

FILE NAME: Mundet Cork (MCK)

DATE: 1957

DOC#: MCK112

DOCUMENT DESCRIPTION: WC Claim of Brockenshire

476

WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

807863

CASE NO. 63 L.A. 250-245

LEONARD CHARLES BROCKENSHIRE

APPLICANT

VS

ARMSTRONG CONTRACTING AND SUPPLY
COMPAN , ET AL

DEFENDANT (S)

CERTIFICATION

FOR

EVIDENCE

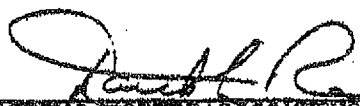
I DO HEREBY CERTIFY that the attached are full,
true and correct copies of the documents in the file in the
above-entitled cause.

This certification is for evidence only and
is not to be used for filing with the County Clerk under Labor
Code Section 5806.

Attest my hand and the Seal of the Worker's
Compensation Appeals Board of the State of California.

Dated At: Los Angeles, Ca.
September 25, 1978




PRESIDING WORKER'S COMPENSATION JUDGE

PLAINTIFF EXHIBIT

CCS 5153



DIVISION OF INDUSTRIAL
ACCIDENTS - LOS ANGELES

JUN 20 9 23 AM '67

PACIFIC INDEMNITY GROUP

CHIEF ADDRESS
PACIFIC INDEMNITY COMPANY / TEXAS PACIFIC INDEMNITY COMPANY
NORTHWESTERN PACIFIC INDEMNITY COMPANY

2200 WILSHIRE BOULEVARD - LOS ANGELES, CALIFORNIA 90064

June 19, 1967

DEPARTMENT OF CLAIMS

Workmen's Compensation Appeals Board
4107 State Building
107 S. Broadway
Los Angeles, Calif.

File No.: 01 PEC 624043
Assured: Thorpe Insulation
Claimant: Leonard Brokenshire
Accident: 12-55
Comm No.: 63 LA 250-245

Gentlemen:

We respectfully request that the above captioned case be
dismissed for lack of coverage as alleged, per our letter
of August 13, 1964, lack of prosecution and De Minimis.

Very truly yours,

Pacific Indemnity Company

J. J. Tobin

By: *[Signature]*

JJT/jg

cc: Stearns & Gross
Attorneys At Law
9200 Colima Rd
Whittier, Calif.

*No action
Can correct be dismissed
Is on F&A on file
6-26-67
[Signature]*

807864

RECEIVED
DIVISION OF INDUSTRIAL
ACCIDENTS, LOS ANGELES

WEINGAND, KENDIG & STOCKWELL

ATTORNEYS AT LAW
511 SOUTH BROADWAY
LOS ANGELES, CALIF. 90008
388-2877, 388-7077
CORRECT ADDRESS

807865
308 WEST FOURTH STREET
SANTA ANA, CALIFORNIA 92701
714-841-8131

308 WEST FIFTH AVENUE
POMONA, CALIFORNIA 91768
714-863-1488

IN REPLY REFER TO.

Los Angeles

CLAUDE P. WEINGAND (1880-1967)
ELLSWORTH M. KENDIG, JR.
EUGENE L. STOCKWELL, JR.
JOSEPH A. GLASSEN
DAVID G. ALLEN
HARVEY W. BRALLEY

WILLIAM A. MORRIS
WILLIAM M. ANDERSON
JAMES B. MACARTHUR
EUGENE V. SARNES
ROBERT M. ROWEN
ROBERT C. WHEISHER
DOUGLAS C. LANE
BERNARD P. HUSTON
JOHN H. PERAZZA
FRANK J. DODD

DOUGLASS A. CAMPBELL
OF COUNSEL

JOSEPH BILCHAK
OFFICE MANAGER

, June 19, 1967

Workmen's Compensation Appeals Board
107 South Broadway
Los Angeles, California

RE: LEONARD BROOKSHIRE v VARIOUS EMPLOYERS
63 LA 250 245

Gentlemen:

There has been no action on this matter for over a year. We believe a notice of intent to dismiss should issue and if valid objection is raised thereto, that this case be restored to calendar for a full one day hearing.

Yours very truly,

WEINGAND, KENDIG & STOCKWELL

BY:

Joseph Bilchak
JOSEPH BILCHAK

JB/mjc

cc: Aetna Casualty and Surety Company - F (S) 33CC 1096193
McLaughlin, Evans, Dalbey and Cumming
Stearns, Gross and Moore
Zonni, Ginocchio and Taylor
Fireman's Fund American Insurance Company

WORKMEN'S COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

CASE NO. 63 LA 250 245

LOS ANGELES OFFICE
WORKMEN'S COMPENSATION
APPEALS BOARD

FILED APR 4 1966

LEONARD CHARLES BROKENSHERE,

Applicant,

vs.

ARMSTRONG CONTRACTING AND SUPPLY COMPANY,
a corporation; et al.,

Defendants.

MINUTES OF FURTHER

HEARING

AND

ORDER TAKING OFF CASE

THIS CAUSE came on for hearing at 9:00 a.m., March 29, 1966,
in Department 5, Workmen's Compensation Appeals Board, Los Angeles,
California, before the Honorable ROBERT W. DUBEAU, Referee.

G. C. Faurot, Reporter

PRESENT:

at Los Angeles

Leonard Charles Brokenshire, applicant

APR 4 1966

Stearns & Gross, by Richard Gross,
attorneys for applicant

P. Miller

S. C. Schweitzer, Representative for Thorpe Insulation;
Fireman's Fund Insurance Company

McConnell & Cramoline, by J. F. Holzer, attorneys for
Marine Engineering & Supply Co.; Pacific Employers Insurance

Zonni, Ginocchio & Taylor, by Wm. Blanchard, attorneys for
Accurate Insulation Co.; Casualty Insurance Co. of California

Weingand, Kendig & Stockwell, by Ross C. Irwin, attorneys for
Mudet Cork Corp.; Fiberglass Engineering & Supply Company;
Armstrong Contracting & Supply Co.; The Aetna Casualty and
Surety Company.

George R. Haswell, by Charles P. Carlstroem, attorneys for
Riley Stoker Corp.; Liberty Mutual Insurance Company

McLaughlin, Evans, Dalbey & Cumming, by John F. McLaughlin,
attorneys for Armstrong Contracting & Supply Co.; The
Travelers Insurance Company

F. W. Harrington, Representative, for Accurate Insulation Co.;
Mission Insurance Company, a corporation, successor to
Enterprise Insurance Company, a corporation

1 Phil Collins, Representative for Plant Insulation Company;
2 Pacific Indemnity Company, a corporation

3 NO WITNESSES

4 NO EXHIBITS

5 DISPOSITION:

6 In order that additional parties may be joined,

7 GOOD CAUSE APPEARING THEREFOR:

8 IT IS ORDERED that this matter be TAKEN OFF CALENDAR subject
9 to being reset upon request of any of the parties.

10 Service of this Order is waived.

11
12
13
14 REFEREE
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

WORKMEN'S COMPENSATION APPEALS BOARD

DIVISION OF INDUSTRIAL ACCIDENTS
WORKMEN'S COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

807868

LEONARD CHARLES BROCKENSHIRE

Applicant

Case No. 63LA 250 245

vs.

ARMSTRONG CONTRACTING AND SUPPLY ~~COMPANY~~
COMPANY, a corporation; et al and
OWENS-CORNING FIBERGLASS COMPANY; COAST
INSULATING PRODUCTS COMPANY; INDUSTRIAL
INDEMNITY COMPANY, a corporation; NATIONAL
AUTOMOBILE AND CASUALTY INSURANCE COMPANY,
a corporation

Defendants

Order Joining Party^{ies}
Defendant

Good Cause Appearing:

IT IS ORDERED THAT

OWENS-CORNING FIBERGLASS COMPANY; COAST INSULATING PRODUCTS
COMPANY; INDUSTRIAL INDEMNITY COMPANY, a corporation;
NATIONAL AUTOMOBILE AND CASUALTY INSURANCE COMPANY,
a corporation

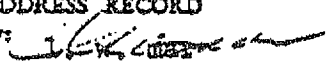
parties
is joined as ~~party~~ defendant herein.


C. L. RING

Referee, WORKMEN'S COMPENSATION APPEALS BOARD

Dated at: Los Angeles, California
September 22, 1967

SERVED BY MAIL ON PERSONS SHOWN
ON THE OFFICIAL ADDRESS RECORD

Date: 9/22/67 By: 

Copy of notice of hearing, application and joinder of 2/9/66 served
all newly joined parties and their attorney and Reece Insulation Co

LEONARD CHARLES BROCKENSHIRE

Case No. 63LA 250 245

SUPPLEMENTAL

Notice of Time

and Place of

Further Hearing

On the Petition of The
Travelers Insurance
Company for contributi
under Labor Code,
Section 5500.5.

Applicant__

vs.

ARMSTRONG CONTRACTING AND SUPPLY COMPANY,
a corporation; et al

Defendant__S

NOTICE TO ALL PARTIES

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

4107 LOS ANGELES STATE OFFICE BUILDING, 107 SOUTH BROADWAY
LOS ANGELES, CALIFORNIA

October 9, 1967

9:00 A.M. all day

WORKMEN'S COMPENSATION APPEALS BOARD

By 
REFEREE

Dated at: Los Angeles, California.

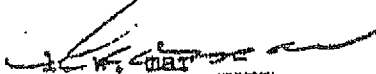
NOTE: CONTINUANCES AND FURTHER HEARINGS ARE NOT FAVORED.

SERVED BY MAIL ON PERSONS SHOWN
ON THE OFFICIAL ADDRESS RECORD

Date:

By:

9/13/67


C. J. [illegible]

6300/66

COPY

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS
WORKMEN'S COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

807870

LEONARD CHARLES BROCKENSHIRE,

Applicant

vs.

ARMSTRONG CONTRACTING & SUPPLY
CORPORATION; TRAVELERS INSURANCE
COMPANY,

Defendants

CASE No. 63 LA 250-245

**SUBPENA
DUCES TECUM**

PLEASE BE SURE THE
WORKMEN'S COMPENSATION
APPEALS BOARD NUMBER
IS ON ALL RECORDS
YOU SEND IN ANSWER
TO THIS SUBPENA

The People of the State of California Send Greetings to: PACIFIC INDEMNITY COMP
3200 Wilshire Blvd., Los Angeles, Calif.

WE COMMAND YOU, to appear before a referee of the

WORKMEN'S COMPENSATION APPEALS BOARD OF THE STATE OF CALIFORNIA

107 South Broadway, Los Angeles, California

at (THIS IS NOT A HEARING DATE)

on September 27th, 19 67, at 9:00 o'clock A.M., to testify in the above-entitled matter and
to bring with you and produce the following described documents, papers, books and records:

**ANY AND ALL COPIES OF WORKMEN'S COMPENSATION INSURANCE POLICIES
AND/OR DALIES RELATING TO MARINE ENGINEERING & SUPPLY COMPANY BETWEEN
JANUARY 1, 1947 AND DECEMBER 31, 1962, ~~CONCERNING THE ABOVE-NAMED WORKMAN~~**

For failure to attend and to produce said documents you may be deemed guilty of a contempt and liable to pay to the
parties aggrieved all damages sustained thereby and forfeit one hundred dollars in addition thereto.

This subpoena is issued at the request of the person making the declaration on the reverse hereof.

SEP 12 1967, 19 67

WORKMEN'S COMPENSATION APPEALS BOARD

By [Signature]
Secretary, Assistant Secretary, Referee

APPLICABLE ONLY IF INITIALED BY REFEREE OR ASSISTANT SECRETARY

You may fully comply with this subpoena by mailing the records described to the Workmen's Compensation Appeals Board
at LOS ANGELES, California, within five (5) days of the date of service of this subpoena, attaching the copy
of the subpoena or marking the records clearly with the above indicated case number.

80/8/1

WORKMEN'S COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

CASE NO. 63 L.A. 250-245

LEONARD CHARLES BROCKENSHIRE,

Applicant,

vs.

ARMSTRONG CONTRACTING AND SUPPLY
COMPANY, et al.,

Defendants. -

ORDER
FOR
APPORTIONMENT
AND
CONTRIBUTION

IT IS ORDERED that defendants hereinafter named pursuant to
Stipulation filed herein on January 12, 1968 pay to the TRAVELERS
INSURANCE COMPANY the following sums as their proportionate share of
all liability for this injury for reimbursement for permanent disa-
bility, temporary disability, and medical expense heretofore paid by
TRAVELERS INSURANCE COMPANY:

PACIFIC EMPLOYERS INSURANCE COMPANY	.164	\$ 2339.46
PLANT RUBBER & ASBESTOS COMPANY	.194	2767.41
LIBERTY MUTUAL INSURANCE COMPANY	.008	114.12
FIREMAN'S FUND INSURANCE COMPANY	.058	827.37
INDUSTRIAL INDEMNITY COMPANY	.052	741.78
NATIONAL AUTOMOBILE AND CASUALTY IN- SURANCE COMPANY	.019	271.03
CASUALTY INSURANCE COMPANY OF CALIFORNIA	.109	1554.89
MISSION INSURANCE COMPANY	.024	350.00
AETNA CASUALTY & SURETY COMPANY	.245	3494.93

DATED AT LOS ANGELES, CALIFORNIA, this 22nd day of January,
1968.

(S E A L)


Referee
WORKMEN'S COMPENSATION APPEALS BOARD

SERVED BY MAIL ON ALL PARTIES LISTED
ON THE OFFICIAL ADDRESS RECORD
Date: 1-22-68 By: D.P. Brennan
RWD:dpb
1.18

807872

RECEIVED
JAN 12 1968

McLAUGHLIN, EVANS, DALBEY & CUMMING

ATTORNEYS AT LAW

1717 NORTH HIGHLAND AVENUE, SUITE 710
LOS ANGELES, CALIFORNIA 90028
(213) 454-8941

January 11, 1968

JOHN F. McLAUGHLIN
BARRY F. EVANS
WILLIAM DALBEY
RAY E. CUMMING
HAROLD J. SCHWARTZ
NED L. GAYLORD
JOHN F. BARTON
GEORGE R. MAXWELL
ALLAN R. SCHUMMER
ROBERT M. GILMAN

Workmen's Compensation Appeals Board
107 South Broadway
Los Angeles, California

Re: LEONARD CHARLES BROCKENSHIRE vs. ARMSTRONG CONTRACTING & SUPPLY
WCAB File No. 63 LA 250 245.
Hearing Date:

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.
- () Please enter our appearance as attorneys for
- () Please set case for trial as there are now issues in contest.

(XX) Attached for filing herein are:

STIPULATION WITH REQUEST FOR AWARD AFTER
SUPPLEMENTARY PROCEEDINGS UNDER LABOR CODE
SECTION 5500.5

dated January 10, 1968

Copies to:

Brobeck, Phleger & Harrison
Pacific Employers Insurance Co.
Liberty Mutual Insurance Co.
Fireman's Fund Insurance Co.-L.A.
Weingand, Kendig & Stockwell
Industrial Indemnity Co.-L.A.
National Automobile & Casualty Ins.Co.
Casualty Ins. Co. of Calif.

Very truly yours,

McLAUGHLIN, EVANS, DALBEY & CUMMING

By:

Ray E. Cumming

Mission Insurance Company
Travelers Insurance Co.

807873

113 JAN 12 PM 2 23

1 McLAUGHLIN, EVANS, DALBEY & CUMMING
2 1717 North Highland Avenue Suite 710
3 Los Angeles, California 90028
4 Hollywood 6-8541
5 Attorneys for Defendants

6
7
8 BEFORE THE WORKMEN'S COMPENSATION APPEALS BOARD
9 OF THE STATE OF CALIFORNIA

10
11 LEONARD CHARLES BROKENSHERE,
12 Applicant,
13 v.
14 ARMSTRONG CONTRACTING AND SUPPLY
15 COMPANY, et al,
16 Defendants.

CASE NO. 63 LA 250 245
STIPULATION WITH REQUEST
FOR AWARD AFTER SUPPLE-
MENTARY PROCEEDINGS UNDER
LABOR CODE SECTION 5300.5

17 The parties to this agreement, enter into the following
18 stipulations and request the Workmen's Compensation Appeals Board
19 issue its Findings and Award without further proceedings.

20 I

21 LEONARD CHARLES BROKENSHERE, Applicant herein, while employed
22 by various employers, commencing in 1941 to and including February 8,
23 1963, developed asbestosis.

24 II

25 The Applicant elected to proceed for benefits against ARMSTRONG
26 CONTRACTING AND SUPPLY COMPANY, insured during the period of exposure
27 at various times by AETNA CASUALTY AND SURETY COMPANY and TRAVELERS
28 INSURANCE COMPANY.

29 III

30 That the Workmen's Compensation Appeals Board (then Industrial
31 Accident Commission) issued its Findings and Award on November 6, 196
32 wherein the Applicant was awarded permanent disability of 62% which,

1 at the rate of \$52.50 per week, equalled \$13,020.00; temporary
 2 disability for the period beginning February 9, 1963 through June 9,
 3 1963 at the rate of \$70.00, and further medical treatment for the
 4 balance of Applicant's life.

IV

5
 6 That pursuant to said Findings and Award, TRAVELERS INSURANCE
 7 COMPANY has paid \$14,263.00 consisting of \$13,020.00 for permanent
 8 disability indemnity, \$960.00 temporary disability indemnity, and
 9 \$283.00 medical expense.

V

10
 11 The Applicant was employed by the following at various times
 12 between 1941 and February 8, 1963 whose workmen's compensation
 13 insurance carrier during said period of exposure is also designated:

14	Plant Rubber & Asbestos Works	Permissibly self-insured
15	Riley Stoker Corporation	Liberty Mutual Insurance Company
16		
17	Marine Engineering & Supply Company	Pacific Employers Insurance Company
18		
19	Thorpe Insulation Company aka Plant Insulation Company	Pacific Employers Insurance Company and Fireman's Fund Insurance Company
20		
21	Fiberglass Engineering & Supply Company	Aetna Casualty & Surety Co.
22		
23	Owens-Corning Fiberglass Company	Aetna Casualty & Surety Co.
24		
25	Reece Insulation Company	Industrial Indemnity Company and National Automobile & Casualty Insurance Company
26		
27	John Manville Sales Corp.	Travelers Insurance Company
28	Mundet Cork Corporation	Aetna Casualty & Surety Co.
29	Accurate Insulation Company, Inc.	Casualty Insurance Company of California and Mission Insurance Company
30		
31	Coast Insulation Company, Inc.	Pacific Employers Insurance Company
32		

Armstrong Corporation

Travelers Insurance Company &
Aetna Casualty & Surety Co.

VI

For their respective employers, the insurance carriers' percentage of liability is as follows:

Pacific Employers Insurance Company	.164	\$ 2339.46
Plant Rubber & Asbestos Company	.194	2767.41
Liberty Mutual Insurance Company	.008	114.12
Fireman's Fund Insurance Company	.058	827.37
Industrial Indemnity Company	.052	741.78
National Automobile and Casualty Insurance Company	.097	271.03
Casualty Insurance Company of California	.109	1534.89
Mission Insurance Company	.024	350.00
Aetna Casualty & Surety Company	.245	3494.93
The Travelers Insurance Company	.118	1683.27

807875

VII

That a Findings and Award be issued assessing liability in the percentages set forth in paragraph VI and that the monetary amounts designated in said paragraph be ordered paid forthwith to the Travelers Insurance Company.

DATED this 10 day of October, 1968.

PLANT RUBBER & ASBESTOS WORKS aka
FIBREBOARD CORPORATION
By: [Signature]

PACIFIC EMPLOYERS INSURANCE COMPANY
By: [Signature]

LIBERTY MUTUAL INSURANCE COMPANY
By: [Signature]

FIREMAN'S FUND INSURANCE COMPANY
By: [Signature]

AETNA CASUALTY & SURETY COMPANY
By: [Signature]

INDUSTRIAL INDEMNITY COMPANY
By: [Signature]

NATIONAL AUTOMOBILE AND CASUALTY
INSURANCE COMPANY

CASUALTY INSURANCE COMPANY OF CALIFORNIA

MISSION INSURANCE COMPANY

THE TRAVELERS INSURANCE COMPANY
by McLAUGHLIN, EVANS, DALBEY & CUMMING
By: [Signature]

1990

807877

WORKMEN'S COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA
CASE NO. 63 LA 250-245

LEONARD CHARLES BROKENSHIRE,
Applicant,
vs.

ARMSTRONG CONTRACTING AND SUPPLY
COMPANY, a corporation; PLANT
INSULATION COMPANY; MARINE ENGINEERING
AND SUPPLY COMPANY; FIBERGLASS
ENGINEERING AND SUPPLY COMPANY; REECE
INSULATION COMPANY; THORPE INSULATION
COMPANY; MUDET CORK CORPORATION;
ACCURATE INSULATION COMPANY; AETNA
CASUALTY & SURETY COMPANY, a corporation;
THE TRAVELERS INSURANCE COMPANY, a
corporation; FIREMAN'S FUND INSURANCE
COMPANY, a corporation; CASUALTY
INSURANCE COMPANY OF CALIFORNIA,
a corporation; MISSION INSURANCE
COMPANY, Successor in Interest to
Enterprise Insurance Company, a
corporation; PACIFIC INDEMNITY COMPANY,
a corporation; PLANT RUBBER & ASBESTOS
WORKS; PACIFIC INDEMNITY COMPANY, a
corporation; RILEY STOKER CORPORATION;
LIBERTY MUTUAL INSURANCE COMPANY, a
corporation; PACIFIC EMPLOYERS INSURANCE
COMPANY, a corporation; OWENS-CORNING
FIBERGLASS COMPANY; COAST INSULATING
PRODUCTS COMPANY; INDUSTRIAL INDEMNITY
COMPANY, a corporation; NATIONAL
AUTOMOBILE AND CASUALTY INSURANCE
COMPANY, a corporation; FIBREBOARD PAPER
PRODUCTS CORPORATION, a corporation,
Defendants.

MINUTES
OF
FURTHER HEARING
AND
ORDER TAKING
OFF
CALENDAR

Held at Los Angeles,
California

OCT 1 3 1967

E. Meier

LET "NOTED OFFICE"
WORKMEN'S COMPENSATION
APPEALS BOARD
STATE OF CALIFORNIA

FILED 10-17-67
50

THIS CAUSE came on for trial October 9, 1967 at 9:00 a.m.
in Department 5 of the Workmen's Compensation Appeals Board,
Los Angeles, California, before the Honorable ROBERT W. DUBEAU,
Referee.

Beth Irene Marriott, Official Reporter

APPEARANCES:

Leonard Charles Brokenshire, applicant

1 APPEARANCES: (Continued)

2 Harold P. Snoop, representative for Fireman's Fund Insurance
 3 Company
 4 McConnell & Gramoline, by M. F. Holzer, attorneys for Pacific
 5 Employers Insurance Company
 6 Brobeck, Phleger & Harrison, by Attorney Sclaroni, attorneys
 7 for Plant Rubber & Asbestos Works and Fibreboard Paper
 8 Products Corporation
 9 Charles P. Carlstrom, by William M. Roberson, attorneys for
 10 Riley Stoker Corporation and Liberty Mutual Insurance
 11 Company
 12 F. W. Harrington, representative for Mission Insurance Compa
 13 a corporation, Successor in Interest to Enterprise
 14 Insurance Company, a corporation
 15 Zenni, Ginocchio & Taylor, by William Blanchard, attorneys f
 16 Casualty Insurance Company of California and Accurate
 17 Insulation Company
 18 Weingand, Kendig & Stockwell, by E. H. Kendig, attorneys for
 19 Aetna Casualty & Surety Company
 20 Clopton & Penny, by Robert R. Wills, attorneys for Industria
 21 Indemnity Company
 22 McLaughlin, Evans, Dalbey & Cumming, by Ray B. Cumming and
 23 Barry F. Evans, attorneys for Armstrong Contracting and
 24 Supply Company and The Travelers Insurance Company
 25 Albert A. Atkinson, representative for National Automobile
 26 and Casualty Insurance Company

16 WITNESSES:

17 None

18 EXHIBITS:

19 NONE

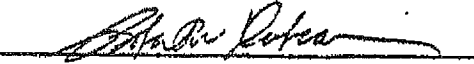
21 DISPOSITION:

22 Pending the probable resolution of all issues by stipulation,
 23 and

24 GOOD CAUSE APPEARING THEREFOR:

25 IT IS ORDERED the above-entitled case be, and the same hereby
 26 is, taken off calendar, subject to being reset upon written request
 27 of any party hereto.

28 Service of this Order is waived.

29
 30 
 REFEREE

WORKMEN'S COMPENSATION APPEALS BOARD

3-29
9
207

807879

DEPARTMENT OF INDUSTRIAL RELATIONS
WORKMEN'S COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

FILE #01PEC 624 04

ANSWER of PACIFIC INDEMNITY CO.

LEONARD BROKENSHERE
(DEBILITATED EMPLOYEE)

Case No. 63LA 250 245

Date of alleged injury: 12-55

vs.
THORPE INSULATION COMPANY
(ALLEGED EMPLOYER)
PACIFIC INDEMNITY COMPANY
(ALLEGED INSURANCE CARRIER)

2741 S. YATES, LOS ANGELES, CALIFORNIA
(ALLEGED EMPLOYER'S ADDRESS)
3200 WILSHIRE BLVD, LOS ANGELES, CAL
(ALLEGED CARRIER'S ADDRESS)

(DEFENDANTS' ADDRESS IF SELF-EMPLOYED)

ANSWERING DEFENDANTS deny the allegations of the Application as indicated below with such explanations as are properly set forth and admit all other material allegations.

DEFENDALS

(NAME OF ALLEGED EMPLOYER)

☒ Employment

☒ Occupation

☒ Injury

☒ Insurance coverage

☒ Liability for self
procured treatment

☒ Liability for future
medical treatment

☒ Medical-legal costs

☒ Earnings

☒ Periods of disability

☒ Permanent disability

EXPLAIN BELOW

(IF DENIAL IS BASED ON DATE OF PARTIAL OR TOTAL DISABILITY, EXPLAIN DATE)

(STATE IF EMPLOYER HAS BEEN NOTIFIED TO APPEAR AND DEFEND)

(STATE LAST DAY WORKED AND CURRENT DATE OF RETURN TO WORK)

(IF APPROPRIATELY IS CLAIMED, SO STATE)

IT IS FURTHER ALLEGED:

1. Defendants have paid disability indemnity in the total amount of \$ NONE at the rate of \$ _____ a week beginning _____ through _____ plus _____

2. Alternative defenses and other matters: JURISDICTION, STATUTE OF LIMITATIONS,
LACK OF NOTICE

Defendants do not waive the right to raise additional issues in accordance with the provisions of law and the Rules of Practice if other issues develop.

Estimated time for trial: _____
All defendants medical reports have been
filed _____
Additional reports will be filed before
trial _____

Pre-trial wanted: _____
YES NO

CIA WCAE FORM 10 (REV. 1-66)
(FORMERLY FORM 30)

Dated at LOS ANGELES, California, 3-21-66
(DATE)

PACIFIC INDEMNITY COMPANY
(ALLEGED INSURANCE CARRIER)

By: Phil Collins
PHIL COLLINS

3200 WILSHIRE BLVD, LOS ANGELES, CALIF.
(ADDRESS AND TELEPHONE NUMBER OF ATTORNEY)

381-3211 ext 414

OVER

6457A-006 1-66 1000 (1) A. 000

of the State of California

(N 72-1 127201)

ANSWER

FILED
CLERK OF COURT
CORRECTIONAL INSTITUTION

807880

Case No. 63 LA 250-245

LEONARD CHARLES BROOKSHIRE

vs. Unknown

and: Pacific Employers Insurance Company

In answer to the application, we make allegations and we raise the issues which are checked below. Should other issues not now known to be proper and necessary develop later, we reserve the right to raise such additional issues in accordance with the provisions of law and the rules of the Commission.

☒ Employment

☒ Earnings at the time of injury

☒ Nature and extent of disability

☒ Occupation of employee

☒ Liability for medical treatment

☐ Insurance coverage (Employer has been notified to appear and defend)

☒ Injury arising out of and occurring in the course of employment

☐

☐ Statute of limitations

☐

☐ Medical reports have been served as listed in covering letter.

Disability indemnity has been paid as follows:

Temporary:

Beginning N.I. to and including ; Total \$ @ \$ a week

Permanent:

Beginning N.I. to and including ; Total \$ @ \$ a week

We believe that the presentation of our evidence will require a minimum of

Estimated number of witnesses, if available

Pacific Employers Insurance Company

By: Robert H. Guthrie

Attorneys for defendant

Robert H. Guthrie, Authorized Representative

Address

4050 Wilshire Blvd., Los Angeles, Calif.
(Tele: 381-2611)

90005

Notes: A COPY of this Answer shall be served on all adverse parties, or their attorneys, and a notation of such service and the parties served must be made hereon.

Parties served:

cc: STEARNS and GROSS, Attorneys at Law
By: Richard T. Gross, Attorney
9200 Colima Rd., Whittier, California

RRG/ah

807881

DEPARTMENT OF INDUSTRIAL RELATIONS
WORKMEN'S COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

LEONARD CHARLES BROCKENSHIRE

Applicant

vs.

ARMSTRONG CONTRACTING AND
SUPPLY COMPANY, a corporation;
et al

Defendants

Case No. 63LA 250 245

NOTICE OF TIME AND

PLACE OF FURTHER

HEARING

LOS ANGELES OFFICE
WORKMEN'S COMPENSATION APPEALS BOARD
APPEALS 2-7677
STATE OF CALIFORNIA
FILED FEB 9 1966

NOTICE TO ALL PARTIES

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

4107 LOS ANGELES STATE OFFICE BUILDING, 107 SOUTH BROADWAY
LOS ANGELES, CALIFORNIA

March 29, 1966

9:00 A.M. all day

Dated at: LOS ANGELES

FEB 9 1966

WORKMEN'S COMPENSATION APPEALS BOARD

NOTE: CONTINUANCES AND FURTHER HEARINGS ARE NOT FAVORED.

See attached Joinder for service.

MC BUNNELL & GRANDLINE - NOTICE, App. & Joinder
MAR 22 1966

(Signature of person serving notice)

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFOR

CASE NO. 63 L.A. 250-245

LEONARD CHARLES BROKENSHIRE,)

Applicant,)

vs.)

ARMSTRONG CONTRACTING AND SUPPLY)

COMPANY, a corporation; PLANT)

INSULATION COMPANY; MARINE ENGIN-)

EERING AND SUPPLY COMPANY; FIBER-)

GLASS ENGINEERING AND SUPPLY COM-)

PANY; REECE INSULATION COMPANY;)

THORPE INSULATION COMPANY; MUDET)

CORK CORPORATION; ACCURATE IN-)

SULATION COMPANY; AETNA CASU-)

ALTY & SURETY COMPANY, a corpora-)

tion; THE TRAVELERS INSURANCE)

COMPANY, a corporation; FIREMAN'S)

FUND INSURANCE COMPANY, a corpora-)

tion; CASUALTY INSURANCE COMPANY)

OF CALIFORNIA, a corporation;)

MISSION INSURANCE COMPANY, Suc-)

cessor in Interest to Enterprise)

Insurance Company, a corporation;)

PACIFIC INDEMNITY COMPANY,)

a corporation,)

Defendants.)

MINUTES OF FURTHER HEARING
ANDORDER JOINING PARTY DEFENDANT
AND

ORDER TAKING OFF CALENDAR

DATED AT LOS ANGELES

CALIFORNIA

FILED

SERV

JUL 15 1964

EE	_____	_____
CL	_____	CLA
INS	_____	INSA
IN. CI	_____	SUF

THIS CAUSE came on for hearing on July 13, 1964, at 9:00 a.m.

in Department 13 of the Industrial Accident Commission, Los Angel

California, before the Honorable CHARLES GLASMAN, Referee.

Gladys M. Behling, Reporter

PRESENT:

Leonard Charles Brokenshire, Applicant

Stearns & Gross, by Richard Gross,
Attorneys for applicantWeingand, Kendig & Stockwell, by Ross C.
Irwin, Attorneys for Armstrong Con-
tracting and Supply Company; Aetna Casu-
alty & Surety Company; Mudet Cork Cor-
poration; Fiberglass Engineering and
Supply CompanyZonni, Ginecchio & Taylor, by Ben F.
Taylor, Attorneys for Accurate Insula-
tion Company and Casualty Insurance
Company of California

O pp test.

Bk. #33

1 BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

2 CASE NO. 63 L.A. 250-245

3 LEONARD CHARLES BROKENSHERE,)

4 Applicant,)

5 vs)

6 ARMSTRONG CONTRACTING AND SUPPLY)
COMPANY, a corporation; PLANT)

7 INSULATION COMPANY; MARINE ENGIN-)

8 GLASS ENGINEERING AND SUPPLY COM-)

9 PANY; REECE INSULATION COMPANY;)

10 THORPE INSULATION COMPANY; MUDET)

11 CORK CORPORATION; ACCURATE IN-)

12 SULATION COMPANY; AETNA CASU-)

13 ALTY & SURETY COMPANY, a corpora-)

14 tion; THE TRAVELERS INSURANCE)

15 COMPANY, a corporation; FIREMAN'S)

16 FUND INSURANCE COMPANY, a corpora-)

17 tion; CASUALTY INSURANCE COMPANY)

18 OF CALIFORNIA, a corporation;)

19 MISSION INSURANCE COMPANY, Suc-)

20 cessor in Interest to Enterprise)

21 Insurance Company, a corporation;)

22 PACIFIC INDEMNITY COMPANY,)

23 a corporation,)

24 Defendants.)

MINUTES OF FURTHER HEARING
AND
ORDER JOINING PARTY DEFENDANT
AND
ORDER TAKING OFF CALENDAR

DATED AT LOS ANGELES

CALIFORNIA

FILED: *Red*

SER: *Red*

JUL 15 1964

EE _____
E. _____ ERA _____
INS. _____ INSA _____
UN. CL. _____ SUF _____

18 THIS CAUSE came on for hearing on July 13, 1964, at 9:00 a.m.

19 in Department 13 of the Industrial Accident Commission, Los Angeles.

20 California, before the Honorable CHARLES GLASMAN, Referee.

21 Gladys M. Behling, Reporter

22 PRESENT:

23 Leonard Charles Brokenshire, Applicant

24 Stearns & Gross, by Richard Gross,
Attorneys for applicant

25 Weingand, Kendig & Stockwell, by Ross O.
26 Irwin, Attorneys for Armstrong Con-
tracting and Supply Company; Aetna Casu-
27 alty & Surety Company; Mudet Cork Cor-
poration; Fiberglass Engineering and
28 Supply Company

29 Zonni, Ginocchio & Taylor, by Ben F.
Taylor, Attorneys for Accurate Insula-
tion Company and Casualty Insurance
30 Company of California

O pp test.
Bk. #33

807884

FILED
JAN 11 1966
COUNTY OF LOS ANGELES

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CASE NO. 63. LA 250 245

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

LEONARD CHARLES BROCKENSHIRE,
Applicant,
vs.
ARMSTRONG CONTRACTING AND
SUPPLY COMPANY, a corporation,
et al.
Defendants.

AFFIDAVIT OF SERVICE BY MAIL
OF PETITION FOR SUPPLEMENTARY
PROCEEDINGS TO ESTABLISH
APPORTIONMENT OF LIABILITY
AND RIGHT OF CONTRIBUTION.
PURSUANT TO LABOR CODE
SECTION 5500.5

FILED
JAN 11 1966
COUNTY OF LOS ANGELES

JAN 11 AM 11 57

STATE OF CALIFORNIA } ss.
COUNTY OF LOS ANGELES }

KATHLEEN DAWSON, being first duly sworn says: that
affiant is a citizen of the United States and a resident of the
county aforesaid; that affiant is over the age of eighteen years
and is not a party to the within above-entitled action; that
affiant's business address is 6725 Sunset Boulevard, Los Angeles
28, California; that on January 6, 1966 affiant served copies of
Petition for Supplementary Proceedings to Establish Apportionment
of Liability and Right of Contribution Pursuant to Labor Code
Section 5500.5 on the parties listed below, by placing said copies
in a sealed envelope with postage thereon fully prepaid, in the
United States post office mail box at 6725 Sunset Boulevard,
Los Angeles 28, California, addressed as follows:

- Plant Rubber & Asbestos Works
537 Brannan St.
San Francisco, California
- Pacific Indemnity Company
3200 Wilshire Boulevard
Los Angeles, California
- Riley Stoker Corporation
9 Neponset Street
Worcester, Massachusetts
- Liberty Mutual Insurance Company
6006 Wilshire Boulevard
Los Angeles, California

RECEIVED
JAN 13 1966
CLERK, INDUSTRIAL

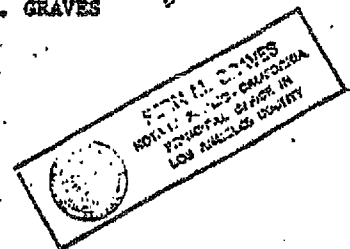
807885

Marine Engineering and Supply Co.
941 East 2nd Street
Los Angeles, California 90012

KATHLEEN DAWSON

Subscribed and sworn to before me this 6th day of
January, 1966.

Fern M. Graves
FERN M. GRAVES



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

807888

RECEIVED
INDUSTRIAL ACCIDENT
COMMISSION - LOS ANGELES

1966 JAN 11 AM 10 5

AND FILED *me*
EXHIBIT CASE NO. REFERENCE

MCLAUGHLIN, EVANS, DALBEY & CUMMING
ATTORNEYS AT LAW
6788 SUNSET BOULEVARD
LOS ANGELES, CALIFORNIA 90028
TELEPHONE 488-6041
January 5, 1966

JOHN F. MCLAUGHLIN
BARRY F. EVANS
WM. OLIVER DALBEY
RAY E. CUMMING
HAROLD J. BENNETT

OFFICE OF THE
CLERK OF THE COURT

Industrial Accident Commission
107 South Broadway
Los Angeles 12, California

Re: Casa No. 63 LA 250 245
Leonard Charles Brokenshire vs. Armstrong Contracting
& Supply Company, et al.

Gentlemen:

Consistent with the Petition of Travelers Insurance Company
for supplementary proceedings, we are requesting that the
following employers and carriers be joined as party defendants:

- join* ① Plano Rubber & Asbestos Works, 537 Brannan St., San Francisco,
California, and its insurance company, Pacific Indemnity Co.,
3200 Wilshire Blvd., Los Angeles, California.
- ② Riley Stoker Corporation, 9 Neponset St., Worcester, Massachu-
setts, and its insurance company, Liberty Mutual Insurance Co.,
6006 Wilshire Blvd., Los Angeles, Calif.
- Merely* ③ Marine Engineering and Supply Co., 941 E. 2nd St., Los Angeles,
Calif. 90012. The carrier for this particular employer is
to date unknown.

We are serving a copy of this letter upon the persons listed
above as well as serving them with a copy of the Petition for
Supplementary Proceedings and the documents attached thereto.
We ask that this matter be restored to calendar for a one-full
day hearing.

Yours very truly,

MCLAUGHLIN, EVANS, DALBEY & CUMMING

By: *Barry F. Evans*
Barry F. Evans

BFE:kd
cc: Stearns, Gross & Moore
cc: Weingand, Kandig & Stockwell
cc: Zonni, Ginoecchio & Taylor

RECEIVED

JAN 12 1966

CARL L. BUCHHEIT

Harold Shoop, Representing Thorpe Insulation Company and Fireman's Fund Insurance Company

McLaughlin, Evans, Dalbey & Cumming, by John McLaughlin, Attorneys for Armstrong Contracting and Supply Company and The Travelers Insurance Company

Harold Bennett, Representing Accurate Insulation Company and Mission Insurance Company, successor in interest to Enterprise Insurance Company

No appearances by or for Plant Insulation Company; Marine Engineering and Supply Company and Reece Insulation Company

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED That Pacific Indemnity Company, a corporation, be, and it hereby is, joined as a party defendant.

DISPOSITION:

To permit further investigation on issues of coverage and employment, and,

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED That the above-entitled matter be taken off calendar subject to being reset upon request of any of the parties.

Service of this Order has been waived by the parties thereto except Pacific Indemnity Company. Copy of this Order to be served on Pacific Indemnity Company.



Referee
INDUSTRIAL ACCIDENT COMMISSION

807888

1 BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA
2 CASE NO. 63 L.A. 250-245
3 LEONARD CHARLES BROKENSHIRE,)
4 Applicant,)
5 vs)
6 ARMSTRONG CONTRACTING AND SUPPLY)
7 COMPANY, a corporation; PLANT)
8 INSULATION COMPANY; MARINE ENGIN-)
9 EERING AND SUPPLY COMPANY; FIBER-)
10 GLASS ENGINEERING AND SUPPLY COM-)
11 PANY; REECO INSULATION COMPANY;)
12 THORPE INSULATION COMPANY; MUDET)
13 CORK CORPORATION; ACCURATE IN-)
14 SULATION COMPANY; AETNA CASU-)
15 ALTY & SURETY COMPANY, a corpora-)
16 tion; TRAVELERS INSURANCE COMPANY,)
17 a corporation; FIREMAN'S FUND)
18 INSURANCE COMPANY, a corporation;)
19 CASUALTY INSURANCE COMPANY OF)
20 CALIFORNIA, a corporation;)
21 MISSION INSURANCE COMPANY, Suc-)
22 cessor in Interest to Enterprise)
23 Insurance Company, a corporation,)
24 Defendants.)

MINUTES OF FURTHER HEARING

LOS ANGELES OFFICE
INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA
FILED JUN 26 1964
WILLIAM KAPLAN
ASST. SECRETARY

17 THIS CAUSE came on for hearing on June 23, 1964, at 9:00 a.m.
18 in Department 13 of the Industrial Accident Commission, Los
19 Angeles, California, before the Honorable CHARLES GLASMAN, Referee.
20 Gladys M. Behling, Reporter

21 PRESENT:

22 Leonard Charles Brokenshire, Applicant
23 Stearns & Gross, by Richard Gross,
24 Attorneys for applicant
25 Weingand, Kendig & Stockwell, by Ross Irwin,
26 Attorneys for Armstrong Contracting and
27 Supply Company; Aetna Casualty & Surety
28 Company; Mudet Cork Corporation; Fiberglass
29 Engineering and Supply Company
30 Zonni, Ginocchio & Taylor, by Marco J. Zonni,
Attorneys for Accurate Insulation Company
and Casualty Insurance Company of California

30 O pp test.
Bk. #29

807889

Harold Shoop, Representing Thorpe Insulation Company
and Fireman's Fund Insurance Company

McLaughlin, Evans, Dalbey & Gunning, by John
McLaughlin, Attorneys for Armstrong Contract-
ing and Supply Company and Travelers Insur-
ance Company

Harold Bennett, Representing Accurate Insulation
Company and Mission Insurance Company, successor
in interest to Enterprise Insurance Company

No appearances by or for Plant Insulation Company;
Marine Engineering and Supply Company and Reece
Insulation Company

IT IS STIPULATED That Aetna Casualty & Surety Company
was the workmen's compensation insurance carrier for Fiber-
glass Engineering and Supply Company from January 1, 1953,
to September 1, 1955.

IT IS FURTHER STIPULATED That Aetna Casualty & Surety
Company was the workmen's compensation insurance carrier for
Mudet Cork Corporation from December 31, 1956, through Decem-
ber 31, 1959, and that the applicant was employed by Mudet
Cork Corporation from March 1957 through February 1959.

IT IS FURTHER STIPULATED That Casualty Insurance Company
of California was the workmen's compensation insurance car-
rier for Accurate Insulation Company from April 1, 1959,
through February 1, 1961, and that the applicant was employed
by Accurate Insulation Company during this same period.

IT IS FURTHER STIPULATED That Mission Insurance Company,
successor in interest to Enterprise Insurance Company, was the
workmen's compensation insurance carrier for Accurate Insula-
tion Company from February 1, 1961, through March 25, 1961,
and that the applicant was employed by Accurate Insulation
Company during said period.

IT IS FURTHER STIPULATED That Fireman's Fund Insurance Company was the workmen's compensation insurance carrier for Thorp Insulation Company from October 1, 1956, through October 1, 1957.

DISPOSITION:

At the request of the parties the matter now stands adjourned until 9:00 a.m. on July 13, 1964, in accordance with the Notice of Further Hearing dated May 27, 1964.

807891

INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

LEONARD CHARLES BROKENSHIRE

Applicant

vs.

ARMSTRONG CONTRACTING AND SUPPLY
COMPANY, a corporation; et al.

Defendant

Case No. 63 LA 250 245

SUPPLEMENTAL

Notice of Time
and Place of
Further Hearing

ON DEFENDANT TRAVELERS INS
PETITION FOR SUPPLEMENTARY
PROCEEDINGS TO ESTABLISH
APPORTIONMENT OF LIABILITY
AND RIGHT OF CONTRIBUTION
PURSUANT TO LABOR CODE
SECTION 5500.5

NOTICE TO ALL PARTIES

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

4107 LOS ANGELES STATE OFFICE BUILDING, 107 SOUTH BROADWAY, LOS ANGELES, CALIFORNIA

LOS ANGELES, CALIFORNIA

JUNE 23, 1964 9:00 A.M. - 1/2 DAY
and JULY 13 & 14, 1964 - 9:00 A.M. - TWO DAYS

WILLIAM KAPLAN
ATTY. GENERAL

Dated at LOS ANGELES

INDUSTRIAL ACCIDENT COMMISSION

NOTE: CONTINUANCES AND FURTHER HEARINGS ARE NOT FAVORED.

NAME AND ADDRESS OF PERSON SERVED

DATE 5-27-64

Leonard C. Brokenshire, 14717 Liebacher Ave. Norwalk, Cal.
Stearns & Gross, 9200 Colima Rd. Whittier, Cal.
Armstrong Contracting & Supply Co. 4340 District Blvd. LA90058
Plant Insulation Co. 2741 S. Yates Ave. LA
Fiberglass Eng. & Supply Co. 5933 Telegraph Rd. LA
Thorpe Insulation Co. 2741 S. Yates Ave. LA
Mudet Cork Corp. 6116 Walker Ave. Maywood, Cal.
Accurate Insulation Co. 8823 Mettler St. LA90003
Fireman's Fund Ins. Co. Box 2323, LA Att: H. Shoop
Casualty Ins. Co. of Cal. 610 S. Spring St. LA
Mission Insurance Co. successor to Enterprise Ins. Co. 300 S. Hobart Blvd.
Aetna Cas. & Surety Co. 2404 Wilshire Blvd. LA
Travelers Ins. Co. 3600 Wilshire Blvd. LA
Weingand, Kendig & Stockwell, 611 S. Catalina LA
McLaughlin, Evans, Dalbey & Cumming, 6331 Hollywood Blvd. LA90028

Goodman
Goodman

(SIGNATURE OF PERSON SERVING NOTICE)

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIF.
CASE NO. 63 L.A. 250-245

LEONARD CHARLES BROCKENSHIRE,)

Applicant.)

vs.)

ARMSTRONG CONTRACTING AND
SUPPLY COMPANY, a corporation;)

PLANT INSULATION COMPANY;)

MARINE ENGINEERING AND)

SUPPLY COMPANY;)

FIBERGLASS ENGINEERING)

AND SUPPLY COMPANY;)

REECE INSULATION COMPANY;)

THORPE INSULATION COMPANY;)

MUDET CORK CORPORATION;)

ACCURATE INSULATION COMPANY;)

AETNA CASUALTY & SURETY COMPANY;)

a corporation;)

TRAVELERS INSURANCE COMPANY,)

a corporation;)

FIREMAN'S FUND INSURANCE COMPANY,)

a corporation;)

CASUALTY INSURANCE COMPANY OF)

CALIFORNIA, a corporation;)

ENTERPRISE INSURANCE COMPANY,)

a corporation.)

Defendants.)

ORDER JOINING PARTIES
DEFENDANT

GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED THAT Plant Insulation Company, Marine
Engineering and Supply Company, Fiberglass Engineering and Supply
Company, Reece Insulation Company, Thorpe Insulation Company, Mude
Cork Corporation, Accurate Insulation Company, Fireman's Fund
Insurance Company, a corporation, Casualty Insurance Company of
California, a corporation, and Enterprise Insurance Company, a
corporation, be joined as parties defendant in the above entitled
cause.

RB:MF

DATED AT LOS ANGELES, CALIFORNIA
May 7, 1964

Richard J. Berry
Referee
INDUSTRIAL ACCIDENT COMMISSION

FILED:

SERVED: 5-7-64

GE: FEA

ER: ERA

NSA 2

15-23-69

CASE NO. 63 LA 250 245

Applicant,

VS.

PETITION FOR SUPPLEMENTARY
 PROCEEDINGS TO ESTABLISH
 APPORTIONMENT OF LIABILITY
 AND RIGHT OF CONTRIBUTION
 PURSUANT TO LABOR CODE
 SECTION 5500.5

Defendants.

I

II

LII

IV

MACLAUGHLIN & EVANS
ATTORNEYS AT LAW
6551 HOLLYWOOD BOULEVARD
LOS ANGELES 30, CALIFORNIA
HOLLYWOOD 7-7178

5-7-68 conf.
H. H. Brown
H. H. Brown
C. H. Brown
S. H. Brown

H. H. Brown, C. H. Brown
S. H. Brown, C. H. Brown

807894

1 has complied and is still complying with the terms of that Award.

2 V

3 Based upon the medical evidence filed in the above matter,
4 copies of which are attached hereto, your Petitioner contends that
5 applicant's injury consists of the industrial disease known as
6 asbestosis which is due and caused by applicant's exposure to
7 asbestos during his period of employment from ~~1951~~ to February 8,
8 1963. 1941 4/13/64

9 VI

10 Your Petitioner further alleges that applicant was employed
11 and exposed to asbestos during that period of time by various
12 employers who were insured for workmen's compensation insurance by
13 various insurance carriers as set forth in Exhibit "B" attached
14 hereto.

15 VII

16 That pursuant to Labor Code Section 5500.5, your Petitioner
17 is entitled to a determination by the Industrial Accident Commission
18 with regard to an apportionment of its liability as well as to a
19 right of contribution with respect to payments which it has made
20 under the terms of the Commission's Decision of November 6, 1963.

21 WHEREFORE, it is requested that a hearing be scheduled in
22 the above matter for the purpose of determining the above issues.

23 Dated: April 27, 1964.

24 Respectfully submitted,

25 McLAUGHLIN, EVANS, DALBEY & CUMMING

26 By: Barry J. Evans
27 Attorneys for Petitioner
28
29
30
31
32

McLAUGHLIN & EVANS
ATTORNEYS AT LAW
4051 HOLLYWOOD BOULEVARD
LOS ANGELES 20, CALIFORNIA
HOLLYWOOD 7-7170

SCHEDULE OF EMPLOYMENT

<u>EMPLOYER</u>	<u>PERIOD OF EMPLOYMENT</u>	<u>INSURANCE CARRIER</u>
Plant Insulation Co. 2741 S. Yates Avenue Los Angeles, Calif.	1941 to April, 1950.	unknown
Marine Engineering and Supply Company address (unknown)	April 1950 to December, 1952	unknown
Fiberglass Engineering and Supply Company 5933 Telegraph Road Los Angeles, Calif.	December, 1952 to August, 1953	Aetna Casualty and Surety Company
Reece Insulation Company address (unknown)	August 1955 to July, 1956	unknown
Plant Insulation Co. --- Thorpe Insulation Company 2741 S. Yates Avenue Los Angeles, Calif.	July, 1956 to March, 1957	Fireman's Fund Insurance Company
Mudet Cork Corporation 6116 Walker Avenue Maywood, California	March, 1957 to October, 1959	Aetna Casualty and Surety Company
Accurate Insulation Co. 8823 Mattier Street Los Angeles 3, Calif.	October, 1959 to April, 1961	Casualty Insurance Company of Califor and Enterprise Ins Company
Armstrong Contracting and Supply Corporation 4340 District Boulevard Los Angeles 58, Calif.	April, 1961 to February, 1963	Travelers Insuranc Company and Aetna Casualty and Suret Company

807896

STATE OF CALIFORNIA

COUNTY OF }

BARRY F. EVANS

one of

being duly sworn, deposes and says: That he is the Attorney of record

in the within and above entitled action; that he has

read the within and foregoing Petition for Supplementary Proceedings to Establish Apportionment of Liability and Right of Contribution Pursuant to Labor Code Section 3500.5, and knows the contents thereof;

that the same is true of his own knowledge, except on the matters which

are therein stated on his information and belief, and on to those matters that he

believes it to be true.

Subscribed and sworn to before me this

day of April 27

1964

BARRY F. EVANS

(SEAL)

Notary Public in and for said County and State

AFFIDAVIT OF SERVICE
BY MAIL -- 1013a, C. C. P.

CERTIFICATE OF SERVICE
BY MAIL -- 1013a, C. C. P. (2)

STATE OF CALIFORNIA

COUNTY OF }

being first duly sworn, says that affiant is a citizen of the United States and a resident of the county aforesaid; that affiant is over the age of eighteen years and is not a party to the within above entitled action; that affiant's residence business address is

certifies that he is an active member of the State Bar of California, counsel in this cause, and not a party thereto, and that he

That on

affiant served the within

on the In said action, by placing a true copy thereof,

enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at

addressed as follows:

(Affiant's signature)

Attorney at law

Subscribed and sworn to before me this

day of

19

Notary Public in and for said County
and State of California
(SEAL)

* Fill certificate of service, use business address only, unless business address and residence are the same.

807837

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIF.
CASE NO. 63 L. A. 250-245

LEONARD CHARLES BROKENSHERE,
Applicant,
vs.
ARMSTRONG CONTRACTING AND SUPPLY
COMPANY, a corporation;
AETNA CASUALTY & SURETY COMPANY,
a corporation;
TRAVELERS INSURANCE COMPANY,
a corporation,
Defendants.

MINUTES OF FURTHER HEARING
AND
AWARD

DATED AT LOS ANGELES
CALIFORNIA
FILED
SERVED
NOV 6 1963

FILED	FILED
FILED	FILED
FILED	FILED
FILED	FILED

THIS CAUSE came on for hearing this 4th day of November, 1963
nine a.m., in Department 7 of the Industrial Accident Commission
Los Angeles, California, before Honorable RICHARD BARRY, Referee.
M. A. McNeal, Court Reporter.

PRESENT:

Leonard Charles Brokenshire, applicant.
Stearns & Gross, by Richard Gross, attorneys for applicant.
Joseph Bilchak, representative for Travelers.
Weingand, Kendig, Stockwell & Callanan, by E. Kendig,
attorneys for Aetna.

WITNESSES:

(None)

EXHIBITS:

Applicant's 1 - Reports attached to and listed in transmittal
letters of 4/22/63 and 4/8/63.
Defendants' A - Report, 10/30/63, EDGAR F. MAUER, M.D.;
report, 10/16/63, HURLEY L. MOTLEY, M.D.;
report, 4/8/63, EDGAR F. MAUER, M.D.;
report, 4/4/63, CHESTER P. BONOFF, M.D.;
report, 3/13/63, JOSEPH SCHMERLER, M.D.

IT IS STIPULATED BY AND BETWEEN THE PARTIES THAT ARE PRESE

1. That Leonard Charles Brokenshire, born July 9, 1907, was employed by Armstrong Contracting and Supply Company, a corporation as an asbestos working foreman at Los Angeles, California, during period that began in 1941 and continued to and including February 8, 1963.

2. That said employer's insurance carrier during the period that began April 3, 1961, and ended December 31, 1962, was Travelers Insurance Company, a corporation, and that the carrier during the period that began January 1, 1963, to and including February 8, 1963, the last date of applicant's employment, was Aetna Casualty and Surety Company, a corporation.

3. That applicant's employment during the period of coverage by Travelers Insurance Company and Aetna Casualty and Surety Company contributed to applicant's asbestosis, which constitutes an injury which arose out of and occurred in the course of his said employment.

4. That applicant's earning capacity at the time his said injury culminated in disability was in excess of the maximum.

5. That all medical treatment has been furnished.

6. That said injury resulted in temporary disability that began February 9, 1963, and ended June 9, 1963, entitling the applicant to payments at the rate of \$70.00 per week during said period, less the sum of \$250.00 that has already been paid.

7. That applicant's condition is now permanent and stationary.

8. That applicant has permanent disability as the result of said injury that is equal to 62% of total, which is equal to 248 weeks of permanent disability indemnity at the rate of \$52.50 per week, or a total sum of \$13,020.00, payments to begin June 17, 1963.

9. That applicant is in need of further medical treatment.

1 is entitled to have it furnished to him by the defendant insur-
 2 carriers for the balance of his life.

3 10. That the payments and the further treatment will be
 4 furnished by Travelers Insurance Company, Aetna Casualty and
 5 Surety Company agreeing to reimburse Travelers Insurance Company
 6 in such amounts as they agree to adjust between themselves.

7 11. That Travelers Insurance Company and Aetna Casualty and
 8 Surety Company reserve their right to proceed against defendant
 9 employers and insurance carriers who are not present in order to
 10 assert their contribution rights based on the allegation that
 11 applicant's exposure extended over a period of time not covered
 12 by the insurance coverage of either of the present defendant
 13 insurance carriers, and that this aspect of the case is to be
 14 considered as taken off calendar at this time to await the filing
 15 of adequate allegations and the joinder of all necessary parties
 16 defendant.

17 12. That an Award may be made a part of the Minutes and be
 18 filed as such without the necessity of any further compliance with
 19 the provisions of Labor Code Section 5313.

20

21 DISPOSITION:

22 Submitted.

23

24

A W A R D

25

26

27

28

29

30

AWARD is made in favor of Leonard Charles Brokenshire against
 Travelers Insurance Company, a corporation, (Aetna Casualty and

1 Surety Company, a corporation, to reimburse a portion thereof to
2 Travelers Insurance Company in accordance with the understanding
3 set forth hereinbefore) in the sum of \$13,020.00, together with
4 interest as provided by law, payable to applicant at the rate of
5 \$52.50 per week beginning on June 17, 1963, plus temporary
6 disability indemnity for the period February 9, 1963, and ending
7 June 9, 1963, at the rate of \$70.00 per week, defendants being
8 entitled to credit for all sums heretofore paid on account of
9 temporary disability indemnity, plus further medical treatment
10 for the balance of his life, less the sum of \$500.00 to be paid
11 directly to applicant's attorneys as the reasonable value of the
12 services.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Richard J. Gervin

REFEREE
INDUSTRIAL ACCIDENT COMMISSION

CASE NO. 63 L. A. 250-245

LEONARD CHARLES BROCKENSHIRE

vs.

ARMSTRONG CONTRACTING AND SUPPLY
COMPANY, a corporation;
ASTNA CASUALTY & SURETY COMPANY,
a corporation;
TRAVELERS INSURANCE COMPANY,
a corporation.

REFEREE: RICHARD BARRY.
HEARING: NOV. 4, 1963.
DICTATED: NOV. 4, 1963.

ALLEGED INJURY: Beginning in
1941 and ending
Feb. 8, 1963.

- Stearns & Gross, by Richard Gross, attorneys for applicant.
- Joseph Bilchak, representative for Travelers.
- Weingand, Kendig, Stockwell & Callanan, by E. Kendig,
attorneys for Astna.

REFEREE'S MEMORANDUM ON FURTHER HEARING

The applicant has proceeded against the last employer who had two insurance carriers. The parties were able to enter into stipulations that permitted an Award, all as reflected in the Minutes. The stipulated rating was substantially based on Dr. Mauer's description of the restrictions that applicant apparently has. It was recognized that applicant has a progressive disease and that his permanent disability may increase in the future. However, it is permanent in the sense that it is irreversible. The insurance carriers who have liability by reason of the stipulation will proceed against other defendants in a supplemental proceedings in order to assert their rights of contribution.

DISPOSITION: Submitted.

Richard Barry

RICHARD BARRY
REFEREE

RB/MMc

CASE NO. 63 L. A. 250-245

LEONARD CHARLES BROKENSHIRE

vs.

ARMSTRONG CONTRACTING AND SUPPLY CO.
AETNA CASUALTY AND SURETY COMPANY,
a corporation;
TRAVELERS INSURANCE COMPANY,
a corporation.

REFEREE: RICHARD BARRY.
HEARING: JULY 30, 1963.
DICTATED: JULY 30, 1963.

ALLEGED INJURY: Beginning in 1941
and ending
February 8, 1963.

- Stearns & Gross, by Richard Gross, attorneys for applicant.
- Weingand, Kendig, Stockwell & Callanan, by E. Kendig,
attorneys for Aetna Casualty and Surety.

REFEREE'S MEMORANDUM ON HEARING

In his application as amended at the time of this hearing, the applicant alleges injury to his lungs by reason of exposure to asbestos during a period that began in 1941 and ended 2/8/63. The applicant elected to proceed against the last employer, Armstrong Contracting and Supply Company. However, the case could not go forward because Aetna Casualty and Surety Company did not have all of the coverage of the last employer. They admitted coverage beginning in January of 1963. Their information is that Travelers Insurance Company had coverage from April 2, 1961, which is the beginning date of applicant's employment with the said last employer, and up until the time Aetna's coverage began. Travelers Insurance Company was, therefore, joined as a party defendant.

No other insurance carriers were joined because the information with respect to the prior employers as set forth in applicant's attorneys' letter of 4/25/63 is quite sparse. Apparently Fiberglass Engineering and Supply Company was absorbed by Owens-Corning Fiberglass, and their carrier was the defendant Aetna. Aetna also insured Mudet Cork Corporation. Apparently Casualty Insurance Company of California and Enterprise Insurance Company were the carriers for Accurate Insulation Company. None of the prior employers were joined at this time. They will be joined at a later date if liability is established against the last employer, whose insurance carrier, as a matter of asserting their rights to contribution, can then proceed against the other employers and their carriers.

Dr. Schmerler in a First Report Of Injury diagnosed a chronic emphysema and fibrosis. Apparently he has been the attending physician. His bill in the sum of \$159.50 will be paid by Aetna. Applicant's Dr. Hoffmann indicated a diagnosis of possible asbestosis. Defendant Aetna's Dr. Mauer diagnosed pulmonary fibrosis that is probably secondary to industrial exposure to asbestos. He recommends further tests, including respiratory function tests, and Aetna will see that they are made. Meanwhile, Aetna will also make a monetary advance to applicant. His claimed period of temporary disability began 2/8/63 and ended 6/10/63. He is now working as an estimator for an asbestos firm.

A copy of this memorandum, together with a copy of the application and a copy of applicant's attorneys' letter of 4/25/63, will be served on Travelers Insurance Company so that they will be better advised.

DISPOSITION: Continued, to be reset for one full day (not before two months from this date.)

RE/MMc

FILED:
SERVED: 7-30-63
EE EEA
ER ERA
INS INSA
CL SUP

Richard Barry
RICHARD BARRY
REFEREE

807903

KURT G. HOFFMANN, M.D.
STUDEBAKER MEDICAL CENTER
SUITE 10 - 13102 STUDEBAKER ROAD
NORWALK, CALIFORNIA
UNIVERSITY 3-8414

April 17, 1963

Stearns & Gross
Attorneys at Law
9200 Colima Rd.
Whittier, Calif.

Re: Leonard Charles Brokenshire.

Dear Sir,

On the 11-20-1962 Mr. L.C. Brokenshire came the first time to my office complaining about pain in his chest especially on his left side. After examining the Pat. the diagnosis was: U.R.I., chronic pulmonary fibrosis, poss. asbestosis. B.P. was 120/82. Because of his pain on the left side, EKG was taken. Findings: Normal. Chest X-ray taken 11-29-62 in Studebaker Hospital, 13100 Studebaker Rd. Norwalk showed the following impression: The changes are those of extreme chronic pulmonary disease manifested by fibrosis and emphysema. The possibility of an occupational process must be seriously considered.

The second and last time I saw Pat. in my office on the 11. of December 1962. He had slightly improved. He was told changing of his job would be advisable to furthermore improve his condition.

Yours very truly,

Kurt G. Hoffmann, M.D.

807904

JOSEPH J. SCHMERLER, M.D., F.C.C.P.
LAUREL MEDICAL CENTER
18704 SOUTH CLARK AVENUE
GLENDALE, CALIFORNIA
YOUNG 7-1346

March 4, 1963

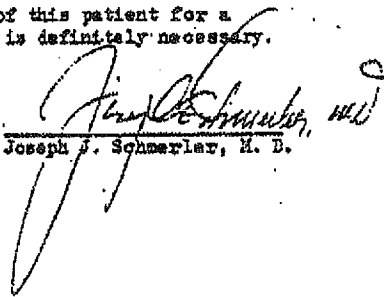
TO WHOM IT MAY CONCERN:

Re: Leonard Brokenshire

Mr. Leonard Brokenshire was examined by me on February 25, 1963 and on March 4, 1963. He suffers from marked emphysema and possible chronic asbestosis of the lungs. Patient is dyspneic on walking at a moderate pace, and severely dyspneic when walking fast or climbing stairs. However, he is comfortable sitting, standing or walking slowly.

Mr. Brokenshire is definitely partially disabled, and is unable to perform his previous duties, which included climbing ladders while heavily weighted.

Rehabilitation of this patient for a different occupation is definitely necessary.


Joseph J. Schmerler, M.D.

JJS/eg

807905

U.S.C. CARDIO-
RESPIRATORY LABORATORY
1212 SHATTO STREET
LOS ANGELES 17, CALIFORNIA

PULMONARY FUNCTION STUDIES

BROOKENSHIRE, Leonard G. 5080 October 16, 1963 Dr. Edgar F. Maue

The total vital capacity supine was decreased in a marked degree. The time vital capacity for three seconds was decreased in a marked degree and slightly less than the total vital capacity observed standing. The maximal breathing capacity was decreased in a marked degree. The maximal breathing capacity was increased from 78.8 to 112.7 liters per minute after one bronchodilator treatment with Isuprel indicating the presence of a moderate degree of bronchospasm. The shape of the spirogram tracing reveals a very slight prolongation of the rapid forced exhalation without evidence of air trapping. Inspiratory time on the rapid spirogram is prolonged indicating loss of lung elasticity. The timed vital capacity for 0.5 seconds was 1494 ml. (55.6% of the observed total vital capacity). The timed vital capacity for 1.0 seconds was 2475 ml. (92.5% of the observed total vital capacity), normal. The residual air was measured both by the oxygen open circuit and the helium closed circuit methods and found to be decreased slightly. The total lung capacity was decreased in a marked degree. The residual air occupies 34.9% of total lung capacity and represents a slight moderate increase in this ratio above the normal predicted value. The ventilation factor was decreased in a moderate to marked degree. The ventilation factor is the average of the timed vital capacity for three seconds, the maximal breathing capacity and the residual percent of the total lung capacity, all expressed on the basis of the normal predicted value. The alveolar nitrogen was 1.1% after breathing oxygen for 5 minutes, normal. The nitrogen washout curve was obtained with continuous recordings of each breath on oxygen breathing on the nitrogen meter and a total time of 4-5 minutes was required to reduce the end tidal nitrogen to 1%. The shape of the nitrogen washout curve is smooth and uniform. The normal nitrogen washout is to an end tidal of 1% or less within 5 minutes and with a forced exhalation the alveolar should not exceed 1.5%. The nitrogen was out in this case with the nitrogen meter indicates normal air distribution in the lungs.

The arterial blood oxygen saturation at rest was 91.9% on air breathing (a moderate to marked decrease), and 90.0% with step-up exercise (a marked decrease). The exercise saturation was repeated walking on the treadmill in a steady state at 1.5 miles per hour first with a 2% grade on air breathing and found to be 90% (the same as with the step-up exercise). With intermittent positive pressure breathing on compressed air only at rest the saturation was 96.2% (normal). The treadmill exercise was repeated at 1.5 miles per hour first with a 2% grade on 32.75% oxygen breathing (increasing the inspired pO_2 from 146.9 on air breathing to 231.2 mm. Hg.) and with this level of oxygen breathing the saturation was 96.2% (normal 97% or more). After breathing 100% oxygen the saturation of the arterial blood was 99.7%, the CO_2 content 40.6 vols. percent and the pH 7.45. The CO_2 content on air breathing was decreased slightly both at rest and with exercise. The arterial blood pH was normal at rest and increased slightly with exercise. The hemoglobin was 14.59 grams based on oxygen capacity measurement and further checked with the Beckman DU Spectrophotometer cyanmethemoglobin method. The hematocrit was 40.4%.

807906

JOSEPH J. SCHMERLER, M. D., F.C.C.P.
LAMAR, MEDICAL CENTER
16704 SOUTH BLAKE AVENUE
GILLFLOWER, CALIFORNIA
TELEPHONE 7-7246

March 4, 1963

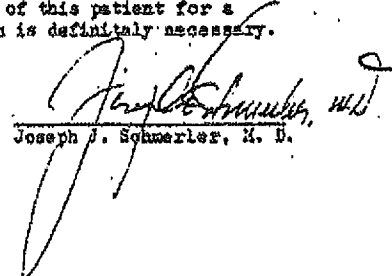
TO WHOM IT MAY CONCERN:

Re: Leonard Brokenshire

Mr. Leonard Brokenshire was examined by me on February 25, 1963 and on March 4, 1963. He suffers from marked emphysema and possible chronic asbestosis of the lungs. Patient is dyspneic on walking at a moderate pace, and severely dyspneic when walking fast or climbing stairs. However, he is comfortable sitting, standing or walking slowly.

Mr. Brokenshire is definitely partially disabled, and is unable to perform his previous duties, which included climbing ladders while heavily weighted.

Rehabilitation of this patient for a different occupation is definitely necessary.


Joseph J. Schmerler, M. D.

JJS/eg

807907

KURT G. HOFFMANN, M.D.
STUDEBAKER MEDICAL CENTER
SUITE 10 - 10120 STUDEBAKER ROAD
NORWALK, CALIFORNIA
UNIVERSITY 2-6574

April 17, 1963

Stearns & Gross
Attorneys at Law
9200 Colima Rd.
Whittier, Calif.

Re: Leonard Charles Brokenshire.

Dear Sir,

On the 11.20-1962 Mr. L.C. Brokenshire came the first time to my office complaining about pain in his chest especially on his left side. After examining the Pat. the diagnosis was: U.R.I., chronic pulmonary fibrosis, poss. asbestosis. B.P. was 120/82. Because of his pain on the left side, EKG was taken. Findings: Normal. Chest X-ray taken 11-29-62 in Studebaker Hospital, 13100 Studebaker Rd. in Norwalk showed the following impression: The changes are those of extreme chronic pulmonary disease manifested by fibrosis and emphysema. The possibility of an occupational process must be seriously considered.

The second and last time I saw Pat. in my office on the 11. of December 1962. He had slightly improved. He was told changing of his job would be advisable to furthermore improve his condition.

Yours very truly,

Kurt G. Hoffmann, M.D.

807908

EDGAR F. MAUER, M.D.

1930 WILSHIRE BOULEVARD, LOS ANGELES 37, CALIFORNIA

October 30, 1963

Aetna Casualty & Surety Company
2404 Wilshire Blvd.
Los Angeles 3, California

Attn: Ray Skoney

Re: Leonard Brokenshire
vs: Armstrong Construction Co.

Gentlemen:

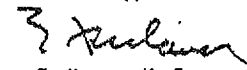
Pulmonary function studies were done by Dr. Motley on October 16, 1963. These studies reveal abnormal findings characteristic of pulmonary fibrosis. The figures reveal a moderate reduction in pulmonary function. It is obvious that this reduced function is due to the pathological changes noted by examination and particularly by the x-ray. These have been regarded as due to the inhalation of asbestos fibers.

On the basis of these studies, it is my belief that Mr. Brokenshire could be employed at an occupation which did not involve a degree of exertion which would cause shortness of breath. In other words, a sedentary job which involves an ordinary amount of walking about an office or even about an open site on level ground would not cause any difficulty. Any exertion, such as climbing ladders or climbing stairs, might produce dyspnea and discomfort although this would not increase the severity of the disease at this time. Any work prescription should also insure the avoidance of insulating materials particularly asbestos and fine dusts. This implies that his condition has not changed since the last examination, April 14, 1963.

Asbestosis is a progressive disease. It is likely that the degree of pulmonary fibrosis will progress in the coming years. The lesions is permanent, it is in all likelihood progressive, but at this time it is not totally disabling as indicated above.

Should any question arise following the receipt of this report, please do call upon me.

Yours sincerely,


Edgar F. Mauer, M. D.

EFM/hj

The pulmonary ventilation measurements at rest reveal a normal minute ventilation, a normal oxygen uptake and a slight decrease in the percent of oxygen extracted from the inspired air breathed. The EER when calculated on the basis of the resting oxygen uptake was +0.2% of his normal predicted value. With step-up exercise the minute ventilation was within the normal range, the oxygen uptake was decreased in a moderate to marked degree and the percent of oxygen extracted from the inspired air breathed decreased in a moderate degree. Dyspnea was not prolonged after one minute of step-up exercise.

Direct tension measurements of arterial blood at rest reveal a pCO_2 at 36.6 mm. Hg. (normal 40) and a pO_2 of 80.5 mm. Hg. (normal 95). The effective tidal air at rest based on the expired pCO_2 and the arterial pCO_2 was 66.1% (normal 75% or more). With treadmill exercise in a steady state at 1.5 miles per hour pCO_2 with a 2% grade the arterial pCO_2 was 35.5 mm. Hg. and the arterial pO_2 77.4 mm. Hg.. The effective tidal air with the treadmill exercise was 72.8 based on the expired pCO_2 and the arterial pCO_2 , normal 75% or more. The carbon monoxide diffusing capacity measurement at rest was 5.58 and with step-up exercise 18.31 (CO uptake, cc. per minute per mm. Hg. alveolar pCO). Our normal values vary from 8 to 20 at rest and from 20 to 50 with step-up exercise. The valsalva test was obtained with direct recording of the brachial artery pulse pressure and this test was essentially normal. The average blood pressure as recorded directly from the brachial artery at rest supine was as follows: systolic 132, diastolic 62 and mean 80 mm. Hg..

In summary the pulmonary function studies reveal the absence of emphysema as a significant factor in this case. There is a marked reduction in the total lung capacity indicating a restrictive condition of the chest and lungs, most characteristic of fibrosis. The spirogram reveals no significant obstructive factor for the rapid forced exhalation. A moderate degree of bronchospasm was demonstrated as best indicated by the increase in the maximal breathing capacity after one bronchodilator treatment with Isuprel. There is significant hypoxia present both at rest and with exercise. The resting hypoxia was corrected with intermittent positive pressure breathing on compressed air only indicating the presence of poorly ventilated areas. However, it can be noted that the arterial pO_2 by direct tension measurement is higher proportionately than the arterial blood oxygen saturation based on Van Slyke measurements of oxygen content and oxygen capacity. This would indicate the perfusion of some blood through non-ventilated areas, a characteristic finding in fibrosis. Also it can be noted that even on a high level of oxygen breathing (32.75% oxygen), there was a slight decrease with exercise. The carbon dioxide is being blown off adequately. The decrease in the exercise oxygen uptake in this case indicates the presence of increased pulmonary vascular resistance and the inability to increase the pulmonary blood flow corresponding to the degree of exercise given. This again is a fairly common finding in restrictive conditions of the chest and lungs as best demonstrated in this case by the decrease in the total lung capacity. These studies would be consistent with hypoxia resulting from the fibrosis which also increases pulmonary vascular resistance and the inability to expand the pulmonary vascular bed in the normal manner corresponding to the mild exercise given. These findings would indicate the presence of a severe degree of pulmonary function impairment.

Hurley L. Matley
Hurley L. Matley, M.D.
Director

HLM/ff

807910

CARDIO-RESPIRATORY LABORATORY, U.S.C. SCHOOL OF MEDICINE
and the Hospital of the Good Samaritan
1212 Shatto St. Los Angeles 17, Calif.

PULMONARY FUNCTION STUDIES

Dr. Edgar F. Mauer

NAME FROXENSHIRE, Leonard G. NO. 5080 BSA. 2.11 DATE Oct. 18, 1961

LUNG VOLUME MEASUREMENTS: (BTPS): (Predicted) (Observed) (% Normal)

1. SPIROGRAM RECORDINGS:

VITAL CAPACITY, Supine, ml.....	<u>4725</u>	<u>2677</u>	<u>56.7</u>
Standing, ml.....	<u>4725</u>	<u>2810</u>	<u>59.5</u>
TIMED VITAL CAPACITY, Standing....	<u>4725</u>	<u>2721</u>	<u>57.6</u>
3 sec. ml. * Standing....	<u>4725</u>	<u>2931</u>	<u>62.0</u>
MAXIMAL BREATHING CAPACITY, l/min.			
Before Bronchodilator Standing	<u>147.0</u>	<u>78.8</u>	<u>53.6</u>
*After Bronchodilator-Isuprel	<u>147.0</u>	<u>112.7</u>	<u>76.7</u>

2. RESIDUAL AIR, SUPINE MEASUREMENTS

Test of Intrapulmonary Mixing..... Alveolar H_2 = 1.1% after 5 min.

Residual Air, ml.....	<u>1575</u>	<u>1437</u>	<u>91.2</u>
Total Lung Capacity (TLC) ml.			
(Residual + Vital).....	<u>6300</u>	<u>4114</u>	<u>65.3</u>
Residual Air % of TLC.....	<u>25</u>	<u>34.9</u>	<u>(71.6)</u>

3. VENTILATION FACTOR, %..... 100 60.9 60.9

ARTERIAL BLOOD MEASUREMENTS:

REST STEP-UP EXERCISE
(Predicted Observed) (Predicted Observed)

1. OXYGEN CONTENT, VOL.%.....	<u>19.0</u>	<u>18.26</u>	<u>20.0</u>	<u>18.31</u>
2. OXYGEN SATURATION, %.....	<u>96%</u>	<u>91.9</u>	<u>96%</u>	<u>90.0</u>
3. CO ₂ CONTENT, VOL. %.....	<u>48.5</u>	<u>46.8</u>	<u>48.5</u>	<u>46.0</u>
4. pH, GLASS ELECTRODE.....	<u>7.40-45</u>	<u>7.44</u>	<u>7.40-45</u>	<u>7.47</u>
5. HEMOGLOBIN, Gm.....	<u>14.5</u>	<u>14.59</u>	<u>15.2</u>	<u>14.95</u>
6. HEMATOCRIT, %.....	<u>45.0</u>	<u>40.4</u>		<u>42.1</u>

PULMONARY VENTILATION MEASUREMENTS:

1. RESPIRATIONS/min.....	<u>14-22</u>	<u>18.5</u>	<u>20-30</u>	<u>21.0</u>
2. VENTILATION, l/min./sq.M./BSA., (STP.).....	<u>2.6-3.8</u>	<u>3.56</u>	<u>8-10.5</u>	<u>9.14</u>
3. OXYGEN UPTAKE, ml./min./sq.M./BSA., (STP.).....	<u>120-145</u>	<u>127</u>	<u>500-600</u>	<u>408</u>
4. OXYGEN % EXTRACTED FROM INSPIRED AIR BREATHED.....	<u>4-5</u>	<u>3.57</u>	<u>5-6</u>	<u>4.47</u>

EXERCISE, ONE MINUTE STEP UP TEST (21) Steps on Stool 8 in. High.Duration of Dyspnea 42 sec. (Normal 90 sec. or less).

BTPS. (Body Temperature, Barometric Pressure, Saturated), STP. (Standard Temp. Pre

Aetna Casualty & Surety Company
April 8, 1963

-2- Re: Mr. Leonard Stockenshire

HISTORY (CONTINUED) -

his return to a dusty occupation. Prior to November 1962 he was aware of shortness of breath "running up and down ladders" perhaps for the last five years. He also noted this on stairs. He does not cough. His ankles do not swell. He has a sense of constriction around the lower chest - noted mainly in bed. If he works in his garden this sense of constriction is noted "that night." He has never coughed up blood. He uses one pillow at night.

He stopped smoking six or seven years ago because of distaste. He was not instructed to do so.

PAST HISTORY -

He was born in Arizona. He came to Long Beach at the age of nine and then to San Diego where he lived until he had finished the ninth grade. Then he went to work at Whiting Head in the Sash and Door Department. Next he was in pipe line construction for Richfield for a short time, and later worked as a casual laborer. In 1927 he started working with insulation for a marine engineer. He did this for two or three years and then worked in the oil fields again. Beginning in 1937 he began to work steadily in the insulation field. He was laid off during the war but has been at this trade steadily since 1941. He has worked with various forms of asbestos and with styrofoam. Regarding the latter, he was recently informed that there is a gas released when this material is cut. This gas, he says, is a reaction product of the bubbling process which forms it.

PAST ILLNESS -

Patient states he has always been healthy. He tells his doctor that he is tired and can't seem to breathe well. He took some pills that made him dizzy, so he stopped taking them. Yesterday he started on what sounds like IPPB therapy.

MARITAL HISTORY -

He has been married for 21 years. His wife has been ill for a long time. He has one son, age 14, living and well.

80/911

Aetna Casualty & Surety Company -3- Rat Leonard Brokenshire
April 8, 1963

FAMILY HISTORY -

His mother died of cancer at age 68.
His father died at age 85 - "old age"
Two brothers and one sister are living and well.
No family history of tuberculosis, hypertension, or diabetes.

SYSTEMS -

Central Nervous System - No syncope.

Eyes - Vision is good. He wears glasses for reading.

Ears, Nose, and Throat - Infrequent colds. No history of asthma.

Cardio-Respiratory - See above. No history of asthma, bronchitis, or pneumonia.

Gastro-Intestinal - Occasionally he feels on the verge of "sea-sickness", but he gives no specific symptoms. No constipation, rectal bleeding, or melena.

Genito-Urinary - No dysuria, nocturia, blood or stones.

PHYSICAL EXAMINATION - Mr. Brokenshire is a well developed, well nourished white man in no pain or distress. His color is good, and he does not cough. He is comfortable in the supine position.

Height 73 1/2" with shoes Weight 203 1/2 lbs. with indoor clothing Blood pressure 150/90

SKULL AND SCALP - Negative.

SKIN AND MUCOUS MEMBRANES - Clear.

EYES - The pupils are round, regular, equal, react to light and accommodation.

NOSE - Not obstructed.

THROAT - Clear.

NECK - No thyroid enlargement or adenopathy.

THORAX - Symmetrical. The expansion is fairly good.

Heart - The heart does not appear to be enlarged. The tones are of good quality, regular in rate and rhythm. There are no thrills or murmurs.

807913

Aetna Casualty & Surety Company -4- Re: Leonard Brokenshire
April 8, 1963

PHYSICAL EXAMINATION (CONTINUED) -

Lungs - The lungs are resonant. Breath sounds are somewhat
suffled. No rales are heard. There is no wheezing.
ABDOMEN - Moderately obese. No masses or tenderness.
EXTREMITIES - No clubbing. No deformity or limitation of motion.
There is no edema of the lower extremities.

LABORATORY -

Urinalysis - The urine is yellow and slightly cloudy. Specific
Gravity 1.017 pH 7.5 Albumin negative Sugar negative. Micro-
scopic - Rare red cell, occasional white cell, few epithelial
cells, no casts.

Blood Count - Hemoglobin 14.2 grams or 31% Hematocrit 46%
White count 6300 - Differential: Neutrophils 54%, Eosinophils 6%,
Lymphocytes 35%, Monocytes 5% Sedimentation rate 28 mm/1 hour.

These are normal values, excepting for the elevation of the
sedimentation rate.

The electrocardiogram is within normal limits.

Chest x-ray reveals bilateral inflammation, more pronounced in
the bases, with old pleural reaction. A copy of Dr. Bonoff's
report is enclosed.

DIAGNOSIS -

Pulmonary fibrosis, probably secondary to industrial
exposure to asbestos.

COMMENT -

According to the history given by Mr. Brokenshire he has had
mild symptoms of shortness of breath for approximately five
years prior to the acute onset of shortness of breath, which
occurred in November 1962. In view of the work history of
handling insulating materials since 1941, it is necessary to

807914

Aetna Casualty & Surety Company -3- Re: Leonard Brekenshire
April 8, 1963

COMMENT (CONTINUED) -

consider his pulmonary lesions as due to occupational exposure. It would be necessary, therefore, to determine what the precise nature of exposure to substances adversely affecting the lung had been. As you know, certain types of asbestos do produce a chronic pulmonary lesion known as asbestosis.

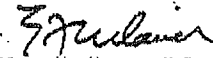
Mr. Brekenshire does not cough or raise sputum, therefore, it is not possible to search for asbestos fibres in his bronchial secretions.

A quantitative assay of his pulmonary disability and a determination of secondary cardiac involvement could be made by performing respiratory function studies at the Pulmonary Function Laboratory under the direction of Dr. Motley at the Hospital of the Good Samaritan.

At the present time it is certain that there should be no further exposure to substances capable of causing pulmonary fibrosis. At the present time on the basis of information available the pulmonary lesions found here must be regarded as occupational.

Thank you for the privilege of examining this man.

Yours sincerely,


Edgar F. Hauer, M.D.

EFH/egm
encl.

807915

CHESTER P. HONOFF, M.D.
1000 WILSON AVENUE
LOS ANGELES 24, CALIFORNIA

85318
Leonard Brokenshire
Dr. Edgar F. Maurer

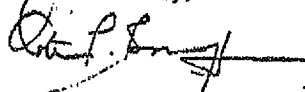
April 4, 1963

Roentgen examination of the chest reveals a moderate semi-patchy accentuation of the markings throughout both lung fields somewhat sparing the left upper lobe region. Several of the areas of involvement show somewhat nodular change, particularly in the right upper lobe and at the left base. There is a diffuse accentuation of the reticular pattern throughout the right lung field and the lower half of the left lung field. Rather marked pleural thickening is present along the lateral chest wall on the right and at the left base. There also appears to be some calcification within the pleural in the mid-portion of the left lung field laterally. There appears to be slight flattening of the diaphragms, particularly the left. The cardiac shadow is within normal limits of size and shape. The hilar and mediastinal areas show no gross abnormality.

- IMPRESSION:
1. Old pleural thickening.
 2. Chronic inflammatory process involving both lung fields. The possibility that this represents one of the pneumoconioses cannot be excluded.

Thanking you for the reference of this case, I am

Yours sincerely,



CPB:br

EXHIBIT CTRE 60
VND RITEC
701 18 8 30 AM '63
COMMUNICATIONS SECTION
RECEIVED

807910

AMERICA CASUALTY & SURETY CO., 2404 Wilshire Blvd., L.A. 54

DOCTOR'S FIRST REPORT
OF WORK INJURY

STATE OF CALIFORNIA
STATE COMPENSATION INSURANCE FUND
P. O. BOX 1154, LOS ANGELES 54

CUT OUT AND
FORWARD 1 COPY
IMMEDIATELY AFTER
FIRST SEEING
PATIENT

NOTE: Immediately after first examination mail one copy directly to the Division of Labor Statistics and Research, P. O. Box 963, San Francisco 1.
Failure to file a report with the Division is a misdemeanor. (Labor Code, Sections 6407-6413.)
Answer all questions fully.

1. EMPLOYER	Leimerting Construction Co.	Do not enter in this space
2. Address (City)	4340 District Blvd., Los Angeles, Cal.	
3. Business (Indicate whether or not patient is a regular employee, etc.)	Construction	
4. EMPLOYEE (Print name clearly)	Leonard Frankowski	
5. Address (City)	14717 Leimert, Torrance, Cal.	
6. Occupation	Asbestos worker	Age 55 yrs. Sex Male
7. Date injured	Hour M	Date last worked 2/3/63
8. Injured at (City)	County Los Angeles	
9. Date of your first examination	2/25/63 Hour M	Who engaged your services? Patient
10. Name other doctors who treated employee for this injury		
11. ACCIDENT OR EXPOSURE: Did employee notify employer of this injury? Yes	Employer's statement of cause of injury or illness Patient worked for many years in construction company handling asbestos	
12. NATURE AND EXTENT OF INJURY OR DISEASE (Include all objective findings, subjective complaints, and diagnosis. If occupational, state date of onset, occupational history, and exposure.)	Chronic emphysema & fibrosis of lungs	
13. X-rays: By whom taken? (Name of doctor)	This office	
Findings:	Chronic emphysema & fibrosis of lungs	
14. Treatment	General hygiene, ITPB treatments	
15. Kind of case (Occupational or non-occupational)	Office	If hospitalized, date
Name and address of hospital	Endorsed any	
16. Further treatment (Indicate frequency and duration)		
17. Estimated period of disability for: Regular work	6 months	Modified work one month
18. Describe any permanent disability or disfigurement expected (State if none)	Patient will be unable to do full work as previously	
19. If death ensued, give date		
20. REMARKS (Note any pre-existing injuries or disease, need for special examination or laboratory tests, other pertinent information.)		

NOTE: ONLY UNDER EXCEPTIONAL CIRCUMSTANCES WILL A HERNIA BE CONSIDERED DISABLING PRIOR TO OPERATION. THE INJURED SHOULD BE ADVISED TO CONTINUE WORK, IF POSSIBLE, UNTIL NOTIFIED THAT HIS CLAIM IS ACCEPTED.

Name Joseph Schmeidler Degree M.D. [PERSONAL SIGNATURE OF DOCTOR]
Date of report 3/13/63 Address 16704 S. Clark Ave., Bellflower Tel. No. 307-2248

807910

ATHENA CASUALTY & SURETY CO., 2404 Wilshire Blvd., L.A. 54
DOCTOR'S FIRST REPORT

OF WORK INJURY

STATE OF CALIFORNIA
STATE COMPENSATION INSURANCE FUND

Fill out and
forward 1 copy
immediately after
first medical
examination
PATIENT

MSG. Immediately after first examination mail one copy directly to the Division of Labor Statistics and Research, P. O. Box 965, San Francisco 1.
Failure to file a report with this Division is a misdemeanor. (Labor Code, Sections 6407-6413.)
Answer all questions fully.

1. EMPLOYER <u>Armstrong Construction Co.</u>		Do not enter in this space
2. Address <u>4340 District Blvd., Los Angeles, Cal.</u>		
3. Business <u>Construction</u>		
4. EMPLOYEE <u>Leonard Frankenshire</u>		VAC 458
5. Address <u>14717 Leiberich, Norwalk, Cal.</u>		
6. Occupation <u>Asbestos Worker</u> Age <u>55 yrs.</u> Sex <u>Male</u>		
7. Date injured <u>How</u> <u>M</u> Date last worked <u>2/5/63</u>		
8. Injured at <u>How</u> <u>M</u> County <u>L.A.</u>		
9. Date of your first examination <u>2/25/63</u> How <u>M</u> Who engaged your services? <u>Initiator</u>		
10. Name other doctors who treated employee for this injury		
11. ACCIDENT OR EXPOSURE: Did employee notify employer of this injury? <u>Yes</u> Employer's statement of cause of injury or illness <u>Patient worked for many years in construction company handling asbestos</u>		
12. NATURE AND EXTENT OF INJURY OR DISEASE (Include all objective findings, subjective complaints, and diagnoses. If occupational, state date of onset, occupational history, and exposure.) <u>Chronic emphysema & fibrosis of lungs</u>		
13. X-rays: By whom taken? <u>This office</u> Findings: <u>Chronic emphysema & fibrosis of lungs</u>		
14. Treatment: <u>General hygiene, IFPB treatments</u>		
15. Kind of case (Other, acute, or chronic) <u>Chronic</u> If hospitalized, date <u> </u> Estimated stay <u> </u>		
16. Further treatment (Estimated frequency and duration) <u> </u>		
17. Estimated period of disability for: Regular work <u>6 months</u> Modified work <u>one month</u>		
18. Describe any permanent disability or disfigurement expected (State if none) <u>Patient will be unable to do full work as previously</u>		
19. If death ensued, give date		
20. REMARKS (Note any pre-existing injuries or diseases, need for special examination or laboratory tests, other pertinent information.)		

N. B.—ONLY UNDER EXCEPTIONAL CIRCUMSTANCES WILL A HERNIA BE CONSIDERED DISABLING PRIOR TO OPERATION.
THE INJURED SHOULD BE ADVISED TO CONTINUE WORK, IF POSSIBLE, UNTIL NOTIFIED THAT HIS CLAIM IS ACCEPTED.

Name Joseph Schmalzer Degree M.D. [PERSONAL SIGNATURE OF DOCTOR] Joseph Schmalzer, M.D.

Date of report 3/13/63 Address 15704 S. Clark Ave., Bellflower Tel. No. 907-7248

Form 10-64

Use reverse side if more space required

2001-1-15 0000 0 0 000

807917

INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

LEONARD CHARLES BROKENSHERE

Case No. 63 LA 250 245

Applicant

vs.
ARMSTRONG CONTRACTING AND SUPPLY COMPANY;
et al

Defendants

Notice of Time
and Place of
Further Hearing

LOS ANGELES OFFICE
INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA
FILED OCT 2 1963
WILLIAM J. STERN

NOTICE TO ALL PARTIES

You are hereby notified that further hearing will be held in the above-entitled action at
4107 LOS ANGELES STATE OFFICE BUILDING, 107 SOUTH BROADWAY
LOS ANGELES, CALIFORNIA

NOVEMBER 4, 1963

9:00 A.M. ALL DAY

Dated at: LOS ANGELES

INDUSTRIAL ACCIDENT COMMISSION

NOTE: CONTINUANCES AND FURTHER HEARINGS ARE NOT FAVORED.

NAME AND ADDRESS OF PERSONS SERVED

DATE October 2, 1963

Leonard C. Brokenshere, 14717 Liebscher Ave., Norwalk
Stearns & Gross, 9200 Colima Rd., Whittier
Armstrong Contracting & Supply Co., 4340 District Blvd., LA 90058
Aetna Cas. & Surety Co., 2404 Wilshire Blvd., LA 90054
Travelers Ins. Co., 3600 Wilshire Blvd., LA 90005
Weingand, Kendig, Stockwell & Callanan, 611 S. Catalina, LA 90005

H. Stern
H. Stern

(SIGNATURE OF PERSON SERVING NOTICE)

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA
CASE NO. 63 L. A. 250-245

Applicant,

習熟。

MINUTES OF HEARING
AND ORDER JOINING
PARTY DEFENDANT

ARMSTRONG CONTRACTING AND SUPPLY COMPANY,)
 AETNA CASUALTY AND SURETY COMPANY,)
 a corporation;)
 TRAVELERS INSURANCE COMPANY,)
 a corporation.)

LOS ANGELES OFFICE
INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA
FILED AUG 1 1963

WILLIAM KAPLAN
ADL 118-67471

THIS CAUSE came on for hearing this 30th day of July, 1963, nine a.m., in Department 7 of the Industrial Accident Commission at Los Angeles, California, before Honorable RICHARD BARRY, Referee.

H. A. McNeal, Court Reporter.

PRESIDENT:

Leonard Charles Brokenshire, applicant.

Stearns & Gross, by Richard Gross, attorneys for applicant.

Weingand, Kendig, Stockwell & Callanan, by E. Kendig,
attorneys for Aetna Casualty and Surety Co.

የፊትገጽ

(None)

EXHIBITS:

(None)

300

SERVED 7/30/63 MMC:

- Travelers Ins. Co., 3600 Wilshire Blvd., LA 5.
- Stearns & Gross, 9200 Colima Rd., Whittier.
- L. C. Brokenshire, 14717 Liebacher Ave., Norwalk.
- Armstrong Contracting & Supply, 4340 District Blvd., LA 58.
- Weingand, Kendig, Stockwell & Callanan, 611 S. Catalina, LA 5.
- Aetna Casualty & Surety Co., 2404 Wilshire Blvd., LA 54.

1 GOOD CAUSE APPEARING THEREFOR:

2 IT IS ORDERED that the application be amended to allege a
3 period of continuing trauma that began in 1941 and ended on
4 February 8, 1963.

5 IT IS ORDERED that TRAVELERS INSURANCE COMPANY, A CORPORATIO
6 be, and it hereby is, joined as a party defendant as insurance
7 carrier for Armstrong Contracting and Supply Company during the
8 period of applicant's employment with that company that began on
9 April 2, 1961, up until the time coverage began by Aetna Casualty
10 and Surety Company.

11
12 IT IS STIPULATED BY AETNA CASUALTY AND SURETY COMPANY:

13 1. That it was the insurance carrier for Armstrong
14 Contracting and Supply Company for the period that began
15 January 1, 1963, and continued through the last date of applicant
16 employment.

17 2. That it (alone or possibly in conjunction with Travelers
18 Insurance Company) will make a monetary advance to applicant and
19 will pay the medical expense incurred in the sum of \$159.50 for
20 the bill of Dr. Schmerler.

21
22 DISPOSITION:

23 Continued, to be reset for one full day (not before two
24 months from this date.)

INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

807920

LEONARD CHARLES BROOKSHIRE

Applicant

ARMSTRONG CONTRACTING AND SUPPLY COMPANY
Aetna Casualty and Surety Company

Defendants

NOTICE OF HEARING

Case No. 63-1A-250-245

LOS ANGELES OFFICE
INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

FILED JUL 9 1963

WILLIAM KAPLAN
ASST. SECRETARY

You are hereby notified that an application for compensation (a copy of which is attached hereto) has been filed with the Industrial Accident Commission of the State of California. You are further notified that said application has been set for hearing at

4107 LOS ANGELES STATE OFFICE BUILDING, 107 SOUTH BROADWAY
LOS ANGELES, CALIFORNIA
JULY 30, 1963
9:00 A.M.

and that at said time and place the Industrial Accident Commission of the State of California will proceed to hear and dispose of the said application in the manner prescribed by law.

Notes: The parties are expected to submit all issues in controversy for decision to this hearing, together with all necessary witnesses, evidence, documents, medical reports, payrolls, and other material upon which they may rely for submission at the hearing.

Dated: LOS ANGELES, CALIFORNIA
7/9/63

INDUSTRIAL ACCIDENT COMMISSION
By William Kaplan
Assistant Secretary

The undersigned certifies that as an employee of the Industrial Accident Commission he served the foregoing notice on the parties hereinafter mentioned, at the time set opposite their respective names, by depositing a copy of said notice attached to a copy of the application therein mentioned, in a sealed envelope in the United States mail on said day, at Los Angeles, California, with the postage thereon fully prepaid, and addressed to the said parties at their last known places of business or residence, as follows, to wit:

Name and Address of Persons Served

Leonard Charles Brookshire, 14717 Liebach Ave., Norwalk, Calif.
Armstrong & Gross, 9200 Colima Road, Whittier, Calif.
Armstrong Contracting & Supply Co., 4340 District Blvd., L.A. 58, Calif.
Aetna Casualty & Surety Co., 2404 Wilshire Blvd., L.A. 54, Calif.
Weingand, Kendig, Stockwell & Callanan, 611 S. Catalina, L.A. 5, Calif.

Date 7/9/63

W. Kaplan
SIGNATURE OF PERSON SERVING NOTICE

FORM 10-52 (Rev. 6-52)

INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

807921

LEONARD CHARLES BROCKENSHIRE

NOTICE OF HEARING

Applicant...

VS.

Case No. 43 LA 250-215

ARMSTRONG CONTRACTING AND SUPPLY COMPANY
AETNA CASUALTY AND SURETY COMPANY

LOS ANGELES OFFICE
INDUSTRIAL ACCIDENT COMMISSION
STATE OF CALIFORNIA

FILED JUL 9 1963

Defendants...

WILLIAM KAPLAN
ASST. SECRETARY

You are hereby notified that an application for compensation (a copy of which is attached hereto) has been filed with the Industrial Accidents Commission of the State of California. You are further notified that said application has been set for hearing at

4107 LOS ANGELES STATE OFFICE BUILDING, 107 SOUTH BROADWAY
LOS ANGELES, CALIFORNIA

JULY 30, 1963

9:00 A.M.

and that at said time and place the Industrial Accident Commission of the State of California will proceed to hear and dispose of the said application in the manner prescribed by law.

Notice: The parties are expected to submit all issues to be decided at this hearing; therefore, all necessary witnesses, documents, medical reports, payrolls, and other material pertinent to the case should be available and ready for submission at the hearing.

Dated: LOS ANGELES, CALIFORNIA

INDUSTRIAL ACCIDENT COMMISSION

7/9/63

By: William Kaplan

Assistant Secretary

The undersigned certifies that as an employee of the Industrial Accident Commission she served the foregoing notice on the parties heretofore mentioned, at the time set opposite their respective names, by depositing a copy of said notice attached to a copy of the application therein mentioned, in a sealed envelope in the United States mail on said day, at Los Angeles, California, with the postage thereon fully prepaid, and addressed to the said parties at their last known places of business or residence, as follows, to wit:

Name and Address of Persons Served

Date: 7/9/63

Leonard Charles Brokenshire, 14717 Liebecer Ave., Norwalk, Calif.
Stearns & Gross, 9200 Colima Road, Whittier, Calif.
Armstrong Contracting & Supply Co., 4340 District Blvd., L.A. 53, Calif.
Aetna Casualty & Surety Co., 2404 Wilshire Blvd., L.A. 54, Calif.
Weingand, Kendig, Stockwell & Callanan, 611 S. Catalina, L.A. 5, Calif.

(SIGNATURE OF PERSON SERVING NOTICE)

1963 JUL 9 PM 4 100-100

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 222 N. Sepulveda Blvd., Suite 1900, El Segundo, California 90245

On August 24, 2007, I served a copy of the following on interested parties in Case No. BC 342 363: **PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE REGARDING CALIFORNIA INDUSTRIAL ACCIDENT COMMISION DOCUMENTS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**

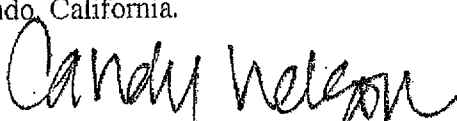
[XX] (By Mail) I caused each envelope with postage fully prepaid, to be placed in the United States Mail at El Segundo, California to:

[SEE ATTACHED PROOF OF SERVICE LIST]

[XX] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at El Segundo, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

Executed on August 24, 2007, at El Segundo, California.



CANDY NELSON

William Henry Saller vs. Bondex International, Inc.

Los Angeles Superior Court BC 342 363

W&K File No. 05-1407-

PLAINTIFF'S SERVICE LIST

Crown Cork & Seal Company, Inc. (CC&S)

Elementis Chemicals, Inc.

Harcros Chemicals, Inc.

Armstrong, William H.

ARMSTRONG & ASSOCIATES

One Kaiser Plaza

Suite 625

Oakland, CA 94612

Tel: 510-433-1830

Fax: 510-433-1836

CA Speed Dial 408

General Motors Corporation

Brown, Jr., Eugene

FILICE BROWN EASSA & MCLEOD

1999 Harrison Street

18th Floor

Oakland, CA 94612-3541

Tel: 510-444-3131

Fax: 510-839-7940

CA Speed Dial 71

Drane Co.

Jfkes, Frederick J.

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP

10100 Santa Monica Blvd., 7th Floor

Los Angeles, CA 90067

Tel: 310-552-5000

Fax: 310-552-5001

CA Speed Dial 118

PMC Corporation

Nicol, Farah

MCKENNA, LONG & ALDRIDGE LLP

444 South Flower Street

3th Floor

Los Angeles, CA 90071

Tel: 213-688-1000

Fax: 213-243-6330

CA Speed Dial 52

Crown Cork & Seal Company, Inc. (CC&S)

Loonits, Joni Lynn

MORRIS, POLICH & PURDY, LLP

1055 West Seventh Street, 24th Floor

Los Angeles, CA 90017

Tel: 213-881-9100

Fax: 213-488-1178

CA Speed Dial 11

Bondex International, Inc.

Dowman Products, Inc.

RPM International, Inc.

RPM, Inc.

/an Dam, Tina

WALSWORTH, FRANKLIN, BEVINS & MCCALL, LLP

One City Boulevard West, Fifth Floor

Orange, CA 92668-3677

Tel: 714-634-2522

Fax: 714-634-0686

CA Speed Dial 37