

FILE NAME: Insulators Workers' Comp Claims (IWC)

DATE: 1946

DOC#: IWC069

DOCUMENT DESCRIPTION: Claimant - Moreno

Before the Industrial Accident Commission of the State of California

ESTABLISHED RILEY STOKER JUL 6 1948 DATE AND INSTR. BY	Applicant
vs. Defendant	Defendant

CLAIM NO. L. A. 78-144

Notice of Time and Place of Further Hearing

POSTAL MAIL PERMITTED FOR ADDITIONAL

NOTICE TO ALL PARTIES

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

217 S. FIRST STREET
LOS ANGELES
90012
JULY 6, 1948
9:30 A. M.

Dated at Los Angeles, California,
June 30, 1948

INDUSTRIAL ACCIDENT COMMISSION

By CHILL H. McCARDIE

Assistant Secretary

PARTIES PRESENT:

Ernest A. Moreno 302 La Fayette St. San Gabriel

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

Marine Eng. & Supply Co. 841 E. 1st St. L.A.

Riley Stoker Co. Worcester, Mass.

James I. Barnes Const. Co. 1119 Montana Ave. Santa Monica

Reginald E. Campbell Box 5188 Term. Annex L.A.

Wells & Rodan o/o Assoc. Ind. Co. 111 E. 7th St. L.A.

Rock Wool Insulation Co. 334 S. Western Ave. L.A.

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

Coast Insulating Corp. 624 S. Western L.A.

Pac. Appl. Ins. Co. 1047 S. Hope St. L.A.

Lib. Appl. Ins. Co. 714 S. Hill St. L.A. Pac. Ind. Co. 787 E. 7th St. LA

State Farm 1090 S. Broadway L.A. Assoc. Ind. Co. 111 E. 7th St. LA

Trent Amer. Ind. Co. 846 S. Spring St. L.A.

Calif. Comp. Ins. Co. 841 S. Spring St. L.A.

Acme Gas & Supply Co. 309 S. Spring St. L.A.

J. L. Kearney, et al 308 S. Spring St. L.A.

Tinton & Townsend 342 S. Broadway L.A.

S. C. Wallace 204 Higgins Blvd. L.A.

FILE	FILE	FILE	FILE
RILEY	STOKER	MAY 20 1946	WARRANT
CORPN.			DATE
DATE ANSWERED			
JUDGE			

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM NO. L.A. 76-144

Insurance
ARNOLD E. MORENO,

Applicant,

vs.

MARINE ENGINEERING & SUPPLY
COMPANY, a corporation;
RILEY STOKES CORPORATION,
a corporation;
MANOAHSEE INCORPORATED,
a corporation;
JAMES L. BARNES CONSTRUCTION COMPANY,
a corporation;
REGINALD E. CAMPBELL, an individual;
TOM GOGO and STEVE RODAS, individuals,
doing business as Gogo and Rodas;
LEMO & BUSHYAK;
ROCK WOOL INSULATION COMPANY,
(Coast Insulating Corporation),
a corporation;
MAJOR E. R. E. WAITE, an individual,
doing business as
New Deal Manganese Works;
L. H. 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

ATT. OF 8
 SENT BY 8/15/19
 DATE 7/19/19
 RILEY APR 19 1943
 STOKER
 CORPN.
 DATE ANSW. _____
 INDEXED BY _____

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM NO. L.A. 76-144

ERNEST R. MORENO,

Applicant,

vs.

MARINE ENGINEERING & SUPPLY
 COMPANY, a corporation;
 RILEY STOKER CORPORATION,
 a corporation;
 MANGANESE INCORPORATED,
 a corporation;
 JAMES I. BAILES CONSTRUCTION COMPANY,
 a corporation;
 REGINALD E. CAMPBELL, an individual;
 TOM GOGG and STEVE BOUAS, individuals,
 doing business as Gogg and Rodas;
 LIKO & BOSNYAK;
 ROCK WOOL INSULATION COMPANY,
 (Cosmet Insulating Corporation),
 a corporation;
 MAUDE E. R. V. WAITE, an individual,
 doing business as
 New Deal Manganese Mine;
 L. R. PRICE, 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 MARINE
 ENGINEERING AND SUPPLY
 COMPANY AND PACIFIC
 EMPLOYERS INSURANCE
 COMPANY.

GOOD CAUSE APPEARING,

IT IS ORDERED that the time for making decision on Petition

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FORM 208
MAY 1964
400

L. A. 76-144

DATED AT LOS ANGELES,
CALIFORNIA
APR 13 1948

72-400630
1/17/02
NBER:28

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.
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INDUSTRIAL ACCIDENT COMMISSION

Joseph E. Minder

St. J. H. Hill
CRIMINIST

COPIES

1 Pacific Employers Insurance Company, a corporation, on April 15,
2 1948, be and it hereby is denied.

3
4 INDUSTRIAL ACCIDENT COMMISSION

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6 A. Raine
7 E. B. Shuba
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9 COMMISSIONERS.

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COPY

DATED AT LOS ANGELES
CALIFORNIA
MAY 17 1948

L. A. 76-144

DATE	FILE	INDEXED	FILED
RILEY STOKER CORPORATION		JAN 2 - 1948	
JATE AND		FILED	
JATE AND		FILED	

1 SUPER THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA
2 CLAIM NUMBER L.A. 76-144

3 JESSE R. HORTON,
4 applicant,

5 vs
6 DECISION
7 AFTER HEARING

8 WATSON ENGINEERING & SUPPLY COMPANY, a
9 corporation; RILEY STOKER CORPORATION,
10 a corporation; MARGANES INCORPORATED,
11 a corporation; JAMES I. BARNES CONSTRUCTION
12 COMPANY, a corporation; REGINALD
13 C. CAMPBELL, an individual; TOM GOGO &
14 STEVE RODAS, individuals, doing business
15 as GOGO & RODAS; LEO & ROSNYAK; ROCK
16 WOOL INSULATION COMPANY, a corporation;
17 MAJOR E. R. E. WAITE, an individual,
18 doing business as NEW DEAL MANGANESE
19 MINING; L. R. PINE, an individual; PACIFIC
20 EMPLOYERS INSURANCE COMPANY, a corporation;
21 LIBERTY MUTUAL INSURANCE COMPANY,
22 a corporation; INDUSTRIAL INDEMNITY
23 COMPANY, a corporation; ASSOCIATED INDEMNITY
24 CORPORATION, a corporation;
25 GREAT AMERICAN INDEMNITY COMPANY, a
26 corporation; CALIFORNIA COMPENSATION
27 INSURANCE COMPANY, a corporation;
28 PACIFIC COMPENSATION INSURANCE COMPANY;
29 COAST INSULATING CORPORATION; and AETNA
30 CASUALTY & SURETY COMPANY, a corporation,
31 defendants.

32 Frank G. Howe, applicant's attorney
33 H. S. McCartney, attorney for Marine Engineering &
34 Supply Company, Pacific Employers Insurance Company,
35 Great American Indemnity Company, Leo & Rosnyak,
36 California Compensation Insurance Company, Major
37 E. R. E. Waite, doing business as New Deal Manganese
38 S. L. Dougherty, representative for Pacific Indemnity
39 Company and James I. Barnes Construction Company
40 Kathryn Flanagan, attorney for Reginald C. Campbell
41 George R. Paswell, attorney for Liberty Mutual
42 Insurance Company and Riley Stoker Corporation
43 S. S. Tipton, attorney for Tom Gogo and Steve
44 Rodas, doing business as Gogo & Rodas and Asso-
45 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. Malone, 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 13,
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 5,
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 compensa-
23 tion 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 19627, 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, 1946, 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 & Boonyak, 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. R. 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.

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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 \$50.00 per
7 week beginning December 27, 1944, to and including February 13, 1948,
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-procured medical treatment incurred
15 as outlined in Finding No. 6 above.

16 IT IS ORDERED that Leko & Bosnyak; Great American Indemnity
17 Company, a corporation; Tom Gogo & Steve Redas, individuals, doing
18 business as Gogo & Redas; Associated Indemnity Corporation, a corpora-
19 tion; Major E. R. K. Saite, 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. 2-6 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. Muntz

A. Racine

E. B. Shubin
Commissioners

COPY

DAI

FEB 2

CAM:RF
L.A. 76-144
2.25

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