



WORKERS COMPENSATION &
PERSONAL INJURY LAWYERS

BULLETIN

News for Labor Leaders on Workers' Compensation and Personal Injury Law

TAKES 7 MINUTES TO READ

February 2003

New Importance to Pre-Designate Treating Doctors

A primary treating physician (PTP) is responsible for managing an injured worker's care and assessing their medical condition. The PTP's opinion was "presumed correct" when determining eligibility for compensation, but that "presumption" has changed under the new Workers' Comp law. For injuries after Jan. 1, 2003, ***only a pre-designated PTP*** will be "presumed correct." For injuries from 1994 through 2002, the PTP's opinion will still be "presumed correct," even if they weren't pre-designated.

If an injured worker has not pre-designated a PTP, the employer can require them to see a company-appointed doctor for their first 30 days of treatment. After 30 days from notice of injury, they may be entitled to choose their own treating doctor. But if an employer contracts with a Health Care Organization, employees may be required to treat with the HCO for up to six months before changing doctors – ***unless they pre-designated a PTP!***

Contact the law firm at (213) 739-7000 for a Physician Pre-designation Form.

When was the Date of Injury?

Workers' Comp benefits have also increased for injuries on or after Jan. 1, 2003. The date of an injury may seem cut and dried, but the issue is not simple. There can be questions about what date to use for continuous trauma cases, like carpal tunnel injuries. Or, if a 2003 injury aggravates a prior injury, the combined disability may fall under the new rates. Count on management to claim that employees are only eligible for old rates. It is more important than ever for workers to contact an attorney as soon as possible after an injury to ensure the proper date of injury is listed.

"Hub Snake" Bites Teamster; Jury Awards Nearly \$1.5 Million

Every UPS employee worries about "hub snakes" – the plastic straps used to bundle packages. A local Teamsters leader was visiting the San Gabriel Valley UPS hub when he tripped on a "snake" and fell, smashing his elbow and kneecap on the cement floor. Six surgeries couldn't repair the damage, and the 30-year veteran was eventually forced to resign his union position to devote his full time and energy to his recovery.

Attorney Howard Krepack argued in court that UPS knew the "snakes" contributed to a dangerous working condition, but the company didn't seriously attempt to reduce the

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danger. Management witnesses admitted at trial that they had also tripped on the straps, and even advised customers not to use the plastic binding. The jury awarded the former Teamster leader nearly \$1.5 million.

Statute of Limitations Increased for Many Civil Actions

Injured Californians were given more time to seek justice in court when SB688 went into effect Jan. 1, 2003. Governor Gray Davis signed the new law by Senator John Burton and Assembly Speaker Herb Wesson last September.

SB688 doubled the statute of limitations from one to two years on many Personal Injury cases, including defective products and wrongful deaths. The 1-year limit remains for medical malpractice, libel, slander and false imprisonment, and pursuing uninsured motorist benefits. Also, a 6-month limit remains for claims against the government.

The new law also extends the notice period in summary judgment motions from 28 to 75 days, increasing the time for consumers to prepare a response from 14 to 61 days. "Summary judgment is a drastic procedure," Burton and Wesson wrote, "and should only be granted when an action is without merit and both sides have an opportunity to address the merits of an action."

Japanese Community Newspaper Profiles Holiday Card Artist

The law firm has received numerous comments on our 2002 holiday card. This was the third year that Los Angeles artist Seichi Kiyohara has designed our annual greeting. Kiyohara was recently profiled in *Rafu Shimpo*, the Japanese community's daily newspaper. The San Francisco-born artist, 81, began drawing during a family visit to Japan 70 years ago. He illustrated science and space projects during a 25-year career at Hughes Aircraft. Other favorite artistic subjects include women and Buddhist deities.

Roster of Associate Attorneys Expands to Eight

The law firm is pleased to announce the hiring of Lidia Felix Pioli. Our newest Associate Attorney is no stranger. Pioli served as the firm's receptionist, clerk, legal assistant and paralegal before leaving to study at Thomas Jefferson School of Law in San Diego. She passed the State Bar in November.

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Pioli joins a Workers' Compensation team that includes Associates Adam Dombchik, Jennifer S. Weisman, and Joanna Sacavitch. The Personal Injury team includes Associates Eugenia L. Steele, Vincent Vallin Bennett, Gary N. Stern and Noah Green.

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