

WAREHOUSE EMPLOYEES UNION LOCAL NO. 730
HEALTH AND WELFARE TRUST FUND
SUBROGATION REPORT FOR TRUSTEE MEETING OF DECEMBER 2013

PARTICIPANT (DEPENDENT)	ATTORNEY FOR PARTICIPANT	DATE OF ACCIDENT	EMPLOYMENT STATUS	BENEFITS STATUS	CURRENT LIEN AMOUNT¹	STATUS OF COLLECTION EFFORTS	COMMENTS AND RECOMMENDATIONS
Timothy Earl Chase 1805 Churchill Lane Chester, MD 21619 (410) 604-0871	Richard Jaklitsch, Esq. 14350 Old Marlboro Place Upper Marlboro, MD 20772 (301) 627-8700 Paralegal: Deanna	3/27/2009	Active	Not Eligible	\$23,446.92 (M) \$2,014.30 (A&S) Previous amounts: \$23,446.92 (M) A&S same NOTE: The change comes from an error noted by AA recently when providing DS with an updated itemization for Mr. Chase's counsel, when it was discovered that not all payments had been included in the totals previously provided by AA.	- Fully executed subrogation agreement signed 4/27/2009 received by DS 5/08/2009. - See subro file for case history and explanation of dealing with government/JAG. 2/15/11: Attorney filed complaint in United States District Court for the District of Maryland following government's refusal to respond to queries. Case is in litigation. 3/11/11: DS spoke to paralegal Deanna. The summons has been returned and now the attorney is waiting for completion of service. 5/6/11: DS left message for Deanna requesting status. 6/3/11: DS spoke with Deanna to learn status. Service remains outstanding for at least one of the five defendants. No answers have yet been received. 7/28/11: DS left message for Deanna requesting status update. 8/3/11: DS called and spoke with Deanna. Case remains pending with a motions hearing date set 10/24/11. Review of the docket case # 11-00600 indicates that the 10/24/11 hearing date was canceled in light of Plaintiff's filing an amended complaint (total demand is over \$2 million). 8/31/11: Answer filed by Erie Insurance. 9/1/11: The court issued a scheduling Order requiring a status report due 1/17/12. 9/14/11: DS spoke with Deanne at attorney Jaklitsch's office. No additional developments to note; status hearing scheduled for 1/15/12. 10/11/11: DS contacted attorney Jaklitsch's office and left message requesting update. 11/28/11: DS spoke with Deanne at attorney Jaklitsch's office. No developments to report. Status hearing still scheduled for 1/17/12 (earlier report of hearing on 1/15 in error; 1/15 is a Sunday).	DS and AA will continue to monitor the case.

¹ Associated Administrators confirmed the lien amounts contained herein on 3/5 and 3/7/2014.

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						1/20/12: DS spoke with Deanne at Attorney Jaklitsch's office. There was never a hearing set, there was however a discovery deadline of 1/17/12 but defense filed a motion to extend. The new date is 2/24/12. 2/24/12: DS checked the case docket; the court granted an extension of time for discovery until 2/27. 3/19/12: DS checked the case docket; no new entries. 4/5/12: DS requested status update from Jaklitsch's office. The case remains in litigation. The parties secured an extension of discovery until 4/13/12, which is reflected on the docket as of 3/23/12. 5/30/12: DS requested status update. Left voicemail. No return call. Will continue to follow-up. Last event on the docket is the extension of discovery. 6/20/12: DS continued to request status update. Will follow up again. 8/4/2012: DS spoke to Deanna at Jaklitsch's office. Case is still in discovery. There is a hearing scheduled for 10/29/12 on a motion for summary judgment. DS will continue to follow up. 11/13/12: DS checked docket report for case. Judge entered ordering granting summary judgment for Mr. Chase's insurance company; claims are still pending against the other defendants for the accident. 12/6/12: DS contacted attorney Jaklitsch's office and left message requesting update. No changes on the docket; the case appears to have been referred to a Magistrate. 1/14/13: DS left message with Jaklitsch's office requesting update. 4/18/2013: Docket says a bench trial in front of the magistrate is set for October 21, 2013. DS left message with Deanna in Jaklitsch's office requesting update. 8/22/2013 - DS spoke to Attorney Jaklitsch. Current offer is \$10,000. They won't accept that offer because the lien is over \$20,000. He wants the Fund to accept lesser payment, or	

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						the case will go to trial, will be sending official request. Jaklitsch said that they are likely to lose at trial and recover nothing. Docket still shows trial date of October 2013. • 11/7/2013: DS received Mr. Chase's lien reduction request, which was forwarded to the Trustees for a vote. • 11/21/2013: DS notified Mr. Chase's counsel that the lien reduction request was denied. • 12/6/2013: DS sent a lien itemization to Mr. Chase's counsel. • 12/9/2013: DS received letter from Mr. Chase's counsel inquiring about repayment of the lien if the case settles for less than the lien amount. • 12/16/2013: DS replied to the letter from Mr. Chase's counsel. • 1/23/14: DS received a letter requesting a 3 way split of the \$10,000 settlement offer, after a \$1238.53 reduction for costs. • 2/3/2014: DS spoke to Mr. Chase's counsel regarding attorney time expended on this matter and costs incurred by Mr. Chase. • 2/5/2013: DS received copy of Mr. Chase's costs related to the litigation. • 3/5/2014: DS drafted summary of lien reduction request and claim history.	
David Newman 6435 Greenfield Rd. Apt. 1204 Elkridge, MD 21075	Justin S. Dross Justin S. Dross, LLC 9831 Greenbelt Road Suite 208 Seabrook, MD 20706 (240) 667-1654	12/15/2010	Retired	COBRA termed on 2/28/2014	\$ 59,068.49 (M) \$0 (A&S) Previous Amounts: \$ 52,069.82 (M) same (A&S)	• Fully executed subrogation agreement signed 4/13/11 received by DS 4/20/11. The accident report referenced a slip and fall at Sears. • 4/20/11: DS contacted Attorney Dross's office to request information. The paralegal refused to give the information in Mr. Dross's absence. Attorney Dross was due back from vacation 4/25/11. • 4/22/11: Attorney Dross left message with DS to request payments for participant. • 4/25/11: DS called to speak with Attorney Dross regarding insurance coverage by Sears for the slip and fall. Attorney Dross stated that Sears sent letter stating no medical coverage would extend to Mr. Newman's injuries. DS requested a copy of the letter. Attorney Dross confirmed no third-party recovery was in process and stated he expected zero recovery	DS and AA will continue to monitor the case.

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						without a lawsuit. 5/10/11: DS sent initial contact letter to Attorney Dross confirming no recovery. AA to begin paying claims. 6/7/11: DS called Attorney Dross and requested status update. 6/15/11: DS called Attorney Dross and requested status update. According to AA, Newman is still treating. 7/16/11: DS learned from Dross's office that the case has been removed to federal court, with an expected trial date of late spring, early summer 2012 – case # 11-1493. 8/1/11: DS spoke with Dross. Diversity is basis of removal, which means the suit seeks at least \$75,000. Discovery began; Dross said client still has significant injury with neck and post-concussion issues. Liability against Sears he claims is “tricky” with employees who have knowledge, so he hit early with suit and discovery. Recent extension of 90 days to discovery adds to another 90-day extension. Following the call, DS checked the docket and confirmed Newman seeks \$1.5 million in damages. 9/9/11: DS spoke with Tara of Attorney Dross' office. The case is still in litigation. No developments. 11/2/11: Attorney Dross faxed DS to request lien total and breakdown of claims paid. DS retrieved information and explanation of benefits from AA, then sent all materials to Attorney Dross by mail and fax. 11/28/11: DS confirmed attorney Dross received requested information. No other update; the case remains in discovery. 1/20/12: DS spoke with Tara of Attorney Dross' office. This case is still in litigation. No new developments. 4/5/12: DS requested status. Dross said Newman's case is still pending, though he voluntarily dismissed the initial complaint without prejudice due to Newman needing to treat his ongoing injuries. Dross stated the intent is to re-file in federal district court in	

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						June or July and to consider the case in ongoing litigation. • 5/30/12: DS requested status update and was told that new suit is to be filed in next two months. • 8/4/12: DS spoke to Attorney Dross. Mr. Newman is still receiving treatment. They anticipate filing new suit in October and November. • 11/8/12: DS receives written request from Attorney Dross requesting itemized total of lien amount, which stated they are preparing to re-file the lawsuit. • 11/13/12: DS emailed letter to Attorney Dross, responding to fax and providing lien itemization. • 12/6/12: DS spoke to Attorney Dross who stated that a new lawsuit had been filed about two weeks ago in U.S. District Court for the District of Maryland, in Baltimore. If the case does not settle, he anticipates that it may go to trial late-summer. DS checked the docket and confirmed that a new complaint was filed on 11/15/12 seeking \$2.5 million. • 1/14/12: Defendant answered complaint on 12/14. A scheduling conference is planned for January 22. • 4/22/13: According to the docket, the case has been sent to the magistrate for all proceedings. The case appears to be in the discovery phase. DS Spoke to Attorney Dross. The case is scheduled to participate in mediation in mid-June. If mediation fails, discovery will continue through the summer, with a trial likely in the fall. • 8/22/2013 - DS checked docket for 1:12-cv-03328-WGC, mediation was scheduled to continue through June. DS left a message for Attorney Dross asking for an update on the case. • 9/16/2013: DS received letter from Attorney Dross requesting itemized lien and advising that mediation is scheduled for October. They also requested that the Fund be prepared to consider a reduction in the lien amount based	

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						on any potential settlement offer they may receive. 10/2/2013: DS spoke and emailed with Mr. Dross regarding the upcoming mediation in this case and Mr. Dross's possible request for a lien reduction. 10/17/2013: DS wrote to follow up on a question from Mr. Dross regarding Mr. Newman's neck injuries. 11/8/2013: DS wrote to Mr. Dross regarding potential settlement between Mr. Newman and third party, and lien repayment question. Mr. Dross notified DS that the case did not settle during mediation. 12/16/2013: DS checked the docket for this case. Briefing on the defendant's summary judgment motion was complete 12/2/2013. The court has not ruled on the motion. 1/17/2014: Docket reflects that the court has set a date for trial to begin on October 27, 2014. 3/7/2014: DS spoke to Mr. Dross regarding status of case. He is confident the case will beat the defendant's motion for summary judgment and that the case will go trial. There are still a number of motions outstanding.	
Elrody Martin 8815 Woodstock Dr. W Upper Marlboro, MD 20772	Erik Frye 14452 Old Mill Road Suite 301 Upper Marlboro, MD 20772 (301) 780-9020	11/1/2013	Active	Eligible through 8/31/2014	\$340.45 (pending) \$0 (A&S)	- Fully executed subrogation agreement signed 2/18/2014, received by DS 2/21/2014. The accident report referenced a burn caused by an MRI machine. - DS left message for counsel on 2/26/14 requesting information. No response received. - DS left another message for counsel on 3/5/14, requesting information. 3/7/2014: DS spoke to Mr. Frye's office. As of yet there have been no discussions of settlement talks and a decision has not yet been made regarding whether to file a lawsuit.	DS and AA will continue to monitor the case.