

1 Eli Dalton-Webb
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3 Sierra Vista, Arizona 85650
4 email: dw4az@proton.me
5 *Plaintiff*
6

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8
9 **IN AND FOR THE COUNTY OF MARICOPA**

12 Eli Dalton-Webb, 13 14 Plaintiff 15 16 v. 17 18 INDUSTRIAL COMMISSION, et al., 19 20 Defendants, 21	Case No. CV2025-035545 Assigned to: Hon. Michael Mandell Motion To Append Plaintiff's Reply
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22 **PROCEDURAL HISTORY**

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24 Plaintiff, on 1 October 2025, filed a complaint and petition order to show
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26 cause. On 10 December 2025 this Court held an oral hearing, and in that hearing, the
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28 Court determined that it was more appropriate for legal arguments to be in writing
29
30 and then to hold an oral hearing for argument, and ordered the Industrial Commission
31
32 to respond to Plaintiff's petition for order to show cause and for Plaintiff to reply to
33
34 the response. Plaintiff filed a reply to the Defendant's Response to the Plaintiff's
35
36 Petition for Order to Show Cause. Plaintiff hereby moved the Court for leave to
37
38 append the Plaintiff's reply.
39

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41 **MOTION TO APPEND**

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43 Plaintiff acknowledges that the deadline to reply to the Defendant's response
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45 to the Plaintiff's Petition for Order to Show Cause was on 12 January 2025. Plaintiff
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requests that this Court accept this appendix to the reply, as it is only about 3 hours after the deadline to file. The Defendant is not prejudiced by this appendix to the reply.

This case is of public interest. In fact, the Plaintiff has no interest in this matter, other than being a concerned citizen of Arizona and wanting to make this state a better place. If this case is appealed, it could have a lasting impact on not just the Plaintiff, and it is desirable that this case be fully heard. Non-litigants to this case are not being heard in this case, and should not suffer the consequences of this case not being fully litigated.

Proposed Appendix to the reply is attached as Exhibit 10.

Order proposal is attached.

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A COPY OF THIS WILL BE SENT TO:

bobby.wren@ritsemalaw.com

darla.banks@ritsemalaw.com

Dated this day, 13 January 2026,

_____/s/_____

Eli Dalton-Webb, *Plaintiff*

Exhibit

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3 **ARTICLE 2 § 11 APPLYING TO CIVIL**
4

5 The Defendant Industrial Commission alleges that Article 2 § 11 of the
6 Arizona Constitution only applies to criminal cases. Plaintiff disagrees. The language
7 explicitly says “in all cases”.
8

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10 **ALLEGED CHILLING EFFECT**

11 The Defendant Industrial Commission alleges that there will be a chilling
12 effect where workman will hesitate to file workman’s compensation claims. The
13 Defendant provides no evidence that there are workman who will actually NOT file a
14 workman’s compensation claim because their controversy would become public.
15

16 It should also be noted that it’s worthless to file workman’s compensation
17 claims in the first place if the Industrial Commission is corrupted. Why file a claim
18 when the insurance companies have bought the industrial commission and you’re
19 going to lose? The insurance companies have the resources to lobby the Arizona
20 Governor’s Regulatory Review Council to amend the Arizona Administrative Code,
21 which controls the workman’s compensation procedure, they have the funds to lobby
22 the governor and the senate in the appointment of the commissions 5 politicians
23 (within the meaning of A.R.S. § 23-101(B)), and have the funds to find 5 politicians
24 to plant in those seats. Injured workman on the brink of homelessness (because their
25 body is their money-maker and their body is not producing money) don’t have the
26 funds to wine and dine people. They also don’t have the funds to hire a lawyer, and,
27 as stated in the complaint, the economics don’t make it profitable for attorneys to
28 provide contingent litigation for workman’s compensation.
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1 It is the interest of the workman to be able to look into another workman's case
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3 so they can understand the procedures and copy what works and avoid what fails.

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5 Open justice is also so that people can learn by observing.
6

7 Public records is what holds the government accountable and gives any
8
9 tribunal any resemblance of quality of justice. Public records is what gives a tribunal
10
11 any value.
12

13 **WORKMAN OPTING FOR SEALING RECORDS**

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15 When Plaintiff was litigating his workman's compensation claim, the
16
17 Industrial Commission mostly had workman electronically file papers in their case.
18
19 Upon information and belief, there was no option to voluntarily "seal" and "unseal"
20
21 files. The Industrial Commission is assuming that all workman confidentiality. Surely
22
23 there must be at least one workman who wants as public of a process as possible
24
25 because he feels like the organization is corrupt and wants to expose the whole
26
27 system. Again. The government is not authorized to put any significant weight on the
28
29 interests of the insurance companies or employers, because Article 18 § 8 only
30
31 protects the workman.
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35 Plaintiff asserts that at the very least the Industrial Commission should
36
37 consider allowing workman to seal their claim files when they submit them.
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40 **HOLOHAN CASE**

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42 Plaintiff asserts that the little piece in Industrial Comm'n v. Holohan, 397 P.2d
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44 624 regarding whether or not industrial commission files are public records is Obiter
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46 dictum. The dissent in that opinion definitely gives the idea that it was Obiter dictum.
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Public records law has always been that the government has a burden of proof to show that confidentiality interests outweighs the presumed interest of disclosure. The Arizona Supreme Court, in Holohan, in the dissent, even admitted that there was nothing on the record on appeal to show that they had a reason to decide that commission files were confidential. It explicitly goes against well-established case law for courts to trust the government's mere allegation when it comes to public records law under Title 39 without evidence. The government must prove their case. This piece about the commission files being confidential was clearly Obiter dictum, the appeal was only about whether or not a party asked for too many documents and/or wasn't specific enough during civil discovery, and has nothing to do with Title 39 and whether or not commission files are confidential.

SPECIFIC LAWS

Plaintiff hereby rebuts the Defendant Industrial Commission's assertions about the following laws:

23-107(A)	Paragraph 1 does not explicitly make files confidential; paragraphs 7-9 are about government-to-government files being confidential, commission files are not government-to-government files
23-921	Nowhere does it say that commission files are confidential
23-921(B)	Nowhere does it say that commission files are confidential
R20-5-108(A) and (C)	Pursuant to Article 18 § 8 of the Arizona Constitution, the legislature has original power to make the workman's compensation law. Title 39 supersedes the administrative code.
23-941(H)	It entitles "interested" parties, but it does not prohibit non-interested parties from the file. A non-interested party has a qualified privilege under public records law, subject to

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	balancing interest tests
23-901(10)	This is only a definition
R20-5-131(G)	Pursuant to Article 18 § 8 of the Arizona Constitution, the legislature has original power to make the workman's compensation law. Title 39 supersedes the administrative code.
12-2235	When the doctor shares privileged information with the commission, it is under consent of the client, and is no longer privileged.
R20-5-108	Pursuant to Article 18 § 8 of the Arizona Constitution, the legislature has original power to make the workman's compensation law. Title 39 supersedes the administrative code.
23-941	Nowhere does it say that non-interested parties are excluded from the hearings. In fact, subsection F refers to the administrative law judge achieving "justice", which furthers the point that the industrial commission administers "justice" and is under the provisions of Article 2 § 11 of the Arizona Constitution.
23-908(D)	Nothing in this subsection makes the claim files confidential to non-interested parties. In fact, industrial injuries are explicitly NOT confidential
R20-5-109	Pursuant to Article 18 § 8 of the Arizona Constitution, the legislature has original power to make the workman's compensation law. Title 39 supersedes the administrative code.

CONFIDENTIALITY IN GENERAL

If these cases were tried in the Arizona Superior Court, everything would be public, including injuries and wages. There doesn't seem to be a rational basis as to why workman's compensation is more confidential than a car collision lawsuit.