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ESQ, Arbitrator, State Bar No.:  
Suite  
San Diego, California 92106  
(619)  
(619) (FAX)

Arbitrator

WORKERS' COMPENSATION APPEALS BOARD  
STATE OF CALIFORNIA

WCAB Case No.: ADJ ADJ

Applicant,  
vs.

INC dba  
INSURANCE COMPANY,  
administered by  
INC.;  
INSURANCE COMPANY  
Defendants.

**ARBITRATION DECISION, FINDINGS AND  
ORDER (re Settlement)**  
[LABOR CODE §5275]

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ARBITRATION DATE: 08/12/2020 (*initial*)  
Arbitrator:

The above matter was initially scheduled to be heard on August 12, 2020 by  
Attorney at Law, selected by the parties to serve as Arbitrator in the above matter.

Defendant **INSURANCE COMPANY, administered by**  
**INC** (hereinafter has filed an action against  
**INSURANCE COMPANY** (hereinafter seeking Contribution.

The parties have proceeded to Arbitration; the issues for determination in Arbitration were  
as follows: 1) Date of cumulative trauma injury pursuant to Labor Code 5500.5 (terminal date); 2)  
Apportionment/causation of injury to an alleged specific injury; 3) the extent to which  
claimed expenditures were subject to contribution recovery.

In the underlying case, Applicant, a laborer, sustained an alleged cumulative trauma injury

1 during the alleged period from May 20, 2007 to May 20, 2008, during which time applicant was  
2 employed by \_\_\_\_\_ from April 1, 2006 to May 2008. Coverage for \_\_\_\_\_ was  
3 provided by \_\_\_\_\_ from May 20, 2007 to January 1, 2008 and by \_\_\_\_\_ from January 1, 2008 to  
4 May 20, 2008. A specific injury claim was also filed for date of injury April 1, 2006, which was  
5 disputed and not fully substantiated. \_\_\_\_\_ accepted and administered the claim. Applicant elected  
6 to proceed against \_\_\_\_\_

7 On August 6, 2019 Applicant and \_\_\_\_\_ entered into a Joint Compromise and Release for  
8 \$778,886.29; \_\_\_\_\_ was not signatory to the Compromise and Release. On December 9, 2019  
9 \_\_\_\_\_ timely filed a Petition for Contribution for its medical, indemnity, and Compromise and  
10 Release expenditures.

11 The primary controverted issue is whether the terminal date of the cumulative trauma was  
12 February 8, 2008, May 20, 2008 or another date as may otherwise be supported by the medical and  
13 factual evidence. The medical and documentary evidence and deposition testimony of Applicant  
14 was presented and argued at the Arbitration Hearing.

15 At the final Arbitration Conference, held on February 6, 2023, the Arbitrator was advised  
16 by the parties that a settlement has been reached; consequently, the Arbitrator orders as follows.

17 **I**

18 **ORDER**

19 IT IS ORDERED that \_\_\_\_\_ **INSURANCE COMPANY** pay  
20 **\$527,121.99** in full and final satisfaction of all contribution claims past, present, and future to  
21 \_\_\_\_\_ **INC.** Payment is to be issued and mailed within thirty  
22 (30) days of this Order.<sup>1</sup>

23  
24 \_\_\_\_\_  
25 <sup>1</sup>. The settlement check should be made payable and mailed to \_\_\_\_\_ **INSURANCE**  
26 **COMPANY, administered by** \_\_\_\_\_ **INC,**  
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28 **Claim No:** \_\_\_\_\_ **TAX ID No:** \_\_\_\_\_

**The check should reference Applicant's name and claim number.**

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IT IS FURTHER ORDERED that **INSURANCE COMPANY, administered by**  
and **INSURANCE**  
**COMPANY** equally bear the expenses of the Arbitration, including the fees claimed by the  
Arbitrator for these proceedings. The Arbitrator will submit, under separate cover, his fee request  
pursuant to LC §5273.

Dated: 2/23/2023

By: \_\_\_\_\_  
WORKERS' COMPENSATION  
ARBITRATOR