

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

PRE-TRIAL CONFERENCE STATEMENT

RICK HOLLIFIELD
APPLICANT

V.

KVAAS CONSTRUCTION COMPANY, MWWD, AGRO
DEFENDANT(S).

CASE NO. ADJ ADJ2940450
SDO0222978

PRE-TRIAL CONFERENCE STATEMENT §5502 (d) (3)
☐ NOTICE OF HEARING

LOCATION: SAN DIEGO DATE: 08/25/2006 TIME: 1:30 P.M.

SETTLEMENT CONFERENCE JUDGE: NEIL GILMOR

APPEARANCES

☒ INJURED WORKER: RICK HOLLIFIELD

☐ INJURED WORKER'S ATTORNEY: PRO PER

☐ ATTY ☐ HRG REP

☐ DEFENDANT'S ATTORNEY: (FIRM NAME AND PERSON APPEARING)
MISA STEFEN KOLLER WARD, LLP
JON GOWER

☒ ATTY ☐ HRG REP

☐ ATTY ☐ HRG REP

☐ ATTY ☐ HRG REP

☐ ATTY ☐ HRG REP

(FIRM NAME AND PERSON APPEARING)

(DEFENDANT)

☐ OTHERS APPEARING: _____
(L.C., INTERPRETERS, ETC.) _____

☐ ADDRESS RECORD CHANGES: _____

BOX BELOW TO BE COMPLETED ONLY BY WORKERS' COMPENSATION JUDGE

DISPOSITION: SET FOR REGULAR HEARING:

☐ 1 HOUR ☐ 2 HOURS ☐ ½ DAY ☐ ALL DAY

☐ WCAB NOTICE ☐ NOTICE WAIVED

☐ LIEN TRIAL

☐ BEFORE ANY WCJ ☐ BEFORE WCJ _____ ☐ BEFORE ANY WCJ OTHER THAN _____

☐ CASE(S) SET ON 08/25/2006 AT 1:30 P.M. WCJ _____ IN SAN DIEGO
(DATE) (TIME) (LOCATION)

☐ OTHER DISPOSITION AND ORDERS: _____

SERVICE AS ORDERED ON PAGE 4

WORKERS' COMPENSATION JUDGE

STATE OF CALIFORNIA
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STIPULATIONS

THE FOLLOWING FACTS ARE ADMITTED:

1. RICK HOLLIFIELD, BORN [REDACTED]

WHILE ☒ EMPLOYED ☐ ALLEGEDLY EMPLOYED

☒ ON AUGUST 28, 1996

☐ DURING THE PERIOD(S) _____

AS A(N) CARPENTER, OCCUPATIONAL GROUP NUMBER _____

AT SAN DIEGO, CALIFORNIA,

BY KVAAS CONSTRUCTION COMPANY

☒ SUSTAINED INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT TO LEFT WRIST, FOREARM, LOWER EXTREMITIES

☐ CLAIMS TO HAVE SUSTAINED INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT TO _____

2. AT THE TIME OF INJURY THE EMPLOYER'S WORKERS' COMPENSATION CARRIER WAS
ARGONAUT INSURANCE COMPANY

☐ THE EMPLOYER WAS ☐ PERMISSIBLY SELF-INSURED ☐ UNINSURED ☐ LEGALLY UNINSURED

3. AT THE TIME OF INJURY, THE EMPLOYEE'S EARNINGS WERE \$ 822.00 PER WEEK, WARRANTING INDEMNITY
RATES OF \$ 490.00 FOR TEMPORARY DISABILITY AND \$ _____ FOR PERMANENT DISABILITY.

4. THE CARRIER/EMPLOYER HAS PAID COMPENSATION AS FOLLOWS: (TD/PD/VRMA)

TYPE	WEEKLY RATE	PERIOD	TYPE	WEEKLY RATE	PERIOD
TTD	490.00	08/28/1996 - 10/02/1998			

☐ THE EMPLOYEE HAS BEEN ADEQUATELY COMPENSATED FOR ALL PERIODS OF T/D CLAIMED THROUGH _____

5. THE EMPLOYER HAS FURNISHED ☐ ALL ☒ SOME ☐ NO MEDICAL TREATMENT.

THE PRIMARY TREATING PHYSICIAN IS RICHARD M. BRAUN,

6. ☐ NO ATTORNEY FEES HAVE BEEN PAID AND NO ATTORNEY FEE ARRANGEMENTS HAVE BEEN MADE.

7. ☐ OTHER STIPULATIONS _____

RICK HOLLIFIELD

APPLICANT

DEFENDANT

LIEN CLAIMANT/OTHER

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ISSUES

☐ EMPLOYMENT: _____

☒ INSURANCE COVERAGE 10/03/1998 THROUGH 01/04/2001

☐ INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT. _____

☒ PARTS OF BODY INJURED: LOWER LEFT EXTEMITIES

☐ EARNINGS: EMPLOYEE CLAIMS _____ PER WEEK, BASED ON _____
EMPLOYER/CARRIER CLAIMS _____ PER WEEK, BASED ON _____

☒ TEMPORARY DISABILITY, EMPLOYEE CLAIMING THE FOLLOWING PERIOD(S): OCTOBER 03, 1998 UNTIL JANUARY 04, 2001 PLUS VOCATIONAL REHAB

☒ PERMANENT AND STATIONARY DATE:
EMPLOYEE CLAIMS _____, BASED ON DR. RICHARD BRAUUN & REID ABRAMS MEDICAL REPORTS
EMPLOYER/CARRIER CLAIMS _____, BASED ON _____

☐ PERMANENT DISABILITY ☐ APPORTIONMENT

☐ OCCUPATION AND GROUP NUMBER CLAIMED: BY EMPLOYEE _____
BY EMPLOYER/CARRIER _____

☒ NEED FOR FURTHER MEDICAL TREATMENT: _____

☒ LIABILITY FOR SELF-PROCURED MEDICAL TREATMENT: DECEMBER 8, 1998, OSA ON 3RD PARTY C & R PENDING P & S REPORT
NEXT DAY P & S VISIT REVEALED BROKE PLATE AND NEED FOR MORE SURGURY. ARGONAUT REFUSED TO PAY.

☒ LIENS:

<u>LIEN CLAIMANT</u>	<u>TYPE OF LIEN</u>	<u>AMOUNT AND PERIODS PAID</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ ATTORNEY FEES

☒ OTHER ISSUES: PETITION OF CREDIT 12/30/1998 GRANTED 01/28/1999

CUT-OFF BENEFITS PREMATURELY. ARGONAUT LIABILITY FOR CONTINUED INDEMITIES AND TREATMENT.

RICK HOLLIFIELD
APPLICANT

DEFENDANT

LIEN CLAIMANT/OTHER

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THIS PAGE FOR JUDGE'S USE ONLY

JUDGE'S CONFERENCE NOTES: _____

ORDERS

☐ **IT IS ORDERED** PURSUANT TO WCAB RULE 10500, THAT ☐ DEFENDANT ☐ APPLICANT ☐ LIEN CLAIMANT SERVE FORTHWITH THIS ☐ PRE-TRIAL CONFERENCE STATEMENT ☐ NOTICE OF HEARING ON ALL PARTIES OR THEIR REPRESENTATIVE SHOWN ON THE OFFICIAL ADDRESS RECORD AND ANY ADDITIONAL LIEN CLAIMANTS WHOSE LIENS ARE SHOWN UNDER **ISSUES** (PAGE 3).

☐ **IT IS FURTHER ORDERED THAT** ☐ DEFENDANT ☐ APPLICANT ☐ LIEN CLAIMANT SERVE TIMELY NOTICE OF THE TIME AND PLACE OF ALL REGULAR HEARING SESSIONS ON ALL LIEN CLAIMANTS WHOSE LIENS ARE SHOWN UNDER ISSUES, TOGETHER WITH THE **FOLLOWING NOTICE: YOUR LIEN IS AT ISSUE AND WILL BE ADJUDICATED AT REGULAR HEARING.**

IT IS FURTHER ORDERED THAT THE PROOF OF SERVICE ORDERED ABOVE BE FILED WITH THE WCAB **ONLY** ON REQUEST OF THE ASSIGNED WORKERS' COMPENSATION JUDGE.

OTHER DISPOSITION AND ORDERS:

SERVICE OF THIS DOCUMENT WAS MADE PERSONALLY UPON _____ BY WCJ.

DATE _____

WORKERS' COMPENSATION JUDGE

STATE OF CALIFORNIA
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EXHIBITS

- ☒ APPLICANT
☐ DEFENDANT
☐ LIEN CLAIMANT
☐ APPEALS BOARD

DESCRIPTION	DATE
PETITION TO VACATE AND SET ASIDE ORDER GRANTING CREDIT	08/15/2026
MEMORANDUM OF POINTS AND AUTHORITIES	08/15/2026
EXHIBIT LIST: (1 - 16) (FILED WITH PETITION AND MEMORANDUM)	08/15/2026
DR. BRAUN COMMUNICATION SHEET, X-RAY	10/05/1998
NOTICE OF REGARDING TEMPORARY DISABILITY BENEFITS	10/06/1998
THIRD PARTY COMPROMISE AND RELEASE	11/03/1998
PRE-TRIAL MINUTES AND ORDER	12/18/1998
JUDGE KEITH DIETTERLE - ORDER SUSPENDING ACTION	12/10/1998
DR. BRAUN COMMUNICATION SHEET	10/05/1998
DR. BRAUN X-RAY	10/05/1998
DR. BRAUN LETTER TO DIANNA CUMPIAN (CLAIMS EXAMINER)	10/05/1998
DR. BRAUN LETTER TO DIANNA CUMPIAN (CLAIMS EXAMINER)	12/23/1998
DIANNA CUMPIAN INTERNAL MEMORANDUM TO MICHAEL NOLAN	04/18/2000
LETTER TO RICHARD SAX FROM MICHAEL NOLAN	04/19/2000
PETITION FOR CREDIT FILED BY MICHAEL JONES (ARGONAUT COUNSEL)	12/30/1998
JUDGE KEITH DIETTERLE ORDER GRANTING CREDIT	01/28/1999
DR. BRAUN COMMUNICATION SHEET	12/09/1998
DR. BRAUN XRAYS	12/09/1998
DR. BRAUN LETTER TO DIANNA CUMPIAN (CLAIMS EXAMINER)	12/23/1998
DORIS HARRAH PROGRESS REPORT (NO. 35)	10/16/1998
DORIS HARRAH PROGRESS REPORT (NO. 36)	11/06/1998
DORIS HARRAH PROGRESS REPORT (NO. 37)	11/24/1998
DORIS HARRAH CLOSING REPORT	12/03/1998
DR. REID ABRAMS PROGRESS RECORD	03/11/1999

WITNESSES

<u>DIANNA CUMPIAN - CLAIMS REPRESENTATIVE</u>	<u>MICHAEL JONES - ARGONAUT COUNSEL</u>
<u>DR. RICHARD BRAUN</u>	<u>MICHAEL NOLAN - ARGONAUT COUNSEL</u>
<u>DORIS HARRAH - CASE MANAGER</u>	<u>DEAN GOETZ - PLAINTIFF ATTORNEY</u>
<u>DR. REID ABRAMS</u>	<u>RICHARD SAX - PLAINTIFF ATTORNEY</u>
<u>KURT ROLL - OLSEN STEEL CRANE OPERATOR</u>	<u>JUDGE KEITH DIETTERLE</u>

ABOVE LISTINGS OF EXHIBITS AND WITNESSES REVIEWED BY ALL PARTIES.

APPLICANT

DEFENDANT

LIEN CLAIMANT/OTHER

