

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

ANA ALVARADO, *Applicant*

vs.

**YUM YUM DONUT SHOPS, INC.;
LIBERTY MUTUAL INSURANCE COMPANY, *Defendants***

**Adjudication Numbers: ADJ7781702; ADJ7781654; ADJ7781697
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Cost Petitioner Tower Imaging DBA Tower Copy petitioned for reconsideration of the Joint Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on April 30, 2021. In that decision, the WCJ found that the Cost Petitioner's Petition for Determination of Non-IBR Medical Legal Dispute was untimely filed, and further, that their services were not medical-legal expenses and were not reasonably, actually, and necessarily incurred.

Petitioner, Tower Imaging contends in its petition for reconsideration that the WCJ erred in finding the cost petition to be untimely filed, as well as in finding that the services were not medical-legal expenses and were not reasonably, actually and necessarily incurred.

Petitioners further request that the WCJ rescind her Joint Findings and Order to find that the WCAB does retain jurisdiction to entertain Tower Copy's Petition for Non-IBR Medical Legal Expenses, and further find the services to be medical-legal expenses that were reasonably, actually, and necessarily incurred, and award reasonable costs as well as penalties and interest.

In the alternative, petitioner requests the WCAB remand the matter back to the Trial level for further proceedings.

The WCJ issued a report in which she recommended that the petition for reconsideration be denied.

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

Subsequently, the parties were invited to participate in a commissioners' settlement conference at our request, and thereafter were able to resolve this matter by stipulation. On September 16, 2022, the parties executed a Stipulation to settling the matter for \$3,000.00 as full and final settlement of the dispute. The stipulation, signed by representative Valeria Martinez for cost petitioner, and Arin Janjik, counsel for defendant, Liberty Mutual, provides as follows:

Cost Petitioner, Tower Imaging DBA Tower Copy retains an outstanding balance of \$7,539.82, which includes penalty and interest per LC section 4622(a)(1), for the copy services provided in the above referenced case.

Cost Petitioner being represented by Valeria Martinez and Defendant being represented by Arin Janjik of Liberty Mutual agree to resolve the above referenced amount for a total sum of \$3,000.00 as full and final satisfaction of Tower Copy's Petition for Reimbursement of Medical-Legal Expenses.

This settlement resolves any and all dates of service for Tower Copy in the case at bar along with all lien/petition 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 WCAB.

We conclude that the Stipulations filed by cost petitioner and defendant is adequate and 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 Joint Findings and Order issued April 30, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of cost petitioner Tower Copy and defendant Liberty Mutual, by and through their representatives, executed and filed on September 16, 2022, be **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ JOSE H. RAZO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

SEPTEMBER 22, 2022

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

**TOWER IMAGING DBA TOWER COPY
LAW OFFICES OF KIRK & MYERS**

LAS/ara

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