Case No.: A153811

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION ONE

_____

CITY OF PETALUMA, PERMISSIBLY SELF-INSURED,
ADJUSTED BY
REDWOOD EMPIRE MUNICIPAL INSURANCE FUND
Petitioner,
v.
WORKERS' COMPENSATION APPEALS BOARD OF THE
STATE OF CALIFORNIA AND AARON LINDH
Respondents.

_____

WCAB No.: ADJ10032593
HONORABLE JASON SCHAUMBERG, WCJ

APPLICATION OF CALIFORNIA APPLICANTS' ATTORNEYS ASSOCATION TO FILE AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF IN SUPPORT OF APPLICANT AND RESPONDENT, AARON LINDH

Mark Gearheart, State Bar No.: 95244
Gearheart & Sonnicksen
367 Civic Drive, Suite 17
Pleasant Hill, CA 94523
Phone: (925) 671-9777
Facsimile: (925) 671-7916
Email: egearheart @aol.com
Attorney for Amicus Curiae
California Applicants' Attorneys Association

Court of Appeal
State of California
First Appellate District, Division 1

CERTIFICATE OF INTERESTED ENTITIES OR PARTIES

Court of Appeal Case Number: A153811

Case Name: City of Petaluma, permissibly self-insured, adjusted by Redwood Empire Municipal Insurance Fund v. Workers' Compensation Appeals Board of the State of California and Aaron Lindh

Please check the appropriate box:
☐ There are no interested entities or persons to list in this Certificate per California Rules of Court, Rule 14.5(d) (3).
[x] Interested entities or persons are listed below:

Name of Interested Entity or Person	Nature of Interest
1. Aaron Lindh	Respondent
2. Karina Kowler	Attorney for Respondent, Aaron Lindh
3. City of Petaluma	Petitioner
4. Redwood Empire Municipal Insurance Fund	Petitioner
5. William E. Davis	Attorney for Petitioner, City of Petaluma, and Redwood Empire Municipal Insurance Fund
6. Workers' Compensation Appeals Board	Respondent

Mark E Gearheart

Signature of Attorney/Party Submitting Form

Printed Name: Mark Gearheart, Gearheart & Sonnicksen
Address: 367 Civic Drive, Ste. 17
Pleasant Hill, CA 94523
State Bar No.: 95244
Party Represented: Amicus Curiae
California Applicants' Attorneys Association

Table of Contents

Table of Authorities

Case Citations:

Statutes:

Rules of Court:

APPLICATION TO FILE AMICUS CURIAE BRIEF

TO THE HONORABLE PRESIDING JUSTICE AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, FIRST APPELLATE DISTRICT

Pursuant to Rule 8.520 (f) of the California Rules of Court, the California Applicants' Attorneys Association [hereinafter "CAAA"] hereby requests leave to file a brief as amicus curiae in support of Respondent, AARON LINDH, in the above-captioned case. Pursuant to Rule 8.200 (c), we request leave from the Presiding Judge to allow late filing of this Amicus Curiae brief.

CAAA is an association and organization comprised of members of the California State Bar who regularly engage in the representation of men and women in the state who sustain injuries arising out of, and occurring in the course of, their employment. As a regular part of its activities, CAAA, after leave is granted, files Amicus Curiae briefs before the WCAB, Courts of Appeal, and the Supreme Court in cases of far reaching significance and/or first impression. (See for example, *Brodie v. WCAB* (2007) 40 Cal. 4th 1313, 72 Cal. Comp. Cases 565, *Ogilvie v. WCAB* (2011) 197 Cal. App. 4th 1262, 76 Cal. Comp. Cases 624, and *Hikida v. Workers' Compensation Appeals Board of the State of California, Costco Wholesale Corporation* (2017) 12 Cal. App. 5th 1249 [82 Cal. Comp. Cases 679], which are examples of cases where CAAA requested permission to file an Amicus Curiae brief and the court accepted CAAA's brief.) CAAA respectfully submits that the instant matter is a case of far reaching significance because it addresses the distinction between the "causation of injury" analysis and the "causation of disability" analysis in workers' compensation matters

which has caused and is causing continuing litigation at the trial level and, as this matter demonstrates, continued appellate activity.

The Court's ruling and decision in the instant case will have an immediate impact upon amicus curiae, its members, and their clients.

CAAA is familiar with the issues before this Court and the scope of their presentation. CAAA believes that further briefing will assist the Court by demonstrating that the WCAB correctly applied the causation of injury/causation of permanent disability analysis in this case and that petitioners' contentions are inconsistent with statutory law and case law.

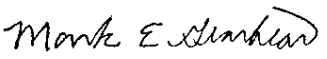
It must be recalled that it is the defendant that has the burden of proof on apportionment. *Pullman Kellogg v. Workers' Compensation Appeals Board* (*Normand*) (1980) 26 Cal. 3d 450, 456 [45 Cal. Comp. Cases 170]; *Kopping v. Workers' Compensation Appeals Board* (2006) 142 Cal. App. 4th 1009, 1115 [71 Cal. Comp. Cases 1229].

CAAA respectfully submits that respondent has not met its burden of proof regarding apportionment of permanent disability, and that petitioners advocate for a legal standard of apportionment that is inconsistent with both the WCAB *en banc* holding in the case of *Escobedo v. Marshall's* (2005) 70 Cal. Comp. Cases 604 and is inconsistent with the Supreme Court's analysis in *Brodie v. Workers' Compensation Appeals Board* (2007) 40 Cal. 4th 1313.

CAAA also wishes to provide the Court with additional discussion and analysis regarding whether the WCAB has correctly applied the principle that the employer is responsible for all permanent disability *directly caused* by the injury.

CAAA respectfully requests leave to file the following proposed Amicus Curiae brief.

Date: June 19, 2018 RESPECTFULLY SUBMITTED



Mark Gearheart
Attorney for Amicus Curiae
California Applicants' Attorneys Association

AMICUS CURIAE BRIEF

Factual Introduction

The relevant facts in this case do not appear to be in dispute. Respondent Aaron Lindh worked as a police officer and canine officer for the City of Petaluma. He had a pre-existing condition which Panel QME Kaye described as a vasospastic-migraine body type. This did not cause any work disability prior to the industrial injury, although it did cause occasional mild headaches. (Petitioner's Exhibit "E", deposition transcript of Dr. David Kaye M.D., June 17, 2016, pp. 11:10-11-12.)

On June 16, 2015, Mr. Lindh was performing his duties for the City. He was involved in a canine training exercise in which he was continually and repeatedly struck in the head by police dogs. Thereafter, he noted severe headaches which were different in character from the prior headaches, and eventually he lost the vision in his left eye. (Petitioner's Exhibit "A", Minutes of Hearing and Summary of Evidence, p. 5.)

Dr. Kaye (the Panel Qualified Medical Evaluator) indicated that the pre-existing condition (vasospastic-migraine body type) placed Officer Lindh in a higher risk category but that there is no way to know whether that pre-existing condition would ever have progressed to have caused any vision loss in the future. It may well not have caused vision loss in the future or it might have; it is speculative to say. (Petitioners' Exhibit E, deposition transcript of David Kaye M.D., June 17, 2016, at pp. 12:5-12:25, 13:1-13:2.)

The question becomes whether the record supports apportionment of some of the permanent disability to the pre-existing risk factor of vasospastic-migraine body type or whether the Workers' Compensation

Appeals Board was correct in finding that defendants had not met their burden of proof on the apportionment issue.

CAAA incorporates by reference the statement of facts set forth by respondent in his March 30, 2018 Reply to the Petition for Writ at pages 11-17.

Questions Presented

I

To support the affirmative defense of apportionment of permanent disability to a pre-existing non-disabling condition, must defendant demonstrate with substantial evidence how and why that pre-existing condition is causing some of the permanent disability at the present time, and why that condition is responsible for the asserted percentage of apportionment?

II

Whether the defendant is responsible for the percentage of permanent disability directly caused by a work injury?

Legal Argument

I

To support the affirmative defense of apportionment of permanent disability to a pre-existing non-disabling condition, defendant must demonstrate with substantial evidence how and why that pre-existing condition is causing some of the permanent disability at the present time, and why that condition is responsible for the asserted percentage of apportionment

Petitioners essentially assert that the percentage of causation of an injury should be the same as the percentage apportionment, and that apportionment to risk factors that may never cause any disability is legally

permitted. This conflates causation of injury with causation of permanent disability. In fact, these are two separate analyses.

As the Workers' Compensation Appeals Board (hereinafter WCAB) pointed out in its January 25, 2018 Opinion and Decision After Reconsideration (Petitioners' Exhibit M), the WCAB directly addressed the concept of causation of injury as opposed to causation of permanent disability in its *en banc* opinion in *Escobedo v. Marshall's* (2005) 70 Cal. Comp. Cases 604. In that case, the WCAB emphasized that the language of Labor Code Sections 4663 and 4664 (a) that permanent disability is to be based upon "causation" refers to causation of the injured employee's permanent disability; not causation of his or her injury. (70 Cal. Comp. Cases at pages 607, 611.) The WCAB emphasized that the analyses of these issues are different and that the medical evidence for any percentage conclusions could be different.

The WCAB was quite clear regarding its view of the legal standard to prove the affirmative defense of apportionment:

> And, if a physician opines that 50% of an employee's back disability is caused by degenerative disc disease, the physician must explain the nature of the degenerative disc disease, how and why it is causing permanent disability at the time of the evaluation, and how and why it is responsible for approximately 50% of the disability. *Escobedo, supra,* 70 Cal. Comp. Cases 621.

In its decision below, the WCAB also noted that its opinion in *Escobedo* is consistent with the Supreme Court's subsequent decision in *Brodie v. WCAB* (2007) 40 Cal. 4th 1313, 1327 to 1328 [72 Cal. Comp. Cases 565]. The *Brodie* court declared that the post SB 899 approach to apportionment is to look at the current disability and parcel out its causative sources – non-industrial, prior industrial, current industrial – and decide the amount directly caused by the current industrial source. (40 Cal. 4th at page

1328.) Thus, under *Brodie* if an employee's injury is the sole cause of his or her permanent disability, there is no legally valid apportionment.

Petitioners emphasize that various cases have allowed apportionment of permanent disability to pre-existing, asymptomatic non-industrial conditions or diseases. (See *City of Jackson v. WCAB* (*Rice*) (2016) 11 Cal. App. 5th, 109 [82 Cal. Comp. Cases 437]; *Acme Steel v. Workers' Compensation Appeals Board* (*Borman*) (2013) 218 Cal. App. 4th 1137 [78 Cal. Comp. Cases 751; *E.L. Yeager Construction v. Workers' Compensation Appeals Board* (*Gatten*) (2006) 145 Cal. App. 4th 922 [71 Cal. Comp. Cases 1687]. However, the difference between those cases and the instant case is that in the above-noted cases, the defendants met their burden of proof regarding the affirmative defense of apportionment by producing medical evidence that the pre-existing, non-industrial condition or disease had itself already caused physical damage or that it would probably have progressed to cause permanent disability at the time of the evaluation. Such apportionment meets the applicable legal standard. However, in the instant case, there is simply no evidence that the pre-existing vasospastic-migraine body type condition would ever have progressed to cause any vision loss. Dr. Kaye could not state whether respondent would have ever lost any vision due to the condition, and thus apportioning the permanent loss of vision in the left eye to the pre-existing condition is entirely speculative.

Petitioner argues that Senate Bill 899 changed the apportionment rules. That is true, but it did not authorize speculative apportionment, nor apportionment to pre-existing pathology that did not directly cause the permanent disability.

For example, in the case of *Target Corporation v. WCAB* (*Estrada*) (2016) 81 Cal. Comp. Cases 1192, the Second Appellate District declined to issue a Writ of Review of a WCAB decision finding no apportionment.

In *Estrada*, the WCAB explained the importance of distinguishing between disability and impairment under the *AMA Guides*. The trial judge in that case noted that the apportionment analysis cannot be limited to asking what the doctor thought was causing each underlying impairment under the *AMA Guides* since impairments are not disabilities. (The permanent disability rating starts with impairment and then the impairment is adjusted under the so-called rating schedule, to give a permanent disability rating which is itself rebuttable. See *Ogilvie v. Workers' Compensation Appeals Board and City and County of San Francisco* (2011) 197 Cal. App. 4th 1262, [76 Cal. Comp. Cases 624].) The trial judge in *Estrada* pointed out that the ultimate question is what is causing the disability or loss of earning capacity at the time of adjudication? In *Estrada*, the injured worker presented vocational testimony showing that he had no work disability prior to his industrial injury and that although he had some pre-existing medical impairments, there was no evidence that they resulted in work disability. Thus, even though a medical doctor in the case found a basis for apportioning the permanent impairment, the WCAB awarded the injured worker in *Estrada* permanent total disability based upon the vocational expert opinion and the absence of any substantial evidence that his pre-existing medical impairments had been causing or were currently causing work disability.

Similarly, in the case of *Hikida v. Workers' Compensation Appeals Board, Costco Wholesale Corporation* (2017) 12 Cal. App. 5th 1249 [82 Cal. Comp. Cases 679], the Second District Court of Appeal rejected apportionment of permanent disability to non-industrial factors. Applicant Hikida had sustained a cumulative, repetitive use work injury during 25 years working as an employee for Costco Wholesale Corporation. She had carpal tunnel syndrome with various consequences including chronic pain, headaches, sleep disturbance, et cetera.

The Agreed Medical Examiner testified that he would apportion 10% of the initial carpal tunnel injury to non-work related activities and 90% to the work injury.

However, applicant had a major complication from the carpal tunnel surgery: She developed Chronic Regional Pain Syndrome. The Agreed Medical Examiner noted that the CRPS was 100% caused by the surgery. The Court of Appeal noted that while the injury itself was caused primarily by work but partially by non-work activities, Ms. Hikida's CRPS was what caused her to be permanently totally disabled and that was purely a result of medical care, which is not apportionable. Therefore, there could be no apportionment. Again, this demonstrates the principle that the analysis of causation of injury is different than the analysis of causation of permanent disability.

The distinction between the causation of injury analysis and the causation of disability analysis was addressed by the Appeals Board in *ATC/VANCOM Inc., et al v. WCAB* (*Navarro*) (2014) 79 Cal. Comp. Cases 1329. In that case, the Court declined to review a WCAB decision rejecting a determination by the psychiatric medical evaluator that the psychiatric disability should be apportioned in the same way that her orthopedic disability was apportioned. In other words, the psychiatrist did not do his own causation of permanent disability analysis but simply said that whatever the orthopedist said should be passed through to the psychiatric case. The Board said this was not substantial evidence since the psychiatrist did not explain how and why the pre-existing factors were causing psychiatric permanent disability at the time of the evaluation. A similar result was reached in the case of *Sasco Electric v. WCAB* (*Anemone*) (2014) 79 Cal. Comp. Cases 1354 (Writ Denied).

In the instant case, Dr. Kaye is essentially trying to apportion to a pre-existing risk factor. That is, the vasospastic-migraine body type created

a higher risk that applicant could have vision loss if there was head trauma. However, the WCAB has indicated that risk factors are distinct from pre-existing disease or pathology and are rarely, if ever, a legitimate basis for apportionment of permanent disability. In *United Airlines v. WCAB* (*Milivojevich*) (2007) 72 Cal. Comp. Cases 1415, the injured worker was disabled as a result of a stroke. He was awarded 91% permanent disability. Thereafter, his condition deteriorated, and a Petition for Increased Disability was filed. The judge found that the applicant had indeed become totally disabled but apportioned 40% of the *new and further* permanent disability to non-industrial risk factors including elevated serum cholesterol. On Reconsideration, the WCAB agreed with the employee indicating that the Agreed Medical Examiner did not state that applicant personally suffered from an underlying pathology but simply found that applicant had a greater risk for certain pathological events. The WCAB reasoned that risk factors are not the disease or injury itself and are not a proper subject of apportionment.

While it is of course true that in some cases the percentage of causation of injury might be the same as the percentage causation of permanent disability, that is not true in every case, and a separate analysis is required. In the instant case, there is evidence that Mr. Lindh's pre-existing condition was causing occasional mild headaches that were not labor disabling before the work injury. There is no evidence that the pre-existing condition would ever have caused blindness absent the work injury. The blindness was caused by the repeated blows to the head which occurred at work and without which there would be no disability.

II

The defendants are responsible for the percentage of permanent disability directly caused by the repeated blows to applicant's head on June 16, 2015

Labor Code Section 4663 (a) provides that apportionment of permanent disability "shall be based on causation". Labor Code Section 4663 (c) requires a physician making an apportionment determination to find the approximate percentage of the permanent disability caused by the direct result of injury arising out of and incurring in the course of employment and what approximate percentage of the permanent disability was caused by other factors. Labor Code Section 4664 (a) provides that the employer is liable for the percentage of permanent disability directly caused by the injury.

As noted above, the Supreme Court in *Brodie* declared that the new approach to apportionment after Senate Bill 899 was to look at the current disability and decide the amount directly caused by the current injury. *Brodie, supra*, 40 Cal. 4th at page 1328.

"Direct cause" is not defined in the Labor Code. However, the phrase "direct cause" is the same language that is used in California common law regarding proximate cause. For example, in the case of *Hawthorn v. Siegel* (1891) 88 Cal. 159, the Supreme Court explained that "the proximate cause is the efficient cause, the one that necessarily sets the other causes in operation." (Citing *Aetna Insurance Company v. Boone* 95 US 130.) The late Justice Scalia in a dissenting opinion in *Babbitt v. Sweet Home Chapter of Communities* (1995) 515 US 687 at 733 explained that "proximate causation merely means direct causation."

The rule articulated in *Hawthorn v. Siegel, supra,* was followed in *Strecker v. Gaul* (1917) 35 Cal. App. 619. The Court of Appeal noted "that which is the actual cause of the loss, whether operating directly, or by

putting intervening agencies, the operation of which could not be reasonably avoided, in motion, by which the loss is produced, is the cause to which such loss should be attributed." *Strecker v. Gaul* (1917) 35 Cal. App. 619 at 626.

The rule was again followed in *Brown v. Beck* (1923) 63 Cal. App. 686. In that case, the First District Court of Appeal followed *Hawthorn* stating that "the proximate cause is the efficient cause, the one that necessarily sets the other causes in operation, and that the actual cause of the loss whether operating directly or by putting intervening agencies, the operation of which could not be reasonably avoided, in motion, by which the loss is produced, is the cause to which such loss should be attributed." *Brown v. Beck, supra*, 63 Cal. App. 686 at 691.

When the Legislature chose to use the phrase "direct cause" in the apportionment statutes, they are presumed to have been aware of existing case law. *American Financial Services Ass'n v. City of Oakland* (2005) 34 Cal. 4th 1239, 1261. The statute uses the phrase "direct cause" which is embedded in our state law already as the cases above demonstrate. Generally, when interpreting a statute, the Courts will not presume that the Legislature intends to overthrow long-established principles of law unless such an intention is clearly expressed or necessarily implied. *People v. Superior Court* (*Zamudio*) (2000) 23 Cal. 4th 183, 199; *Regency Outdoor Advertising Inc. v. City of Los Angeles* (2006) 39 Cal. 4th 507, 526.

What then is the direct cause of Mr. Lindh's loss of vision in the left eye? The direct cause cannot be said to be the pre-existing vasospastic-migraine body type. That condition was present for many years and caused nothing more than intermittent, non-disabling headaches. It did not "directly cause" the loss of vision: The loss of vision was directly caused by repeated blows to the head at work.

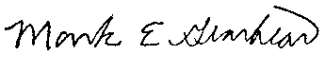
Furthermore, a medical opinion does not constitute substantial evidence when it is based upon an incorrect legal theory. *Hegglin v. Workman's Comp. Appeals Board* (1971) 4 Cal. 3d 162, 169 [36 Cal. Comp. Cases 93]; *Zemke v. Workman's Comp. Appeals Board* (1968) 68 Cal. 2d 794 798 [33 Cal. Comp. Cases 358]. Dr. Kaye's apportionment opinion is based upon an incorrect legal theory.

Petitioners have not met their burden of proof to produce substantial medical evidence to support apportionment in this case. There is certainly substantial medical evidence to show that the *injury* was caused by the repeated blows to the head interacting with applicant's pre-existing non-disabling vasospastic-migraine body type. However, there is no evidence that the vasospastic-migraine body type has caused loss of vision, and in fact there is no evidence that the pre-existing condition would ever have caused vision loss. Dr. Kaye noted that he could not say whether it might or might not cause vision loss in the future. Apportioning the permanent disability here based upon this record would be pure speculation and would be inconsistent with longstanding case law.

Conclusion

CAAA respectfully requests that the Court affirm the WCAB decision of August 11, 2017. The Petitioners seek to convert the percentage causation of injury into a percentage of apportionment of permanent disability. There is no medical evidence and certainly no substantial medical evidence that supports this conclusion. Apportionment is an affirmative defense. No good reason has been offered for the Court to depart from longstanding case law as outlined above. CAAA respectfully submits that the WCAB decision is correct and should be affirmed.

Date: June 19, 2018 RESPECTFULLY SUBMITTED



_____

Mark Gearheart
Attorney for Amicus Curiae
California Applicants' Attorneys Association

STATE OF CALIFORNIA)
) SS
COUNTY OF CONTRA COSTA)

I, the undersigned, say that I am the attorney of record for the California Applicants' Attorneys Association, in the matter of CITY OF PETALUMA, PERMISSIBLY SELF-INSURED, adjusted by REDWOOD MUNICIPAL INSURANCE FUND V. WORKERS' COMPENSATION APPEALS BOARD AND AARON LINDH, Case No.: A153811. I have read the foregoing **Application to File Amicus Curiae Brief and Amicus Curiae Brief** and know of the contents thereof, and that the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters that I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2018 at Pleasant Hill, California.

Mark E Gearheart

_____

Mark Gearheart
Attorney for Amicus Curiae
California Applicants' Attorney Association

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief has been prepared using 13 point Times New Roman typeface. According to the Word Count in my Microsoft Word for Windows software, this brief contains 4837 words up to and including the signature lines that follow the brief's conclusion.

I declare under penalty of perjury that this Certificate of Compliance is true and correct and that this declaration was executed on June 19, 2018.

Mark E Gearheart

_____

Mark Gearheart
Attorney for Amicus Curiae
California Applicants' Attorney Association

Case No.: A153811

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION ONE

_____

CITY OF PETALUMA, PERMISSIBLY SELF-INSURED,
ADJUSTED BY
REDWOOD MUNICIPAL INSURANCE FUND
Petitioners,
v.
WORKERS' COMPENSATION APPEALS BOARD OF THE
STATE OF CALIFORNIA and AARON LINDH
Respondents,

_____

WCAB Case Nos.: ADJ10032593
HONORABLE JASON SCHAUMBERG, WCJ

ORDER GRANTING APPLICATION FOR CALIFORNIA APPLICANTS' ATTORNEYS ASSOCIATION TO FILE AMICUS CURIAE BRIEF

The Application filed by the California Applicants' Attorneys Association herein on June 19, 2018 requesting permission to file an Amicus Curiae brief in support of Respondent, Aaron Lindh, is hereby GRANTED

Date: _____ _____
Presiding Justice

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF CONTRA COSTA)

I, the undersigned, say: I am and always was at all times herein mentioned, a citizen of the United States and employed in the County of Contra Costa, over the age of eighteen years and not a party to the within action or proceedings; that my business address is: 367 Civic Drive, Suite 17, P.O. Box 23588, Pleasant Hill, CA 94523, and that I served the within document:

Application to File Amicus Curiae Brief and Amicus Curiae Brief

Re: CITY OF PETALUMA, PERMISSIBLY SELF-INSURED, ADJUSTED BY REDWOOD MUNICIPAL INSURANCE FUND V. WORKERS' COMPENSATION APPEALS BOARD AND AARON LINDH, Case No.: A153811

by depositing the original and true copies thereof enclosed in a sealed envelope with postage thereon fully prepaid, in a mailbox regularly maintained by the Government of the United States in Pleasant Hill, California, addressed as follows:

First Appellate District (via TrueFiling)
Court of Appeal
350 McAllister Street
San Francisco, CA 95102-7421

Workers' Compensation Appeals Board (2 copies)
PO Box 429459
San Francisco, CA 94142

The Honorable Jason Shaumberg, WCJ
Workers' Compensation Appeals Board
50 "D" Street, Ste. 420
Santa Rosa, CA 95404

Karina Kowler, Esq.
Law Office of Linda Joanne Brown
999 Fifth Avenue, Ste. 430
San Rafael, CA 94901

William E. Davis
Mullen & Filippi
111 Santa Rosa Avenue, Ste. 200
Santa Rosa, CA 95404

I certify and declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of June 2018

T. Bowlin

_____

Tami Bowlin