

**WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA**

ANGIE JAUREGUI, *Applicant*

vs.

**CITY OF HOPE NATIONAL MEDICAL CENTER;
PERMISSIBLY SELF-INSURED, administered by ADMINISURE, INC., *Defendants***

**Adjudication Number: ADJ10607341
Van Nuys District Office**

**OPINION AND ORDER
DENYING PETITION
FOR REMOVAL**

We have considered the allegations of the Petition for Removal and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's report, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, § 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

As noted by the WCJ in the Report, the trial judge has discretion over whether additional discovery should be conducted, as the WCJ is in the best position to create a clear and complete record of the disputed issues, including whether good cause exists to permit additional discovery.

Additionally, defendant has raised the issue of incomplete discovery on the pre-trial conference statement (PTCS) filed on October 15, 2024. Thus, they have already preserved their issue for determination by the trial judge, as issues relating to due process are a valid basis for reconsideration after a final decision issues. Thus, their filing of a petition for removal, when the issue of discovery is clearly preserved for trial, is both inappropriate and premature.

Further, we note that petitioner requests their petition be granted, and has attached over one hundred pages of exhibits in support thereof, including applicant's deposition transcript. Such request essentially amounts to a request for judgment on the pleadings.

However, in workers' compensation matters, "[d]emurrers, petitions for judgment on the pleadings and petitions for summary judgment are not permitted." (Cal. Code Regs., tit. 8, § 10515.) Rather, decisions in workers' compensation cases must be based upon an adequate record after providing all parties an opportunity to be heard, to protect the due process rights of everyone involved. (Lab. Code § 5313; *Hamilton, supra*, at p. 476; *Evans v. Workmen's Comp. Appeals Bd.* (1968) 68 Cal.2d 753, 755 [33 Cal.Comp.Cases 350, 351].)

With respect to the attachments, defendant's attorneys are admonished that it is not necessary to attach documents to a petition for removal. With respect to documents that are not part of the adjudication file, contentions may be supported by an offer of proof. (Cal. Code Regs., tit. 8, § 10945(c); see Cal. Code Regs., tit. 8, § 10803 [record of proceedings].) Documents that are part of the adjudication file may not be attached (*id.*) and doing so may subject the offending party to sanctions. (Lab. Code, § 5813; Cal. Code Regs., tit. 8, § 10421.)

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 3, 2025

SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.

**ANGIE JAUREGUI
LAW OFFICE OF RON NOLAN
LITTLER MENDELSON LAW FIRM**

LAS/kl

I certify that I affixed the official seal of
the Workers' Compensation Appeals
Board to this original decision on this date.
KL