

Docket Number: 2441

LABOR & LOGISTICS MANAGEMENT, INC.

~~John N. Ellison, Esquire~~
~~Linda J. Karpel, Esquire~~
Joseph Bubba, Esquire
Douglas Smillie, Esquire

VS.

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

~~Matthew J. Wolfe, Chief Counsel~~
~~G. Richard Gold, Esquire~~
Timothy J. Nieman, Esquire
~~Todd P. Prugar, Esquire~~
Lori A. Dawkins, Esquire
and
Brian S. Neft, Esquire

PENNSYLVANIA COMPENSATION RATING BUREAU

~~Robert L. Pratter, Esquire~~
Seth v.d. H. Cooley, Esquire
James R. Potts, Esquire

May 21, 1997

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: Not Stated.

June 10, 1997

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

June 18, 1997

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 12, 1997.

June 18, 1997

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 11, 1997.

July 2, 1997

Entry of Appearance of G. Richard Gold, Esquire, and Timothy J. Nieman, Esquire, attorneys for Defendant, filed. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

July 10, 1997

Respondent's Preliminary Objections to Labor & Logistics Management, Inc.'s Complaint and Brief in Support there filed by attorneys for Defendant. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

Plaintiff's Response and Brief due 8/11/97.

July 10, 1997

Copy of letter received from attorney for Additional Defendant confirming with Plaintiff an extension of time until August 8, 1997 to file an answer to the Complaint.

August 1, 1997

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 1st day of August, 1997, it is **ORDERED** and **DECREED** that counsel for Plaintiff, Labor & Logistics, Inc., is **GRANTED** an extension of time in which to respond to Defendant's, Commonwealth of Pennsylvania, Department of Labor & Industry, State Workmen's Insurance Fund, Preliminary Objections and the Additional Defendant's, Pennsylvania Compensation Rating Bureau, response to Complaint. Counsel for the Plaintiff shall have thirty (30) days from the exit date of this Order to file its pleadings." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 5, 1997

Acceptance of Service of Opinion and Order dated August 1, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 4, 1997.

August 7, 1997

Acceptance of Service of Opinion and Order dated August 1, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 4, 1997.

August 8, 1997

Proposed Order as well as Preliminary Objections of Respondent Pennsylvania Compensation Rating Bureau and Brief in Support thereof filed by attorneys for Additional Defendant, via Fax. Copies forwarded to all parties of record by attorneys for Additional Defendant.

August 11, 1997

Proposed Order as well as Preliminary Objections of Respondent Pennsylvania Compensation Rating Bureau and Brief in Support thereof filed by attorneys for Additional Defendant, via mail. Copies forwarded to all parties of record by attorneys for Additional Defendant.

August 28, 1997

Amended Complaint filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

Response due from Defendants 10/13/97.

September 11, 1997

Copy of Amended Complaint forwarded to Chief Deputy Attorney General.

September 17, 1997

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 15, 1997.

September 18, 1997

Acceptance of Service of Amended Complaint received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 16, 1997.

September 26, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of September, 1997, it is hereby **ORDERED** and **DECREED** that the pending Preliminary Objections filed by the Defendant, Commonwealth of Pennsylvania, Department of Labor and Industry, State Workmen's Insurance Fund, and Additional Defendant, Pennsylvania Compensation Rating Bureau, are hereby **DISMISSED** as being moot by the filing of the Amended Complaint." Copies forwarded to all parties of record.

October 3, 1997

Acceptance of Service of Opinion and Order dated September 26, 1997, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 29, 1997.

October 10, 1997

Proposed Order as well as Preliminary Objections of Respondent Pennsylvania Compensation Rating Bureau filed by attorney for Additional Defendant. Copies forwarded to all parties of record by attorney for Additional Defendant.

October 10, 1997

Brief in Support of Preliminary Objections of Respondent Pennsylvania Compensation Rating Bureau filed by attorney for Additional Defendant.

October 14, 1997

Respondent's Preliminary Objections to Labor & Logistics Management, Inc.'s Amended Complaint filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

October 14, 1997

Respondent State Workers' Insurance Fund's Brief in Support of its Preliminary Objections to Claimant Labor and Logistics Management, Inc.'s Amended Complaint filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

October 14, 1997

Acceptance of Service of Opinion and Order dated September 26, 1997, received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant October 9, 1997.

October 16, 1997

Acceptance of Service of Opinion and Order dated September 26, 1997, received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant October 14, 1997.

November 10, 1997

Proposed Order as well as Claimant Labor & Logistics Management, Inc.'s Response and Memorandum of Law in Opposition to Preliminary Objections of Pennsylvania Compensation Rating Bureau filed by attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

November 13, 1997

Proposed Order as well as Claimant Labor & Logistics Management, Inc.'s Response and Memorandum of Law in Opposition to Preliminary Objections of State Worker's Insurance Fund. Copies forwarded to all parties of record by attorney for Plaintiff.

December 3, 1997

Respondent State Workers' Insurance Fund's Reply to Claimant Labor & Logistics Management, Inc.'s Memorandum of Law in Opposition to Preliminary Objections of State Workers' Insurance Fund filed by attorney for Defendant. Copies forwarded to all parties of record by attorney for Defendant.

July 30, 1998

The Board rendered an Opinion and made the following Order: **"AND**

NOW, this 30th day of July, 1998, the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of Labor and Industry, State Workmen's Insurance Fund, to the Amended Complaint of the Plaintiff, Labor and Logistics Management, Inc., are hereby **DENIED**. Defendant shall have thirty (30) days from the date of this Order to file an Answer." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 5, 1998

Acceptance of Service of Opinion and Order dated July 30, 1998, received from attorneys for Defendant. Receipt of same acknowledged by attorney for Defendant August 4, 1998.

August 7, 1998

Acceptance of Service of Opinion and Order dated July 30, 1998, received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff August 4, 1998.

August 31, 1998

Letter received from attorney for Plaintiff advising that they have consented to an extension of time for Defendant to file its answer to the Complaint no later than 9/8/98.

September 4, 1998

Letter received from attorney for Plaintiff advising that they have consented to an extension of time for Defendant to file its answer to the Complaint no later than 9/15/98.

September 14, 1998

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

October 23, 1998

Claimant Labor and Logistics Management, Inc.'s Answer to New Matter and Counterclaims and Plaintiff's New Matter to Counterclaims and New Matter of Respondent State Workmen's Insurance Fund filed by attorney for Plaintiff. Copies forwarded to attorneys for Defendants by attorney for Plaintiff.

October 27, 1998

Reply to New Matter filed by attorney for Defendant (SWIF). Copy forwarded to all parties by attorney for Defendant.

October 28, 1998

Verification of Curtis Ball, inadvertently omitted from Plaintiff's Answer to New Matter and Counterclaims and Plaintiff's New Matter to Counterclaims and New Matter of Respondent, filed by attorney for Plaintiff.

November 3, 1998

Letter forwarded to attorney for Defendant (Pennsylvania Compensation Rating Bureau) requesting a response to Plaintiff's New Matter.

Response due 12/2/98.

March 18, 1999

Notice of Service of Respondent's State Workers' Insurance Fund's Interrogatories Directed to Claimant and Request for Production of Documents Directed to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 12, 1999

Proposed Order and Respondent Pennsylvania Compensation Rating Bureau's Motion for a Protective Order and Stay of Discovery filed by attorney for additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 23, 1999

The Board rendered the following Order: **"AND NOW,** this 23rd day of April, 1999, upon consideration of the Motion for a Protective Order and Stay of Discovery of Respondent, Pennsylvania Compensation Rating Bureau, (PCRB) it is hereby **ORDERED** that the PCRB's obligation to respond to Claimant's First Set of Interrogatories and First Request for Production or any subsequent discovery of depositions is stayed until the later of thirty (30) days after the date on which the Board rules upon the PCRB's Motion For Protective Order or the time provided for in any applicable provision(s) of the Pennsylvania Rules of Civil Procedure." Copy forwarded to attorney for Plaintiff and attorneys for Defendants.

April 26, 1999

Acceptance of Service of Order filed by attorney for Plaintiff. Receipt of same acknowledged by attorney for Defendant April 26,

1999.

April 28, 1999

Acceptance of Service of Order received from attorney for Defendant.
Receipt of same acknowledged by attorney for Defendant April 26, 1999.

April 29, 1999

Acceptance of Service of Order dated April 23, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 26, 1999.

May 7, 1999

Notice of Service of Answers and Objections to First Set of Interr. Addressed to State Workers' Insurance Fund filed by attorney for Plaintiff. Copy served upon Defendant by attorney for Plaintiff.

May 7, 1999

Claimant Labor & Logistics Management, Inc.'s Opposition to Respondent Pennsylvania Compensation Rating Bureau's Motion for a Protective Order Staying Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 18, 1999

Notice of Service of Responses and Objections to Request for Production of Documents Addressed to State Workers' Insurance Fund filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 26, 1999

Withdrawal of Appearance of Robert L. Pratter, Esquire as counsel for Additional Defendant.

May 26, 1999

Entry of Appearance of Seth v.d.H. Cooley as counsel for Additional Defendant. Copies served upon Plaintiff, Defendant and Chief Deputy Attorney General.

June 22, 1999

Proposed Order, Motion to Compel More Specific Answers to Interrogatories and Brief in Support of Motion to Compel More Specific

Answers to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 28, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of June, 1999, the Preliminary Objections of the Defendant, Pennsylvania Compensation Rating Bureau, to the Amended Complaint of the Plaintiff, Labor & Logistics Management, Inc., are hereby **DISMISSED**. Defendant, Pennsylvania Compensation Rating Bureau, has thirty (30) days from the exit date of this Order to file a responsive pleading." Copy forwarded to all attorneys of record.

July 5, 1999

Acceptance of Service of Opinion and Order dated June 28, 1999 received from attorney for Defendant (PCRB). Receipt of same acknowledged by attorney for Defendant (PCRB) July 1, 1999.

July 5, 1999

Acceptance of Service of Opinion and Order dated June 28, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 2, 1999.

July 22, 1999

Claimant Labor and Logistics Management, Inc., 's Answer to Respondent State Workers Insurance Fund's Motion to Compel, More Specific Answers to Interrogatories and Memorandum of Law in Opposition to Respondent State Workers' Insurance Fund's Motion to Compel More Specific Answers to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 3, 1999

Reply to Memorandum of Law in Opposition to Motion to Compel More Specific Answers to Interrogatories filed by attorney for Defendant (SWIF) copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 4, 1999

Answer and New Matter to Amended Complaint and LLM's New Matter to Counterclaims and New Matter of SWIF filed by attorney for Defendant (PCRB). Copy forwarded to attorney for Plaintiff by attorney for Defendant. NOW DUE 9/20/99.

August 11, 1999

Acceptance of Service of Opinion and Order dated June 28, 1999 received from attorney for Defendant. Receipt of same acknowledged by Defendant June 29, 1999.

September 24, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 24th day of September, 1999, Defendant's, Commonwealth of Pennsylvania, Department of Labor & Industry, State Workers' Insurance Fund, Motion to Compel More Specific Answers to Interrogatories is hereby **GRANTED**. Claimant, Labor & Logistic Management, Inc., shall have thirty (30) days from the date of this Order to file more specific Answers to Interrogatories 8, 10, 11, 13, 14, 17, 27, 28, 30, 31 and 45 of the Interrogatories Directed to Claimant by State Workers' Insurance Fund." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 30, 1999

Acceptance of Service of Opinion and Order dated September 24, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 29, 1999.

September 30, 1999

Acceptance of Service of Opinion and Order dated September 24, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 30, 1999.

November 4, 1999

Substitution of Counsel for Labor and Logistics Management, Inc, filed by attorney for Plaintiff.

December 31, 1999

Proposed Order, Motion to Compel Answers to Interrogatories and Production of Documents filed by attorney for additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant. Pltf/Def. Response due 1/27/00.

October 3, 2000

Notice of Deposition of Corporate Representatives filed by Defendant. Copy forwarded to attorney for Additional Defendant by attorney for

Defendant.

October 30, 2000

Notice of Deposition of Corporate Representative(s) filed by attorney for Defendant. Copy forwarded to Additional Defendant by attorney for Defendant.

November 7, 2000

Notice of Rescheduled Deposition of Corporate Representative(s) filed by attorney for Defendant. Copy served on attorney for Plaintiff by attorney for Defendant.

December 7, 2000

The Board rendered an Opinion and made the following Order: **AND NOW**, this 7th day of December, 2000, upon consideration of the Motion to Compel Answers to Interrogatories and Production of Documents of Respondent, Commonwealth of Pennsylvania, Pennsylvania Compensation Rating Bureau it is hereby determined that Claimant, Labor and Logistics Management, Inc., has failed to answer or object to the Respondent's Interrogatories and Request for Production of Documents. It is, therefore, **ORDERED** that Respondent's Motion to Compel is **GRANTED** and Claimant shall provide answers in response to such Interrogatories and document requests within thirty (30) days from the date hereof. Copy forwarded to attorney for Plaintiff and Defendant,.

December 15, 2000

Acceptance of Service of Opinion and Order dated December 7, 2000, received by attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant December 14, 2000.

March 30, 2001

Letter forwarded to parties requesting a status report. Due 4/30/01.

April 27, 2001

Letter received from attorney for Defendant advising that no depositions have been scheduled by LLM since November 28, 2001. If the parties are unable to resolve this matter, SWIF will depose individuals identified by Mr. Ball during his deposition.

May 1, 2001

Letter received from Plaintiff advising that the parties at the present time and in particular Labor and Logistics and PA Comp. Bureau are in the process of exchanging information to determine whether an informal resolution in this matter is possible. This exchange and review will take approx. 60-90 days. If the parties are unable to resolve the matter an additional period of time will be required to prepare for trial. The parties suggest an additional 90 days. They request status in three months.

March 1, 2002

Letter forwarded to parties requesting a status. Due 4/1/02.

March 25, 2002

Notice of Appearance of Lori A. Dawkins as counsel for State Workers' Insurance Fund in place of Todd Prugar.

April 1, 2002

Letter received from attorney for Additional Defendant advising that Plaintiff indicated they would be scheduling depositions of individuals from Defendant and Additional Defendant which has not occurred. Defendant plans to depose representatives from Plaintiff's current and prior insurance broker and to subpoena documents from these entities.

April 27, 2002

Letter received from attorney for Defendant advising that they deposed a corporate representative designated by Plaintiff. At the close of this deposition counsel for Plaintiff advised that they would be scheduling depositions of individuals from SWIF and PCRB.

May 1, 2002

Letter received from attorney for Plaintiff advising that the parties are in the process of exchanging information in an effort to determine whether an informal resolution of this matter will be possible. This exchange will take approx. 60-90 days.

July 1, 2002

Praecipe to Withdraw and Substitute Counsel for Respondent State Workmen's Insurance Fund filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and Additional Defendant by attorney for Defendant. (Brian S. Neft)new counsel

November 12, 2002

Proposed Order, Motion to Compel Responses to Second Set of Interrogatories and Requests for Production Directed to Claimant filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

January 16, 2003

Letter received from attorney for Plaintiff advising that there has been an agreement reached to settle this matter. It is presumed that the settlement will be reduced to a written agreement, which will result in discontinuance of this matter. Plaintiff anticipates this should occur within approximately two weeks. Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

April 18, 2003

Letter received from attorney for Plaintiff advising that the matter has been resolved. A settlement agreement has been drafted and the parties are in the process of finalizing it. The appropriate documents will be filed to achieve dismissal by the end of the month.

May 1, 2003

Letter received from attorney for Plaintiff advising that upon signature on settlement agreement, a stipulation or praecipe to discontinue this matter will be filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 16, 2003

Plaintiff filed Praecipe to Discontinue. Copy forwarded to Defendant.

June 4, 2003

Board issued Order as follows: **AND NOW**, this 4th day of June, 2003, upon receipt of a Praecipe to Discontinue, advising the Board to "Kindly mark the above action, including all claims and counterclaims, settled, discontinued and ended upon payment of your costs only." executed by counsel for the parties herein, and docketed with this Board under date of May 16, 2003, it is **ORDERED** and **DIRECTED** that this case be marked "closed, ended and discontinued with prejudice." Copy forwarded to attorney for Plaintiff and Defendant.

June 9, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated June 4, 2003. Receipt of same acknowledged by attorney for Plaintiff June 6, 2003.

June 11, 2003

Defendant (Pa Comp. Rating Bureau) filed Acceptance of Service of Opinion and Order dated June 4, 2003. Receipt of same acknowledged June 9, 2003.

July 11, 2003

Defendant (SWIF) filed Acceptance of Service of Opinion and Order dated June 4, 2003. Receipt of same acknowledged June 9, 2003.
