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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**

<p>11 Eli Dalton-Webb, 12 13 14 Plaintiff 15 16 v. 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. CV2025-035545 Assigned to: Hon. Michael Mandell Mandamus Petition; Article 2 § 11 of the Arizona Constitution; relevant laws First Amended Complaint for Special Action</p>
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27 **FIRST AMENDED 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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35 2. The Industrial Commission is an organization that handles workmen's
36 compensation controversies for when workers get injured on-the-job.
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39 3. We, The People of Arizona, have a right to know what is going on inside the
40 Industrial Commission, so that we can participate in journalism and the press, lobby
41 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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11 5. The Industrial Commission can be sued, pursuant to A.R.S. § 23-106.
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13 6. Plaintiff is a resident of Cochise County, Arizona.
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16 **SIMILAR CASE LAW**
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18 7. The Supreme Court has previously taken jurisdiction over a similar matter
19 in *Ridenour v. Schwartz*, 179 Ariz. 1 where the Maricopa County Superior Court cut
20 its security staffing and made it where trials were still conducted after 3PM but the
21 public had to be inside the courthouse before 3PM in order to observe proceedings.
22 This Supreme Court ruled that this policy violated the public's right to observe trials
23 under Article 2 § 11 and took jurisdiction of the special action.
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33 8. This case is much worse than *Ridenour v. Schwartz*. At least in *Ridenour*, a
34 journalist could get into the courthouse before 3PM to observe proceedings; they
35 would also be able to look at court calendars to see what's going on for the day. In
36 this case, even with the utmost preparation, even with several days in advance and
37 willingness to cooperate with the Industrial Commission, and with written request, no
38 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
2
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
8
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, the claims division, persons who decide on bad
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17 faith and/or unfair claims handling practices, and all other assistive staff in
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19 administrating workmen's compensation. "Industrial Commission", for the purposes
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21 of this special action, excludes wage, sick time, youth labor, ADOSH, and other
22
23 functions of the Industrial Commission that are not related to the workmen's
24
25 compensation. This special action is ONLY regarding the workmen's compensation
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27 system.
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31 10. "ALJ" means administrative law judge.
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33 LEGAL THEORIES

34 THE ARIZONA CONSTITUTION

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37 11. Before the Arizona statewide Special Election of 1925, Article 18, Section
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39 8 of the Arizona Constitution read as follows:
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42 The Legislature shall enact a Workmen's Compulsory Compensation
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44 law applicable to workmen engaged in manual or mechanical labor in
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46 such employments as the legislature may determine to be especially
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48 dangerous, by which compulsory compensation shall be required to be
paid to any such workman by his employer, if in the course of such

1 employment personal injury to any such workman from any accident
2 arising out of, and in the course of, such employment is caused in
3 whole, or in part, or is contributed to, by a necessary risk or danger of
4 such employment, or a necessary risk or danger inherent in the nature
5 thereof, or by failure of such employer, or any of his or its officers,
6 agents, or employee, or employees, to exercise due care, or to comply
7 with any law affecting such employment; Provided, that it shall be
8 optional with said employee to settle for such compensation or retain
9 the right to sue said employer as provided by this Constitution.
10

11 12. If one were to look at the Arizona State Library’s alleged timeline of the
12 amendments of the Arizona Constitution, they regurgitate the propaganda from the
13 1925 election¹—that the 1925 amendment added public employees to the system.
14 This wasn’t true—the legislature—and it was the legislature that put it on the ballot,
15 not a citizen’s initiative—could have created a statute to put all public employees on
16 workmen’s compensation. Further, the Constitution from 1910 to 1925 said nothing
17 about excluding public employees, so they were already included.
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26 13. What they really did with the 1925 amendment is figured out how to
27 swindle the public into giving up their right to sue their employer for injuries, and
28 forcing them to subject themselves solely to the workmen’s compensation system.
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33 14. One can look plainly between the 1910 Constitution and 1925 amendment
34 and see the obvious politics. They couldn’t politically feasibly say outright in the
35 amendment “an employee cannot sue their employer”, so they added a bunch of
36 political fluff to make it appear to the average voter not paying attention to the
37 language that they were getting a better constitution, such as writing into the
38 constitution things like “assure and make certain”, “just and humane compensation
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1 See <https://apps.azlibrary.gov/constitution/>
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1 law”, “for the relief and protection of such workmen”, “from the burdensome,
2
3 expensive and litigious remedies for injuries”, and “producing uncertain and unequal
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5 compensation” before they hit the voter with what they were burying and were
6
7 actually were trying to accomplish: “may exercise the option to settle for
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9 compensation by failing to reject the provisions of such workmen's compensation law
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11 prior to the injury”.

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14 15. However, these political words in Article 18 § 8 are not powerless. Article
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16 2 § 32 of the Arizona Constitution makes all provisions of the Constitution
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18 mandatory. Given the historical context of the 1925 special election, voters were sold
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20 on a law that is better for workmen than the previous law. It is self-evident that any
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22 time a voter votes for a ballot proposition, they are in the belief that what they are
23
24 voting for will improve the society they live in. No voter ever votes for something
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26 that they think makes their society worse. These political words of a “just and
27
28 humane” workmen’s compensation law, because they are in the Arizona Constitution,
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30 have the full force of law upon it, and it is not optional.

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33 16. Because of the 1925 amendment, workmen’s compensation now has a
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35 constitutional purpose: (1) to assure and make certain a just and humane
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37 compensation law; (2) for the relief and protection of workmen from burdensome,
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39 expensive and litigious remedies for injuries; and (3) produce certain and equal
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41 compensation. It is **ONLY** (emphasis added) because of this purpose of this new
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43 workmen’s compensation law that workmen exercise the option to settle for
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45 compensation by failing to reject workmen’s compensation provisions prior to the
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1 injury. If the workmen's compensation law fails any of those tests, the law is
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3 unconstitutional and the workmen may exercise the right (today) to sue their
4
5 employer for injury in the superior court.
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7 17. Plaintiff hereby zeroes-in and focuses on the "just" part of Article 18 § 8 of
8
9 the Arizona Constitution after the 1925 amendment.
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11 18. Before the 1925 amendment, an injured worker could pursue an injury
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13 claim against his employer in the superior court. Because of the wording of the 1925
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15 amendment, the Constitution requires a workmen's compensation law that is
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17 competitive and of higher quality justice to the workman than litigating their case in
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19 the superior court under ordinary injury law. The legislature had to sell the public on
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21 the idea that workmen's compensation was better than litigating their case in superior
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23 court under ordinary injury law in order to get the proposition passed in 1925.
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26 19. After the 1925 amendment, workmen's compensation is now described as
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28 "just", per the Constitution. Plaintiff asserts that, because workmen's compensation is
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30 required to be "just" and because the Industrial Commission is the agency tasked
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32 with administering workmen's compensation, that the Industrial Commission is an
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34 administrator of justice and is subject to the provisions of Article 2 § 11 of the
35
36 Arizona Constitution.
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39 20. If we look at the Arizona Constitution and how it is organized, there is
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41 Article 2 with the title of "DECLARATION OF RIGHTS", and then there is Article 6
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43 with a title of "JUDICIAL DEPARTMENT". We typically think that Article 2 § 11
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45 applies to courts, but actually Article 2 § 11 doesn't apply to courts—it applies to the
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1 entirety of government. If Article 2 § 11 applied only to courts, then it should be in
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3 Article 6 instead of Article 2. Article 2 § 11 also never says “courts”, it says “in all
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5 cases” with no exclusion of the Industrial Commission.
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7 21. Because the Industrial Commission is under the provisions of Article 2 §
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9 11, Plaintiff asserts that the Industrial Commission needs to be open about everything
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11 that is going on inside of it.
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13 22. The Industrial Commission feels like a court. However, they are not to be
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15 mistaken for a court, because they are not a court—they are an administrative agency
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17 under the executive department of Arizona, not the judicial department. When a
18
19 workman gets injured, the workman can report the fact that they get injured and get
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21 an ICA claim number from the Industrial Commission which acts just like a superior
22
23 court case number inside the Industrial Commission. If they have a complaint of bad
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25 faith and/or unfair claims handling practice complaint against their employer’s
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27 workmen’s compensation insurance company, the workman files a complaint with the
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29 Industrial Commission, just like in a court. If a workman or an employer’s
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31 workmen’s compensation insurance wants a hearing, they can get a hearing before an
32
33 administrative law judge, just like the superior court.
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37 23. The Industrial Commission does not explain anywhere—whether on their
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39 website, nor in the Arizona Administrative Code (Article 1, Chapter 5, Title 20 of the
40
41 A.A.C. governs workmen’s compensation procedure) who adjudicates bad faith
42
43 and/or unfair claims handling practices (hereinafter “bad faith”). A.R.S. § 23-930
44
45 tasks the Industrial Commission with imposing \$500-\$1,000 fines for bad faith
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1 against the insurance defendants. Nowhere in A.A.C. R20-5-163 does it give the
2 public any understanding as to who exactly inside the Industrial Commission decides
3 or investigates bad faith claims. Nowhere on Industrial Commission's website does it
4 explain this either.
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10 24. The Industrial Commission just does whatever they want without sticking
11 to any kind of meaningful rules of procedure. It should be noted that the Industrial
12 Commission is under the executive department, and is therefore not bound by any
13 court rules of procedure.
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18 25. It was only after Plaintiff filed this lawsuit, in their responsive brief, filed
19 31 December 2026, that the Industrial Commission has explained who, other than
20 administrative law judges, adjudicate bad faith claims: the claims division adjudicates
21 bad faith claims.
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26 26. There is a complete lack of transparency in the claims division. On the
27 Industrial Commission's website for their claims division,
28 <https://www.azica.gov/claims-division> , they only list Ruby Tate as being inside the
29 claims division. There is zero explanation for what the claims division does and who
30 Ruby Tate's deputies are.
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37 27. Unless a person is a professional workmen's compensation lawyer who has
38 been practicing specifically before the Industrial Commission for a while, and even to
39 people with legal skill, the Industrial Commission does not disclose to the public
40 what the functions of the Claims Division is. This knowledge is hoarded only by
41 those regularly inside the system.
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1 28. This is a major concern regarding the claims division, especially
2
3 considering the serious nature of workman’s compensation—the Industrial
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5 Commission cannot just structure a whole department and use an unwritten procedure
6
7 —that violates all kinds of constitutional principles—due process under Article 2 § 4,
8
9 the right to petition and its implied right to know what is going on inside government
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11 under Article 2 § 5, the right to press under Article 2 § 6, open justice under Article 2
12
13 § 11, a “certain” and “just” compensation law under Article 18 § 8, and other rights
14
15 under Article 2 § 3 of the Arizona Constitution.
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18 29. Not only is the unwritten procedure concerning by the Industrial
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20 Commission’s claims division, but, upon information and belief, they are not honest
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22 with workman nor the public as to who truly investigates and decides on workmen’s
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24 compensation bad faith claims. The Defendant has still not disclosed to Plaintiff, nor
25
26 the public, how many workmen’s compensation claims are filed, to get any idea as to
27
28 the workload of the Industrial Commission.
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31 30. If the Industrial Commission were to be analogous to the superior court,
32
33 and if both the Industrial Commission and superior court are under the provisions of
34
35 Article 2 § 11, Plaintiff asserts that the Industrial Commission must:
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37 31. Put public records computers in the lobby so that the public can
38
39 observe written Industrial Commission proceedings;
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41 32. Publish administrative law judge calendars in a conspicuous manner
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43 —in the twenty-first century, that means publishing it on the Industrial
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1 Commission website and keeping an up-to-date calendar on a bulletin board in
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3 the lobby or a calendar on a television screen;

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5 33. Opening up the gallery for the public to sit in to observe workmen's
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7 compensation oral proceedings²;

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10 34. De-anonymize all persons (especially persons who are not
11
12 administrative law judges) who decide on bad faith and/or unfair claims
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14 handling practice complaints;

15 **PUBLIC RECORDS**

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18 35. If Article 2 § 11 wasn't enough, there is Title 39 of the Arizona Revised
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20 Statutes. Plaintiff has an explicit private cause of action under A.R.S. § 39-121.02.
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22 Plaintiff did a public records request and it wasn't fulfilled, which is a violation of
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24 A.R.S. § 39-121.01(E). A.R.S. § 39-121 doesn't just cover "records", but it also
25
26 covers "other matters", which does not exclude administrative law judge hearings
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28 being subject to public inspection. Because the Industrial Commission has not
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30 fulfilled or meaningfully responded to the Title 39 request in a timely manner,
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32 Plaintiff has a cause of action against the Industrial Commission.
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34 **CAUSE OF ACTION**

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37 36. This problem has probably been going on for a long time without anyone
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39 questioning it.
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42 37. Plaintiff, on 10 April 2024, requested to attend Industrial Commission
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44 proceedings as a member of the public (see Exhibit 1), and the Industrial

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46 ² The Industrial Commission often holds video conference meetings for litigants.
47 For video conference meetings, gallery access is still requested.
48

1 Commission's chief legal counsel stated "workers' compensation hearings are closed
2 hearings. Attendance by a non party is at the discretion of the Administrative Law
3 Judge." (see Exhibit 2).
4
5

6
7 38. Of course, Plaintiff may or may not have a cause of action for something
8 that happened over a year ago (A.R.S. § 12-821). However, Plaintiff again sent
9 another request (certified mail, return receipt along with an e-mail), dated 26 August
10 2025 (see Exhibit 3). This 10 April 2024 request and the 25 April 2024 denial letter is
11 just to illustrate that, even though the Industrial Commission has not meaningfully
12 responded whatsoever to the 26 August 2025 request, they have already denied a
13 similar request previously, and the answer is highly unlikely to have changed within
14 the (roughly) year elapsed between requests. The answer from the Industrial
15 Commission is likely the same answer as it was before. However, because Plaintiff
16 has made a 26 August 2025 request, if there were any statute of limitations, it has
17 reset the clock.
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31 39. Plaintiff asserts that he has a cause of action even if he didn't send
32 anything in writing to the Industrial Commission. The simple fact that the Industrial
33 Commission's proceedings aren't open to the public and that any judge could take
34 judicial notice of such public fact is enough cause of action to sue under special
35 action. Plaintiff making written correspondence to the Industrial Commission is a
36 mere courtesy to the Industrial Commission and strengthens his case. The public,
37 which includes Mr. Dalton-Webb, has a right to observe proceedings under Article 2
38 § 11 and Title 39. Even though Mr. Dalton-Webb is not a party to any of the Industrial
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1 Commission cases that he is requesting access to, he has a cause of action, because
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3 the cause of action belongs to any member of the public under Article 2 § 11 and Title
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5 39.
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7 40. Plaintiff asserts a cause of action under: (1) Article 2 § 11 of the Arizona
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9 Constitution; and (2) Article 18 § 8 of the Arizona Constitution; (3) Title 39 of the
10
11 Arizona Revised Statutes; (4) Article 2 § 5 of the Arizona Constitution; (5) Article 2 §
12
13 6 of the Arizona Constitution; and (6) the First Amendment through Article 2 § 3 of
14
15 the Arizona Constitution³.
16

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18 41. Under the public records cause of action, the Industrial Commission has
19
20 denied the records requests under A.R.S. § 39-121.01(E) by not promptly fulfilling or
21
22 responding to the public records request. A.R.S. § 39-121.02 explicitly prescribes a
23
24 private cause of action to Plaintiff.
25

26
27 42. Additionally, under A.R.S. § 39-121 “other matters” are subject to what is
28
29 commonly referred to as “public records law” of Title 39. These “other matters” do
30
31 not exclude things that are not “records”. Plaintiff asserts that an Industrial
32
33 Commission Administrative Law Judge hearing falls under “other matters” and is
34
35 subject to inspection. Plaintiff asserts that this would mean, in this context, that
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37 Plaintiff has a right to sit in the gallery (or “inspect” per A.R.S. § 39-121) because it
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39 is under “other matters” and is “in the custody of any officer”.
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44 ³ 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 43. Even if Title 39 didn't exist, Plaintiff has a cause of action under Article 2
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3 § 11 as a member of the public. *Ridenour v. Schwartz*, 179 Ariz. 1 prescribes that the
4
5 public is a victim of the government when the government restricts its right to
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7 proceedings. There is absolutely no case law that says that the executive branch is
8
9 exempt from the provisions of Article 2 § 11.
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11 44. There is an unpublished case from the Court of Appeals Division 1, *City of*
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13 *Casa Grande v. Indus. Comm'n of Ariz.*, 2020 Ariz. App. Unpub. LEXIS 1381, where
14
15 a state senator was trying to attend someone else's workmen's compensation hearing.
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17 The decision favored publicity, but the decision was based on the discretion of the
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19 administrative law judge, where the ALJ granted his presence. Plaintiff acknowledges
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21 that there are narrow, specific cases of legitimate, compelling interests for non-open
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23 proceedings before the Industrial Commission, in which the administrative law judge
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25 could, pursuant to A.R.S. § 23-941, close a proceeding. However, Plaintiff asserts the
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27 default of openness with the **EXCEPTION** (emphasis added) of closure of
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29 proceedings. This is exactly how the superior court operates—all proceedings are
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31 open, unless it is decided that is it closed. Arizona Civil Procedure Rule 5.4(c)(2) puts
32
33 a hefty burden of proof on getting documents put under seal, but it is not impossible.
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35 The administrative law judge and parties to a case could do the same thing—if they
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37 specifically do not want a document or proceeding to be public, they can move the
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39 Industrial Commission to close it off from the public.
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43 45. Established law shows that either: (1) when justice is administered; or (2)
44
45 when public records are demanded, the presumption is of openness. "Arizona
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1 imposes a presumption in favor of disclosure; to defend a refusal to release a public
2 record, the government must demonstrate that the policy in favor of public disclosure
3 and access is outweighed by considerations of [']confidentiality, privacy, or the best
4 interests of the state.[']” (A.H. Belo Corp. v. Mesa Police Dep't, 202 Ariz. 184) “it is
5 settled in Arizona that a defendant has no right to a secret trial and an accused, by
6 request may not foreclose the right of the people from freely discussing and printing
7 the proceedings held in open court at a trial” (Phoenix Newspapers v. Jennings, 107
8 Ariz. 557) “Article II, § 11 of the Arizona Constitution requiring that...[o]nly in a
9 case where there is a clear, present threat to the due administration of justice or one
10 which appeals primarily to the morbid and prurient should the right of the public to
11 observe a court proceeding be denied.” (Phoenix Newspapers v. Jennings, 107 Ariz.
12 557)

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27 46. Again, there is zero case law that shows that the Industrial Commission is
28 exempt from the provisions of Article 2 § 11.

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31 47. In this case before this Court, Plaintiff is asserting a general right to
32 observe proceedings and asserting that there is a burden of proof imposed on the
33 party asserting non-openness of Industrial Commission proceedings. Plaintiff wishes
34 to generally observe Industrial Commission proceedings (written and oral).

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40 48. Plaintiff acknowledges that there may be some specific reasons in specific
41 cases to close off Industrial Commission proceedings from the public. Plaintiff asserts
42 that, in order to close a proceeding from the public, the workman, the commission, or
43 the defendant insurance company must specifically request closing the proceeding
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1 from the public, because the legal presumption under Title 39 and Article 2 § 11 is the
2 presumption of openness.
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4
5 49. Right now, it is the other way around, there is an (illegal) presumption that
6 all Industrial Commission proceedings (written and oral) are closed to the public,
7 with the exception of when a workman specifically requests it. This violates well-
8 established case law under Article 2 § 11, Title 39, and the requirement post-1925 of
9 Article 18 § 8 producing a workmen's compensation law that is of higher and of
10 competitive quality justice than the superior court under ordinary injury law.
11

12
13 50. Plaintiff wants to reverse this. Plaintiff wants to live in a world where the
14 Industrial Commission feels similar to the superior court—where he can walk in to
15 the Industrial Commission offices (Tucson and Phoenix) and sit at a public records
16 computer in the lobby and look through case files; the walls of the lobby have an up-
17 to-date administrative law judge calendar showing when they are hearing cases; be
18 able to simply walk in to administrative law judge rooms at any time during business
19 hours and sit in the gallery of a proceeding; and anything else that would amount to
20 open justice as required by Article 2 § 11 and Article 18 § 8 (requiring quality of
21 justice of competing quality to the superior court).
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37 **WHY THIS IS IMPORTANT**

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39 51. To the ordinary public who, when they get off work, want to smoke weed
40 and scroll through social media, they may not be interested in Industrial Commission
41 proceedings. It's not exciting enough for front-page news to cover a man who had his
42 hand chopped off at work and an "independent" medical examiner, paid by insurance
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1 companies, to lie about the workman and say that he's just fine and nothing is wrong
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3 with him and the workman is just exaggerating his injuries. It's probably more
4
5 interesting to watch Johnny Depp sue Amber Heard on TV. However, for the
6
7 workman who **HAS** had his hand chopped off and is out of work, with the insurance
8
9 company denying medical payments and lost wages and sending liar-doctors to
10
11 contradict a workman's statements, with his rent/mortgage bill coming around the
12
13 corner with no money coming in, it's the most important thing in the world to the
14
15 workman that he gets the highest quality of justice from the Industrial Commission
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17 (emphasis added).
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19

20 52. Upon information and belief, more workman than not represent themselves
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22 before the Industrial Commission (although, of course, the government hides these
23
24 statistics). There is hardly any money for an attorney to litigate workmen's
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26 compensation. It's hardly a stretch of the imagination to know that most workmen are
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28 construction workers, because that is where the injuries are at. These aren't college-
29
30 educated people working an office job going to the Industrial Commission for an
31
32 injury. Attorney's fees come from 25% of the lost wages awarded (A.R.S. § 23-1069).
33
34 Lost wages are 66% of the average monthly wages before the injury (A.R.S. § 23-
35
36 1045(A)(1) and A.R.S. § 23-1044). Average monthly wage is capped at \$5,906.55
37
38 (A.R.S. § 23-1041, subsections D and E and footnote⁴) for an absolute maximum lost
39
40 wage award that **ANYONE** could **EVER** obtain being \$3,937.70 per lost-wage-month
41
42 (emphasis added). That means that a person making minimum wage (\$14.70/hour)
43
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47 ⁴ <https://www.azica.gov/claims-amw-statutory-maximum-information-page>
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1 working 160 hours a month can only get \$392 per lost-wage-month in attorney's fees.
2
3 If a cheap attorney charges \$300/hour, that means the client can only get 1.3 hours of
4
5 attorney time per lost-wage-wage month. That doesn't even include expenses like
6
7 court reporters for depositions and paying doctors for their expert testimony. This
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9 makes the Plaintiff to believe that more workman than not are forced to represent
10
11 themselves before the Industrial Commission.
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14 53. This is the problem. The Industrial Commission does not publish any
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16 **BASIC** statistics as to what goes on in the Industrial Commission (emphasis added).
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18 Let me just ask some basic questions: how many workman's compensation cases
19
20 were opened within the last year, how many self-represented workmen were there in
21
22 those cases, and how many attorneys represented workman in those cases? We, The
23
24 People of Arizona have a right to know this information under Article 2 § 11 and Title
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26 39.
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28
29 54. It goes without citation that insurance companies have plenty of money to
30
31 litigate and always have an attorney represent them in their case. Insurance
32
33 companies are pretty much the defendants in the Industrial Commission. Picture this:
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35 ABC Insurance Corporation writes workmen's compensation policies for 1,000
36
37 companies; each company has 10 employees each; that means that ABC Insurance
38
39 Corporation has 10,000 employees they are responsible for; even if 1% of employees
40
41 file a workmen's compensation claim, that means 100 workers are suing (under
42
43 workmen's compensation) ABC Insurance Corporation, because at the end of the day,
44
45 the employer doesn't pay damages, the insurance company does. So that means that
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48

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

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

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57. Upon information and belief, the Industrial Commission regularly takes more than 90 days between a workman requesting a hearing and getting a hearing. Mr. Dalton-Webb, in his personal experience with the Industrial Commission, requested a hearing with the Industrial Commission on 4 December 2023 (see Exhibit 4). The Industrial Commission scheduled a hearing for 13 March 2024 (see Exhibit 5), which is 100 days from the time Mr. Dalton-Webb requested a hearing from the Industrial Commission.

58. If the Industrial Commission did this to Mr. Dalton-Webb, then they have done this to other workmen. Of course, because the Industrial Commission hides behind secrecy, the public has no ability to know how slow the Industrial

1 Commission moves. Plaintiff will reassert that Article 18 § 8 of the Arizona
2
3 Constitution, given the historical context of the 1925 special election and the actual
4
5 legal text of Article 18 § 8 of the Arizona Constitution, mandate that workman's
6
7 compensation be of competing quality justice as the superior court. Article 6 § 15 of
8
9 the Arizona Constitution (§ 15 in 1925, renumbered now to Article 6 § 21) requires
10
11 that the superior court render all decisions within 60 days. That means that, because
12
13 workman's compensation is constitutionally required to be better than ordinary injury
14
15 law and is of competitive quality of ordinary injury litigation in the superior court,
16
17 the Industrial Commission, because they are tasked with administrating workmen's
18
19 compensation, is also required to render decisions within 60 days of submitting for its
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21 decision. On top of that, Article 2 § 11 mandates a vague "without unnecessary
22
23 delay" upon the Industrial Commission. This is a very big deal because these injured
24
25 workman are injured and cannot work and therefore cannot make money, and
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27 therefore could be at the brink of homelessness. Waiting 100 days for a hearing could
28
29 be the difference between getting lost wages in a timely manner and being homeless.
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33 59. Insurance companies, with deep pockets, are more likely to be capable of
34
35 giving bribes and gifts to administrative law judges than injured workman. Even if
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37 it's not directly a bribe/gift given, just merely becoming friends with someone you
38
39 see at work every day can cause a problem, because the insurance companies are seen
40
41 every day, but the workman are seen only once. Insurance companies are also more
42
43 likely to lobby the various politicians to appoint administrative law judges that are
44
45 favorable to insurance companies—they have the resources to play the long game of
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1 wining and dining politicians, lobbying the legislature, lobbying the Arizona
2 Governor's Regulatory Review Council (they control workmen's compensation
3 administrative rules of procedure), and anything else that will further their long-term
4 interests of tort reform and amending everything related to workmen's compensation
5 in their favor.
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11 60. The interests of the administrative law judges and the insurance companies
12 are aligned in that both parties want the docket cleared. If an ALJ dismisses a case, it
13 is no longer their problem because it will be someone else's problem (the Court of
14 Appeals A.R.S. § 23-951(A)). Human beings generally want to put in the least
15 amount of effort possible with the least stress possible, and it goes without citation,
16 that the government is the least efficient machine to get almost anything done
17 because they aren't competing in the free market to be more efficient. It's not a
18 stretch of the imagination that administrative law judges could also figure out that if
19 they delay deciding on cases (i.e. taking months), that injured workers will just give
20 up and go away, which, again, eases their docket. If a workman is battling
21 homelessness because both the insurance company and ALJ take their time in
22 handling their case, administrative law judges will have less to read, the workman
23 won't prepare his case, and have more reason to dismiss the case. The administrative
24 law judge gets paid the same regardless of how fast he processes claims and the
25 insurance company makes **MORE** money the longer it takes to payout claims
26 (emphasis added). The ALJ's knows the public isn't watching because everything is
27 closed and a secret. They have no fear of the public.
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1 61. Of course, Mr. Dalton-Webb is not litigating whether or not the Industrial
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3 Commission is violating the Arizona Constitution regarding how slow they
4
5 administrate workmen's compensation. The point Mr. Dalton-Webb is that there
6
7 absolutely is a reason for the public to be angry at the Industrial Commission and the
8
9 politicians in charge thereof for how slow they process workmen's compensation.
10
11 We, The People of Arizona, have a right to petition the government for a redress of
12
13 grievances under the First Amendment through Article 2 § 3 of the Arizona
14
15 Constitution⁵, petition the government under Article 2 § 5 of the Arizona
16
17 Constitution, to report/publish on issues of public interest under Article 2 § 6 of the
18
19 Arizona Constitution, to have open administration of justice under Article 2 § 11 of
20
21 the Arizona Constitution, and the inspection of public records (and other matters)
22
23 under A.R.S. § 39-121.
24
25

26 62. We, the public, have a right to know when cases are initiated, when
27
28 requests for hearings are filed, and when the hearings are calendared. If the voters of
29
30 Arizona feel the Industrial Commission is taking too long to administrate workmen's
31
32 compensation, they can use this data as ammunition against the government—
33
34 whether that be lobbying legislators, voting for different legislators, filing lawsuits, or
35
36 otherwise criticizing the government.
37
38

39 63. There are also very nuanced issues that the public has a right to know. For
40
41 example, that same hearing for Mr. Dalton-Webb had before the Industrial
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43 5 Plaintiff makes zero direct federal law claims anywhere in this lawsuit. The First
44 Amendment claim is solely through Article 2 § 3 of the Arizona Constitution,
45 which reincorporates the federal constitution into the state constitution. If his
46 Article 2 § 3 claim fails, then his underlying First Amendment claim fails.
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1 Commission, set for 13 March 2024, was canceled. In that situation, then-defendant
2 insurance company moved to cancel the hearing (see Exhibit 6) because Mr. Dalton-
3 Webb did not attend a deposition nor answer written interrogatories. This request by
4 the then-defendant was completely illegal because Arizona Administrative Code R20-
5 5-142(F) states “A presiding administrative law judge shall not cancel or continue a
6 hearing because a party fails to take or complete a deposition under this Section.” and
7 also A.A.C. R20-5-144(D) states “A presiding administrative law judge shall not
8 cancel or continue a hearing because a party fails to answer interrogatories under this
9 Section.”. The administrative law judge ignored her own agency’s administrative
10 code and canceled the hearing (see Exhibit 7 and Exhibit 8), and in her findings, she
11 only cites that Mr. Dalton-Webb did not respond to written interrogatories and did not
12 attend a deposition. Her very finding and award violates the very administrative code
13 that she is bound to.

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29 64. Again, Plaintiff does not bring up the problems of his personal case with
30 the Industrial Commission to litigate that his hearing should not have been canceled,
31 it is for the purpose of exposing the corruption in the Industrial Commission and the
32 need for transparency. If the Industrial Commission did this to Plaintiff, they’ve done
33 it to other people.

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40 65. This example of the Industrial Commission unlawfully canceling a hearing
41 is an example of a very nuanced issue that the public has a right to know. Even if the
42 agency publishes statistics of the number of cases filed, cases terminated, number of
43 pro per litigants versus represented litigants, etc., these statistics still do not capture
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1 the nuances of litigation and holding the government accountable. No one could ever
2
3 publish statistics of, for example, “number of unlawfully canceled hearings”. That
4
5 would require someone to read the documents and come to a legal conclusion. We
6
7 should not trust the government, even if the government gave us a “number of
8
9 unlawfully canceled hearings”. That is why it is important to have actual documents
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11 in front of private, non-government journalists⁶ so that they can read through
12
13 documents and come up with their own independent opinions of what is going on
14
15 inside the government. One journalist might believe that the administrative law judge
16
17 in Mr. Dalton-Webb’s matter was wrong, another might believe the ALJ was right—
18
19 but those journalists compete in the public marketplace to produce the most truth, and
20
21 the consumer of news and voters get to decide on whose journalism is of higher
22
23 quality.
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27 66. Mr. Dalton-Webb has been talking about the public’s right to inspect the
28
29 Industrial Commission and that transparency leads to higher quality justice. However,
30
31 there is another stakeholder to consider: students of workmen’s compensation
32
33 litigation.
34

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36 67. Mr. Dalton-Webb is taking community college classes at Pima Community
37
38 College for paralegal studies. In his college, the institution is pushing for students to
39
40 get real-life experience in the courtroom and with helping actual people with actual
41
42 cases. It is not merely enough to understand litigation and the law by reading rules of
43
44 procedure and statutes. Someone has to get actual experience sitting in a courtroom

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46 ⁶ Again, not that journalists have a special right above any other member of the
47 public
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1 or reading a docket on what is actually filed and the orders of the judges. This is why
2
3 many law students covet working at law clinics and working as law clerks for judges
4
5 —they need to see what is actually going on. Law students learn by observing others
6
7 who are already litigating their case.
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10 68. If Mr. Dalton-Webb were to be injured all over again⁷ and had to deal with
11 the Industrial Commission, he would go and look through other injured workmans'
12 cases—looking through the docket and attending hearings—he would get a feel for
13 how it all works. There are so many basic questions a litigant wants answered when
14 getting into a case. For example, for an oral hearing, who speaks first—the workman,
15 the ALJ, or the insurance company? Can a workman bring a laptop into the hearing?
16 How is video presented during a hearing? Do litigants ever play videos during a
17 hearing? How informal or formal is the hearing? All these questions would be
18 answered if workman had access to other workmen's proceedings. It's like anything
19 else in life—you learn by watching other people do something. These injured
20 workmen are not prepared to litigate their case because they can't look at how others'
21 cases are litigated, which violates Article 18 § 8 of the Arizona Constitution.
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35 **BURDEN OF PROOF**

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37 69. The government, not the Plaintiff, has a burden of proof to show that there
38 is a compelling interest in hiding workmen's compensation proceedings from the
39 public (A.H. Belo Corp. v. Mesa Police Dep't, 202 Ariz. 184).
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44 **DAMAGES**

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46 _____
47 ⁷ He is not alleging that he will commit any insurance fraud or intentionally harm
48 himself

1 appears to be many unwritten procedures that are not written down in the Arizona
2
3 Administrative Code. Further, Plaintiff may request to amend this Complaint after
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5 such discovery and information is obtained.
6

7 HAVING THE FILES READY

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10 72. Under typical government public records schemes, the government has
11 records that are in theory “public” but are realistically not public because someone
12 has to request them, wait for the custodian to process the request, find the records,
13 redact them, and then turn them over. This is usually a multi-day to multi-month
14 process, depending on how well or poorly the agency’s public records process is.
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20 73. Plaintiff is asserting a hitherto right to public records and open justice in
21 workmen’s compensation proceedings. Plaintiff made his Title 39/Article 2 § 11
22 request, waited a month, sued, and is now waiting even more months for records.
23 This is procedure enacted under an assumption that the public has no interest in
24 viewing these documents.
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31 74. This request-and-wait scheme is appropriate for many situations in
32 government—police have all kinds of bodycam recordings where nothing interesting
33 happens, or maybe one government employee sends another government employee
34 an e-mail to meet for lunch, and no one cares to request the records, so the
35 government never bothers to redact and prepare them for inspection because it is
36 unnecessary. The government, in most situations, also cannot just publish all records
37 online, because many records need to be reviewed before releasing.
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1 75. However, because the Industrial Commission administrates justice for
2 workmen's compensation, they must administrate that justice openly. This request-
3 and-wait scheme is inappropriate for workmen's compensation because it deters the
4 public from inspecting these proceedings, and does not amount to the highest degree
5 of transparency: open justice.
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11 76. The point Plaintiff is making here is that these administrative law judges
12 and Industrial Commission need to know that the public is watching, and have fear of
13 the public, so that workman have the confidence that any act of corruption could be
14 caught red-handed at any moment without any notice. A request-and-wait scheme
15 provides no confidence to the average pro per injured workman that his
16 administrative law judge is being watched by the public.
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24 77. Plaintiff, in the request for relief section, will be requesting equitable
25 relief, asking that, not only is the Industrial Commission required to give the Plaintiff
26 the records he has actually requested, but, moving forward, after final judgment in
27 this matter, the Industrial Commission must make workmen's compensation records
28 generally available to the public, on an ongoing basis, under the assumption that the
29 public has an interest in looking at every record in workman's compensation file, and
30 NOT under a request-and-wait scheme.
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40 78. This is based in law. A.R.S. § 39-121 requires that records be "shall be
41 open to inspection by any person at all times during office hours.". A plain and literal
42 reading of this law means that records should be laying around in the lobby, and
43 anyone can open the front door to the office and look at the records. The law doesn't
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1 even qualify that someone has to even REQUEST the records. In reality, 99% of
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3 Arizona agencies don't make their records literally "...open to inspection...at all
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5 times...", because the reality is they are in a secure computer or in a folder behind a
6
7 secure area and it requires a staff member, upon REQUEST, to retrieve and redact
8
9 the records.
10

11 79. Further, if the government doesn't turn over the records "promptly", they
12
13 are in violation of A.R.S. § 39-121.01(E). What is "promptly" within the meaning of
14
15 A.R.S. § 39-121.01(E)? That is always up for litigation. Today, Plaintiff puts pressure
16
17 on the definition of "promptly" within the meaning of workmen's compensation files
18
19 possessed by the Industrial Commission. Plaintiff requests that this Court provide
20
21 declaratory relief regarding what "promptly" means in this very specific matter, going
22
23 forward, so that we, the members of the public, can obtain these records quickly.
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26 80. An administratively practical way to achieve this result is if the Industrial
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28 Commission conspicuously explained to workmen and litigants that all files
29
30 submitted to the Industrial Commission are unredacted public records, with the
31
32 exception of workmen and litigants filing a motion to seal a particular document, and
33
34 in which case, the administrative law judge may approve or deny such a motion, just
35
36 like the Arizona Superior Court does pursuant Civil Procedure Rule 5.4. The
37
38 Industrial Commission can then have public records computers in the lobby of the
39
40 Phoenix and Tucson offices of the Industrial Commission, just like they do at the
41
42 superior court, that display public records in the workmen's compensation files that
43
44 are not filed under seal. If any member of the public wishes to see a file under seal,
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1 they can appeal the denial of public records through A.R.S. § 39-121.02. They can
2 make the litigants do the redacting for them. Some workmen’s compensation litigants
3 probably want to get on their soapbox and make sure that the whole world can see
4 their file—especially if they feel injustice in their workmen’s compensation matter.
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10 81. Workmen also have an interest in looking into another workman’s file to
11 learn how the system works, so that they can litigate their own case. Upon
12 information and belief, most workman are pro per without an attorney, and any self-
13 education they can give themselves is a protection to them. The state is required to
14 “protect” workman, give “certain[ty]”, make cases less “litigious”, and give
15 “equal[ity]” in their workmen’s compensation matters, pursuant to Article 18 § 8 of
16 the Arizona Constitution. A request-and-wait scheme does not protect workers from
17 the uncertainty of knowing how the system works.
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27 **NON-ALJ ADJUDICATOR RECORDS**
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29 82. The Plaintiff, on 4 February 2026, requested records related to the Claims
30 Division at the Industrial Commission (see Exhibit 11).
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33 83. The Defendant, on 27 February 2026, said that no responsive records exist
34 (see Exhibit 12).
35
36

37 84. This is absolutely ridiculous. The Industrial Commission has a whole
38 “Claims Division” whose duties are never defined in the Arizona Administrative
39 Code nor statute, the Industrial Commission does not publish information to the
40 public what the Claims Division does, and, according to the Defendant Industrial
41 Commission in their 31 December 2026 Response (See Page 2), the “Claims Division
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1 is tasked with investigating certain aspects of workers' compensation claims" and that
2
3 the Claims Division issues "findings".
4

5 85. The Plaintiff requested "all records sufficient to identify all current
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7 employees in the Industrial Commission's Claims Division, including...(f) job
8
9 description, and (g) job duties". Plaintiff further requested "For each of these
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11 requested items, if you refuse to compile the information/data/records, it is requested
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13 of records/information that would lead me to information so that I can compile the
14
15 information I am seeking."
16
17

18 86. A.R.S. § 39-121.01(B) requires that the Industrial Commission keep
19
20 records "reasonably necessary or appropriate to maintain an accurate knowledge of
21
22 their official activities and of any of their activities that are supported by monies from
23
24 this state". Currently, we have an entire division of the Industrial Commission, who
25
26 we have no idea who gave the Claims Division authority to even exist in the first
27
28 place, who are currently employed, who actually decide on actual matters of actual
29
30 value (deciding bad faith claims of workmen who have had their limbs chopped off
31
32 and the insurance company is refusing to pay), and the government allegedly has no
33
34 record of what their job duties are.
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37 87. Either: (1) the records exist, and the government has failed to give the
38
39 Plaintiff the records related to the job description and duties of those inside the
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41 Claims Division; or (2) the records don't exist and the government is literally
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43 employing people and has no record as to what those employees are expected to do
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1 for the government and is violating A.R.S. § 39-121.01(B) by not maintaining records
2
3 they are obviously required to keep.

4
5 **REQUEST FOR RELIEF**
6

7 Plaintiff hereby requests the following relief:
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9
10 88. Injunctive/mandamus relief, requiring Defendant to turn over all requested
11 items from Exhibit 3, pursuant to Title 39 of the Arizona Revised Statutes and Article
12 2 § 11 and other relevant law.
13

14
15 89. Monetary relief in the amount of \$1 for nominal damages for violating
16 Plaintiff's right to observe Industrial Commission live proceedings between the dates
17 of 18 September 2025 and 26 September 2025.
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19

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21 90. Injunctive/mandamus relief, requiring that the Industrial Commission
22 operate public records computers, accessible to any member of the public, in the
23 Industrial Commission's offices in Phoenix and Tucson for the inspection of all
24 workmen's compensation proceedings, providing a user experience and open
25 government comparable to that of superior court public records computer systems.
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29 91. Further injunctive/mandamus relief and in addition to requiring public
30 records computers, requiring that the Industrial Commission upload to a database,
31 accessible on such public records computers, workmen's compensation proceedings
32 that have not specifically been sealed by the Industrial Commission, with a general
33 presumption of all workmen's compensation proceedings being public, on an on-
34 going basis, and accessible immediately after the files are filed or proceedings happen
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1 within a workmen's compensation case, providing a user experience and open
2 government comparable to that of superior court public records computer systems.
3

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5 92. Injunctive/mandamus relief, requiring that the Industrial Commission
6 publish administrative law judge calendars on the Industrial Commission's website
7 and in the Tucson and Phoenix offices in a conspicuous place, on an on-going basis
8 and updated as the administrative law judge calendars change, with such calendar
9 showing ICA claim numbers, names of the injured workmen, names of the attorneys
10 representing the injured workmen, names of the defendant employers, names of the
11 defendant employers' attorneys, names of the defendant insurance companies, names
12 of the defendant insurance companies' attorneys, times and places of the hearings,
13 description of the subject of the hearing (e.g. "motion to dismiss", "evidentiary",
14 "sanctions", "bad faith complaint"), and any other pertinent information that would
15 give the general public an idea as to what is going on inside the Industrial
16 Commission.
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31 93. Declaratory relief, that the Industrial Commission violates Article 2 § 11 of
32 the Arizona Constitution, A.R.S. § 39-121, and A.R.S. § 39-121.01(E) by using a
33 request-and-wait scheme for workmen's compensation proceedings.
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37 94. Injunctive/mandamus relief, that the Industrial Commission obtain
38 equipment, and enact policies and procedures, for the proactive redaction of
39 workmen's compensation files, as they are filed, with the assumption that all
40 workmen's compensation files will be requested and viewed by the public, even if
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1 they have not been specifically requested by any person, pursuant to Article 2 § 11 of
2
3 the Arizona Constitution, A.R.S. § 39-121, and A.R.S. § 39-121.01(E).

4
5 95. Declaratory relief, that workmen's compensation files are generally
6
7 presumed public records pursuant to Article 2 § 11 of the Arizona Constitution and
8
9 A.R.S. § 39-121, and that the general public has a right to request and inspect these
10
11 records.
12

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14 96. Injunctive/mandamus relief, requiring Defendant to turn over all requested
15
16 items from Exhibit 11, pursuant to Title 39 of the Arizona Revised Statutes and
17
18 Article 2 § 11 and other relevant law.
19

20
21 97. Injunctive/mandamus relief, requiring Defendant to create records related
22
23 to the job duties and job description of employees in the Claims Division, as required
24
25 by A.R.S. § 39-121.01(B), and further, to turn over those records to the Plaintiff.
26

27
28 98. Monetary relief for all costs (not excluding attorney's fees, filing fees, and
29
30 all other expenses incurred in the course of litigation) for litigating this case.
31

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33 99. Awarding the Plaintiff any and all other relief as is just, proper, or equitable
34
35 under the facts and circumstances of this case.
36

37 VERIFICATION

38 I, Eli Dalton-Webb, have read the foregoing Complaint and am familiar with
39
40 the facts and circumstances as alleged therein, and hereby state, under penalty of
41
42 perjury, that the allegations contained therein are true and correct to the best of my
43
44 knowledge, information, and belief.
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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

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

PRK-15B 05650



PRESORTED
FIRST CLASS



US POSTAGE  PERMIT NO. 1005
ZIP 85007 **\$ 000.50**
02 4W
0000388287 APR 26 2024

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

Received by ICA on 12/04/2023 03:07:14 PM

Submitted on 12/04/2023 02:57:00 PM



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. *
ICA Claim No. 20232780039
Ins. Carrier Claim No.
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
Notice, Award, Order or Decision by The Industrial Commission of Arizona dated: or
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) (Name) / (Address)
(b) (Name) / (Address)
(c) (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 Signature of person or the person's authorized representative requesting hearing is REQUIRED.
5009 E IRONWOOD CIRCLE Address
SIERRA VISTA ARIZONA 85650 City 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 Phoenix, Arizona 85005-9070 Website: 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.

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/yy5rpsc>.

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@kblaw.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

8

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@kblaw.com)
Counsel for ""

Exhibit

1 1

Robert V. Wren Esq. RITSEMA LAW 410 N. 44th Street, Ste. 405 Phoenix, AZ 85008	Industrial Commission of Arizona c/o Legal Division 800 West Washington Street Phoenix, Arizona 85007
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To the Industrial Commission of Arizona:

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”.

These Title 39 requests look similar to the previous requests, but the change of wording is in bold and highlighted in yellow. Note: some changes may not necessarily be bold and highlighted. However, you are still fully obligated to comply with Title 39 and other laws and are still responsible for reading the entirety of this message.

Item #31 – Claims Division Employment Records

Pursuant to Open Justice Law, I hereby request all records sufficient to identify all current employees in the Industrial Commission’s Claims Division, including name, position title, work unit, **job description, job duties** and primary work location (duty station). (Item #31)

Item #32 – Claims Division Employee Information

Pursuant to Open Justice Law, I hereby request, for each Claims Division employee, the records showing (a) name, (b) position title/class, (c) annual salary rate, (d) hire date, (e) work location, **(f) job description, and (g) job duties**—produced in native format or as an export/report from the HR system, with non-disclosable personal data redacted. (Item #32)

Item #33 – Index of Records

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 Title 39 requests. (Item #33)

Item #34 – 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

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

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

forward the request to an employee or department that is authorized and able to provide the information requested in any of these items. (Item #34)

Please fulfill these requests on or before 5 February 2026.

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.

For each of these requested items, if you refuse to compile the information/data/records, it is requested of records/information that would lead me to information so that I can compile the information I am seeking. You may be required to create records, if you have not already, reasonably necessary in the course of your job, pursuant to A.R.S. § 39-121.01(B).

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

12

Public records request

From Bobby Wren <bobby.wren@ritsemalaw.com>

To dw4az@proton.me

Date Friday, February 27th, 2026 at 2:11 PM

In response to your most recent public records request, no responsive records were found.

Bobby Wren



Bobby Wren | Partner | Ritsema Law

999 18th Street, Suite 1800 | Denver, CO 80202

Main: 303.293.3100 | Direct: 303.297.7297 | Fax: 303.297.2337

bobby.wren@ritsemalaw.com

www.RitsemaLaw.com

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