

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
WORKERS' COMPENSATION APPEALS BOARD

CASE NO. 124214,
124216

Thomas Beard
APPLICANT
v.
San Joaquin Mosquito Abatement District, (P.S.I.)
DEFENDANT(S)

PRETRIAL CONFERENCE STATEMENT § 5502 (d)(3)
 NOTICE OF HEARING

LOCATION: STK DATE: 6.26.01 TIME: 8:30 am

SETTLEMENT CONFERENCE JUDGE: Bovett

APPEARANCES:

INJURED WORKER: Thomas Beard
 INJURED WORKERS' ATTORNEY: Noah Tempkin
(FIRM NAME AND PERSON APPEARING)
 DEFENDANT'S ATTORNEY: Douglas Sparks
(FIRM NAME AND PERSON APPEARING)

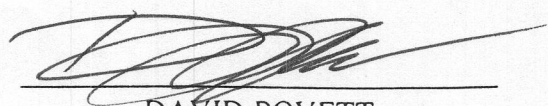
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OTHERS APPEARING: _____
(L.C., INTERPRETERS, ETC.)
 ADDRESS RECORD CHANGES: _____

BOX BELOW TO BE COMPLETED ONLY BY WORKERS COMPENSATION JUDGE

DISPOSITION: SET FOR REGULAR HEARING: WCAB NOTICE NOTICE WAIVED
 1 HOUR 2 HOURS 1/2 DAY ALL DAY
 BEFORE IN THE WCJ BEFORE WCJ _____ BEFORE ANY WCJ OTHER THAN _____
 CASE(S) SET ON 8/9/01 AT 1:30 WCJ Bovett IN Stockton
 OTHER DISPOSITION AND ORDERS: see p. 4

NOTICE TO A, PURSUANT TO RULE § 10500, YOU ARE DESIGNATED BY THIS WCJ TO SERVE THIS PRE-TRIAL SETTLEMENT CONFERENCE STATEMENT AND NOTICE OF HEARING. SERVE ON ALL PARTIES OR THEIR REPRESENTATIVES AS SHOWN ON THE OFFICIAL ADDRESS RECORD AND SERVE ANY ADDITIONAL LIEN CLAIMANTS IDENTIFIED UNDER ISSUES (PAGE 3) AND RETAIN THE PROOF OF SERVICE IN YOUR FILE.


DAVID BOVETT
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

DESIGNATION IS ACKNOWLEDGED

STIPULATIONS

THE FOLLOWING FACTS ARE ADMITTED:

1. Thomas Beard, BORN 9/24/49

WHILE EMPLOYED ALLEGEDLY EMPLOYED

ON 5.22.95

DURING THE PERIOD(S) CT - 1.18.96

AS A(N) Mosquito Control Tech, OCCUPATIONAL GROUP NUMBER 50

AT Stockton, CALIFORNIA,

BY San Joaquin Mosquito Abatement district

SUSTAINED INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT TO Left knee per steps

CLAIMS TO HAVE SUSTAINED INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT TO Right knee per Petition to ReOpen

2. AT THE TIME OF INJURY THE EMPLOYER'S WORKERS' COMPENSATION CARRIER WAS

THE EMPLOYER WAS PERMISSIBLY SELF-INSURED UNINSURED LEGALLY UNINSURED

3. AT THE TIME OF INJURY, THE EMPLOYEE'S EARNINGS WERE \$ 706.39 PER WEEK, WARRANTING INDEMNITY RATES OF \$ _____ FOR TEMPORARY DISABILITY AND \$ _____ FOR PERMANENT DISABILITY.

4. THE CARRIER/EMPLOYER HAS PAID COMPENSATION AS FOLLOWS: (TD/PD/VRMA)

TYPE	WEEKLY RATE	PERIOD	TYPE	WEEKLY RATE	PERIOD
<u>Payments per steps</u>	<u>6.26.97</u>				

THE EMPLOYEE HAS BEEN ADEQUATELY COMPENSATED FOR ALL PERIODS OF T/D CLAIMED THROUGH _____

5. THE EMPLOYER HAS FURNISHED ALL SOME NO MEDICAL TREATMENT.

THE PRIMARY TREATING PHYSICIAN IS Caril Md

6. NO ATTORNEY FEES HAVE BEEN PAID AND NO ATTORNEY FEE ARRANGEMENTS HAVE BEEN MADE.

7. OTHER STIPULATIONS _____

Mad J. A.
APPLICANT

[Signature]
DEFENDANT

LIEN CLAIMANT/OTHER

ISSUES

- EMPLOYMENT _____
- INSURANCE COVERAGE _____
- INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT _____
- PARTS OF BODY INJURED: defendants deny Right Knee
- EARNINGS: EMPLOYEE CLAIMS _____ PER WEEK, BASED ON _____
EMPLOYER/CARRIER CLAIMS _____ PER WEEK, BASED ON _____
- TEMPORARY DISABILITY, EMPLOYEE CLAIMING THE FOLLOWING PERIOD(S): _____

- PERMANENT AND STATIONARY DATE:
EMPLOYEE CLAIMS ___/___/___, BASED ON _____
EMPLOYER/CARRIER CLAIMS ___/___/___, BASED ON _____

- PERMANENT DISABILITY APPORTIONMENT per steps of 6-26-97
- OCCUPATION AND GROUP NUMBER CLAIMED: BY EMPLOYEE _____
BY EMPLOYER/CARRIER _____

- NEED FOR FURTHER MEDICAL TREATMENT as to Right Knee
- LIABILITY FOR SELF-PROCURED MEDICAL TREATMENT _____

LIENS:

LIEN CLAIMANT	TYPE OF LIEN	AMOUNT AND PERIODS PAID
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTORNEY FEES

OTHER ISSUES: new and further disability, per petition to Re Open Statute of Limitations with Petition to Reopen filed on 6-22-00 and, per stipulation with request for Award, injury occurred on 5-22-95 ~~Frankly, per the Applicant objects to settling~~
Applicant contends that Petition to Reopen was timely, defendants should be estopped from denying treatment to applicant's right knee. Dr. Bookend's report is not substantiated evidence.
Applicant objects to discuss closing. ~~Applicant objects to discuss closing.~~

[Signature]
 APPLICANT

[Signature]
 DEFENDANT

 LIEN CLAIMANT/OTHER

