
 Clerk of the Superior Court
 By Mickey Reyna, Deputy
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 ----- CASE# CV2025-035545 -----
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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**
 10

<p>11 Eli Dalton-Webb, 12 13 Plaintiff 14 15 v. 16 17 18 INDUSTRIAL COMMISSION, JOHN 19 DOES I-X, JANE DOES I-X, ABC 20 CORPORATIONS I-X, XYZ 21 PARTNERSHIPS I-X, UNKNOWN 22 ENTITIES I-X, 23 24 Defendants, 25</p>	<p>Case No. Assigned to: CV 2025-035545 Mandamus Petition; Article 2 § 11 of the Arizona Constitution; relevant laws Complaint for Special Action</p>
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 27 **INITIAL COMPLAINT**
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29 1. The Industrial Commission is a state organization that operates completely
 30 in the dark, which is a perfect breeding ground for rampant corruption. Plaintiff is
 31 trying to solve a major part of this problem by pushing transparency in the Industrial
 32 Commission.
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34 2. The Industrial Commission is an organization that handles workmen's
 35 compensation controversies for when workers get injured on-the-job.
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37 3. We, The People of Arizona, have a right to know what is going on inside the
 38 Industrial Commission, so that we can participate in journalism and the press, lobby
 39 legislators, lobby the governor, and have the data to sue the Industrial Commission
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1 for its various unlawful acts. It is also so that pro per workmen can understand how
2 cases are litigated by observing how others' are litigated.
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5 **VENUE, JURISDICTION, PARTIES**
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7 4. Venue and jurisdiction is proper in this Arizona Superior Court, pursuant to
8 A.R.S. § 39-121.02 and that this Court also have jurisdiction over mandamus
9 petitions against state officers and state agencies.
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12 5. The Industrial Commission can be sued, pursuant to A.R.S. § 23-106.
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14 6. Plaintiff is a resident of Cochise County, Arizona.
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17 **SIMILAR CASE LAW**
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19 7. The Supreme Court has previously taken jurisdiction over a similar matter
20 in Ridenour v. Schwartz, 179 Ariz. 1 where the Maricopa County Superior Court cut
21 its security staffing and made it where trials were still conducted after 3PM but the
22 public had to be inside the courthouse before 3PM in order to observe proceedings.
23 This Supreme Court ruled that this policy violated the public's right to observe trials
24 under Article 2 § 11 and took jurisdiction of the special action.
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29 8. This case is much worse than Ridenour v. Schwartz. At least in Ridenour, a
30 journalist could get into the courthouse before 3PM to observe proceedings; they
31 would also be able to look at court calendars to see what's going on for the day. In
32 this case, even with the utmost preparation, even with several days in advance and
33 willingness to cooperate with the Industrial Commission, and with written request, no
34 journalist is permitted to observe Industrial Commission proceedings or see the
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1 calendar of when things are happening. Not that a journalist has any special right over
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3 any other member of the public—"journalist" is just used for ease of argument.
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5 DEFINITIONS

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7 9. For the purposes of this special action, "Industrial Commission" only refers
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9 to the leadership, persons and functions of the Industrial Commission related to
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11 workmen's compensation (within the meaning of Article 18 § 8 of the Arizona
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13 Constitution and Title 23 of the Arizona Revised Statutes and other relevant law),
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15 including administrative law judges, persons who decide on bad faith and/or unfair
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17 claims handling practices, and all other assistive staff in administering workmen's
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19 compensation. "Industrial Commission", for the purposes of this special action,
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21 excludes wage, sick time, youth labor, ADOSH, and other functions of the Industrial
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23 Commission that are not related to the workmen's compensation. This special action
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25 is ONLY regarding the workmen's compensation system.
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29 10. "ALJ" means administrative law judge.
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31 LEGAL THEORIES

32 THE ARIZONA CONSTITUTION

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35 11. Before the Arizona statewide Special Election of 1925, Article 18, Section
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37 8 of the Arizona Constitution read as follows:
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40 The Legislature shall enact a Workmen's Compulsory Compensation
41 law applicable to workmen engaged in manual or mechanical labor in
42 such employments as the legislature may determine to be especially
43 dangerous, by which compulsory compensation shall be required to be
44 paid to any such workman by his employer, if in the course of such
45 employment personal injury to any such workman from any accident
46 arising out of, and in the course of, such employment is caused in
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1 whole, or in part, or is contributed to, by a necessary risk or danger of
2 such employment, or a necessary risk or danger inherent in the nature
3 thereof, or by failure of such employer, or any of his or its officers,
4 agents, or employee, or employees, to exercise due care, or to comply
5 with any law affecting such employment; Provided, that it shall be
6 optional with said employee to settle for such compensation or retain
7 the right to sue said employer as provided by this Constitution.
8

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10 12. If one were to look at the Arizona State Library's alleged timeline of the
11 amendments of the Arizona Constitution, they regurgitate the propaganda from the
12 1925 election—that the 1925 amendment added public employees to the system. This
13 wasn't true—the legislature—and it was the legislature that put it on the ballot, not a
14 citizen's initiative—could have created a statute to put all public employees on
15 workmen's compensation. Further, the Constitution from 1910 to 1925 said nothing
16 about excluding public employees, so they were already included.
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20 13. What they really did with the 1925 amendment is figured out how to
21 swindle the public into giving up their right to sue their employer for injuries, and
22 forcing them to subject themselves solely to the workmen's compensation system.
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26 14. One can look plainly between the 1910 Constitution and 1925 amendment
27 and see the obvious politics. They couldn't politically feasibly say outright in the
28 amendment "an employee cannot sue their employer", so they added a bunch of
29 political fluff to make it appear to the average voter not paying attention to the
30 language that they were getting a better constitution, such as writing into the
31 constitution things like "assure and make certain", "just and humane compensation
32 law", "for the relief and protection of such workmen", "from the burdensome,
33 expensive and litigious remedies for injuries", and "producing uncertain and unequal
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1 compensation” before they hit the voter with what they were burying and were
2 actually were trying to accomplish: “may exercise the option to settle for
3 compensation by failing to reject the provisions of such workmen's compensation law
4 prior to the injury”.
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10 15. However, these political words in Article 18 § 8 are not powerless. Article
11 2 § 32 of the Arizona Constitution makes all provisions of the Constitution
12 mandatory. Given the historical context of the 1925 special election, voters were sold
13 on a law that is better for workmen than the previous law. It is self-evident that any
14 time a voter votes for a ballot proposition, they are in the belief that what they are
15 voting for will improve the society they live in. No voter ever votes for something
16 that they think makes their society worse. These political words of a “just and
17 humane” workmen’s compensation law, because they are in the Arizona Constitution,
18 have the full force of law upon it, and it is not optional.
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29 16. Because of the 1925 amendment, workmen’s compensation now has a
30 constitutional purpose: (1) to assure and make certain a just and humane
31 compensation law; (2) for the relief and protection of workmen from burdensome,
32 expensive and litigious remedies for injuries; and (3) produce certain and equal
33 compensation. It is **ONLY** (emphasis added) because of this purpose of this new
34 workmen’s compensation law that workmen exercise the option to settle for
35 compensation by failing to reject workmen’s compensation provisions prior to the
36 injury. If the workmen’s compensation law fails any of those tests, the law is
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1 unconstitutional and the workmen may exercise the right (today) to sue their
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3 employer for injury in the superior court.
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5 17. Plaintiff hereby zeroes-in and focuses on the “just” part of Article 18 § 8 of
6
7 the Arizona Constitution after the 1925 amendment.
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10 18. Before the 1925 amendment, an injured worker could pursue an injury
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12 claim against his employer in the superior court. Because of the wording of the 1925
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14 amendment, the Constitution requires a workmen’s compensation law that is
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16 competitive and of higher quality justice to the workman than litigating their case in
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18 the superior court under ordinary injury law. The legislature had to sell the public on
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20 the idea that workmen’s compensation was better than litigating their case in superior
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22 court under ordinary injury law in order to get the proposition passed in 1925.
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25 19. After the 1925 amendment, workmen’s compensation is now described as
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27 “just”, per the Constitution. Plaintiff asserts that, because workmen’s compensation is
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29 required to be “just” and because the Industrial Commission is the agency tasked with
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31 administrating workmen’s compensation, that the Industrial Commission is an
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33 administrator of justice and is subject to the provisions of Article 2 § 11 of the
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35 Arizona Constitution.
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38 20. If we look at the Arizona Constitution and how it is organized, there is
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40 Article 2 with the title of “DECLARATION OF RIGHTS”, and then there is Article 6
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42 with a title of “JUDICIAL DEPARTMENT”. We typically think that Article 2 § 11
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44 applies to courts, but actually Article 2 § 11 doesn’t apply to courts—it applies to the
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46 entirety of government. If Article 2 § 11 applied only to courts, then it should be in
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1 Article 6 instead of Article 2. Article 2 § 11 also never says “courts”, it says “in all
2 cases” with no exclusion of the Industrial Commission.
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5 21. Because the Industrial Commission is under the provisions of Article 2 §
6 11, Plaintiff asserts that the Industrial Commission needs to be open about everything
7 that is going on inside of it.
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10 22. The Industrial Commission feels like a court. However, they are not to be
11 mistaken for a court, because they are not a court—they are an administrative agency
12 under the executive department of Arizona, not the judicial department. When a
13 workman gets injured, the workman can report the fact that they get injured and get
14 an ICA claim number from the Industrial Commission which acts just like a superior
15 court case number inside the Industrial Commission. If they have a complaint of bad
16 faith and/or unfair claims handling practice complaint against their employer’s
17 workmen’s compensation insurance company, the workman files a complaint with the
18 Industrial Commission, just like in a court. If a workman or an employer’s
19 workmen’s compensation insurance wants a hearing, they can get a hearing before an
20 administrative law judge, just like the superior court.
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35 23. Something that is strange that the Industrial Commission does is, until an
36 oral hearing is requested, an administrative law judge is never assigned to the case.
37 However, if a bad faith and/or unfair claims handling practice complaint is filed, an
38 unknown claims manager (who is not an administrative law judge) within the
39 Industrial Commission handles the case and decides the case in writing. There is very
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1 poor transparency and documentation of who decides on these out-of-ALJ bad faith
2 and/or unfair claims handling practice claims.
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5 24. If the Industrial Commission were to be analogous to the superior court,
6 and if both the Industrial Commission and superior court are under the provisions of
7 Article 2 § 11, Plaintiff asserts that the Industrial Commission must:
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11 25. Put public records computers in the lobby so that the public can
12 observe written Industrial Commission proceedings;
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14 26. Publish administrative law judge calendars in a conspicuous manner
15 —in the twenty-first century, that means publishing it on the Industrial
16 Commission website and keeping an up-to-date calendar on a bulletin board in
17 the lobby or a calendar on a television screen;
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20 27. Opening up the gallery for the public to sit in to observe workmen's
21 compensation oral proceedings¹;
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24 28. De-anonymize all persons (especially persons who are not
25 administrative law judges) who decide on bad faith and/or unfair claims
26 handling practice complaints;
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29 **PUBLIC RECORDS**

30 29. If Article 2 § 11 wasn't enough, there is Title 39 of the Arizona Revised
31 Statutes. Plaintiff has an explicit private cause of action under A.R.S. § 39-121.02.
32 Plaintiff did a public records request and it wasn't fulfilled, which is a violation of
33 A.R.S. § 39-121.01(E). A.R.S. § 39-121 doesn't just cover "records", but it also
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46 1 The Industrial Commission often holds video conference meetings for litigants.
47 For video conference meetings, gallery access is still requested.
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1 covers “other matters”, which does not exclude administrative law judge hearings
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3 being subject to public inspection. Because the Industrial Commission has not
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5 fulfilled or meaningfully responded to the Title 39 request in a timely manner,
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7 Plaintiff has a cause of action against the Industrial Commission.
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10 **CAUSE OF ACTION**

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12 30. This problem has probably been going on for a long time without anyone
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14 questioning it.

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16 31. Plaintiff, on 10 April 2024, requested to attend Industrial Commission
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18 proceedings as a member of the public (see Exhibit 1), and the Industrial
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20 Commission’s chief legal counsel stated “workers’ compensation hearings are closed
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22 hearings. Attendance by a non party is at the discretion of the Administrative Law
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24 Judge.” (see Exhibit 2).
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27 32. Of course, Plaintiff may or may not have a cause of action for something
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29 that happened over a year ago (A.R.S. § 12-821). However, Plaintiff again sent
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31 another request (certified mail, return receipt along with an e-mail), dated 26 August
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33 2025 (see Exhibit 3). This 10 April 2024 request and the 25 April 2024 denial letter is
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35 just to illustrate that, even though the Industrial Commission has not meaningfully
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37 responded whatsoever to the 26 August 2025 request, they have already denied a
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39 similar request previously, and the answer is highly unlikely to have changed within
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41 the (roughly) year elapsed between requests. The answer from the Industrial
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43 Commission is likely the same answer as it was before. However, because Plaintiff
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1 has made a 26 August 2025 request, if there were any statute of limitations, it has
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3 reset the clock.
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5 33. Plaintiff asserts that he has a cause of action even if he didn't send
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7 anything in writing to the Industrial Commission. The simple fact that the Industrial
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9 Commission's proceedings aren't open to the public and that any judge could take
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11 judicial notice of such public fact is enough cause of action to sue under special
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13 action. Plaintiff making written correspondence to the Industrial Commission is a
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15 mere courtesy to the Industrial Commission and strengthens his case. The public,
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17 which includes Mr. Dalton-Webb, has a right to observe proceedings under Article 2
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19 § 11 and Title 39. Even though Mr. Dalton-Webb is not a party to any of the Industrial
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21 Commission cases that he is requesting access to, he has a cause of action, because
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23 the cause of action belongs to any member of the public under Article 2 § 11 and Title
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25 39.
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28 34. Plaintiff asserts a cause of action under: (1) Article 2 § 11 of the Arizona
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30 Constitution; and (2) Article 18 § 8 of the Arizona Constitution; (3) Title 39 of the
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32 Arizona Revised Statutes; (4) Article 2 § 5 of the Arizona Constitution; (5) Article 2 §
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34 6 of the Arizona Constitution; and (6) the First Amendment through Article 2 § 3 of
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36 the Arizona Constitution².
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39 35. Under the public records cause of action, the Industrial Commission has
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41 denied the records requests under A.R.S. § 39-121.01(E) by not promptly fulfilling or
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43 2 Plaintiff makes zero direct federal law claims anywhere in this lawsuit. The First
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45 Amendment claim is solely through Article 2 § 3 of the Arizona Constitution,
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47 which reincorporates the federal constitution into the state constitution. If his
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Article 2 § 3 claim fails, then his underlying First Amendment claim fails.

1 responding to the public records request. A.R.S. § 39-121.02 explicitly prescribes a
2 private cause of action to Plaintiff.
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5 36. Additionally, under A.R.S. § 39-121 “other matters” are subject to what is
6 commonly referred to as “public records law” of Title 39. These “other matters” do
7 not exclude things that are not “records”. Plaintiff asserts that an Industrial
8 Commission Administrative Law Judge hearing falls under “other matters” and is
9 subject to inspection. Plaintiff asserts that this would mean, in this context, that
10 Plaintiff has a right to sit in the gallery (or “inspect” per A.R.S. § 39-121) because it
11 is under “other matters” and is “in the custody of any officer”.
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20 37. Even if Title 39 didn’t exist, Plaintiff has a cause of action under Article 2
21 § 11 as a member of the public. *Ridenour v. Schwartz*, 179 Ariz. 1 prescribes that the
22 public is a victim of the government when the government restricts its right to
23 proceedings. There is absolutely no case law that says that the executive branch is
24 exempt from the provisions of Article 2 § 11.
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31 38. There is an unpublished case from the Court of Appeals Division 1, *City of*
32 *Casa Grande v. Indus. Comm'n of Ariz.*, 2020 Ariz. App. Unpub. LEXIS 1381, where
33 a state senator was trying to attend someone else’s workmen’s compensation hearing.
34 The decision favored publicity, but the decision was based on the discretion of the
35 administrative law judge, where the ALJ granted his presence. Plaintiff acknowledges
36 that there are narrow, specific cases of legitimate, compelling interests for non-open
37 proceedings before the Industrial Commission, in which the administrative law judge
38 could, pursuant to A.R.S. § 23-941, close a proceeding. However, Plaintiff asserts the
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1 default of openness with the **EXCEPTION** (emphasis added) of closure of
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3 proceedings. This is exactly how the superior court operates—all proceedings are
4
5 open, unless it is decided that is it closed. Arizona Civil Procedure Rule 5.4(c)(2) puts
6
7 a hefty burden of proof on getting documents put under seal, but it is not impossible.
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9 The administrative law judge and parties to a case could do the same thing—if they
10
11 specifically do not want a document or proceeding to be public, they can move the
12
13 Industrial Commission to close it off from the public.
14

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16 39. Established law shows that either: (1) when justice is administered; or (2)
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18 when public records are demanded, the presumption is of openness. “Arizona
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20 imposes a presumption in favor of disclosure; to defend a refusal to release a public
21
22 record, the government must demonstrate that the policy in favor of public disclosure
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24 and access is outweighed by considerations of [‘]confidentiality, privacy, or the best
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26 interests of the state.[’]” (A.H. Belo Corp. v. Mesa Police Dep't, 202 Ariz. 184) “it is
27
28 settled in Arizona that a defendant has no right to a secret trial and an accused, by
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30 request may not foreclose the right of the people from freely discussing and printing
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32 the proceedings held in open court at a trial” (Phoenix Newspapers v. Jennings, 107
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34 Ariz. 557) “Article II, § 11 of the Arizona Constitution requiring that...[o]nly in a
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36 case where there is a clear, present threat to the due administration of justice or one
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38 which appeals primarily to the morbid and prurient should the right of the public to
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40 observe a court proceeding be denied.” (Phoenix Newspapers v. Jennings, 107 Ariz.
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42 557)
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1 40. Again, there is zero case law that shows that the Industrial Commission is
2 exempt from the provisions of Article 2 § 11.
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5 41. In this case before this Court, Plaintiff is asserting a general right to
6 observe proceedings and asserting that there is a burden of proof imposed on the
7 party asserting non-openness of Industrial Commission proceedings. Plaintiff wishes
8 to generally observe Industrial Commission proceedings (written and oral).
9
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11 42. Plaintiff acknowledges that there may be some specific reasons in specific
12 cases to close off Industrial Commission proceedings from the public. Plaintiff asserts
13 that, in order to close a proceeding from the public, the workman, the commission, or
14 the defendant insurance company must specifically request closing the proceeding
15 from the public, because the legal presumption under Title 39 and Article 2 § 11 is the
16 presumption of openness.
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19 43. Right now, it is the other way around, there is an (illegal) presumption that
20 all Industrial Commission proceedings (written and oral) are closed to the public,
21 with the exception of when a workman specifically requests it. This violates well-
22 established case law under Article 2 § 11, Title 39, and the requirement post-1925 of
23 Article 18 § 8 producing a workmen's compensation law that is of higher and of
24 competitive quality justice than the superior court under ordinary injury law.
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27 44. Plaintiff wants to reverse this. Plaintiff wants to live in a world where the
28 Industrial Commission feels similar to the superior court—where he can walk in to
29 the Industrial Commission offices (Tucson and Phoenix) and sit at a public records
30 computer in the lobby and look through case files; the walls of the lobby have an up-
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1 to-date administrative law judge calendar showing when they are hearing cases; be
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3 able to simply walk in to administrative law judge rooms at any time during business
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5 hours and sit in the gallery of a proceeding; and anything else that would amount to
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7 open justice as required by Article 2 § 11 and Article 18 § 8 (requiring quality of
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9 justice of competing quality to the superior court).
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11 WHY THIS IS IMPORTANT

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14 45. To the ordinary public who, when they get off work, want to smoke weed
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16 and scroll through social media, they may not be interested in Industrial Commission
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18 proceedings. It's not exciting enough for front-page news to cover a man who had his
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20 hand chopped off at work and an "independent" medical examiner, paid by insurance
21
22 companies, to lie about the workman and say that he's just fine and nothing is wrong
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24 with him and the workman is just exaggerating his injuries. It's probably more
25
26 interesting to watch Johnny Depp sue Amber Heard on TV. However, for the
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28 workman who **HAS** had his hand chopped off and is out of work, with the insurance
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30 company denying medical payments and lost wages and sending liar-doctors to
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32 contradict a workman's statements, with his rent/mortgage bill coming around the
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34 corner with no money coming in, it's the most important thing in the world to the
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36 workman that he gets the highest quality of justice from the Industrial Commission
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38 (emphasis added).
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42 46. Upon information and belief, more workman than not represent themselves
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44 before the Industrial Commission (although, of course, the government hides these
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46 statistics). There is hardly any money for an attorney to litigate workmen's
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1 compensation. It's hardly a stretch of the imagination to know that most workmen are
2 construction workers, because that is where the injuries are at. These aren't college-
3 educated people working an office job going to the Industrial Commission for an
4 injury. Attorney's fees come from 25% of the lost wages awarded (A.R.S. § 23-1069).
5
6 Lost wages are 66% of the average monthly wages before the injury (A.R.S. § 23-
7 1045(A)(1) and A.R.S. § 23-1044). Average monthly wage is capped at \$5,906.55
8
9 (A.R.S. § 23-1041, subsections D and E and footnote³) for an absolute maximum lost
10 wage award that **ANYONE** could **EVER** obtain being \$3,937.70 per lost-wage-month
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12 (emphasis added). That means that a person making minimum wage (\$14.70/hour)
13
14 working 160 hours a month can only get \$392 per lost-wage-month in attorney's fees.
15
16 If a cheap attorney charges \$300/hour, that means the client can only get 1.3 hours of
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18 attorney time per lost-wage-month. That doesn't even include expenses like
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20 court reporters for depositions and paying doctors for their expert testimony. This
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22 makes the Plaintiff to believe that more workman than not are forced to represent
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24 themselves before the Industrial Commission.
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33 47. This is the problem. The Industrial Commission does not publish any
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35 **BASIC** statistics as to what goes on in the Industrial Commission (emphasis added).
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37 Let me just ask some basic questions: how many workman's compensation cases
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39 were opened within the last year, how many self-represented workmen were there in
40
41 those cases, and how many attorneys represented workman in those cases? We, The
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47 ³ <https://www.azica.gov/claims-amw-statutory-maximum-information-page>
48

1 People of Arizona have a right to know this information under Article 2 § 11 and Title
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3 39.

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5 48. It goes without citation that insurance companies have plenty of money to
6 litigate and always have an attorney represent them in their case. Insurance
7
8 companies are pretty much the defendants in the Industrial Commission. Picture this:
9
10 ABC Insurance Corporation writes workmen's compensation policies for 1,000
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12 companies; each company has 10 employees each; that means that ABC Insurance
13
14 Corporation has 10,000 employees they are responsible for; even if 1% of employees
15
16 file a workmen's compensation claim, that means 100 workers are suing (under
17
18 workmen's compensation) ABC Insurance Corporation, because at the end of the day,
19
20 the employer doesn't pay damages, the insurance company does. So that means that
21
22 ABC Insurance Corporation is a repeat litigant (as a defendant) 100 times before the
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24 Industrial Commission. That makes them very popular, repeat litigants before the
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26 Industrial Commission.
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31 49. It goes without citation that injured workmen likely are not repeat litigants.
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33 If a workman goes before the Industrial Commission for 100 injuries, they are a
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35 serious suspect for insurance fraud. However, ABC Insurance Corporation can easily
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37 get away with seeing the Industrial Commission for 100 injuries. This sets up an
38
39 imbalance of familiarity with the Industrial Commission between an injured
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41 workman and an insurance company. Eventually, ABC Insurance Corporation will
42
43 figure out how to manipulate and game the system because they are in-and-out of the
44
45 Industrial Commission on a daily basis, year-after-year—chances are, ABC Insurance
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1 Corporation will be on a first name basis with all the administrative law judges. But
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3 for the injured workman, they have no idea how the Industrial Commission actually
4
5 works.
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7 50. Under the assumption that more workman than not litigate their case pro
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9 per (because it's not profitable for attorneys to litigate), that means that the following
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11 scenario will happen: (1) an injured workman go into their proceeding alone; (2) the
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13 insurance company is a repeat, serial litigant who is familiar with the entire Industrial
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15 Commission and probably has become buddy-pals with the administrative law judge;
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17 and (3) absolutely zero public accountability is upon the Industrial Commission
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19 because everything is done in secret (there are no public records, and hearings are not
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21 public). This is a recipe for rampant corruption. That administrative law judge knows
22
23 that the public is not watching him, and knows that the workman has no clue how to
24
25 litigate his case, and has likely established some type of personal relationship with
26
27 the insurance company because they are there every single day. Open justice is not a
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29 law because a case needs to be broadcasted out to the world, but is there because it
30
31 sends a message to the tribunal: that the public is watching and they could be caught
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33 red-handed at any moment. Here are some wise words from the Massachusetts
34
35 Supreme Court: "not because the controversies of one citizen with another are of
36
37 public concern, but because it is of the highest moment that those who administer
38
39 justice should always act under the sense of public responsibility, and that every
40
41 citizen should be able to satisfy himself with his own eyes as to the mode in which a
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1 public duty is performed." Cowley v. Pulsifer, 137 Mass. 392, 394, 1884 Mass.

2
3 LEXIS 279, *4 (Massachusetts Supreme Court June 27, 1884).

4
5 51. Upon information and belief, the Industrial Commission regularly takes
6
7 more than 90 days between a workman requesting a hearing and getting a hearing.
8
9 Mr. Dalton-Webb, in his personal experience with the Industrial Commission,
10
11 requested a hearing with the Industrial Commission on 4 December 2023 (see Exhibit
12
13 4). The Industrial Commission scheduled a hearing for 13 March 2024 (see Exhibit
14
15 5), which is 100 days from the time Mr. Dalton-Webb requested a hearing from the
16
17 Industrial Commission.
18

19
20 52. If the Industrial Commission did this to Mr. Dalton-Webb, then they have
21
22 done this to other workmen. Of course, because the Industrial Commission hides
23
24 behind secrecy, the public has no ability to know how slow the Industrial
25
26 Commission moves. Plaintiff will reassert that Article 18 § 8 of the Arizona
27
28 Constitution, given the historical context of the 1925 special election and the actual
29
30 legal text of Article 18 § 8 of the Arizona Constitution, mandate that workman's
31
32 compensation be of competing quality justice as the superior court. Article 6 § 15 of
33
34 the Arizona Constitution (§ 15 in 1925, renumbered now to Article 6 § 21) requires
35
36 that the superior court render all decisions within 60 days. That means that, because
37
38 workman's compensation is constitutionally required to be better than ordinary injury
39
40 law and is of competitive quality of ordinary injury litigation in the superior court, the
41
42 Industrial Commission, because they are tasked with administering workmen's
43
44 compensation, is also required to render decisions within 60 days of submitting for its
45
46
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48

1 decision. On top of that, Article 2 § 11 mandates a vague “without unnecessary
2 delay” upon the Industrial Commission. This is a very big deal because these injured
3 workman are injured and cannot work and therefore cannot make money, and
4 therefore could be at the brink of homelessness. Waiting 100 days for a hearing could
5 be the difference between getting lost wages in a timely manner and being homeless.
6
7
8
9
10

11 53. Insurance companies, with deep pockets, are more likely to be capable of
12 giving bribes and gifts to administrative law judges than injured workman. Even if
13 it’s not directly a bribe/gift given, just merely becoming friends with someone you
14 see at work every day can cause a problem, because the insurance companies are seen
15 every day, but the workman are seen only once. Insurance companies are also more
16 likely to lobby the various politicians to appoint administrative law judges that are
17 favorable to insurance companies—they have the resources to play the long game of
18 wining and dining politicians, lobbying the legislature, lobbying the Arizona
19 Governor’s Regulatory Review Council (they control workmen’s compensation
20 administrative rules of procedure), and anything else that will further their long-term
21 interests of tort reform and amending everything related to workmen’s compensation
22 in their favor.
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37 54. The interests of the administrative law judges and the insurance companies
38 are aligned in that both parties want the docket cleared. If an ALJ dismisses a case, it
39 is no longer their problem because it will be someone else’s problem (the Court of
40 Appeals A.R.S. § 23-951(A)). Human beings generally want to put in the least
41 amount of effort possible with the least stress possible, and it goes without citation,
42
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1 that the government is the least efficient machine to get almost anything done
2
3 because they aren't competing in the free market to be more efficient. It's not a
4
5 stretch of the imagination that administrative law judges could also figure out that if
6
7 they delay deciding on cases (i.e. taking months), that injured workers will just give
8
9 up and go away, which, again, eases their docket. If a workman is battling
10
11 homelessness because both the insurance company and ALJ take their time in
12
13 handling their case, administrative law judges will have less to read, the workman
14
15 won't prepare his case, and have more reason to dismiss the case. The administrative
16
17 law judge gets paid the same regardless of how fast he processes claims and the
18
19 insurance company makes **MORE** money the longer it takes to payout claims
20
21 (emphasis added). The ALJ's knows the public isn't watching because everything is
22
23 closed and a secret. They have no fear of the public.
24
25

26
27 55. Of course, Mr. Dalton-Webb is not litigating whether or not the Industrial
28
29 Commission is violating the Arizona Constitution regarding how slow they
30
31 administrate workmen's compensation. The point Mr. Dalton-Webb is that there
32
33 absolutely is a reason for the public to be angry at the Industrial Commission and the
34
35 politicians in charge thereof for how slow they process workmen's compensation.
36

37
38 We, The People of Arizona, have a right to petition the government for a redress of
39
40 grievances under the First Amendment through Article 2 § 3 of the Arizona
41
42 Constitution⁴, petition the government under Article 2 § 5 of the Arizona

43
44 4 Plaintiff makes zero direct federal law claims anywhere in this lawsuit. The First
45
46 Amendment claim is solely through Article 2 § 3 of the Arizona Constitution,
47
48 which reincorporates the federal constitution into the state constitution. If his
Article 2 § 3 claim fails, then his underlying First Amendment claim fails.

1 Constitution, to report/publish on issues of public interest under Article 2 § 6 of the
2
3 Arizona Constitution, to have open administration of justice under Article 2 § 11 of
4
5 the Arizona Constitution, and the inspection of public records (and other matters)
6
7 under A.R.S. § 39-121.
8

9
10 56. We, the public, have a right to know when cases are initiated, when
11
12 requests for hearings are filed, and when the hearings are calendared. If the voters of
13
14 Arizona feel the Industrial Commission is taking too long to administrate workmen's
15
16 compensation, they can use this data as ammunition against the government—
17
18 whether that be lobbying legislators, voting for different legislators, filing lawsuits, or
19
20 otherwise criticizing the government.
21

22
23 57. There are also very nuanced issues that the public has a right to know. For
24
25 example, that same hearing for Mr. Dalton-Webb had before the Industrial
26
27 Commission, set for 13 March 2024, was canceled. In that situation, then-defendant
28
29 insurance company moved to cancel the hearing (see Exhibit 6) because Mr. Dalton-
30
31 Webb did not attend a deposition nor answer written interrogatories. This request by
32
33 the then-defendant was completely illegal because Arizona Administrative Code R20-
34
35 5-142(F) states “A presiding administrative law judge shall not cancel or continue a
36
37 hearing because a party fails to take or complete a deposition under this Section.” and
38
39 also A.A.C. R20-5-144(D) states “A presiding administrative law judge shall not
40
41 cancel or continue a hearing because a party fails to answer interrogatories under this
42
43 Section.”. The administrative law judge ignored her own agency's administrative
44
45 code and canceled the hearing (see Exhibit 7 and Exhibit 8), and in her findings, she
46
47
48

1 only cites that Mr. Dalton-Webb did not respond to written interrogatories and did not
2 attend a deposition. Her very finding and award violates the very administrative code
3 that she is bound to.
4
5

6
7 58. Again, Plaintiff does not bring up the problems of his personal case with
8 the Industrial Commission to litigate that his hearing should not have been canceled,
9 it is for the purpose of exposing the corruption in the Industrial Commission and the
10 need for transparency. If the Industrial Commission did this to Plaintiff, they've done
11 it to other people.
12
13

14 59. This example of the Industrial Commission unlawfully canceling a hearing
15 is an example of a very nuanced issue that the public has a right to know. Even if the
16 agency publishes statistics of the number of cases filed, cases terminated, number of
17 pro per litigants versus represented litigants, etc., these statistics still do not capture
18 the nuances of litigation and holding the government accountable. No one could ever
19 publish statistics of, for example, "number of unlawfully canceled hearings". That
20 would require someone to read the documents and come to a legal conclusion. We
21 should not trust the government, even if the government gave us a "number of
22 unlawfully canceled hearings". That is why it is important to have actual documents
23 in front of private, non-government journalists⁵ so that they can read through
24 documents and come up with their own independent opinions of what is going on
25 inside the government. One journalist might believe that the administrative law judge
26 in Mr. Dalton-Webb's matter was wrong, another might believe the ALJ was right—
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46 5 Again, not that journalists have a special right above any other member of the
47 public
48

1 but those journalists compete in the public marketplace to produce the most truth, and
2 the consumer of news and voters get to decide on whose journalism is of higher
3 quality.
4
5
6

7 60. Mr. Dalton-Webb has been talking about the public's right to inspect the
8 Industrial Commission and that transparency leads to higher quality justice. However,
9 there is another stakeholder to consider: students of workmen's compensation
10 litigation.
11
12
13

14 61. Mr. Dalton-Webb is taking community college classes at Pima Community
15 College for paralegal studies. In his college, the institution is pushing for students to
16 get real-life experience in the courtroom and with helping actual people with actual
17 cases. It is not merely enough to understand litigation and the law by reading rules of
18 procedure and statutes. Someone has to get actual experience sitting in a courtroom
19 or reading a docket on what is actually filed and the orders of the judges. This is why
20 many law students covet working at law clinics and working as law clerks for judges
21 —they need to see what is actually going on. Law students learn by observing others
22 who are already litigating their case.
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35 62. If Mr. Dalton-Webb were to be injured all over again⁶ and had to deal with
36 the Industrial Commission, he would go and look through other injured workmans'
37 cases—looking through the docket and attending hearings—he would get a feel for
38 how it all works. There are so many basic questions a litigant wants answered when
39 getting into a case. For example, for an oral hearing, who speaks first—the workman,
40
41
42
43
44

45 6 He is not alleging that he will commit any insurance fraud or intentionally harm
46 himself
47
48

1 the ALJ, or the insurance company? Can a workman bring a laptop into the hearing?
2
3 How is video presented during a hearing? Do litigants ever play videos during a
4
5 hearing? How informal or formal is the hearing? All these questions would be
6
7 answered if workman had access to other workmen's proceedings. It's like anything
8
9 else in life—you learn by watching other people do something. These injured
10
11 workmen are not prepared to litigate their case because they can't look at how others'
12
13 cases are litigated, which violates Article 18 § 8 of the Arizona Constitution.
14

15 **BURDEN OF PROOF**

16
17
18 63. The government, not the Plaintiff, has a burden of proof to show that there
19
20 is a compelling interest in hiding workmen's compensation proceedings from the
21
22 public (A.H. Belo Corp. v. Mesa Police Dep't, 202 Ariz. 184).
23

24 **DAMAGES**

25
26
27 64. Plaintiff, in the "request for relief" will request nominal damages.
28
29 Damages are explicitly authorized under A.R.S. § 39-121.02(C). Plaintiff further
30
31 asserts a nominal damages cause of action under Article 2 § 5, Article 2 § 6, Article 2
32
33 § 11, Article 18 § 8 of the Arizona Constitution, and any other relevant law, in
34
35 addition to A.R.S. § 39-121.02(C). Plaintiff requested for information regarding
36
37 administrative law judge hearing times and dates and pertinent information about ALJ
38
39 hearings that would permit Plaintiff to attend those hearings for hearings that were
40
41 between the dates of 18 September 2025 and 26 September 2025 (see Page 5 of
42
43 Exhibit 3, Item #25). This caused Plaintiff to suffer his rights being violated under
44
45 Article 2 § 11 and Title 39 because he was unable to observe Industrial Commission
46
47
48

1 live proceedings between the dates of 18 September 2025 and 26 September 2025. To
2 make this issue non-moot, Plaintiff will be requesting \$1 in nominal damages from
3 the Industrial Commission violating his rights. Nominal damages of \$1 are not
4 required to have a notice of claim filed (Platt v. Moore, 15 F.4th 895, 898, 2021 U.S.
5 App. LEXIS 29788, *4, 2021 WL 4516856 (9th Cir. Ariz. October 4, 2021)).
6
7
8
9

10 **NON-ALJ ADJUDICATORS HANDLING CLAIMS**

11 65. Plaintiff has focused mostly on administrative law judges in this lawsuit.
12 However, there are people who are not administrative law judges that adjudicate
13 workmen's compensation issues. There is an even worse lack of transparency in this
14 non-ALJ adjudication process, and Plaintiff wishes to ask this Court to allow
15 discovery under Special Action Rule 7(g) so that he can depose the Defendant to get a
16 better understanding of how the non-ALJ adjudication process works, because there
17 appears to be many unwritten procedures that are not written down in the Arizona
18 Administrative Code. Further, Plaintiff may request to amend this Complaint after
19 such discovery and information is obtained.
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33 **REQUEST FOR RELIEF**

34 Plaintiff hereby requests the following relief:
35
36

37 66. Injunctive/mandamus relief, requiring Defendant to turn over all requested
38 items from Exhibit 3, pursuant to Title 39 of the Arizona Revised Statutes and Article
39 2 § 11 and other relevant law.
40
41
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1 67. Monetary relief in the amount of \$1 for nominal damages for violating
2
3 Plaintiff's right to observe Industrial Commission live proceedings between the dates
4
5 of 18 September 2025 and 26 September 2025.
6

7 68. Injunctive/mandamus relief, requiring that the Industrial Commission
8
9 operate public records computers, accessible to any member of the public, in the
10
11 Industrial Commission's offices in Phoenix and Tucson for the inspection of all
12
13 workmen's compensation proceedings, providing a user experience and open
14
15 government comparable to that of superior court public records computer systems.
16
17

18 69. Further injunctive/mandamus relief and in addition to requiring public
19
20 records computers, requiring that the Industrial Commission upload to a database,
21
22 accessible on such public records computers, workmen's compensation proceedings
23
24 that have not specifically been sealed by the Industrial Commission, with a general
25
26 presumption of all workmen's compensation proceedings being public, on an on-
27
28 going basis, and accessible immediately after the files are filed or proceedings happen
29
30 within a workmen's compensation case, providing a user experience and open
31
32 government comparable to that of superior court public records computer systems.
33
34

35 70. Injunctive/mandamus relief, requiring that the Industrial Commission
36
37 publish administrative law judge calendars on the Industrial Commission's website
38
39 and in the Tucson and Phoenix offices in a conspicuous place, on an on-going basis
40
41 and updated as the administrative law judge calendars change, with such calendar
42
43 showing ICA claim numbers, names of the injured workmen, names of the attorneys
44
45 representing the injured workmen, names of the defendant employers, names of the
46
47
48

1 defendant employers' attorneys, names of the defendant insurance companies, names
2
3 of the defendant insurance companies' attorneys, times and places of the hearings,
4
5 description of the subject of the hearing (e.g. "motion to dismiss", "evidentiary",
6
7 "sanctions", "bad faith complaint"), and any other pertinent information that would
8
9 give the general public an idea as to what is going on inside the Industrial
10
11 Commission.
12

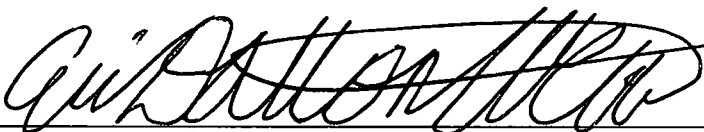
13
14 71. Monetary relief for all costs (not excluding attorney's fees, filing fees, and
15
16 all other expenses incurred in the course of litigation) for litigating this case.
17

18 72. Awarding the Plaintiff any and all other relief as is just, proper, or equitable
19
20 under the facts and circumstances of this case.
21

22 **VERIFICATION**

23
24 I, Eli Dalton-Webb, have read the foregoing Complaint and am familiar with
25
26 the facts and circumstances as alleged therein, and hereby state, under penalty of
27
28 perjury, that the allegations contained therein are true and correct to the best of my
29
30 knowledge, information, and belief.
31
32

33
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35
36
37 Dated this day, 1 October 2025,
38
39
40

41
42 
43
44 /s/ _____

45
46 Eli Dalton-Webb, *Plaintiff*
47
48

Exhibit

1

Industrial Commission of Arizona
800 W. Washington Street
Phoenix, AZ 85007

To the Industrial Commission:

This request is not particular to any case before the Industrial Commission.

Request

Pursuant to Arizona Constitution, Article 2, Section 11, I am requesting access to workmen's compensation hearings before the Industrial Commission. I am requesting either the ability to be present during workmen's compensation hearings (comparably as would any person be able to attend a case before the Superior Court) or the ability to see recordings of past workmen's compensation hearings.

Legal Theories

Article 2, Section 11 of the Arizona Constitution states: "Justice in all cases shall be administered openly, and without unnecessary delay.". Since it is in Article 2, this constitutional requirement is not placed on any specific department (executive, legislative, or judicial), therefore, is not excluding any department of Arizona. Further, the section says "in all cases" and does not stipulate what types of cases the section applies to.

Article 18, section 8 of the Arizona Constitution states: "...just and humane compensation law...". It cannot be argued that cases before the Industrial Commission are not "justice", as "just" is used to describe the workmen's compensation law in the constitution.

Demand for Response

Please respond on or before Wednesday, 17 April 2024.

Even if there is no decision from the Industrial Commission on the matter, please respond with "pending decision" or similar. If the decision is to deny this request, please respond with "request denied" or similar. If the decision is to comply with the request, please designate as such, and give instructions for accessing workmen's compensation cases. Any other potential action or non-action on this request, please respond with such.

E-mail response is preferred.

Thank you,
Eli Dalton-Webb
email: [REDACTED]
phone: [REDACTED]
address: 5009 E. Ironwood Circle, Sierra Vista, Arizona 85650

Exhibit

2

THE INDUSTRIAL COMMISSION OF ARIZONA

LEGAL DIVISION

DENNIS P. KAVANAUGH, CHAIRMAN
JOSEPH M. HENNELLY, JR., VICE CHAIR
D. ALAN EVERETT, MEMBER
MARIA CECILIA VALDEZ, MEMBER
ORION J. GODFREY, MEMBER



AFSHAN PEIMANI
CHIEF COUNSEL
P.O. Box 19070
PHOENIX, AZ 85005-9070
602-542-5781

GAETANO TESTINI, EXECUTIVE DEPUTY DIRECTOR

4/25/2024

Eli Dalton-Webb
5009 E. Ironwood Circle
Sierra Vista, AZ 85650

Dear Mr. Dalton-Webb,

In response to your request dated April 10, 2024, the Industrial Commission of Arizona workers' compensation hearings are closed hearings. Attendance by a non party is at the discretion of the Administrative Law Judge. In order to request permission to attend a hearing, you will need to make that request from the Administrative Law Judge assigned to the matter.

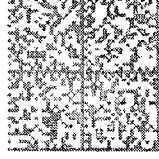
Thank you,

Afshan Peimani

Afshan Peimani
Chief Legal Counsel

Industrial Commission of Arizona
Legal Department
800 W. Washington Street
Phoenix, AZ 85007

PRESORTED
FIRST CLASS



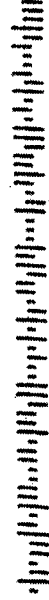
US POSTAGE



ZIP 85007 \$ 000.507
02 4W
0000388287 APR 26 2024

Eli Dalton-Webb
5009 E. Ironwood Circle
Sierra Vista, AZ 85650

DRK-15B 85650



Exhibit

3

Industrial Commission of Arizona
c/o Legal Division
800 West Washington Street
Phoenix, Arizona 85007

1

To the Industrial Commission of Arizona:

2

Please forward this document to (a) person(s) who handle public records requests and also to the attorney that represents the Industrial Commission.

“Open Justice Law” means “Title 39 of the Arizona Revised Statutes, and the chapters, articles, and sections therein, and Article 2 § 11 of the Arizona Constitution, Article 18 § 8 of the Arizona Constitution, and any other applicable law”.

“Individual Commissioner” and “Individual Commissioners” means one of the 5 individually appointed industrial commissioners currently serving the current industrial commission.

“Industrial Commission Entity” means the Industrial Commission as a public entity—the entity that can be sued pursuant to A.R.S. § 23-106.

“service of process” is to be construed liberally and within the intended meaning; it shall not exclude to mean any service of any document (and/or oral directive and/or other papers) that when properly served upon the recipient or recipient’s agent, it has any legal effect. “process” within the meaning of “service of process” shall be construed liberally and shall not exclude: (1) summonses (within the meaning of a court of law), (2) complaints (within the meaning of a court of law), (3) subpoenas, (4) A.R.S. Title 39 requests, (5) requests for waiver (within the meaning of Arizona Rules of Civil Procedure, Rule 4.1(c)), (6) notices of claims (within the meaning of A.R.S. § 12-821.01), and all other process.

COMMISSIONERS’ INFORMATION

Item #1 – Commissioners’ Names

Pursuant to Open Justice Law, I hereby request the legal first names, legal middle names, and legal last names of each Individual Commissioner.

Item #2 – Commissioners’ Physical Address

Pursuant to Open Justice Law, I hereby request the physical address where a person could ordinarily find each Individual Commissioner or each Individual Commissioner agent, within the meaning of Arizona Rules of Civil Procedure, Rule 4.1(d). If one or more of the Individual

1 And any other person and/or entity it may concern

2 And any other person and/or entity it may concern

Commissioners have appointed (an) agent(s), I hereby request the names of the persons appointed as their agent(s).

Item #3 – Commissioners’ Mailing Addresses

Pursuant to Open Justice Law, I hereby request the mailing address(es) where a person could mail the Individual Commissioners or the Individual Commissioners’ agents with Notices of Claims (within the meaning of A.R.S. § 12-821.01), public records requests (within the meaning of Title 39 of the Arizona Revised Statutes), with requests for waiver (within the meaning of Arizona Rules of Civil Procedure, Rule 4.1(c)), and other non-summons service of process.

Item #4 – Commissioners’ E-mail Addresses

Pursuant to Open Justice Law, I hereby request the e-mail address(es) where a person could e-mail the Individual Commissioners or the Individual Commissioners’ agents with Notices of Claims (within the meaning of A.R.S. § 12-821.01), public records requests (within the meaning of Title 39 of the Arizona Revised Statutes), with requests for waiver (within the meaning of Arizona Rules of Civil Procedure, Rule 4.1(c)), and other non-summons service of process.

Item #5 – Contact Information

Pursuant to A.R.S. § 39-171, I hereby request the name, telephone number and email address of an employee or department that is authorized and able to provide the information requested or able to forward the request to an employee or department that is authorized and able to provide the information requested in Items #1-4.

COMMISSION ENTITY INFORMATION

Item #6 – Industrial Commission Entity Physical Address and Agent Name

Pursuant to Open Justice Law, I hereby request the physical address and agent’s name where a person could ordinarily find the Industrial Commission Entity’s agent, within the meaning of both A.R.S. § 23-106 and Arizona Rules of Civil Procedure, Rule 4.1(h).

Item #7 – Industrial Commission Entity Mailing Address

Pursuant to Open Justice Law, I hereby request the mailing address where a person could mail the Industrial Commission Entity’s agent with Notices of Claims (within the meaning of A.R.S. § 12-821.01), public records requests (within the meaning of Title 39 of the Arizona Revised Statutes), with requests for waiver (within the meaning of Arizona Rules of Civil Procedure, Rule 4.1(c)), and other non-summons service of process.

Item #8 – Industrial Commission Entity E-Mailing Address

Pursuant to Open Justice Law, I hereby request the e-mail address where a person could e-mail the Industrial Commission Entity’s agent with Notices of Claims (within the meaning of A.R.S. § 12-821.01), public records requests (within the meaning of Title 39 of the Arizona Revised Statutes), with requests for waiver (within the meaning of Arizona Rules of Civil Procedure, Rule 4.1(c)), and other non-summons service of process.

Item #9 – Contact Information

Pursuant to A.R.S. § 39-171, I hereby request the name, telephone number and email address of an employee or department that is authorized and able to provide the information requested or able to forward the request to an employee or department that is authorized and able to provide the information requested in Items #6-9.

Item #10 – Index of Records Withheld

Pursuant to A.R.S. § 39-121.01(D)(2) and any other relevant law or legal theory, as applicable, I hereby request the furnishing of an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from me from Items #1-10.

ALJ/MANAGERS INFORMATION

Item #11 – ALJ List

Pursuant to Open Justice Law, I hereby request a list of (1) legal first names; (2) legal middle names; (3) legal last names; (4) job descriptions; (5) salaries and other compensation; (6) employment start dates; and (7) regular workplace physical addresses for each administrative law judge of the Industrial Commission currently an administrative law judge as of 26 August 2025.

Item #12 – Non-ALJ Adjudicators

Pursuant to Open Justice Law, I hereby request a list of (1) legal first names; (2) legal middle names; (3) legal last names; (4) job descriptions and their role in adjudicating or assisting in adjudicating; (5) salaries and other compensation; (6) employment start dates; and (7) regular workplace physical addresses for each person that currently adjudicates or currently assists in adjudicating workman's compensation matters, not excluding persons who decide and/or assist in deciding on bad faith and/or unfair claims handling practices, excluding administrative law judges.

Item #13 – Contact Information

Pursuant to A.R.S. § 39-171, I hereby request the name, telephone number and email address of an employee or department that is authorized and able to provide the information requested or able to forward the request to an employee or department that is authorized and able to provide the information requested in Item #11-12.

WORKER'S COMP PUBLIC RECORDS

Item #14 – ICA Claim Numbers

Pursuant to Open Justice Law, I hereby request a complete list of every workman's compensation ICA Claim number in which the date of injury is between the dates of 28 May 2025 and 26 August 2025.

Item #15 – ICA Claim Party names

Pursuant to Open Justice Law, in addendum and in addition to Item #14, I hereby request a complete list of every workman's compensation claim's party names, not excluding the first names and last names of the injured party, the name of the injured party's attorney, the name of the insurance company, the name of the insurance company's attorney, the name of the employer, and the name of the employer's attorney.

Item #16 – ICA Claim date of injury

Pursuant to Open Justice Law, in addendum and in addition to Item #14, I hereby request a complete list of every workman’s compensation claim’s date of injury.

Item #17 – ICA Claim initial filing date

Pursuant to Open Justice Law, in addendum and in addition to Item #14, I hereby request a complete list of every workman’s compensation claim’s date of industrial commission case initiation. For the purpose of this request, “date of industrial commission case initiation” is the date that the industrial commission issues an ICA claim number.

Item #18 – ALJ Case Numbers

Pursuant to Open Justice Law, I hereby request a complete list of every workman’s compensation ALJ case number and its related ICA case number in which the date of injury was between the dates of 28 May 2025 and 26 August 2025.

Item #19 – ALJ Case Judge Names

Pursuant to Open Justice Law, in addendum and in addition to Item #18, I hereby request a list of the legal first name and legal last name of the administrative law judge assigned to each ALJ case number, and all history of each time there is a change of administrative law judge in each particular ALJ case number.

Item #20 – ALJ Calendars

Pursuant to Open Justice Law, I hereby request a calendar of each and every administrative law judge for workman’s compensation proceedings for the period of time between 27 July 2025 and 25 October 2025. If there is no calendar, I hereby request all documents and pertinent information that would permit a person to build a calendar to understand which workman’s compensation controversies an administrative law judge is hearing and when those workman’s compensation hearings will be heard by the administrative law judge.

Item #21 – ICA Claim documents

Pursuant to Open Justice Law, I hereby request all records and all pertinent information and media related to all workman’s compensation claims in which the date of injury is between 28 May 2025 and 26 August 2025. All of it—unredacted or minimally redacted.

Item #22 – Index of Records Withheld

Pursuant to A.R.S. § 39-121.01(D)(2) and any other relevant law or legal theory, as applicable, I hereby request the furnishing of an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from me in any of these records requests.

DEMAND FOR OPEN PROCEEDINGS

You, the Industrial Commission Entity, Individual Commissioners, and administrative law judges, are bound by all provisions of the Arizona Constitution. You are bound by Article 2 § 11 of the Arizona Constitution. You are bound by Article 18 § 8 of the Arizona Constitution, which requires that you “assure and make certain a *JUST* and humane compensation law in the state of Arizona” (emphasis on

the “just”). Combining both the requirements of Article 2 § 11 and Article 18 § 8 of the Arizona Constitution, your workman’s compensation proceedings must be open to the public. We, the members of the public, have a journalistic right to know what is going on in our workman’s compensation system.

We have a right to know, for example: (1) which administrative law judges side with the insurance companies more often than others; (2) the number of pro per injured workman versus injured workman represented by counsel; (3) how long it takes for the industrial commission to adjudicate matters; (4) which administrative law judges cancel hearings more often than others; (5) who adjudicates workman’s compensation matters before it gets to the administrative law judge; (6) how long it takes for the pre-ALJ adjudicators to adjudicate bad faith and/or unfair claims handling practice claims; (7) understand how ALJ’s handle injured workers’ claims—if the ALJ’s are fair or not in their rulings and handling of cases.

I hereby demand new policies and procedures from the Industrial Commission Entity and Individual Commissioners that would amount to the open administration of justice in workman’s compensation proceedings.

Item #23 – Publishing Calendars and Gallery Attendance

Pursuant to Open Justice Law, I hereby demand the Industrial Commission open all future workman’s compensation administrative law judge hearings to the public—publishing the dates of the hearing, parties involved (not excluding injured workman, insurance company, and employer), ICA claim number, ALJ case number, and allowing the public to sit in the gallery of such proceedings—in such a way that it does not require a public records request, but rather that the public will see this without requesting it.

Item #24 – Opening Proceeding Documents

Pursuant to Open Justice Law, I hereby demand the Industrial Commission open all future workman’s compensation proceeding documents to the public, similar to Arizona Superior Court records, providing public records computers in the lobby of the industrial commission for the public to inspect what is going on in these industrial commission workman’s compensation cases—in such a way that it does not require a public records request, but rather that the public can simply access the records without requesting them.

Item #25 – Demand Attendance of Workman’s Compensation Proceedings

Pursuant to Open Justice Law, I hereby demand the Industrial Commission to permit me to attend all workman’s compensation administrative law judge hearings, as a member of the public, in which the hearing is held at any time between the dates of 18 September 2025 and 26 September 2025. This does not exclude: (1) informing me of the dates and times of the workman’s compensation hearings via e-mail; (2) if they are held in-person, informing me of the physical address of the hearing and allowing me to have physical access to the physical room; (3) if they are held via video conferencing, informing me of the link and information to join the video conference.

I hereby demand that the above be answered by the following schedule (on or before):

Item Numbers	Completely fulfilled on or before	Progress report on fulfillment
1-11	5 September 2025	5 September 2025
12-19	10 September 2025	10 September 2025
20-24	19 September 2025	10 September 2025
25	17 September 2025	10 September 2025

“completely fulfilled” means that the Industrial Commission has actually fulfilled the request/demand. “progress report” means that the Industrial Commission has reported their progress on fulfilling the request/demand or has otherwise communicated with me in such a way that it would amount to good customer service.

Failure to meet any of those above dates will be construed as a denial, pursuant to A.R.S. § 39-121.01(E), A.R.S. § 39-121.02 and any other relevant law. This is not purely a Title 39 request, it is also an Article 2 § 11 of the Arizona Constitution request, and request pursuant to any and all other applicable laws. Please stay in communication with me via e-mail.

This request is not for “commercial purpose” as defined in A.R.S. § 39-121.03.

Requester reserves the right to inspect records and other matters in-person and without payment, pursuant to A.R.S. § 39-121 and other relevant law. Requester additionally reserves the right to obtain copies of records.

Please send records and correspondence on the matter to dw4az@proton.me .

Thank you,
Eli Dalton-Webb
E-mail: dw4az@proton.me
5009 E. Ironwood Circle
Sierra Vista, Arizona 85650

Exhibit

4



INDUSTRIAL COMMISSION OF ARIZONA
 800 W WASHINGTON STREET
 PHOENIX, ARIZONA 85007
 (602) 542-4661
REQUEST FOR HEARING

DALTON-WEBB vs. Last Name ELI First Name MI W
 TRUEBLUE INC Defendant Employer
 A I U INSURANCE CO Defendant Insurance Carrier

Social Security No. * [REDACTED]
 ICA Claim No. 20232780039
 Ins. Carrier Claim No. [REDACTED]
 Date of Injury 9/18/2023

Person Requesting Hearing: Eli Dalton-Webb

A hearing is requested on: (Check appropriate box)

- Notice of Claim Status dated: 11/30/2023 DD / MM / YYYY
- Notice, Award, Order or Decision by The Industrial Commission of Arizona dated: or DD / MM / YYYY
- A.R.S. §23-1061(J) or Other:

State reason for the request:

DENIAL OF LOST WAGES; FAILURE TO PAY LOST WAGES

Hearing requested at city or town of: Phoenix Estimated length of hearing: unknown

I request that subpoenas be issued for the following witnesses to appear and testify at hearing:

- (a) [REDACTED] / [REDACTED]
(Name) (Address)
- (b) [REDACTED] / [REDACTED]
(Name) (Address)
- (c) [REDACTED] / [REDACTED]
(Name) (Address)

Interpreter requested Specify Language:

Copies of the Arizona Workers' Compensation Laws and Arizona Workers' Compensation Practice and Procedure and information about the Industrial Commission of Arizona claims and hearing process are available at the Industrial Commission offices and through the ICA web-site located at: www.azica.gov

Eli
(Eli Dec 4, 2023 15:07 MST)

Signature of person or the person's authorized representative requesting hearing is REQUIRED.

5009 E IRONWOOD CIRCLE

Address

SIERRA VISTA

City

ARIZONA 85650

State

Zip

12/4/2023

Date:

Telephone No.

Email Address

IMPORTANT: You will be notified of hearing date in writing by mail. You must keep the Administrative Law Judge advised of any address change.

Phoenix: Industrial Commission of Arizona
 Mailing address: P.O. Box 19070
 Website: Phoenix, Arizona 85005-9070
 azica.gov
 Street address: 800 W. Washington Street
 Phoenix, Arizona 85007-2922

Tucson: Industrial Commission of Arizona
 Office: 2675 E. Broadway
 Tucson, Arizona 85716-5342

The mandatory requirement that the social security number be included in forms filed with the Claims Division or Special Fund Division of the Industrial Commission of Arizona is permitted by Section 7(a)(2)(B) of the Federal Privacy Act of 1974, because the Commission's forms, prescribed under the Commission's Rules in existence prior to January 1, 1975, required disclosure of the social security number. The number is used as a means of identifying all the various records in the Claims Division or Special Fund pertaining to an individual. The use of social security numbers is made necessary because of the large number of persons who have similar names and birth dates, and whose identities can only be distinguished by the social security number.

RECEIVED BY ICA ON 12/04/2023 09:07:14 AM

RECEIVED BY ICA ON 12/04/2023 09:07:14 AM

Exhibit

5

BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

ELI DALTON-WEBB,

Applicant,

vs.

TRUEBLUE INC,

Defendant Employer,

A I U INSURANCE CO,

Defendant Insurance Carrier.

ICA Claim No. 20232780039

Ins. Claim No. 009793-145538-WC-01

Date of Injury: 9/18/2023

ALJ Case No. ALJ0029748

NOTICE OF REMOTE INITIAL HEARING

YOU ARE HEREBY NOTIFIED that a hearing has been set in the above matter for **09:30 AM** on **03/13/2024**. The hearing will be conducted via videoconference utilizing Google Meet. The Meet information is:

Video Call Link

meet.google.com/rnm-jurz-pkc

Dial-In Option

(US) +1 651-447-8388 PIN: 890 416 098#

At the above-referenced time and place, The Industrial Commission of Arizona will proceed to hear and dispose of all issues presented in the manner prescribed by law. **Applicant is instructed to appear via video. Applicant's appearance via video satisfies the requirement that applicant appear in person.** If Applicant cannot do so, Applicant is instructed to contact the undersigned at the phone number below to make alternate arrangements.

Hearing Procedure. This proceeding is governed by the Arizona Workers' Compensation Practice and Procedure Rules. Arizona Administrative Code ("A.A.C.") Title 20, Chapter 5, Articles 1 and 13. All parties will be deemed to have knowledge of these rules. Applicant is required to be present in person at the hearing. A.A.C. R20-5-149. Generally, an applicant bears the burden of proof, which must be met by a preponderance of the evidence and often requires medical evidence. Parties must request medical witnesses no later than 20 days before hearing and non-medical witnesses no later than 10 days before hearing. Parties must file medical documents no later than 25 days before hearing and non-medical documents no later than 15 days before hearing. A.A.C. R20-5-141, 155. The parties are encouraged to file electronically, using the ICA Community portal (<http://azicawc.force.com/claims/s/>). Filed documents must also be served upon all other parties and/or their authorized representatives. A.A.C. R20-5-154.

Applicability of Evidence Based Medicine. If The Work Loss Data Institute's Official Disability Guidelines – Treatment in Workers' Compensation (the "ODG") is relevant to this case, the parties should be prepared to present medical evidence concerning the applicability of the ODG to the treatment recommendations. A.R.S. § 23-1062.03 and A.A.C. R20-5-1301. The Industrial Commission has adopted the ODG as the standard reference for evidence-based medicine used in treating injured workers for all medical treatment or services rendered on or after October 1, 2018. *Id.*

Additional Information. Information about Administrative Law Judge Division hearing processes, including frequently asked questions in English and Spanish, can be found at <http://www.azica.gov>. If a party is unable to access the website or requires other assistance, **they may contact the Commission's Ombudsman at 602-542-4538 or 1-800-544-6488.** For information about or assistance with Google Meet, parties are directed to visit <https://tinyurl.com/yy5rpesc>.

The Industrial Commission of Arizona

Paula Eaton

Paula Eaton

Administrative Law Judge

(602) 542-5661

Date Signed: February 9, 2024

The Industrial Commission complies with the Americans with Disabilities Act of 1990. If you need this document in an alternative format, call (602) 542-5241.

THE INDUSTRIAL COMMISSION OF ARIZONA



NOTICE OF SERVICE

The attached NOTICE OF REMOTE INITIAL HEARING was placed in, and is now a part of, the Commission file, and a copy thereof was served upon all parties hereinafter named on 02/12/2024 (1) by depositing copies in the United States Mail in postage-prepaid, sealed envelopes addressed to such parties at the addresses shown below; or (2) if parties have waived service by United States Mail and specifically authorized alternative forms of service, by serving copies in the manners specifically authorized (designated below):

Claimant

ELI DALTON-WEBB
5009 E IRONWOOD CIRCLE
SIERRA VISTA, AZ 85650
VIA U.S. Mail

Employer

TRUEBLUE INC
1015 A ST
TACOMA, WA 984025122
VIA U.S. Mail

Carrier

A I U INSURANCE CO
C/O A I G CLAIMS SVC2929 N CENTRAL AVE 19TH FL
PHOENIX, AZ 85012
VIA Fax((833) 752-0174)

Carrier Attorney

KIRK BARBERICH, ESQ.
333 E OSBORN RD STE 150
PHOENIX, AZ 85012
VIA Email Notification(e-service-barberich@klblaw.com)
Counsel for ""

Exhibit

6

LAW OFFICES
LUNDMARK, BARBERICH
LA MONT & PUIG, P.C.
333 E. OSBORN RD., SUITE 150
PHOENIX, ARIZONA 85012
(602) 279-9777

Kirk A. Barberich, Esq.
State Bar No. 011386
Defendants Employer and Insurance Carrier

BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

ELI DALTON-WEBB,

Applicant,

vs.

TRUEBLUE, INC.,

Defendant Employer,

AIU INSURANCE CO c/o GALLAGHER
BASSETT,

Defendant Insurance
Carrier.

ICA CLAIM NO.20232780039

ALJ NO.: ALJ0029748

CARRIER CLAIM NO. 009793-
145538-WC-01

DATE OF INJURY: 09/18/2023

**MOTION TO DISMISS
REQUEST FOR HEARING**

**(Assigned to the Hon. Paula
Eaton)**

Defendants respectfully request that this court dismiss applicant's Request for Hearing. Applicant failed to appear for his duly noticed depositions on January 18, 2024 at 3:00 p.m. and February 9, 2024 at 9:00 a.m. (Notices attached). Applicant's nonappearance is prejudicial to defendants in that they have been unable to conduct discovery. Applicant has not answered defendants' interrogatories (attached) served on December 24, 2023. Applicant has not provided defendants with a signed medical authorization. Applicant missed his duly noticed IME (notice attached) with Patrick Bays, DO on December 22, 2023 at 11:00 a.m.

Alternatively, defendants request that this court continue applicant's hearing 60 days and compel applicant to attend his third duly noticed deposition scheduled on March 22, 2024 at 10:30 a.m.

Exhibit

7

BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

ELI DALTON-WEBB,

Applicant,

vs.

TRUEBLUE INC,

Defendant Employer,

A I U INSURANCE CO,

Defendant Insurance Carrier.

ICA Claim No. 20232780039

Ins. Claim No. 009793-145538-WC-01

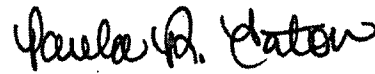
Date of Injury: 9/18/2023

ALJ Case No. ALJ0029748

NOTICE OF CANCELLATION OF HEARING

NOTICE IS HEREBY GIVEN to the parties in the above-entitled case that the hearing heretofore scheduled for **09:30 AM on 03/13/2024, HAS BEEN CANCELLED.**

The Industrial Commission of Arizona



Paula Eaton

Administrative Law Judge

(602) 542-5661

Date Signed: March 6, 2024

The Industrial Commission complies with the Americans with Disabilities Act of 1990. If you need this document in an alternative format, call (602) 542-5241.

THE INDUSTRIAL COMMISSION OF ARIZONA



NOTICE OF SERVICE

The attached NOTICE OF CANCELLATION OF HEARING was placed in, and is now a part of, the Commission file, and a copy thereof was served upon all parties hereinafter named on 03/06/2024 (1) by depositing copies in the United States Mail in postage-prepaid, sealed envelopes addressed to such parties at the addresses shown below; or (2) if parties have waived service by United States Mail and specifically authorized alternative forms of service, by serving copies in the manners specifically authorized (designated below):

ELI DALTON-WEBB
5009 E IRONWOOD CIRCLE
SIERRA VISTA, AZ 85650

TRUEBLUE INC
1015 A ST
TACOMA, WA 984025122

A I U INSURANCE CO
C/O A I G CLAIMS SVC 2929 N CENTRAL AVE 19TH FL
PHOENIX, AZ 85012
VIA Fax((833) 752-0174)

KIRK BARBERICH, ESQ.
333 E OSBORN RD STE 150
PHOENIX, AZ 85012
VIA Email Notification(e-service-barberich@klblaw.com)
Counsel for Defendants

Exhibit

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BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

ELI DALTON-WEBB,

Applicant,

vs.

TRUEBLUE INC,

Defendant Employer,

A I U INSURANCE CO,

Defendant Insurance Carrier.

ICA Claim No. 20232780039

Ins. Claim No.

Date of Injury: 9/18/2023

ALJ Case No. ALJ0029748

FINDINGS AND AWARD DISMISSING REQUEST FOR HEARING

REQUEST(S) CONSIDERED

Request for Hearing/Investigation: December 4, 2023

Protested Notice or Award (if applicable): November 30, 2023

Request for Hearing/Investigation: January 3, 2024

Protested Notice or Award (if applicable): December 29, 2023

The applicant sustained an industrial injury on September 18, 2023. On November 30, 2023, the defendant insurance carrier issued a Notice of Claim Status accepting the applicant's claim as a no time lost claim. On December 4, 2023, the applicant filed a Request for Hearing asserting that he had missed time from work as a result of the subject industrial injury. The applicant was thereafter served with a Notice of Independent Medical Examination, interrogatories, Notice of Deposition and a medical release. The applicant has not provided a signed medical release, has not provided answers to interrogatories, has not appeared for deposition and did not appear for his scheduled independent medical examination. On December 29, 2023, the defendants filed a Notice of Suspension of Benefits asserting that the applicant's benefits should be suspended based upon his failure to appear for independent medical examination. On January 3, 2024, the applicant filed a Complaint of Bad Faith and Unfair Claims Processing Practices asserting that the defendant should not be permitted to suspend his benefits for failure to appear for examination. This was treated as a timely request for hearing protesting the December 29, 2023 Notice of Suspension of Benefits.

On February 9, 2024, the defendants filed a Motion to Dismiss. The applicant has filed a letter requesting that the Industrial Commission assist him in obtaining legal counsel. The applicant has not set forth any basis for his failure to provide answers to interrogatories, sign a medical release or to appear for

deposition. The undersigned, having fully considered the ALJ case file, record, and all related matters, now enters the following Findings and Award. The applicant is not represented by counsel. The defendants are represented by Kirk Barberich. The undersigned, having fully considered the file, records and all related matters, now enters **FINDINGS AND AWARD** as follows:

FINDINGS

1. On February 9, 2024, the defendants filed a Motion to Dismiss. The defendants' motion to dismiss indicates that the applicant has not appeared for deposition, provided a signed medical release or answered interrogatories as required by the Rules of Workers' Compensation Practice and Procedure A.A.C.R.20-5-101 et.seq.

2. The applicant's submissions since the Motion to Dismiss was filed do not demonstrate any reason for his failure to appear for deposition, provide a signed medical release or to answer interrogatories.

3. The applicant has the burden of proof in this matter to establish all the material elements of his claim by a reasonable preponderance of the evidence. *Brooks v. Indus. Comm'n*, 24 Ariz. App. 395, 539 P.2d 199 (1975); *In Re Estate of Bedwell*, 104 Ariz. 443, 454 P.2d 985 (1969); *Malinski v. Indus. Comm'n*, 103 Ariz. 213, 439 P.2d 485 (1968).

4. A.A.C. R20-5-157(A) provides that:

A presiding administrative law judge may impose the following sanctions against any party or authorized representative of a party who fails to comply with this Article or fails to comply with an order of the presiding administrative law judge or Commission:

1. Dismissal of the party's request for hearing,
2. Refusal to permit the introduction of evidence by the party, or
3. Assessment of reasonable attorney's fees and costs against the sanctioned party or authorized representative of a party.

5. A.A.C. R20-5-145(E) provides that:

In addition to the sanctions authorized under R20-5-157, a presiding administrative law judge may, upon a party's motion, impose the following sanctions upon a party if the party, or an officer or managing agent of that party, willfully fails to appear for a deposition after being served with proper notice of the deposition, or fails to serve answers to interrogatories after proper service of the interrogatories:

1. Strike out all or any part of a document filed by the party;
2. Dismiss the action or proceeding, or any part of the action or proceeding;
3. Order the suspension or forfeiture of compensation; or
4. Preclude the introduction of evidence.

6. An administrative law judge may apply various sanctions in cases where there is noncompliance with rules governing the hearing process. The record must establish that the administrative law judge recognizes the scope of her discretion and has weighed factors that might support a range of sanctions, from certain of the lesser sanctions to outright dismissal of a request for hearing. *Unisource v. Indus. Comm'n*, 184 Ariz. 451, 455, 909 P.2d 1088, 1092 (App. 1995). The evidence establishes that the applicant has willfully failed to participate in these proceedings.

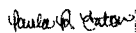
7. Therefore, having weighed the factors that are relevant and material, I have decided to exercise my discretion by concluding that the unexcused failure to comply evidences either a pattern of failure to cooperate or abandonment of the request for hearing. Further, considering the factors set forth in *Brown v. Indus. Comm'n*, 154 Ariz. 252, 741 P.2d 1230 (App. 1987), there is not good cause to relieve the applicant from the sanctions provided for by the Rules of Workers' Compensation Practice and Procedure. Therefore, the sanction of dismissal of the request for hearing is appropriate in this instance. *See also, e.g., Brown v. Indus. Comm'n*, 154 Ariz. 252, 741 P.2d 1230 (App. 1987); *Town of El Mirage v. Indus. Comm'n*, 127 Ariz. 377, 621 P.2d 786 (App. 1980); *Lindsay v. Indus. Comm'n*, 115 Ariz. 254, 546 P.2d 943 (App. 1977). The Applicant's request for hearing is, therefore, dismissed.

AWARD

IT IS ORDERED that the applicant's Request For Hearings are dismissed. The Notice of Claim Status issued on November 30, 2023 and the Notice of Suspension of Benefits issued on December 29, 2023 are now final.

NOTICE: Any party dissatisfied with this Award may file a written request for review of the same with the Administrative Law Judge Division of the Industrial Commission within THIRTY (30) DAYS after the mailing of this Award as provided by Arizona Revised Statutes, §§ 23-942 (D) and 23-943 (A) and (B). Unless such written request is made within the time provided, this Award is final.

The Industrial Commission of Arizona



Paula Eaton

Administrative Law Judge

(602) 542-5661

Date Signed: March 5, 2024

The Industrial Commission complies with the Americans with Disabilities Act of 1990. If you need this document in an alternative format, call (602) 542-5241.

THE INDUSTRIAL COMMISSION OF ARIZONA



NOTICE OF SERVICE

The attached FINDINGS AND AWARD DISMISSING REQUEST FOR HEARING was placed in, and is now a part of, the Commission file, and a copy thereof was served upon all parties hereinafter named on 03/06/2024 (1) by depositing copies in the United States Mail in postage-prepaid, sealed envelopes addressed to such parties at the addresses shown below; or (2) if parties have waived service by United States Mail and specifically authorized alternative forms of service, by serving copies in the manners specifically authorized (designated below):

ELI DALTON-WEBB
5009 E IRONWOOD CIRCLE
SIERRA VISTA, AZ 85650
VIA U.S. Mail

KIRK BARBERICH, ESQ.
333 E OSBORN RD STE 150
PHOENIX, AZ 85012
VIA Email Notification(e-service-barberich@klblaw.com)
Counsel for ""

Person Filing: Eli Dalton-Webb
 Address (if not protected): 5009 E. Ironwood Circle
 City, State, Zip Code: Sierra Vista, Arizona, 85650
 Telephone: _____
 Email Address: dw4az@proton.me
 Representing Self or Lawyer for _____
 Lawyer's Bar Number: _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Eli Dalton-Webb

Case Number: _____

Name of Petitioner/Plaintiff

-vs-

INDUSTRIAL COMMISION, et al.

Name of Respondent/Defendant

**APPLICATION FOR DEFERRAL OR
 WAIVER OF COURT FEES OR
 COSTS AND CONSENT TO ENTRY
 OF JUDGMENT**

NOTICE

- A **Fee Deferral** is only a temporary postponement of the payment of the fees due. You may be required to make payments depending on your income.
- A **Fee Waiver** is usually permanent unless your financial circumstances change during the course of this court action.
- You must attach the **required proof** when filing your Application. If you do not attach the required proof, you **must** complete the financial questionnaire in section 3.
- In the Application, "I" and "you" refer to either the "Applicant" (in all case types, except for probate) or the "Estate/Ward/Protected Person" (in probate cases).

1. I cannot pay the following fees and costs in my case:

- Any or all filing fees, fees for the issuance of either a summons or subpoena, the cost of attendance at an educational program for divorce and legal separation cases required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, fees for obtaining one certified copy of a temporary order in a family court case or a final order, judgment, or decree in all civil proceedings.
- Fees for service of process by a sheriff, marshal, constable, or law enforcement agency.*
- Fees for service by publication.*
- Filing fees and photocopy fees for the preparation of the record on appeal.
- Court reporter or transcriber fees for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

***NOTE:** To defer or waive fees for service of process or for service by publication, you must also complete the **Affidavit in Support of Application for Deferral or Waiver of Service of Process Fee** form (Form No. AOCDFGF3F).

2. I am requesting a deferral or waiver of fees and costs in my case because:

A. I receive government assistance from the federal Supplemental Security Income (SSI) program.*

I have attached the required **proof** that I participate in the **Supplemental Security Income program**. The proof shows my name as the benefit's recipient and the name of the agency that provides the benefit.



(If you have attached proof, you do not need to complete the financial questionnaire in section 3.)

Supplemental Security Income (SSI) is **NOT the same as regular retirement benefits from the Social Security Administration or Social Security Disability Insurance (SSDI)*

OR

B. I receive government assistance from the state or federal program marked below:

Temporary Assistance to Needy Families (TANF)

Food Stamps

I have attached the required **proof** that I participate in a **government assistance program**. The proof shows my name as the benefit's recipient and the name of the agency that provides the benefit.



(If you have attached proof, you do not need to complete the financial questionnaire in section 3.)

OR

C. I receive legal assistance from a non-profit legal aid program.

I have attached the required **proof** that I receive legal assistance from a **non-profit legal aid program**. The proof shows my name as the recipient and the name of the legal aid provider that provides the assistance.



(If you have attached proof, you do not need to complete the financial questionnaire in section 3.)

OR

D. My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. My gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (Note: Gross monthly income includes your share of your

spouse or domestic partner's income if available to you.) *(See the Poverty Levels Chart in 2(H) to determine if your income is 150% or less of the poverty level.)*

OR

- E. I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and are unlikely to change in the foreseeable future.

OR

- F. I do not have the money to pay court filing fees and costs now. I can pay the filing fees and costs at a later date. Explain. _____

OR

- G. My income is greater than 150% of the poverty level, but I have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that reduce my gross monthly income to 150% or below the poverty level. *(See the Poverty Levels Chart in 2(H) to determine if your income is 150% or less of the poverty level.)*

DESCRIPTION OF EXTRAORDINARY EXPENSES	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL EXTRAORDINARY EXPENSES	\$ 0.00

H. **POVERTY LEVELS CHART.** The chart below lists the gross monthly income levels at 150% of the current federal poverty levels based on **household size**. Household size is the number of related individuals living in your home, including yourself, that you support financially. Use the chart to determine the poverty levels based on your household size and whether your gross monthly income is less than, or more than, 150% of the poverty levels.

(AS OF JANUARY 17, 2025)

Household Size (all related individuals)	Gross Monthly Income Level-150%	Household Size (all related individuals)	Gross Monthly Income Level-150%
1	\$1,956	5	\$4,706
2	\$2,644	6	\$5,394
3	\$3,331	7	\$6,081
4	\$4,019	8*	\$6,769

3. FINANCIAL QUESTIONNAIRE

You must complete the financial questionnaire unless you have attached the proof required in section 2(A) for SSI, 2(B) for government assistance, or 2(C) for non-profit legal aid program.

A. How many people, including yourself, do you support financially (including those you pay child support or spousal maintenance for)? 1

List relationship of those you support and check those living with you:

<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____

B. Do you have a job? Yes No

Employer name: _____

Employer phone number: _____

C. What is your approximate **gross monthly income (total income before deductions)**? \$ 100

D. What is your approximate **monthly take home pay (total income after deductions)**? \$ 100

E. Do you have income from the following sources?

<input type="checkbox"/> social security	<input type="checkbox"/> disability	<input type="checkbox"/> veteran's benefits
<input type="checkbox"/> unemployment benefits	<input type="checkbox"/> spousal or child support	
<input type="checkbox"/> investments	<input type="checkbox"/> other: _____	

• What is your approximate **total gross monthly income** from these sources? \$ _____

• What is your **spouse or domestic partner's approximate total gross monthly income** from all sources readily available to you? \$ _____

F. What is the approximate **total balance of bank and credit union accounts** accessible without financial penalty? \$ 79.01

G. What are your **average total monthly expenses**, including rent/mortgage, utilities, vehicle/transportation, credit cards, insurance, medical/dental, child support, childcare, spousal maintenance, tuition, or other expenses? \$ 450

CONSENT TO ENTRY OF JUDGMENT

By signing this Application, I agree that a consent judgment may be entered against me for all fees or costs that are deferred but remain unpaid 30 calendar days after entry of the final judgment, decree, or order unless I establish a payment plan and make timely payments, or I submit a Supplemental Application and the court has not made a ruling on it.

You will receive a **Notice of Court Fees and Costs Due** from the court indicating (1) how much is owed and (2) what steps to take to avoid a consent judgment against you.


NOTE: You may be ordered to repay any amounts that were waived if the court finds you were not eligible for the fee deferral or waiver. If your case is dismissed for any reason, the fees and costs are still due.

If you are asking for deferral or waiver for service of process costs, or service by publication costs, you must complete the **Affidavit in Support of Application for Deferral or Waiver of Service of Process Fee** form (Form No. AOCDFGF3F).

OATH OR AFFIRMATION FOR APPLICATION FOR DEFERRAL OR WAIVER OF COURT FEES AND COSTS

I declare under penalty of perjury that I have read the above statements and to the best of my knowledge and belief these statements are true and correct.

1 October 2025
Date



Applicant's Signature
Eli Dalton-Webb

Applicant's Printed Name

Person Filing: Eli Dalton-Webb
Address (if not protected): 5009 E. Ironwood Circle
City, State, Zip Code: Sierra Vista, Arizona, 85650
Telephone: _____
Email Address: dw4az@proton.me
Representing Self or Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Eli Dalton-Webb

Name of Petitioner/Plaintiff

-vs-

INDUSTRIAL COMMISSION, et al.

Name of Respondent/Defendant

Case Number: _____

**ORDER REGARDING DEFERRAL
OR WAIVER OF COURT FEES AND
COSTS**

THE COURT FINDS that the applicant or estate/ward/protected person, Eli Dalton-Webb (print name):

1. IS NOT ELIGIBLE FOR A DEFERRAL or FOR A WAIVER of fees and costs.

OR
2. IS ELIGIBLE FOR A DEFERRAL of fees and costs based on:
 - Financial eligibility. As required by state law, the applicant has signed a consent to entry of judgment.
 - At the court's discretion (A.R.S. § 12-302(L)).
 - Good cause shown. As required by state law, the applicant has signed a consent to entry of judgment.

OR
3. IS ELIGIBLE FOR A WAIVER of fees and costs based on:
 - Applicant is permanently unable to pay.
 - At the court's discretion (A.R.S. § 12-302(L)).

IT IS ORDERED:

WAIVER IS DENIED for the following reasons:

- This is a class action. (A.R.S. § 12-302(K))
- The applicant is an ADOC inmate awaiting transportation to ADOC facilities or a non-ADOC inmate, and this is not a domestic relations action. (A.R.S. § 12-302(K))
- The applicant was previously declared a vexatious litigant by any court, and this is not a domestic relations case. (A.R.S. § 12-302(K))
- The applicant is not permanently unable to pay or the applicant has not established a receipt of benefits from the Supplemental Security Income (SSI) program. (ACJA § 5-206(F))

WAIVER IS GRANTED for the following fees and costs in this case that may be waived under A.R.S. § 12-302(H):

- Any or all filing fees, fees for the issuance of either a summons or subpoena, the cost of attendance at an educational program required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, and fees for obtaining one certified copy of a temporary order in a family court case or a final order, judgment, or decree in all civil proceedings.
- Fees for service of process by a sheriff, marshal, constable, or law enforcement agency.
- Fees for service by publication.
- Filing fees and photocopy fees for the preparation of the record on appeal.
- Court reporter or transcriber fees for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

DEFERRAL IS DENIED for the following reason(s):

- The application is incomplete because _____

You are encouraged to submit a complete application.
- The applicant does not meet the financial criteria for deferral because:
 - The applicant did not provide proof that they are receiving public assistance benefits from the Temporary Assistance to Needy Families (TANF) program or Food Stamps;
 - The applicant did not provide documentation that they are currently receiving services from a non-profit legal aid program;
 - The applicant did not provide documentation that their income is insufficient or barely sufficient to meet the daily essentials of life and includes no allotment that could be budgeted to pay the fees and costs necessary to gain access to the court;

Other reason: _____

The applicant is an incarcerated felon, and this is not a domestic relations action. (A.R.S. § 12-302(E))

DEFERRAL IS GRANTED for the following fees and costs in this court:

Any or all filing fees, fees for the issuance of either a summons or subpoena, the cost of attendance at an educational program required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, and fees for obtaining one certified copy of a temporary order in a family court case or a final order, judgment, or decree in all civil proceedings.

Fees for service of process by a sheriff, marshal, constable, or law enforcement agency.

Fees for service by publication.

Filing fees and photocopy fees for the preparation of the record on appeal.

Court reporter or transcriber fees for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

IF A DEFERRAL IS GRANTED, APPLICANT MUST PAY AS FOLLOWS:

NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE OR AT THE CONCLUSION OF YOUR CASE.

PAYMENT PLAN. The applicant must pay \$ _____ each _____ (week, month etc.) until paid in full, beginning _____.

PAYMENT DUE DATE. The applicant must pay the service of process fee of \$ _____ on or before _____.

RIGHT TO JUDICIAL REVIEW. If the court denies your application or sets a payment plan for you, you may request a judicial officer to review the decision by filing a **Request and Order for Hearing** (Form No. AOCDGF12F). You must file the request within 20 days of the day the order was mailed or delivered to you. If the court sets a payment plan for you, no payments will be due until the court reviews the request. The court will review the request as soon as reasonably possible.

If you do not pay the service of process fees when they are due, you will receive a **Notice of Court Fees and Costs Due**. The **Notice of Court Fees and Costs Due** will remind you that you may submit a **Supplemental Application** (Form No. AOCDGF9F) for further deferral or waiver if you believe you still cannot afford to pay your court fees. The court will review your **Supplemental Application** and decide at that time whether or not you must pay.

NOTICE REGARDING CONSENT JUDGMENT. A consent judgment may be entered against you for all fees or costs that are deferred but remain unpaid 30 calendar days after entry of the final judgment, decree, or order UNLESS:

- A. The fees and costs are taxed to another party.
- B. You establish a payment plan and make timely payments.
- C. You file a Supplemental Application, and the court has not made a ruling on it.
- D. In response to the Supplemental Application, the court orders the fees and costs to be waived or further deferred.
- E. Within 20 days of the date the court denies the Supplemental Application,
 - o You pay the fees and costs.
 - o You request a hearing. The court cannot enter the consent judgment unless a hearing is held, further deferral or waiver is denied, and payment has not been made within the time given by the court.

If you appeal the final order, decree, or judgment, unpaid court fees are due 30 days after the appeals process ends. The procedures for notice of court fees and costs and for entry of a consent judgment continue to apply.

DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral or waiver must promptly notify the court of any change in financial circumstances during the course of the case that would affect the applicant’s ability to pay court fees and costs. Any time the applicant appears before the court on this case, the court may inquire as to the applicant’s financial circumstances.

DATED: _____

Judicial Officer Special Commissioner

NOTE: IF THE APPLICATION IS BY VERBAL AVOWAL, THE APPLICANT MUST SIGN THE CONSENT TO ENTRY OF JUDGMENT.

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address, in court, hand delivered, by email

Applicant’s attorney at the above address, in court, hand delivered, by email

_____ By _____

Date Clerk