

1 Eli Dalton-Webb
2 5009 E. Ironwood Circle
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 FOR EXPEDITED MANDAMUS RELIEF FOR DEFENDANT TO PRODUCE INDEX
--	---

22
23 **PROCEDURAL HISTORY**

24
25 The Plaintiff, as described in the Initial Complaint and in Exhibit 3 of the
26
27 Initial Complaint, on 26 August 2025, requested, inter alia:

28
29 “all records and all pertinent information and media related to all
30
31 workman’s compensation claims in which the date of injury is between
32
33 28 May 2025 and 26 August 2025. All of it—unredacted or minimally
34
35 redacted.” (Item #21)
36

37
38 The Plaintiff further requested, inter alia, in that same Title 39 request:

39
40 “Pursuant to A.R.S. § 39-121.01(D)(2) and any other relevant law or
41
42 legal theory, as applicable, I hereby request the furnishing of an index
43
44 of records or categories of records that have been withheld and the
45
46
47
48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

reasons the records or categories of records have been withheld from me in any of these records requests.” (Item #22)

The Defendant, in their responsive brief, filed 31 December 2026, on Page 2, alleges “Defendant ICA produced all documents and information required to be disclosed under the applicable law.”.

This Court originally scheduled a 1-hour oral argument for 29 January 2026. The Court changed the oral hearing to a hearing in which parties could submit evidence, which the clerk of court processed and parties learned about the day before the hearing. Defendant moved to continue the hearing so parties could prepare to present evidence to this Court.

Plaintiff at that hearing stated that it would be of benefit to argue the law before arguing evidence, as the evidence will be meaningless if, arguendo, the law clearly states that workman’s compensation files are confidential. The Court then orally stated that the Court needs to see the evidence before ruling in this matter whether or not the files are confidential.

MOTION FOR EXPEDITED MANDAMUS RELIEF

Plaintiff hereby requests that this Court give expedited/immediate mandamus relief. It does not appear that this Court is fully convinced of the Defendant’s arguments of the law regarding the allegation that the workman’s compensation files are confidential, as this Court has refused to issue a ruling based on the law, and this Court wishes to see evidence of the files to then base the ruling on.

1 Plaintiff requested an A.R.S. § 39-121.01(D)(2) index from the Defendant (see
2
3 Page 4 of Exhibit 3 of the Initial Complaint, Item #22), and the Defendant, today (3
4
5 February 2026), 161 days after the request, has not turned over the index of records
6
7 withheld.
8

9 The plain and clear purpose of this law requiring the Industrial Commission to
10
11 turn over an index of records withheld is to assist in public records disputes. The
12
13 index itself is clearly not confidential, and is therefore not a concern for this Court to
14
15 immediately issue mandamus relief to require them to produce this index.
16
17

18 The only defense, arguendo, for not producing an index, as relevant here, is for
19
20 information “that is expressly made privileged or confidential in *STATUTE* or a
21
22 *COURT ORDER*” (emphasis added). The Defendant has alleged (1) various statutes
23
24 that allegedly make the files requested confidential; and (2) *ADMINISTRATIVE*
25
26 *CODE* that allegedly make the files requested confidential (emphasis added). Firstly,
27
28 administrative codes are not considered in the exemption for the A.R.S. § 39-
29
30 121.01(D)(2) index law. It should be recognized that the legislature, in pursuing
31
32 separation of powers between the 3 departments of government, foresaw that the
33
34 executive department (which the Industrial Commission is under) would have a
35
36 conflict-of-interest of self-ruling that their files are confidential, which is what they
37
38 have done in this matter. As for the other allegation for statutes they’ve cited that
39
40 allegedly make the files confidential, both parties have argued in writing regarding
41
42 these statutes, and this Court is not convinced enough to rule without evidence.
43
44
45
46
47
48

1 This Court should issue immediate mandamus relief, requiring them to turn
2
3 over this A.R.S. § 39-121.01(D)(2) index, so that Plaintiff may review this index for
4
5 his evidence against the Defendant, to prepare for the 9 March 2026 evidentiary
6
7 hearing. The Defendant has not convinced this Court that the statutes they've alleged
8
9 make the files withheld confidential. Because this Court is expecting evidence from
10
11 Parties, and an index would assist the Plaintiff in his evidence, this Court should
12
13 order that the Defendant turn over the A.R.S. § 39-121.01(D)(2) index.
14
15

16 In the order proposal, Plaintiff will propose that this Court rule, for the sole
17
18 purpose of 39-121.01(D)(2), that none of the records, information, and other matters
19
20 are expressly made privileged or confidential in statute or a court order in this matter.
21

22 Order proposal is attached.
23
24
25
26
27
28
29
30

31 **A COPY OF THIS WILL BE SENT TO:**

32
33 bobby.wren@ritsemalaw.com
34
35
36
37
38
39

40 Submitted respectfully this day, 3 February 2026,
41
42
43

44 /s/Eli Dalton-Webb
45

46 Eli Dalton-Webb, *Plaintiff*
47
48