

State of New York, Supreme Court, Appellate Division, Third Judicial Department
Index number 95-0208; R. J. I. number 19-95-6238;

This has to do with the Decision/Order granting Defendants' motion for summary judgment to the extent that Plaintiffs' damages shall be limited to the period of March 6, 1992 through May 18, 1992 pursuant to the Pennsylvania Worker's Compensation Administrative Law Judge's determination dated March 26, 1997. A copy of the Decision/Order is attached as Exhibit A by Hon. John O. Connor on or about January 10, 2001.

This Decision/Order should be overturned and/or Thrown-out for the following reasons:

1. The Decision from the Pennsylvania Worker's Compensation Administrative Law Judge's determination dated March 26, 1997 was sent to an old address and not forwarded in time for me to appeal, is attached as Exhibit B can be viewed at: <http://home.mhonline.net/bebear/Bearspage/W-C-Decision-Pg1.htm>.
2. The three letters (dated 1/7/91, 1/30/91 and 2/15/91 is attached as Exhibit C can be viewed at: <http://home.mhonline.net/bebear/Bearspage/MPC-W-C.htm>) from MPC trucking selling their Independent Contractors (myself included) Pennsylvania Worker's Compensation ***Shows Blatant Intent to Defraud*** with the before mentioned Pennsylvania Worker's Compensation Administrative Law Judge's determination dated March 26, 1997 number "55-***The Judge finds that although the lease agreements were executed in Pennsylvania, that as Claimant was an independent contractor, that the lease agreements did not constitute a contract of employment in Pennsylvania pursuant to the extraterritorial provisions of the Pennsylvania Workers' Compensation Act.***" Especially when letter 1/7/91 states " Although you are independent contractors, and, according to most State laws, are not required to be covered under Workmans Compensation Insurance coverage, ***This type of insurance coverage would, unquestionably, be beneficial to you in the event a work related injury should occur. You would be afforded medical coverage, as well as compensation for loss of income after 7 days, if you are unable to perform your contracted driving services.***"
3. The fact that MPC trucking paid a claim to Norwood Hospital for a work related injury of 3/06/91. Even though Worker's Compensation was billed the bill was paid through Miscellaneous Insurance, (is attached as Exhibit D can be viewed at: <http://home.mhonline.net/bebear/Bearspage/Norwood-Payment.htm> & <http://home.mhonline.net/bebear/Bearspage/Norwood-Injury.htm>).
4. After filing Workmen's Compensation in Pennsylvania, I received this letter from the State Workmen's Insurance Fund, dated 2/28/95 (is attached as Exhibit E can be viewed at: <http://home.mhonline.net/bebear/Bearspage/State-W-C-Insurence-Fund.htm>), which told me that they were not the insurance carrier for MPC at the time of injury. Shortly after, I received a copy of a letter addressed to the judge of the Workmen's Comp Court from J. Kot (is attached as Exhibit F can be viewed at: <http://home.mhonline.net/bebear/Bearspage/J-Kot3-7-1995.htm>), Assistant General Manager of MPC Trucking. In my opinion, this makes it sound like they knew that the letters sent in 1991(dated 1/7/91, 1/30/91 and 2/15/91)

selling the independent contractors Workmen's Compensation were sent under fraudulent pretenses. Where did all the money go? Who was the Workmen's Compensation Insurance Carrier for both of my injuries after MPC Trucking started taking Workmen's Compensation Insurance out of my pay?

The Decision from the Pennsylvania Worker's Compensation Administrative Law Judge's determination dated March 26, 1997 was prejudice toward me even though MPC Trucking could not supply a Workmen's Compensation Insurance Carrier.

The fact that items of CLAIMANT'S WITNESSES & EXHIBITS: C-8 (Not Admitted), C-9 (Not Admitted) and C-10 (Not Admitted) were not admitted by the court is the same amount of letters by MPC Trucking selling independent contractors Workmen's Compensation Insurance.

I always asserted that I was an Independent Contractor for MPC Trucking, and MPC Trucking agreed (see Exhibit F). The Pennsylvania Worker's Compensation judge could have made his decision without the medical opinion since he was only suppose to determine whether or not I was qualified to receive worker's compensation.

I want to point out that his medical opinion was erroneous, especially since I have been collecting Social Security Disability since 1992. The judge made his Decision dated March 26, 1997. By the time of the judge's Decision I had already had 3 heart attacks and 5 strokes, the worst in 1997! Obviously my medical problems did not resolve in the period of time he guessed it should have.

I believe that this evidence shows the bias toward my case by the Pennsylvania Worker's Compensation Administrative Law Judge's determination dated March 26, 1997 and this ***Blatant Intent to Defraud*** is enough to overturn and/or throw out this Decision.

The reason for the delay in appealing this Decision from Judge Connor is in the response to the hearing of 12/01/05 when Judge Connor announced his retirement (attached hereto as Exhibit G). This also lays out the issues I have had with the Greene County Supreme Court and the Attorney that was allowed to withdraw.

Even though, Hon. Cathryn M. Doyle, Acting JSC (see attached as Exhibit G) denied MPC Trucking and W.R. Graces motion and cross-motion to dismiss for failure to prosecute I have never found how or who can help me retain my full case file from the Attorney that was allowed to withdraw so I can both defend myself and prosecute this case.

Judge Connor was aware of this evidence before he held the Pennsylvania Worker's Compensation Administrative Law Judge's determination dated March 26, 1997 as precedent (res judicata).

Res-judicata should not be an excuse to uphold a Decision by a corrupt court!

I feel that this decision is rewarding MPC Trucking and the Pennsylvania Worker's Compensation Administrative Law Judge's determination dated March 26, 1997 for ***Blatantly and willingly Defrauding*** small businesses like myself. The evidence shown above, if allowed by Worker's Compensation Administrative Law Judge and truly weighted as evidence against MPC Trucking, would have made the outcome very different.

By not allowing this evidence, the court is just as guilty of ***Blatantly and willingly Defrauding*** small businesses in to a false sense of security of having insurance if something were to happen while at work!

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