

EXHIBIT F

1 LAW OFFICES OF HOKE AND GRAY
2 4340 Campus Drive, Suite 100
3 Newport Beach, California 92660
4 (949) 475-0025

5 EAMS NO: 5223100

6 Attorneys for Defendants
7 Conexant/Rockwell Semi-Conductor

8 BEFORE THE WORKERS' COMPENSATION APPEALS BOARD
9 OF THE STATE OF CALIFORNIA

10	Lloyd Lewis)	CASE NO: ADJ2874770;
11)	ADJ4027847;
12)	ADJ1164217
13)	
14	Applicant,)	PETITION FOR
15	vs.)	STAY ORDER/DISMISSAL
16)	OF CONEXANT/ROCKWELL
17	Conexant Systems;)	SEMI-CONDUCTOR
18	Carl Warren & Associates)	RE: BANKRUPTCY
19)	
20	Defendant(s).)	
21)	

22 COMES NOW DEFENDANT, Conexant Systems, previously known as
23 Rockwell Semi-Conductor and petitions the Workers' Compensation Appeals
24 Board for a Stay Order as to any claims under the Workers' Compensation Laws
25 of California as against Conexant/Rockwell Semi-Conductor. Defendant,
26 Conexant/Rockwell Semi-Conductor also requests that it be dismissed as a party
27 to this matter on the grounds of Federal Preemption and that the Bankruptcy
28 Court has exclusive jurisdiction to any claims filed against Conexant/Rockwell
Semi-Conductor within the workers' compensation system of California. [See
Exhibit "A" Finding of Fact; Conclusions of Law and Order Confirming

1 *the Second Modified Joint Plan of Reorganization of Conexant*
2 *Systems, Inc. and its Debtor Affiliates pursuant to Chapter 11 of the*
3 *Bankruptcy Code]*

4
5 In support of its Petition, defendant offers the follow:

6 **STATEMENT OF FACTS**

7 The applicant has filed three Claim Forms alleging two specific injuries
8 and a cumulative trauma against Kimco, a temporary agency.

9 The first Employee Claim Form alleged a specific injury on 1/11/95
10 involving a hernia and psyche while lifting. The applicant was allegedly employed
11 as a photocopy person by the temporary agency, Kimco.

12 A second specific injury claim was filed alleging a second injury on
13 11/27/96 to the applicant's back, legs, psyche, knees and neck while working on a
14 photocopy machine also while employed with Kimco.

15 A third Employee Claim Form alleged a cumulative trauma for the period
16 from 11/27/95 to 11/27/96 involving the applicant's back, knees, left leg, psyche
17 and neck while working as a photocopier for Kimco.

18 Subsequent to the filing of the workers' compensation claims, the
19 insurance carrier for Kimco [California Compensation] proceeded through
20 bankruptcy and subsequently liquidated.

21 The California Insurance Guarantee Association [CIGA] then was joined
22 by applicant's counsel as a party to both the specific injury claims and the
23 cumulative trauma.

24 Subsequent thereto on or about 6/24/02, CIGA had Rockwell Semi-
25 Conductor joined under a General/Special Employment Relationship. California
26
27
28

1 Compensation Insurance had become insolvent on 6/26/00.

2 CIGA claimed that Rockwell Semi-Conductor/Conexant was responsible
3 for all workers' compensation benefits under the theory that Rockwell Semi-
4 Conductor/Conexant was a special employer.
5

6 Subsequent thereto that on or about 2/28/13, Conexant/Rockwell Semi-
7 Conductor commenced a case under Chapter 11 of the Bankruptcy Code.

8 In approximately May of 2013, the United States Bankruptcy Court for the
9 District of Delaware confirmed the joint plan of reorganization for Conexant
10 Systems/Rockwell Semi-Conductor.
11

12 **ARGUMENT**

13 Defendant contends that all claims filed prior to the Application for the
14 Chapter 11 plan are within the exclusive jurisdiction and venue of the Bankruptcy
15 Court.

16 The exclusive jurisdiction is in the Bankruptcy Court in which defendant
17 filed under Chapter 11 as set forth in 28 USC 157 and 1334.
18

19 In the present case it is clear that the Joinder of Conexant/Rockwell Semi-
20 Conductor by CIGA in 2002 was prior to the Application for Bankruptcy Relief
21 under Chapter 11 of the Bankruptcy Code and as such, any and all claims by
22 either CIGA or the applicant are within the exclusive jurisdiction of the bankruptcy
23 trustee.

24 In the present case, the applicant can still proceed directly against CIGA
25 although it is defendant's contention that based upon the Chapter 11 filing that
26 CIGA has no cause of action against Conexant/Rockwell Semi-Conductor other
27 than within the Bankruptcy Court.
28

1 To the best of defendant's knowledge, CIGA never objected to the
2 Bankruptcy Plan and is bound by the findings of the Bankruptcy Court.

3 Defendant would refer the court to page 46 of the Findings of Fact of the
4 Bankruptcy Court and specifically Section 106 which is referred to as **Discharge**
5 **of Claims and Termination of Interest**. The Bankruptcy Court specifically
6 stated that as provided in Article VIII.B of the Plan, pursuant to §1141(d) of the
7 Bankruptcy Code that the provision of the Plan with respect to the discharge of
8 Claims and termination of interest is approved in all respects. The Bankruptcy
9 Court went on to state that this Confirmation Order shall constitute a judicial
10 determination of the discharge of all claims and interest subject to the occurrence
11 of the Effective Date.
12

13
14 Defendant refers the WCAB to page 47 of the Findings of Fact and
15 specifically to Section 111 entitled, **Injunction**.

16 The Bankruptcy Court stated that from and after the effective date and is
17 contemplated in Article VIII.H of the Plan, the Injunction shall be in full force and
18 effect.

19
20 Going further on page 55 of the Findings of Fact, under Section 133,
21 entitled **Final Order** the Bankruptcy Court stated that this Confirmation Order is
22 a Final Order.

23 Under Section 135 entitled **Retention of Jurisdiction** the Bankruptcy
24 Court states that notwithstanding the entry of the Confirmation Order and the
25 occurrence of the effective date on or after the effective date, the Bankruptcy
26 Court shall retain exclusive jurisdiction over all matters arising out of, or related to,
27 the Chapter 11 cases and plan pursuant to Article X1 of the Plan. This was
28

1 signed by the Honorable Mary F. Walrath, United States Bankruptcy Judge on
2 6/6/13.

3 Based upon the fact that the Bankruptcy Court has exclusive jurisdiction
4 as to any and all claims filed prior to the Application for Chapter 11, defendant
5 respectfully requests that the WCAB issue a Stay as to any proceeding
6 commenced as against Conexant/Rockwell Semi-Conductor before the Workers'
7 Compensation Appeals Board and that it further dismiss defendant as a party to
8 this matter.
9

10 The prior objection as issued by CIGA to defendant's Petition for
11 Dismissal did not address the exclusivity issue of the Bankruptcy Court and that of
12 the federal preemption. In essence, CIGA could be found in contempt by the
13 United States Bankruptcy Court in that they were previously served with the Order
14 and now are attempting to circumvent jurisdiction of the Bankruptcy Court.
15

16 DATED: February 13, 2014

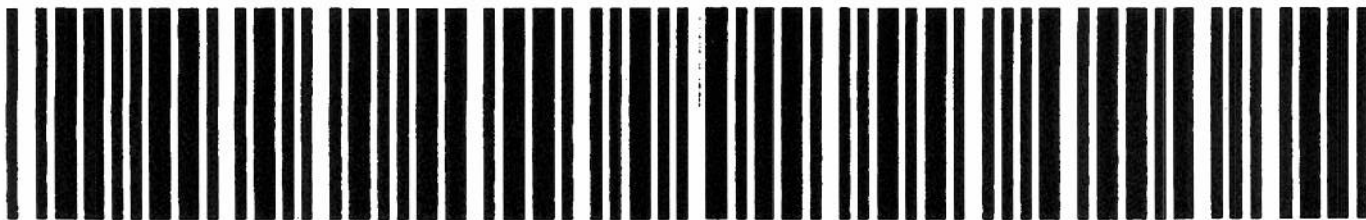
Respectfully submitted,

17 LAW OFFICES OF HOKE AND GRAY
18

19 BY: _____

Robert L. Hoke, Jr.
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Document Date 02/13/2014
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Author HOKE GRAY NEWPORT BEACH

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(VERIFICATION – 446 AND 2015. C.C.P.)

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, the undersigned, declare: I am the Attorney for the defendants in the above-entitled action.

I have read the foregoing:

**PETITION FOR STAY ORDER/DISMISSAL OF
CONEXANT/ROCKWELL SEMI-CONDUCTOR
RE: BANKRUPTCY**

and know the contents thereof; and the same is true of my own knowledge, except as to the matters, which are therein stated upon my information and belief, and as to those matters, I believe it to be true.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

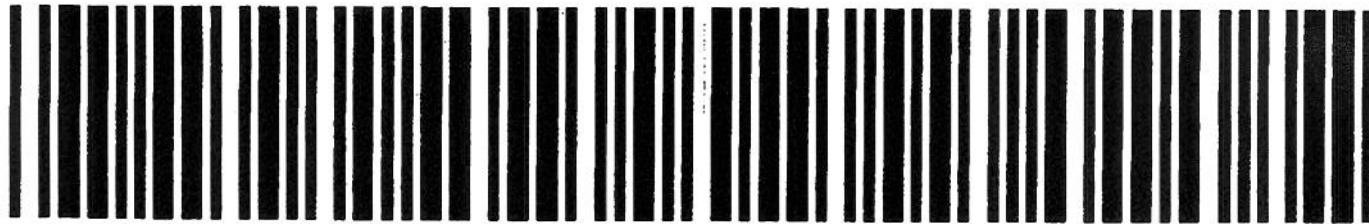
DATED: February 13, 2014


Robert L. Hoke, Jr.

Attorney for Defendant

Type or Print Full Name of Declarant and Title, if applicable

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1 **Med Legal Photocopy Service**
2 P.O. Box 1288
3 West Covina, CA 91793

4 I declare, under penalty of perjury, that the foregoing is true and correct.

5 Executed on February 13, 2014 at Newport Beach, California.

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7 _____
8 Laura M. Knapp
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Document Type MISC

Document Title PROPOSED ORDER [JOINT ORDER STAYING ALL PROCEEDINGS]

Document Date _____
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**BEFORE THE WORKERS' COMPENSATION APPEALS BOARD
OF THE STATE OF CALIFORNIA**

Lloyd Lewis

Applicant,

vs.

**Conexant Systems;
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Defendant(s).

**CASE NO: ADJ2874770;
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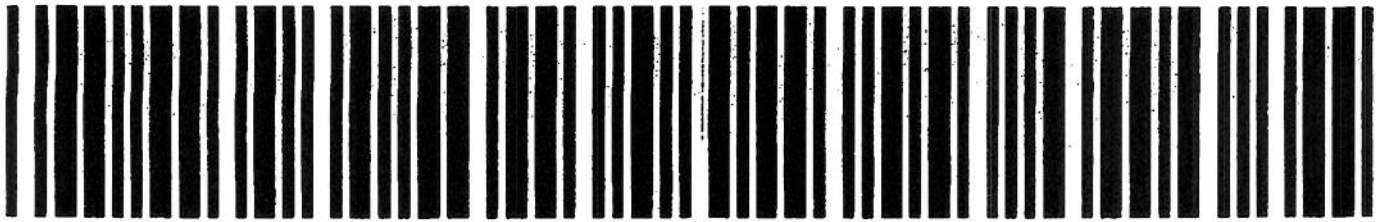
**JOINT ORDER STAYING
ALL PROCEEDINGS AS
TO CONEXANT/ROCKWELL
SEMI-CONDUCTOR AND
DISMISSING CONEXANT/
ROCKWELL SEMI-CONDUCTOR
AS A PARTY TO THIS MATTER**

**GOOD CAUSING APPEARING, any and all actions commenced before
the Workers' Compensation Appeals Board as against Conexant/Rockwell Semi-
Conductor are thereby stayed and that Conexant/Rockwell Semi-Conductor is
hereby dismissed as a party to this matter based upon the exclusive jurisdiction of
the United States Bankruptcy Court.**

DATED: _____ BY: _____

Workers' Compensation Judge

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Document Title **EXHIBIT "A" – FINDING OF FACT, CONCLUSION OF LAW AND ORDER CONFIRMING
THE SECOND MODIFIED JOINT PLAN OF REORGANIZATION OF CONEXANT SYSTEMS,
INC. AND IT DEBTOR AFFILIATES PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY
CODE: PAGES 01 THROUGH 25**

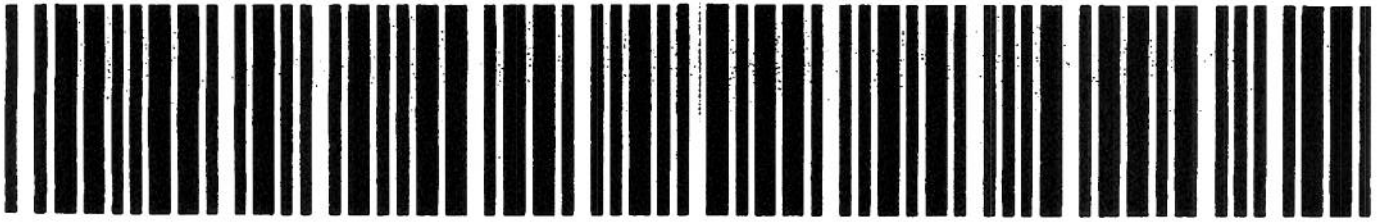
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CODE: PAGES 26 THROUGH 50**

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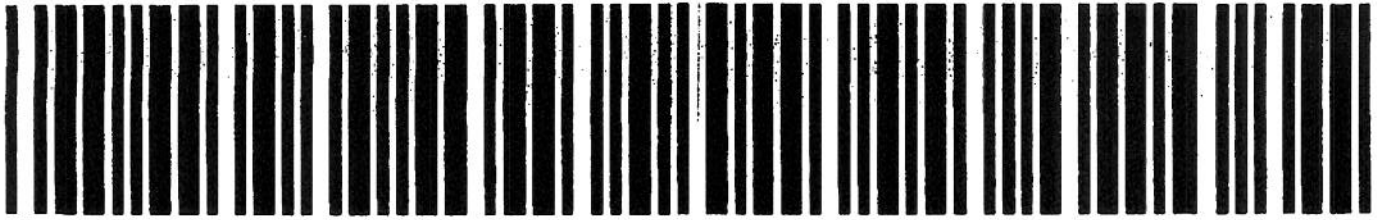
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CODE: PAGES 51 THROUGH 76**

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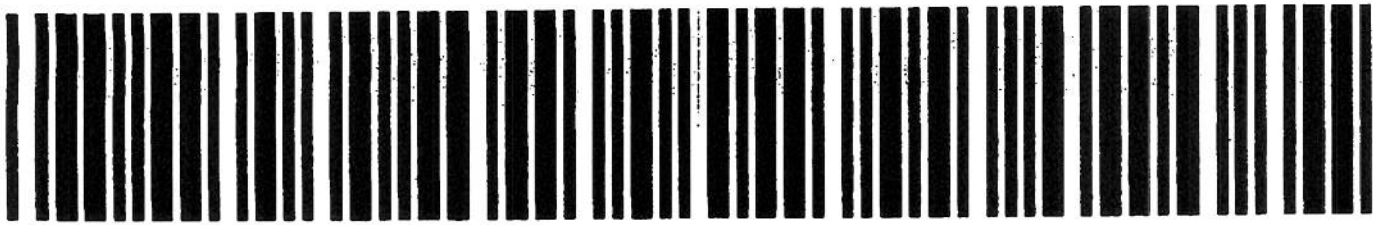
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CODE: PAGES 77 THROUGH 102**

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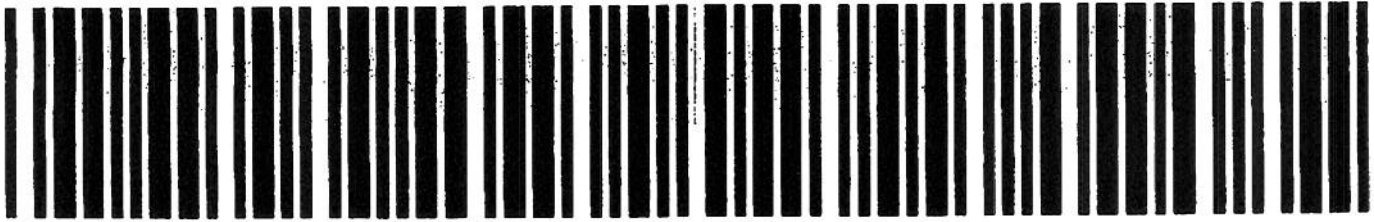
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CODE: PAGES 102 THROUGH 109**

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