

LIBERTY MUTUAL



Westgate Plaza Building; 20325 Center Ridge Road; Cleveland, Ohio 44116 • Tel. (216) 333-8000

September 26, 1973

The Sherwin Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115

Att: Mr. R.J. Malone, Corporate Director of Insurance

Re: Redacted - Sherwin Williams Company

Dear Mr. Malone:

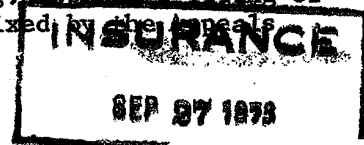
This will acknowledge and thank you for your letter of August 31, 1973.

As you know, we had previously obtained information from our Oakland Claims Office and discussed this case at the team meeting on August 3, 1973. We were wary at that time that what has occurred in this particular situation might happen.

This claim is now the subject of a formal claim before the Workmens Compensation Appeals Board, the action having been initiated by the Kaiser Foundation Hospital/Permanente Medical Group which is the Applicant/Lien claimant in this matter. The deceased claimant, Mr. _____ received his medical care at the

Redacted Kaiser Foundation and they have submitted a billing totalling \$6,295.70 for services rendered to _____ They are interested in recovering this amount if at all possible and the information I have obtained from our Oakland Claims Manager indicates that they frequently engage in litigation of this type since many employees have their group insurance plan and they are quick to file a lien whenever the possibility of an industrial claim is present. Usually, their lien is filed on a claim already pending and made on behalf of the injured employee or his legal representative, but as you know, in this particular case, no claim has been filed by the employee or his widow and Kaiser took it upon themselves to file as an interested party, which they are entitled to do.

I have checked the California Statute and find that Chapter III deals with Applications and Answers and under Section 5501 states as follows, "the application may be filed with the Appeals Board by any party in interest, his attorney, or other representative authorized in writing. Upon the filing of the application, a time and place shall thereupon be fixed by the Appeals Board for a Hearing."



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