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

12 **ELI DALTON-WEBB**

13 Plaintiff,

14 vs.

15 **INDUSTRIAL COMMISSION OF**  
16 **ARIZONA**

17 Defendants.

Case No.: **CV2025-035545**

**DEFENDANT INDUSTRIAL  
COMMISSION OF ARIZONA'S  
RESPONSE IN OPPOSITION TO  
PLAINTIFF'S ORAL MOTION TO  
ENGAGE IN DISCOVERY**

18 COMES NOW Defendant Industrial Commission of Arizona, by and through its  
19 attorney Bobby Wren of Ritsema Law, and hereby submits its Response in Opposition  
20 to Plaintiff's Oral Motion to Engage in Discovery.

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22 **RESPONSE**

23 Plaintiff alleges Defendant ICA denied him access to public records or other  
24 matters when it failed to produce for inspection certain documents and information  
25 relating to Arizona workers' compensation claims and hearings.  
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1 Defendant ICA’s position is that it has produced all documents and information  
2 required to be disclosed under the applicable law. Any information not produced or  
3 disclosed either does not constitute a public record and therefore need not be disclosed,  
4 or is protected from disclosure pursuant to law.  
5

6 A hearing in this matter was held on April 6, 2026. During the hearing, Plaintiff  
7 made an oral motion to engage in discovery pursuant to RPSA 7(g). Defendant agreed  
8 to produce Plaintiff’s own ICA claim file from his prior workers’ compensation claims.  
9 Plaintiff also apparently seeks discovery of all other ICA claim and ALJ files, in an  
10 effort to compel the ICA to produce those documents that were not produced through  
11 his public records request.  
12

### 13 **ARGUMENT**

14 RPSA 7(g) states “Discovery is not routinely permitted in special actions. If a  
15 special action raises a material issue of fact, the court may issue special orders  
16 concerning discovery.” Discovery in special actions is only permitted in rare  
17 situations. “The very nature of a special action is a unique remedy designed for an  
18 unusual set of circumstances where the speedy determination of the issue is of prime  
19 consideration. To allow a wide range of discovery, attendant with the delays  
20 involved, would tend to defeat the very purpose of a special action.” *Riggins v.*  
21 *Graham*, 511 P.2d 209, 211 (Ariz. App. 1973).  
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1 Plaintiff has failed to demonstrate good cause as to why discovery should be  
2 allowed. Plaintiff has not identified any dispute of a material fact that would  
3 warrant discovery in this matter, and no such dispute exists. There is no dispute  
4 concerning the contents of the claims and ALJ files and hearings, and there are no  
5 other allegations made that would fall within the narrow exceptions to the rule. *See*  
6 *Austin Shea (Arizona) 7<sup>th</sup> & Van Buren, LLC v. City of Phoenix*, 213 Ariz. 385 (App.  
7 2006) (Discovery may be allowed to determine the true nature and extent of the  
8 actual administrative record where pleadings contained allegations an administrative  
9 body reviewed extra-record materials); *Phoenix Newspapers, Inc. v. Keegan*, 201  
10 Ariz. 344 (App. 2001) (Discovery permitted where impact of public disclosure of  
11 test questions on the results of a standardized test was a disputed issue of fact).

15 Here, the only dispute is whether the ICA's records are public records, and  
16 whether plaintiff is allowed unfettered access to workers' compensation hearings.  
17 Plaintiff merely seeks access, and Defendant asserts that access is prohibited by law.  
18 That is the sole question to be determined in this special action, and discovery is not  
19 necessary beyond what Defendant has already ag  
20 reed to produce in order to determine that question.  
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DATED this 23<sup>rd</sup> day of April, 2026

RITSEMA LAW

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CERTIFICATE OF SERVICE

I hereby certify that on this 23<sup>rd</sup> day of April 2026, true and correct copies of the foregoing **DEFENDANT INDUSTRIAL COMMISSION OF ARIZONA'S RESPONSE IN OPPOSITION TO PLAINTIFF'S ORAL MOTION TO ENGAGE IN DISCOVERY** were served upon the following parties by email/facsimile/U.S. Mail, postage prepaid, addressed to the following:

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

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

/s/ Darla Banks