

**WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA**

DAVID PURCELL, *Applicant*

vs.

**ALLIED AVIATION HOLDINGS CORPORATION; INSURANCE COMPANY
OF THE STATE OF PENNSYLVANIA, administered by AMERICAN INTERNATIONAL
GROUP, INC., *Defendants***

**Adjudication Numbers: ADJ7044663, ADJ7044664, ADJ11257861
Sacramento District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

S. Curtis Winter, applicant's former attorney, petitioned for reconsideration of the Order Approving Compromise and Release issued by the workers' compensation administrative law judge (WCJ) in this matter on May 12, 2021. Mr. Winter contends in his petition for reconsideration that the WCJ erred in approving the compromise and release because it did not properly resolve or reserve jurisdiction on the claim of Mr. Winter for reimbursement of costs under Labor Code section 5811.

We granted reconsideration in this matter to further study the factual and legal issues presented. Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve this matter by stipulation. The stipulation was filed on March 18, 2022.

The stipulation, signed by Mr. Winter and by Shea Conway, counsel for defendant, Insurance Company of the State of Pennsylvania, provides as follows:

"1. In satisfaction of all claims of costs and/fees by applicant's current attorney Eason & Tambornini and/or former attorney Law Office of S. Curtis Winter defendant agrees to pay sums of \$4500 for Vocational Expert fees and \$1532 for claimed attorney fees related to September 2, 2014, deposition of applicant.

2. Defendant is entitled to credit for any amounts previously paid related to the September 2, 2014 deposition of the applicant.

3. Any and All claims for penalties and sanctions are resolved herein.

4. Any payments due herein shall be paid within 30 days of the Order on this Stipulation.

5. Law Office of S. Curtis Winter agrees to withdraw the Petition for Reconsideration.”

We conclude that the Stipulations filed by Mr. Winter and defendant should be approved.

We shall also issue an order affirming the Order Approving Compromise and Release issued on May 12, 2021, because Mr. Winter agreed to withdraw his petition for reconsideration.

Finally, we commend the parties for engaging in good faith negotiations and successfully resolving this matter without the need for further litigation.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers’ Compensation Appeals Board that the Stipulations of S. Curtis Winter and defendant, Insurance Company of the State of Pennsylvania filed March 18, 2022, be **APPROVED**.

IT IS FURTHER ORDERED that the Order Approving Compromise and Release issued on May 12, 2021, by the workers' compensation administrative law judge be **AFFIRMED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 13, 2022

SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.

**DAVID PURCELL
THE LAW OFFICE OF S. CURTIS WINTER
TESTAN LAW
EASON & TAMBORNINI**

DH/ara

I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date. o.o