

**WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA**

TYLOR BUNDY, *Applicant*

vs.

COUNTY OF SAN LUIS OBISPO; INTERCARE PASADENA, *Defendants*

**Adjudication Number: ADJ9708136
San Luis Obispo District Office**

OPINION AND DECISION AFTER REMITTITUR

On October 9, 2023, the Second District Court of Appeal (Div. 6) ordered dismissal of applicant's Petition for Writ of Mandate, as moot. The Order also granted applicant's request for costs. The Order cited Rule 8.493(a)(1)(B) of the California Rules of Court, which states in relevant part as follows:

- (a) Award of costs
 - (1) Except in a criminal or juvenile or other proceeding in which a party is entitled to court-appointed counsel:
 - (A) Unless otherwise ordered by the court under (B), the prevailing party in an original proceeding is entitled to costs if the court resolves the proceeding by written opinion after issuing an alternative writ, an order to show cause, or a peremptory writ in the first instance.
 - (B) In the interests of justice, the court may also award or deny costs as it deems proper in the proceedings listed in (A) and in other circumstances.

Reviewing the WCAB's record in this matter, we note that in a Compromise and Release ("C&R") dated November 21, 2023, applicant and defendant settled this case for "new money" in the amount of \$30,000.00. Page six, paragraph eight of the C&R included an additional provision stating that defendant would reimburse applicant's attorney "for legal fees incurred in the amount of \$1,165.00, per the Court of Appeal Order awarding costs, dated 10/9/2023, (Petition for Writ of Review)."

On November 22, 2023, the Workers' Compensation Administrative Law Judge ("WCJ") issued an Order Approving Compromise and Release ("OACR") that approved the C&R mentioned above. The OACR incorporated page six, paragraph eight of the C&R – the provision requiring that defendant reimburse applicant's attorney for appellate costs in the amount of \$1,165.00.

Accordingly, we remand the matter to the trial level.

For the foregoing reasons,

IT IS ORDERED, as the Decision of the Workers' Compensation Appeals Board upon **REMITTITUR** from the Court of Appeal's Order of October 9, 2023, that the matter is **REMANDED** to the trial level.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

APRIL 5, 2024

SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.

**TYLOR BUNDY
WILLIAM A. HERRERAS, ATTORNEY AT LAW
STOCKWELL HARRIS,**

JTL/AS/ara

I certify that I affixed the official seal of
the Workers' Compensation Appeals
Board to this original decision on this date.
CS