

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

**SHANNON BROWN, *Applicant***

**vs.**

**LOS ANGELES LAKERS;  
FEDERAL INSURANCE C/O CHUBB GROUP LOS ANGELES, *Defendants***

**Adjudication Number: ADJ18437146  
Santa Ana District Office**

**OPINION AND ORDER  
GRANTING PETITION  
FOR REMOVAL  
AND DECISION  
AFTER REMOVAL**

Defendant seeks removal in response to the workers' compensation administrative law judge's (WCJ) April 3, 2025 order denying defendant's first amended petition to extend the cumulative trauma (CT) period and to join additional defendants (Order).

Defendant contends it will be significantly prejudiced and/or will suffer irreparable harm if the cumulative injury period is not extended and if additional parties are not joined as party defendants to the case.

Applicant filed an objection to defendant's petition for removal, which we treat as an Answer. The WCJ issued a Report and Recommendation on the Petition for Removal (Report) recommending that we deny removal.

We have considered the allegations in the Petition for Removal and the Answer and the contents of the Report, and we have reviewed the record. Based on our review of the record, and as discussed below, we will grant the Petition for Removal, rescind the WCJ's April 3, 2025 Order, and return the matter to the trial level for further proceedings consistent with this decision.

## **FACTUAL BACKGROUND**

Although this matter has not proceeded to a formal hearing, the following facts do not appear to be in dispute.

On November 3, 2023, applicant filed an application for adjudication alleging cumulative injury while employed by defendant as a professional basketball player during the period from September 1, 2006 to November 24, 2014. Applicant named as defendants the Los Angeles Lakers as the employer, Federal Insurance Company as the insurance carrier, and Chubb Group Los Angeles as the claim's administrator.

On May 8, 2024, defendant filed a petition seeking to join the BIG 3 and their insurance carrier, State Compensation Insurance Fund (SCIF), as party defendants, and to extend the period of applicant's cumulative injury to August 14, 2022 (Petition for Joinder).

On May 14, 2024, applicant filed an objection to defendant's Petition for Joinder.

On May 15, 2024, the WCJ issued an order denying defendant's Petition for Joinder as follows:

IT APPEARING THAT the Los Angeles Lakers and their insurance carrier Federal Insurance Company administered by Chubb & Son, by and through counsel, have filed a Petition dated 5/8/2024 seeking to join BIG3 and their carrier State Compensation Insurance Fund ("petition"); and,

IT FURTHER APPEARING THAT the relief sought in the Petition is an Order compelling Applicant to plead a date of injury different than that presently pled by Applicant, and an Order joining parties defendant allegedly employing and providing coverage during the new and different date of injury preferred by petitioner; and,

IT FURTHER APPEARING THAT the present pleading on file alleges an injury well before the employment and coverage period preferred by petitioner, and that petitioner has not filed an Application For Adjudication of Claim alleging its preferred parties and periods of injury; and,

GOOD CAUSE APPEARING;

IT IS ORDERED THAT the petition be, and hereby is denied without prejudice.

(Order Denying Petition for Joinder, May 15, 2024.)

On April 1, 2025, defendant filed a first amended petition to extend the cumulative injury date to August 28, 2021, and to join as party defendants Grand Rapid Club/Chubb, Wisconsin

Herd/Herd, Delaware 87ers/Chubb, and Big 3/SCIF (First Amended Petition for Joinder). On April 3, 2025, the WCJ issued the Order in the form of a letter addressed to defense counsel as follows:

I have received your Petition to Extend CT Date and Join Party Defendant.

While the facts alleged therein may give rise to additional options, such as a defense filing of an Application, or defenses under LC5412/5500.5, they would not presently provide a basis for mandated judicial extension of Applicant's pleading. Applicant is in charge of pleading the case he wishes to prove; defendant is in charge of pleading the defenses they wish to prove.

Your Petition is denied, without prejudice.

(Order Denying First Amended Petition for Joinder, April 3, 2025.)

There was no hearing held to address the Petition for Joinder, the order denying the Petition for Joinder, the First Amended Petition for Joinder, or the Order, and thus no evidence was admitted on the record. Defendant seeks removal of the Order via the Petition for Removal.

### **DISCUSSION**

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, § 10955(a); *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).)

All parties to a workers' compensation proceeding retain the fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805].) A fair hearing is "... one of 'the rudiments of fair play' assured to every litigant ..." (*Id.* at p. 158.) As stated by the California Supreme Court in *Carstens v. Pillsbury* (1916) 172 Cal. 572, [The] commission, ... must find facts and declare and enforce rights and liabilities, -- in short, it acts as a court, and it must observe the mandate of the constitution of the United States that this cannot be done except after due process of law. (*Id.* at p. 577.)

The WCJ shall “. . . make and file findings upon all facts involved in the controversy[.]” (Lab. Code, § 5313; see also, *Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).)

Labor Code section 5313 requires a WCJ to state the “reasons or grounds upon which the determination was made.” The WCJ’s opinion on decision “enables the parties, and the Board if reconsideration is sought, to ascertain the basis for the decision, and makes the right of seeking reconsideration more meaningful.” (*Hamilton, supra*, at p. 476., citing *Evans v. Workmen’s Comp. Appeals Bd.* (1968) 68 Cal.2d 753, 755 [33 Cal.Comp.Cases 350, 351].) A decision “must be based on admitted evidence in the record” (*Hamilton, supra*, at p. 478), and must be supported by substantial evidence (Lab. Code, §§ 5903, 5952(d); *Lamb v. Workmen’s Comp. Appeals Bd.* (1974) 11 Cal.3d 274 [39 Cal.Comp.Cases 310]; *Garza v. Workmen’s Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen’s Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) As required by Labor Code section 5313 and explained in *Hamilton*, “the WCJ is charged with the responsibility of referring to the evidence in the opinion on decision, and of clearly designating the evidence that forms the basis of the decision.” (*Hamilton, supra*, at p. 475.)

Here, the WCJ summarily issued the Order denying the First Amended Petition for Joinder without issuing a notice of intent and without conducting a hearing on the petition. (Cal. Code Regs., tit. 8, § 10832.) No record was created to support the Order denying joinder, and without an ability to review the evidentiary record and the stipulations and issues, we cannot complete a meaningful review of the Petition.

Accordingly, due process requires that we grant defendant’s Petition for Removal, rescind the April 3, 2025 Order, and return this matter to the trial level for further proceedings consistent with this decision.

For the foregoing reasons,

**IT IS ORDERED** that the defendant's Petition for Removal of the April 3, 2025 Order is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Removal of the Workers' Compensation Appeals Board that the April 3, 2025 Order is **RESCINDED** and that the matter is **RETURNED** to the trial level for further proceedings consistent with this opinion.

**WORKERS' COMPENSATION APPEALS BOARD**

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

**I CONCUR,**

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

**/s/ JOSÉ H. RAZO, COMMISSIONER**



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

**JUNE 30, 2025**

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

**SHANNON BROWN  
PRO ATHLETE LAW GROUP  
GOLDMAN MAGDALIN STRAATSMA  
STATE COMPENSATION INSURANCE FUND**

**DC/cs**

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