

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

CARLOS PEREZ, *Applicant*

vs.

TOWNE AIR FREIGHT; INTACT INSURANCE GROUP USA, LLC, *Defendants*

**Adjudication Number: ADJ9658870
Pomona District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien claimant KND Development 53, LLC dba Kindred Hospital South Bay (Kindred) filed a Petition for Reconsideration¹ on February 18, 2022, of the Order Approving Compromise and Release and Award issued on February 1, 2022, and the First Amended Order Approving Compromise and Release and Award issued on February 3, 2022. Kindred's counsel has now filed a letter dated July 8, 2022, withdrawing Kindred's Petition for Reconsideration. Therefore, the petition will be dismissed. Thus, the First Amended Order Approving Compromise and Release and Award issued on February 3, 2022, will take effect and become final.

In addition, defendant Intact Insurance Group USA, LLC filed a Petition for Removal on January 23, 2022 of the Order Rescinding Order Approving Compromise and Release issued December 30, 2021. Defendant's counsel has now filed a letter dated July 13, 2022, withdrawing defendant's Petition for Removal. Therefore, the petition will be dismissed.

¹ Following the grant of reconsideration, Commissioner Snellings became unavailable to participate. Another commissioner was assigned in his place

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Order Granting Reconsideration issued by the Workers' Compensation Appeals Board on April 4, 2022, be **VACATED**.

IT IS FURTHER ORDERED that the Petition for Reconsideration of lien claimant KND Development 53, LLC dba Kindred Hospital South Bay filed February 18, 2022 be **DISMISSED**.

IT IS FURTHER ORDERED that the Petition for Removal of defendant Intact Insurance Group USA, LLC, filed January 23, 2022, be **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 26, 2022

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

**CARLOS PEREZ
CSP LAW
FULTZ, MADDOX & DICKENS
LEWIS, BRISBOIS, BISGAARD & SMITH**

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