

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

BARBARA MCGINNIS, *Applicant*

vs.

**COALINGA-HURON SCHOOL DISTRICT, Legally Uninsured; administered by
INTERCARE INSURANCE SERVICES, *Defendants***

**Adjudication Number: ADJ7984284; ADJ8138424
Van Nuys District Office**

**OPINION AND AWARD
OF ADDITIONAL
ATTORNEY'S FEES
(LAB. CODE, § 5801)¹**

In its August 19, 2021 order denying defendant's Petition for Writ of Review (No. F082223), the Fifth District Court of Appeal remanded this matter to the Appeals Board to make a supplemental award of reasonable attorney fees to the attorney for respondent (applicant), based upon services rendered in connection with defendant's petition for writ of review. (Lab. Code, § 5801; *Crown Appliance v. Workers' Comp. Appeals Bd. (Wong)* (2004) 115 Cal.App.4th 620, 627-628 [69 Cal.Comp.Cases 55, 60-61]; *Employers Mutual Liability Insurance Company v. Workers' Comp. Appeals Bd. (Rodriguez)* (1975) 46 Cal.App.3d 104, 108-109 [40 Cal.Comp.Cases 167, 169-170].) The court's order has become final.

In a verified Joint Stipulation to Resolve Fees Pursuant to Labor Code section 5801 and Request for Order dated October 11, 2021, the Board was advised by the parties that they had reached an agreement on the payment of attorney's fees under Labor Code § 5801 in the amount of \$30,550.00. The parties requested that the Board issue a signed Order approving their agreement on an award of attorney's fees.

¹ Commissioner Katherine Williams Dodd signed the November 25, 2020 Opinion and Order Denying Petition for Reconsideration and Decision After Reconsideration that was the subject of defendant's petition for writ of review in the Court of Appeal. Commissioner Dodd became unavailable after she signed the November 25, 2020 decision. Another panel member has been assigned in her place.

Having reviewed the record, and in view of the parties' agreement, the Board finds the agreed fee amount of \$30,550.00 to be reasonable, and therefore the Board will issue an award pursuant to the submitted agreement. (See 2 *Cal. Workers' Comp. Practice* (Cont. Ed. Bar, March 2019 Update) Judicial Review, § 22.15 [touchstone of fee awarded pursuant to section 5801 is reasonableness].)

For the foregoing reasons,

AWARD IS MADE in favor of the Law Firm of Rowen, Gurvey and Win against Coalinga-Huron Joint Unified School district, administered by Consultant Expert, of appellate attorney's fees in the amount of \$30,550.00, in addition to any compensation otherwise paid or payable to the applicant.

WORKERS' COMPENSATION APPEALS BOARD

/s/ DEIDRA E. LOWE, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 8, 2021

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

**BARBARA MCGINNIS
ROWEN GURVEY & WIN
MICHAEL SULLIVAN & ASSOCIATES LLP**

JTL/bea

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