

Tiffany Kay Anderson
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January 11, 2014

Atty. Kyle Hansen
STOCKWELL HARRIS
1545 River Park Drive, Ste. 330
Sacramento, CA 95815-4616

**RE: Anderson, Tiffany vs. San Joaquin County Mosquito & Vector
Control District
Proposed Letter to Dr. Allems and Various Reports**

Dear Atty. Hansen:

On January 3rd, I did receive the 2004 – 2008 time sheets from your office. Thank you for providing these. They were one of the eight items that I had requested of your office and that you have consistently promised to provide. I would have thought that in a good faith effort you would have informed me back in August (5 months ago) that you were not going to provide the essential documents and refer me to the labor code. The October PQME was rescheduled for that very purpose. You have left me with no other recourse but to go before the judge to rule on evidence.

Your position that you cannot provide me with surveillance documents because you believe that I remain represented by Attorney Stein (per the EAMS website) still does not excuse you from providing these records to either Attorney Stein (or myself) in a timely manner. Months of delay in producing these documents to either of us is inexcusable. I/We still await all of the prima facie surveillance evidence from your client, for all injuries. And this request is an ongoing request that is to be revisited by you every 20 days.

I hereby re-request the other seven items from my other prior correspondence and add two more items. If necessary, I will be pursuing the production of these documents when we appear before the judge at the upcoming hearing. I previously requested:

1. A copy of all records, medical and otherwise, pertaining to pre-employment medical examinations performed by Dameron Occupational Health, including those retained by Dameron Occupational Health and the SJCM&VCD. You had asked me to "Please explain to me the relevance of your pre-employment physical results." I replied that my pre-employment physical exam results serve as a baseline for my overall health prior to my employment with the district and prior to my first exposure. Under the law, I have the right to see and copy my own medical records, and employers are to make them available to me (CCR Title 8.)

2. All records for the medical encounter at Dameron Occupational Health for date of service 1/26/2005. Please include records from this date of service through the release date, including but not limited to:

- Documentation of any verbal instructions and comments between SJCM&VCD/fellow employees/supervisor(s) and the doctor/medical staff
- All medical records, lab results, reports, evaluation, notes written or transcribed

"Please advise why you were seen at Dameron Occupational Health on the dates listed. Please advise if you filed claims alleging a work place injury for those dates.

When I reported exposure symptoms to my employer, I was told to fill out a DWC-1 form and to visit Dameron for my pre-employment physical and for all work comp related injuries. The dates above were approximated; I am still in need of the 1/26/2005 records. The documents I received from Dameron on the other dates were incomplete and left out much of the doctor's examination notes, lab results, and other important aspects of my medical file (to which I am entitled).

3. SJCM&VCD MSDS labels and chemical treatment / spray records from 2000-2010, including but not limited to the application or use of Formalin, and/or other parasite treatments, herbicides, pesticides, and fungicides at the White Slough facility in Lodi, along with the documentation that all employees had been notified of the use of these substances, and the signed safe handling procedures from all employees. A copy of all MSDS labels for chemicals used, stored or that my employer had knowledge that I came in contact with during the course of my employment, from 2004 to 2011.

"I will ask for MSDS sheets in the District's possession for the locations that you serviced. If you worked at the White Slough Facility in Lodi I will ask for those records. It is of no relevance to your workers' compensation case what other employees were provided."

Besides servicing White Slough, I was deployed there for various other tasks (as were all other employees of that time), including (but not limited to) site maintenance for the facilities there. My timesheets clearly illustrate my relationship with White Slough, and it is within my rights to be given the SJCM&VCD MSDS labels and chemical treatment records from 2000-2010.

4. A copy of the SJCM&VCD investigation by Manager John R. Stroh, delivered to SJPEA representative Kay DeGeest, from 4/9/1998 regarding "concerns about wastewater handling, employee performance evaluations, and procedures to promote district personnel."

5. A copy of the SJCM&VCD training binder titled "Agricultural and Municipal Wastewater Handbook" noted in the above referenced memo.

"Please explain how this is relevant to your case."

This training binder establishes protocol for an exposure, and details for the employee and for any treating physician the wide array of pathogens, chemicals, viruses, toxins, and diseases an employee in my capacity was liable to be subjected to. This resource was guaranteed to our union rep by John Stroh shortly following the removal of fellow employee Ken Savatti (due to exposure-related medical problems). I (and any physician treating me) have a right, and a need, to understand the dangers I came in contact with from my job.

6. A copy of safety leaflet N-8, published by the Ca. Department of Pesticide Regulation.

"Please explain how this is relevant to your case."

This provides supplemental information regarding my employer's responsibilities, and my rights as an employee, and gives greater context to Items 4 and 5 (above). I encourage you read it yourself.

7. Copies of SJCM&VCD documentation of my training and education records, including my signed acknowledgement of such training, from date of hire through 2011, especially in the areas of wastewater safety, chemical applications, and exposure prevention.

"Please explain how this is relevant to your case."

These documents prove that there was no attempt to educate me on the presence of chemical exposure when I was moved into areas in which it would have been appropriate. The failure of my employer to teach the dangers that came with working in new areas put me at greater risks in these areas. The district had a responsibility to train me in these areas, and have me sign that I understood the dangers associated with working in them (such as chemical and viral exposure). I have a right to demonstrate when this responsibility was neglected by my employer.

I am also in need of the following documents ahead of any rescheduled exposure PQME:

8. Wastewater training/safe handling practices records of District employees for the years 2004 - 2011.
9. The Injury and Illness Prevention Program (IIPP) records for the District for 2004 - 2011.

I would like to receive from you both a benefit printout and an MPN list as referenced in your letter of December 30, 2013. I have re-reviewed California Labor Code § 5813.

Sincerely,

Tiffany Anderson