WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

DEE DEVILLE, *Applicant*

vs.

THE BOEING COMPANY, permissibly self-insured, administered by AIG CLAIM SERVICES, *Defendants*

Adjudication Numbers: ADJ1939621; ADJ2269333
Los Angeles District Office

OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

Applicant seeks reconsideration of the "Joint Order Finding Applicant Dee Deville to be a Vexatious Litigant" issued on August 18, 2026. The presiding workers' compensation administrative law judge (Presiding WCJ) found applicant to be a vexatious litigant and issued a pre-filing order.

We have not received an Answer from defendant. The Presiding WCJ filed a Report and Recommendation on Petition for Reconsideration (Report) recommending that we deny reconsideration.

Applicant requested permission to file a supplemental petition in response to the WCJ's Report, which we grant. (Cal. Code Regs., tit. 8, 10964.)

We have considered the allegations of the Petition for Reconsideration, the supplemental petition, and the contents of the WCJ's Report. Based on our review of the record and as discussed in the WCJ's Report, as incorporated herein, and as discussed below, we will deny reconsideration.

I.

Petitions for reconsideration filed on or after July 14, 2026, are subject to Labor Code section 5909, which states that:

> (a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.

(b) (1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.

(2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

Under Labor Code section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected in Events in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under Event Description is the phrase "Sent to Recon" and under Additional Information is the phrase "The case is sent to the Recon board."

Here, according to Events, the case was transmitted to the Appeals Board on September 16, 2026, and 60 days from the date of transmission is Sunday, November 15, 2026. The next business day that is 60 days from the date of transmission is Monday, November 16, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)[1] This decision is issued by or on November 16, 2026, so that we have timely acted on the Petition as required by Labor Code section 5909(a).

Labor Code section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to act on a petition. Labor Code section 5909(b)(2) provides that service of the Report shall be notice of transmission.

Here, according to the proof of service for the Report by the WCJ, the Report was served on September 1, 2026, and the case was transmitted to the Appeals Board on September 16, 2026. Service of the Report and transmission of the case to the Appeals Board did not occur on the same day. Thus, we conclude that service of the Report did not provide accurate notice of transmission under Labor Code section 5909(b)(2) because service of the Report did not provide actual notice to the parties as to the commencement of the 60-day period on September 16, 2026.

II.

[1] WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that:

Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers' Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

Per the WCJ's Report:

These cases have a long litigation history and have been before the Appeals Board for a number of times. All documents referred to in this Report and Recommendation are located in ADJ2269333. The most recent involvement by the Appeals Board is by its Opinion and Order Denying [Applicant in pro per] Petition for Removal and Disqualification dated April 11, 2024 [See EAMS doc ID 77840658] in which the Applicant claimed the currently assigned trial judge, Judge Elisha Landman, should be disqualified from hearing her case in chief. The Appeals Board did not find a legal basis to disqualify Judge Landman as the trial judge in this case.

An updated history of this case is in order, along with its prior history with earlier trial judges and the Appeals Board's prior decisions. These cases originally went to trial before Judge Shapiro in December 2004 resulting in a decision in 2005 finding that the Applicant's thyroid cancer and restrictive airways disease are industrially related. Judge Shapiro deferred a ruling on the other claimed parts of body injured. The Applicant was represented by counsel at this trial. Further trial of this matter was delayed for various reasons and Judge Shapiro retired and Judge Watkins took over as the trial judge as of November 13, 2017, when the Applicant represented herself before this Court.

Judge Watkins went to trial in this matter on January 28, 2019, and the matter was continued due to unavailability of defense counsel. In the meantime, on August 6, Applicant, in pro per, filed a petition to disqualify Judge Watkins. On September 25, 2019, Applicant appeared for trial with voluminous documents that she wanted to lodge with the court as exhibits. After Judge Watkins referred her to the Information and Assistance Officer to organize her exhibits, the matter was again continued for trial. The Appeals Board denied the Applicant's request to disqualify Judge Watkins by order dated January 23, 2020 [See EAMS doc ID 72069392]. Judge Watkins retired from the bench and this matter was reassigned to Judge Oesterreich and ultimately to the current trial judge, Judge Elisha Landman.

Whereupon on May 2, 2024, this matter came before Judge Landman for a status conference on both cases (ADJ1939621 and ADJ226933). The operative disposition of this status conference was to bring this matter back on Judge Landman's trial calendar in both cases with the notation in the MOH that date stating: "Matter to proceed in person at WCAB as per below [July 30, 2024, at 8:30 am] before WCJ Landman to continue proceeding forward with the trial already on the record." [See EAMS doc ID 77931313].

On May 15, 2024, the Applicant filed another document entitled "Applicant Petition for Removal of Case From Judge to Appeals Board/In The Alternative for Petition for Disqualification of a Judge/Petition for Removal for a Full Board Panel [sic];" [see EAMS Doc ID 51944097]. This document first came to this Presiding Judge's attention after Defense counsel filed and served Defendant's Petition To Declare Dee Deville A Vexatious Litigant and separate Petition for Costs,

Sanctions, and Attorney's Fees. Defense counsel filed a Petition to Declare the Applicant a Vexatious Litigant on June 4, 2024 and a Petition for Costs, Attorney's Fees, and Sanctions against Ms. Deville on May 28, 2024. [see EAMS Doc ID numbers 52237608 and 52123165, respectively].

On June 4, 2024, defense counsel filed a Declaration of Readiness To Proceed indicating the issues were 1. Petition for penalties, sanctions, and costs against the Applicant Dee Deville, and 2. Petition To Declare Applicant In Pro Per a vexatious litigant and request for pre-filing order [See EAMS Doc ID 52237562].

On June 7, 2024, Applicant in pro per filed the following document via EAMS: "Applicant Answer to Defendant's …petitions" [EAMS doc ID 52237608] along with a proof of service and 4906(h) declaration. On June 10, 2024, Applicant filed an Objection To Declaration of Readiness for Vexatious Litigant" consisting of 56 pages [EAMS doc ID 52341149]. On the same date, June 10, 2024, Applicant filed a separate document that repeats her objection to the Defendant's Petition To Declare Applicant a Vexatious Litigant and "Applicant's Petition To Sanction the Defendant for Bad Faith Actions and Pursuit [sic] to 10440 for Contempt of Court" [EAMS doc ID 52341210].

Also on June 10, 2024, Judge Landman issued an Order Vacating Trial Date dated May 2, 2024, and set this matter for a Mandatory Settlement Conference on the issue of Vexatious Litigant to be held in person on July 30, 2024, pursuant to Rule 10955 [See EAMS Doc ID 78046697].

On June 20, 2024, Applicant in pro per filed an "Objection/Continuance To MSC-Hearing Set for Trial On July 30, 2024." [See EAMS Doc ID 52541371. In this document, Applicant claims that both Judge Landman and the undersigned Presiding Judge were prevented from hearing these cases since her May 15, 2024 petition removed the case to the Appeals Board for all purposes including the case in chief and the Defendant's petitions to declare the Applicant a vexatious litigant and for costs, sanctions, and attorney's fees.

On June 28, 2024, the Applicant filed a series of documents as "Correspondence – Other" that apparently were filed in support of her contentions and allegations in the documents mentioned above including asserting defenses against being declared a vexatious litigant. See EAMS Doc ID 52657796, 52657860, 5267912, 52658100, 52658244, 52658319, 52658331, 52658332, 52658344, 52658347, 52658289, 52658292, 52658293, 52658295, 52658395, 52658304, 52658309, 52658315, 52658316, 52658430, 52658440, 52658445, 52658452, 52658456, 52658123.

As of August 2, 2024, the Applicant has filed a document entitled "Objection to MSC Continuance Hearing on August 21, 2024" (EAMS Doc ID 53153105). The July 30, 2024 hearing was postponed due to illness of the Presiding Judge. In that objection document, the Applicant is claiming:

> "The Applicant has various actions brought against Presiding Judge Rasp [sic] and WCJ Landman and believe there is a conflict of interest that exists so to proceed before the Presiding Judge Rasp [sic] will prevent the applicant from having a fair trial and violating the applicant due process rights. Applicant requests to have the full board appeals court to decide as stated in the petition."

This Presiding Judge has had minimal contact with this injured worker and the most recent substantive review of this case occurred after Defendant filed its within pending Petitions To Declare the Applicant A Vexatious Litigant and for Costs, Attorney's Fees, and Sanctions.

Upon a review of this case, this Court notes that as of August 2, 2024, at 2:28 pm a total of 1,136 documents have been filed in FileNet, mostly documents filed by the Applicant while in pro per. As noted before, this Applicant has EAMS privileges.

The more recent history of this case since 2024 begins where the above history left off. To wit, trial Judge Elisha Landman filed a Petition To Declare Dee Deville A Vexatious Litigant dated June 16, 2026 [EAMS document ID number 80449631]. Defendant's prior counsel was substituted out of these cases and a new law firm representing the Defendants was retained, Schlossberg & Umholtz. Trial on the Petition To Declare Dee Deville A Vexatious Litigant, filed by Judge Landman, was held by this Presiding Judge on July 13, 2026 at which time there were 1166 separate documents filed in FileNet in this case with many documents filed by Dee Deville that consists of over 25 pages in violation of Cal. Code of Regulations Section 10205.12(a)(10) that prohibits the filing of documents in excess of 25 pages without prior approval by a judge or by the Appeals Board. The within Petition for Reconsideration filed by Ms. Deville also exceeds 25 pages. As of August 27, 2026 in ADJ2269333, there are 1190 documents in FileNet while in ADJ1939621 there are 1170 documents in FileNet.

Applicant Dee Deville has filed multiple petitions to disqualify judges (including but not necessarily limited to Judge Watkins and Judge Landman) which have been denied by the Appeals Board. In addition, Dee Deville has filed multiple documents in the within case, counting thousands of pages, most of which were medical documents previously reviewed and commented upon by properly selected medical-legal specialists including Agreed Medical Examiners.
It bears repeating here that in its Opinion and Order Denying Petition for Removal dated October 21, 2025 [EAMS Doc ID 79685198] the Appeals Board states on pages 3-4:

> "We note that defendant has filed a petition to have applicant declared a vexatious litigant. Applicant is admonished that pursuant to WCAB Rule 10430 a person may be declared a vexatious litigant

> where the person: "repeatedly files unmeritorious motions, pleading or other papers, repeatedly conducts or [a]ttempts to conduct unnecessary discovery, or repeatedly engages in other tactics that are in bad faith, are frivolous or are solely intended to cause harassment or unnecessary delay[.]" (Cal. Code Regs tit. 8 §10430.). We return this matter to the presiding judge, who may set the issue of defendant's petition for hearing."

By way of a Findings and Orders and Opinion On Decision, this Presiding Judge found that the Applicant is a vexatious litigant and is subject to Pre-Filing Orders before she is permitted to file documents in accordance with Title 8 Cal. Code of Regulations Section 10430. [See EAMS Doc. ID

II. DISCUSSION

The undersigned's involvement in this case has been limited to a Petition for Change of Venue Applicant filed in 2022 requesting this case be transferred to the WCAB Long Beach District Office Asbestos Unit contending that she was entitled to her case being heard there. The undersigned denied Applicant's Petition for Change of Venue on December 7, 2022 since she did not present any evidence she suffers from any asbestos related illnesses. [Footnote omitted.] That Order Denying Change of Venue was not appealed. See EAMS Doc ID 76210969.

Prior to that change of venue petition, involvement by the undersigned Presiding Judge occurred on July 20, 2021 when Applicant filed [a] timely petition for automatic reassignment of trial judge – challenging Judge Watkins who was already involved deeply in this case as the trial judge. The undersigned Presiding Judge denied Applicant's petition for automatic reassignment as untimely. Said order denying the Applicant petition for automatic reassignment was not appealed. See EAMS ID 74435924. [Footnote omitted.]

The next involvement by the undersigned Presiding Judge occurred on September 15, 2021 in this case at a status conference on account of the prior assigned trial judge Hon. Douglas Watkins' retirement in August 2021. This Court reassigned Judge Lori Oesterreich as the new trial judge. In the Minutes of Hearing, it is noted that the undersigned Presiding Judge wrote: "Case is reassigned to WCJ Oesterreich for all further proceedings. Applicant is admonished not to attach documents to petitions, especially if those documents have already been filed with the WCAB. IW was ordered for re-exam by Dr. Hasday. Supp. Report by Dr. Jurkowitz is pending. LC 5700 TBD." See EAMS Doc ID 75264282.

The Applicant had also filed a petition to disqualify Judge Watkins which was also denied by the Appeals Board. [See EAMS Doc ID nos. 30916495 and 72069392].

Judge Oesterreich (now Judge Lori Holmes) was appointed as the presiding judge of the Salinas WCAB District Office. Presiding Judge Holmes is unavailable to

hear this case, pursuant to Title 8 Cal. Code of Regulations Section 10346. Accordingly the new trial judge assigned to this case is WCJ Elisha Landman. See fn. 2 below.

At no time has the undersigned Presiding Judge expressed any bias against or made negative commentary about the Applicant, the merits of her case, or any other negative statements about her case. In fact, this Presiding Judge has never met the Applicant in person or by video teleconference. The first exposure to this case other than the aforementioned hearings was to review the EAMS documents in FileNet for the purpose of responding to the pending Applicant's in pro per petition to remove this case to the Appeals Board for the pending Defendant's Petitions to Declare the Applicant a Vexatious Litigant, for Costs, Sanctions, and Attorney's Fees, and for the Appeals Board to decide the Applicant's case in chief.

This Presiding Judge sees no merit in any of the Applicant's current contentions in her within Petition for Reconsideration that somehow she has been denied due process during the course of the litigating the issue of whether she is a vexatious litigant, or for that matter in her case in chief. The Applicant admits in her within Petition for Reconsideration on page 4/27 that she has in fact filed duplicative documents. In addition, the Applicant is stating issues that involve obtaining additional medical evidence through the orders of the current trial judge Landman which has nothing to do with either the Applicant's due process rights or her access to further medical evidence to develop the record. Judge Landman has made specific orders for the Applicant to be examined by medical-legal evaluators in internal medicine and perhaps others that are well within the purview of a trial judge in order to develop the medical record. See Labor Code Sections 4062.1 and 5701.

The remainder of the [arguments] within Petition for Reconsideration addresses issues involving the existing evidentiary record in her case in chief which has nothing to do with the issues concerning whether or not Dee Deville is a vexatious litigant or not. Discovery closed at the last Mandatory Settlement Conference pursuant to Labor Code Section 5502(d)(3) and the current trial judge has sole and exclusive control over further discovery in the case in chief.

In her current Petition for Reconsideration on page 8/27, the Applicant admitted audio recording a hearing before this Presiding Judge without prior written permission and in violation of Title 8 Cal. Code of Regulations Section 10818. An Information and Assistance Officer notified this Presiding Judge of that fact and a note in the file was placed by the I&A Officer as follows:

> "Dear Ms. Dee Deville,
>
> It has come to our attention that on June 10, 2026, you recorded the conference hearing and the [Presiding] Judge without an advanced permission. Please be advised that your action was in violation of California Code of Regulations, Title 8, section 10818. According

> to said regulation, a person who wants to record a workers compensation proceeding must obtain advance permission from the Judge. Unauthorized recording is deemed an unlawful interference with the proceedings and will result in finding you in contempt of the court, as well as monetary or other sanctions.
>
> Please consider this as formal warning. Future violations of California Code of Regulations, Title 8, section 10818 will result in formal action."

Most, if not all of the [arguments] within Petition for Reconsideration contains factual or legal arguments about the evidentiary record including medical and medical-legal reports that have nothing to do with her being declared a vexatious litigant. The current trial judge has control over any further medical-legal reporting that is necessary to develop the record and Judge Landman will do so if she deems the record deficient. See *McDuffie vs. Los Angeles Metropolitan Transportation Authority,* 67 Cal. Comp. Cases 138 (WCAB en banc decision).

III. RECOMMENDATION

It is respectfully requested that the Applicant's Petition for Reconsideration be denied and Applicant be subject to Pre-Filing Orders pursuant to Title 8 Cal. Code of Regulations Section 10430(b).

(WCJ's Report, pp. 1-8.)

Accordingly, and based on the analysis of the Presiding WCJ in the Report, we deny applicant's Petition for Reconsideration.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the Joint Order Finding Applicant Dee Deville to be a Vexatious Litigant issued on August 18, 2026, by the Presiding WCJ, is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ LISA A. SUSSMAN, DEPUTY COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 22, 2026

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

DEE DEVILLE
MEDICAL LIEN MGT NORCO
PINNACLE LIEN CORONA
SCHLOSSBERG UMHOLTZ

EDL/mt

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