

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

JOSEPH LOZANO

*Applicant,*

vs.

TIME WARNER CABLE (Charter  
Communications); New Hampshire Insurance  
Company, administered by ESIS

*Defendants.*

DAVID JAMES SMITH MD;  
PACIFIC SURGICAL INSTITUTE, INC.  
*Lien Claimants and Real Parties of Interest*

Designated Case No.: SAU9354173 (MF)

**ORDER OF CONSOLIDATION PURSUANT  
TO LABOR CODE §139.21, DESIGNATION OF  
MASTER FILE, ORDER STAYING LIENS,  
AND NOTICE OF HEARING**

Upon review of the 05/13/2024 Notice of Suspension to David James Smith and 06/25/2024 Determination and Order Suspending (AD PS-24-02) and the 05/21/2024 Notice of Provider Suspension and 06/25/2024 Determination and Order of Suspending (AD PS-24-04) and allegations therein; and,

Review of the list of Workers' Compensation case numbers tied to these providers; and,  
Good Cause Shown,

It is the finding of this Judge that:

There are common issues such that Consolidation is appropriate in this matter.

Therefore, pursuant to delegated authority from the Chief Judge of the Division of Workers' Compensation, the liens set forth in cases identified as in ADJ3488098, ADJ9354173, filed by or on behalf of suspended providers DAVID JAMES SMITH MD and PACIFIC SURGICAL INSTITUTE, INC. are hereby ORDERED CONSOLIDATED for adjudication and disposition in a special lien proceeding to determine the issues pertinent under Labor Code sections 139.21(a), (b), (e), (g) (i) and (j).

The above-captioned case is hereby ordered designated as the master file. The parties are ordered to use only the designated case number when referencing the consolidated matter.

**IT IS ORDERED** that all liens set forth in cases ADJ3488098 and ADJ9354173 as to DAVID JAMES SMITH MD and/or PACIFIC SURGICAL INSTITUTE, INC., are hereby **STAYED** pending further determination. If it is later determined that additional matters should be included in this consolidation an additional order shall issue.

It is further ORDERED that the subject of the determinations of the liens of DAVID JAMES SMITH MD and PACIFIC SURGICAL INSTITUTE, INC. are bifurcated from the all other issues in the cases-in-chief so as to not disrupt the determinations of the balance of the case and rights of the Applicant.

Judge Brandon Powell at the San Bernardino District Office is designated as the assigned judge for purposes of this consolidation.

All documents regarding this consolidation shall be filed either by mail to the San Bernardino District Office, or by electronic filing by EAMS or JET. This case is set for status conference on 04.01.2026 at 10:00 a.m. in front of Judge Brandon Powell at:

Workers' Compensation Appeals Board, 464 W. Fourth Street, Ste 239, San Bernardino CA 92401-1411, PHONE (909) 915-2126.

The hearing will be held by conference call, and the parties are to connect to Judge Powell's Court Call participant link at <https://video.courtcall.com/join/RcmsUjx8ZO>

DATED: 01.30.2026

/s/ JEFFREY MARRONE, PWCJ  
**JEFFREY MARRONE**  
**PRESIDING WORKERS' COMPENSATION JUDGE**  
**SPECIAL ADJUDICATION UNIT**

Copy of "ORDER OF CONSOLIDATION PURSUANT TO LABOR CODE §139.21, DESIGNATION OF MASTERFILE, ORDER STAYING LIENS, AND NOTICE OF HEARING" along with Attachment A, served by mail / email on all parties on the official address record attached below in the Proof of service.

On:02.03.2026

By: Shoghig M

# Proof OF Service

## **Via Email;**

Anti- Fraud Unit : [AFUCalendar@dir.ca.gov](mailto:AFUCalendar@dir.ca.gov)

## **Via Mail:**

PACIFIC SURGICAL INSTITUTE SAN DIEGO 3703 CAMINO DEL RIO S SAN DIEGO CA 92108  
DAVID SMITH MD 204 GREEN VALLEY RD FREEDOM CA 95019  
DAVID SMITH, MD 555 SATURN BLVD # B175 SAN DIEGO CA 92154  
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