

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

**MARVA SMITH, *Applicant***

**vs.**

**SOLAR TURBINES, INC.; permissibly self-insured, *Defendants***

**Adjudication Number: ADJ12010500  
San Diego District Office**

**VEXATIOUS LITIGANT  
PRE-FILING REVIEW  
PURSUANT TO  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTION 10430  
OPINION AND ORDER  
DISMISSING PETITION FOR  
RECONSIDERATION**

On February 26, 2016, applicant was declared a vexatious litigant in Case No. ADJ9885284 subject to a pre-filing order pursuant to California Code of Regulations, title 8, section 10430. (Cal. Code Regs., tit. 8, § 10430.) Under WCAB Rule 10430, applicant must obtain prior approval from the Presiding Workers' Compensation Judge or the Appeals Board before he or she is allowed to file any application(s) for adjudication of claim, declaration(s) of readiness to proceed, pleading(s), petition(s) or other request(s) for action by the Workers' Compensation Appeals Board, unless document(s) are filed by a licensed attorney, who has assumed applicant's representation.

Applicant, in pro per, has conditionally filed correspondence dated April 28, 2023 and received by the Appeals Board on May 1, 2023, stating "Applicant has been deemed to be a 'Vexatious Litigant' according to the Court. In accordance with the requirements as ordered by the Presiding Judge, I am submitting this as a statement of requirement, before my underlying filing is accepted. [¶] PLEASE PROCESS MY RECONSIDERATION FOR CHANGE OF VENUE." No actual request for change of venue was made or attached, no proof of service was included, and no reference to the April 6, 2023 Order Dismissing Application for Adjudication of Claim was made in this correspondence. Applicant has also conditionally filed a Petition for Reconsideration

on May 3, 2023 regarding the April 6, 2023 Order Dismissing Application for Adjudication of Claim.

Based on our review of the record, we do not find a significant change in circumstances or change in the law that materially affects the issue of venue in this case. Therefore, we do not accept the May 1, 2023 correspondence. However, we do find a material change in the circumstances related to the dismissal of the Application for Adjudication of Claim. Therefore, we accept the Petition for Reconsideration for filing.

Based on our review of the record, and for the reasons stated in the WCJ's report, which we adopt and incorporate, we will dismiss the Petition for Reconsideration as untimely. If we were not dismissing the petition as untimely, we would deny it on the merits for the reasons stated by the WCJ in the Report.

For the foregoing reasons,

**IT IS ORDERED** that the May 1, 2023 correspondence is **NOT ACCEPTED** for filing.

**IT IS ORDERED** that the Petition for Reconsideration received on May 3, 2023 is **ACCEPTED** for filing.

**IT IS FURTHER ORDERED** that the Petition for Reconsideration filed on May 3, 2023 is **DISMISSED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ NATALIE PALUGYAL, COMMISSIONER**

**I CONCUR,**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**/s/ JOSÉ H. RAZO, COMMISSIONER**



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

**JULY 3, 2023**

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

**MARVA SMITH  
SIEGEL, MORENO & STETTLER**

**PAG/cs**

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

## REPORT ON RECONSIDERATION

Marva Smith, in pro per and a vexatious litigant, born [], while employed as a “contract employee” intermittently in 1991 and 1992, by Solar Turbines, permissibly self-insured, alleges a work-related injury on 10/2/2018 consisting of “Fraud in the inducement in the employment contract and spoilage of evidence in medical recordkeeping and radiography; Psychiatric, catastrophic, involving chest and breasts.”

## REPORT ON RECONSIDERATION

The applicant, Marva Smith, in pro per, filed a Petition for Reconsideration on May 3, 2023. The applicant is aggrieved by the April 6, 2023, Order Dismissing Application for Adjudication of claim.

## THE PETITION FOR RECONSIDERATION

The Petition for Reconsideration is untimely and should be denied. The Order Dismissing Application for Adjudication of claim was filed and served on April 6, 2023. Labor Code section 5903 permits a Petition for Reconsideration to be filed “at anytime within 20 days after the service of any final order, decision or award made and filed by the appeals board or a workers’ compensation judge granting or denying compensation, or arising out of or incidental thereto...” Title 8, California Code of Regulations, Section 10605 extends the time to act by five calendar days from the date of service if the place of address and the place of mailing of the party being served is within California. The Order was served by mail on April 6, 2023, to California address. The 25-day time limit to file the Petition for Reconsideration fell on Monday, May 1, 2023. The Petition was filed on Wednesday, May 3, 2023, the 27th day after service of.

## PETITIONER’S CONTENTIONS

The petitioner asserts that there are “new and relevant facts” to be considered, consisting of “retaliation and suppression of evidence on behalf of the DEFENDANT’S counsel of record, Siegel, Moreno, and Stettler, whereby the facts support they shared a relationship of conflict-of-interest to her Motor Vehicle Accident on September 11, 2019, as supporting documentation is in the record.” The petitioner does not identify the “supporting documentation” she is referring to, nor does she explain the alleged “conflict-of-interest by defense counsel.

The applicant asserts that the Order Dismissing Application for Adjudication of Claim is “vague and ambiguous.” She takes issue with the language in the order that states, “Ms. Smith has taken no affirmative steps to prosecute her claim of injury against Solar Turbines,” and notes

that she appeared for her deposition as ordered by the Workers' Compensation Judge on September 16, 2023." (The Order for Applicant to Attend Deposition is dated September 16, 2019).

The applicant asserts that she had "a mammogram in association with the Medical Unit Department at Solar Turbines, while employed, and before separating in 1992." She asserts that her employer failed to warn her "that mammograms were generally contraindicated on patients and employees where medical examinations are performed at their employers' premises. "She implies that her breast implants were injured in 1992 as a result of the mammogram.

#### VEXATIOUS LITIGANT

The petitioner, Marva Smith, is a person determined to be a vexatious litigant (Marva Smith v. Scripps Health, ADJ9885284, Findings; Order, and Opinion on Decision, filed and served on July 5, 2016).

#### CASE SUMMARY

The Application for Adjudication of Claim was filed on March 12, 2019, by counsel for Solar Turbines, permissibly self-insured, in order "to obtain WCAB jurisdiction to move case toward hearing." (Application for Adjudication of claim, filed March 12, 2019). The defendant filed a Declaration of Readiness to Proceed. The applicant was present for the May 9, 2019, status conference, but failed to appear for the August 29, 2019, status conference and for the December 16, 2019, MSC. A Notice of Intention to Dismiss case was served and filed on December 26, 2019. On January 21, 2020, the applicant filed an objection and asked to be heard. The matter was set for a status conference on February 11, 2020. Both parties presented their positions concerning dismissal of the case. A second Notice of Intention to Dismiss case was served and filed on February 18, 2020. On 2/26/20, the applicant filed a written objection with her "corrections" to the "WCJ Notes" memorialized in the February 11, 2020, Minutes of Hearing. The defendant renewed its petition to dismiss the case. The applicant filed multiple petitions for Change of Venue. These were denied. On April 6, 2023, the Order issued Dismissing the Application for Adjudication of Claim. On May 3, 2023, the applicant filed her Petition for Reconsideration.

#### PETITION FOR RECONSIDERATION

As previously noted, the applicant filed her Petition for Reconsideration on May 3, 2023, the 27th day after service and filing of the Order Dismissing Application for Adjudication of

claim. It appears that on May 1, 2023, a letter was received from the applicant dated April 28, 2023. There is no proof of service for this letter. The letter says, “Please process my reconsideration for change of venue.” There were no attachments. The actual Petition for Reconsideration was not filed until May 3, 2023. It contains a proof of service signed by the applicant on May 1, 2023, attesting that she mailed her Petition for Reconsideration to the Board, to defense counsel, and to Solar Turbines on May 1, 2023 (in the Answer to Petition for Reconsideration, defense counsel represents that the petition was received by the defendants on May 5, 2023).

A second proof of service was attached with the Petition for Reconsideration reflecting that on May 1, 2023, the applicant mailed a “Motion for Disqualification” to the Board and to the defendant. No such document was filed with the Board. It may be that the applicant regards her Petition for Reconsideration as a multipurpose document, to appeal the April 6, 2023, Order Denying Petition for Change of Venue, and to appeal the April 6, 2023, Order Dismissing Application for Adjudication of Claim, and as a motion to seek the disqualification of the judge. The statement attached to her petition specifically “requests reconsideration in dismissal of her Application for Adjudication of claim,” but also references the order denying her petition for Change of Venue, which she indicates was the subject of a “Request for Reconsideration, “filed on “August 28, 2019.” There is no such document in the Board file, either in August of 2019 or in April or May of 2023. It is believed that the applicant is referring to her letter to the Board dated April 28, 2023, filed on May 1, 2023, which simply says “Please process my reconsideration for change of venue.” There was no attachment to the letter dated April 28, 2023. The actual petition for reconsideration arrived at the Board on May 3, 2023, as reflected by the Board’s date stamp.

#### DISCUSSION

The Minutes of Hearing dated February 11, 2020, contain 17 pages of notes taken by the Workers’ Compensation Judge summarizing the statements made by the parties during the conference. In order to understand the applicant’s Petition for Reconsideration, it is necessary to read these notes, as the applicant’s Petition for Reconsideration takes issue with these notes. Although the applicant indicates in her petition that she “testified” about the matters reflected in the notes of the February 11, 2020, status conference, she was not put under oath, and the 17 pages of notes are simply a summary by the Workers’ Compensation Judge of the positions

presented by the parties on that date. At the February 11, 2020, conference, defense counsel filed the DWC-1 Claim Form that Ms. Smith presented to Solar Turbines in 2018. In her claim form, Ms. Smith reported a work injury having occurred on October 2, 2018. She described the injury as follows:

“Fraud in the inducement in the employment contract and spoilage of evidence in medical record keeping and radiography; Psychiatric, catastrophic, involving chest and breasts.”

During the February 11, 2020, conference, the parties agreed that Ms. Smith was employed by Solar Turbines in 1991 and 1992. Defense counsel represented that Ms. Smith was hired in 1991 and laid-off on 11/8/91, then rehired on 5/21/92. Her employment at Solar Turbines ended on 6/22/92. Ms. Smith indicated that she had a free mammogram performed on-site at Solar Turbines. Prior to that date, in May 1983, she had breast implants. Her breast implants were injured in a 1989 motor vehicle accident, but she was unaware of that. She also suspects that her breast implants were not done properly. She believes the mammogram harmed her because compression during mammogram caused material from the breast implant to degrade. As a person with breast implants, she believes the mammogram was contraindicated (Minutes of Hearing, Feb.11, 2020, p.5).

In 1991, she filed a workers' compensation case at the San Diego, WCAB against Scripps Clinic and Green Hospital in which she alleged injury to her breasts. She thinks this case is related to her claim against Solar Turbines because it was a temporary agency at the Joan Kroc Center who referred her to Solar (Minutes of Hearing, 2/11/20, p.6). In 2010, she met with a safety engineer at Solar about a scandal at Catholic Charities involving priests who were involved in sex abuse. She felt she had a duty to warn Solar about this because there were priests at the Joan Kroc Center, and that people sent from the Joan Kroc Center to work at Solar needed to be warned about this. She thought that the court (the Board) should obtain photographs of a priest who lived or worked at Joan Kroc because a priest had access to her child while she lived there (Minutes of Hearing, 2/11/20, pages 7 and 8). She believes there are medical records in the possession of Solar Turbines about her mammogram that will reveal a conspiracy to cover-up for the doctor who performed her breast implants. She alleged that the San Diego Board has a conflict of interest to hear her case because a former judge, Judge Rosa, was a member of the YMCA and she worked for the YMCA, and she wants a change of venue. (Minutes of Hearing,

2/11/23, pages 9 and 10). She wants two attorneys to appear, Mr. Brody and Mr. Mason (Minutes of Hearing, 2/11/20, p. 10). Mr. Mason handled her case against San Diego State University (SDSU) when she had a work injury there, and he knows about missing records (Minutes of Hearing, 2/11/20, p. 13). Mr. Brody should appear because he went to college in Florida and has an interest in persons persecuted by the Nazis, and he should have to answer if he worked for the CIA, and her family has a relationship to the people who brought the Nazis to work in the space program which creates conflicting relationships. She believes that a doctor at Solar was from Florida, which is where they had their secret camps (Minutes of Hearing, 2/11/20, pages 10 and 11, and pages 15 and 16). She suspects that defense counsel for Solar, Mr. Siegel, had something to do with the shooting in Las Vegas. She is going to file a complaint against him with the state bar because he used her as a bargaining chip to get the settlement for the victims of the Las Vegas shooting (Minutes of Hearing, 2/11/20, pages 13 and 14). She thinks Judge Randall Paddock should have recused himself as the judge in her work injury case at the San Diego WCAB because the shooter in Las Vegas was Steven Paddock, and Judge Paddock is the brother of the Las Vegas shooter (Minutes of Hearing, 2/11/20, p. 13). She did research, and Randall Paddock is the brother of Charles Paddock who worked for NASA, and Randall Paddock should have recused himself if he was related to NASA because her family has a relationship to the people who brought the Nazis over to work in the space program in Operation Paperclip (Minutes of Hearing, 2/11/20, pages 15 and 16). She wants to subpoena the police who investigated the shooting in Las Vegas (Minutes of Hearing, 2/11/20, p. 17). She wonders if she is an employee of the CIA. She does not know because the records were not produced for her in the trial, she had with Judge Paddock (Minutes of Hearing, 2/11/20, p. 17). She wants the court to open up her case of credible allegations of clergy sex abuse. (Minutes of Hearing, 2/11/20, p. 12).

In her Petition for Reconsideration, Ms. Smith contends that the reasoning for the dismissal of the Application for Adjudication of claim is “vague and ambiguous.” She objects to the characterization that she “accuses Solar of engaging in a conspiracy to conceal medical records.” In her claim form, Ms. Smith described her injury as “spoilage of evidence in medical recordkeeping.” At the February 11, 2020, conference, she indicated that medical records at Solar Turbines about the mammogram show a conspiracy to cover-up for the doctor who did her implants, and that these medical records “were lost.” (Minutes of Hearing, 2/11/20, p. 9).



In her Objection to Petition/Request for Dismissal filed on February 27, 2020, Ms. Smith outlined her “corrections” to the Judge’s notes in the 2/11/20 Minutes of Hearing. The corrections included that she wanted attorney Gerald Brody to appear before the court “to clarify the record if his representation of me as his client.” She objected to the “mischaracterization by the Presiding Judge at the court that I am labeled: A vexatious litigant.” She was not laid-off by Solar in 1992, she resigned after she felt ill subsequent to the mammogram procedure. She wanted the references to Dick Cheney and the Las Vegas shooting rampage by Stephen Paddock and the association with defense counsel, Mr. Siegel deleted “as they are prejudicial.” She notes that her uncle was a WWII soldier who perished when his plane “was attacked by enemy fire.”

In her objection to Petition to Dismiss Case, filed 3/27/23 (which is a copy of a letter she sent to defense counsel dated March 25, 2023), she accuses Mr. Siegel of “devious and unethical legal strategies,” and she complains that she has not received documents that were the subject of subpoenas. She accuses Mr. Siegel of inflicting “emotional harm and personal trauma,” and of being in violation of “Megan’s Law,” a California sex offender registry.

Counsel for Solar Turbines filed the Application for Adjudication of claim and requested that it be dismissed. In the Answer to Petition for Reconsideration, defense counsel wrote that there is no evidence that Ms. Smith had a mammogram at Solar Turbines.

#### CONCLUSION

Defense counsel filed the Application for Adjudication of claim in order to commence discovery. Defense counsel requested dismissal of the Application. Ms. Smith was given an opportunity to be heard. She failed to set forth good cause why the Application should not be dismissed. She has made wild and delusional accusations against defense counsel, who she accuses of having a connection to the mass shooting in Las Vegas. She believes that Solar Turbines and another employer from the remote past are engaged in a conspiracy with the doctor who performed her breast implants to conceal her medical records. She wants prior attorneys to appear and be questioned about “conflicts” and missing records. She seeks discovery of photographs of priests who may have engaged in sexual abuse of children. Everyone from the San Diego WCAB to the Department of Rehabilitation, from the Joan Kroc center to the Nazis, the CIA, NASA, and a former Vice President of the United States are somehow involved in her alleged work injury claim against Solar Turbines of “fraud in the inducement in the employment contract and spoilage of evidence in medical recordkeeping and radiography.”

Ms. Smith is a vexatious litigant. The vexatious litigant rule (CCR Section 10430) was designed to prevent vexatious litigants from making meritless and frivolous claims intended only to cause harassment and financial burdens on the targets of their attacks, and to reduce the burden imposed on the WCAB by the filing of unmeritorious pleadings and legal claims. Ms. Smith failed to set forth good cause why the Application for Adjudication of claim filed by Solar Turbines on March 12, 2019, should not be dismissed. When confronted with the Order Dismissing Application for Adjudication of claim she filed an untimely Petition for Reconsideration.

#### RECOMMENDATION

It is respectfully recommended that the Petition for Reconsideration be dismissed.

DATE: 5/31/2023

CLIFF LEVY

PRESIDING WORKERS' COMPENSATION JUDGE