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California-Western States Life Ins. Co. v. Industrial Acci. Com. [DISSENT]

Jesse W. Carter
Supreme Court of California

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[38 C.2d 880; 242 P.2d 13]

[Sac. No. 6255. In Bank. Apr. 1, 1952.]

CALIFORNIA-WESTERN STATES LIFE INSURANCE
COMPANY, Petitioner, v. INDUSTRIAL ACCIDENT
COMMISSION, Respondent.

PROCEEDING to review an order of the Industrial Accident Commission. Order annulled.

Downey, Brand, Seymour & Rohwer, J. Richard Glade and Ralph R. Martig for Petitioner.

Edmund J. Thomas, Jr., Robert Ball and Thomas L. Higbee for Respondent.

THE COURT.—This petition for review of an order of the Industrial Accident Commission raises the same question as that disposed of in *Aetna Life Insurance Co. v. Industrial Acc. Com.*, L. A. No. 22103, *ante*, p. 599 [241 P.2d 530], and that decision is controlling here.

The order is annulled and the cause is remanded to the Industrial Accident Commission for further proceedings in accord with our opinion in the Aetna case, *supra*.

CARTER, J.—I dissent.

The views expressed in my dissent in *Aetna Life Ins. Co. v. Industrial Acc. Com.*, *ante*, p. 605, are applicable here, from which it follows that I would affirm the order here under review.

Respondent's petition for a rehearing was denied April 28, 1952. Carter, J., was of the opinion that the petition should be granted.