

**WORKERS' COMPENSATION APPEALS BOARD  
STATE OF CALIFORNIA**

**CHRISTINA LOPEZ, *Applicant***

**vs.**

**EDMUNDO RUIZ DAVILLA MD, INC.;  
TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, *Defendants***

**Adjudication Number: ADJ7805319  
Oakland District Office**

**OPINION AND ORDER  
DISMISSING PETITION  
FOR REMOVAL**

Applicant seeks removal of the Order Compelling Attendance at Medical Examination (Order) issued by the workers' compensation administrative law judge (WCJ) on November 30, 2020. As relevant herein, the WCJ ordered applicant to attend a medical examination on December 2, 2020, with Dr. Kremen.

As relevant herein, applicant contends that there was a due process violation because she did not receive notice that defendant's petition to compel her attendance at a medical examination (Petition to Compel) would be heard on November 12, 2020.

Defendant did not file an answer. The WCJ issued a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

We have considered the allegations of the Petition for Removal and the contents of the Report of the WCJ with respect thereto. Based on our review of the record, and for the reasons discussed below, we will dismiss the Petition for Removal.

**FACTUAL BACKGROUND**

On November 30, 2020, the WCJ issued the Order compelling applicant to attend a medical examination with Dr. Kremen on December 2, 2020.

On December 1, 2020, applicant filed a Petition for Removal of the November 30, 2020 Order.

On March 11, 2021, applicant filed a “Petition for Additional Panel QME List.” In its petition, applicant indicated that Dr. Kremen issued a report on December 23, 2020.

### **DISCUSSION**

The issue that we face is that applicant’s challenge of the Order has become moot. In applicant’s March 11, 2021 petition, applicant indicated that Dr. Kremen issued a report on December 23, 2020. We infer that applicant attended the medical evaluation with Dr. Kremen on December 2, 2020. Thus, applicant’s attendance of the December 2, 2020 medical evaluation has rendered applicant’s Petition for Removal moot. (See 7 Witkin, Summary of Cal. Law (11th ed. 2017) Const. Law, § 105.)

Accordingly, we dismiss applicant’s Petition for Removal.

For the foregoing reasons,

**IT IS ORDERED** that applicant's Petition for Removal of the November 30, 2020 Order Compelling Attendance at Medical Examination is **DISMISSED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**

**I CONCUR,**

**/s/ MARGUERITE SWEENEY, COMMISSIONER**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**April 12, 2021**

**SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

**CHRISTINA LOPEZ  
BOXER & GERSON  
EMPLOYMENT DEVELOPMENT DEPARTMENT  
TRAVELERS  
LAURA CHAPMAN & ASSOCIATES**

**SS/abs**

I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date. *abs*