



University of Tennessee, Knoxville
**Trace: Tennessee Research and Creative
Exchange**

Tennessee Court of Workers' Compensation
Claims and Workers' Compensation Appeals
Board

Law

1-31-2020

Keith, Deannia v. Volunteer Staffing, Inc.

Tennessee Court of Workers Compensation Claims

Follow this and additional works at: https://trace.tennessee.edu/utk_workerscomp

Repository Citation

Tennessee Court of Workers Compensation Claims, "Keith, Deannia v. Volunteer Staffing, Inc." (2020).
Tennessee Court of Workers' Compensation Claims and Workers' Compensation Appeals Board.
https://trace.tennessee.edu/utk_workerscomp/1528

**IN THE COURT OF WORKERS' COMPENSATION CLAIMS
AT KNOXVILLE**

DEANNIA KEITH,)	
)	
Employee,)	Docket No.: 2017-03-1519
)	
v.)	State File No. 39521-2016
)	
VOLUNTEER STAFFING, INC.)	DOI: 05/25/2016
)	
Employer.)	

AGREED EXPEDITED HEARING ORDER

This cause came to be heard on January 14, 2020, before the Honorable Judge Pamela B. Johnson, for Expedited Hearing following Workers' Compensation claimant Deannia Keith's ("Employee") Request for Expedited Hearing and sworn Affidavit, filed with the Court on October 5, 2019, and seeking an order compelling Respondent Volunteer Staffing Inc. ("Employer") to provide an appointment with an orthopedic or neurosurgical specialist pursuant to a referral made by her treating physician; and following the Court's Order denying the Employer's Motion to Dismiss, finding therein that Employee's failure to attend mediation did not result from bad faith or lack good cause.

Counsel for the Parties appeared and announced to the Court an agreement resolving fully the disputed issue subject of the Employee's Request for Expedited Hearing; specifically, that the Employer has provided the Employee with a valid panel of neurosurgeons and orthopedics for the Employee to select a specialist for the limited purpose of a surgical evaluation, and for an opinion as to whether, and to what extent,

the Employee's present lumbar complaints may primarily arise out of Employee's claimed work accident on May 25, 2016. The Parties advised the Court that the Employee selected Dr. James Maguire from the specialist panel, that the Employer had contacted Dr. Maguire to schedule an evaluation; and that, pursuant to Dr. Maguire's request, medical records were provided to Dr. Maguire for his review in advance of scheduling. The Parties agreed that the authority and legal presumptions afforded an Authorized Treating Physician shall attach to Dr. Maguire's initial evaluation and his opinions on recommended treatment and causation arising from the evaluation, with the Parties reserving any claims and defenses to any matters involving treatment and/or benefits subsequent to the evaluation.

The proposed agreement, premises, and record as a whole considered; the Court finds cause to accept the Parties' agreement resolving the disputed issue before the Court this day, and finding said agreement in the Employee's best interest;

IT IS, THEREFORE, ORDERED:

1. That the Employer shall authorize, provide, and cause the Employee to be evaluated for surgical options and causation opinion by her panel-selected specialist Dr. James Maguire's earliest availability (following his records review).

2. That respective legal presumptions afforded authorized treating physicians as to causation and need for surgery, shall attach to Dr. Maguire's opinions stemming from his evaluation.

3. That all issues subject of the Employee's Request for Expedited Hearing are hereby fully and finally resolved.

4. That counsel for the Parties shall appear telephonically, prepared to report and discuss status and execution of this Order, at a **Status Conference, set for May 28, 2020 at 9:30 a.m. EST.**

ENTER, this the 31st day of January, 2020.



HONORABLE PAMELA B. JOHNSON, JUDGE

AGREED:



Nicholas J. Peterson, BPR: 21637
Amy Brown, BPR: 025292
Counsel for the Employer
Peterson White LLP
6330 Baum Drive
Knoxville, TN 37919
Phone: (865) 909-7320
Fax: (865) 978-6602
amy.brown@petersonwhite.com

AGREED:



Curtis W. Isabell, BPR: 022859
Counsel for the Employee
251 Short Street
Clinton, TN 37716
Phone: (865) 457-2755
Fax: (865) 269-4460
curtis.isabell@comcast.net

CERTIFICATE OF SERVICE

I certify that a copy of this Order was sent as indicated on January 31, 2020.

Name	Mail	Fax	Via Email	Service sent to:
Curtis Isabell, Employee's Attorney			X	curtis.isabell@comcast.net
Amy Brown Employer's Attorney			X	amy.brown@petersonwhite.com


Penny Shrum, Court Clerk
Wc.courtclerk@tn.gov