

PRETRIAL CONFERENCE STATEMENT ADDENDUM

OTHER ISSUES

Presumption of correctness of the Primary Treating Physician (PTP) (LC §4062.9): Dr. _____

Presumption of compensability due to untimely denial, failure to deny or incorrect denial (LC §5402); &/or failure to provide a timely Claim Form (LC §5401)

Increased Benefits/Penalties (LC 45814)

Interest (LC §5800)

TTD PD VRMA

- Failure to make timely payment.
- Incorrect rate and/or incorrect amount paid.
- Failure to pay the self-imposed increase (LC §4690(d)).
- Separate and distinct.
- VRMA payment(s) due at TD rate and not counted against the CAP (LC §4642 & T8CCR §10125.1).

Medical

- Failure to provide [timely] medical treatment, pursuant to Dr. _____
- Failure to [timely] reimburse mileage and/or out of pocket expenses.

Sanction for Bad-Faith Action or Tactics (LC §5813 & T8CCR §10561). _____

Reimbursement for cross-examination, expert witnesses, plus any and all costs incurred for litigation. (LC §5811,4600 & T8CCR §10727)

Reimbursement of mileage and/or out of pocket expenses (LC §4600).

Inadmissible report(s) of Dr.(s) _____, due to the failure to properly comply with:

- LC §4061 or 4062 (AME/QME issues)
- LC §4628; T8CCR §9785; 10600; 10606 &/or 106222 (Requirements of the Treating Physician)
- T8CCR §9880; 9881 &/or 9882 (Notice requirement to employee)
- T8CCR §30; 34;.38; 40 &/or 41 (Panel QME)

The applicant hereby demands an itemization of all benefits paid. This itemization should be in accordance with the definition of a "Record of Payment" as outlined under T8CCR §10100.1(z)(1)(2) which requires, in part, "...The check number, date the check was issued, name of the payee....the period(s) covered by the payment..."

The claims administrator **shall** send a copy of **each benefit notice**, and **any enclosures not previously served on the attorney**. (T8CCR§9810(f)).

Discovery shall close on the date of the Mandatory Settlement Conference (LC §5502(d)(3)). Any and all evidence not introduced and provided at the MSC (including, but not limited to sub-rosa investigation, subpoenaed records witness statements, etc.) is **OBJECTED TO** as non-admissible. There has been a continuing demand for the same.

Attorney Fees (LC §4064(b); 4066; 4607; 4651.3; 4903; 5710; 5801; 5814.5; T8CCR §10561; 10952).

Enforcement -or- Appeal of the D&O from the Rehabilitation Unit

S&W Willful Misconduct - Employer (LC §4553; 4553.1 Nondiscrimination Policy (LC §132a)

APPLICANT

DEFENDANT

LIEN CLAIMANT / OTHER