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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 **ELI DALTON-WEBB**

14 Plaintiff,

15 vs.

16 **INDUSTRIAL COMMISSION OF**
17 **ARIZONA**

18 Defendants.

Case No.: **CV2025-035545**

**DEFENDANT INDUSTRIAL
COMMISSION OF ARIZONA'S
PRESUMED OPPOSED MOTION TO
CONTINUE EVIDENTIARY
HEARING SET FOR JANUARY 29,
2026**

19 COMES NOW Defendant Industrial Commission of Arizona, by and through its
20 attorney Bobby Wren of Ritsema Law, and hereby submits its Motion to Continue
21 Evidentiary Hearing Set for January 29, 2026.

22 **CONFERRAL**

23 Undersigned counsel for Defendant attempted to confer with Plaintiff via email
24 and concerning this motion on January 28, 2026. Plaintiff has not provided a position
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1 at the time of filing. Given the expediency of the motion, Defendant files this motion
2 as presumed opposed.

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4 **MOTION**

5 On December 12, 2025, the Court held a conference with the parties concerning
6 Plaintiff's request for a show cause hearing. The Court issued a briefing schedule and
7 set the matter for oral argument only on January 29, 2026.

8 On January 28, 2026, the Court issued a notice vacating the Oral Argument and
9 resetting the matter as an Order to Show Cause Hearing, with instructions to the parties
10 on submitting evidence and presenting witness testimony.

11 Prior to today, the January 29, 2026 hearing was oral argument ONLY, without
12 the ability to submit evidence. Based on the change of the status of the hearing, the
13 parties may now submit evidence and present witness testimony in support of their
14 respective positions. Given the fact that the parties only have one day's notice of this
15 ability, it is impracticable, if not impossible, to gather and analyze potential evidence,
16 prepare it for submission, determine if witness testimony is necessary, contact those
17 witnesses, and schedule their appearance. In essence, the parties' right to submit
18 evidence is negated. "Due process entitles a party to notice and an opportunity to be
19 heard at a meaningful time and in a meaningful manner.' It also affords a party the
20 opportunity to offer evidence and confront adverse witnesses. *Cook v. Losnegard*, 265
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1 P.3d 344, 388 (Ariz. App. 2011) (citing *Curtis v. Richardson*, 131 P.3d 480, 484 (Ariz.
2 App. 2006).

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4 In order to preserve the parties' due process rights and ability to present
5 evidence, Defendant respectfully requests the January 29, 2026 hearing be continued to
6 a later date to allow each party the ability to develop evidence in support of their
7 respective positions, submit it in accordance with the Court's instructions, and present
8 any witnesses testimony necessary in support of their positions.
9

10 DATED this 28th day of January, 2026.

11 RITSEMA LAW

12 By: /s/ Bobby Wren

13 Bobby Wren, Esq.

14 410 N. 44th Street, Ste. 405

15 Phoenix, AZ 85008

16 (303) 297-7297

17 *Attorney for Defendant*
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2026, true and correct copies of the foregoing **DEFENDANT INDUSTRIAL COMMISSION OF ARIZONA'S PRESUMED OPPOSED MOTION TO CONTINUE EVIDENTIARY HEARING SET FOR JANUARY 29, 2026** were served upon the following parties by email/facsimile/U.S. Mail, postage prepaid, addressed to the following:

VIA EMAIL: dw4az@proton.me
Eli Dalton-Webb

VIA EFILE: AZ Turbo Court
Superior Court of the State of Arizona
County of Maricopa

/s/ Darla Banks