

Docket Number: 2007

MAXERCISE, INC.

Bradford M. Brush, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY,
STATE WORKMEN'S INSURANCE FUND

~~J. Matthew Wolfe, Chief Counsel~~
~~Thomas J. Kuzma, Assistant Counsel~~
~~*James D. Jordan, Assistant Counsel~~

October 12, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$9,777.00+.

October 27, 1995

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

November 3, 1995

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 1, 1995.

CLOSED

November 7, 1995

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 31, 1995.

November 27, 1995

Preliminary Objections of Respondent State Workmen's Insurance Fund filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 15, 1995

Proposed Order as well as Response of Petitioner, Maxercise, to Preliminary Objections of State Workmen's Insurance Fund filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 2, 1996

Brief in Support of the Preliminary Objections of Respondent State Workmen's Insurance Fund filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 16, 1996

Supplemental Brief in Opposition to the Preliminary Objections of State Workmen's Insurance Fund filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 29, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of July, 1996, the Preliminary Objections as filed by the Respondent, Commonwealth of Pennsylvania, State Workmen's Insurance Fund, as it relates to the jurisdiction of this Board limited to their request of the Petitioner for a refund and/or credit as it relates to designated individuals whose classification could be that of an independent contractor are **DENIED**. The Preliminary Objections of the Respondent as it relates to attorneys' fees and/or punitive damages is hereby **GRANTED**. The petition for summary judgment will be considered by the Board as a Complaint wherein the prayer for relief is in the nature of a monetary award either as a credit or a refund as this sum relates to the premium paid by the Respondent wherein the classification of named individuals could be that of an independent contractor. The Respondent is given thirty (30) days from the effective date of this order to file appropriate pleadings." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

July 31, 1996

Acceptance of Service of Opinion and Order dated July 29, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 5, 1996.

***October 4, 1996**

Praecipe for Substitution of Appearance filed by James D. Jordan, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 4, 1996

Answer with New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 30, 1996

Letter received from attorney for Plaintiff advising that the parties have settled. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 19, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of December, 1996, it is **ORDERED** and **DECREED** that this matter be marked 'settled and terminated with prejudice'." Copies forwarded to attorney for Plaintiff and attorney for

Defendant.

December 26, 1996

Acceptance of Service of Opinion and Order dated December 19, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 23, 1996.

January 2, 1997

Acceptance of Service of Opinion and Order dated December 19, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 30, 1996.

CLOSED