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REPRESENTING CALIFORNIA INSURERS, THIRD  
PARTY ADMINISTRATORS, AND EMPLOYERS  
IN THE DEFENSE OF WORKERS' COMPENSATION  
CLAIMS, LABOR AND CIVIL MATTERS

July 12, 2001

**WORKERS' COMPENSATION APPEALS BOARD**

1350 Front Street, Room 3047  
San Diego, CA 92101-3690

Attn: Honorable Keith Dietterle  
Personal & Confidential

**RE: RICK HOLLIFIELD vs. KVAAS CONSTRUCTION/MWWD**  
WCAB NO: SDO 0222978  
CLAIM NO: 62X103499  
OUR FILE NO: 06569

Dear Judge Dietterle:

Please be advised this office represents the interests of Argonaut Insurance Company in connection with the above captioned matter. A fully executed Substitution of Attorneys is enclosed for your benefit.

We are in receipt of the DOR filed by applicant dated June 6, 2001. The DOR was not filed and served upon our office even though we have had discussions with applicant in the past.

We note that the applicant has filed a DOR in an apparent attempt to set aside a third party settlement. It is our contention the WCAB does not have jurisdiction to set aside a third party settlement. It is our understanding that the applicant pursued a civil remedy to set aside the third party case. However, the applicant's claim was dismissed.

The applicant is now wanting to seek rescission of the Order granting credit to defendant Argonaut Insurance Company. However, there is no legal basis to set aside the Petition for Credit. The Order

WORKERS' COMPENSATION APPEALS BOARD

RE: RICK HOLLIFIELD vs. KVAAS CONSTRUCTION/MWWD

July 12, 2001

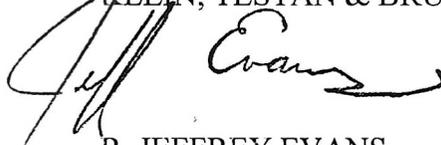
Page 2

granting credit was issued on January 28, 1999. You gave the parties 15 days to object to the Order of Credit. No objection was filed. We would also bring to your attention that at the time of the Order of Credit was granted applicant was represented by counsel. The Order granting credit is clearly a final order as of this point in time.

It is respectfully requested that the DOR be rejected on the grounds stated above. Thank you for your attention to this matter.

Very truly yours,

KLEIN, TESTAN & BRUNDO

A handwritten signature in black ink, appearing to read "Jeff Evans", written over the printed name of R. Jeffrey Evans.

R. JEFFREY EVANS

Certified Specialist Workers' Compensation Law,  
The State Bar of California Board of Legal Specialization

RJE/pm

Enclosure - Substitution of Attorneys

cc: ARGONAUT INSURANCE COMPANY/Ms. Cumpian  
RICK HOLLIFIELD



1 (PROOF OF SERVICE BY MAIL - 1013A, 2015.5. C.C.P.)

2 (STATE OF CALIFORNIA - COUNTY OF ORANGE)

3 **RICK HOLLIFIELD vs. KVAAS CONSTRUCTION/MWWD**

4 I AM A RESIDENT OF/EMPLOYED IN THE COUNTY AFORESAID: I AM OVER THE AGE OF  
5 EIGHTEEN YEARS AND NOT A PARTY OF THE WITHIN ENTITLED ACTION; MY BUSINESS  
6 ADDRESS IS 17671 IRVINE BOULEVARD, SUITE 210, TUSTIN, CALIFORNIA 92780. ON  
7 July 12, 2001, I SERVED THE WITHIN:

8  **Substitution of Attorneys**

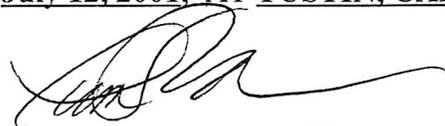
9  
10 IN THE SAID ACTION BY PLACING A TRUE COPY THEREOF, ENCLOSED IN A SEALED  
11 ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES MAIL AT  
12 TUSTIN, CALIFORNIA ADDRESSED AS FOLLOWS:

13 **ORIGINAL TO: WORKERS' COMPENSATION APPEALS BOARD**  
14 1350 Front Street, Room 3047  
15 San Diego, CA 92101-3690

16 **COPIES TO:**  
17 Attn: Dianna Cumpian  
18 ARGONAUT INSURANCE COMPANY  
19 P.O. Box 2336  
20 Brea, CA 92822

21 RICK HOLLIFIELD, IN PRO PER  
22 1042-A. So. Anza St.  
23 El Cajon, CA 92020

24  
25  
26 I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE  
27 AND CORRECT. EXECUTED THIS DATE July 12, 2001, AT TUSTIN, CALIFORNIA.

28 

Pam Martens

THE PROOF OF SERVICE BY MAIL FORM, BEING SIGNED UNDER PENALTY OF PERJURY, DOES NOT  
REQUIRE NOTARIZATION.