their inability to do so, jurisdiction is reserved by  
19 this Commission to determine the reasonable value of the same on the  
20 request of any party in interest and on the filing in duplicate with  
21 this Commission and service upon adverse parties of the itemized bills.

22 7. The defendants have not been prejudiced by any failure  
23 of the applicant to report said injury within the time required by  
24 the provisions of the Labor Code of the State of California.

25 8. Said injury caused temporary total disability entitling  
26 applicant to \$30.00 per week beginning December 8, 1944, to and in-  
27 cluding February 13, 1948, and thereafter during the continuance of  
28 disability or until the further Order of this Commission, exclusive of  
29 the waiting period of seven days, based upon earnings in excess of  
30 maximum, less 11 days worked.

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1 9. The defendants are entitled to credit for all sums  
2 heretofore paid on account of disability indemnity.

3 10. Applicant was also employed by:

4 (a) Lake & Sosnyak, whose compensation insurance carrier  
5 during said employment was Great American Indemnity Company, a  
6 corporation;

7 (b) Tom Gogo & Steve Rodas, individuals, doing business  
8 as Gogo & Rodas, whose compensation insurance carrier during said  
9 employment was Associated Indemnity Corporation, a corporation;

10 (c) Major E. R. K. Waite, an individual, doing business  
11 as New Deal Manganese Mine, whose compensation insurance carrier  
12 during a portion of said period of employment was California Compens-  
13 ation Insurance Company, a corporation; and

14 (d) Rock Wool Insulation Company, a corporation (Coast  
15 Insulating Corporation) whose compensation insurance carrier during  
16 said period of employment was Aetna Casualty & Surety Company, a  
17 corporation.

18 11. The employment duties of the applicant during the  
19 periods of his employment with the defendant employers as set forth  
20 in Finding No. 10 neither caused nor exacerbated applicant's industrial  
21 injury and for that reason, said employers and their insurance carriers  
22 are entitled to be dismissed and discharged herefrom.

23 12. L. N. Peck, an individual; Manganese Incorporated, a  
24 corporation; and Industrial Indemnity Company, a corporation, are  
25 neither necessary nor proper parties defendant hereto and are en-  
26 titled to be dismissed and discharged herefrom.

27 13. Said injury may result in permanent disability.  
28 Further hearing to establish the extent thereof will be held by the  
29 Commission upon the request of any party in interest upon proof that  
30 the disability has become stationary and permanent.

1 14. Applicant's attorney is entitled to a lien against  
2 unpaid compensation for the reasonable value of services rendered in  
3 the sum of \$450.00.

4 A W A R D

5 AWARD IS MADE in favor of Ernest R. Moreno against Pacific  
6 Employers Insurance Company, a corporation, in the sum of \$30.00 per  
7 week beginning December 27, 1944, to and including February 13, 1945,  
8 and thereafter during the continuance of disability or until the  
9 further Order of this Commission, together with interest as provided  
10 by law; less credit for all amounts paid and less the sum of \$450.00  
11 payable to Frank G. Howe, as attorney's fees.

12 AWARD IS FURTHER MADE in favor of Ernest R. Moreno against  
13 Pacific Employers Insurance Company, a corporation, of reimbursement  
14 for the reasonable value of self-secured medical treatment incurred  
15 as outlined in Finding No. 6 above.

16 IT IS ORDERED that Leko & Bonnyak; Great American Indemnity  
17 Company, a corporation; Tom Gogo & Steve Radas, individuals, doing  
18 business as Gogo & Radas; Associated Indemnity Corporation, a corpora-  
19 tion; Major E. R. K. Seite, an individual, doing business as New Deal  
20 Manganese Mine; California Compensation Insurance Company, a corpora-  
21 tion; Rock Wool Insulation Company, a corporation (Coast Insulating  
22 Corporation); Aetna Casualty & Surety Company, a corporation; L. R.  
23 Peck, an individual; Manganese Incorporated, a corporation, and In-  
24 dustrial Indemnity Company, a corporation, be and they are hereby  
25 dismissed and discharged herefrom.

26 Defendant Pacific Employers Insurance Company, a corporation,  
27 is further ordered to report to this Commission on Form No. C-6,  
28 which form is served herewith, within ten days after the cessation of  
29 compensation payments under the above continuing Award. Copies of  
30

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1 said Form No. C-6 and copies of all medical or other reports filed  
2 with this Commission in connection with said form are to be served  
3 on all adverse parties before filing with this Commission.

INDUSTRIAL ACCIDENT COMMISSION

Ralph E. Minter

A. Racine

E. B. Shubin  
Commissioners

COPY

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FEB 6

CAM:rr  
L.A. 76-144  
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FORM 200  
STREET 10-17-40  
SFO

RECORDED  
1/17/62  
NURD