WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

JULIETA JIMENEZ, ***Applicant***

vs.

DON MIGUEL FOODS;
LIBERTY MUTUAL FIRE INSURANCE COMPANY, ***Defendants***

Real Parties in Interest/Lien Claimants:
Ronald S. Grusd, M.D., Inc.; California Imaging Network Medical Group, Inc.; The Oaks Diagnostics, Inc., Dba Advanced Radiology Of Beverly Hills; Beverly Hills Magnetic Imaging Medical Associates, Inc., Allied Imaging Of California, Inc., California Sleep Apnea Centers, Inc., Peace Of Mind Scans, Inc., Pacific Radiology Network, Inc., California Radiology Institute, Inc., California Radiology Network, Inc., Pacific Radiology Group Of California, Inc., Capital Health Centers, Inc.

Adjudication Number: SAU135220
Van Nuys District Office

OPINION AND ORDER
GRANTING PETITION
FOR REMOVAL
AND DECISION AFTER
REMOVAL

The real parties in interest and lien claimants (lien claimants) in this consolidated matter seek removal of the Order Compelling Attendance at Deposition and Production of Documents of Centro Legal Internacional, Inc. (Order) issued on February 3, 2025 by a workers' compensation administrative law judge (WCJ). The Order compelled the person most knowledgeable/qualified (PMK) of Centro Legal Internacional, Inc. (Centro) as to various categories of inquiry identified in the subpoena issued by the carriers in these consolidated proceedings, and to produce the documents requested to be produced in that subpoena.

Lien claimants contend that lien claimant Ronald S. Grusd, M.D. was not convicted for any conduct related or involving Centro; Centro is not referenced in the indictment, superseding indictment, trial, conviction, or sentencing of Dr. Grusd; and, there was no evidence introduced or produced during any of the criminal proceedings against Dr. Grusd suggesting that Dr. Grusd had any involvement with Centro. Therefore, the Order attempts to compel information and documents

unrelated to the conviction against him and/or the Labor Code[1] section 139.21 suspension of Dr. Grusd and is therefore an unwarranted and prejudicial deviation from issues relevant to section 139.21.

The carriers in this consolidated proceeding filed an answer, and the WCJ filed a Report and Recommendation on Petition for Removal (Report), recommending that the petition be denied.

We have reviewed the record in this consolidated proceeding, the allegations of the Petition for Removal, the Answer, and the contents of the Report. Based on the following, we grant removal and as our decision after removal, we rescind the Order and return this consolidated proceeding to the trial level for further proceedings consistent with this decision.

I. THE ORDER IS REVIEWED AS IT RELATES TO THESE SECTION 139.21 SPECIAL LIEN PROCEEDINGS

There is a long procedural history starting in 2016 involving the consolidation of the liens of Dr. Grusd for purposes of discovery based on evidence produced indicating a likelihood of fraudulent activity including unlawful referrals (Lab. Code, §§ 139.3, 139.32 and 3215). (Minutes of Hearing, January 9, 2019.)

However, Dr. Grusd was ultimately charged and then convicted with a crime subject to sections 139.21 and 4615 and therefore, his liens were stayed pending suspension proceedings and section 139.21, subdivision (g), special lien proceedings. (Minutes of Hearing, January 9, 2019.) Thereafter, on November 3, 2020, Dr. Grusd's liens were ordered consolidated for special lien proceedings pursuant to section 139.21 in the above-captioned matter (SAU135220) (Order of Consolidation Pursuant to Labor Code §139.21, Designation of Master File, Order Staying Liens, Order Vacating Hearing Date and Notice of Hearing (Consolidation Order), November 3, 2020.) The Order at issue herein was issued in SAU135220, the consolidated special lien proceedings.

Accordingly, we review the Order only as it relates to the section 139.21 special lien proceedings consolidation.

II. THE SCOPE OF SPECIAL LIEN PROCEEDINGS AND DISCOVERY IN SPECIAL LIEN PROCEEDINGS

It is alleged by the parties and the WCJ in these special lien proceedings that Dr. Grusd was suspended pursuant to section 139.21 even though the suspension order and related documents are not in the record. We know the Consolidation Order was issued as it is in the record, which

[1] All further references are to the Labor Code unless otherwise noted.

created the above-captioned matter and subjected those liens not "deemed dismissed" as a result of the criminal proceeding resulting in lien claimants' suspension, to "special lien proceedings." (See Lab. Code, § 139.21(e), (e)(2).) Special lien proceedings are authorized in section 139.21, subdivisions (e) through (i), which in pertinent part state as follows:

> (e) The following procedures apply for the adjudication of any liens of a physician, practitioner, or provider suspended pursuant to subparagraph (A) or (D) of paragraph (1) of subdivision (a), including any liens filed by or on behalf of the physician, practitioner, or provider or any entity controlled by the suspended physician, practitioner, or provider:
>
> > (1) **If the disposition of the criminal proceeding provides for or requires, whether by plea agreement or by judgment, dismissal of liens and forfeiture of sums claimed therein**, as specified in the criminal disposition, **all of those liens shall be deemed dismissed with prejudice by operation of law** as of the effective date of the final disposition in the criminal proceeding, and orders notifying of those dismissals shall be entered by workers' compensation judges.
> >
> > **(2) All liens that have not been dismissed in accordance with paragraph (1) and remain pending in any workers' compensation case in any district office within the state shall be consolidated and adjudicated in a special lien proceeding as described in subdivisions (f) to (i), inclusive.**
>
> (f) After notice of suspension, pursuant to subdivision (d), and if subdivision (e) applies, the administrative director shall appoint a special lien proceeding attorney, who shall be an attorney employed by the division or by the department. The special lien proceeding attorney shall, based on the information that is available, identify liens subject to disposition pursuant to subdivision (e), and workers' compensation cases in which those liens are pending, and shall notify the chief judge regarding those liens. Based on this information, the chief judge or his or her designee shall identify a district office for a consolidated special lien proceeding to adjudicate those liens, and shall appoint a workers' compensation judge to preside over that proceeding.
>
> **(g) It shall be a presumption affecting the burden of proof that all liens to be adjudicated in the special lien proceeding, and all underlying bills for service and claims for compensation asserted therein, arise from the conduct subjecting the physician, practitioner, or provider to suspension, and that payment is not due and should not be made on those liens because they arise from, or are connected to, criminal, fraudulent, or abusive conduct or activity. A lien claimant shall not have the right to payment unless he or she rebuts that presumption by a preponderance of the evidence.**

(h) The special lien proceedings shall be governed by the same laws, regulations, and procedures that govern all other matters before the appeals board. The administrative director may adopt regulations for the implementation of this section.

(i) If it is determined in a special lien proceeding that a lien does not arise from the conduct subjecting a physician, practitioner, or provider to suspension, the workers' compensation judge shall have the discretion to adjudicate the lien or transfer the lien back to the district office having venue over the case in which the lien was filed.

(j) At any time following suspension, a physician, practitioner, or provider lien claimant may elect to withdraw or to dismiss his or her lien with prejudice, which shall constitute a final disposition of the claim for compensation asserted therein.

(Cal Lab Code § 139.21, subds. (e)-(j), bold added.)

Thus, some of the preliminary factual and legal issues for adjudication in the above-captioned special lien proceeding include but may not be limited to the following:

- Which of the named lien claimants have been suspended "pursuant to subparagraph (A) or (D) of paragraph (1) of subdivision (a)" as expressly defined by subdivision (e), and a final order of suspension issued following the procedural safeguards in section 139.21 and Rules 9788.1 to 9788.6 (Cal. Code Regs., tit. 8, § 9788.1-9788.6);[2]
    - *as to those lien claimants*, did the criminal proceeding provide for or require the dismissal of liens and forfeiture of claimed sums of any of those lien claimants pursuant to subdivision (e)(1);

[2] Please note that a separate order of suspension is required against the convicted provider *and* against any or all entities "controlled" by that convicted provider: "[A] final order of suspension against a convicted provider (Lab. Code, § 139.21(a)(1)(A)), or against any entity 'controlled' by a convicted individual (Lab. Code, § 139.21(a)(1)(D)), is *required* before any provider or 'controlled' entity may be subject to special lien proceedings under section 139.21, including subdivision (g) which imposes an evidentiary presumption against the liens filed by or on behalf of a suspended provider or suspended entity 'controlled' by a convicted individual. (See *Juarez v. Scaffolding*, 2020 Cal.Wrk.Comp. P.D. LEXIS 77.) Obviously, no final order of suspension can issue without the fulfillment of the procedural safeguards in section 139.21 and Rules 9788.1 to 9788.6. (*Sablan (Yolanda) v. County of Los Angeles*, 2021 Cal.Wrk.Comp. P.D. LEXIS 11, *47, italics in the original.) "Further, the Legislature explicitly included section 139.21(a)(1)(D), which provides a direct mechanism for the AD to seek suspension of entities—*such as lien claimants*—that are 'controlled' by individuals convicted of the requisite crimes. To ignore subparagraph (D), and conclude that section subdivision (e) requires *only* that the individual alleged to control an entity be suspended prior to instituting special lien proceedings against any and all entities 'controlled' by that individual, would literally render subparagraph (D) 'meaningless or inoperative.' (*Koszdin*, *supra*, 186 Cal. App. 4th at p. 488.)" (*Id*. at *53-54, italics in the original.)

- *as to those lien claimants*, do any of their liens remain pending and have they been properly consolidated herein pursuant to subdivision (e)(2) and (f); and,
- have any of those lien claimants elected to withdraw or dismiss any their liens with prejudice pursuant to subdivision (j).

Following these initial matters, the question in these special lien proceedings will be whether any of the lien claimants identified above have rebutted the presumption in section 139.21, subdivision (g), by a preponderance of the evidence. If so, the WCJ then has the option pursuant to subdivision (i) to fully adjudicate those liens *not* subject to the presumption, or to return them to the district office having venue over the case.

The section 139.21(g) presumption should not be confused with a presumption that merely affects the burden of producing evidence.[3] On the other hand, the section 139.21(g) presumption must also be distinguished from a "conclusive" presumption. Evidence Code section 620 provides that all "presumptions established by this article and all other presumptions *declared by law* to be conclusive, are conclusive presumptions." (Ev. Code, § 620, emphasis added.) According to Witkin: "[A] conclusive or indisputable presumption is entirely different from the ordinary rebuttable presumption…[N]o evidence may be received to contradict it. Hence, it is more accurately described as a rule of substantive law rather than of evidence. [Citations.]" (1 Witkin, Cal. Evidence [5th ed. 2019] Burden of Proof and Presumptions, § 164.) To be clear, the Legislature did *not* declare the presumption in section 139.21(g) to be "conclusive" but rather, it declared the presumption to be one affecting the burden of proof.

In addition, "presumptions affecting the burden of proof are those that are intended not only to facilitate fact finding, but also to advance some substantive policy goal." (*Pellerin v. Kern County Employees' Retirement Assn.* (2006) 145 Cal.App.4th 1099, 1106 [72 Cal.Comp.Cases 60 (*Pellerin*)].)[4] "It is the existence of this further basis in policy that distinguishes a presumption

[3] "The effect of a presumption affecting the burden of producing evidence is to require the trier of fact to assume the existence of the presumed fact unless and until evidence is introduced which would support a finding of its nonexistence, in which case the trier of fact shall determine the existence or nonexistence of the presumed fact from the evidence and without regard to the presumption. Nothing in this section shall be construed to prevent the drawing of any inference that may be appropriate." (Evid. Code, §604.)

[4] "A presumption affecting the burden of proof is a presumption established to implement some public policy other than to facilitate the determination of the particular action in which the presumption is applied, such as the policy in favor of establishment of a parent and child relationship, the validity of marriage, the stability of titles to property, or the security of those who entrust themselves or their property to the administration of others." (Evid. Code, § 605.)

affecting the burden of proof from a presumption affecting the burden of producing evidence." (Evid. Code, § 605, Law Revision Commission Comments 1965.)

The public policy meant to be implemented by the section 139.21 included combatting "workers' compensation fraud by changing the incentives facing medical providers in the California workers' compensation system." (AFU/Carriers Exh. L, p. 4, Sen. Ins. Com., Concurrence in Senate Amendments to A.B. 1244 (2015-2016 reg. sess.), as amended August 19, 2016.) Specifically, section 139.21 was enacted to create "a suspension process for medical providers who commit serious crimes or are involved in fraudulent activity..." (*Id.*, p. 4.)

> Similar to Medi-Cal, this bill requires that a suspended medical provider be excluded from the system and denied further payment for services. In the case of Medi-Cal however, existing law allows for a suspension of any and all payments in the case of a medical provider being charged with fraudulent activity. This bill instead suspends the provider and denies further payment **after conviction and the completion of the suspension process**, unless the suspension is for non-fraud related reasons or payment was already provided.

(*Id.*, p. 5, bold added.)

In *Tang v. Solar Link International*, 2024 Cal.Wrk.Comp. P.D. LEXIS 306 ("*Tang*"), the Appeals Board addressed the scope of the presumption in section 139.21, subdivision (g)

> Thus, in order to seek payment on any one of the approximately 1,100 liens at issue herein, lien claimant had the burden of proof to establish, based on a preponderance of the evidence, that the liens did not "arise from" her misdemeanor conviction for prescription fraud.
>
> > We conclude that **the word "arise," in conjunction with the word "connected," has a clear, plain meaning within the context of the workers' compensation system, requiring a causal link, or nexus, between the criminal conduct and the provision of service for which a lien claimant seeks payment**, and is not ambiguous or susceptible to more than one "reasonable interpretation." (*Wells*, *supra*, 39 Cal. 4th at p. 1190.)
> >
> > …
> >
> > **The Legislature expressly limited the special lien proceedings created in section 139.21(e) to those suspensions based on section 139.21(a)(1)(A).** (Lab. Code, § 139.21(e) ["the following procedures apply for the adjudication of any liens of a physician, practitioner, or provider suspended pursuant to subparagraph (A) or (D) of paragraph (1)

> of subdivision (a) …"].) Section 139.21(e)(2) then states that the special lien proceedings are "described in subdivisions (f) to (i), inclusive." Section 139.21(g) thereafter describes the presumption affecting the burden of proof in all section 139.21(e) lien proceedings. Finally, given that suspension under section 139.21(a)(1)(A) requires that the provider be convicted of one of the enumerated crimes in subdivisions (i) through (iv), it appears that **the Legislature intentionally limited the application of the section 139.21(g) presumption to that conduct arising out of a conviction for one of those enumerated crimes.**
>
> **…**
>
> **Here, Dr. Eroshevich was convicted of one count of misdemeanor prescription fraud, and therefore suspended because she was convicted of a crime as enumerated in section 139.21(a)(1)(A)(iv).** Consequently, the approximately 1,100 liens she filed seeking payment for services rendered to workers' compensation claimants became subject to section 139.21(e) special lien proceedings "as described in subdivisions (f) to (i)," including the presumption of section 139.21(g). As a result of the Legislature's explicit limitation of special lien proceedings, **neither the WCJ nor the Appeals Board may consider any additional conduct that may have resulted in Dr. Eroshevich's suspension from Medicare (which in this case resulted from the temporary suspension of her medical license by the Medical Board), when determining whether she rebutted the section 139.21(g) presumption.**

(*Tang*, *supra*, at *5-6, bold in the original.)

In *Aguilar v. Brady SoCal, Inc.*, 2024 Cal.Wrk.Comp. P.D. LEXIS ("*Aguilar*"), the Appeals Board addressed the scope of discovery permissible in special lien proceedings, stating:

> However, the carriers' Motion to Compel seeks discovery of matters far beyond the scope of the section 139.21(g) presumption, asserting that "it is the 'conduct' of the provider, and not the facts resulting in the conviction for a specific crime that constitutes the presumed fact that the provider must rebut." (Findings of Law, Opinion on Decision, p. 15.)
>
> The carriers also interpret Labor Code section 139.21(g) to contain a two-prong presumption. The first prong is the conduct that gave rise to the suspension. The second prong is any criminal, fraudulent, or abusive conduct or activity by the provider, whether or not the provider has been charged or convicted. Under this interpretation, the provider would need to establish by a preponderance of the evidence that his liens did not result from undefined abusive conduct, fraudulent conduct, and conduct that is alleged to be similar to that which resulted in his conviction, even though this conduct resulted in no criminal charges or criminal conviction. This interpretation is untenable. The presumption applies only to the conduct

> that gave rise to the suspension. The Administrative Director is constrained to suspend a provider only for conduct resulting in a conviction.
>
> **As the Administrative Director is without authority to suspend a provider for "abusive conduct," or for "fraudulent conduct," or for any conduct unrelated to a conviction, the presumed fact under Labor Code section 139.21 cannot extend to conduct other than that for which the provider was convicted, and that which was relied upon by the Administrative Director to suspend the provider.**

(*Id*., pp. 15–16.)

> **We agree with the WCJ that the carriers are entitled to discovery consistent with the issues actually presented by the section 139.21(g) presumption proceedings, which are very specific and do not include a fishing expedition into matters associated with the adjudication of any lien not subject to that presumption.** (See Lab. Code, § 139.21(i) ["If … a lien does not arise from the conduct subjecting … [lien claimant] to suspension, the workers' compensation judge shall have the discretion to adjudicate the lien or transfer the lien back to the district office having venue over the case in which the lien was filed."].)

(*Aguilar*, *supra*, at *8-9, bold added.)

III. THE RECORD IS INADEQUATE FOR A FAIR AND MEANINGFUL REVIEW OF THE ORDER

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 600, fn. 5 [71 Cal.Comp.Cases 155, 157, fn. 5]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 281, fn. 2 [70 Cal.Comp.Cases 133, 136, fn. 2].) 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, § 10843(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, § 10843(a).)

Here, lien claimants seek removal of a discovery order granted in favor of the carriers in these proceedings in the form of a PMK deposition and document production of Centro – an entity that lien claimants allege is not involved in the underlying criminal conviction for which any of the lien claimants were suspended. However, the WCJ did not issue an opinion on decision with the Order, and after review of the record of these special lien proceedings, we find no orders,

findings of fact, pleadings, and/or other documentary or testimonial evidence as to any of the preliminary factual questions required by section 139.21, subdivisions (e) through (j) (see section II, *supra*), and therefore cannot conduct a meaningful review of the Order or lien claimants' allegations. As one very significant example, we do not find the suspension order(s) in the record, or any related documents regarding the underlying criminal conviction(s) admitted into evidence.

In other words, the record here is inadequate for a full or meaningful review of the discovery ordered in relation to the scope of section 139.21 special lien proceedings as set forth in *Tang,* and the resulting allowable scope of discovery permissible in special lien proceedings as set forth in *Aguilar*.

Section 5313 requires that after a matter is submitted, and together with findings of fact, orders, and/or awards, a WCJ "shall" serve "a summary of the evidence received and relied upon and the reasons or grounds upon which the determination was made." (Lab. Code, § 5313.) The opinion on decision must be based on admitted evidence (*Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Bd. en banc) (*Hamilton*)), 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]; *Le Vesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16]). The WCJ's opinion on decision enables the parties to determine the basis for the WCJ's decision and makes seeking reconsideration or removal more meaningful. (*Hamilton*, *supra*, 66 Cal.Comp.Cases at p. 476.) However, a WCJ's report may cure any technical or alleged defect in satisfying the requirements of section 5313. (*City of San Diego v. Workers' Comp. Appeals Bd. (Rutherford)* (1989) 54 Cal.Comp.Cases 57 (writ den.); *Smales v. Workers' Comp. Appeals Bd*. (1980) 45 Cal.Comp.Cases 1026 (writ den.).)

Unfortunately, the WCJ's Report in this matter does not cure the failure to issue an opinion on decision. The WCJ explains why the deposition and document production as to Centro is being compelled but failed to include "a summary of the [substantial] evidence received and relied upon and the reasons or grounds upon which the determination was made." (Lab. Code, § 5313; see *Hamilton*, *supra*.)

> Liaison Counsel, Mokri Vanis & Jones, by Eric Danowitz, asserted, in verified petition, that, in the present case, suspended provider Ronald Grusd was found guilty, by a jury, of conspiracy to commit honest services fraud, wire fraud, and mail fraud. The acts were based on a sprawling criminal conspiracy

> in which Grusd was involved, which related to the illegal referral of patients, through a vast, capping, running and steering scheme.
>
> The assertion by the Carriers, through their Liaison Counsel, is that the deposition of the Person Most Knowledgeable for Centro Legal, one of the Arguello recruitment companies named in the criminal documents, specifically, CLI was reasonably calculated to lead to discoverable evidence. Due to the large web of entities, a large net may lead to discoverable evidence. The Workers Compensation arena has been open to discovery that may lead to discoverable evidence.
>
> The Petitioner has not adequately shown irreparable harm, what the cost of the discovery would be, outside of it being "unreasonable". If improper referrals to any of the Grusd related entities is found, then there will be a prejudice to those entities in that it will be more difficult overcome the presumptions of §139.21.
>
> The presumption under Labor Code §139.21 provides that all of Lien Claimants' liens arose from or were connected to the criminal conduct for which Grusd was found guilty, **which was a criminal conspiracy to commit insurance fraud, which spans to multiple related cases against other participants to the conspiracy**. As such, the deposition of person most knowledgeable at CLI may lead to confirm whether there were improper referrals to one of the Grusd entities. If so, this may further narrow the contested liens. If CLI does not have documents of Providence Scheduling, Inc. that tie improper referrals to the Grusd entities, the Lien Claimants may benefit from the information.

(Report, pp. 4-5, bold added.)

In addition, we note that the WCJ confirms that a previous motion to compel the same deposition and document production of Centro was denied on June 21, 2024 "citing the need to tie CLI to Dr. Grusd." (Report, p. 2; see Order Denying Order to Compel Attendance at Deposition, June 21, 2024.) The WCJ does not explain in the Report why such a "tie to CLI" would no longer be necessary after the filing of the carrier's Petition to Compel Attendance at Deposition.

Although the scope of discovery should be broad enough to include information and documents "reasonably calculated to lead to the discovery of admissible evidence," and "fishing expeditions" are actually permissible in California, "***there is a limit***." (*Calcor Space Facility v. Superior Court* (1997) 53 Cal.App.4th 216, 223, emphasis added.) For instance, without context, the WCJ's reference to "multiple related cases against other participants to the conspiracy" is concerning given the very specific purpose of the special lien proceedings. On the other hand, lien claimants, and again without reference to any admitted evidence, urge the Appeals Board to adopt a very narrow view of allowable discovery:

> In short, carriers could not demonstrate that Dr. Grusd was indicted or convicted in connection with Centro Legal, nor provide any evidence linking Dr. Grusd to Centro Legal. These deficiencies were fatal to their petition – and remain so. See Ex. 1, *Diego v. Brady Socal Inc.*, Opinion and Decision after Reconsideration, No. SAU10073742 (Cal. Workers' Comp. Jan. 2024).
>
> Unable to provide such evidence, Carriers filed an amended petition trying to skew the narrative against Dr. Grusd by offering documents not part of Dr. Grusd's case in lieu of Dr. Grusd's case records, court orders, or decisions. Carriers asked the WCJ to proceed with discovery as though Dr. Grusd's extensive legal proceedings, including his trial and the thorough adjudication of his case, were non-events that should have no bearing on the scope of permissible discovery under Labor Code section 139.21. The WCJ unfortunately accepted this flawed approach.
>
> The Carriers resorted to presenting extraneous materials, such as third-party sentencing memoranda and a government press release, as if these unrelated documents could substitute for an actual charge or conviction. The Carriers asked the WCJ to treat these materials as if they carried the same weight as a formal charge or conviction, disregard the judicial determinations that had already clearly established which liens were connected to Dr. Grusd's conviction under Labor Code section 139.21.

(Petition for Removal, pp. 3-4.)

However, we do not agree that it will only be the "case records, court orders, or decisions" involved in the criminal conviction that resulted in Dr. Grusd's suspension that will be relevant or *reasonably calculated* to lead to the discovery of admissible evidence.

Accordingly, we must grant removal and rescind the Order pursuant to section 5313 and *Hamilton* so that this matter may be returned to the trial level for further development of the record and to provide an adequate record for any future orders issued in this section 139.21 special lien proceeding.

For the foregoing reasons,

IT IS ORDERED that Real Parties in Interest and Lien Claimants' Petition for Removal of the Order Compelling Attendance at Deposition and Production of Documents of Centro Legal Internacional, Inc. issued on February 3, 2025 by a workers' compensation administrative law judge is **GRANTED**.

IT IS FURTHER ORDERED as the Decision after Removal of the Workers' Compensation Appeals Board that the Order Compelling Attendance at Deposition and Production of Documents of Centro Legal Internacional, Inc. issued on February 3, 2025 by a workers' compensation administrative law judge is **RESCINDED** and this consolidated matter is **RETURNED** to the trial level for further proceedings consistent with this decision.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

January 27, 2026

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

CLINTON GRUSD, ESQ.
RONALD GRUSD, MD
MOKRI VANIS & JONES
OFFICE OF THE DIRECTOR-OAKLAND, ANTI-FRAUD UNIT

AJF/mc

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