

THE RONDEAU LAW FIRM
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2 **THE RONDEAU LAW FIRM**
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9 Attorney for Respondent
10 PHILIP ALAN SOBOL, M.D.

11 **BEFORE THE ADMINISTRATIVE DIRECTOR**
12 **DIVISION OF WORKERS' COMPENSATION**
13 **STATE OF CALIFORNIA**

14 *In the Matter of the Provider Suspension of:*

15 PHILIP ALAN SOBOL, M.D.
16 111 E. Carson Street
17 Ste. 8, PMB 300
18 Carson, California 90745

19 *Respondent.*

AD CASE NO: (Unassigned)

**REQUEST FOR HEARING PURSUANT
TO TITLE 8, CAL. CODE OF REGS.,
§ 9788.2**

20 **TO THE ACTING ADMINISTRATIVE DIRECTOR, DIVISION OF WORKERS'**
21 **COMPENSATION, STATE OF CALIFORNIA, AND TO ALL INVOLVED PARTIES:**

22 Respondent PHILIP ALAN SOBOL, M.D. ("Respondent"), by and through his undersigned
23 counsel of record, hereby acknowledges receipt of the Notice of Provider Suspension - Workers'
24 Compensation dated February 22, 2017 ("Notice of Suspension").

25 Pursuant to Title 8, California Code of Regulations, § 9788.2, Respondent hereby requests that
26 a hearing be scheduled within the time period specified in Title 8, California Code of Regulations,
27 § 9788.3, to allow Respondent to present his arguments against the applicability of Labor Code section
28 139.21(a)(1)(A) to him and against the proposed suspension.

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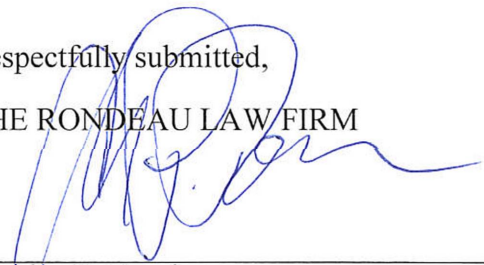
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4. In addition, application of Labor Code section 139.21 to Respondent would violate Respondent's right to be protected against ex post facto laws as guaranteed by the United States and the California Constitutions [U.S. Const., art. I, § 9, cl. 1; Cal. Const., art. I, § 9.] Although Section 139.21 is not a criminal statute *per se*, Respondent submits that under the test set forth in *Kennedy v. Mendoza-Martinez*, 373 U.S. 144 (1962), Section 139.21 is so punitive in nature that it is subject to the same ex post facto law prohibitions which apply to criminal statutes. [*People v. 25651 Minoa Dr.*, 2 Cal.App.4th 787, 795 (1992), *modified with no change in opinion* (Feb. 5, 1992).]

5. Respondent reserves the right to present further arguments against the applicability of Labor Code section 139.21(a)(1)(A) to him and against the proposed suspension at the requested hearing.

Dated: March 3, 2017

Respectfully submitted,
THE RONDEAU LAW FIRM


By: _____
Charles R. Rondeau
Attorney for Respondent
PHILIP ALAN SOBOL, M.D.

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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the above-captioned action. My business address is 400 Continental Boulevard, Suite 600, El Segundo, California 90245.

On March 3, 2017, I served the following document(s) entitled:

REQUEST FOR HEARING PURSUANT TO TITLE 8, CAL. CODE OF REGS., § 9788.2

on the following interested parties thereof enclosed in sealed envelopes with proper postage affixed thereto addressed as follows:

SEE ATTACHED SERVICE LIST

BY REGULAR MAIL: I am readily familiar with this firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on the same day with postage thereon fully pre-paid at El Segundo, California. I am aware that on motion any party claimed to have been served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing as set forth in the affidavit.

BY EXPRESS/OVERNIGHT DELIVERY: I personally delivered the aforementioned document to an authorized drop-off location of an express service carrier in an envelope or package designated by said express service carrier with delivery fees paid or provided for and addressed as set forth above for overnight/express delivery.

BY FACSIMILE TRANSMISSION: The above-referenced document(s) was/were delivered to each addressee identified herein via facsimile transmission from (310) 356-3556 before 5 p.m. on the date stated herein, and the transmission was reported as complete and without error.


BY PERSONAL SERVICE: I caused the above-referenced document(s) to be personally delivered by hand to each addressee identified herein or to a person authorized to accept delivery on their behalf.

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED on March 3, 2017, at El Segundo, California.

Charles R. Rondeau

Typed or printed name



Signature

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SERVICE LIST

In the Matter of the Provider Suspension of Philip Alan Sobol, M.D.
Case No. Unassigned
(As of March 3, 2017)

Hearing Request
George P. Parisotto, Esq.
Acting Administrative Director
Division of Workers Compensation
State of California
1515 Clay Street, 17th Floor
Oakland, California 94612

*[Original and one (1) copy as required by
Title 8, California Code of Regulations, §
9788.2, subdivision (d)]*

Hearing Request
Legal Unit
Division of Workers Compensation
State of California
1515 Clay Street, 18th Floor
Oakland, California 94612

Attorney for Acting Administrative Director -
Division of Workers Compensation