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SEP 12 1988

S-W LEGAL

September 8, 1988

CONFIDENTIAL
SEP 23 1988
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OF COUNSEL
WILLIAM W. WERTZ
RITA F. GILMORE

John F. King, Esq.
Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, OH 44115-1075

REDACTED

Re:

Ac'd) v. Kaiser Shipyard

#3, et al.

WCAB Case No: OAK 141300

Claim No: 918 C 31408/SMBS No: 144.054

Dear Mr. King:

Enclosed herewith, please find the Minutes of Hearing from Workers' Compensation Appeals Board Judge Mason. These Minutes were issued following the conference of May 23, 1988; and, we were just recently served with them, and we do not know why there was such a delay.

Please note that, in the Minutes, it was agreed that the three items discussed would be complied with by August 1, 1988. It is very difficult to comply with something when one is not served with the actual Minutes; and, accordingly, we would ask that you review the three items, and advise us if there can be compliance within a relatively-short period of time. As you know, from our last correspondence, there are ongoing demands for further discovery; but, we still believe these three items should be answered and all proper carriers joined before further discovery is conducted.

If you have any problem complying with these orders, please advise us.

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John F. King, Esq.
Re:
September 8, 1988
Page Two

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EMPLOYEE DELIVERED
SEP 23 1988

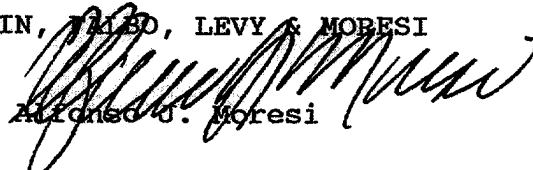
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Thank you for your attention to this matter.

Very truly yours,

LAUGHLIN, TALLEY, LEVY & MORESI

By:


Michael J. Moresi

AJM/jm
Enclosure

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Laughlin

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS

ADM
EMPLOYEE BENEFITS
SEP 28 1988

WORKERS' COMPENSATION APPEALS BOARD

CASE NO. OAK 141300

REDACTED

Applicant

MINUTES OF HEARING

(CONFERENCE)

AND

ORDER OF JOINDER

vs.

KAISER SHIPYARD #3, et al.,

Sherwin Williams

Defendants

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Place and Time: Oakland - May 23, 1988, 2:30 p.m.

MAY 27 1988
Division of
Industrial Accidents
W.C.A.B.
OAKLAND

Judge: MASON
Reporter: Binion

Appearances: No appearance by or on behalf of applicant by agreement.

Bill Parrish, Esq., appearing for Insurance Company of North America, for certain specified coverages of Sherwin Williams Company and specified coverages from August 31, 1982 through July 1, 1984, but only at one location.

Alfonso J. Moresi, Esq., Law Offices of Laughlin, Falbo, et al. for Sherwin Williams Company of California, in connection with the request to produce documents.

Antonio A. Celaya, Esq., Law Offices of Schmit, Morris, et al. for Hartford Accident & Indemnity and Kaiser Company, Inc.

ORDER OF JOINDER

IT IS HEREBY ORDERED that Liberty Mutual, Aetna Casualty & Surety and INA be joined as parties-defendant for coverage of Sherwin Williams Paint Company.

The matter was set today for a hearing concerning Hartford's Subpoena Duces Tecum and after discussion the undersigned has decided to restrict the Subpoena and order the employer defendant to provide the following information:

1. Records relating to products that may have contained asbestos or used asbestos in the manufacturing process at Sherwin Williams' Emeryville, California plant.
2. Evidence of any pulmonary injury, specifically those related to asbestos and lung cancer for any employee of Sherwin Williams Company of Emeryville facility for the period 1952 to 1964.

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5/23/88

SEP 23 1988

3. Evidence of safety equipment used at Sherwin Williams Company, Emerville facility, specifically safety equipment used to protect the workers' lungs, and general air quality of the working area.

There is a third area of information requested, which relates to the specifications of the physical plant itself, and that information shall be deferred at this time, until defendant Hartford has narrowed the specific areas where the deceased worked, thus reducing the burden upon Sherwin Williams to produce records relating to said specifications.

DISPOSITION: Continue this matter for a settlement conference on the first available date after August 1, 1988, with the defendants being placed on notice that all discovery should be completed by that date.

GEORGE W. MASON, JR.
WORKERS' COMPENSATION JUDGE

SERVED BY MAIL ON PERSONS SHOWN
ON THE OFFICIAL ADDRESS RECORD.

Date: _____ By: _____

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