

FILE NAME: Fluor (FLU)

DATE: 1961 Aug 29

DOC#: FLU002

DOCUMENT DESCRIPTION: Legal - Order Approving Compromise and Release

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA
CLAIM NO. 60 SF 193-854

CLIFFORD P. HARDING,

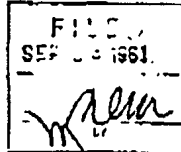
Applicant,

ORDER APPROVING
COMPROMISE AND RELEASE

vs.

PLANT ASBESTOS CO., J. T. THORP & SONS,
INC., METALCLAD INSULATION CO., INC.,
DAN CAW, dba CAW INSULATION, DUTTON
ASBESTOS & SUPPLY CO., ARMSTRONG CORK
CO., COAST INSULATING PRODUCTS CORP.,
C. F. BRAUN & CO., OWENS-CORNING
FIBERGLAS CORP., JACKSON & HOPKINS CO.,
INC., MARINE ENGINEERING & SUPPLY CO.,
FLUOR MAINTENANCE, INC., M. R. CARPENTER,
INC., WESTERN ASBESTOS CO., INDUSTRIAL
INDEMNITY CO., CALIFORNIA CASUALTY
INDEMNITY EXCHANGE, STANDARD ACCIDENT
INS. CO., TRAVELERS INS. CO., ARGONAUT
INS. CO., AMERICAN MOTORISTS INS. CO.,
AETNA CASUALTY & SURETY CO., GUARANTEE
INS. CO., ZENITH NATIONAL INS. CO.,
PACIFIC EMPLOYERS INS. CO., ASSOCIATED
INDEMNITY CORP., and STATE COMPENSATION
INSURANCE FUND,

Defendants.



The parties to the above entitled action having filed a
Compromise and Release herein, on Aug. 29, 1961, settling the above
case for \$3,300.00, 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 Compromise and Release be, and it is
herby approved, payable as follows:

By INDUSTRIAL INDEMNITY COMPANY	\$ 337.10
By CALIFORNIA CASUALTY INDEMNITY EXCHANGE	16.86
By STANDARD ACCIDENT INSURANCE COMPANY	16.86
By TRAVELERS INSURANCE COMPANY	50.57
By ARGONAUT INSURANCE COMPANY	33.71

Re: CLIFFORD P. HARDING - Claim No. 60 SF 193-854

BY AMERICAN MOTORISTS INSURANCE COMPANY	\$ 84.28
BY AETNA CASUALTY & SURETY COMPANY	370.81
BY GUARANTEE INSURANCE COMPANY	286.54
BY ZENITH NATIONAL INSURANCE COMPANY	33.71
BY PACIFIC EMPLOYERS INSURANCE COMPANY	101.13
BY ASSOCIATED INDEMNITY CORPORATION	33.71
BY STATE COMPENSATION INSURANCE FUND	1934.72
	<u>\$3300.00</u>

IT IS FURTHER ORDERED that STATE COMPENSATION INSURANCE FUND deduct the sum of \$352.00 from its contribution to be paid directly as follows: \$300.00 to Smith, Parrish, Paduck & Clancy as an attorneys' fee; \$22.00 to Smith, Parrish, Paduck & Clancy for transcript of the deposition; \$30.00 to Norbert Frey, M.D.

A. H. NELSON, Referee
INDUSTRIAL ACCIDENT COMMISSION

-ARN:mlm

SEP 23 1961

Filed and served on: *mlm*

Clifford P. Harding, 1407 Howe Ave., Sacramento 25
Plant Asbestos Co., 1300 - 64th St., Emeryville
J. T. Thorp & Sons, Inc., 1351 Ocean Ave., Emeryville
Metalclad Insulation Co., Inc., P.O. Box 173, Torrance
Caw Insulation, 3600 - 20th Ave., Sacramento 20
Dutton Asbestos & Supply Co., 532 Natoma St., SF
Armstrong Cork Co., 1814 Ogden Drive, Burlingame
Coast Insulating Products Corp., 2684 Lacy Street, Los Angeles 31
G. F. Braun & Co., 1000 South Fremont Ave., Alhambra
Owens-Corning Fiberglas Corp., P.O. Box 89, Sacramento
Jackson & Hopkins Co., Inc., P.O. Box 490, Bakersfield
Marine Engineering & Supply Co., 941 East Second St., Los Angeles
Fluor Maintenance, Inc., 2500 South Atlantic Blvd., Los Angeles 22
M. R. Carpenter, Inc., 907 Front St., Sacramento 7
Western Asbestos Co., 675 Townsend St., SF 3
Industrial Indemnity Co., 350 Sansome St., SF
California Casualty Indemnity Exchange, 550 Kearny St., SF
Standard Accident Ins. Co., 840 West San Bruno Ave., San Bruno
Travelers Ins. Co., 550 California St., SF
Argonaut Ins. Co., 550 California St., SF
American Motorists Ins. Co., 417 Montgomery St., SF
Aetna Casualty & Surety Co., 220 Montgomery St., SF
Guarantee Ins. Co., 550 Kearny St., SF
Zenith National Ins. Co., 582 Market St., SF
Pacific Employers Ins. Co., 244 Pine St., SF
Associated Indemnity Corp., 332 Pine St., SF
State Compensation Ins. Fund - Personal Service

Re CLIFFORD P. HARDING - Claim No. 60 SP 193-854

SEP 20 1961

Filed and served on: continued

Smith, Parrish, Paduck & Clancy, 501 Financial Center Bldg., Oakland
Harbo & Brophy, 1540 San Pablo Ave., Oakland
Secorwick, Detert, Moran & Arnold, 100 Bush St., SF - Attn: Gordon
Keith
Mullen & Filippi, 315 Montgomery St., SF
J. Patrick Goodwin, 41 Sutter St., SF

CLIFFORD P. HARDING

vs.

PLANT ASBESTOS CO.,
J. T. THORP & SONS, INC.,
et al

A. H. NELSON, Referee
September 21, 1961

Claim No. 60 SF 193-854
Inj: Asbestosis

REPORT OF REFEREE ON ORDER APPROVING
COMPROMISE AND RELEASE

SEP 26 1961

Asbestos worker, born February 28, 1896, claims asbestosis as the result of industrial exposure in employments for numerous employers going back some 15 years. Overall, including his employments in the industry in various out-of-State localities, he has a history of approximately 30 years of intermittent exposure to asbestos dust.

The record shows that applicant continued working until May, 1959, when he was seized with sudden severe chest pains. He was hospitalized on a diagnosis of coronary occlusion. Chest X-rays taken at that time were interpreted as showing evidence of asbestosis.

It is now proposed to settle the case by the payment of \$3300.00, nothing having been paid heretofore.

Concerning the present cause of disability, Dr. Horton C. Hinshaw, Jr., states as follows:

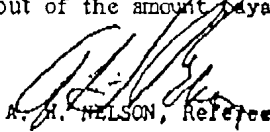
"The degree of asbestosis evident on X-ray here would not be expected to lead to heart disease, and also the type of heart disease produced by lung disease is quite different from disease which leads to coronary occlusion, which this patient apparently has had. Consequently, it would be my opinion that his heart disease is a separate condition and not directly related to his asbestosis".

On the basis of pulmonary function tests, the doctor concluded in his final report that the patient's symptoms were to a large degree due to his heart disease and not to asbestosis. Indeed, on the basis of diffusion capacity test, it was his judgment that the asbestosis was so mild as not to be disabling or productive of any symptoms.

In an earlier report, Dr. Norbert Frey, on behalf of the applicant, had concluded that the patient had a moderate degree of pulmonary fibrosis, which was productive of some shortness of breath. He expressed no opinion concerning the industrial contribution to the over-all disability.

On the record, the settlement is fair and adequate.

DISPOSITION: Order Approving Compromise and Release to be paid to said applicant, less \$30.00 to Norbert Frey, M.D., and less attorneys' fee of \$300.00 and reimbursement costs of \$22.00 to be paid to applicant's attorneys out of the amount payable by State Compensation Insurance Fund.


A. H. NELSON, Referee

AHN:mim

BALTIMORE
NEW YORK
CLARKSBURG
TULSA
ST. LOUIS
CHICAGO
LOS ANGELES
ATLANTA
PITTSBURGH
SAN FRANCISCO
NEW ORLEANS
PHILADELPHIA

EXHIBIT
1110.0
ALEXANDER & ALEXANDER
INCORPORATED
INSURANCE

AVERAGE ADJUSTERS CONSULTING ACTUARIES
2223 NORTH CHARLES STREET, BALTIMORE 18, MD.

TELEPHONE
TUXEDO 9-3004
BELL SYSTEM
TELETYPE BA 562
CABLE ADDRESS
"ALEXELUX"

February 27, 1962



Mr. William L. Hughes, Manager
Insurance Department
Armstrong Cork Company
Lancaster, Pennsylvania.

Travelers Policy No. RUB-4490459

Dear Sir:-

Please note disposition made of the following claim:

Date of Accident: January 9, 1955

San Francisco, A.C. & A.

Claimant: Clifford P. Harding

Location: Sacramento, California

Claim No.: B 9527634

Disposition: 50.57 Perm. Partial

Remarks:

Very truly yours,

ALEXANDER & ALEXANDER INC.

LOSS DEPARTMENT

Indicate Whether:

Workmen's Comp. X
Auto Liability B.I.
P.D.
General Liability B.I.
P.D.

CLIFFORD P. HARDING

VS. PLANT ASBESTOS CO.,
J. T. THORP & SONS, INC.,
et al

A. H. NELSON, Referee
September 21, 1961

Claim No. 60 SP 193-854
Inj: Asbestosis

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COMPROMISE AND RELEASE

Asbestos worker, born February 28, 1896, claims asbestosis as the result of industrial exposure in employments for numerous employers going back some 15 years. Overall, including his employments in the industry in various out-of-State localities, he has a history of approximately 30 years of intermittent exposure to asbestos dust.

The record shows that applicant continued working until May, 1959, when he was seized with sudden severe chest pains. He was hospitalized on a diagnosis of coronary occlusion. Chest X-rays taken at that time were interpreted as showing evidence of asbestosis.

It is now proposed to settle the case by the payment of \$3300.00, nothing having been paid heretofore.

Concerning the present cause of disability, Dr. Horton C. Kinshaw, Jr., states as follows:

"The degree of asbestosis evident on X-ray here would not be expected to lead to heart disease, and also the type of heart disease produced by lung disease is quite different from disease which leads to coronary occlusion, which this patient apparently has had. Consequently, it would be my opinion that his heart disease is a separate condition and not directly related to his asbestosis".

On the basis of pulmonary function tests, the doctor concluded in his final report that the patient's symptoms were to a large degree due to his heart disease and not to asbestosis. Indeed, on the basis of diffusion capacity test, it was his judgment that the asbestosis was so mild as not to be disabling or productive of any symptoms.

In an earlier report, Dr. Norbert Frey, on behalf of the applicant, had concluded that the patient had a moderate degree of pulmonary fibrosis, which was productive of some shortness of breath. He expressed no opinion concerning the industrial contribution to the over-all disability.

On the record, the settlement is fair and adequate.

DISPOSITION: Order approving Compromise and Release to be paid to said applicant, less \$30.30 to Norbert Frey, M.D., and less attorneys' fee of \$300.00 and reimbursement costs of \$22.00 to be paid to applicant's attorneys out of the amount payable by State Compensation Insurance Fund.

A. H. NELSON, Referee

AHN:mhm

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM NO. 60 SF 193-854

Industrial Accident Commission

RECEIVED

COMPROMISE AND RELEASE

AUG 29 1961

FILED

Sacramento Office

CLIFFORD P. HARDING

DEPARTMENT OF INDUSTRIAL RELATIONS
Employer
FILED
AUG 29 1961

1407 Howe Avenue
Sacramento 25, California

PLANT ASBESTOS COMPANY

Employer

J. T. THORP & SONS, INC.

Employer

METALCLAD INSULATION CO., INC.

Employer

DAN CAW, dba CAW INSULATION

Employer

DUTTON ASBESTOS & SUPPLY CO.

Employer

ARMSTRONG CORK CO.

Employer

COAST INSULATING PRODUCTS CORP.

Employer

C. F. BRAUN & CO.

Employer

OWENS-CORNING FIBERGLAS CORP.

Employer

JACKSON & HOPKINS CO., INC.

Employer

MARINE ENGINEERING & SUPPLY CO.

Employer

FLUOR MAINTENANCE, INC.

Employer

M. A. CARPENTER, INC.

Employer

WESTERN ASBESTOS CO.

Employer

1300 - 64th Street
Emeryville, California

1351 Ocean Avenue
Emeryville, California

Post Office Box 178
Torrance, California

3600 - 20th Avenue
Sacramento 20, California

532 Natoma Street
San Francisco 3, California

1014 Ogden Drive
Burlingame, California

2684 Leary Street
Los Angeles 31, California

1000 South Fremont Avenue
Alhambra, California

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Sacramento, California

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San Francisco 3, California

350 Sansome Street
San Francisco, California

550 Kearny Street
San Francisco, California

540 West San Bruno Avenue
San Bruno, California

550 California Street
San Francisco, California

550 California Street
San Francisco, California

417 Montgomery Street
San Francisco, California

220 Montgomery Street
San Francisco, California

550 Kearny Street
San Francisco, California

582 Market Street
San Francisco, California

3730 Piedmont Avenue
Oakland 11, California

INDUSTRIAL INDEMNITY COMPANY

Insurance Carrier

CALIFORNIA CASUALTY INDEMNITY EXCHANGE

Insurance Carrier

STANDARD ACCIDENT INSURANCE COMPANY

Insurance Carrier

TRAVELERS INSURANCE COMPANY

Insurance Carrier

ARGONAUT INSURANCE COMPANY

Insurance Carrier

AMERICAN MOTORISTS INSURANCE COMPANY

Insurance Carrier

AETNA CASUALTY & SURETY COMPANY

Insurance Carrier

GUARANTEE INSURANCE COMPANY

Insurance Carrier

ZENITH NATIONAL INSURANCE COMPANY

Insurance Carrier

PACIFIC EMPLOYERS INSURANCE COMPANY

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A. H. NELSON, Referee
INDUSTRIAL ACCIDENT COMMISSION

APN:mim

SEP 26 1961

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Re CLIFFORD E. HARDING - Claim No. 60 SP 193-854

SEP 20 1961

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CLIFFORD P. HARDING

vs.

PLANT ASBESTOS CO.,
J. T. THORP & SONS, INC.,
et al

A. H. NELSON, Referee
September 21, 1961

Claim No. 60 SP 193-854
Inj: Asbestosis

REPORT OF REFEREE ON ORDER APPROVING
COMPROMISE AND RELEASE

SEP 26 1961

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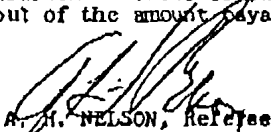
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A. H. NELSON, Referee

AHN:mlm

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM NO. 60 SF 193-854

Industrial Accident Commission
RECEIVED

COMPROMISE AND RELEASE

AUG 29 1961 *ph*

FILED

Sacramento Office

CLIFFORD P. HARDING

DEPARTMENT OF INDUSTRIAL RELATIONS
Employer
FILED
AUG 29 1961

1407 Howe Avenue
Sacramento 25, California

-vs-

PLANT ASBESTOS COMPANY

Employer

J. T. THORP & SONS, INC.

Employer

METALCLAD INSULATION CO., INC.

Employer

DAN CAW, dba CAW INSULATION

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DUTTON ASBESTOS & SUPPLY CO.

Employer

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CALIFORNIA CASUALTY INDEMNITY EXCHANGE

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TRAVELERS INSURANCE COMPANY

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BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA
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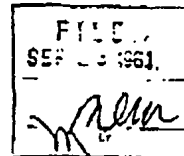
Applicant,

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ORDER APPROVING
COMPROMISE AND RELEASE

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DUNN CAW, dba CAW INSULATION, DUTTON
ASBESTOS & SUPPLY CO., ARMSTRONG CORK
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C. F. BRAUN & CO., OWENS-CORNING
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INDEMNITY CO., CALIFORNIA CASUALTY
INDEMNITY EXCHANGE, STANDARD ACCIDENT
INS. CO., TRAVELERS INS. CO., ARGONAUT
INS. CO., AMERICAN MOTORISTS INS. CO.,
AETNA CASUALTY & SURETY CO., GUARANTEE
INS. CO., ZENITH NATIONAL INS. CO.,
PACIFIC EMPLOYERS INS. CO., ASSOCIATED
INDEMNITY CORP., and STATE COMPENSATION
INSURANCE FUND,

Defendants.



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having considered the entire record, including said Compromise and
Release, now finds that it should be approved; and,

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