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5 *Plaintiff*  
6

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

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

12 Eli Dalton-Webb, 13 14 Plaintiff 15 16 v. 17 18 INDUSTRIAL COMMISSION, et al., 19 20 Defendants 21	Case No. CV2025-035545  Assigned to: Hon. Michael Mandell  <b>REPLY TO DEFENDANT'S RESPONSE TO REQUEST FOR RULING ON MOTION FOR EXPEDITED MANDAMUS RELIEF</b>
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23 **PROCEDURAL HISTORY**

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25 On 3 February 2026, Plaintiff filed a "MOTION FOR EXPEDITED  
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27 MANDAMUS RELIEF FOR DEFENDANT TO PRODUCE INDEX". On 4 March  
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29 2026, the Plaintiff filed a "REQUEST FOR RULING ON MOTION FOR  
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31 EXPEDITED MANDAMUS RELIEF", requesting the Court to rule and noting that  
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33 the Defendant has not responded to the motion in a reasonable amount of time. On 4  
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35 March 2026, Defendant filed a response to this request for ruling. Plaintiff hereby  
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37 replies to Defendant's response to Plaintiff's 4 March 2026 request for ruling.  
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40 **UNTIMELINESS OF RESPONSE**

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42 It should be noted that the Defendant Industrial Commission is a well-funded  
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44 litigant, with plenty of money to competently litigate their case. The Defendant has  
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46 hired a large law firm of 34 attorneys ( <https://ritsemalaw.com/attorneys/> ) and this  
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1 Court's division staff and Plaintiff has interacted with two of Defense counsel's  
2  
3 paralegals.  
4

5 Under Arizona Supreme Court Rule 42, Ethical Rule 1.3 says "A lawyer shall  
6  
7 act with reasonable diligence and **PROMPTNESS** in representing a client."  
8  
9 (emphasis added)  
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11 The Defendant is also a government entity, which means that they must defend  
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13 this action without unnecessary delay pursuant to Article 2 § 11 of the Arizona  
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15 Constitution. Also under A.R.S. § 39-121.01(E), the Defendant has an obligation to  
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17 promptly turn over records and indexes. By the Defendant delaying litigation, they  
18  
19 are violating A.R.S. § 39-121.01(E).  
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22 There is a reasonable expectation that the Defendant should have responded by  
23  
24 22 February 2026, especially given that Rules of Civil Procedure provide for such  
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26 deadline.  
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28 This Court should place an expectation of promptness on the Defendant and  
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30 the Defendant's counsel, considering the wealth of the Defendant, large size of the  
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32 defense counsel's law firm, the expedited nature of public records litigation, and the  
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34 Arizona Constitution, and should apply negative inferences on the Defendant waiting  
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36 over a month to respond to a motion.  
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### 39 **ALLEGATIONS OF NON-PUBLIC RECORDS**

40 The government is alleging that these records are not "**public**" records, but  
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42 provides no evidence to the contrary, and this Court is not convinced on either party's  
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44 legal arguments. We're going to have an evidentiary hearing on 6 April 2026, and the  
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1 Defendant needs to produce evidence, because the government, not the Plaintiff, has  
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3 burden of proof<sup>1</sup>.  
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5 The Plaintiff has already illustrated that at least two types of document  
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7 contains non-confidential information: (1) a request for a hearing filed with the  
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9 Industrial Commission (see Exhibit 4 of the Complaint), and (2) an order setting a  
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11 hearing with the Industrial Commission (see Exhibit 5 of the Complaint). It would be  
12  
13 ridiculous to believe that, out of the files the Plaintiff has requested, there are zero  
14  
15 orders setting hearings—and these are examples. The Defendant should have records  
16  
17 to produce.  
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20 If the Plaintiff presents no evidence, this Court is required to presume that the  
21  
22 records subject to Arizona public records law.  
23

24 **REASONS RECORDS ARE ALLEGEDLY CONFIDENTIAL**  
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26 The Defendant alleges statutory prohibition from turning over records, an  
27  
28 administrative rule making records confidential, as well as common law reasons for  
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30 withholding records. The Plaintiff has cited the Arizona Constitution (Article 2 § 11  
31  
32 and Article 18 § 8), which supersedes any statute or administrative rule. Further,  
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34 Plaintiff has already briefed this Court, defeating all Defendant’s arguments that  
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39 1“Arizona imposes a presumption in favor of disclosure; to defend a refusal to release  
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41 a public record, the government must demonstrate that the policy in favor of public  
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43 disclosure and access is outweighed by considerations of [‘]confidentiality, privacy,  
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45 or the best interests of the state.[’]” A.H. Belo Corp. v. Mesa Police Dep’t, 202 Ariz.  
46

1 allege that a statute makes these files confidential, and that is why this Court has  
2  
3 ordered an EVIDENTIARY hearing. We also know that an administrative rule does  
4  
5 not supersede an actual law passed by the legislature.  
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7 The Defendant wants this Court to disregard the Defendant from being  
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9 required to produce evidence because of their alleged common law (or otherwise  
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11 non-statutory and non-rule) reasons. They allege, inter alia:  
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13 “sensitive and confidential medical, financial, and other personal  
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15 information of workers’ compensation applicants” (Defendant’s  
16  
17 Response, filed 31 December 2026, Page 3)  
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19 “applicant’s medical conditions, financial information, and other  
20  
21 expressions of” (Id. Page 4)  
22

23 “include party names, dates of injury, filing dates, claim  
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25 documents, hearing dates, ICA claim numbers, ALJ numbers, and  
26  
27 awards” (Id. Page 9)  
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29 “sensitive, confidential, and personal information contained  
30  
31 therein” (Id. Pages 9-10)  
32

33 “workers’ compensation claims concern physical and mental  
34  
35 injuries to employees” (Id. Page 10)  
36

37 “sensitive financial information not only of the claimant, but also  
38  
39 of the employer and the insurance carrier” (Id. Page 11)  
40

41 “files contain wage records, paychecks, and personnel file  
42  
43 information from both the employee and the employer, which often  
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1 includes both the claimant's and employer's bank account information  
2  
3 and routing numbers" (Id. Page 11)  
4

5 However, despite these allegations, they provide no proof of these common law  
6  
7 exceptions to public records. The Defendant wants this Court to believe that from top  
8  
9 to bottom, left to right, 100% of every square inch of every page in the worker's  
10  
11 compensation files contain super sensitive information that could not possibly be  
12  
13 redacted, despite the Plaintiff illustrating to this Court the two types of files we know  
14  
15 contain non-confidential information: (1) a request for hearing; and (2) an order  
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17 setting a hearing. These, of course, are just examples.  
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20 Common law exceptions to public records law requires evidence, with burden  
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22 of proof on the government, unlike what the Defendant wants this Court to believe,  
23  
24 that they could throw around vague allegations with no allegations.  
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### 26 **INDEX OF RECORDS WOULD HELP**

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29 The plain and clear purpose of an A.R.S. § 39-121.01(D)(2) records index is to  
30  
31 actually resolve public records disputes. Because the Defendant is alleging common  
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33 law exceptions to public records, the Defendant needs to provide an index of their  
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35 common law reasons for withholding records. We are going into an evidentiary  
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37 hearing on 6 April 2026 and this index would help resolve issues going into the  
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39 evidentiary hearing.  
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