

FILED

OCT 12 2022

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

APPEALS OFFICE

In the Matter of the Contested
Industrial Insurance Claim

of

GEORGE COOPER
LAGUNA LANE
BOULDER CITY, NV 89005,

Claimant.

Claim No.: 20F02J422907

Appeal No. : 2213592-JPK / 2214920-JPK
2220126-JPK / 2300105-JPK

Employer:

CITY OF LAS VEGAS
495 SOUTH MAIN STREET
LAS VEGAS, NV 89101

STIPULATION AND ORDER

IT IS HEREBY AGREED by and between the Claimant, GEORGE COOPER (hereinafter referred to as "Claimant"), by and through his counsel of record, BRADY L. DAVIES, ESQ., and DAVID BOEHRER LAW FIRM, and the Employer, CITY OF LAS VEGAS, by and through its attorneys of record, DANIEL L. SCHWARTZ, ESQ., and LEWIS BRISBOIS BISGAARD & SMITH, LLP, that the disputed issues and contested matters involved in this appeal shall be resolved as follows:

1. That this is a contested worker's compensation claim and the parties are aware of the uncertainties, costs, delays and other hazards inherent in all contested workers' compensation cases, and the parties wish to avoid or minimize those hazards by way of this Stipulation and Order. The parties agree that this Stipulation is in consideration of the extensive litigation and attorney's fees that have been incurred as a result of the past litigation and the ongoing future litigation that would occur absent this Stipulation.

2. That the issues before the Appeals Officer are the denial of wheelchair maintenance, the denial of payment of surgery performed outside of the worker's compensation system, the scope of the claim, the denial of TTD benefits and the closure of the claim.

3. That the Claimant, GEORGE COOPER, and the Employer, CITY OF LAS VEGAS, agree to resolve this matter as outlined as follows.

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1 4. That the parties understand and agree that by signing this Stipulation, any
2 and all issues currently before the Hearing or Appeals Officer are waived. Further, that the
3 Claimant, GEORGE COOPER, agrees to dismiss any pending litigation before the Hearing or
4 Appeals Officers not covered by this Stipulation and Order.

5 5. That the parties understand and agree that by signing this Stipulation, the
6 Employer, CITY OF LAS VEGAS, through its Administrator, CCMSI, shall pay the Claimant,
7 GEORGE COOPER, a sum equal to Five Hundred Fifty One Thousand One Hundred Ninety
8 Five Dollars and Twenty Five Cents (\$551,195.25) for resolution of the issue of the permanent
9 partial disability award. The parties agree that this Stipulation shall serve as the Election of
10 Methods of Compensation paperwork and no additional paperwork shall be necessary for the
11 claimant to accept the lump sum rating award. Further, the claimant, GEORGE COOPER,
12 agrees that should his claim reopen in the future and he is re-rated for permanent impairment, the
13 dollar value he receives via this Stipulation and Order shall be deducted from any new rating
14 award. Payment shall be made directly to the Claimant's counsel.

15 6. That the parties understand and agree that by signing this Stipulation, the
16 Employer, CITY OF LAS VEGAS, through its Administrator, CCMSI, shall pay the Claimant,
17 GEORGE COOPER, a vocational rehabilitation lump sum buyout in the amount of Forty Nine
18 Thousand Two Hundred Ninety Six Dollars and Ten Cents (\$49,296.10). The parties agree that
19 this Stipulation shall serve as the formal Vocational Rehabilitation Lump Sum Buyout
20 Agreement and no additional paperwork shall be necessary for the claimant to accept the
21 vocational rehabilitation lump sum buyout. Further, the claimant, GEORGE COOPER, agrees
22 that this buyout eliminates his entitlement to vocational rehabilitation on this claim forever.
23 Payment shall be made directly to the Claimant's counsel.

24 7. That the Claimant, GEORGE COOPER, agrees that he is medically stable
25 at this time. With the exception of the payment of the rating award and vocational rehabilitation
26 lump sum buyout, in paragraphs 5 and 6 above, no further benefits are due absent reopening
27 under NRS 616C.390.

1 8. That the Claimant, GEORGE COOPER, agrees that his industrial and non
2 industrial restrictions, age, work experience, and education do not prevent him from returning to
3 gainful employment.

4 9. That the Claimant, GEORGE COOPER, agrees that the determinations to
5 deny the cost of surgery / inclusion of surgery performed out of the worker's compensation
6 system, the denial of TTD benefits and the denial of wheelchair maintenance shall remain in
7 effect.

8 10. That the parties agree that the personal injury settlement of One Hundred
9 Thousand Dollars (\$100,000.00) shall be divided equally among the parties. The claimant's
10 counsel shall receive one third of the settlement. The Claimant, GEORGE COOPER, shall
11 receive one third of the settlement. The Employer, CITY OF LAS VEGAS, shall receive one
12 third of the settlement. Further, the Employer, CITY OF LAS VEGAS, shall withhold applying
13 its offset of the amount the claimant, GEORGE COOPER, receives until after the payments
14 listed in paragraphs 5 and 6, above, are made. The offset shall apply to any reopening request.

15 11. That the parties understand and agree that this Stipulation and Order is for
16 the purpose of settling the above-captioned disputed worker's compensation claim appeal, not to
17 avoid liability created by Chapters 616 or 617 of the Nevada Revised Statutes. The parties agree
18 that this Stipulation and Order is a decision for purposes of NRS 616D.120 and is subject to
19 approval by the City of Las Vegas Mayor and City Council.

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12. That all the parties hereto request that the Appeals Officer dismiss Appeal Numbers 2213592-JPK, 2214920-JPK, 2220126-JPK, and 2300105-JPK be dismissed with prejudice pursuant to the terms of this Stipulated Settlement.

DATED this 21st day of September, 2022.

LEWIS BRISBOIS BISGAARD & SMITH LLP



DANIEL L. SCHWARTZ, ESQ.
Nevada Bar No. 5125
2300 West Sahara Avenue, Suite 900
Las Vegas, Nevada 89102
Attorneys for Employer

DATED this 21st day of September, 2022.

DAVI BOEHRER LAW FIRM

By: 

BRADY L. DAVIES, ESQ.
Nevada Bar No.
375 North Stephanie Street
Building 7, Suite 711
Henderson, Nevada 89014
Attorneys for Claimant, GEORGE COOPER

DATED this 21st day of September, 2022.

CLAIMANT

By: 

GEORGE COOPER

1 Stipulation and Order

2 Re: Appeal No.: 2213592-JPK, 2214920-JPK, 2220126-JPK, and 2300105-JPK

3 **ORDER**

4 Based on the foregoing Stipulation, and good cause appearing,

5 IT IS SO ORDERED that Appeal Numbers 2213592-JPK, 2214920-JPK,
6 2220126-JPK, and 2300105-JPK are hereby dismissed with prejudice.

7 DATED this 12 day of ^{October}~~September~~, 2022.

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10 APPEALS OFFICER
11 JOHN P. KELLEHER, ESQ.

12 Submitted by:

13 LEWIS BRISBOIS BISGAARD & SMITH LLP

14 By: 

15 DANIEL L. SCHWARTZ, ESQ.
16 Nevada Bar No. 5125
17 2300 West Sahara Avenue, #900
18 Las Vegas, Nevada 89102
19 Attorneys for Employer
20

21 NOTICE: Pursuant to NRS 616C.345(1), should any party desire to appeal this final
22 decision of the Appeals Officer, a request for appeal must be filed with the District Court
23 within thirty (30) days after the date of the decision by the Appeals Officer.
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1 **CERTIFICATE OF MAILING**

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Appeals Division, does hereby certify that on the date shown below, a true and
4 correct copy of the foregoing **STIPULATION AND ORDER** was duly mailed, postage prepaid
5 OR placed in the appropriate addressee runner file at the Department of Administration, Hearing
6 Division, 2200 South Rancho Drive, #220, Las Vegas, Nevada 89102 to the following:

7 DANIEL L. SCHWARTZ, ESQ.
8 LEWIS BRISBOIS BISGAARD & SMITH, LLP
9 2300 WEST SAHARA AVE., STE. 900
10 LAS VEGAS, NV 89102

11 BRADY L. DAVIES, ESQ.
12 DAVID BOEHRER LAW FIRM
13 375 NORTH STEPHANIE STREET
14 BUILDING 7, SUITE 711
15 HENDERSON, NEVADA 89014

16 CITY OF LAS VEGAS
17 ATTN: CRYSTAL DELGADO
18 495 S. MAIN ST.
19 LAS VEGAS, NV 89101

20 CCMSI
21 ATTN: JOSEPH POTTER
22 P.O. BOX 35350
23 LAS VEGAS, NV 89133-5350

24 GEORGE COOPER
25 LAGUNA LANE
26 BOULDER CITY, NV 89005

27 DATED this 12 day of ^{October}~~September~~, 2022.

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