

**STOCKWELL
HARRIS
WOOLVERTON
MUEHL**

A Professional Corporation

1545 River Park Drive, Suite 330
Sacramento, California 95815-4616
(916) 924-1862
(916) 924-3541 FAX
www.shww.com

February 4, 2010

CASE STATUS: MSC CURRENTLY SET FOR 2/24/10

Honorable Judge Crawford
Workers' Compensation Appeals Board
31 E. Channel Street, Room 344
Stockton, CA 95202

RE: MEIDINGER, DONALD VS. SAN JOAQUIN COUNTY MVCD
WCAB NO.: ADJ486529 (STK)
CLAIM NO.: VE0700038
OUR FILE NO.: 300223-001

Dear Judge Crawford:

Defense counsel requests a continuance regarding the upcoming Mandatory Settlement Conference on 2/24/10. The reasoning is as follows:

This case principally revolves around a disputed injury AOE/COE issue. The applicant is currently working full duty and defense counsel understands he obtains medical treatment through his private carrier. Thus, a continuance will not have any direct impact on the applicant's benefits.

By way of history, on 9/8/09, the parties jointly agreed to an OTOC for the purpose of obtaining the AME's deposition both on the issue of causation and the new Almaraz/Guzman issue.

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TED L. HIRSCHBERGER
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PAUL S. WOLSEY
SU TRAN
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DEBRA ODOM KUTTNAUER
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MATTHEW B. WOOLVERTON
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RICHARD K. GREEN †††††
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ANNETTE KAZANDJIAN
ALISSA TOBIN ZEA
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* CERTIFIED SPECIALIST WORKERS' COMPENSATION LAW THE
STATE BAR OF CALIFORNIA BOARD OF LEGAL SPECIALIZATION
† ALSO LICENSED IN THE STATE OF ILLINOIS
†† ALSO LICENSED IN THE STATE OF NEW YORK
††† ALSO LICENSED IN WASHINGTON D.C. AND THE STATE OF GEORGIA
†††† ALSO LICENSED IN THE STATE OF NEVADA
††††† ALSO LICENSED IN THE STATE OF TEXAS
†††††† ALSO LICENSED IN THE DISTRICT OF COLUMBIA AND STATE OF WASHINGTON
††††††† ALSO LICENSED IN THE STATE OF VIRGINIA

LIEN SPECIALISTS

DAVID M. BAUTISTA
TERA OLDFIELD
OLIVIA INIGUEZ
BINA DE BOABO

LOS ANGELES OFFICE
3580 Wilshire Boulevard, 19TH Floor
Los Angeles, California 90010
(323) 935-6669

ORANGE COUNTY OFFICE
701 South Parker Street, Suite 2200
Orange, California 92868-4736
(714) 479-1180

SAN DIEGO OFFICE
750 "B" Street, Suite 1220
San Diego, California 92101
(619) 696-1436

SAN FRANCISCO OFFICE
222 Kearny Street, 9TH Floor
San Francisco, California 94108
(415) 734-9310

SAN BERNARDINO OFFICE
735 East Carnegie Drive, Suite 270
San Bernardino, California 92408
(909) 381-5553

GROVER BEACH OFFICE
200 South 13TH Street, Suite 214
Grover Beach, California 93433-3302
(805) 473-0720

VENTURA OFFICE
2021 Sperry Avenue, Suite 46
Ventura, California 93003-7417
(805) 654-8994

FRESNO OFFICE
1550 East Shaw Avenue, Suite 103
Fresno, California 93710
(559) 226-9030

MEIDINGER, DONALD VS. SAN JOAQUIN COUNTY MVCD

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After coordinating with the applicant's representative, AME Dr. McHenry's deposition was set for 3/25/10. The parties were properly noticed on 10/2/09 (copy enclosed).

Then, possibly through inadvertency, applicant's attorney filed a Declaration of Readiness to Proceed on 11/30/09 on the issue of injury AOE/COE. This was despite the fact that the AME's deposition was scheduled for 3/25/10. The Declaration of Readiness to Proceed cites Dr. McHenry as the evidence the applicant is relying upon. Defendant timely filed an objection to the Declaration of Readiness to Proceed, served on 12/4/09.

In January, defense counsel's appearance was requested in the State of Florida for a Council of Litigation Management seminar from 3/23/10-3/26/10.

Defense counsel requested applicant attorney's professional courtesy for a continuance given that AME Dr. McHenry's deposition was set for 3/25/10. The new deposition date was coordinated with applicant attorney's office and was scheduled for 4/22/10.

WHEREFORE, defendant respectfully requests a continuance of this matter to some date after the AME deposition of 4/22/10. Applicant's attorney has already agreed that the deposition of the AME is necessary pursuant to the joint OTOC on 9/8/09 (copy enclosed). Defense counsel is not available on the following dates:

4/26/10, 4/28/10, 4/29/10, 5/3/10, 5/6/10, 5/7/10, 5/12/10, 5/19/10-5/21/10, 5/24/10-5/26/10, 5/31/10, 6/17/10, and 6/21/10-6/23/10.

Thank you in advance for your professional courtesy in considering this continuance request.

Respectfully submitted,

STOCKWELL, HARRIS, WOOLVERTON & MUEHL
A Professional Corporation

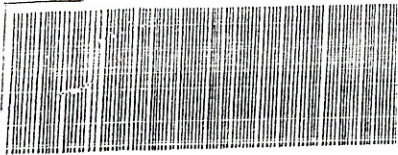

ERIC G. HELPHREY

EGH:kw

Enclosures: OTOC dated 9/8/09

Deposition Notice dated 10/2/09

cc: Ms. Mackenzie Dawson, AIMS Insurance
Mr. Adam J. Stewart, Moorad, Clark & Stewart



STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

ALS

MINUTES OF HEARING

STIC 0207071
ADJ 486529
Case No. _____

9/8/09
Date of Hearing (MM/DD/YYYY) _____

Hearing Information

Before AT Trial Conf MSC EXP. HEARING Lien

Request Date (MM/DD/YYYY) 9/8/09

Applicant

Don
First Name _____ MI _____

Meindinger
Last Name _____ VS _____

Defendants

S-T County Mosquito Abatement Dist.
Employer Name (Please leave blank spaces between numbers, names or words) _____

Appearances

Applicant	<input type="checkbox"/> Present	<input type="checkbox"/> Not Present	Attorney	Hearing Rep
Applicant Represented By	<u>Adon Stewart</u>		<input type="checkbox"/>	<input type="checkbox"/>
Defendant Represented By	<u>Eric Halphrey</u>		<input type="checkbox"/>	<input type="checkbox"/>
Others Appearing	_____		<input type="checkbox"/>	<input type="checkbox"/>

Interpreter _____ Cert. No. _____

Party Making Request

Joint Applicant Defendant Other _____

Request For: Continuance OTOC Request By: Letter Telephone

Position of Opposing Party

Agree Oppose Unreachable Unknown

Reason For Request

- Applicant: Illness
- Applicant Now Represented
- Applicant Requests Representation
- Applicant: Vacation
- Calendar Conflict: Applicant
- Calendar Conflict: Defense
- Calendar Conflict: Lien Claimant
- Change of Circumstances
- Consolidation
- Defense: Illness
- Defense: Vacation
- Dispute Resolved by Agreement
- Further Discovery: App Med
- Further Discovery: Def Med
- Further Discovery: AME
- Further Discovery: Depo
- Improper/Insufficient Notice by Party
- Joinder
- New Application
- No Issues Pending
- Non Appearance: Applicant
- Non Appearance: Defense
- Non Appearance: Lien Claimant
- Non Appearance: Witness
- Settlement Pending
- Unavailability of Witnesses: Applicant
- Unavailability of Witnesses: Defense
- Venue

+

AME Depo /
A/more

Board Reason

- Arbitration
- Bankruptcy Pending
- Defective Notice
- Insufficient Time to Start
- Insufficient Time to Finish
- Interpreter Not Available
- Recusal
- Reporter Not Available
- Service Defective
- UEF Issues
- WCJ Not Available

Other/Comments

The hearing scheduled for 9/12/09 is cancelled

Good Cause Appearing, It is Ordered That the Request For

- Continuance Granted
- Continuance Denied
- OTOC Granted
- OTOC Denied
- _____ Days For
- C&R
- STIPS
- OTOC

+

Decision

OTOC

C&R / STIPS Submitted for Approval

C&R / STIPS Approved

LIEN STIPS and ORDER Approved

N.O.I. to Allow/Disallow Issued

MSC

CONF

TRIAL

LIEN TRIAL

CONTD TESTIMONY

Sel On _____ At _____
MM/DD/YYYY

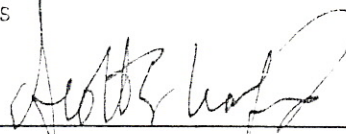
Location _____

Before Judge _____

Supplemental Pages Attached _____ Pages

9/8/2017

Date - MM/DD/YYYY



WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE

Notice To Defense AH7

Pursuant to Rule 10500 you are designated to serve this/these document(s) on all parties.

Served on parties and lien claimants present

NOTICE TO PARTIES: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Workers' Compensation should contact the Disability Accommodation Coordinator at the local District Office of the WCAB, or the state-wide Disability Accommodation Coordinator at 1-866-681-1459 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing

1 **STOCKWELL, HARRIS, WIDOM, WOOLVERTON & MUEHL**

2 A Professional Corporation
3 1545 River Park Drive, Suite 330
4 Sacramento, California 95815
5 Telephone: (916) 924-1862

6 Attorneys for Defendant

7 **WORKERS' COMPENSATION APPEALS BOARD**
8 **OF THE STATE OF CALIFORNIA**


10 Mr. Donald Meidinger,)	WCAB No.: 1) STK 207071
)	
11 Applicant,)	AMENDED NOTICE OF TAKING
12 vs.)	DEPOSITION
)	
13 San Joaquin County MVCD; AIMS Insurance)	
(Sacramento),)	(Can appear telephonically – (916) 733-1969)
)	
14 Defendant.)	
)	

16 Notice is hereby given that the deposition of **Malcolm McHenry, M.D.** will be taken in the
17 above-entitled action before a Notary Public duly authorized to administer oaths for the County of
18 Sacramento, State of California at **5:00 p.m.** on **March 25, 2010**, at **5301 F Street, Suite 117,**
19 **Sacramento, CA 95819 (916) 733-1788.**

20 If for any reason the deposition is not completed on said date, the taking thereof will be continued
21 from day to day, excluding Sundays and holidays, until completed.

22 This deposition is being taken under the provisions of Sections 2016, 2018, 2019, 2021 and 2055
23 of the Code of Civil Procedure of the State of California.

24 Date: October 2, 2009 STOCKWELL, HARRIS, WIDOM, WOOLVERTON & MUEHL
25 A Professional Corporation

26 
27 By: Eric G. Helphrey
28 Attorneys for Defendant

1 **Meidinger, Donald**

2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA

4 COUNTY OF SACRAMENTO

5 I am in the County of Sacramento, State of California. I am over the age of 18 years
6 and not a party to the within action. My business address is 1545 River Park Drive, Suite 330,
7 Sacramento, California 95815-4616.

8 On October 2, 2009, I served the foregoing document described as: **Amended**
9 **Notice of Taking Deposition of Dr. Malcolm McHenry** on all interested parties in this action
10 by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid
11 in the United States mailed at Sacramento, California, addressed as follows:

12 Malcolm McHenry, M.D.
13 5301 F Street, Suite 117
14 Sacramento, CA 95819

15 Mr. Adam J. Stewart
16 Moorad, Clark & Stewart
17 1020 15th Street, Suite 20
18 Modesto, CA 95354

19 Ms. Mackenzie Dawson
20 AIMS Insurance
21 Post Office Box 269120
22 Sacramento, California 95826-9120

23 Mr. John Stroh
24 San Joaquin County Mosquito & Vector Control District
25 7759 S. Airport Way
26 Stockton, CA 95206

27 Metro Reporting
28 1451 River Park Drive, Suite 275
Sacramento, CA 95815

I certify, under penalty of perjury, that the foregoing is true and correct.

Executed on October 2, 2009, at Sacramento, California.

By: Kathi Stokes
Kathi Stokes

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

I am in the County of Sacramento, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1545 River Park Drive, Suite 330, Sacramento, California 95815-4616.

On February 4, 2010, I served the foregoing document described as: **Request for Continuance; OTOC dated 9/8/09; Amended Notice of Taking Deposition dated 10/2/09** on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mailed at Sacramento, California, addressed as follows:

Hand Delivered to:

Workers' Compensation Appeals Board
31 E. Channel Street, Room 344
Stockton, CA 95202

Sent via U.S. Mail to:

Mr. Adam J. Stewart
Moorad, Clark & Stewart
1020 15th Street, Suite 20
Modesto, CA 95354

Sent via e-mail only to:

Ms. Mackenzie Dawson
AIMS Insurance
Post Office Box 269120
Sacramento, California 95826-9120

I certify, under penalty of perjury, that the foregoing is true and correct.

Executed on February 8, 2010, at Sacramento, California.

By: 
Kalie Wikel