

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

**MANNY P. BOULOS, *Applicant***

**vs.**

**CITY OF COALINGA, permissibly self-insured;  
LWP CLAIMS SOLUTIONS, INC., *Defendants***

**Adjudication Number: ADJ15854368  
Fresno District Office**

**OPINION AND ORDER  
DENYING PETITION  
FOR REMOVAL**

Defendants seek removal of Minutes of Hearing and Orders taking the matter off calendar for further discovery that issued on January 28, 2025, by the workers' compensation administrative law judge (WCJ).

Defendants contend that discovery was closed at the initial Mandatory Settlement Conference of October 10, 2024, even though the WCJ ordered the case off calendar, and that the January 28, 2025 Order of the WCJ taking the matter off calendar for further discovery causes them to suffer significant prejudice and irreparable harm. We have not received an Answer from applicant. We received a Report and Recommendation on Defendant's Petition for Removal (Report) from the WCJ, recommending that we deny 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.

For the foregoing reasons,

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**/s/ PAUL F. KELLY, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**April 15, 2025**

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

**MANNY P. BOULOS  
GILBERT E. FISHER, ESQ.  
MACINTYRE & WHITE**

**SL/abs**

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