**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Scott Luellen, :

:

Complainant :

: C-2016-2539599

v. :

:

Maroadi Transfer & Storage, Inc. :

:

Respondent :

**ORDER RE NEW COUNSEL**

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 disputed the factual averments set forth in the Respondent’s answer and new matter.

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

The Complainant has filed numerous motions requesting various forms of relief and requiring action by the undersigned Administrative law Judge. Below is a review of the various motions and their current status:

Complainant’s First Motion for Sanctions: served June 29, 2016

Answer served July 8, 2016

Motion denied by Order dated July 18, 2016.

Complainant’s First Motion to Compel Answers to Interrogatories: served June 29, 2016

Answer served July 8, 2016

Motion denied by Order dated July 15, 2016

Complainant’s Motion to Construe Reply to Respondent’s Answer as Motion to Strike . .

Motion served June 28, 2016

Answer served July 8, 2016

Commission Order not yet issued.

Complainant’s First Motion for Judgment on the Pleadings: served June 29, 2016

Answer served July 8, 2016

Commission Order not yet issued.

Complainant’s Second Motion to Compel Answers to Interrogatories: served July 13, 2016

Not yet answered.

Complainant’s Second Motion for Sanctions: served July 14, 2016

Not yet answered.

Complainant’s Revised Motion to Compel Answers to Interrogatories & Production of Documents: served July 25, 2016

Not yet answered.

By letter dated July 15, 2016, the Respondent’s former attorney, John H. Pillar, filed a Notice of Withdrawal of Appearance with the Commission, indicating that he was withdrawing as counsel to the Respondent. Accordingly, the Respondent, which is a corporation, is not currently being represented by legal counsel in this proceeding. Under the Commission’s regulations, corporations in adversarial proceedings must be represented by an attorney licensed or otherwise authorized to practice law in Pennsylvania. Therefore, I will give the Respondent thirty (30) days from the date of this order to obtain new legal counsel to represent it from this point forward in this proceeding. I will then allow an additional 15 days for the Respondent, through its new legal counsel, to provide responses to the Complainant’s three motions identified above that have not yet been answered. Upon receipt of responses to the three unanswered motions, I will issue appropriate orders in due course.

As the Administrative Law Judge assigned to this proceeding, I direct both parties to send a copy of all documents filed of submitted in this proceeding directly to me, in addition to filing with the Secretary’s Bureau and serving on the other party. My address is: Steven K. Haas, Administrative Law Judge, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Respondent shall have thirty (30) days from the date of this order to obtain a new attorney to represent it in this proceeding.

1. That Respondent’s new attorney shall file a Notice of Entry of Appearance with the Commission on or before September 1, 2016.
2. That Respondent shall file, by September 16, 2016, responses to the following motions filed by the Complainant that have not yet been answered: (1) Complainant’s Second Motion to Compel Answers to Interrogatories; (2) Complainant’s Second Motion for Sanctions; and (3) Revised Motion to Compel Answers to Interrogatories & Production of Documents.
3. That a copy of every document filed or submitted in this proceeding shall also be sent to me at the address provided above.

Date: August 2, 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