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June 17, 2016

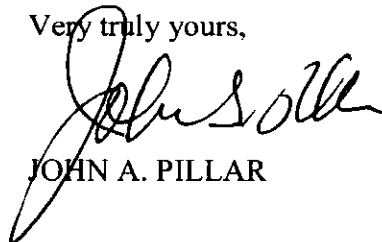
Re: Scott Luellen v.
Maroadi Transfer & Storage, Inc.
Docket C-2016-2539599

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dear Secretary Chiavetta:

Enclosed herewith for filing are **Partial Production and Objections of Maroadi Transfer & Storage, Inc. to Complainant's First Request for Production of Documents**, in connection with the above case. A copy of the Partial Production and Objections has been served on the Complainant.

Very truly yours,



JOHN A. PILLAR

sw

Enclosures

cc: Hon. Stephen K. Haas, Administrative Law Judge (w/encl.)
Scott Luellen (w/encl.)
Maroadi Transfer & Storage, Inc. (w/encl.)

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SCOTT LUELLEN,)
Complainant,)
v.)
MAROADI TRANSFER &)
STORAGE, INC.,)
Respondent.)

Docket C-2016-2539599

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**PARTIAL PRODUCTION AND OBJECTIONS OF
MAROADI TRANSFER & STORAGE, INC. TO COMPLAINANT'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to 52 Pa. Code §5.342 and 5.349, Maroadi Transfer & Storage, Inc. (Maroadi or Respondent) objects to the Complainant's First Request for Production of Documents as follows.

GENERAL OBJECTIONS

This proceeding was instituted by the filing of a Formal Complaint by the Complainant against Respondent arising out of alleged injuries Complainant states he received on or about December 13, 2014, at which time a vehicle owned by Shamrock Moving & Storage of Wakefield, MA and operated by its employees, was loading a shipment of household goods for a customer named Katherine Drago in Pittsburgh, PA. Respondent was the booking agent for this shipment and packed the shipper's household goods but was not involved in the loading process. The transportation contract was entered into between the shipper and Mayflower as this was an interstate shipment moving from Pittsburgh to Massachusetts. Neither Maroadi's equipment nor its personnel were involved in any way in the loading of this shipment.

Complainant has filed a Formal Complaint and an Amended Formal Complaint to each of which Respondent has filed Answers and Preliminary Objections.

With the exception of Request for Production No. 1 in part, Respondent objects to the Request for Production of Documents since it seeks information that is not in the possession of the Respondent since the Respondent received no claim from the Complainant and has no claim file other than the Formal Complaint, the Amended Formal Complaint, and the exhibits attached to these Complaints by the Complainant, which are already in the Complainant's possession.

Furthermore, to the extent that the Request for Production seeks documents dealing with the Amended Formal Complaint, Respondent objects on the grounds that the Request is overly broad, unduly burdensome and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant information.

In addition, Respondent objects to the Request for Documents to the extent it seeks production of information that was not generated by, or maintained in the files of, any Maroadi employee on the grounds that the request is vague, oppressive and seeks information that is not relevant or reasonably calculated to lead to the discovery of relevant information.

Finally, Respondent objects to any request for documentation initially created by parties not affiliated with Maroadi or who were not acting at the direction or on its behalf on the grounds that the request is overly broad, unduly burdensome and seeks information that is not relevant nor reasonably calculated to lead to the discovery of relevant information and on the ground that the information is equally available from other sources.

RESPONSES TO SPECIFIC REQUESTS FOR PRODUCTION

Request for Production No. 1.

1. The claims and investigation file or files including but not limited to daily activity sheets, diary sheets, and status sheets of any insurance adjuster and/or risk employee/manager, internal memoranda regarding this claim created, sent and/or received by any insurance adjuster or other adjuster or any employee or contractor, risk employee/manager and/or by the Respondent(s) or an agent/employee of the Respondent(s), communications to and from all insurance carriers, parties, Respondent(s), or potential parties, request(s) for investigation, and/or reports/findings of investigators, both in-house and/or independent and/or all insurance policies of the Respondent(s), excluding reference to mental impressions, conclusions, or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications from counsel.

Subject to and without waiver of its objections, Maroadi is producing a partial response to Request for Production No. 1.

Objection.

Respondent objects to that portion of Request No. 1 seeking work product of Respondent's attorney including privileged communications from counsel. See 52 Pa. Code §5.361(a)(2). Since Claimant filed no claim with the Respondent regarding his alleged injury on or about December 13, 2014, Respondent has no claim or investigation files regarding the Complainant other than the Formal Complaint and Amended Formal Complaint with the exhibits attached thereto to each of which Respondent filed Answers as well as Preliminary Objections.

Partial Answer to Request For Production No. 1

Attached hereto as Exhibit 1 is a copy of a series of e-mail exchanges between Respondent, the insurance company for Shamrock Moving & Storage, and the Complainant between January 14, 2016 and April 19, 2016. The claim number referred to in the email is believed to be that of Mayflower Transit LLC or its insurance carrier.

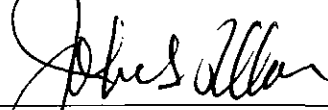
Objections to Requests For Production Nos. 2 through 22.

2-22. Respondent objects to each of the Requests for Production contained in paragraphs 2 through 22 of the Complainant's Request for Production for the following reasons.

- a. Complainant has filed no claim with Respondent for his alleged personal injury.
- b. Respondent was not the carrier that loaded the shipment of household goods on December 13, 2014, at which time Complainant allegedly was injured.
- c. In light of the general objection raised herein, Maroadi would be required to perform an unreasonable investigation by seeking documentation to be

produced in response to Requests Nos. 2 through 22 and of which documentation Respondent has no knowledge or information, and over which it has no control.

Respectfully submitted,



JOHN A. PILLAR
Attorney for MARODI TRANSFER &
STORAGE, INC., Respondent

John A. Pillar
Attorney at Law
150 Green Commons Drive
Pittsburgh, PA 15243
412-343-0970
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On Thu, Jan 14, 2016 at 2:46 PM, Patrick R. Cowden <Pat.Cowden@vanliner.com> wrote:
As we do not insure them anymore I do not know who their agent is and/or was at that time. I have been trying to find out.

I have asked you to support your claim and who were witnesses etc. and I have received anything to support what happened. My insured does not know anything about you being hit in the back with one of their doors. Their address is on their moving documents.

From: Eric Luellen [mailto:eric.luellen16@gmail.com]
Sent: Thursday, January 14, 2016 10:13 AM
To: Patrick R. Cowden
Cc: maroadi@aol.com
Subject: Claim #142160 - Service of Process

Exhibit 1
(4 pages)

Mr. Cowden:

Other than the owners and officers of Maroadi Transfer & Storage, Inc., please advise who you would like to receive service of process for Mayflower in the forthcoming lawsuit for this unaddressed claim. Thank you.

S. Eric Luellen
14 Marlboro Street, #1
Belmont, MA 02478
(M) [412-915-7468](tel:412-915-7468)

From: Eric Luellen [mailto:eric.luellen16@gmail.com]
Sent: Thursday, January 14, 2016 3:06 PM
To: Jim Messmer
Subject: Fwd: Claim #142160 - Service of Process
Correction

----- Forwarded message -----

From: Eric Luellen <eric.luellen16@gmail.com>
Date: Thu, Jan 14, 2016 at 3:05 PM
Subject: Re: Claim #142160 - Service of Process
To: "Patrick R. Cowden" <Pat.Cowden@vanliner.com>
Cc: "maroadi@aol.com" <maroadi@aol.com>
CORRECTION:

Counsel has advised that it is inappropriate to be asked to locate witnesses who were employed by the insured. My fiancée, as you know, was a witness. Also, we've been repeatedly asked for contact information and a description of the accident and, no matter how many times we provide it, keep being asked for the same thing.

A partial diagnosis was made by my PCP, Mathew Fickie, a Harvard Fellow at Mt. Auburn Hospital, and Dr. Rosenberg, a spine specialist at Cambridge Spine Center. Their partial diagnosis is: (1) thoracic myofascial pain syndrome; and, (2) post-traumatic spondylitis. They also noted neuropathies that need to be evaluated by a neurologist. The monthly physical therapy, pain management, and medications prescribed are, approximately \$900 per month. Thirteen (13) months later, not a dime has been paid by insurance, to say nothing of the difficulty for a year in doing everything from tying shoes, to walking or standing more than 30 minutes, sleeping, etc. They also completed a Revised Oswestry Index, which I understand is the gold-standard in quantifying back injury debility, at 50%, which is a "severe disability" on the scale.

At this point, our patience with what multiple attorneys have told us is an insurance "run-around" is exhausted. Unless significant progress can be made in days, we are proceeding to suit and requesting all
... all legal fees, trouble and punitive damages

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From: Jim Messmer [<mailto:jmessmer@maroadi.com>]
Sent: Thursday, January 14, 2016 2:11 PM
To: Patrick R. Cowden
Cc: Whittney_Dunn@unigroup.com
Subject: FW: Claim #142160 - Service of Process
Importance: High

Please advise why we are involved in these letters as I believe if this indeed occurred, we were a participant. ?

Respectfully,

Jim Messmer
General Manager
Maroadi Transfer and Storage Inc./M0222
Mayflower Transit Inc.
800-569-9433-ext 209
jmessmer@maroadi.com

From: "Patrick R. Cowden" <Pat.Cowden@vanliner.com>
To: 'Jim Messmer' <jmessmer@maroadi.com>
Cc: "Whittney_Dunn@unigroup.com" <Whittney_Dunn@unigroup.com>
Date: 02/05/2016 10:33 AM
Subject: RE: Claim #142160 - Service of Process

Do you or Whitney know how to get a hold of anybody from Shamrock so I can follow up on what Eric Luellen has now stated?

Can either help on getting the information given to York?

Patrick R Cowden S.C.L.A
Vanliner Insurance Company
One Premier Drive
Fenton, Mo 63026
Phone number: 636-660-9395
pat.cowden@vanliner.com
Fax #: 855-472-1292

From: Patrick R. Cowden
Sent: Thursday, January 14, 2016 3:02 PM
To: 'Jim Messmer'
Subject: RE: Claim #142160 - Service of Process

He has included you in these e mails because he wants money. I have told him twice now to give us any information he has to show what happened that day.

From: whittney_dunn@unigroup.com [mailto:whittney_dunn@unigroup.com]
Sent: Friday, February 05, 2016 11:49 AM
To: Pat.Cowden@vanliner.com; john.richmond@vanliner.com
Cc: Jim Messmer <jmessmer@maroadi.com>
Subject: RE: Claim #142160 - Service of Process

Pat:

This is all of the contact information I have for Shamrock:

90 New Salem Street, Wakefield, MA 01880
Phone: 781-224-3200
Contact: John Downey, Principal; after hours phone: 617-957-0464

I do not know if their office is still open.

As I explained to John Richmond yesterday, the information that was sent to York is the same as the information initially provided to Vanliner. They were put on notice because they were Shamrock's general liability insurer. In an abundance of caution, we just put both insurers on notice given the limited information we had about the incident at the time it was reported. The York adjuster working on this was named Greg Greening. His contact information is Greg.Greening@Yorkrsg.com.

Let me know if you need anything else from me. Thank you!

6/13/2016

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viruses which occur as a result of this email transmission. If you need to contact us, our address is: Vanliner Insurance Company, 1 Premier Drive, St. Louis, MO 63026. Website: www.vanliner.com

From: Jim Messmer [<mailto:jmessmer@maroadi.com>]
Sent: Tuesday, April 19, 2016 8:37 AM
To: Whittney_Dunn@unigroup.com; Patrick R. Cowden; John T. Richmond Jr.
Cc: Jim Messmer
Subject: RE: Claim #142160 - Service of Process
Importance: High

Whittney,

I have a letter -We have been served by the Pennsylvania Public Utility Commission to respond to allegations in regards to this issue. Is there someone I can email this to that might be able to assist me in responding to this?

Please advise me.

Jim

Regards,

Jim Messmer
General Manager
Maroadi Transfer and Storage Inc./M0222
Mayflower Transit Inc.
800-569-9433-ext 209
jmessmer@maroadi.com

Page
③

From: John I. Richmond Jr. (mailto:John.Richmond@Vanliner.com)

Sent: Tuesday, April 19, 2016 9:41 AM

To: Jim Messmer <jmessmer@maroadi.com>; Whitney Dunn@unigroup.com; Patrick R. Cowden <Pat.Cowden@vanliner.com>

Cc: Katherine M. Howard <katherine.howard@vanliner.com>

Subject: RE: Claim #142160 - Service of Process

This claim is now being handled by Katherine Howard. I have copied her on this e-mail. Please send the letter to Katherine and me. Thanks.

John Richmond

Liability Claims Manager

Direct: 636-660-9480 Fax: 855-472-1292

John.Richmond@Vanliner.com

800-325-3619 x9480

P.O. Box 26352

St. Louis, MO 63026



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6/13/2016

VERIFICATION

I, JAMES MESSMER, hereby declare that I am the General Manager of Maroadi Transfer & Storage, Inc. and that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief; and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 relating to false statements to authorities.

Date: 6-15-, 2016



JAMES MESSMER

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CERTIFICATE OF SERVICE

I, JOHN A. PILLAR, hereby certify that I have this day served a true and correct copy of the within **Partial Production and Objections of Maroadi Transfer & Storage, Inc. to Complainant's First Request for Production of Documents** in the above proceeding as follows:

Hon. Steven K. Haas (via first-class mail)
Administrative Law Judge
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Scott Luellen (via first-class mail)
14 Marlboro Street
Belmont, MA 02478

Dated at Pittsburgh, PA this 17th day of June 2016.



JOHN A. PILLAR

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JOHN A. PILLAR
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Pittsburgh, PA 15243

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265