

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

**BRADEN NANEZ, *Applicant***

**vs.**

**3 STONEDEGGS, INC.; TECHNOLOGY INSURANCE COMPANY,  
Adjusted by AMTRUST NORTH AMERICA, *Defendants***

**Adjudication Number: ADJ14015513  
Redding District Office**

**OPINION AND DECISION AFTER REMAND**

The following Opinion and Decision After Remand is issued pursuant to the April 23, 2024 Opinion and the May 24, 2024 Order Modifying Opinion of the Third District Court of Appeal in C098711.

In the Opinion and the Order Modifying Opinion, the Court of Appeal affirmed our Opinion and Order Denying Petition for Reconsideration of April 21, 2023, wherein we denied reconsideration of our decision rescinding the workers' compensation administration law judge's (WCJ) findings that workers' compensation applicant Branden Nanez (1) did not sustain injury arising out of and in the course of employment (AOE/COE); (2) violated company policy when he left the worksite without permission on the date of his injury; and (3) was engaged in a material deviation and complete departure from his employment at the time of injury; and substituted findings that (1) the commercial traveler rule applies to Mr. Nanez's accident; (2) Mr. Nanez's claim is not barred by the going and coming rule and intoxication; (3) Mr. Nanez sustained injury AOE/COE in the form of a fracture to the right femur; and (4) deferred the issues of whether applicant sustained injury in the form of a traumatic brain injury and bruised lung; and we returned the matter to the trial level for further proceedings consistent with our decision.

In its May 24, 2024 Order Modifying Opinion, the Court of Appeal issued an award of costs to Respondent, Mr. Nanez.

On September 16, 2024, Mr. Nanez's attorney filed a Notice of Disclaimer of Costs, advising that Mr. Nanez is not claiming any costs with respect to the Petition for Writ of Review of 3 Stonedeggs, Inc. and Technology Insurance Company, Inc., administered by Amtrust. We

note that the Notice of Disclaimer of Costs was served on Mr. Nanez, 3 Stonedeggs, Inc., and Technology Insurance Company, Inc., administered by Amtrust.

Accordingly, as our Opinion and Decision After Remand, we acknowledge and approve of Mr. Nanez's Disclaimer of Costs, and we will order that Mr. Nanez is not entitled to costs pursuant to Labor Code section 5801 or Labor Code section 5811. In addition, we will order that this matter is returned to the trial level for further proceedings consistent with this decision, and consistent with the Third District Court of Appeal's April 23, 2024 Opinion and its May 24, 2024 Order Modifying Opinion.

For the foregoing reasons,

**IT IS ORDERED**, as the Decision After Remand of the Workers' Compensation Appeals Board, that Braden Nanez, Respondent in the matter before the Third District Court of Appeal, has disclaimed costs awarded by the Court of Appeal in the May 24, 2024 Order Modifying Opinion and, therefore, is not entitled to them.

**IT IS FURTHER ORDERED**, as the Decision After Remand of the Workers' Compensation Appeals Board, that this matter is **RETURNED** to the trial level for further proceedings by the WCJ, consistent with this decision and consistent with the Third District Court of Appeal's April 23, 2024 Opinion and its May 24, 2024 Order Modifying Opinion, with jurisdiction reserved at the trial level.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**I CONCUR,**

**/s/ CRAIG SNELLINGS, COMMISSIONER**



**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**OCTOBER 15, 2024**

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

**BRADEN NANEZ  
LAW OFFICES OF LARRY S. BUCKLEY  
HANNA, BROPHY, MACLEAN, MCALEER & JENSEN**

**SRO/es**

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