

1 Co., which became insolvent and of which the covered claims are now the responsibility of the
2 California Insurance Guarantee Association (CIGA).¹ Apparently, Remedy Temp has been
3 purchased by Select. Liberty Mutual wishes to explore issues of coverage and insurance related to
4 that purchase.

5 With regard to the deposition of witnesses who are not employees of a party, Labor Code
6 section 5710(a) provides in relevant part: "The appeals board, a workers' compensation judge, or
7 any party to the action or proceeding, may, in any investigation or hearing before the appeals board,
8 cause the deposition of witnesses residing within or without the state to be taken in the matter
9 prescribed by law for like depositions in civil actions in the superior courts of this state under Title
10 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. To that end the
11 attendance of witness and the production of evidence may be required." The statute does not limit
12 the Appeals Board's jurisdiction to witnesses who are the employees of parties.

13 In this case, the deponents ordered to appear at deposition by the WCJ may have
14 information relevant to this matter. The WCJ has jurisdiction to order these depositions. We find
15 no reason to disturb the WCJ's order.

16 With regard to the Purchase Agreement, the WCJ has jurisdiction to order the production of
17 that document pursuant to section 5710. Any specific claims of privilege may be asserted by
18 Select and adjudicated by the WCJ, if necessary.

19 Furthermore, on the basis of the information before us, we cannot find that Select will be
20 substantially prejudiced or irreparably harmed by the depositions of its employees and production
21 of documents (see WCAB Rule 10843 (Cal. Code Regs., tit. 8, § 10843)).

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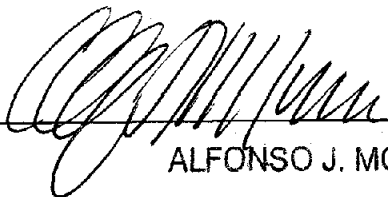
27 _____
¹ See, generally, *Miceli v. Jacuzzi, Inc., et al.* (2006) 71 Cal.Comp.Cases 599 (appeals board en banc).

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For the foregoing reasons,

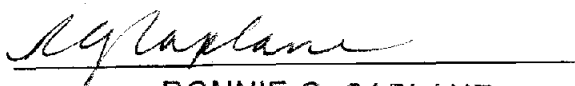
IT IS ORDERED that the petition for removal filed by Select Staffing is **DENIED**.

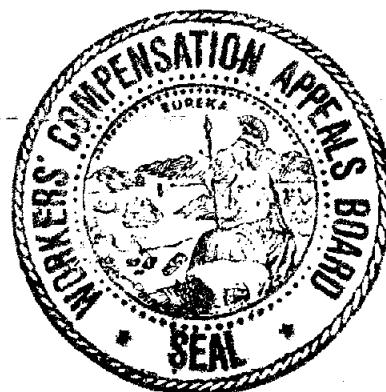
WORKERS' COMPENSATION APPEALS BOARD


ALFONSO J. MORESI

I CONCUR,


DEIDRA E. LOWE


RONNIE G. CAPLANE



**DATED AND FILED IN SAN FRANCISCO, CALIFORNIA
AUG 30 2010**

**SERVICE MADE BY MAIL ON ABOVE DATE ON THE PERSONS LISTED BELOW AT
THEIR ADDRESSES AS SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD:**

- BARTOLO TERRONES**
- FLOYD, SKEREN & KELLY**
- MALMQUIST, FIELDS & CAMASTRA**
- EDWARDS & ASSOCIATES**
- PEARLMAN, BORSKA & WAX**



MR/rrm