

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

SALVADORE NAVARRO, *Applicant*

vs.

**ADVANCED STRUCTURAL TECHNOLOGIES, INC.;
CYPRESS INSURANCE COMPANY, administered by BERKSHIRE
HATHAWAY HOMESTATE COMPANIES, *Defendants***

**Adjudication Numbers: ADJ11000652, ADJ11254421
Oxnard District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien Claimant, Citywide Scanning Service, Inc. petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in case ADJ11000652 on February 1, 2022. In that decision, the WCJ found that the lien claimant's services were provided when there was no contested claim per Labor Code Section 4620(b). The WCJ Ordered the lien of Citywide Scanning be disallowed and that lien claimant to take nothing on their lien.

Petitioner, Citywide Scanning Services contends in its petition for reconsideration that the WCJ erred in finding that there was no contested claim at the time of their services and that sufficient evidence existed to show that the claim was contested at that time.

Petitioner requests that the WCJ rescind his Findings and Order and judge the lien services on their merits based upon a finding that there was a contested claim when their services were rendered. In the alternative, petitioner request that the Appeals Board grant reconsideration and remand the matter back to the trial level for further proceedings regarding the merits of the lien claim.

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

We granted reconsideration¹ to further study the factual and legal issues presented.

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On September 22, 2022, the parties executed a Stipulation to pay Lien Claimant settling the matter for \$360.00 as full and final settlement of the dispute. The stipulation, signed by representative Ani Balian for lien claimant, and Stephanie Spencer, counsel for defendant, Berkshire Hathaway, provides as follows:

Lien Claimant, Citywide Scanning Service, Inc. retains an outstanding balance of \$528.33, which includes penalty and interest per LC section 4622(a)(1), for the copy services provided in the above referenced case.

Lien Claimant being represented by Ani Balian and Defendant being represented by Stephanie Spencer of Berkshire Hathaway agree to resolve the above referenced amount for a total sum of \$360.00 as full and final satisfaction of Citywide's reimbursement petition.

This settlement resolves any and all dates of service for Citywide Scanning Service, Inc. in the case at bar along with all 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 lien claimant 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.

¹ Commissioner Deidra E. Lowe, who was on the panel that granted reconsideration to further study the factual and legal issues in this case, no longer serves on the Appeals Board. Another panelist has been assigned in her place.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order in ADJ11000652 issued February 1, 2022, be **RESCINDED**.²

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant Citywide Scanning Service, Inc. and defendant Cypress Insurance Company, by and through their representatives, executed on September 22, 2022 and filed herein, be **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 13, 2022

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

**SHAYNE MCDANIEL
CITYWIDE SCANNING SERVICE INC.
GOLDMAN, MAGDALIN & KRIKES, LLP (2)**

LAS/ara

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

² No issues were raised as to case number ADJ11254421 so we don't consider it further.