

FILE NAME: Johns-Manville (JMA)

DATE: 1967

DOC#: JMA154

DOCUMENT DESCRIPTION: Contract Unit Claim File: Robert
Horsman

WORKERS' COMPENSATION APPEALS BOARD - CALIFORNIA
(INDUSTRIAL ACCIDENT COMMISSION, prior to 1966)

APPLICANT ROBERT HORSMAN CASE # LA 316509
Asbestos Installer

DATE CLAIM FILED Oct. 23, 1967 Amended Sept. 5, 1968

INJURY ALLEGED Inhaling foreign substances

ALLEGED DATE OF INJURY 1925-1967

EMPLOYER/INSURER Thorpe Insulation Co./Firemen's Fund Ins. et. al.
including J-M Insulation

OTHER NOTES Pulmonary fibrosis secondary to asbestosis

DATE OF RESOLUTION Jan. 22, 1970

RESOLUTION Compromise & Release \$19,000 settlement
apportioned among 18 employers/carriers

DOCUMENTS COPIED 1) Compromise & Release # OF 5 PAGE
2) Application showing original defendants

CLAIMANT

Robert Harsman
California Workers' Compensation Appeals Board

20

CARRIERS INVOLVED:

- The AETNA Casualty & Surety Co.
- oAmerican Automobile Ins. Co.
- oAmerican Employers Ins. Co.
- American Motorists Ins. Co.
- Argonaut Ins. Co.
- oAssociated Indemnity Corp.
- oCalifornia Casualty Indemnity Exchange
- oCalifornia Compensation & Fire Co.
- Casualty Ins. Co. of California
- oEmployers Liability Assurance Corp.Ltd.
- Employers Mutual Liability Ins. Co. of Wisconsin
- oFidelity & Casualty Co. of New York
- Fireman's Fund Ins. Co.
- General Accident, Fire & Life Assurance Corp. Ltd.
- oGlobe Indemnity Co.
- Guarantee Insurance Co.
- oGreat American Ins. Co.
- oHardware Mutual Casualty Co. (Sentry Ins. Co.)
- Industrial Indemnity Co.
- oIndustrial Indemnity Exchange
- oInsurance Co. of North America
- oLiberty Mutual Ins. Co.
- oLumberman's Mutual Casualty Co.
- oMaryland Casualty Co.
- oMichigan Mutual Liability Co.
- Mission Insurance Co.
- oNational Automobile & Casualty Ins. Co.
- oNew Amsterdam Casualty Co.
- oOcean Accident & Guarantee Corp.Ltd.
- Pacific Employers Ins. Co.
- oPacific Indemnity Co.
- oReliance Ins. Co. (Standard Accident Ins. Co.)
- oRoyal Indemnity
- oSecurity Ins. Co. of Hartford (U.S. Casualty Ins. Co.)
- State Compensation Insurance Fund
- oTransport Indemnity Co.
- The Travelers Ins. Co.
- oThe United Pacific Ins. Co.
- U.S. Fidelity & Guaranty Co.
- oZenith National Ins. Co.
- oZurich Ins. Co.
- Hartford Accident & Indemnity Co.
- Security Mutual Casualty Co.
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WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

ROBERT J. HORSMAN,

CASE No. 67 LA 316-509

Applicant

vs.

THORPE INSULATION COMPANY,
et al, FIREMAN'S FUND INSURANCE
COMPANY, et al.

Defendant

C E R T I F I C A T I O

I hereby certify that the attached documents are true
and correct copies of the original documents filed in the record
of this office in the above-entitled matter.

ATTEST my hand and the Seal of the Workers' Compensation
Appeals Board of the State of California.


ALFRED O. WILLIAMS
Workers' Compensation Judge
Workers' Compensation Appeals Board

Dated at San Francisco,
California, this 6 day
of April, 1981

1 McLAUGHLIN, EVANS, DALBEY & CUMMING
2 1717 North Highland Avenue
3 Los Angeles, California 90028
4 466-8541

5 Attorneys for Owens-Corning
6 Fiberglass Corp. and Aetna
7 Casualty & Surety Co.,
8 Defendants

WORKMEN'S COMP. ACT OF 1906

APPROPRIATE
SPECIES
CARRIER

9 WORKMEN'S COMPENSATION APPEALS BOARD
10 STATE OF CALIFORNIA

11 ROBERT J. HORSMAN,
12 SSA: 562-03-2606
13 Applicant

14 vs.

15 MUNDET CORK CORPORATION, et al.
16 Defendants

CASE NO.: 67 LA 316 509

COMPROMISE AND RELEASE

AGREEMENT

17 The parties hereto, for the purpose of compromise only,
18 hereby submit the following agreed statements of fact:

19 1. Robert J. Horsman, born August 26, 1904, claims he
20 was employed between 1925 and June 28, 1967, at various locations
21 within the State of California as an asbestos installer as a result
22 of which he sustained an injury arising out of and occurring in the
23 course of his employment from inhaling foreign substances, or in-
24 jured self in some other manner, resulting in injury to his lungs
25 and other injuries, symptoms, conditions and complaints set forth
26 in the medical reports on file.

27 2. During the alleged period of employment, the applicant
28 was employed at various times by Coast Insulating Company, The
29 Philip Carey Mfg. Co., Owens-Corning Fiberglass Corporation, Mundet
30 Cork Corporation, Fiberglass Engineering and Supply Company, Proctor
31 & Gamble Soap Company, Los Angeles Department of Water and Power,
32 J. T. Thorpe, INC., Insulations, Inc., Marine Engineering Company,
Tenneco, Inc., a corporation, successor to California Petroleum Corp.

1 Los Angeles Rubber Company, Los Angeles Cork Company, Plant Asbe:
2 Company, Coast Insulating Products, Swift Packing Co., Armstrong
3 Cork Company, Metal Clad Insulation Co., Accurate Insulation Co.
4 Inc., Shell Oil Company, Johns-Manville Sales Corporation, Armst:
5 Contracting and Supply Corporation and various employers set for:
6 in the Application for Adjudication of Claim.

7 (3.) The actual weekly wages of the employee at the time
8 injury are in dispute.

9 (4.) The employee's present disability is in dispute.

10 (5.) No temporary disability indemnity has been paid to
11 employee.

12 (6.) The parties hereby agree to settle any and all clai
13 on account of said injury by the payment of the sum of \$19,000.
14 said sum, to be payable to the applicant in one lump sum, after
15 deducting of attorney fees and lien claims of record, excepting t
16 lien claim of the Department of Employment and said Dept. of Empl
17 ment lien should be denied since the applicant's condition has be
18 permanent and stationary since June 30, 1967 (Dr. Derry's report
19 of December 9, 1967) and the Department of Employment commenced
20 payments July 5, 1967.

21 (7.) The applicant's medical expense has been self-procu:
22 and none has been furnished by the employers or carriers.

23 (8.) At various times the insurance carriers for various
24 employers during the alleged period of injury were:

25	(a) ARGONAUT INS. CO.	1,694.00
26	(b) CASUALTY INS. CO. OF CALIF.	328.00
27	(c) THE TRAVELERS INS. CO.	1,259.00
28	(d) HARTFORD ACCIDENT & INDEMNITY CO.	41.00
29	(e) MISSION INS. CO.	91.00
30	(f) STATE COMPENSATION INS. FUND	1,950.00
31	(g) UNITED STATES FIDELITY & GUARANTY CO.	55.00
32	(h) GUARANTEE INS. CO.	701.00
	(i) AMERICAN MOTORISTS INS. CO.	680.00
	(j) SECURITY MUTUAL CAS. CO.	118.00
	(k) INDUSTRIAL INDEMNITY CO.	144.00
	(l) FIREMAN'S FUND INS. CO.	1,780.00
	(m) GENERAL ACCIDENT FIRE & LIFE ASSUR.	275.00

		<u>CONTRIBUTIO</u>
1	(m) Pacific Employers Ins. Co. 2/11/6	\$ 3,003.
2	(n) Employers Mutual Liability Ins.Co.	969.
3	(o) Aetna Casualty & Surety Co. 5/7/7	5,262.
4	(p) Proctor & Gamble Soap Co.,	
5	permissibly self-insured	25.0
6	(q) Los Angeles Department of	
7	Water & Power, legally self-insured	620.0

9. The employee's attorney is Steven Roseman, 1543 West Olympic Boulevard, Los Angeles, California 90015

10. Attorney requests the fee of \$ 1600.00

Amount of attorney's fee previously paid, if any, \$ None

11. Reason for Compromise: A bona fide dispute exists as to whether or not the applicant sustained injury which arose out of and occurred in the course of his employment through exposure to any deleterious substances while working for the named employers. The nature of the applicant's illness and the extent of his disability is set forth in the medical reports on file. There is a dispute as to whether or not any portion of the applicant's disability is due to causes other than industrial exposure. The applicant has expressed the desire of resolving the litigation by obtaining a lump sum amount and controlling his own medical treatment in the future. All parties desire to resolve the disputed issues by this settlement, thereby avoiding protracted delay and expense of litigation.

12. The undersigned request that this Compromise and Release Agreement be approved.

13. Upon approval of this Compromise Agreement by the Workmen's Compensation Appeals Board or a Referee, and payment in accordance with the provisions hereof, said employee releases and forever discharges said employer and insurance carrier from all claims and causes of action, whether now known or ascertained, or which may hereafter arise or develop as a result of said injury, including any and all liability of said employer and said insurance

1 carriers and each of them to the dependents, heirs, executors,
2 representatives, administrators or assigns of said employee.
3

4 WITNESS this 22 day of January, 1970, at Los
5 Angeles, California.

6 Robert J. Horsman
7 ROBERT J. HORSMAN, Applicant

8 Steven Roseman
9 STEVEN ROSEMAN, Applicant's atty

10 ARGOMAUT INSURANCE COMPANY
11 SECURITY MUTUAL CASUALTY CO.
By: HANNA AND BROPHY

12 By Norma Farrell

13 THE TRAVELERS INSURANCE CO.
By: PARKER & DALLY

14 By John D. Dally

15 CASUALTY INSURANCE CO. OF CALIF.

16 By William Maynard

17 HARTFORD ACCIDENT & INDEMNITY CO

18 By James Woods

19 JAMES WOODS

20 MISSION INSURANCE COMPANY

21 By FW Harrington

22 STATE COMPENSATION INSURANCE FUND

23 By Robert Harrison

24 U. S. FIDELTY & GUARANTY CO.
25 By: HERLIHY, HERLIHY, JONES & NELSON

26 By F. J. Herlihy

27 LOS ANGELES DEPARTMENT OF WATER
28 & POWER

29 By F. J. Herlihy

30 PROCTOR & GAMBLE SOAP CO.
31 By: HERLIHY, HERLIHY, JONES & NELSON

32 By F. J. Herlihy

GUARANTEE INSURANCE COMPANY
By: CONZALE & CONSKER

By: *David M. Conzale*
AMERICAN MOTORISTS INSURANCE CO.;
LUMBERMEN'S MUTUAL INSURANCE CO.

By: *J. K. Henderson*
INDUSTRIAL INDEMNITY COMPANY

By: *Gene C. Ferguson*
FIREMAN'S FUND INSURANCE COMPANY
By: WEINGAND, KENDIG & STOCKWELL

By: *E. H. Kendig*
GENERAL ACCIDENT FIRE & LIFE
ASSURANCE COMPANY
By: HERB GARABEDIAN

By: *Herb Garabedian*
PACIFIC EMPLOYERS INSURANCE CO.

By: *Frank S. Sanders*
EMPLOYERS MUTUAL LIABILITY INS. CO.

By: *Ray B. Cunningham*

AETNA SURETY & CASUALTY CO.
By: McLAUGHLIN, EVANS, DALBEY & CUMMINS

By: *Ray B. Cunningham*
Ray B. Cunningham

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

ss.

On this 22 day of January, A.D., 1970, before me,
the undersigned, a Notary Public in and for the said County and
State, residing therein, duly commissioned and sworn, personally
appeared ROBERT J. HORSMAN, known to me to be the person whose
name is subscribed to the within Instrument, and acknowledged that
he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year first above written.

(S E A L)

Ray B. Cunningham
Notary Public in and for said
County and State.

14-00000

EMPLOYERS AND EMPLOYEES

CLERICAL

Arpe Insulation Co. 2721 S. Yates Avenue Los Angeles, California	1960, 1961, 11, 12/1966 1, 2, 3, 4, 1967	Fireman's Fund Insurance Company 3223 W. 6th Street Los Angeles, California
Metalbond Insulation Co. 21750 S. Western Avenue Torrance, California	April, 1967	Hartford Ins. Group 543 S. Spring Street Los Angeles, California
The Philip Carey Mfg. Co. 532 S. Monterey Pass Rd. Monterey Park, California 91754	June, 1967	General Accident Ins. Co. 3535 W. 6th Street Los Angeles, California
Western Asbestos Co. 240 Valley Drive Burbank, California, 94005	6/12/65 1/2/66	
Insulations Inc. (sold to) Philip Carey Mfg. Co. 2 S. Monterey Pass Rd. Monterey Park, California	3, 4/65 and Feb., 1966	Pacific Employers Ins. Co. 4050 Wilshire Boulevard Los Angeles, California
Owens Corning Fiberglas Corp. P.O. Box 961 Toledo, Ohio	10, 11/1952 11, 12/1953 1-7/1954 1-12/1957 3-12/1957 1959, 1961, 1962, 2, 3, 4, 5, 6/1963 3-12/1964 and 8-10/1966	The Aetna Casualty & Surety Ins. Co., 2404 Wilshire Boulevard Los Angeles, California and Employers Mutuals of Wash 3540 Wilshire Boulevard Los Angeles, California
Los Angeles Cork Co.	12/1964 and 1, 2/1965	Fireman's Fund Ins. Co. 3223 W. 6th Street Los Angeles, California
J.T. Thorpe, Inc. 948 E. 2nd Street Los Angeles, California, 90012	1961, 1963 & 1964	American Motorists Ins. 3545 Wilshire Blvd. Los Angeles, California
Armstrong Contracting & Supply 120 N. Lime Street Lancaster, Pa.	1961, 1962, 1963 & 1964	The Travelers Ins. Co. 3600 Wilshire Boulevard Los Angeles, California
Commercial Contracting Corp. 32217 Stephenson Hwy. Madison Heights, Michigan	1962	
The Isotherm Co. 605 Williams Street Bakersfield, California	1962	
Mundet Cork Corporation 7101 Lomello Avenue No. Bergen, N.J.	1939, 1950, 1952 & 1961	The Aetna Casualty & Sur Ins. Co. 2404 Wilshire Blvd. Los Angeles, California

COMPANIES & ADDRESSES	PERIOD	CARRIER
Construction Metal Works 5324 N. Chico Long Beach, California	1961	
Plant Asbestos Co. 1540 W. 10th St. Long Beach, Calif.	1961	Industrial Indemnity Co 305 So. Virgil Avenue Los Angeles, California
Accurate Insulation Co., Inc. 9323 Hottler St. Los Angeles, California	9-10/1963 11-12/1966 1961	Casualty Ins. Co. of Ca P.O. Box 3103 Anaheim, California and State Compensation Ins. P.O. Box 2134 Los Angeles, California
Air Conditioning Inc. 2001 Kettner Boulevard in Diego, California	2,3,4/1960	
Coast Insulating Products (no longer in business) 184 Lacy St. Los Angeles, California	12/1954, 1-12/1955 1-12/1956 1959 and 5-10/1960	Argonaut Insurance Co. 443 Shatto Pl. Los Angeles, California and Guarantee Ins. Co. 1671 Wilshire Blvd. Los Angeles, California
Department of Water & Power of the City of Los Angeles 207 S. Broadway Los Angeles, California	8-10/1954	(LEGALLY UNINSURED)
Armstrong Cork Co. 120 W. Lime St. Lancaster, California	11,12/1954	The Travelers Ins. Co. 3600 Wilshire Boulevard Los Angeles, Calif.
Town & Root Construction Co. Houston, Texas	1951, 1-4/1952	
Johns Manville Insulation Co. South Carolina (Sas City, Texas)	1942, 1947, 1948 1949, 6-9/1952 1951	(Self Insured)
Houston, Texas	1948, 1-3/1950	
North Brothers Atlanta, Ga.	1940, 1941 & 1950	
Pittsburg, Pa.	6-9/1950	
Denver, Colorado	9-11/1950	
Stern Brothers Denver, Colorado	1949	
Standard Asbestos Houston, Texas	1946, 1947	
Brown Ship yard Houston, Texas	1945	
A. B. Engineering Co. Houston, Texas	1945	

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EMPLOYERS & ADDRESSES	PERIOD	CARRIER
Warren & Bates Houston, Texas	1942, 1943, 1944 & 1945	
Poe Pipe and Heating Co. North Carolina	1941	
Paulsborough, New Jersey	1939, 1940	
Richmond, Virginia	1940	
Brooks, Fisher Insulation Co. Atlanta, Ga.	1940	
Marine Engineering Co. Los Angeles, California	1938, 1939	Pacific Employers Ins. 4050 Wilshire Boulevard Los Angeles, California
Badger Construction Co. Chita, Kansas	1939	
Plant Rubber & Asbestos Co. San Francisco, California (537 Brannon Street)/ Swift Packing Co. Los Angeles, California	1938 1937	(Self Insured) Security Mutual Cas. Co. c/o Reeves & Hay Adjuster 1139 W. 6th St. Los Angeles, Calif.
Warren & Bailey Insulation Co. Los Angeles, California	1937	State Compensation Ins. P.O. Box 2134 Los Angeles, California
General Petroleum Co. Los Angeles, California	1934, 1935 & 1936	Occidental Indemnity (address unknown)
Los Angeles Rubber Co. Los Angeles, California	1933	State Compensation Ins. P.O. Box 2134 Los Angeles, California and Lumberman's Mutual Ins. 3545 Wilshire Boulevard Los Angeles, California
Proctor and Gamble Soap Co. 1601 West 7th Street Long Beach, California	1931 and 1932	(Self Insured)
Texaco Oil Co., Inc. (main office) 3350 Wilshire Los Angeles, California	1930	California Cas. Indemnity Exchange 417 S. Hill Street Los Angeles, California
Thomas Beverly Plumbing Co. Los Angeles, California (NO LONGER IN BUSINESS)	1927, 1928, 1929	
Fluoro Asbestos Co. Los Angeles, California	1925 and 1926	
Oil Co. Los Angeles, California	1926	State Compensation Ins. P.O. Box 2134 Los Angeles, California
R.V. Cook Co. Denver, Colorado	1926	