

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 15, 2023

Thomas A. Berman, Esquire
Berman Voss
One Bala Plaza, Suite 616
Bala Cynwyd, Pennsylvania 19004
[REDACTED]

RE: RFP OGC-2023-02
Pennsylvania Department of Labor & Industry ("L&I")
Project: Workers' Compensation Defense Counsel (Territories A & D)

Dear Mr. Berman:

After evaluation of your proposal in response to RFP #OGC-2023-02 Workers' Compensation Defense Counsel, by the Department of General Services, through the Office of General Counsel ("OGC"), I hereby appoint your firm, Berman Voss, one of the firms ("Firms") in Territories A & D, to represent the Commonwealth of Pennsylvania and L&I, in the above-referenced matter. As per the terms of the contract, your firm will be subcontracting with the Law Office of Nathaniel M. Holmes LLC throughout the duration of this engagement. This appointment will be governed by all terms and conditions of the Contract for Legal Services which will be routed for execution.

This letter sets forth: (1) information regarding the proposed engagement; (2) specific scope of work to be performed; and (3) compensation to be paid for these services.

1. Information regarding the proposed engagement

The purpose of this appointment is for the Firms to satisfy a need for workers' compensation defense counsel to litigate workers' compensation claims filed against L&I's three funds as further described below.

Please review the above-described information carefully to ensure there are no conflicts of interest posed in the proposed representation of the Commonwealth of Pennsylvania in connection with providing legal services. Should you require additional information to evaluate any potential conflicts prior to your acceptance of this appointment, please contact Derek Riker, Deputy Chief of Staff at [REDACTED]

2. Scope of Services

A) L&I administers three funds that require defense counsel to handle workers' compensation, black lung, longshore and harbor or employer's liability claims. A description of each fund follows:

- State Workers' Insurance Fund ("SWIF") – SWIF is a statutorily created insurance company, a state agency that provides workers' compensation and employer's liability insurance coverage to Pennsylvania employers. SWIF insures liabilities under the Workers' Compensation Act (77 P.S. § 1 et seq.), the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C § 801 et seq.) and the Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 901 et seq.).
- Uninsured Employers Guaranty Fund ("UEGF") – UEGF is a statutorily created fund that may be secondarily liable for the payment of benefits when an employer has failed to either secure workers' compensation insurance coverage or become an approved self-insurer. *See* 77 P.S. §§ 2702(c), 2703(b).
- Self-Insurance Guaranty Fund ("SIGF") – SIGF is a statutorily created fund that consists of a custodial account for self-insured employers for the benefit of claims arising from defaulting individual self-insured employers and a custodial account for self-insurance pooling for the benefit of claims arising from defaulting members of pooling arrangements. The fund is maintained to make payments to any claimant or his dependents upon the default of the self-insurer liable to pay compensation. *See* 77 P.S. §§1037.2, 1037.3.

B) Subject to modification from time to time at the direction of the General Counsel, the Chief Counsel of L&I or their designee, the Firms shall represent SWIF, UEGF and SIGF (collectively, "the Funds") in litigation matters as set forth below:

- Firms shall provide counsel to litigate claims filed against or petitions filed on behalf of any of the Funds assigned to them at all stages of workers' compensation proceedings, as directed by the Chief Counsel of L&I or their designee.
- Firms shall participate in developing claims handling strategies and in the resolution of claims when appropriate, under the direction and control of the Funds.
- Firms shall represent the Funds in appellate matters as assigned, shall provide advice and recommendations on appellate issues and shall consult with the Office of Chief Counsel of L&I in developing appellate arguments.
- Firms may be requested to provide legal advice and representation related to other related statutes and claims, including claims under the Longshore and Harbor Workers' Compensation Act or federal black lung or employer's liability claims.

- Firms may be required to provide advice and representation related to applicable credits and offsets including pension offset issues, asserting the exclusive remedy defense or Medicare Set Aside requirements or Medicare reimbursement issues.
- Firms shall assist the Funds in identifying potential subrogation opportunities and may be requested to provide legal advice and representation in subrogation matters.

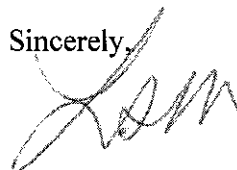
3. Compensation

It is agreed upon by the Firm and all parties to this agreement consistent with its proposal for this engagement that the Firm shall be paid at the following rates: **Territory A Rates:** SWIF Fund – Partners - \$145 per hour; Associates - \$95 per hour; Paralegals - \$50 per hour; UEGF and SIGF Funds – Partners - \$120 per hour; Associates - \$95 per hour; Paralegals - \$50 per hour. **Territory D Rates:** SWIF Fund – Partners - \$125 per hour; Partners (Allegheny County) - \$145 per hour; Associates - \$95 per hour; Paralegals - \$50 per hour; UEGF and SIGF Funds – Partners - \$110 per hour; Partners (Allegheny County) - \$110 per hour; Associates - \$95 per hour; Paralegals \$50 per hour.

Upon your review of the proposed assignment, the scope of work, and the compensation, should the Firm be willing to accept this assignment, please execute this letter as indicated below and return the original by mail to the Pennsylvania Department of Labor & Industry, Office of Chief Counsel, 651 Boas Street, 10th Floor, Harrisburg, Pennsylvania 17104, Attn: Kelly K. Smith, Executive Deputy Chief Counsel, along with copies via email to ogc-outsidecounsel@pa.gov, and the Issuing Officer, Jordan M. Kiessling at [REDACTED]. By signature hereto, you acknowledge that the Firm has completed a conflict-of-interest analysis and identified nothing to be reported prior to the acceptance of work on behalf of the Governor's Office of General Counsel. Should a conflict or potential conflict be identified at any time during the term of this engagement, the Firm is under a continuing obligation to disclose such matter, in writing, to the Governor's Office of General Counsel in accordance with OGC's Conflict Waiver Procedure. Failure to sign and return your Firm's appointment letter within thirty (30) days may result in your Firm being dropped from this engagement.

Due to the urgent need for legal services, approval has been granted for the Firms to begin work immediately. We look forward to working with you on these important matters for the Commonwealth of Pennsylvania.

Sincerely,



LAURIE A. MALONE
Chief of Staff to the General Counsel



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 15, 2023

Nathaniel M. Holmes, Esquire
Law Office of Nathaniel M. Holmes LLC
PO Box 4128
Harrisburg, Pennsylvania 17111
[REDACTED]

RE: RFP OGC-2023-02
Pennsylvania Department of Labor & Industry ("L&I")
Project: Workers' Compensation Defense Counsel (Territories A, B, C & D)

Dear Mr. Holmes:

After evaluation of your proposal in response to RFP #OGC-2023-02 Workers' Compensation Defense Counsel, by the Department of General Services, through the Office of General Counsel ("OGC"), I hereby appoint your firm, The Law Office of Nathaniel M. Holmes, LLC, one of the firms ("Firms") in Territories A, B, C & D, to represent the Commonwealth of Pennsylvania and L&I, in the above-referenced matter. This appointment will be governed by all terms and conditions of the Contract for Legal Services which will be routed for execution.

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- Self-Insurance Guaranty Fund ("SIGF") – SIGF is a statutorily created fund that consists of a custodial account for self-insured employers for the benefit of claims arising from defaulting individual self-insured employers and a custodial account for self-insurance pooling for the benefit of claims arising from defaulting members of pooling arrangements. The fund is maintained to make payments to any claimant or his dependents upon the default of the self-insurer liable to pay compensation. *See* 77 P.S. §§1037.2, 1037.3.

B) Subject to modification from time to time at the direction of the General Counsel, the Chief Counsel of L&I or their designee, the Firms shall represent SWIF, UEGF and SIGF (collectively, "the Funds") in litigation matters as set forth below:

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3. Compensation

It is agreed upon by the Firm and all parties to this agreement consistent with its proposal for this engagement that the Firm shall be paid at the following rates: **Territory A Rates:** SWIF Fund – Partners - \$140 per hour; Associates - \$95 per hour; Paralegals - \$60 per hour; UEGF and SIGF Funds – Partners - \$120 per hour; Associates - \$95 per hour; Paralegals - \$50 per hour. **Territories B and C Rates:** SWIF Fund - Partners - \$130 per hour; Associates - \$95 per hour; Paralegals - \$60 per hour; UEGF and SIGF Funds – Partners - \$110 per hour; Associates - \$95 per hour; Paralegals - \$50 per hour. **Territory D Rates:** SWIF Fund – Partners - \$130 per hour; Partners (Allegheny County) - \$140 per hour; Associates - \$95 per hour; Paralegals - \$60 per hour; UEGF and SIGF Funds – Partners - \$110 per hour; Partners (Allegheny County) - \$115 per hour; Associates - \$95 per hour; Paralegals \$50 per hour.

Upon your review of the proposed assignment, the scope of work, and the compensation, should the Firm be willing to accept this assignment, please execute this letter as indicated below and return the original by mail to the Pennsylvania Department of Labor & Industry, Office of Chief Counsel, 651 Boas Street, 10th Floor, Harrisburg, Pennsylvania 17104, Attn: Kelly K. Smith, Executive Deputy Chief Counsel, along with copies via email to ogc-outsidecounsel@pa.gov, and the Issuing Officer, Jordan M. Kiessling at [REDACTED]. By signature hereto, you acknowledge that the Firm has completed a conflict-of-interest analysis and identified nothing to be reported prior to the acceptance of work on behalf of the Governor's Office of General Counsel. Should a conflict or potential conflict be identified at any time during the term of this engagement, the Firm is under a continuing obligation to disclose such matter, in writing, to the Governor's Office of General Counsel in accordance with OGC's Conflict Waiver Procedure. Failure to sign and return your Firm's appointment letter within thirty (30) days may result in your Firm being dropped from this engagement.

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LAURIE A. MALONE

Chief of Staff to the General Counsel

Nathaniel M. Holmes, Esquire

June 15, 2023

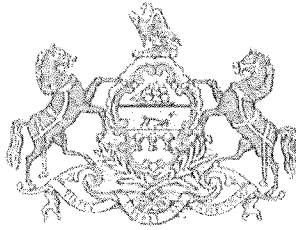
Page 4 of 4

Accepted on Behalf of the Firm:

By: Nathaniel Holmes 6/16/23
Date

Owner
(Title)

cc: Theron R. Perez, First Deputy General Counsel, Office of General Counsel
Derek Riker, Deputy Chief of Staff, Office of General Counsel
Benjamin Holt, Chief Counsel, Department of Labor & Industry
Kelly K. Smith, Executive Deputy Chief Counsel, Department of Labor & Industry
Jordan M. Kiessling, Senior Legal Analyst, Office of General Counsel
Alicia C. Rizzi, Legal Office Administrator, Office of General Counsel



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 15, 2023

Claudio J. DiPaolo, Esquire
Rawle & Henderson LLP
The Widener Building
1339 Chestnut Street, 16th Floor
Philadelphia, Pennsylvania 19107
[REDACTED]

RE: RFP OGC-2023-02
Pennsylvania Department of Labor & Industry ("L&I")
Project: Workers' Compensation Defense Counsel (Territories A, B, C & D)

Dear Mr. DiPaolo:

After evaluation of your proposal in response to RFP #OGC-2023-02 Workers' Compensation Defense Counsel, by the Department of General Services, through the Office of General Counsel ("OGC"), I hereby appoint your firm, Rawle & Henderson LLP, one of the firms ("Firms") in Territories A, B, C & D, to represent the Commonwealth of Pennsylvania and L&I, in the above-referenced matter. As per the terms of the contract, your firm will be subcontracting with Sargents Transcription Services and Berry Solutions Group LLC throughout the duration of this engagement. This appointment will be governed by all terms and conditions of the Contract for Legal Services which will be routed for execution.

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Claudio J. DiPaolo, Esquire

June 15, 2023

Page 3 of 4

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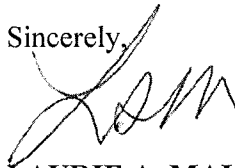
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LAURIE A. MALONE

Chief of Staff to the General Counsel

Claudio J. DiPaolo, Esquire
June 15, 2023
Page 4 of 4

Accepted on Behalf of the Firm:

By: Claudio J. Di Paolo 6-28-23
Date

Partner, Chair WC Department
(Title)

cc: Theron R. Perez, First Deputy General Counsel, Office of General Counsel
Derek Riker, Deputy Chief of Staff, Office of General Counsel
Benjamin Holt, Chief Counsel, Department of Labor & Industry
Kelly K. Smith, Executive Deputy Chief Counsel, Department of Labor & Industry
Sara Ann Sargent, Owner, Sargents Transcription Services
John Berry, Owner, Berry Solutions Group LLC
Jordan M. Kiessling, Senior Legal Analyst, Office of General Counsel
Alicia C. Rizzi, Legal Office Administrator, Office of General Counsel



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 15, 2023

Vito S. Bochicchio, Esquire
Rulis & Bochicchio, LLC
555 Grant Street, Suite 120
Pittsburgh, Pennsylvania 15219
[REDACTED]

RE: RFP OGC-2023-02
Pennsylvania Department of Labor & Industry ("L&I")
Project: Workers' Compensation Defense Counsel (Territories A & D)

Dear Mr. Bochicchio:

After evaluation of your proposal in response to RFP #OGC-2023-02 Workers' Compensation Defense Counsel, by the Department of General Services, through the Office of General Counsel ("OGC"), I hereby appoint your firm, Rulis & Bochicchio, LLC, one of the firms ("Firms") in Territories A & D, to represent the Commonwealth of Pennsylvania and L&I, in the above-referenced matter. As per the terms of the contract, your firm will be subcontracting with the Law Office of Nathaniel M. Holmes LLC and Ahmad Zaffarese, LLC throughout the duration of this engagement. This appointment will be governed by all terms and conditions of the Contract for Legal Services which will be routed for execution.

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LAURIE A. MALONE

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Vito S. Bochicchio, Esquire

June 15, 2023

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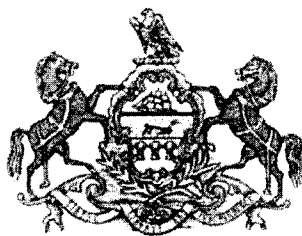
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By: Vito S. Bochicchio 6/16/2023
Date

Owner

(Title)

cc: Theron R. Perez, First Deputy General Counsel, Office of General Counsel
Derek Riker, Deputy Chief of Staff, Office of General Counsel
Benjamin Holt, Chief Counsel, Department of Labor & Industry
Kelly K. Smith, Executive Deputy Chief Counsel, Department of Labor & Industry
Kelly Snizavich, Esquire, Ahmad Zaffarese LLC
Nathaniel M. Holmes, Esquire, Law Office of Nathaniel M. Holmes LLC
Jordan M. Kiessling, Senior Legal Analyst, Office of General Counsel
Alicia C. Rizzi, Legal Office Administrator, Office of General Counsel



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 15, 2023

Mark J. Powell, Esquire
Thomas, Thomas & Hafer, LLP
P.O. Box 1275
Camp Hill, Pennsylvania 17001
[REDACTED]

RE: RFP OGC-2023-02
Pennsylvania Department of Labor & Industry ("L&I")
Project: Workers' Compensation Defense Counsel (Territories A, B, C & D)

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- State Workers' Insurance Fund ("SWIF") – SWIF is a statutorily created insurance company, a state agency that provides workers' compensation and employer's liability insurance coverage to Pennsylvania employers. SWIF insures liabilities under the Workers' Compensation Act (77 P.S. § 1 et seq.), the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C § 801 et seq.) and the Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 901 et seq.).
- Uninsured Employers Guaranty Fund ("UEGF") – UEGF is a statutorily created fund that may be secondarily liable for the payment of benefits when an employer has failed to either secure workers' compensation insurance coverage or become an approved self-insurer. *See* 77 P.S. §§ 2702(c), 2703(b).
- Self-Insurance Guaranty Fund ("SIGF") – SIGF is a statutorily created fund that consists of a custodial account for self-insured employers for the benefit of claims arising from defaulting individual self-insured employers and a custodial account for self-insurance pooling for the benefit of claims arising from defaulting members of pooling arrangements. The fund is maintained to make payments to any claimant or his dependents upon the default of the self-insurer liable to pay compensation. *See* 77 P.S. §§1037.2, 1037.3.

B) Subject to modification from time to time at the direction of the General Counsel, the Chief Counsel of L&I or their designee, the Firms shall represent SWIF, UEGF and SIGF (collectively, "the Funds") in litigation matters as set forth below:

- Firms shall provide counsel to litigate claims filed against or petitions filed on behalf of any of the Funds assigned to them at all stages of workers' compensation proceedings, as directed by the Chief Counsel of L&I or their designee.
- Firms shall participate in developing claims handling strategies and in the resolution of claims when appropriate, under the direction and control of the Funds.
- Firms shall represent the Funds in appellate matters as assigned, shall provide advice and recommendations on appellate issues and shall consult with the Office of Chief Counsel of L&I in developing appellate arguments.
- Firms may be requested to provide legal advice and representation related to other related statutes and claims, including claims under the Longshore and Harbor Workers' Compensation Act or federal black lung or employer's liability claims.

- Firms may be required to provide advice and representation related to applicable credits and offsets including pension offset issues, asserting the exclusive remedy defense or Medicare Set Aside requirements or Medicare reimbursement issues.
- Firms shall assist the Funds in identifying potential subrogation opportunities and may be requested to provide legal advice and representation in subrogation matters.

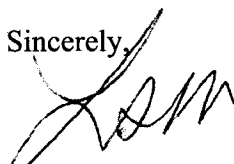
3. Compensation

It is agreed upon by the Firm and all parties to this agreement consistent with its proposal for this engagement that the Firm shall be paid at the following rates: **Territories A and C Rates:** SWIF Fund – Partners - \$145 per hour; Associates - \$95 per hour; Paralegals - \$60 per hour; UEGF and SIGF Funds – Partners - \$120 per hour; Associates - \$95 per hour; Paralegals - \$50 per hour. **Territory B Rates:** SWIF Fund - Partners - \$130 per hour; Associates - \$95 per hour; Paralegals - \$60 per hour; UEGF and SIGF Funds – Partners - \$110 per hour; Associates - \$95 per hour; Paralegals - \$50 per hour. **Territory D Rates:** SWIF Fund – Partners - \$130 per hour; Partners (Allegheny County) - \$130 per hour; Associates - \$95 per hour; Paralegals - \$60 per hour; UEGF and SIGF Funds – Partners - \$110 per hour; Partners (Allegheny County) - \$110 per hour; Associates - \$95 per hour; Paralegals \$50 per hour.

Upon your review of the proposed assignment, the scope of work, and the compensation, should the Firm be willing to accept this assignment, please execute this letter as indicated below and return the original by mail to the Pennsylvania Department of Labor & Industry, Office of Chief Counsel, 651 Boas Street, 10th Floor, Harrisburg, Pennsylvania 17104, Attn: Kelly K. Smith, Executive Deputy Chief Counsel, along with copies via email to ogc-outsidecounsel@pa.gov, and the Issuing Officer, Jordan M. Kiessling at [REDACTED]. By signature hereto, you acknowledge that the Firm has completed a conflict-of-interest analysis and identified nothing to be reported prior to the acceptance of work on behalf of the Governor's Office of General Counsel. Should a conflict or potential conflict be identified at any time during the term of this engagement, the Firm is under a continuing obligation to disclose such matter, in writing, to the Governor's Office of General Counsel in accordance with OGC's Conflict Waiver Procedure. Failure to sign and return your Firm's appointment letter within thirty (30) days may result in your Firm being dropped from this engagement.

Due to the urgent need for legal services, approval has been granted for the Firms to begin work immediately. We look forward to working with you on these important matters for the Commonwealth of Pennsylvania.

Sincerely,



LAURIE A. MALONE

Chief of Staff to the General Counsel

Mark J. Powell, Esquire
June 15, 2023
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Accepted on Behalf of the Firm:

By:  6-20-2023
Date

Partner (Attorney)
(Title)

cc: Theron R. Perez, First Deputy General Counsel, Office of General Counsel
Derek Riker, Deputy Chief of Staff, Office of General Counsel
Benjamin Holt, Chief Counsel, Department of Labor & Industry
Kelly K. Smith, Executive Deputy Chief Counsel, Department of Labor & Industry
Nathaniel M. Holmes, Esquire, Law Office of Nathaniel M. Holmes LLC
Jordan M. Kiessling, Senior Legal Analyst, Office of General Counsel
Alicia C. Rizzi, Legal Office Administrator, Office of General Counsel