

WAREHOUSE EMPLOYEES UNION LOCAL NO. 730
HEALTH AND WELFARE TRUST FUND
SUBROGATION REPORT FOR TRUSTEE MEETING OF AUGUST 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	Eligible	\$23,446.92 (M) \$2,014.30 (A&S) Previous amounts: same	- 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	DS and AA will continue to monitor the case.

¹ Associated Administrators confirmed the lien amounts contained herein on 8/22/2013.

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						is a Sunday). 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. 6/2012: 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	

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						wants the Fund to accept lesser payment, or 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.	
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	Eligible	\$ 48,493.70 (M) \$0 (A&S) Previous Amounts: \$ 38,636.12 (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 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	DS and AA will continue to monitor the case.

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						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 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	

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						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.	
Eugena Sanyeneh	Steve Sindler, Esq. 1130 Annapolis Road #101 Odenton, MD 21113 (410) 551-9323	10/30/2010	Active	Eligible	\$986.38 (M) \$2,185.72 (A&S) Previous amounts: same	- Fully executed subrogation agreement signed 11/22/10 received by DS in May 2011. 6/3/11: DS spoke with Attorney Sindler's office and confirmed that the patient was still treating. 7/28/11: DS spoke with Sindler's office. The participant has completed treatment. No other developments to note. 9/8/11: DS spoke with Sindler's office. The participant has finished treating and they are now waiting on an outstanding bill from a radiologist. Once received, the plan is to prepare and forward the demand package to the insurance. 10/11/11: DS called Sindler's office requesting update. No developments to report. 11/28/11: DS called Sindler's office requesting update. 11/29/11: Sindler reported to DS that demand is pending to insurance company, but he expects to file a lawsuit. He projects six to nine months before resolution. 1/20/12: DS called Sindler's office requesting status update. Sindler is still waiting for response from insurance adjuster.	DS and AA will continue to monitor the case.

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						4/5/12: DS requested status update. Sindler has not received response from insurance company and plans to follow up. 5/14/12 DS was notified by Sindler's office that a settlement offer has been received in this case. 5/30/12 - Sindler's office requested a written breakdown of the amounts paid by the funds, DS is working on this with AA. DS will continue to coordinate with AA and Sindler's office to bring this case to a close and receive payment. 7/27/12 – DS sent written breakdown of lien amounts to Karen Wright at Sindler Law. 9/3/12 – DS again followed up with Sindler's Officer regarding status of case. 9/4/12 – DS spoke to Karen Wright. Ms. Sanyeneh did not accept the settlement offer. Sindler's office is preparing the complaint to file suit. They anticipate that the case will be filed shortly. 11/13/12: DS did a Maryland case search. Ms. Sanyeneh's lawsuit was filed in the Maryland District Court for Prince George's County on 10/31/2012. Trial is set for 2/15/2013. 12/6/12: DS spoke to Karen Wright. Defendant was just recently served; no other updates at this time. Trial is still scheduled for 2/15/2013. 1/14/13: No new updates. Trial is still set for 2/15/2013. 4/22/13: DS Spoke to Karen Wright. Trial is scheduled for June 7, 2013, but she believes that will be pushed out further because of some service issues they just fixed. 8/22/2013: DS spoke to Karen Wright at Sindler's Office. The trial date was rescheduled for November 25, 2013. Parties are still engaged in settlement discussions.	
Joshua Omolola Participant Daniel Omolola 7611 Topton Street	Sharon Tompkins 4720 Montgomery Lane Suite 330 Bethesda, MD 20814 (202) 296-0666	8/17/2012	Active	Eligible	\$0 (M) \$0 (A&S) \$20,666.00 PENDING, NOT PAID. Once	- Fully executed subrogation agreement signed 7/23/2013 received by DS on 8/1/2013. - DS and AA are currently in discussions with Mr. Omolola's attorney regarding additional information that is needed before any claims can be paid. Ms. Tompkins told DS that there	DS and AA will continue to monitor the case.

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New Carrollton, MD 20784 (202) 296-0666					released this amount would decrease.	is a settlement offer, but it has not yet been accepted.	