

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**SCOTT LUELLEN,**

**Complainant**

v.

Docket C-2016-2539599

**MAROADI TRANSFER & STORAGE, INC.**

**1801 Lincoln Hwy, North Versailles, PA 15137**

**Respondent**

**COMPLAINANT’S FIRST MOTION FOR SANCTIONS  
(18 Pa.C.S. § 4904)**

NOW COMES Complainant and moves this Court sanction Respondent and its counsel for knowingly falsifying answers given under oath to this Commission, and in support states:

1. In Complainant’s First Request for Interrogatories, it asked the Respondent to identify its “applicable motor vehicle insurance carrier at the time of the cause of action arose, and any and all other insurance carriers” (at ¶ 4).
2. On June 15, 2016, Respondent filed “Answers to Interrogatories Not Previously Objected To” [sic] with this Commission. Therein, at ¶ 6(a), they stated in relevant part that it “was insured by First Niagara at the time of the alleged injury to Complainant.”
3. On Friday, June 24, 2016, the Motor Carrier enforcement division of this Commission personally confirmed via telephone to Complainant that the Respondent has never been insured by “First Niagara.”
4. On Monday, June 27, 2016, Complainant learned from the US Department of Transportation Federal Motor Carrier Safety Administration that Respondent is not currently, and has never

been since 1981, insured by “First Niagara.” (A copy of Respondent’s current insurance coverage, and coverage history since 1981, tracked by the Federal Motor Carrier Safety Administration (FMCSA) is attached as Exhibit A and included by reference here).

5. Moreover, Respondent and its counsel deliberately lied by omission to this Commission in the same answer by hiding the fact they were insured by Granite State Insurance Company, a division of AIG, at the time this cause of action arose. (See Exhibit A at page 9).<sup>1</sup>
6. James Messmer, General Manager of the Respondent, signed the filing under a verification at page five (5) and violated, as described herein, 18 Pa.C.S. § 4904.
7. John A. Pillar, Attorney for Respondent, signed the filing at page four (4). Counsel has a fiduciary and licensed duty under the Rules of Procedure to reasonably investigate answers that he assumes responsibility for filing, at least as much as to ensure they do not conflict with the sworn public records already on file with this Commission. Obviously, counsel was willfully negligent in making any inquiry as to whether the Respondent’s answer was truthful or accurate. Moreover, the limited discovery Respondent did provide shows Respondent’s counsel was in constant contact and e-mail communications with the Respondent’s insurance carriers, none of which were “First Niagara.” Finally, “First Niagara” isn’t even an insurance carrier, it’s a bank that refers businesses to insurance companies.

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<sup>1</sup> Of tangential interest to this Commission may be the fact that Respondent’s authority to operate as a licensed motor carrier was involuntarily revoked by the FMCSA on December 19, 2011 (Exhibit A at page 17).

## VERIFICATION

I, Scott Luellen, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904.

/s/ \_\_\_\_\_  
Scott Luellen  
14 Marlboro Street  
Belmont, MA 02478  
Tel. 412-915-7468  
E-mail: [SEricLuellen@gmail.com](mailto:SEricLuellen@gmail.com)

Wednesday, June 29, 2016  
Date:

## CERTIFICATE OF SERVICE

I, Scott Luellen, hereby certify that a true and correct copy of the foregoing motion was sent via pre-paid, first-class US Postal Service to John A. Pillar, Esq., Counsel for Respondent MAROADI, 150 Green Commons Drive, Pittsburgh, PA 15243 on or before Tuesday, the 29<sup>th</sup> day of June 2016.<sup>2</sup>

/s/ \_\_\_\_\_  
Scott Luellen  
14 Marlboro Street  
Belmont, MA 02478  
Tel. 412-915-7468  
E-mail: [SEricLuellen@gmail.com](mailto:SEricLuellen@gmail.com)

Wednesday, June 29, 2016  
Date:

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<sup>2</sup> A courtesy copy was also sent to Mr. Pillar via his electronic mail address found on the pleadings ([pillarlaw@verizon.net](mailto:pillarlaw@verizon.net)) and to the General Manager ([JMessmer@maroadi.com](mailto:JMessmer@maroadi.com)) and owner ([Mary@Maroadi.com](mailto:Mary@Maroadi.com)) of MAROADI MOVING & STORAGE, Inc.

**EXHIBIT A**