



California Workers' Compensation Institute

1333 Broadway Suite 510, Oakland, CA 94612 • Tel: (510) 251-9470 • Fax: (510) 763-1592

MARCH 29, 2016

SIGNIFICANT DECISION 16-03

CHORN V WCAB

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR
B264440**

FILED: MARCH 28, 2016

The lien filing fee and other statutory restrictions were found to be a constitutional exercise of the Legislature's authority.

SIGNIFICANCE: The court upheld the constitutionality of the lien filing fee and the requirement that the liens for medical services be paid directly to the provider.

FACTS: Plaintiffs petitioned the court for a writ of mandate enjoining respondent WCAB from enforcing the filing fee on medical liens (\$150) and claimed that requiring liens to be paid only to the individual who incurred the expenses substantially impaired their constitutional right to contract. Plaintiffs asserted that these statutory provisions violated their right to due process, equal protection, and the right to petition for redress of grievances. Plaintiffs argued that both statutes contravene the constitutional mandate that workers' compensation laws "accomplish substantial justice in all cases expeditiously, inexpensively, and without any encumbrance of any character."

HOLDING: The court, citing the opinion in Angelotti, noted the extensive legislative history regarding the lien backlog and abuses of the system, and rejecting all of the plaintiff's constitutional challenges, found that the \$150 filing fee was a rational exercise of legislative authority.

DISCUSSION: Like the 9th Circuit Court of Appeal in Angelotti, this court addressed each alleged constitutional violation and basing its ruling on the Legislature's plenary authority and the clear rationale in adopting the various statutory fixes to the lien crisis, found that the provisions were valid and that the lien claimant's rights were adequately protected.

MMc/by