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5 WORKERS' COMPENSATION APPEALS BOARD
6 STATE OF CALIFORNIA

7 Bonnie Jackson,

) WCAB Case No.: SDO 0345671

)

9 Applicant,

) **Objection to Defendant's Objection**

)

) **and Declaration**

10 vs.

)

)

11 Standard Homeopathic Company;

)

)

12 State Compensation Insurance Company)

13 Defendants

14
15 COMES NOW lien claimant, Michael Blott, D.C. and Objects to defendant's
16 "objection and Declaration" dated April 13, 2007 and received by lien
17 claimant on April 16, 2007. Defendant's declaration misstates the facts. On
18 page 2 at lines 15-18, defendant declares that "However, pursuant to lien
19 claimant's own testimony, subsequent to the March 5, 2007 [MSC], SCIF made a
20 good faith attempt to resolve the issue and made an additional payment for
21 the claim of interest and penalty as indicated above." Lien claimant refers
22 the court to Lien Claimant's sworn court testimony where defendant's actual
23 response on March 5 2007, was a false statement that defendant had already
24 paid \$40 which was all they needed to pay. Shortly thereafter, the agent for
25 SCIF abruptly hung up the telephone. Thereafter, defendant SCIF has not

1 contacted me to resolve the issue.

2 On page 3, lines 3 through 5, defendant declares: "The examples are different
3 cases, with different parties, and involved different circumstances, for
4 which no evidence has been provided establishing any similarity." Again,
5 defendant misstates the facts. The cases involve the same parties, myself and
6 SCIF. The cases involve the same circumstances, late payment for Panel QME
7 Evaluation and failure and refusal to pay the statutorily required late fee
8 and interest. Further, the evidence establishing the similarities of these
9 cases is already part of the record in this case: the documents and testimony
10 received by the court. Clearly, evidence of a pattern of similar practices
11 does tend to show that the same pattern is being followed by defendant, and
12 as such the evidence of the pattern is proper evidence to show the likelihood
13 that defendant has behaved consistently in this case.

14 Lien claimant objects to defendant's attempt to enter evidence of
15 unidentified "hundreds of cases." See defendant's declaration at page 3 lines
16 5 through 7. Lien claimant has submitted evidence of a pattern of failures to
17 pay for Panel QME evaluations over only a one year period.

18 Defendant also misstates the law where defendant intimates that only
19 attorney's costs and allowed under Labor Code section 5813. It is a well
20 established rule of law that an aggrieved party may seek reimbursement for his
21 costs where the opposing party has engaged in bad faith litigation tactics.

22 Respectfully submitted,

23 _____
24 Michael S. Blott, D.C.

Dated: _____