

STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION  
WORKERS' COMPENSATION APPEALS BOARD

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SOVEIDA MAGANA (MASTER FILE),

Applicant,

v.

CENTER FOR EMPLOYMENT TRAINING;  
CALIFORNIA INSURANCE GUARANTEE  
ASSOCIATION FOR RELIANCE INSURANCE  
COMPANY, IN LIQUIDATION, THROUGH ITS  
SERVICING AGENT, INTERCARE INSURANCE  
SERVICES,

Defendants.

ADJ 2806916

(SDO 0271727)

NOTICE OF INTENTION  
TO LIMIT CONSOLIDATION;  
NOTICE OF STATUS  
CONFERENCE, JANUARY 27,  
2010

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ELITE SURGICAL CENTERS, DEL MAR, L.P.;  
ELITE SURGICAL CENTERS, ESCONDIDO, L.P.;  
and POINT LOMA SURGICAL CENTER, L.P.;

Lien Claimants and  
Real Parties in Interest.

Notice of intention to limit participation in  
consolidated proceedings regarding lien claims for facility  
fees of Elite Surgical Centers and Point Loma Surgical Center;

Notice of hearing status conference January 27, 2010,  
10:00 a.m., Department 8, San Diego WCAB.

1 NOTICE

2 To all those having an interest in liens for facility  
3 fees filed in San Diego by Elite Surgical Centers, Del Mar,  
4 L.P.; Elite Surgical Centers, Escondido, L.P.; and Point Loma  
5 Surgical Center, L.P., please take notice:

6 1. There is an Order for Consolidation and for stay  
7 of individual proceedings at the San Diego WCAB dated July 3,  
8 2007 for the unresolved bills and liens relating to Elite  
9 Surgical Centers, Del Mar, L.P., Elite Surgical Centers,  
10 Escondido, L.P., and Point Loma Surgical Center, L.P.

11 (collectively referred to hereafter as "lien claimants") for  
12 facility fees for dates of service prior to January 2004;

13 2. The July 3, 2007 Order for Consolidation applies  
14 to the lien claims for ambulatory facility fees filed at the  
15 San Diego District Office of the WCAB, asserted by lien  
16 claimants in matters other than those that are the subject of  
17 consolidated proceedings involving only the State Compensation  
18 Insurance Fund (*Fred Walters v. SCIF*, SDO 0287780) and the  
19 consolidated proceedings involving bills reviewed by Qmedtrix  
20 (*Cresencio Barrera versus HNR Framing; American Home Assurance*  
21 *Company, et al*, SDO 0313688);

22 3. In an effort to identify and to limit the number  
23 of party defendant employer case participants involved in this  
24 litigation, all those wishing to be heard should be prepared to  
25 appear at the status conference on January 27, 2010 at

1 10:00 a.m. in Department 8, San Diego District Office of the  
2 WCAB before Judge Levy and be prepared to address the  
3 following:

4 A) Whether the consolidated proceedings in this  
5 matter should be limited to liens asserted by lien claimants  
6 against cases administered by the California Insurance  
7 Guarantee Association (hereinafter referred to as CIGA),  
8 Chartis, a wholly-owned subsidiary of American International  
9 Group, Inc., by and through their administrator, Chartis  
10 Claims, Inc., Wal-Mart Associates, Inc., a Delaware  
11 Corporation, as insured by American Home Assurance Company,  
12 Insurance Company of the West, a California corporation, and  
13 Explorer Insurance Company, a California corporation, Solar  
14 Turbines, Inc., a Delaware corporation, BAE Systems San Diego  
15 Ship Repair, Inc., a California corporation, as insured by  
16 United States Fire Insurance Company, Security Insurance  
17 Company of Hartford, and Legion Insurance Company, as  
18 administered by Frank Gates Acclaim, Inc., Ace Property and  
19 Casualty Company (CIGA, Chartis, Wal-Mart Associates, Inc.,  
20 Insurance Company of the West and Explorer Insurance Company,  
21 Solar Turbines, and BAE Systems San Diego Ship Repair, Inc., as  
22 referenced above, are represented by the law firm of Heggeness,  
23 Sweet, Simington & Patrico, APC, by Clifford D. Sweet, III.)

24 B) Be prepared to address the Petition for  
25 Deconsolidation filed in December 2009 by lien claimants.

1 (Copies can be obtained upon request from Tiffany Salayer, Esq.  
2 of Procopio, Cory, Hargreaves & Savitch, attorney for lien  
3 claimants, ts@procopio.com); no responsive pleadings need to be  
4 filed, and time will be granted for this, if requested,  
5 following the January 27, 2010 status conference.

6 C) Those appearing on January 27, 2010 should  
7 serve and file their Notice of Representation at that time,  
8 along with a list of the case names and case numbers of  
9 applicable cases.

10 D) Be prepared to set forth the time that you  
11 require to complete discovery;

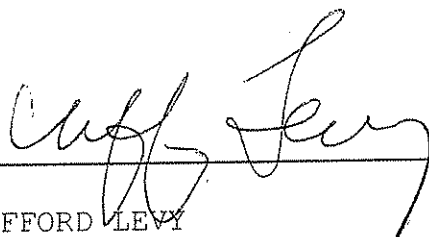
12 4. Employers/defendants not specifically identified  
13 by subsequent order as being a party to these consolidated  
14 proceedings will not be served with further notices of  
15 proceedings, will not remain on the Official Address Record,  
16 will not participate in future proceedings, and will not be  
17 bound by the determinations made following trial regarding the  
18 rights and liabilities of the lien claimants and the named  
19 party defendants herein;

20 5. The intention of limited consolidated proceedings  
21 is to arrive at the reasonable value of the lien claimants'  
22 facility fees for use of their ambulatory surgery facilities  
23 for the most common procedures/CPT codes;

24 6. Service of this notice on you does not mean that  
25 you, your attorney or representative are or will be included on

1 the Official Address Record in the above-captioned matter.  
2 Service of this notice is made specifically to reach as many of  
3 those who are potentially interested in participating in this  
4 consolidation as possible. The Official Address Record will be  
5 designated following the January 27, 2010 status conference,  
6 when the identity of the actual parties who will be  
7 participating in this litigation is established;

8 7. No Petitions for Consolidation, Answers, Notices  
9 of Representation or pleadings in response to this notification  
10 are required at this time. Those wishing to participate in  
11 this matter should attend the status conference on January 27,  
12 2010 and, at that time, file their Notice of Representation and  
13 list of applicable case names and numbers.

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16   
17 CLIFFORD LEVY

12/23/09  
DATE

18 WORKERS' COMPENSATION JUDGE  
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1 Law Offices of Mark H. Barber, A.P.C.

2 Attn: Mark H. Barber, Esq.

3 Frank M. Jodzio, Esq.

4 2727 Camino del Rio South, Suite 220

5 San Diego, CA 92108

6 Attorneys for:

7 1. San Diego Transit administered by Tristar Risk  
8 Management only as to *L.C. Douglas v San Diego Transit*  
9 ADJ3098621;

10 2. McPainting and Applied Risk Services only as to  
11 *Oscar Uribe v. McPainting* ADJ1111326;

12 3. La Mesa-Spring Valley School District and Corvel  
13 Corporation only as to *Luc Nguyen v. La Mesa-Spring Valley*  
14 *School District* ADJ4209724;

15 4. North County Transit District and Tristar Risk  
16 Management only as to *Debra Ross v. North County Transit*  
17 ADJ2820374 and ADJ 3916890;

18 5. Grossmont Union High School District administered  
19 by Corvel Corporation only as to *Steven Boarts v. Grossmont*  
20 *Union High School* ADJ2671931;

21 6. National School District and Corvel Corporation  
22 only as to *Lucia Cardona v. National School District*  
23 ADJ2486464;

24 7. San Diego Trolley & Tristar Risk Management only  
25 as to *Elena Cox v. San Diego Trolley, PSI* ADJ4560695