

From: Tiffany Anderson tiffanyanderson@me.com
Subject: Fwd: Tiffany Anderson Is this correct information?
Date: May 14, 2015 at 12:00 AM
To:



Begin forwarded message:

From: tiffanyanderson <tiffanyanderson@me.com>
Subject: Tiffany Anderson Is this correct information?
Date: October 24, 2011 at 4:34:47 PM PDT
To: pmyers@dir.ca.gov

Is this guy lying to me? Is this guy lying to me? You can call me if you wouldn't mind. 209-329-9523

To defendants attorney:

Chris-

I received your letter dated 10/21/11 regarding the deposition scheduled for 10/27/11. The WCAB board has brought it to my attention that since I am unrepresented the defendant has to provide representation for me during my deposition. I was unaware of this fact. I have three interviews scheduled this week to find representation. I will see the judge for a hearing on Wednesday the 26th I will request the judge to offer me more time to find representation.

Do keep in mind I offered to drop this suit and you did not appear to be interested to my offer. My only request was to ask John to continue to provide work for me until the Dr. releases me from modified duty. I will be in communication with you this week. As soon as I find representation, and of course if I do not I will let you know I will need to postpone the deposition. Let me rephrase my statement, I will not be deposed without representation.

Also, Thursday the 27th the day you want to depose me is the last day John had offered me work. The district is scheduled to go to Stanislaus for our recertification training. Why is the 27th so important to you when we don't even have a court date yet?

I will be in touch.

Sincerely,
Tiffany Anderson

The attorney's response

Begin forwarded message:

From: "Christopher K. Eley" <eleylaw@aol.com>
Date: October 24, 2011 2:34:17 PM PDT
To: tiffanyanderson@me.com
Cc: 'jstroh' <jstroh@sjmosquito.org>
Subject: deposition

Dear Tiffany

Your statement of the right for an attorney is not quite accurate.

Labor code 5710 says that the applicant is entitled to

(4) A reasonable allowance for attorney's fees for the deponent, if represented by an attorney licensed by the State Bar of this state. The fee shall be discretionary with, and, if allowed, shall be set by, the appeals board, but shall be paid by the employer or his or her insurer.

The fees are discretionary with the Appeals Board. From what I understand, the attorney makes an application to the Board for an award of fees for the deposition. The Board can deny the petition in some cases and will deny it if the claim is deceitful or fraudulent. See *Mitchell v. Golden Eagle*

Some cases and will deny if the claim is accidental or fraudulent. See *Mitchell v. Golden Eagle Insurance*, 60 CCC 205, March 2, 1995.

Sec. 5710 was put in the law to make sure that workers who are injured can afford attorneys to represent them in the issues regarding their injury. This case is not about your injury but about your claim for discrimination after an injury. We will argue that there is no basis for this claim and that the claim is fraudulent.

If you want to hire legal counsel, that is your right. Unless you produce some facts to justify your claim, I will oppose any motion for attorney's fees.

You may drop your petition at any time. However, the District is not going to make promises regarding modified duty.

As for the date of the 27th, I put it out a week so that you could get counsel. Wednesday would not work because you have the hearing and Friday is out for me. I look forward to seeing you n Thursday.

Chris Eley