

1 **WORKERS' COMPENSATION APPEALS BOARD**
2 **STATE OF CALIFORNIA**

3
4 **ROGELIO CORNEJO,**

5 *Applicant,*

6 **vs.**

7 **YOUNIQUE CAFÉ, INC.; ZENITH**
8 **INSURANCE COMPANY,**

9 *Defendants,*

10 **WESTERN IMAGING SERVICES, INC.,**

11 *Lien Claimant.*

Case No. **ADJ9351964**
ADJ9351965
(Los Angeles District Office)

OPINION AND ORDER
GRANTING DEFENDANT'S
PETITION FOR RECONSIDERATION
(Appeals Board en banc)

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13 Defendant seeks reconsideration of the December 22, 2015 en banc Opinion And Decision After
14 Reconsideration (Decision) of the Appeals Board, wherein it was held that Chapter 20 of Division 8 of
15 the Business and Professions Code (Chapter 20) by its own terms does not apply to a lien claimant
16 seeking to recover copy service fees that are medical-legal expenses under Labor Code section 4620(a)
17 when the lien claimant is an agent and/or independent contractor of a member of the State Bar at the time
18 the documents are photocopied. It was further held in the Decision that when a lien claimant makes an
19 un rebutted prima facie showing that it is an agent and/or independent contractor of a member of the State
20 Bar at the time the documents are photocopied, proof of compliance with the registration and bonding
21 provisions of Business and Professions Code sections 22450 and 22455 is not required.

22 Taking into account the statutory time constraints for acting on the petitions, and based upon our
23 initial review of the record, we believe reconsideration must be granted to allow sufficient opportunity to
24 further study the factual and legal issues in this case.¹ We believe that this action is necessary to give us
25 a complete understanding of the record and to enable us to issue a just and reasoned decision.

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27 ¹ Commissioner Caplane is recusing herself from participation in this decision.

1 Reconsideration is granted for this purpose and for such further proceedings as we may hereafter
2 determine to be appropriate.

3 For the foregoing reasons,

4 **IT IS ORDERED** that defendant's petition for reconsideration of the December 22, 2015 en banc
5 Opinion And Decision After Reconsideration of the Workers' Compensation Appeals Board (en banc) is
6 **GRANTED.**

7 **IT IS FURTHER ORDERED** that pending the issuance of a Decision After Reconsideration in
8 the above case, all further correspondence, objections, motions, requests and communications *relating to*
9 *the petition* shall be filed only with the Office of the Commissioners of the Workers' Compensation
10 Appeals Board at either its street address (455 Golden Gate Avenue, 9th Floor, San Francisco, CA
11 94102) or its Post Office Box address (P.O. Box 429459, San Francisco, CA 94142-9459), and shall not
12 be submitted to the district office from which the WCJ's decision issued or to any other district office of
13 the Workers' Compensation Appeals Board, and shall not be e-filed in the Electronic Adjudication
14 Management System (EAMS). Any documents relating to the petitions for reconsideration lodged in
15 violation of this order shall neither be accepted for filing nor deemed filed.

16 All trial level documents not related to the petitions for reconsideration shall continue to be
17 e-filed through EAMS or, to the extent permitted by the Rules of the Administrative Director, filed in
18 paper form. If, however, a proposed settlement is being filed, the petitioner should promptly notify
19 the Appeals Board because a workers' compensation administrative law judge cannot act on a settlement

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1 while a case is pending before the Appeals Board on a grant of reconsideration. (Cal. Code Regs., tit. 8,
2 § 10859.)

3 **WORKERS' COMPENSATION APPEALS BOARD (En Banc)**

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5 *F. M. Brass*

6 **FRANK M. BRASS, Commissioner**

7 *Deidra E. Lowe*

8 **DEIDRA E. LOWE, Commissioner**

9
10 *Marguerite Sweeney*

11 **MARGUERITE SWEENEY, Commissioner**



15
16 *Katherine A. Zalewski*

17 **KATHERINE A. ZALEWSKI, Commissioner**

18 **CONCURRING, BUT NOT SIGNING**

19 *José H. Razo*

20 **JOSÉ H. RAZO, Commissioner**

21 **DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

22 **MAR 15 2016**

23 **SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR**
24 **ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

25 **WESTERN IMAGING SERVICES, INC., ATTN: CHRISTOPHER FRAGOZA**
26 **JONATHAN C. ROSEN**
27 **CHERNOW & LIEB**

JFS/abs *[Signature]*