

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

Case No. ADJ8640617

JOSE LUIS REYES,

Applicant,

vs.

ACE COMMERCIAL INC;
PREFERRED EMPLOYERS SAN DIEGO;

Defendants.

Kohanim Chiropractic, Inc., Marina Kuznetsova, L.Ac.,
Metropolitan Health Medical, Rite Care Orthopedic
Supply and Social Interpreting, lien claimants and real
parties in interest by hearing representative, Patrick
Petronella of GB and C.

FINDINGS AND ORDER
Notice of Intention to Impose Sanctions
Labor Code Section 5813
Title 8, California Code of Regulations,
10561

The above entitled matter having been heard and regularly submitted, the Honorable Bonita A. Edelberg, Workers' Compensation Administrative Law Judge, now decides as follows:

FINDINGS OF FACT

1. Jose Luis Reyes, born _____, while employed during the period from May 1, 2011 through September 1, 2012 as a machine operator at Los Angeles, California by ACE Commercial, Inc., whose carrier at the time of the injury was preferred Employers Insurance Company, did not sustain injury which arose out of and in the course of employment to his trunk, legs, nervous, back, shoulders, hernia, neck, chest, varicose veins and sleep.
2. Lien claimants, Kohanim Chiropractic, Inc., Marina Kuznetsova, L.Ac., Metropolitan Health Medical, Rite Care Orthopedic Supply and Social Interpreting, and

each of them, failed to carry the burden of proof on the issue of injury which arose out of and in the course of employment.

3. Lien claimants, and each of them failed to provide evidence of any relevancy or weight on the issue of injury which arose out of and in the course of employment .
4. Lien claimants, and each of them, shall take nothing in this matter. All liens are disallowed.
5. There was no evidentiary basis for lien claimants to proceed to trial.

EVIDENTIARY RULING

Defendant's objection to Exhibit 3 is hereby overruled.

ORDER

IT IS HEREBY ORDERED THAT lien claimants, Kohanim Chiropractic, Inc., Marina Kuznetsova, L.Ac., Metropolitan Health Medical, Rite Care Orthopedic Supply and Social Interpreting, take nothing on the liens filed herein. All liens are disallowed.

NOTICE OF INTENTION TO IMPOSE SANCTIONS

Lien claimants, represented by Patrick Petronella for GB and C provided no evidence which was relevant to or of probative value on the issue of injury which arose out of and in the course of employment and did not properly subpoena applicant for trial, all as set forth in detail in the Opinion on Decision.

Lien claimants, and each of them, and their representative knew or should have known that the evidence relied on at trial was utterly incapable of meeting the required burden of

proof on that issue and that insistence on trial without relevant and probative evidence results only in the needless waste of Court resources and time and in an increase in the cost of litigation incurred by defendant and is therefore frivolous and egregious warranting sanctions under Labor Code Section 5813 and Title 8, California Code of Regulations, 10561.

The activities undertaken by lien claimants and their representative were egregious and frivolous, warranting sanctions by this Court payable to the Workers Compensation Appeals Board and warranting payment of reasonable attorney fees and costs for the legal services rendered in defending against the activities of lien claimants and each of them, pending the filing and serving of a Bill of Particulars by Greenup, Turchin & Hartston,

NOTICE IS HEREBY GIVEN that an Order for sanctions shall issue for egregious conduct and bad faith tactics in the sum of:

\$2,500.00 payable joint and several by Kohanim Chiropractic, Inc. and GB and C and Patrick Petronella;

\$2,500.00 payable joint and several by Marina Kuznetsova, L.Ac., and GB and C and Patrick Petronella;

\$2,500.00 payable joint and several by Metropolitan Health Medical and GB and C and Patrick Petronella;


\$2,500.00 payable joint and several b, Rite Care Orthopedic Supply and GB and C and Patrick Petronella;

\$2,500.00 payable joint and several by Socal Interpreting and GB and C and Patrick Petronella payable to the Workers Compensation Appeals Board absent written

objection showing good cause to the contrary filed and served within twenty (20) days of service hereof.

FURTHER NOTICE IS HEREBY GIVEN that an Order for reasonable attorney fees and costs shall issue payable **joint and several** by lien claimants and GB and C and Patrick Petronella to Greenup, Turchin & Hartson on behalf of Preferred Employers Insurance Company within twenty (20) days of the filing and serving of defendant's Bill of Particulars, which is to be filed and served within fifteen (15) days of service hereof, absent objection in writing setting forth good cause to the contrary within twenty (20) days of service hereof..

DATE: August 13, 2014



Bonita A. Edelberg
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

Service:

ACE COMMERCIAL INC, US Mail
GB AND C LOS ANGELES, Email
GREENUP TURCHIN WOODLAND HILLS, US Mail
KOHANIM CHIROPRACTIC, US Mail
MARINA KUZNETSOVA LOS ANGELES, US Mail
METROPOLITAN HEALTH LOS ANGELES, US Mail
PREFERRED EMPLOYERS SAN DIEGO, US Mail
RITE CARE ORTHOPEDICS SUPPLIES FULLERTON, US Mail
SOCAL INTERPRETING SERVICES, US Mail

Served on above parties by preferred method of service shown above at addresses shown on Proof of Service:

ON: 8/14/2014

BY: *Elaine Garza*
Elaine Garza

PROOF OF SERVICE

**FINDINGS AND ORDER
NOTICE OF INTENT TO IMPOSE SANCTIONS**

8/14/2014

Case Number: ADJ8640617

ACE COMMERCIAL INC	Employer, 10310 PIONEER BOULEVARD SANTA FE SPRING CA 90670
GB AND C LOS ANGELES	Law Firm, 3540 WILSHIRE BLVD STE 508 LOS ANGELES CA 90010, CNGUYEN@METROMEDGROUP.COM
GREENUP TURCHIN WOODLAND HILLS	Law Firm, 6800 OWENSMOUTH AVE STE 370 WOODLAND HILLS CA 91303
KOHANIM CHIROPRACTIC	Lien Claimant - Other, 3540 WILSHIRE BLVD STE 501 LOS ANGELES CA 90010
MARINA KUZNETSOVA LOS ANGELES	Lien Claimant - Other, 5482 WILSHIRE BLVD STE 1533 LOS ANGELES CA 90036
METROPOLITAN HEALTH LOS ANGELES	Lien Claimant - Other, 3540 WILSHIRE BLVD STE 501 LOS ANGELES CA 90010
PREFERRED EMPLOYERS SAN DIEGO	Insurance Company, PO BOX 85838 SAN DIEGO CA 92186
RITE CARE ORTHOPEDICS SUPPLIES FULLERTON	Lien Claimant - Other, 269 S BEVERLY DR BEVERLY HILLS CA 90212
SOCAL INTERPRETING SERVICES	Lien Claimant - Other, 11271 VENTURA BLVD STE 486 STUDIO CITY CA 91604