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TRIAL  
12-5-01  
TO JUDGE  
405

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November 26, 2001

KEVIN R. TWOHY  
(1917-1992)

OF COUNSEL  
B. FRANKLIN WALKER

The Honorable David Bovett  
WORKERS' COMPENSATION APPEALS BOARD  
31 East Channel Street, Room 344  
Stockton, CA 95202-2393

DIVISION OF  
WORKERS COMPENSATION  
STOCKTON OFFICE

NOV 28 2001

RE: THOMAS BEARD v. SAN JOAQUIN MOSQUITO ABATEMENT DISTRICT  
WCAB: STK 124216; STK 124214  
CLAIM: 6201500; 6201527; DOI 11/19/95 Unassigned

Dear Judge Bovett:

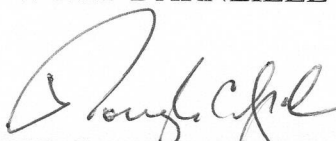
Defendant objects to applicant's request for further discovery in the above-entitled matter.

Defendants filed a Declaration of Readiness to Proceed on April 23, 2001, without any objection from applicant's attorney. The DOR was filed on the sole issue of new and further disability pursuant to applicant's previously filed Petition to Reopen. Applicant had not obtained any opinion from Dr. Kornblatt, his prior QME, on the issue of new and further disability. Applicant now seeks to use the deposition testimony of Dr. Cahill to cure his discovery deficiencies by obtaining a medical/legal evaluation with Dr. Kornblatt.

While defendants acknowledge that Dr. Cahill has withdrawn his opinion on industrial causation regarding the relationship of the right knee to the prior accepted left knee injury, this does not give applicant an opportunity to obtain further discovery. Applicant should have obtained an evaluation from his QME prior to defendant's filing their DOR.

Respectfully submitted,

TWOHY DARNEILLE & FRYE

  
DOUGLAS C. SPARKS

DCS:pa

TO: The Honorable David Bovett  
RE: THOMAS BEARD  
November 26, 2001  
Page 2

cc: BRAGG & ASSOCIATES, P.O. Box 1406, Roseville, CA 95678-1406, Attention:  
Rebecca Braswell

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Attention: David G. W. Belden