**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Scott Luellen, :

:

Complainant :

: C-2016-2539599

v. :

:

Maroadi Transfer & Storage, Inc. :

:

Respondent :

**ORDER DENYING COMPLAINANT’S**

**FIRST MOTION TO COMPEL**

This order denies the Complainant’s First Motion to Compel Answers to Interrogatories & Production of Documents, due to the Complainant’s failure to comply with relevant Pennsylvania Public Utility Commission (Commission) regulations, and provides an opportunity for Complainant to file a revised motion that complies with applicable regulations.

On May 3, 2016, Scott Luellen (Mr. Luellen or Complainant) filed an amended formal complaint (complaint) against Maroadi Transfer & Storage, Inc. (Maroadi or Respondent) with the Pennsylvania Public Utility Commission (Commission). Mr. Luellen raised in his amended complaint, *inter alia*, certain safety and insurance-related allegations against the Respondent.

On May 24, 2016, Maroadi filed an answer, new matter, and preliminary objections in response to the complaint. In its answer, the Respondent generally denied the material allegations in the amended complaint. In its new matter, Maroadi alleges (1) that since the move occurred between Pittsburgh, Pennsylvania and Belmont, Massachusetts, it is an interstate shipment subject to the jurisdiction of the Federal Motor Carrier Safety Administration and not the Commission, (2) that the Complainant was not a party to the transportation contract between Ms. Drago and the Respondent, and (3) that the complaint involves alleged injuries and a claim for damages, and that a personal injury claim is not within the Commission’s jurisdiction

In its preliminary objections, Maroadi argues that (1) the Complainant was not the party to any transportation contract and, therefore, lacks standing to complain to the Commission on the basis of a contract between Ms. Drago and the moving company, (2) the complaint shows that the Respondent was only a booking agent and was not involved in the loading or transporting of the shipment, (3) the Complainant filed no liability claim with the Respondent, and (4) that the only allegation by the Complainant that could constitute a possible claim, if one had been filed, alleges a personal injury to the Complainant, for which recovery would be beyond the Commission’s jurisdiction.

On June 10, 2016, the Complainant filed a response to the Respondent’s answer and new matter. The Complainant disputes the factual averments set forth in the Respondent’s answer and new matter.[[1]](#footnote-1)

By order dated June 30, 2016, I denied, in part, Respondent’s preliminary objections and directed that a hearing be scheduled.

On or about June 29, 2016, the Complainant served on the Respondent and transmitted to the Commission its First Motion to Compel Answers to Interrogatories & Production of Documents. Complainant argues that the Respondent should be compelled to fully answer its first set of interrogatories and document requests. Complainant argues, in part, that Respondent’s objections are invalid because Complainant’s requests are the collection of interrogatories written and recommended by the Pennsylvania Bar Association in cases of personal injury by a motor vehicle. The Complainant did not restate the interrogatories and document requests to which Respondent objected, nor did he restate the specific objections raised by the Respondent to the requests.

On July 8, 2016, Respondent filed its reply to Complainant’s motion to compel. In its reply, Respondent argues that the fact that the requests were copied from a form book does not provide a basis to compel answers if the requests are otherwise objectionable for reasons set forth in Respondent’s objections. It further argues that it provided the documentation it had relating to the Complainant.

The Commission’s regulation at 52 Pa.Code § 5.342(g) provides, in relevant part, “[t]he motion to compel must include the interrogatory objected to and the objection.” The Complainant’s motion is addressed to his first set of both interrogatories and requests for the production of documents. The Complainant did not, however, restate each particular interrogatory that is the subject of his motion to compel, nor did he restate the corresponding objection, as required by the Commission’s regulations. Accordingly, it is difficult to address the merits of specific objections to specific requests, and the Complainant’s arguments against specific objections, since they have not been specifically and individually identified by the Complainant as required by the regulations.[[2]](#footnote-2)

Since a hearing has not yet been scheduled in this proceeding, I will give the Complainant an additional ten days from the date of this order to re-submit a motion to compel answers to his first set of interrogatories and requests for production of documents, if he so chooses. If he does, he must, for each applicable individual interrogatory and document request, restate the request as originally submitted by him, restate the corresponding objection raised by the Respondent, and then provide his reasons and arguments in support of his motion to compel. Respondent will then have five days to file an answer if it chooses. If Complainant files a revised motion to compel with the Commission, a copy must be served on the Respondent and a copy should also be sent directly to me.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant’s First Motion to Compel Answers to Interrogatories & Production of Documents is denied.
2. That Complainant may file a revised motion to compel answers to his first set of interrogatories and requests for production of documents, if he so chooses, within ten days of the date of this order. If he does, he must, for each applicable individual interrogatory and document request, restate the request as originally submitted by him, restate the corresponding objection raised by the Respondent, and then provide his reasons and arguments in support of his motion to compel.
3. That, if the Complainant files a revised motion to compel answers to his first set of interrogatories and requests for production of documents as directed in paragraph two above, the Respondent may file a response within five days of the date of service of the revised motion to compel.

Date: July 15, 2016 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Steven K. Haas

Administrative Law Judge

**C-2016-2539599 - SCOTT LUELLEN v. MAROADI TRANSFER & STORAGE INC**

SCOTT LUELLEN14 MARLBORO STREETBELMONT MA 02478412.915.7468-***ACCEPTS E-SERVICE-***

MAROADI TRANSFER & STORAGE INC1801 LINCOLN HIGHWAYROUTE 30NORTH VERSAILLES PA 15137412.243.4343

JOHN A PILLAR ESQUIRE150 GREEN COMMONS DRIVEPITTSBURGH PA 15243412.343.0970

1. Complainant’s response to Respondent’s answer to the complaint is the subject of a motion to strike that is currently pending before the Commission. [↑](#footnote-ref-1)
2. I note that, in addition to the instant Motion to Compel, the Complainant, to date, has also filed the following documents in this proceeding that require a ruling by the Commission: (1) Complainant’s Motion to Construe Reply to Respondent’s Answer as Motion to Strike Answer as Untimely & Motion to Deem Complaint Admitted; (2) Complainant’s First Motion for Sanctions; and (3) Complainant’s First Motion for Judgment on the Pleadings. Complainant is obviously somewhat versed in navigating the Commission’s regulations and procedural requirements and, accordingly, will be expected to comply with the basic requirements contained therein. [↑](#footnote-ref-2)