

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

**MICHAEL YADEGARI, *Applicant***

**vs.**

**IMPERIAL CAPITAL GROUP, LLC;  
BERKSHIRE HATHAWAY SAN FRANCISCO, *Defendants***

**Adjudication Number: ADJ8297678  
Marina del Rey District Office**

**OPINION AND ORDER  
DISMISSING PETITION FOR  
DISQUALIFICATION**

We have considered the allegations of the Petition for Disqualification 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 based on the analysis in the WCJ's report, which we adopt and incorporate, we conclude that the Petition for Disqualification is premature, and rather than denying it, we will dismiss the Petition.

For the foregoing reasons,

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**I CONCUR,**

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

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



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

**June 3, 2025**

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

**MICHAEL YADEGARI  
DIANE BERLIN, ESQ.  
LAUGHLIN, FALBO, LEVY & MORESI, LLP**

**AS/mc**

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

**REPORT AND RECOMMENDATION ON  
PETITION TO DISQUALIFY WITHOUT CAUSE**

**I**

**INTRODUCTION**

- |    |   |  |
|----|---|--|
| 1. | Applicant's Occupation<br>Applicant's Age<br>Date of Injury<br>Parts of Body Claimed        | IT Technician<br>27<br>02/07/2012<br>Back, lower extremities, legs, jaw, mouth,<br>teeth, neck abdomen, digestive system, nervous<br>system/psyche, lower extremities, body system |
| 2. | Identity of Petitioner<br>Timeliness<br>Verification  | <u><b>Applicant</b></u> filed the Petition.<br>The petition is <b>premature</b> .<br>No verification is attached to the petition.  |
| 3. | Upcoming Trial/Hearing  | Mandatory Settlement Conference on<br>01-11-2023   |
| 4. | <b>Petitioner's contention</b><br>a) Petitioner seeks to disqualify this WCJ without cause. |  |

**II**

**FACTS:**

On October 10, 2022, this matter was set for a lien conference before WCJ Terry Smith. The Declaration of Readiness was filed by Medical Lien MGT Norco regarding an inability to resolve their lien. The Minutes of Hearing indicate in the comments the following: "Michael Yadegari and Diana Lakhchakova are Ordered to appear before Judge Klipfel to discuss prior A/A Berlin atty fee". The matter was subsequently continued to November 23, 2022, before this WCJ. On November 23, 2022, the matter was continued to another lien conference in order for the parties to prepare the Pre-trial Conference Statement in order for the matter to proceed to trial on attorney Berlin's entitlement to an attorney fee.

On November 28, 2022, Applicant, Mr. Yadegari, filed an initial Petition to Disqualify Without Cause dated on November 28, 2022, with no verification and no proof of service. On November 29, 2022, Applicant filed a Dismissal of Attorney dated November 29, 2022, dismissing Diana Lakhchakova as his attorney of record; a Substitution of Attorney dated November 28, 2022, substituting in pro per for Diana Lakhchakova; and a Second Petition to Disqualify Without Cause dated November 29, 2022, with no verification but with a proof of service on the WCAB and Defendant.

Due to a mistake by this WCJ, notice of the matter being set for trial issued on November 29, 2022. The notice was incorrect as the Minutes of Hearing clearly reflect the matter was being continued to another lien conference in order for the parties to prepare a Pre-trial Conference Statement. The error resulted in a trial setting of January 10, 2023, which has subsequently been cancelled and the matter is now correctly set for a lien conference on January 11, 2023.

### **III**

#### **DISCUSSION**

California Code of Regulations §10960 Petition for Disqualification of Workers' Compensation Judge provides that the petition for disqualification be supported by an affidavit or declaration under penalty of perjury stating in detail facts establishing one or more of the grounds for disqualification specified in section 641 of the Code of Civil Procedure. Section 641 of the Code of Civil Procedure lists 7 distinct grounds for a party to object to the appointment of any person as a referee. Neither petition filed by Petitioner is supported by an affidavit or declaration. Petitioner fails to identify any such grounds as listed in Section 641 of the Code of Civil Procedure let alone providing any detailed facts to support same and in fact indicates that their Petition for Disqualification is WITHOUT CAUSE.

It appears to this WCJ that this is actually a challenge under Policy and Procedure Manuel [sic] §1.5 Petitions for Automatic Reassignment. However, the Petition is premature as the matter is not currently set for trial (although an erroneous Notice of Trial was issued, this has subsequently been corrected and the matter is simply set for a lien conference at this time). Additionally, should this matter be set for trial at the forthcoming hearing on January 11, 2023, it will be set before Judge Mi, who is the proper judge to be assigned the trial, as the matter had previously been set for trial before Judge Mi.

#### **IV**

#### **RECOMMENDATION**

For the reasons stated above, it is respectfully recommended that the Applicant's Petition for Disqualification be ordered denied.

DATED: 12-1-2022

HON. JARED E. KLIPFEL  
Workers Compensation Judge