WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

GERGIS GHOBRIAL, *Applicant*

vs.

ACUTE CARE SURGERY MEDICAL GROUP, INC.;
HARTFORD CASUALTY INSURANCE COMPANY,
administered by THE HARTFORD, *Defendants*

Adjudication Numbers: ADJ12906041, ADJ13548947
Long Beach District Office

OPINION AND ORDER DENYING PETITION FOR REMOVAL

Applicant has filed a petition for removal from the order of continuance issued on July 22, 2026, by the workers' compensation administrative law judge (WCJ).

Applicant contends that the matter should proceed to trial.

We have received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

We have considered the allegations of the Petition for Removal, the Answer, and the contents of the WCJ's Report. Based on our review of the record and based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's Report, we will deny 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 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, based upon the WCJ's analysis of the merits of petitioner's arguments, 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.

Accordingly, we deny removal.

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal from the order of continuance issued on July 22, 2026, by the WCJ is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

NOVEMBER 17, 2026

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

GERGIS GHOBRIAL
MULLEN FILIPPI, LLP
COOPER BROWN, APC
GORDON REES SCULLY MANSUKHANI, LLP
NIGEL SCOTT BAKER, ESQ.
TOBIN LUCKS, LLP
OFFICE OF THE DIRECTOR-LEGAL UNIT

EDL/kl

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