

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

LILY JIMON, *Applicant*

vs.

**METRO SERVICES GROUP; BERKSHIRE HATHAWAY
HOMESTATE INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ10632196
Oakland District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Cost Petitioner, Citywide Scanning Service, Inc. petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on February 14, 2022. In that decision, the WCJ excluded several documents offered by petitioner at trial and further found that the cost petitioner failed in meeting its burden of proof for services rendered. The WCJ ordered the Cost Petition for Determination of Medical-Legal Expense filed by Citywide denied and dismissed.

Petitioner, Citywide Scanning Service, Inc. contends in its petition for reconsideration that the WCJ erred in excluding their exhibits and requested that the WCJ admit their exhibits and decide Citywide's Petition for Medical-Legal expenses on the merits, or in the alternative, for the WCAB to grant the Petition for Reconsideration and remand the matter back to the trial level for further proceedings.

The WCJ issued a report recommending that the petition for reconsideration be denied.

We granted reconsideration to further study the factual and legal issues presented.¹

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On October 26, 2022, the parties filed a

¹ Commissioner Deidra E. Lowe signed the Opinion and Order Granting Petition for Reconsideration dated April 28, 2022. As Commissioner Lowe is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

fully executed Stipulation to pay Lien Claimant Citywide Scanning Service, Inc. the sum of \$1,100.00 new money as full and final satisfaction of Citywide' s lien. The stipulation, signed on October 25, 2022, by representative Ani Balian for lien claimant and attorney Talia Jefferson for defendant, provides as follows:

CCR 10786 Medical-Legal Petitioner, Citywide Scanning Service, Inc. retains an outstanding balance of \$1,755.23, which includes penalty and interest per LC section 4622(a)(1), for the copy services provided in the above referenced case.

Petitioner being represented by Ani Balian and Defendant being represented by Talia Jefferson of Berkshire Hathaway agree to resolve the above referenced amount for a total sum of \$1,100.00 as full and final satisfaction of Citywide' s Medical-Legal Reimbursement Petition.

This settlement resolves any and all dates of service for Citywide in the case at bar along with all matters involving the same.

Payment will be made upon receipt of WCAB approval (Order/Award) of these stipulations.

P&I waived if paid within 30 days from the Order/Award by the WCAB.

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

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 Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on February 14, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of Citywide Scanning Service, Inc. and defendant Berkshire Hathaway, by and through their representatives, and filed on October 26, 2022, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 16, 2022

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

**CITYWIDE SCANNING SERVICE, INC.
FINNEGAN, MARKS, THEOFEL, AND DESMOND
RATTO LAW FIRM**

LAS/ara

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