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5 Kennith L. Peterson
6 Attorney for Defendants, PROPAK, INC.,
7 and GREAT STATES INSURANCE COMPANY

KCP
RECEIVED
OCT 22 1993
KENNITH L. PETERSON

8 WORKERS' COMPENSATION APPEALS BOARD
9 OF THE STATE OF CALIFORNIA

10
11 JUAN GALLARDO,

12 Applicant,

13 vs.

14 PROPAK, INC., and GREAT STATES
15 INSURANCE COMPANY,

16 Defendants.

CASE NO. POM 173248

AMENDED FINDINGS OF
FACT

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19 1. It is found that the applicant's attorney's wife was listed
20 as the owner of VALLEY HEALTH CARE and UNIFIED HEALTH SERVICES until
21 about October of 1986. Based upon Dr. Seager's testimony, it is found
22 that the applicant's attorney's interest in the medical groups in
23 question continued. This represents a major and very serious conflict
24 of interest and the medical-legal reports, treatments, and costs in
25 this matter are so tainted as to be considered unreasonable and
26 unnecessary medical-legal and treatment costs.

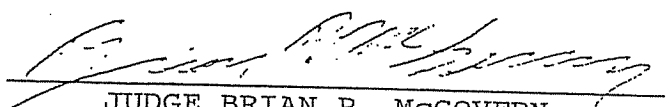
27 2. It is further found that WILLIAM PAUL GRACA, dba VALLEY
28 HEALTH CARE, VALLEY IMAGING CENTER, and UNIFIED HEALTH SERVICES, did

1 in fact, hold himself out as practicing and treating the sick or
2 afflicted in this state without a license, in violation of Business
3 and Professions Code §2052.

4 In every other respect, the Findings and Order and Opinion
5 on Decision will remain as previously served.

7 THE FOREGOING IS SO ORDERED.

9 DATED: OCT 20 1993


JUDGE BRIAN P. McGOVERN
WORKERS' COMPENSATION JUDGE

12 Dated: OCT 20 1993

14 Service by mail on parties as shown on Official
Address Record effected on above date.

15 By: R. VALDEZ

Law Offices of
KENNETH L. PETERSON
A Professional Corporation

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

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JUAN GALLARDO,
Applicant

vs.
PROPAK, INC.;
GREAT STATES INSURANCE CO.,
Defendants.

Case No. POM 0173248

FINDINGS AND ORDER

Kennith L. Peterson, attorney for defendant.

Horizon Adjusting Services by Jayne R. Bobbs, Hearing Representative for Southern Interpreting Services.

Application having been filed herein; all parties having appeared or been duly served with process and the above the matter having been regularly submitted, the Honorable BRIAN P. McGOVERN, WORKERS' COMPENSATION JUDGE, now finds, and orders as follows:

FINDINGS OF FACT

1. It is found that the medical reports were altered after the doctor completed and signed them. The psychiatric treatment provided to the applicant should be denied in full along with the medical-legal costs and other treatment.
2. The lien of Valley Health Care db/Valley Imaging Center is denied in full as being based upon a completely inaccurate history.

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AUG 26 1993

KENNITH L. PETERSON

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ORDER

IT IS ORDERED that the liens of Dr. Dini, Dr. Dumas, Southern California Interpreting Service, Valley Health Care dba/Valley Imaging Center are hereby denied.

IT IS FURTHER ORDERED that reimbursement to defendants for \$5,000.00 paid to Unified and \$1,000.00 paid to Valley Imaging Center, and costs of all depositions including the costs of Hahn & Bowersock are hereby allowed.

DATED AT POMONA, CALIFORNIA

August 25, 1993


BRIAN P. McGOVERN
WORKERS' COMPENSATION JUDGE

Served by mail on parties checked on the Official Address Record effected on above date.

BY: *R. VALDEZ*

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD
CASE NO. POM 0173248

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AUG 26 1993

JUAN GALLARDO

vs.

PROPAK, INC.
GREAT STATES INSURANCE CO.

KENNITH L. PETERSON

JUDGE: BRIAN P. McGOVERN

DATED: August 25, 1993

INJ: 3/13/90

Kennith L. Peterson, Attorney for defendant.

Horizon Adjusting Services by Jayne R. Bobbs, Hearing Representative for Southern Interpreting Service.

* * *

OPINION ON DECISION

LIABILITY FOR MEDICAL-LEGAL COSTS

The case in chief in this matter was settled by way of Compromise and Release on June 15, 1992, for \$7,500.00. This case was subsequently tried on the liens of Dr. Dini, Dr. Dumas, Southern California Interpreting Service, Valley Health Care dba/ Valley Imaging Center.

After hearing the testimony of the applicant and Dr. Dini, it is found that the psychiatric treatment provided to the applicant should be denied in full along with the medical-legal costs and other treatment. The applicant testified he never told anybody that he was nervous as reflected in the psychiatric report of Dr. Dini. Also Dr. Dini states that they "the clinic" changed and altered the medical reports after the doctor completed and signed them.

As to the lien of Valley Health Care pertaining to the applicant's back, neck and head, they are also hereby denied in full as being based upon a completely inaccurate history. The applicant told the doctors at Valley Health Care in their report of June 20, 1990, that he had no prior auto accidents or work related accidents. However, the applicant received a \$13,500.00 Compromise and Release from a prior accident signed March 30, 1989. Also, the record shows that on September 16, 1990, the applicant had an injury when he was involved in an auto accident while being under the influence.

The defendants filed timely objections to the lien at issues in this matter, and it is noted that attorney David Shuman, the applicant's attorney in this matter owns the medical facilities which examined the applicant and wrote the medical-legal reports. This represents a major and very serious conflict of interest and the medical-legal reports, treatments, and costs in this matter are so tainted as to be considered unreasonable and unnecessary medical-legal and treatment costs.

JUAN GALLARDO

POM 0173248

REIMBURSEMENT TO DEFENDANTS

Reimbursement to defendants for \$5,000.00 paid to Unified and \$1,000.00 paid to Valley Imaging is hereby allowed in light of the uncleaned hands of the lien claimants in this matter.

COST OF ALL DEPOSITIONS

Costs of all depositions are hereby allowed to the defendants for the same above reasons including the costs of Hahn & Bowersock for expedited costs.


BRIAN P. McGOVERN, JUDGE
WORKERS' COMPENSATION APPEALS BOARD

BPM: rv

cc Kenneth L. Peterson
Horizon Adjusting Services

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. POM 173248

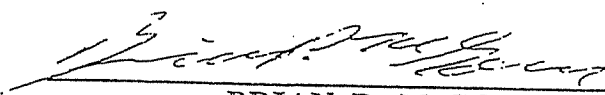
Juan Gallardo
Applicant


ORDER
TO
PAY
LIEN CLAIM

Propak, Inc; vs.
Great States Ins.
Defendants.

GOOD CAUSE APPEARING,

IT IS ORDERED that Dr. Dumas pay
~~forthwith the sum of \$~~ take nothing ~~to~~ regarding
this
~~in full satisfaction of their~~ lien
claim. Dr. Dumas' representative states that no
~~subject to written objection within twenty (20) days showing~~
monies are owed.
~~good cause why lien claim should not be paid.~~


BRIAN P. McGOVERN
WORKERS' COMPENSATION JUDGE

DATED: 5-12-83
Served by mail on parties checked on the
Official Address Record effected on above date.
BY: 

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION
WORKERS' COMPENSATION APPEALS BOARD

Juan Gallardo
Applicant

vs.

Propak, Inc;
Great States
Defendants.

Case No. POM 173248

MINUTES OF HEARING
(and)
ORDER

PLACE AND TIME: Pomona; 5/12/93
(month) (day) (year)

JUDGE: Honorable BRIAN P. McGOVERN

REPORTER: _____

APPEARANCES: Kennith L. Peterson for Great States

* * *

IT IS HEREBY ORDERED THAT William Graca
dba Unified Health Services, dba Valley Health Care,
dba Valley Imaging Center reimburse pay Great
States Insurance \$6,000 forthwith.
Said Order is of no force or effect if objected to within 15 days.

Order of Restitution

Brian P. McGovern
BRIAN P. McGOVERN
WORKERS' COMPENSATION JUDGE

Served on parties including lien claimants,

DATE: 5/12/93
BY: [Signature]