

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

**SHERI EASTERLY, *Applicant***

**vs.**

**SAY SAN DIEGO; CYPRESS INSURANCE COMPANY ADMINISTERED BY  
BERKSHIRE HATHAWAY HOMESTATE COMPANIES, *Defendants***

**Adjudication Number: ADJ11315552  
San Diego District Office**

**OPINION AND ORDER  
DISMISSING PETITION  
FOR REMOVAL**

On January 12, 2023, defendant filed a Petition for Removal from a December 21, 2022 Order issued by the Workers' Compensation Administrative Law Judge (WCJ), quashing all pending deposition requests, and setting the matter for trial.<sup>1</sup> (Minutes of Hearing, dated December 21, 2022.) Defendant avers that the trial setting should be rescinded and the parties allowed time in which to meet and confer regarding discovery issues, and that the subpoena for the personal appearance of the claims examiner is unwarranted. (Petition for Removal, dated January 12, 2023, at pp. 1-2.)

On February 15, 2023, the WCJ ordered that all the orders issued in the Minutes of Hearing dated December 21, 2022 be vacated, and issued new orders pursuant to the discovery plan entered into by the parties. (Minutes of Hearing, dated February 15, 2023, p. 2.) The WCJ ordered the matter taken off calendar for further discovery pursuant to the joint motion of the parties.

On February 17, 2023, the WCJ prepared a Report and Recommendation on Petition for Removal, recommending we deny defendant's petition, as all the issues raised therein were addressed by the Orders and agreed discovery plan as described in the February 15, 2023 minutes of hearing.

---

<sup>1</sup> Commissioner Lowe, who was previously a member of this panel, no longer serves on the Workers' Compensation Appeals Board. Another panelist has been assigned in her place.

The February 15, 2023 Order vacating all of the December 21, 2022 orders renders defendant's Petition for Removal moot. We will dismiss the petition, accordingly.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Removal is **DISMISSED**.

**WORKERS' COMPENSATION APPEALS BOARD**

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

**I CONCUR,**

**/s/ CRAIG SNELLINGS, COMMISSIONER**

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



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

**April 11, 2023**

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

**SHERI EASTERLY  
HIDEN ROTT & OERTLE  
HANNA BROPHY**

**SAR/abs**

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