

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, ) WCAB No.: 1) ADJ7004221;  
14 ) 2) ADJ7004227; 3) ADJ7010682;  
15 Applicant, ) 4) ADJ7976768; 5) ADJ9066508  
16 vs. )  
17 ) **NOTICE OF EX PARTE APPEARANCE**  
18 San Joaquin County MVCD; AIMS Insurance ) **Date:** Monday, July 6, 2015  
19 (Sacramento), ) **Time:** 8:30 a.m.  
20 ) **Location:** Stockton WCAB  
21 Defendant. ) **Judge:** Alvin Webber

22 **To All Parties and Their Attorneys of Record:**

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
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

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

10 **IV.**

11 Defendant has made efforts to resolve this issue with the applicant. Yet, she  
12 insists on having a trial on an issue where Defendant has consented to her request.  
13 Defendant has also called the applicant and advised her of this appearance. She has  
14 informed the Defendant she will appear.  
15

16 **V.**

17 In light of the above, Defendant will appear before the Honorable Judge Alvin  
18 Webber on Monday, July 6, 2015 at 8:30 a.m. and request an Order Taking the matter Off  
19 Calendar and an Order for a Replacement Panel in Internal Medicine.  
20

21 Dated: June 24, 2015

Respectfully submitted,

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

24   
\_\_\_\_\_  
Sara A. Skolnik  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

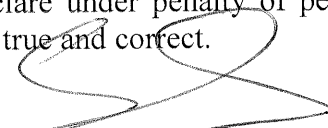
**STATE OF CALIFORNIA, COUNTY OF SACRAMENTO**

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  
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, ) WCAB No.: 1) ADJ7004221;  
14 ) 2) ADJ7004227; 3) ADJ7010682;  
15 Applicant, ) 4) ADJ7976768; 5) ADJ9066508  
16 vs. )  
17 ) **DECLARATION PER RULE 3.1204**  
18 San Joaquin County MVCD; AIMS Insurance )  
19 (Sacramento), )  
20 )  
21 )  
22 Defendant. )

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

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

Additionally, the specificity of the nature of the relief to be requested has been stated  
and the declaration filed under Rule 3.1202(c). Specifically, the defense is requesting that the  
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  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: June 24, 2015

Respectfully submitted,

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

  
\_\_\_\_\_  
Sara A. Skolnik

1 **VERIFICATION**

2 **STATE OF CALIFORNIA, COUNTY OF SACRAMENTO**

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

4  
5 I am one of the attorneys for a party to this action. I am informed and believe and on  
6 that ground allege that the matters stated in the foregoing document are true.

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

8  
9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11   
12 \_\_\_\_\_  
13 SARA A. SKOLNIK  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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, ) WCAB No.: 1) ADJ7004221;  
14 ) 2) ADJ7004227; 3) ADJ7010682;  
15 Applicant, ) 4) ADJ7976768; 5) ADJ9066508  
16 vs. )  
17 ) **DECLARATION UNDER RULE 3.1202(c)**  
18 San Joaquin County MVCD; AIMS Insurance )  
19 (Sacramento), )  
20 )  
21 Defendant. )

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

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

30 This matter should not go to trial on 8/13/15 as there is no triable issue at hand. The  
31 defense has agreed with the applicant's request to have Dr. Allems stricken as the PQME in  
32 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

15             
16           \_\_\_\_\_  
17           Sara A. Skolnik  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

**STATE OF CALIFORNIA, COUNTY OF SACRAMENTO**

I have read the foregoing **DECLARATION UNDER RULE 3.1202(c)** 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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE WORKERS' COMPENSATION APPEALS BOARD  
OF THE STATE OF CALIFORNIA

Tiffany Anderson,	)	WCAB No.: 1) ADJ7004221;
	)	2) ADJ7004227; 3) ADJ7010682;
	)	4) ADJ7976768; 5) ADJ9066508
Applicant,	)	
vs.	)	<b>ORDER TAKING OFF CALENDAR AND</b>
	)	<b>ORDER FOR REPLACEMENT PANEL</b>
San Joaquin County MVCD; AIMS Insurance )	)	
(Sacramento),	)	
	)	
Defendant.	)	
	)	
	)	
	)	

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

Dated: \_\_\_\_\_  
WORKERS' COMPENSATION JUDGE

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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