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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES WOOD,

Plaintiff,

v.

SOUTHWEST AIRLINES CO., and
DOES 1 through 25, inclusive,

Defendants.

No. 2:14-cv-01421-KJM-CKD

ORDER

On April 2, 2015, the State Compensation Insurance Fund filed an application for a lien under California Labor Code section 3856(b). ECF No. 17. The State Fund is the workers' compensation adjustment agent authorized to bring subrogation claims for the California Department of Consumer Affairs. Anderson Decl. ¶ 4, ECF No. 17. No opposition has been filed.

Section 3856(b) provides, in pertinent part:

If the action [against a third party] is prosecuted by the employee alone, the court shall first order paid from any judgment for damages recovered the reasonable litigation expenses . . . together with a reasonable attorney's fee After the payment of such expenses and attorney's fee the court shall, on application of the employer, allow as a first lien against the amount of such judgment for damages, the amount of the employer's expenditure for compensation together with any amounts to which he may be entitled as special damages

Cal. Lab. Code § 3856(b).

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The State Fund avers it has “incurred an obligation to provide workers’ compensation benefits to Plaintiff, Charles Wood, as a result of his work-related injuries incurred on or about May 2, 2012,” and it has “provided workers’ compensation benefits to Charles Wood and is obligated to continue to do so.” Anderson Decl. ¶¶ 6–7, ECF No. 17. The State Fund’s application for a first lien in the amount to be determined after the payment of plaintiff’s litigation expenses and attorney’s fees is hereby GRANTED.

IT IS SO ORDERED.

DATED: April 13, 2015.


UNITED STATES DISTRICT JUDGE