



STOCKWELL
HARRIS
WOOLVERTON
MUEHL

A Professional Corporation

1545 River Park Drive, Suite 330
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(916) 924-1862
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June 24, 2015

Ms. Tiffany Anderson
2 N. Avena Ave
Lodi, CA 95240

RE: ANDERSON, TIFFANY VS. SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL

WCAB NO.: 1) ADJ7004221; 2) ADJ7004227; 3) ADJ7010682;
4) ADJ7976768; 5) ADJ9066508
CLAIM NO.: VE0700184
OUR FILE NO.: 300141-040
DATE OF LOSS: 1) 6/19/2008; 2) 7/2/2009; 3) 3/26/2009; 4) 6/29/2011;
5) CT - 11/30/11

Dear Ms. Anderson:

As you know, our goal in this matter is to ensure that you are provided with all appropriate workers' compensation benefits. To that end, I contacted you on the morning of 6/22/15 and informed you that we would agree to a replacement Panel. It was my understanding that this was what you wanted given that you refused to be seen by Dr. Allems. Again, let me reiterate that we will agree to your request for a replacement panel in internal medicine. As I explained, you would have 10 days to select a doctor of your choice from the replacement panel.

It appears to me that since we are agreeing to your request there is no issue on which to go to trial. However, you have informed me that you wish to proceed to trial despite this agreement. Please understand that the WCAB will not waste judicial resources hearing a trial for which the parties now agree on the sole issue set for trial.

LOS ANGELES OFFICE
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San Francisco, California 94108
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735 East Carnegie Drive, Suite 270
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SAN LUIS OBISPO OFFICE
1150 Osos Street, Suite 202
San Luis Obispo, California 93401-3692
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VENTURA OFFICE
2021 Sperry Avenue, Suite 46
Ventura, California 93003-7417
(805) 654-8994

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Fresno, California 93711
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* CERTIFIED SPECIALIST WORKERS' COMPENSATION LAW THE STATE BAR OF CALIFORNIA BOARD OF LEGAL SPECIALIZATION
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June 23, 2015

Additionally, you seem to be going into two different directions with your case. You have made demands for settlement offers, while you continue to demand a trial on an issue that appears to be resolved at this point. I am hopeful that we can get this case back on the right track.

I would like to take the opportunity to respond to your request for a settlement offer. You and I spoke in person at the MSC held on 6/16/15, and you told me that you might be open to settling all of your workers compensation claims for the amount of \$65,000.00. I am willing to discuss your demands with my client (albeit the figure may be more than the case is worth.) In the meantime, I need you to confirm in writing that you are in fact making a demand of \$65,000 to settle out your workers' compensation claims with the District.

In the meantime, I am enclosing a number of documents related to an ex parte hearing that we will make before the trial judge, Judge Webber. As I advised you by phone on 6/23/15, the purpose of the appearance is to inform the judge that we have agreed to your request to replace the Panel from which Dr. Allems was selected, and that there is therefore no need for a trial in this matter.

Thank you for your attention to the above.

Very truly yours,

STOCKWELL, HARRIS, WOOLVERTON & MUEHL
A Professional Corporation



SARA A. SKOLNIK
SAS:ss

cc: See Attached Proof of Service

Enclosures: Notice of Ex Parte Appearance
Declaration Rule 3.1202(c)
Declaration Rule 3.1204

1 Sara A. Skolnik (SBN: 267324)

2 **STOCKWELL, HARRIS, WOOLVERTON & MUEHL**

3 **A Professional Corporation**

4 1545 River Park Drive, Suite 330
Sacramento, California 95815-4616

(916) 924-1862
(916) 924-3541 Fax

5 Attorneys for Defendant

6
7 **BEFORE THE WORKERS' COMPENSATION APPEALS BOARD**
8 **OF THE STATE OF CALIFORNIA**
9

10 Tiffany Anderson,

11 Applicant,

12 vs.

13 San Joaquin County MVCD; AIMS Insurance)
14 (Sacramento),)

15 Defendant.)

) WCAB No.: 1) ADJ7004221;
) 2) ADJ7004227; 3) ADJ7010682;
) 4) ADJ7976768; 5) ADJ9066508

) **NOTICE OF EX PARTE APPEARANCE**

) **Date:** Monday, July 6, 2015

) **Time:** 8:30 a.m.

) **Location:** Stockton WCAB

) **Judge:** Alvin Webber

16
17 **To All Parties and Their Attorneys of Record:**

18 Notice is hereby given that on Monday, July 6, at 8:30 a.m., Defendant AIMS
19 Insurance, by and through their attorneys of record, Stockwell, Harris, Woolverton &
20 Muehl intend to appear ex parte before the Honorable Judge Alvin Webber at the
21 Stockton WCAB.
22

23 Defendant will appear ex parte as indicated above in order to request an Order
24 taking off calendar of the trial set for 8/13/15. The applicant has advised that she will
25 appear to oppose the request.

26 In support of this Application for ex parte hearing, defendant offers the following:
27
28

I.

This trial is set on the applicant's allegation that Dr. Allems should not serve as the PQME in this matter. Defendant contacted the applicant by phone on 6/22/15 and advised that they would agree to a replacement Panel. However, minutes later, the applicant advised that she wanted to proceed to trial despite this agreement and despite the defense attorney's request that she no longer communicate via e-mail.

II.

To avoid further litigation, **Defendant is agreeing to a replacement Panel.** **There is therefore no triable issue.** The applicant wishes to proceed to trial for the sole purpose of causing undue delay and expense to the Defendant. Defendant contends that an ex parte appearance is necessary given the time constraints, i.e. a trial is set on 8/13/15 for which Defendant will incur significant costs on a moot issue.

III.

The applicant is wasting judicial time and resources by proceeding to trial on this moot issue. There has been a pattern of this conduct in the past on her part. **From 2011 to 2015 there have been a total of fifteen (15) WCAB conferences or hearings held in this matter.** Many of them have been continued at the applicant's request.

An Informal Status Conference was set by Judge McGill for 10/7/14 to discuss multiple issues to include the issue at hand (i.e. replacing Dr. Allems). The applicant failed to appear for this conference. Judge McGill admonished the applicant for her conduct in his letter dated 10/7/14. He set the matter for MSC sua sponte, which was set for 11/25/14. The applicant failed to appear for this hearing and failed to submit a request for continuance in advance. Judge McGill indicated on the Minutes of Hearing that the

1 matter would be set for trial at the next hearing, which was continued to 1/27/15. The
2 applicant then requested, and Judge McGill granted, a Stay of the proceedings due to
3 personal issues. Ultimately the next MSC was held on 6/16/15.

4 Prior to the 10/7/14 conference, the applicant had also failed to appear at a status
5 conference on 9/25/12 and an MSC on 3/12/13. She is causing undue delay in the
6 proceedings with no reasonable basis, and is wasting Judicial resources. This latest
7 maneuver (i.e. proceeding to trial on a moot issue) is simply more of the same behavior.
8

9 IV.

10 Defendant has made efforts to resolve this issue with the applicant. Yet, she
11 insists on having a trial on an issue where Defendant has consented to her request.
12 Defendant has also called the applicant and advised her of this appearance. She has
13 informed the Defendant she will appear.
14

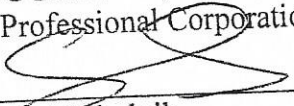
15 V.

16 In light of the above, Defendant will appear before the Honorable Judge Alvin
17 Webber on Monday, July 6, 2015 at 8:30 a.m. and request an Order Taking the matter Off
18 Calendar and an Order for a Replacement Panel in Internal Medicine.
19

20
21 Dated: June 24, 2015

Respectfully submitted,

22 STOCKWELL, HARRIS, WOOLVERTON & MUEHL
23 A Professional Corporation

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Sara A. Skolnik
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VERIFICATION

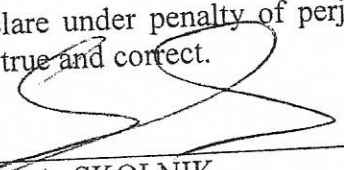
STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I have read the foregoing **NOTICE OF EX PARTE HEARING** and know its contents.

I am one of the attorneys for a party to this action. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 24, 2015 at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



SARA A. SKOLNIK

1 Sara A. Skolnik (SBN: 267324)

2 **STOCKWELL, HARRIS, WOOLVERTON & MUEHL**

3 **A Professional Corporation**

4 1545 River Park Drive, Suite 330
Sacramento, California 95815-4616

(916) 924-1862

(916) 924-3541 Fax

5 Attorneys for Defendant

6
7 BEFORE THE WORKERS' COMPENSATION APPEALS BOARD
8 OF THE STATE OF CALIFORNIA
9

10 Tiffany Anderson,

11 Applicant,

12 vs.

13 San Joaquin County MVCD; AIMS Insurance)
14 (Sacramento),)

15 Defendant.)

) WCAB No.: 1) ADJ7004221;
) 2) ADJ7004227; 3) ADJ7010682;
) 4) ADJ7976768; 5) ADJ9066508

) **DECLARATION PER RULE 3.1204**

16
17 COMES NOW, defendant San Joaquin County MVCD and AIMS Insurance, by and
18 through their attorney of record, Stockwell, Harris, Woolverton & Muehl, and offers the
19 following Declaration as required by California Rule of Court 3.1204.

20 The defendant is required to state with specificity the nature of the relief to be requested
21 and the date, time, and place for the presentation of the Application. Per the Notice of Ex Parte
22 Hearing concurrently filed in this matter, the date, time, and place for the presentation of the
23 Application has been noticed to the applicant. The Defendant will appear at 8:30 a.m. on
24 Monday, July 6, 2015 before Judge Webber.

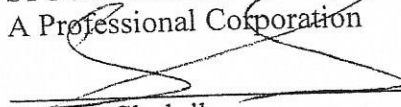
25 Additionally, the specificity of the nature of the relief to be requested has been stated
26 and the declaration filed under Rule 3.1202(c). Specifically, the defense is requesting that the
27 trial set for 8/13/15 be ordered off calendar as the issues have become moot. Defendant is also

1 requesting an Order for a replacement panel in internal medicine, as this was essentially the
2 applicant's request that the defense is now agreeing to.
3

4 Dated: June 24, 2015

Respectfully submitted,

5 **STOCKWELL, HARRIS, WOOLVERTON & MUEHL**
6 A Professional Corporation

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9 Sara A. Skolnik
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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I have read the foregoing **DECLARATION PER RULE 3.1204** and know its contents.

I am one of the attorneys for a party to this action. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 24, 2015 at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


SARA A. SKOLNIK

1 Sara A. Skolnik (SBN: 267324)
2 **STOCKWELL, HARRIS, WOOLVERTON & MUEHL**
3 **A Professional Corporation**
4 1545 River Park Drive, Suite 330
5 Sacramento, California 95815-4616
6 (916) 924-1862
7 (916) 924-3541 Fax
8 Attorneys for Defendant

9
10 BEFORE THE WORKERS' COMPENSATION APPEALS BOARD
11 OF THE STATE OF CALIFORNIA
12

13 Tiffany Anderson,

14 Applicant,

15 vs.

16 San Joaquin County MVCD; AIMS Insurance
17 (Sacramento),

18 Defendant.

) WCAB No.: 1) ADJ7004221;
) 2) ADJ7004227; 3) ADJ7010682;
) 4) ADJ7976768; 5) ADJ9066508

) **DECLARATION UNDER RULE 3.1202(c)**

19 COMES NOW, defendant San Joaquin County MVCD and AIMS Insurance, by and
20 through their attorney of record, Stockwell, Harris, Woolverton & Muehl, with this Declaration
21 as required by California Rule of Court 3.1202(c). In support of this declaration, defendant
22 offers as follows:

23 The defendant offers this declaration in order to show personal knowledge of
24 irreparable harm or immediate danger as a basis for granting ex parte relief per the
25 Application/Notice of Ex Parte Hearing concurrently filed in this matter. In support of this
26 declaration, defendant offers as follows:

27 This matter should not go to trial on 8/13/15 as there is no triable issue at hand. The
28 defense has agreed with the applicant's request to have Dr. Allems stricken as the PQME in
this matter, and therefore to have a replacement panel issued. That is the sole issue set for trial.

1 The applicant is insisting on proceeding with trial on a moot issue. This would clearly
2 cause harm to the defendant in that it would have to incur further attorney's fees for an issue
3 that has already been resolved simply because the applicant wishes to be heard in court.
4 Moreover, the applicant is attempting to harass the Defendant by proceeding to trial on this
5 moot issue. She informed the Defense attorney via telephone that she would "drag this out,"
6 because she wants her claim accepted. The applicant is attempting to cause the Defendant to
7 incur legal expenses to attend a trial for which the issue has already been resolved. This
8 represents significant costs that the defendant should not be liable for.

9 Based upon the above, an Application/Notice of Ex Parte Hearing is being filed in this
10 matter.

11
12 Dated: June 24, 2015

Respectfully submitted,

13 **STOCKWELL, HARRIS, WOOLVERTON & MUEHL**
14 A Professional Corporation

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16 _____
17 Sara A. Skolnik
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3 VERIFICATION

4 STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

5 I have read the foregoing DECLARATION UNDER RULE 3.1202(c) and know its
6 contents.

7 I am one of the attorneys for a party to this action. I am informed and believe and on
8 that ground allege that the matters stated in the foregoing document are true.

9
10 Executed on June 24, 2015 at Sacramento, California.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

13
14 
SARA A. SKOLNIK

1
2
3 BEFORE THE WORKERS' COMPENSATION APPEALS BOARD
4 OF THE STATE OF CALIFORNIA
5

6
7 Tiffany Anderson,

8 Applicant,

9 vs.

10 San Joaquin County MVCD; AIMS Insurance)
11 (Sacramento),)
12)
13 Defendant.)
14)
15)

) WCAB No.: 1) ADJ7004221;
) 2) ADJ7004227; 3) ADJ7010682;
) 4) ADJ7976768; 5) ADJ9066508

) **ORDER TAKING OFF CALENDAR AND**
) **ORDER FOR REPLACEMENT PANEL**

16 Based upon the ex parte Application of the Defendant in this matter, and good
17 cause appearing, the trial currently set for August 13, 2015 is hereby ordered off
18 calendar. Further, as the applicant has requested and the defense has consented to having
19 Dr. Allems stricken as the PQME, a replacement Panel in internal medicine is hereby
20 ordered.
21
22

23 Dated: _____

24 WORKERS' COMPENSATION JUDGE
25
26
27
28

Uniform Assigned Name: STOCKWELL HARRIS SACRAMENTO
EAMS Administrator Name: KALIE WIKEL
EAMS Administrator's Phone: (916) 924-1862
EAMS Administrator's Email: Kalie_Wikel@shww.com

**RE: ANDERSON, TIFFANY VS. SAN JOAQUIN COUNTY MOSQUITO
& VECTOR CONTROL**

WCAB NO.: 1) ADJ7004221; 2) ADJ7004227; 3) ADJ7010682; 4)
ADJ7976768; 5) ADJ9066508
CLAIM NO.: VE0700184
OUR FILE NO.: 300141-040

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 June 24, 2015, I served the foregoing document described as: **EX PARTE APPEARANCE NOTICE, DECLARATION 3.1204 AND 3.1202 (C) AND PROPOSED ORDER** 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:

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

Mr. David Gutierrez
AIMS Insurance (Sacramento)
P.O. Box 269120
Sacramento, CA 95826-9120

Ms. Tiffany Anderson
2 N. Avena Ave
Lodi, CA 95240

Uniform Assigned Name: STOCKWELL HARRIS SACRAMENTO
EAMS Administrator Name: KALIE WIKEL
EAMS Administrator's Phone: (916) 924-1862
EAMS Administrator's Email: Kalie_Wikel@shww.com

ARS Legal
13925 Whittier Boulevard
Whittier, CA 90605

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

Executed on June 24, 2015, at Sacramento, California.

By Heidi Valentine
Heidi Valentine

Uniform Assigned Name: STOCKWELL HARRIS SACRAMENTO
EAMS Administrator Name: KALIE WIKEL
EAMS Administrator's Phone: (916) 924-1862
EAMS Administrator's Email: Kalie_Wikel@shwww.com

**RE: ANDERSON, TIFFANY VS. SAN JOAQUIN COUNTY MOSQUITO
& VECTOR CONTROL**

WCAB NO.: 1) ADJ7004221; 2) ADJ7004227; 3) ADJ7010682; 4)
ADJ7976768; 5) ADJ9066508
CLAIM NO.: VE0700184
OUR FILE NO.: 300141-040

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 June 24, 2015, I served the foregoing document described as: **LETTER DATED JUNE 24, 2015, NOTICE OF EX PARTE APPEARANCE WITH DECLARATION 3.1204 AND DECLARATION 3.1202 (C) AND PROPOSED ORDER** 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:

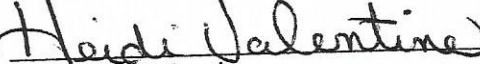
Ms. Tiffany Anderson
2 N. Avena Ave
Lodi, CA 95240

Mr. David Gutierrez
AIMS Insurance (Sacramento)
P.O. Box 269120
Sacramento, CA 95826-9120

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

Executed on June 24, 2015, at Sacramento, California.

By:


Heidi Valentine