E. H. MONTAGUE,

Applicant

vs.

JOHNS MANVILLE COMPANY, EMPLOYERS LIABILITY ASSURANCE CORPORATION, and INDUSTRIAL INDEMNITY EXCHANGE,

Defendants

CLAIM No. 123-248

Notice of Time and Place of Further Hearing

NOTICE TO ALL PARTIES

You are hereby notified that further hearing will be held in the above-entitled action at City Hall, Chico, California, on the 10th day of May, 1950, at 11:00 o'clock a.m.

[illegible] 28th April, 1950.

INDUSTRIAL ACCIDENT COMMISSION

Note: No continuance will be granted except for unusual circumstances and then only with the consent of all parties. No request for a continuance will be considered unless presented in writing within 5 days from the date of service of this notice.

SERVICE UPON: 4/13/50—dlp

[illegible]

gja 1-6137

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM No. 123-248

E. H. MONTAGUE,

Applicant,

vs.

JOHNS MANVILLE COMPANY, EMPLOYERS LIABILITY ASSURANCE CORPORATION and INDUSTRIAL INDEMNITY EXCHANGE,

Defendants.

Mailed from the office of the SEP 5 — 1950 Industrial Accident Commission of the State of California

Applicant's attorney: John W. Finley
Defendant employer's attorneys: Pillsbury, Madison & Sutro
Defendant Industrial Indemnity Exchange represented by Leonard, Hanna & Brophy
Defendant Employers Liability Assurance Corporation represented by Boy, Tayler & Reynolds

Application for adjustment of claim for compensation having been filed herein, and all parties having appeared, and the matter having been heard before ELVIN B. CONNOLLY, Referee, and W. P. BEEM, Referee, and submitted for decision, Referee Beem makes his Findings and Award as follows:

FINDINGS OF FACT

1. E.H.Montague, while employed by Johns Manville Company as a super-x mixer, between a date in 1936 and December 31, 1946, at Redwood City, California, was exposed to various dusts, resulting in pneumonoconiosis, and this Referee now finds that said exposure constituted an injury arising out of and in the course of his employment. For the period January 1, 1936 to and including December 31, 1942, Employers Liability Assurance Corporation was the employer's insurance carrier, and for the period January 1, 1943 to January 1, 1947 Industrial Indemnity Exchange was the employer's insurance carrier, and all parties were subject to the provisions of the Workmen's Compensation Laws of the State of California.

2. Said injury caused temporary total disability beginning

October 1,1949,to and including May 10,1950,and indefinitely [illegible] titling applicant to $30.00 a week during said time,less the [illegible] period of 7 days. Said injury did not cause any temporary disa[illegible] before October 1, 1949. Wages at time of injury were [illegible]. Defendants are entitled to credit for all sums heretofore paid [illegible] ability indemnity.

3. Applicant is entitled to recover his medical expenses incurred or paid to cure or relieve from the effects of the [illegible] herein and a supplemental award will issue in the event the parties are unable to adjust the bills out of court.

4. Applicant is in need of further medical care to cure or relieve from the effects of the injury herein and is entitled to it furnished by defendants.

5. No finding is made with reference to the plea of the Statute of Limitations as the defendants have withdrawn the issue.

6. Applicant's attorney is entitled to a lien against [illegible] compensation for the reasonable value of his services in the sum $150.

A W A R D

AWARD IS MADE in favor of E.H.Montague against Employers Liability Assurance Corporation and Industrial Indemnity Exchange, jointly and severally,of the sum of $30.00 a week beginning Octo[illegible] 1949,and continuing to and including May 10,1950, and indefinitely until the further order of this Commission,together with interest as provided by law,less credit to defendants for all sums heretofore paid as disability indemnity,and less $150.00 payable to John W.Finley [illegible] his attorney's fee.

AWARD IS FURTHER MADE in favor of [illegible] against Employers Liability Assurance Corporation and Industrial Indemnity Exchange,jointly and severally,of his medical expenses incurred or paid to cure or relieve from the effects of the injury herein,together with further medical care necessary to cure or relieve from the effe[illegible]

123248

Published by AsbestosClaims.Law
asbestosclaims.law/library/11372/3

of the injury herein.

Defendants, Employers Liability Assurance Corporation, [illegible] Industrial Indemnity Exchange, are further ordered to report to the Commission on Form No. C-6, which form is served herewith, within [illegible] days after the cessation of compensation payments under [illegible] Awarding Award. Copies of said Form No. C-6 and copies of all [illegible] other reports filed with this Commission in connection with [illegible] are to be served on all adverse parties before filing [illegible] this Commission.

W. F. BEEM, Referee
INDUSTRIAL ACCIDENT COMMISSION

(SEAL)

Dated at San Francisco,
California
AUG 30 1950

WFB:ll
12326

E. H. Montague v. Johns-Manville, California Industrial Accident Commission Award (1950)
ACL Doc 11372 · Page 4 of 4
Published by AsbestosClaims.Law
asbestosclaims.law/library/11372/4