

FILE NAME: Insulators Workers' Comp Claims (IWC)

DATE: 1968

DOC#: IWC046

DOCUMENT DESCRIPTION: Claimant - Nicholson, Clyde [From J-M Archive]

File Name **Contract Unit Claim File: Clyde Nicholson Jun.19/68 ; Amended Sept. 12/68**

Scanned ? **yes**

Source **JMA: NS-JM**

Start Year **1968**

Stop Year **1968**

Contents **claim**

Notes

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

APPLICANT CLYDE NICHOLSON CASE # ANA 23
Asbestos Worker

DATE CLAIM FILED June 19, 1968 Amended Sept. 12, 1968

INJURY ALLEGED Injury to lungs/due to exposure to asbestos

ALLEGED DATE OF INJURY 1946-1968

EMPLOYER/INSURER Plant Rubber & Asbestos Works et. al.

(including JM Sales/The Travelers)

16 employers & carriers

No apparent Canadian carrier

OTHER NOTES Med Rpt to applicant's attorney: "...almost certainly
from fibrosis of lungs... due to inhalation of asbestos
fibers... permanently & totally disabled."
No other medical reports in file.

DATE OF RESOLUTION Feb. 21, 1969

RESOLUTION Compromise & Release \$8,380 settlement
apportioned among 10

DOCUMENTS COPIED 1) Compromise & Release

CF

CLAIMANT

Clyde Nicholson

California Workers' Compensation Appeals Board

26

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.
- oCasualty Ins. Co. of California
- oEmployers Liability Assurance Corp.Ltd.
- oEmployers Mutual Liability Ins. Co. of Wisconsin
- oFidelity & Casualty Co. of New York
- oFireman's Fund Ins. Co.
- oGeneral Accident, Fire & Life Assurance Corp. Ltd.
- oGlobe Indemnity Co.
- oGuarantee 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.
- oMission Insurance Co.
- National Automobile & Casualty Ins. Co.
- oNew Amsterdam Casualty Co.
- oOcean Accident & Guarantee Corp.Ltd.
- Pacific Employers Ins. Co.
- Pacific Indemnity Co.
- oReliance Ins. Co. (Standard Accident Ins. Co.)
- oRoyal Indemnity
- oSecurity Ins. Co. of Hartford (U.S. Casualty Ins. Co.)
- oState Compensation Insurance Fund
- oTransport Indemnity Co.
- The Travelers Ins. Co.
- oThe United Pacific Ins. Co.
- oU.S. Fidelity & Guaranty Co.
- oZenith National Ins. Co.
- oZurich Ins. Co.
- Pacific Employers Group
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1 WORKERS' COMPENSATION APPEALS BOARD

2 STATE OF CALIFORNIA

3 CLYDE NICHOLSON,
4

CASE No. 68 ANA 23276

5 Applicant

6 vs.

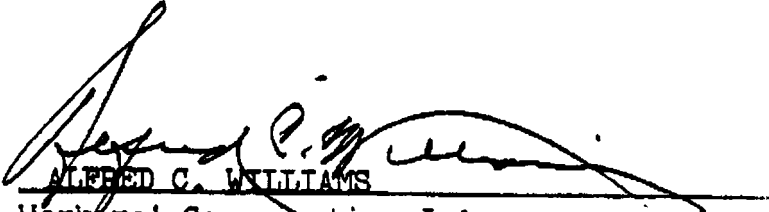
C E R T I F I C A T I O N

7 ARMSTRONG CORK COMPANY, et al
8

9 Defendant

10
11 I hereby certify that the attached documents are true
12 and correct copies of the original documents filed in the records
13 of this office in the above-entitled matter.

14 ATTEST my hand and the Seal of the Workers' Compensation
15 Appeals Board of the State of California.
16

17
18
19 
20 ALFRED C. WILLIAMS
21 Workers' Compensation Judge
22 Workers' Compensation Appeals Board
23

24 Dated at San Francisco,
25 California, this 31 day
26 of March, 1981
27

1 ROSE, KLEIN & MARIAS
2 Attorneys at Law
3 900 North Broadway, Suite 412
4 Santa Ana, California 92701
5 Telephone: 541-4128

6 Attorneys for Applicant

MAE 20 1969

8 BEFORE THE WORKMEN'S COMPENSATION APPEALS BOARD
9 OF THE STATE OF CALIFORNIA

10
11 CLYDE NICHOLSON,

12 Applicant,

13 -vs-

14 ARMSTRONG CORK COMPANY, et
15 al.,

16 Defendants.

No. 68 ANA 23276

COMPROMISE AND RELEASE

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

19 1. CLYDE NICHOLSON, 1808 East Commonwealth Avenue, #104,
20 Fullerton, California, employee herein, born on October 23, 1936,
21 having Social Security No. 317-26-1599, claims that he was employed
22 during the period 1946 through 1963 at Various Cities in the State
23 of California as an Asbestor Worker by the various employers signa-
24 tory to this Agreement; said employers were then insured as to their
25 respected periods of employment for workman's compensation liability
26 by the various insurance carriers signatory to this agreement; and
27 that the Applicant sustained an injury arising out of and in the
28 course of his employment as a result of exposure to asbestos caus-
29 ing a pulmonary disorder.

30 2. The actual weekly wages of the employee during the
31 period of injury were in dispute.

3. The employee's present disability is in dispute and

1 the employee has not returned to work.

2 4. No temporary disability indemnity has been paid to the
3 employee and the amount due and unpaid is in dispute. No permanent
4 disability has been paid to the employee.

5 5. The parties hereby agree to settle any and all claims
6 on account of said injury by the payment of the sum of \$8,380.00,
7 in addition to any sums heretofore paid by the employer or the in-
8 surer to the employee, said sum to be payable as follows:

9 A. By ARGONAUT INSURANCE COMPANY:

10 (1) \$238.00 to Alan Frank, M.D., in full satis-
11 faction of his Lien;

12 (2) \$25.50 to the Applicant;

13 (3) \$1,000.00 to Rose, Klein & Marias, as attor-
14 neys' fees.

15 B. By AMERICAN MOTORISTS

16 INSURANCE COMPANY:

17 (1) \$67.50 to Rose, Klein & Marias, as reimburse-
18 ment for costs advanced in obtaining records from the
19 Social Security Administration and the California In-
20 spection Rating Bureau;

21 (2) \$894.90 to the Applicant.

22 C. By PLANT RUBBER & ASBESTOS WORKS, and FIBREBOARD
23 CORPORATION:

24 (1) \$726.75 to the Applicant.

25 D. By NATIONAL AUTO & CASUALTY CO., \$68.40 to the
26 Applicant.

27 E. By PACIFIC EMPLOYERS GROUP (Plant Insulation
28 Company), \$1,363.25 to Applicant.

29 F. By PACIFIC EMPLOYERS GROUP (Marine Engineering &
30 Supply Co.), \$50.80 to Applicant.

31 G. By PACIFIC INDEMNITY COMPANY, \$315.35 to Applicant.

32 H. By INDUSTRIAL INDEMNITY COMPANY, \$167.20 to the

1 Applicant.

2 I. By AETNA CASUALTY & SURETY COMPANY, \$475.00 to
3 the Applicant.

4 J. By THE TRAVELERS INSURANCE COMPANY, \$2,976.35 to
5 the Applicant.

6 6. Medical and hospital expenses have been paid all by
7 the employee and none by the employers or carriers. Unpaid bills
8 amount to none. Future and hospital expenses are estimated at
9 \$4,000.00. Unpaid and future medical and hospital expense is to be
10 assumed all by the Applicant.

11 7. Name and address of employee's attorney is ROSE,
12 KLEIN & MARIAS, 900 North Broadway, Suite 412, Santa Ana, Califor-
13 nia 92701.

14 8. Said attorneys request a fee of \$1,000.00. No
15 prior attorneys' fee has been paid.

16 9. Reason for the compromise is substantial issues exist
17 as to injury arising out of and occurring in the course of employ-
18 ment, and as to statute of limitations. All parties desire to
19 avoid the hazards of litigation and the Defendants desire to buy
20 their peace.

21 10. The undersigned request that this Compromise and
22 Release Agreement be approved.

23 11. Upon approval of this Compromise Agreement by the
24 Workmen's Compensation Appeals Board or a Referee, and payment in
25 accordance with the provisions hereof, said employee releases and
26 forever discharges said employers and insurance carriers from all
27 claims and causes of action, whether now known or ascertained, or
28 which may hereafter arise or develop as a result of said injury,
29 including any and all liability of said employers and said insurance
30 carriers, and each of them, to the dependents, heirs, executors,
31 representatives, administrators or assigns of said employee.

32 WITNESS the signature hereof this 21st day of February.

1 1969, at Santa Ana, California.
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Clyde Nicholson
CLYDE NICHOLSON, Applicant

ROSE, KLEIN & MARIAS

By: Howard A. Gebler
Howard A. Gebler,
Attorneys for Applicant

PLANT, RUBBER & ASBESTOS WORKS, and
FIBREBOARD CORPORATION BY:
BROBECK, PHLEGER & HARRISON

By: Rinaldo Sciaroni, Jr.
Rinaldo Sciaroni, Jr.,
Attorneys for above Defendants

EARL VANATTA and NATIONAL AUTOMOBILE
& CASUALTY COMPANY

By: Henry C. Ebert

PLANT INSULATION COMPANY and PACIFIC
EMPLOYERS GROUP BY:
ZONNI, GINOCCHIO & TAYLOR

By: Ralph J. Ginocchio
Ralph J. Ginocchio,
Attorneys for above Defendants

C. F. BRAUN & COMPANY, and AMERICAN
MOTORISTS INSURANCE COMPANY

By: Ralph J. Ginocchio

MARINE ENGINEERING & SUPPLY CO., and
PACIFIC EMPLOYERS INSURANCE COMPANY BY:
ZONNI, GINOCCHIO & TAYLOR

By: Ralph J. Ginocchio
Ralph J. Ginocchio,
Attorneys for above Defendants

INDUSTRIES SUPPLY COMPANY of SAN DIEGO
By: PACIFIC INDEMNITY COMPANY

By: Jack Miller

BECHTEL CORPORATION AND INDUSTRIAL IN-
DEMNITY COMPANY BY:
MANSELL & GIDDENS

By: John Green
Attorneys for above Defendants

COAST INSULATING PRODUCTS and ARGONAUT
INSURANCE COMPANY BY:
SAMUELSEN, BOLSON & WHITEHEAD

By: Ben Whitehead
Attorneys for above Defendants

ARMSTRONG CONTRACTING & SUPPLY CORPORA-
TION and AETNA CASUALTY & SURETY COM-
PANY BY:
WEINGAND, KENDIG & STOCKWELL

By: Joseph J. Gleason
Attorneys for above Defendants

JOHN MANSVILLE SALES CORPORATION and
THE TRAVELERS INSURANCE COMPANY BY:
DAVID A. TAYLOR, Attorney at Law

David A. Taylor
Attorney for above Defendants

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:

On this 21st day of February, 1969, before me, MARY VAL-
DEZ, a Notary Public in and for the said County and State, residing
therein, duly commissioned and sworn, personally appeared CLYDE
NICHOLSON, 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 af-
fixed my official seal the day and year in this certificate first
above written.



OFFICIAL SEAL
MARY VALDEZ
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY

Mary Valdez
Notary Public in and for said
County and State of California

My Commission Expires August 19, 1969