

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

**MATTHEW GOODSON, *Applicant***

**vs.**

**BOSTON RED SOX; ACE AMERICAN INSURANCE,  
administered by SEDGWICK, *Defendants***

**Adjudication Number: ADJ13341196, ADJ13375384  
Van Nuys District Office**

**OPINION AND ORDER  
DENYING PETITION  
FOR REMOVAL**

We have considered the allegations of defendant's Petition for Removal and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record and for the reasons discussed below, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020).)

The WCJ is entitled to control proceedings in order to ensure matters progress in an expeditious fashion. (See Lab. Code, §§ 133, 5700; Cal. Const., art. XIV, § 4.) This includes the authority to bifurcate the issues for trial and defer those issues not ripe for adjudication. (See e.g., Cal. Code Regs., tit. 8, former § 10560, now § 10787 (eff. Jan. 1, 2020) [the WCJ may bifurcate the issues for trial and try them separately upon a showing of good cause].)

Here, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

Therefore, we will deny defendant's Petition.

For the foregoing reasons,

**IT IS ORDERED** that defendant's Petition for Removal of the Minute Order issued by the WCJ on July 27, 2021 is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

I CONCUR,

**/s/ DEIDRA E. LOWE, COMMISSIONER**

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



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

**SEPTEMBER 17, 2021**

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

**COLANTONI COLLINS MARREN PHILLIPS & TULK  
LEIGH LAW FIRM  
MATTHEW GOODSON**

***AI/pc***

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