

STATE OF CALIFORNIA
Division of Workers' Compensation
Workers' Compensation Appeals Board

PNF
079732

CASE NUMBER: ADJ10226487

ROSALINDA SANCHEZ

-vs.-

JPH CONSULTING,
WINDSOR TERRACE OF
WESTLAKE VILLAGE,
WESTLAKE HEALTHCARE;
ENSTAR US COLUMBIA

WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE:

ROBERT SOMMER

OPINION ON DECISION

STIPULATED FACTS

Rosalinda Sanchez, born 6/11/1969, while employed during the period of 1/1/2007 through 10/24/2015, claims to have sustained injury arising out of and in the course of employment to the back, neck, bilateral wrists, upper extremities, excretory, hypertension, psych, and sleep. At the time of injury, the employer's workers' compensation carrier was Enstar for Starstone National Insurance Company, formerly known as Torus National Insurance Company.

THE SOLE ISSUE IS:

1. Whether or not Defendant Windsor Terrace Westlake Village will be allowed to take volume three of applicant's deposition. A finding will be based upon the parties' trial briefs in EAMS, both dated May 27, 2020.

DISCUSSION

JPH Consulting, took over administration of the facility known as Westlake Health Care Center on 10/22/2015. Starstone National Insurance Co. administered by Enstar on behalf of Westlake Health

BRADFORD & BARTHEL

JUL 16 2020

Care Center, was joined as party-defendant on 6/8/2016. Payroll records for Windsor Terrace indicated that applicant worked approximately 23 hours while in the employ of Windsor Terrace.

On December 21, 2015, applicant Rosalinda Sanchez filed a Labor Code section 132(a) petition. On July 22, 2016, applicant had her deposition taken regarding the underlying workers' compensation case. Applicant also had her deposition taken on September 14, 2017 regarding the underlying workers' compensation case. On August 27, 2018, the Law Offices of Bradford & Barthel were retained to represent the employer, Windsor Terrace Westlake Village, regarding the Labor Code section 132(a) petition.

On August 27, 2018, the Law Offices of Bradford & Barthel were retained to represent the employer, Windsor Terrace Westlake Village, successor in interest to Westlake Health Care Center, regarding the Labor Code section 132(a) petition.

Depositions were taken on 7/22/2016 and 9/14/2017. (Joint Exhibit 1 & 2)

Although, the issues of the 132(a) were touched upon in the second deposition, legal counsel for the employer was not present. The 132(a) is a separate action from the workers' compensation claim, and thus due-process would require that the employer's legal representative on this action to conduct discovery separate from the case-in-chief, including a deposition of the applicant.

DATE: July 13, 2020

/s/ Robert Sommer
ROBERT SOMMER
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION**

PROOF OF SERVICE-FINDINGS AND FACT AND ORDER

Case Number: ADJ10226487

| | |
|--|---|
| 770 INTERNATIONAL CANOGA PARK | Lien Claimant, 21201 VICTORY BLVD STE 102 CANOGA PARK CA 91303. INTERNATIONALSERVICES770@YAHOO.COM |
| BILLING DYNAMICS MOORPARK | Law Firm, PO BOX 115 MOORPARK CA 93020, BILLING@KIMSBILLING.COM |
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| ENGLAND PONTICELLO LONG BEACH | Law Firm, 701 B ST STE 1790 SAN DIEGO CA 92101 |
| ENSTAR US COLUMBIA | Claims Administrator, PO BOX 100239 COLUMBIA SC 29202 |
| JPH CONSULTING | Employer, 1101 CRENSHAW BLVD LOS ANGELES CA 90019 |
| MED LEGAL PHOTOCOPY COVINA | Lien Claimant, PO BOX 1288 WEST COVINA CA 91793, none |
| PAUL CRILLEY WEST HILLS | Law Firm, 6520 PLATT AVE STE 303 WEST HILLS CA 91307, PAULCRILLEY23@GMAIL.COM |

PHYSICAL MEDICINE
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ROSALINDA SANCHEZ

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SYNAPSE LIEN UNIT
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WESTLAKE
HEALTHCARE

Employer. 250 FAIRVIEW RD WESTLAKE VILLAGE CA 91361

WINDSOR TERRACE
OF WESTLAKE
VILLAGE

Employer. 250 FAIRVIEW RD WESTLAKE VILLAGE CA 91361

Served on parties on the
Official Address Record

07/14/2020

Viviana Camp