

FILE NAME: Insulators Workers' Comp Claims (IWC)

DATE: 1962

DOC#: IWC032

DOCUMENT DESCRIPTION: Claimant - Staples, John

Armstrong List -- John Staples, California

also owns ~~the~~ 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 14, 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.

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original to

Armstrong List -- John Staples, California

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July 25, 1978

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1 John J. Wren
2 Attorney at Law
3 3745 Long Beach Blvd.,
4 Long Beach, California
5 Telephone: GARfield 4-0411

6 BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE
7 STATE OF CALIFORNIA

8 JOINT COMPROMISE AND RELEASE CASE NO. 62 LB 19396

10 JOHN D. STAPLES 10634 Ceres, Whittier, Calif.
11 Applicant

12 -vs-

13 <u>ARMSTRONG CONSTRUCTION</u>	4400 E. Bandini, Los Angeles
14 C. F. BRAUN	1000 Freemont St., Alhambra
15 CAL STATE COMPANY	8823 Mettler St., Los Angeles
16 COAST INSULATING	2684 Lacy St., Los Angeles, Calif.
17 R. T. DINWIDDIE	8627 So. Atlantic, South Gate
18 FIBERGLAS ENGINEERING	5933 Telegraph Rd., Los Angeles
19 L A CORK	4189 E. Washington, Los Angeles
20 KIRCHER ASBESTOS,	Box 6652, Phoenix, Arizona
21 <u>MUNDET CORK CORP. a corporation</u>	6116 Walker, Maywood, California
22 OIL FIELD CONSTRUCTION	Box 947, Bakersfield, California
23 PLANT ASBESTOS Co., a corporation	1540 West 9th, Long Beach, Calif.
24 BAKER PERKINS	1000 Hess, Saginaw, Michigan
25 REECE INSULATION COMPANY, Clark 26 Reece, dba	4563 Valley Blvd., Los Angeles
27 J. T. THORPE	948 E. 2nd St., Los Angeles, Cal.
28 WEBER BAKING COMPANY	

29	Employers	Addresses
30	AETNA CASUALTY AND SURETY CO.	810 South Spring, Los Angeles
31	AMERICAN MOTORIST INS. CO.	3545 Wilshire, Los Angeles
32	AMERICAN EMPLOYERS INS. CO.	639 S. New Hampshire, Los Angeles

1	ARGONAUT INSURANCE CO.	1001 Wilshire Blvd., Los Angeles
2	CASUALTY INSURANCE CO. OF CALIF.	810 South Spring, Los Angeles
3	a corporation	
4	INDUSTRIAL INDEMNITY COMPANY	3745 Long Beach Blvd. Long Beach
5	a corporation	
6	MICHIGAN MUTUAL LIABILITY	c/o Brown Bros. Adjustors,
7		3517 West Sixth St., Los Angeles
8	NATIONAL AUTOMOBILE AND CASUALTY	633 South Spring St., Los Angeles
9	INSURANCE CO.	
10	PACIFIC EMPLOYERS INS. CO.	2484 Pacific Avenue, Long Beach
11	STATE COMPENSATION INS. FUND	3629 Atlantic Ave. Long Beach
12	TRAVELERS INSURANCE COMPANY	Ocean Center Bldg., Long Beach
13	ZURICH INSURANCE COMPANY	Box 3203, Terminal Annex
14		Los Angeles

Insurance Carriers

Addresses

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. Dinwiddle, 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, fiber-glass and other irritants from materials handled and used during said employment.

1 3. That John D. Staples, alleges that as a result of the said
2 injuries, he has suffered a permanent disability.
3 4. That during the periods alleged, the insurance companies were
4 as follows:

- 5 (a) Armstrong Construction: Travelers Insurance Co.
6 {January 1, 1955 to July 29, 1955;
7 {April 23, 1957 to July 31, 1957 }
8 {March 2, 1962 to March 8, 1962 }
9 (b) C. F. Braun: American Motorists Ins. Co.
10 January 1, 1954 to January 1, 1955
11 *J. T. THORPE, INC. - AMERICAN MOTORISTS INS. CO.
JAN. 1955 TO JAN. 1957*
12 (c) Cal State Company: No Record of Coverage
13 (d) Coast Insulating: Pacific Employers Ins. Co.
14 May 1, 1961 to May 1, 1962
15 (e) R. T. Dimwiddle: State Compensation Ins. Fund.
16 July 1, 1958 to July 1, 1959
17 (f) Fiberglass Engineering: Aetna Casualty and Surety Co.
18 {March 1, 1954 to September 1, 1959 }
19 {September 1, 1961 to September 1, 1962 }
20 (g) L. A. Cork: Zurich Insurance Company
21 October 27, 1959 to October 27, 1960
22 (h) Kircher Asbestos: No Record of Coverage
23 (i) Mundet Cork Co, a corp; Aetna Casualty and Surety Co.
24 December 31, 1960 to December 31, 1961
25 (j) Oil Field Construction Co: Casualty Ins. Co. of Calif.
26 January 1, 1954 to January 1, 1955
27 (k) Plant Asbestos Co., a corp; Industrial Indemnity Co.
28 a corporation
29 January 1, 1960 to January 1, 1961
30 (2) American Employers Ins. Co.
31 January 1, 1962 to January 1, 1963
32 (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, 1959

31 That the above employers and insurance carriers are, by agree-
32 ment, parties to this Compromise and Release. That it is expressly

1 understood, and intended by each and all of the parties hereto,
2 that the amount set forth below will be paid and received in con-
3 sideration of the release of the above named insurance carriers
4 and each of them, together with a release of each and all of the
5 above named employers.

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

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

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

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

18 8. That the parties hereby agree to settle any and all claims on
19 account of said injuries by payment of the sum of \$9,250.00,
20 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	<u>\$9,250.00</u>

21 The above sum of \$9,250.00 shall be paid in one lump sum to
22 applicant except as otherwise provided in item 8 (a) below, less
23 \$500.00 advanced by Industrial Indemnity Company, less any allow-
24 able lien claims of record not satisfied as itemized in item 8 (a)
25 below; that applicant agrees to pay any and all expenses incurred
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1 which may have otherwise been properly claimed under Labor Code
2 Section 4600 to have been the responsibility of the defendants
3 herein.

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

- 11 1. Less \$50.⁰⁰ to Silver & McWilliams for living expenses advanced.
12 2. \$996.²² To DEPT. OF EMPLOYMENT.
13

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

18 9. That all self procured medical, if any, shall be the sole
19 responsibility of the applicant and that the defendants, or any
20 of them, shall not be liable for any of said expense. That the
21 defendants or their carriers, are responsible for medical treat-
22 ment and/or examinations here-to-fore authorized by them, but
23 that all future medical shall be the sole responsibility of the
24 applicant herein.

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

32 11. Reason For Compromise: Multiple issues exist which make

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

12 The applicant desires a lump sum settlement and to take con-
13 trol of his own medical treatment. The applicant, and the de-
14 fendants, separately and as a group, desire to buy their peace and
15 to avoid the expense, delay, hazard and uncertainty of extended
16 litigation and to settle their differences for a sum certain. The
17 applicant feels that the liens of _____ and
18 _____ should be allowed in the sum of
19 \$ One Per cent. 8 of the amount claimed.

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

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

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

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

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

19 "A general release does not extend to claims which the
20 creditor does not know or suspect to exist in his favor
21 at the time of executing the release, which if known, by
the debtor."

22 WITNESS the Signature hereof this 1st day of November, 1962, at

23 Wilmington, Calif.

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

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

26 Witnesses
27 The Injured Applicant's Signa-
28 ture must be attested by two
disinterested persons OR
acknowledged before a Notary
Public.

29 By AMERICAN MOTORIST INS. CO.

30 By AMERICAN EMPLOYERS INS. CO.

31 STATE OF CALIFORNIA

32 County of }

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ARGONAUT INSURANCE CO.

By James C. Thomason

CASUALTY INSURANCE CO. OF CALIF.

By George H. Salbert

INDUSTRIAL INDEMNITY COMPANY

By John J. Wren

John J. Wren, Attorney at Law

MICHIGAN MUTUAL LIABILITY

By Robert L. Huber

NATIONAL AUTOMOBILE AND CASUALTY

By Robert L. Huber

PACIFIC EMPLOYERS INS. CO.

By Clayton Penny - Robert R. Wells

STATE COMPENSATION INS. FUND

By Paul Kline

TRAVELERS INSURANCE COMPANY

By John H. Matson

ZURICH INSURANCE COMPANY

By James C. Thomason

On this 1st day of November
A.D., 1962, before me James C. Thomason

James C. Thomason, a Notary Public in and
for the said County and State, residing there-
in, 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.

James C. Thomason
Notary Public in and for said County and
State of California.



BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CASE NO. 62 LB 19396

LONG BEACH OFFICE
INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

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.

OCT 5 - 1962
FILED

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.

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

Eugene Barnes, attorney for Industrial Indemnity

Eugene Barnes, attorney for Industrial Indemnity

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

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

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

**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

45 days to file compromise and release agreement.

45 days to file compromise and release agreement.

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

LAW OFFICES
SILVER, McWILLIAMS & SHERMAN
305 1/2 NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2895 • SPRUCE 5-6128

SANTA ANA OFFICE
METCALFE AND SILVER
1828 NORTH MAIN STREET
RIMBERLY 7-0011

August 29, 1962

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:

X

Please find enclosed the following medical 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

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
3054 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 in chest continue
- 5-10-62 Worse past 2 days "had to go to 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 irritants 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
George E. Fralick, M. D.

GFF: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

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

LAW OFFICES
SILVER, McWILLIAMS & SHERMAN
305 1/4 NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2593 • SPRUCE 5-6128

SANTA ANA OFFICE
METCALFE AND SILVER
1828 NORTH MAIN STREET
KIMBERLY 7-0011

June 19, 1962

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION - LONG BEACH

JUN 20 1962

AND FILED _____ CASE NO. _____
EXHIBIT _____ 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
X reports for filing in the above-entitled
matter.

 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

Richard L. McWilliams
BY 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.
1810 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 consistently had 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
George E. Fralick, D. O.

GEF:rn

LAW OFFICES
CLOPTON & PENNY

SUITE 1228
638 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

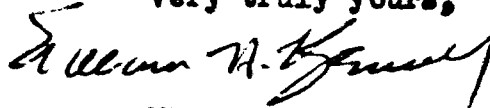
Re: John Staples vs. Coast Insulating, et al
Case No. 62 LB 19396 Hearing Date Oct. 5, 1962

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
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
850 WEST SEVENTH STREET

Los Angeles 14, Calif.

MADISON 3-2865

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 he developed 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 fiberglass 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 one period 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.

No. 2

Re: John D. Staples

8-22-62

He wrapped pipe or ducts with fiberglas cloth. On top of the fiberglas in some instances is placed an asbestos covering. The asbestos has previously been molded. He estimated that the use of asbestos 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 no 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 lose 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.

8-22-62

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

ELECTROCARDIOGRAM: Normal.

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.

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 1959, Schepers et al of the Saranac Laboratory (Trudeau Foundation) reported on the biological action of fiberglass-plastic dust on rats, rabbits, guinea pigs and monkeys. According to these investigators, "this fiberglass dust behaved like an inert substance. This is a most portentous finding, as it is so

No. 4

8-22-62

Re: John D. Staples

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 fiberglass-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 give rise to a pneumoconiosis known as asbestosis. It is believed that it takes from seven to ten years in a fairly high concentration of asbestos fibers to develop 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 roentgenological 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 pneumoconiosis.

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 fiberglass. Furthermore, I believe he could return to work.

Yours very truly,

R. T. Johnstone M.D.

R. T. Johnstone, M.D.

RTU/rcma

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

INDUSTRIAL INDEMNITY COMPANY

INDUSTRIAL ACCIDENT COMMISSION

October 3, 1962

Long Beach, Calif.

OCT 4 1962

I.A.C. No: 62 LB 19396
Applicant: John D. Staples
Employer: Plant Asbestos Co.
Claim No: 662-43-09355

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.

62-43-9355
DANIEL A. LANG, M. D.

1248 GLENDON AVENUE
WESTWOOD VILLAGE
LOS ANGELES 24, CALIFORNIA
GRANITE 8-0111

DIPLOMATES OF THE AMERICAN BOARD OF INTERNAL MEDICINE

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

Re: John D. Staples
Employer - Plant Asbestos

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 sulpham 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 tonsillitis in 1959. Surgery - He had an appendectomy for a ruptured appendix in 1952 and tonsillectomy in 1959. System Review - His maximum weight had been 184 pounds, average weight 170 to 175. His hearing is decreased bilaterally because of the perforated ear drums. He sleeps with one pillow

111

Re: John D. Staples
Employer - Plant Asbestos

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 rhythm 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 CO₂ 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 shows 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, in contradistinction 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.

BERNARD M. SMOLENS, M.D.

BMS:lc

TCMC DEVOH

CL 1 8 24 1975

20 11 11

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

August 31, 1962

9355
II

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

PL
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.	<u>3494</u>	<u>4117</u>	<u>85%</u>
1 sec. V.C. (VC ₁), % of VC	<u>71%</u>	<u>83%</u>	
3 sec. V.C. (VC ₃), % of VC	<u>92%</u>	<u>97%</u>	
Maximum Breathing Capacity (MBC), L/min.	<u>81</u>	<u>138</u>	<u>59%</u>
Air Velocity Index (AVI)	<u>0.7</u>	<u>0.8-1.2</u>	
Minute Vol. of Resp. at rest (MVR), L/min.	<u>9</u>	<u>4-8</u>	
Expiratory Reserve (ER), cc.	<u>1112</u>		
Respiration Rate (RR), /min.	<u>14</u>		

O₂ saturation, % (Ear oximeter):

Rest, air _____; Rest, O₂ _____; Exercise _____; Forced ventilation _____

Normals: Air: 92-102; O₂: 97-105

LUNG VOLUMES

Functional Residual Capacity (FRC), cc.	<u>3038</u>	<u>3330</u>	<u>91%</u>
Residual Volume (RV), cc.	<u>1926</u>	<u>2033</u>	<u>95%</u>
Total Lung Capacity (TLC), cc.	<u>5420</u>	<u>6440</u>	<u>84%</u>
FRC/TLC x 100, % TLC	<u>56.1</u>	<u>49.4</u>	<u>114%</u>
RV/TLC x 100, % TLC	<u>35.5</u>	<u>32.2</u>	<u>110%</u>

BLOOD GASES: (Arterial _____; venous _____; arterialized venous _____)

pH _____

pCO₂ _____ mm Hg

O₂ saturation, %: Rest, air _____

Rest, O₂ _____

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.

INITIALS:

FORM 88

CARDIO-PULMONARY LABORATORY

D. H. Simmons

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION
OF THE STATE OF CALIFORNIA

Notice and Request for Allowance of Lien
FILED

Case No. 62 LB 19306

Date of Injury From 1963 to March 1962

RECEIVED
INDUSTRIAL ACCIDENT COMMISSION
SEP 24 1962

AND FILED
EMPLOYER'S CASE NO.
DATE

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT

P. O. Box

P O Box 1166 Santa Ana Calif

ADDRESS

vs.

LIEN CLAIMANT

John D Staples

EMPLOYEE

10634 Ceres, Whittier Calif

ADDRESS

197 12 2206

EMPLOYEE'S SOCIAL SECURITY NUMBER

Armstrong Contracting

EMPLOYER

1100 S Randini, Los Angeles 22 Calif

ADDRESS

Travelers Insurance Co

INSURANCE CARRIER

110 N 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 5-6-62 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 \$ 148.00
TOTAL \$ 1968.00

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
305 1/2 N Avalon Blvd
Wilmington Calif

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT

HCB Brock

LIEN CLAIMANT

See reverse

I

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

INDUSTRIAL ACCIDENT COMMISSION
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 CONST. ARMSTRON CONTR.,
FIBERGLASS ENG., REECE INSULATION, R. T. DINWIDDIE,
KIRCHER ASBESTOS, L.A. CORK, PLANT ASBESTOS,
MUNDET CORK CORP., CAL. ST., CO.

Defendants—

**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:

John D. Staples, 10634 Ceres, Whittier
Edwin Silver, 305 1/2 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 Insulation 4563 Oceanway - LB 32

DATE 8-3-62 ip *eg*

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. & Sun, 810 S. Spring, L.A.
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)

00-406 5-62 10M ① 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

Notice and Request for Allowance of Lien

Case No. 62 LB 19396

Date of Injury From 1953 to March 1962

JUN 24 1962

27

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT

P. O. Box 1466 Santa Ana Calif

LIEN CLAIMANT

ADDRESS

VS.

John D Staples

10634 Ceres Whittier Calif

EMPLOYEE

ADDRESS

497 12 2206

EMPLOYEE'S SOCIAL SECURITY NUMBER

Armstrong Contracting

4400 E Bandini E Los Angeles 22 Calif

EMPLOYER

ADDRESS

Travelers Ins Co

110 W Ocean Blvd Long Beach 2 Calif

INSURANCE CARRIER

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 3-2-62 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
305 1/2 n Avalon Blvd
Wilmington Calif

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT

W. Karcher

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

Before the Industrial Accident Commission
of the State of California

Case No. 62 LB 19396

JOHN D. STAPLES

vs.

C. F. BRAUN, et al

Applicant

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 H. Jensen
REFERER
INDUSTRIAL ACCIDENT COMMISSION

MAY 29 1962 *ag*
FILED:
SERVED: MAY 29 1962 *ag (w/ copy of app)*
EE ☒ FEA ☒
ER ☒ ERA _____
INS _____ INSA _____
LN. CL. _____ SUIF _____

Dated at Long Beach
California
MAY 29 1962 *g*

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

LAW OFFICES
SILVER, McWILLIAMS & SHERMAN
303 1/2 NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2595 • SPRUCE 5-6120

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

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

Richard L. McWilliams
By RICHARD L. McWILLIAMS

RLMC:11

encl.

STATE OF CALIFORNIA
INDUSTRIAL ACCIDENT COMMISSION

APPLICATION

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

CASE NO. **62 LB 19396**

JOHN D. STAPLES

APPLICANT—

1.0634 Ceres

APPLICANT'S ADDRESS

Whittier, California

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, 6-24-25, alleges that while employed on Between 1953 and March 7, 1962
as heat & frost insulator at Los Angeles County & vicinity, California, by
See listing attached, he sustained injury arising out of and in the course of the employment, as follows:
Exposure to asbestos dust, fiberglass & other irritants resulting in
Lungs and respiratory system

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

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. @ The basis of pay was
MONTH OR WEEK STATE PAY PERIOD OR HOURLY RATE, HOURS A DAY AND DAYS A WEEK

6. Was medical treatment needed? Yes Who furnished treatment? Dr. George Fralick
YES OR NO

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 b. Permanent disability yes c. Medical treatment yes d. Medical costs yes
YES OR NO YES OR NO YES OR NO YES OR NO
e. Litigation expense yes f. STATE ANY OTHER REASON
YES OR NO

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, California, May 17, 1962
CITY DATE

Hearing requested at Long Beach
CITY

Number of witnesses - - - unknown

Estimated time of trial 1/2 day

John D. Staples
APPLICANT'S SIGNATURE

SILVER, McWILLIAMS & SHERMAN
APPLICANT'S ATTORNEY

305 1/2 North Avalon Boulevard
Wilmington, California TE 4-2595
ATTORNEY'S ADDRESS AND TELEPHONE NUMBER

NOTE—PLEASE GIVE NAME OF CITY WHERE HEARING IS REQUESTED. CASE WILL BE SET FOR CITY DESIGNATED OR NEAREST CONVENIENT CITY. IF POSSIBLE, GIVE NUMBER OF WITNESSES EXPECTED TO BE CALLED, AND ON BEHALF OF THE TIME REQUESTED FOR HEARING SO AMPLER 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 FILED, AND IS CASE 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.

JOHN D. STAPLES

1953

Oct. Baker Perkins 56 hours
1000 Hess Ave.
Saginaw, Michigan

Oct. J. T. Thorpe 360 "
948 E. 2nd St.
Nov. Los Angeles 12, Calif.
Dec.

1954

Jan. J.T. Thorpe 939 "
Feb. "
Mar. "
Apr. "
May "
June "
July C. F. Braun 288 "
Aug. 1000 Fremont St.
Alhambra, Calif.
Sept. Const Insulating 88 "
2684 Lacy St.
Los Angeles 31, Calif.
Sept. J. T. Thorpe 118 "
Oct. Oil Field Constr. 82 "
P.O. Box 947
Bakersfield, Calif.
Nov. Oil Field Constr. 40 "
December J.t. Thorpe 360 "

1955

Jan. Armstrong Contr. 2992 "
4400 E. Bendini
Los Angeles, Calif.
Feb. "
Mar. J.T. Thorpe 1962 "
Apr. Armstrong Contr. 6782 "
May "
June "
July "
Aug. "
Sept. "
Oct. "
Nov. "
Dec.

1956

APR 3-1952

April Fiberglas Engineering 1409 1/2 hrs
5933 Telegraph Rd.
Los Angeles 22, Calif.

May "
June "
July "
Aug. "
Sept. "
Oct. "
Nov. "
Dec. "

Reece Insulation 56 "
4563 Valley Blvd.
Los Angeles 32, Calif.

1957

Jan. Fiberglas Engineering 684 "
Feb. "
Mar. "
Apr. Armstrong Contr. 497 "
May "
June "
July Reece Insulation Co. 809 "
Aug. "
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.

RECEIVED
COMMUNICATIONS SECTION
FEB 28 1962

AND
W. J. COLEMAN
RUBEN

1959

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

1962

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

1960

Jan.	Reece Insulation	33 "
Mar.	Kircher Asbestos	40 "
	P.O. Box 6652	
	Phoenix, Arizona	
April	Los Angeles Cork	172 "
	4190 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 "
	2823 Mettler St.	
	Los Angeles 3, Calif.	
Sept.	Fiberglass Engineering	180 "
Oct.	Plant Asbestos Co.	386 "
Nov.	"	
Dec.	"	

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
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

816 SOUTH WESTMORELAND AVENUE

LOS ANGELES 5

DUNKIRK 4-3191

JAN 11 1963

AM 11:40

RECEIVED

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 IB 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
305 1/2 North Avalon Boulevard
Wilmington, California

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

LAW OFFICES
SILVER, McWILLIAMS & SHERMAN
308 1/2 NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2896 • SPRUCE 5-6128

SANTA ANA OFFICE
METCALFE AND SILVER
1828 NORTH MAIN STREET
KIMBERLY 7-0811

November Sixth
Nineteen Hundred Sixty Two

Industrial Accident Commission
236 East Third Street
Long Beach, California

INDUSTRIAL ACCIDENT
COMMISSION - LONG BEACH

NOV 8 1962

AND FILED
CLERK - CLERK
CLERK

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 \$943.22 plus \$48.00 expended for hospitalization benefits or a total of \$996.22.

Page 2

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

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

LAW OFFICES
SILVER, McWILLIAMS & SHERMAN
305 1/2 NORTH AVALON BOULEVARD
WILMINGTON, CALIFORNIA
TERMINAL 4-2595 • SPRUCE 5-6128

SANTA ANA OFFICE
METCALFE AND SILVER
1925 NORTH MAIN STREET
KIMBERLY 7-0011

GW
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

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

RECEIVED
AUG 22 1962
INDUSTRIAL ACCIDENT COMMISSION
LONG BEACH

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 PG 73643 & 73644

Very truly yours,

CLOPTON & PENNY
By: William H. Kennedy
WILLIAM H. KENNEDY
Office Manager

10-5
CABLE ADDRESS
HERANDHER

HERLIHY & HERLIHY

ATTORNEYS AT LAW
SUITE 516 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 8-1489

August 22, 1962

MAILED
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 *Kenneth T. Jones*
Kenneth 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
August 8, 1962

TELEPHONE
MIDWAY 6-4459

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 8, 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.

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

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION — LONG BEACH

JUL 30 1962

ADD FILED
— CARBON — — ENVELOPE —
— INDEX — —

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

43 ADJUSTING OFFICES

CALIFORNIA OFFICES

BAKERSFIELD
CHICO
EL CENTRO
EUREKA
FRESNO
HAYWARD

INGLEWOOD
LONG BEACH
LOS ANGELES
MARTINEVILLE
MONTEREY
MONTEREY

OAKLAND
PALM SPRINGS
PASADENA
POMONA
REDWOOD CITY
REDWOOD CITY

SACRAMENTO
SALINAS
SAN BERNARDINO
SAN DIEGO
SAN FRANCISCO
SAN JOSE

SAN LUIS OBISPO
SAN RAFAEL
SANTA ANA
SANTA BARBARA
SANTA MARIA
SANTA ROSA

STOCKTON
TULARE
VALLEJO
VAN NUYS
VENTURA

ARIZONA OFFICES

PHOENIX
TUCSON

NEVADA OFFICES

LAS VEGAS
RENO

OREGON OFFICES

EUGENE
PORTLAND

WASHINGTON OFFICES

SEATTLE
SPokane

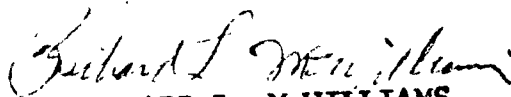
- ✓12. J. T. Thorpe by American Motorists Ins. Co.,
Policy No. 8CM-431898, 1-1-58/59
- ✓13. R. T. Dinwiddle by State Compensation Ins. Fund,
Policy No. P-180247-58, 7-1-58/59
- ✓14. Fiberglas Engineering by Aetna Cas. & Surety,
Policy No. 31C-926-RR, 9-1-58/59
- ✓15. Reece Insulation by National Auto & 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. IWC-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

RLMcW:bc

cc: (with enclosures) all carriers listed

DOUGLAS H. WALLACE
W. GERALD BROWN

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

TELEPHONE
MIDWAY 6-4450

June 14, 1962

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION - LONG BEACH

JUN 18 1962

AND FILED
EXHIBIT CASE NO.
REUSE

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 8780, METRO. STATION
LOS ANGELES 35, CALIF. MADISON 6-9552

June 12, 1962

Silver, McWilliams & Sherman
305 1/2 North Avalon Blvd.
Wilmington, California

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION - LONG BEACH
JUN 14 1962

NO FILE
EXHIBIT CASE NO.

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 POWERS, SUPERVISOR

DIVISION OF APPRENTICESHIP STANDARDS
CHARLES F. MANNA, CHIEF

DIVISION OF HOUSING
LOWELL NELSON, CHIEF

DIVISION OF INDUSTRIAL ACCIDENTS
B. 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 S. GLIPTON, CHIEF

DIVISION OF LABOR LAW ENFORCEMENT
SIGMUND ARNYTIZ, CHIEF

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

STATE COMPENSATION INSURANCE FUND
EARL R. HOWARD, GENERAL MANAGER

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

ADDRESS REPLY TO:

May 29, 1962

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

Baker Perkins
1000 Hess Ave.
Saginaw, Michigan

62 LB 19396

RECEIVED
JUN 11 9 25 AM '62
INDUSTRIAL ACCIDENT
COMMISSION
EXHIBIT CASE NO. 19396

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

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

Mundet Cork Corporation
6116 Walker Avenue
Maywood, California

Hemlock 58367

62 LB 19396

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION

JUN 11 1962

FILED
JUN 11 1962

On May 28, 1962 an Application for Adjustment of Claim
was filed by John D. Staples alleging
injury ~~of~~ 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 - L.A. OFFICE

JUN 8 1962

AND FILED
EXHIBIT CASE NO.
201472

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.

INSURANCE COMPANY:

POLICY # 22-C 645588 - ~~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
INDUSTRIAL ACCIDENT COMMISSION

JUN 6 1962

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: _____

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

FILED
BENCH
CLERK

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.

INDUSTRIAL INSURANCE

MECHANICAL PACKING

STATE OF CALIFORNIA
INDUSTRIAL ACCIDENT COMMISSION



May 28, 1962

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

62 LB 19396

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

AND FILED
FBI
CLERK
STATE

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

ADD FILED
EXHIBIT CASE NO.
INDEX

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 19396

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

Cal State Company
8823 Nettler Street
Los Angeles 3, California

HEmlock 58367

62 LB 19396

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 ~~of~~ 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
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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.

STATE OF CALIFORNIA

DIVISION OF ADMINISTRATION
MARGARET C. BIVINS, CHIEF

CONCILIATION SERVICE
ALLEN B. BAKER, SUPERVISOR

DIVISION OF APPRENTICESHIP STANDARDS
CHARLES P. HANNA, CHIEF

DIVISION OF HOUSING
LOWELL NELSON, CHIEF

DIVISION OF INDUSTRIAL ACCIDENTS
S. W. MACDONALD, CHAIRMAN

J. T. THORPE
EDMUND G. BROWN
BY SALES
ADVISOR
✓ VV



JOHN HENNING
Director

DIVISION OF LABOR LAW ENFORCEMENT
SIGMUND TRYBITE, CHIEF

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

STATE COMPENSATION INSURANCE FUND
EARL R. HOWARD, GENERAL MANAGER

DEPARTMENT OF INDUSTRIAL RELATIONS

HEADQUARTERS: 965 MISSION STREET, SAN FRANCISCO 3

ADDRESS REPLY TO:

May 28, 1962

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

62 LB 10306

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

an Application for Adjustment of
alleging

On May 28, 1962
Claim was filed by John D. Staples
injury on between 1953 to 1961, 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. Kruper
Clerk
INDUSTRIAL ACCIDENT COMMISSION

NAME OF WORKMEN'S COMPENSATION
INSURANCE COMPANY: *L. J. & Co. Employees Insurance Company, 1953-54-55*

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 11 1962

May 29, 1962

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

Los Angeles Cork
4180 East Washington
Los Angeles 22, California

62 LB 1939B

On May 28, 1962 an Application for Adjustment of Claim
was filed by John D. Staples alleging
injury ~~by~~ 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 11 1962

AND FILED
IN BEACH COUNTY
JUN 11 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 Casualty Ins. 1953 thru 1957
INSURANCE COMPANY: ~~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 E. RITCHIE, CHIEF

CONCILIATION SERVICE
GLENN BOWERS, SUPERVISOR

DIVISION OF APPRENTICESHIP STANDARDS
CHARLES P. TIANNA, CHIEF

DIVISION OF HOUSING
LOWELL NELSON, CHIEF

DIVISION OF INDUSTRIAL ACCIDENTS
S. W. MACDONALD, CHAIRMAN

STATE OF CALIFORNIA

EDMUND G. BROWN
Governor



JOHN F. MENNING
Director

DIVISION OF INDUSTRIAL SAFETY
THOMAS N. BAUNDERS, CHIEF

DIVISION OF INDUSTRIAL WELFARE
FLORENCE G. CLIFTON, CHIEF

DIVISION OF LABOR LAW ENFORCEMENT
SIGMUND ARVITZ, CHIEF

DIVISION OF LABOR STATISTICS AND RESEARCH
MAURICE J. GERBENSON, CHIEF

STATE COMPENSATION INSURANCE FUND
EARL R. HOWARD, GENERAL MANAGER

DEPARTMENT OF INDUSTRIAL RELATIONS

HEADQUARTERS: 965 MISSION STREET, SAN FRANCISCO 3

ADDRESS REPLY TO:

May 29, 1962

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

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 193796

Coast Insulating
2684 Lacy Street
Los Angeles 41, 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

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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

ATTY. FOR APPL: Silver & Mc Williams,

LEIN CLAIMANT: Dept. of Employment

DEFENDANTS: 1. Baker Perkins

2. J. T. Thorpe

3. C. F. Braun

4. Coast Insulating

5. Oil Field Construction

6. Armstrong Contractor

7. Fiberglass Engineering

8. Reece Insulation

9. R. T. Dinwiddie

10. Kircher Asbestos

11. Los Angeles Cork

12. Plant Asbestos

13. Mundet Cork Corp.

Cal State Company,

10634 Ceres, Whittier ✓

305 1/2 N. Avalon Blvd., Wilmington ✓

P.O. Box 1466, Santa Ana ✓ 6-28-62

1000 Hess Ave. Saginaw, Michigan ✓

945 E. 2nd St., Los Angeles 12 ✓

1000 Fremont St., Alhambra ✓

2624 Lacy St., Los Angeles 31 ✓ *un-insured*

P.O. Box 947, Bakersfield ✓

4400 E. Bandini, Los Angeles ✓

5933 Telegraph Rd., Los Angeles 22 ✓

4563 Valley Blvd., Los Angeles 32 ✓

~~8627 S. Atlantic, South Gate ✓~~

P.O. Box 6652 Phoenix, Arizona ✓

4180 E. Washington, Los Angeles 23 ✓

1540 W. 9th St., Long Beach ✓

6116 Walker Ave., Maywood ✓

8823 Mettler St., Los Angeles 3 ✓

ATTY. FOR DEFENDANT

INSURANCE CO.

3 American Motorists Ins. Co. ✓

5 Casualty Insurance Co. of Calif. ✓

9 State Compensation Ins. Fund

Zurich Insurance Co.

2 Pacific Employers Ins. Co.

Argonaut Insurance Co.

12 American Employers Ins. Co.

6 Travelers Insurance Co.

8 National Auto & Cas. Co.

13 7 Aetna Casualty & Surety Co.

1 Michigan Mutual Liab. Co.

4 *uninsured*

Industrial Indemnity

3545 Wilshire Blvd., LA ✓

810 S. Spring St., LA ✓

3629 Atlantic Ave., LB ✓

Box 3203, Terminal Annex, LA 54 ✓

2484 Pacific Ave., LB ✓

1001 Wilshire Blvd., LA ✓

639 S. New Hampshire, LA 5 ✓

Ocean Center Bldg., LB 2 ✓

Box 5780, LA 55 ✓

810 S. Spring St., LA 14 ✓

c/o Brown Bros. Adjusters, ✓

3517 West 6th St., LA 5 ✓

P.O. Box 22514

INSURANCE CO. ATTY.

7 Wallace & Brown

McCartney, Ryan, Trout & Dally

Murray Roberts

Herlihy & Herlihy

300 W. Coast Hwy., Newport Beach ✓

639 S. Spring St., LA 14 ✓

750 Broad Avenue, Wilmington ✓

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

November 30, 1972

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

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
RELATIONS
DEC 1 10 54 AM '72
MAIL ROOM
ADDRESS _____
CORRECT ADDRESS _____

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 Com-
promise 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 Com-
promise 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

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

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

5 (c) Pacific Employers Ins. Co.	\$1,415.05
6 (d) American Motorists Ins. Co.	1,005.90
7 (e) Travelers Insurance Co.	821.80
8 (f) State Compensation Insurance Fund	800.00
9 (g) National Automobile & Casualty Ins. Co.	703.85
10 (h) American Employers Ins. Co.	120.75
11 (i) Zurich Insurance Company	120.40
12 (j) Casualty Ins. Co. of California	57.40
13 (k) Michigan Mutual Liability	39.20
14 (l) Argonaut Insurance Company	25.00
	<u>Total \$9,250.00</u>

INDUSTRIAL ACCIDENT COMMISSION

15 GW:ca
 16 1.31.63

17 62 LB 19396

18 DATE FEB 1-1963 *eg*

George Westwick
 Referee

Names and Address of Persons Served:

19 John D. Staples, 10634 Ceres, Whittier
 20 Silver, McWilliams & Sherman, 305 1/2 N. Avalon, Wilmington
 21 Dept. of Employment, P. O. Box 1477, Santa Ana
 22 Armstrong Construction, 4400 E. Bandini, Los Angeles
 23 C. F. Braun, 1000 Fremont St., Alhambra
 24 Cal State Company, 8823 Mettler St., Los Angeles
 25 Coast Insulating, 2684 Lacy St., Los Angeles
 26 R. T. Dinwiddie, 8627 So. Atlantic, South Gate
 27 Fiberglass Engineering, 5933 Telegraph Rd., Los Angeles
 28 Los Angeles Cork, 4180 E. Washington, Los Angeles
 29 Kircher Asbestos, Box 6652, Phoenix, Arizona
 30 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 St.
 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

FEB 1-1963 *eg*

Names and address of Persons Served (continued):

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- 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, Drent & Kelly, 639 S. Spring St., L.A. 14 *eg* 2-1-63
Arnold Smith, Forum Bldg., Sacramento *eg* 2-1-63

-3-

62 LB 19396

Dated at Long Beach
California
FEB 1-1963 *eg*

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

JOHN D. STAPLES

CASE NO. 62 LB 19396

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

Case No. 62 LB 19396

JOHN D. STAPLES,

Applicant

vs.

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

Defendant

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 Westwick

Referee

Name and Address of Persons Served

1466, Santa Ana Date
Department of Employment, P. O. Box 469, Long Beach
Silver, McWilliams & Sherman, 305 1/2 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)

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