

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

**GWEN CONDIT, *Applicant***

**vs.**

**PANAMA-BUENA VISTA UNION SCHOOL DISTRICT, permissibly self-insured,  
administered by SELF-INSURED SCHOOLS OF CALIFORNIA, *Defendants***

**Adjudication Number: ADJ7243550  
Bakersfield District Office**

**OPINION AND ORDER  
DENYING PETITION FOR  
REMOVAL**

Applicant filed a Petition for Removal of the Order continuing the Mandatory Settlement Conference (MSC) of January 4, 2024, to February 8, 2024 because the pre-trial conference statement filed for the hearing only contained applicant attorney's signature.

Applicant contends that the WCJ's Order continuing the matter causes irreparable harm and significant prejudice to applicant by delaying benefits to applicant, as there was a prior joint pre-trial conference statement filed in this case.

Defendant did not file an Answer to the Petition. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending removal be denied.

We<sup>1</sup> have reviewed the record of proceedings in this matter, the allegations in the Petition for Removal as well as the contents of the Report. Based on WCJ's analysis of the merits of the petitioner's arguments in the WCJ's report, we will deny the petition for 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

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<sup>1</sup> Commissioner Lowe, who was on the panel that issued a prior decision in this matter, no longer serves on the Appeals Board. Another panelist was appointed in her place.

substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, § 10955(a); 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, § 10955(a).) Here, for the reasons stated in the WCJ's report, 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.

We observe that while the parties jointly stipulated to continue the February 8, 2024 MSC that is now set for April 25, 2024, we are not aware of any efforts that they had made to complete a pre-trial conference statement.

Had they in fact done so, they would have had the ability to list and preserve their respective issues and arguments for further consideration as requested by the WCJ, and we would have dismissed the Petition for Removal as moot. Unfortunately, this was not accomplished, which gives rise to the further delay of proceedings in the form of an additional MSC set for April 25, 2024.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Removal of the Order continuing this matter for completion of a joint pre-trial conference statement is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



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

**MAY 20, 2024**

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

**GWEN CONDIT  
FERRONE LAW GROUP  
HANNA, BROPHY, MACLEAN, MCALEER & JENSEN, LLP**

**LAS/ara**

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