

JUDGE'S PROCEDURAL RULES AND POLICIES

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, the first five numbers should be redacted before the document is uploaded, unless otherwise specified below. Requests, such as Requests for Continuance and Subpoenas, should also be made through WCAIS.

[CLICK HERE TO VIEW THE JUDGE'S SPECIAL PROCEDURES DURING THE GOVERNOR'S EMERGENCY DECLARATION DUE TO COVID-19.](#)

FIRST EVENTS

1. **What is the first event (i.e. pretrial, hearing, conference call) and what will occur?** Judge Lugo follows a serial hearing format. Prior to the first hearing, all relevant documentary evidence is to be uploaded to WCAIS at least 48 hours before the hearing (not including weekends). At the first hearing, all counsel are expected to identify the legal and factual issues, as well as the names of all potential lay and expert witnesses. The Claimant's testimony will be taken at the first hearing, and if time allows, the employer's lay witnesses if it is the employer's petition. Supersedeas, if applicable, will be addressed after the first hearing.
2. **List any documents required at the first Event:** N/A
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Choose an item. [Click or tap here to enter text.](#)
 - b. **Should docs be uploaded before or after the first Event?** Choose an item. [Click or tap here to enter text.](#)

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** Supersedeas, when applicable, will be addressed at the first hearing. The parties may present testimony and all supersedeas exhibits must be uploaded to WCAIS 48 hours before a hearing (not including weekends).
 - a. **Will testimony be heard?** Yes [Click or tap here to enter text.](#)
 - b. **Is additional time generally granted to obtain medical evidence?** Yes. An additional 14 days from the first hearing will be granted, if requested, to upload supersedeas exhibits.
 - c. **Under what circumstances will you reconsider a supersedeas order?** At the parties request, in writing, based on new evidence, i.e., deposition of expert, surveillance, after discovered evidence, etc.
 - d. **Do you generally use written orders for denials?** Yes [Click or tap here to enter text.](#)
 - e. **What is required for employee's counsel to obtain interim fee approval?** A written request or request via WCAIS with adequate foundation for request.
 - f. **Describe any other procedures for supersedeas hearings:** N/A
 - g. **Describe procedures for special supersedeas hearings, if different:** N/A

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** Judge Lugo follows a serial hearing format. Generally, the Claimant's testimony is taken at the first hearing. If there is sufficient time and the employer is the moving party, the employer witnesses' testimony will be taken. If there is insufficient time for additional witnesses, a second hearing will be scheduled within 45-60 days from the first hearing. A final hearing is not scheduled for the sole purpose of the submission of closing documents. The record in most cases closes out via final submissions through WCAIS by the close date set by the Judge.

- a. **Are you willing to change the hearing format upon request?** Choose an item. Click or tap here to enter text.
2. **Are you willing to allow counsel to participate by telephone?** Yes. Participation by phone, in general, is for special circumstances or emergency situations, which may include illness, inability to travel due to inclement weather or other extraordinary situations.
3. **What procedure do you follow if a party fails to appear at a hearing?** If the moving party fails to appear, the petition may be dismissed. If the responding party fails to appear, the hearing will proceed as scheduled and a letter issued for failure to appear, a copy of which will go to all related parties.
4. **Do you have special procedures for psychological injury cases?** No Click or tap here to enter text.

WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** Claimant must be at the first hearing, unless a request has been made to excuse Claimant. At the first hearing, all potential witnesses are to be identified, lay and expert. Generally, the Claimant's testimony is taken at the first hearing, and employer's lay witnesses at the next scheduled hearing. Notice of a change in potential witnesses must be made in writing as soon as possible and no later than 48 hours before the scheduled hearing.
- a. **Do you prefer testimony at a hearing or by deposition?** Hearing Click or tap here to enter text.
- b. **If a counsel wishes to bring a witness to a hearing, do you require prior notice? Yes If yes:**
- i. **How much notice do you require?**
2. **Under what circumstances will you permit a party or witness (including an expert witness) to testify by deposition, phone, or videoconference, rather than appear at the hearing?** Most lay witness' testimony is to be presented at a hearing unless the parties have agreed to a deposition and the Judge has approved the deposition of lay witnesses. Claimant's rebuttal testimony can be taken by deposition at the party's request. Lay testimony may be done by phone, at a hearing, under special circumstances, such as, illness, inclement weather or if the witness is out of state. Expert witnesses (medical, vocational, psychiatric, environmental, etc.) are to be deposed. Requests can be made to present the expert at a hearing if good reason is provided.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Moving party must have prima facie medical evidence uploaded to WCAIS no later than 48 hours before the first hearing (excluding weekends). In cases involving cross-petitions, all parties should upload medical evidence to WCAIS no later than 48 hours before the hearing (excluding weekends). As to expert depositions, the Judge will set a schedule for the parties to follow at the hearing.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Parties Upload Click or tap here to enter text.
5. **Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before If before:**
- a. **What is the latest day before the hearing that they may be uploaded?** No later than 48 hours before a hearing, excluding weekends.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No Click or tap here to enter text.
7. **When will you rule on objections to exhibits?** At the first hearing or next available hearing after submission of exhibit(s). If a hearing is not scheduled or anticipated to be scheduled, written objections to submission of exhibits filed before the close of the record will be addressed by Judge in writing. Objections filed after the close of the record will be addressed in the decision. Exhibits should not be uploaded after the close of the record without an agreement from opposing counsel.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** Discovery disputes will be handled by telephone; however, if a timely request for the Judge to attend a deposition is made, the Judge will make an attempt to attend the deposition if her schedule allows.

9. **What is the last day to file written preservations of deposition objections?** Close date set by the Judge.

COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:** Click or tap here to enter text.
 - a. **Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?** Amendments Click or tap here to enter text.
 - b. **Are parties required to provide a draft of the C&R Agreement before the hearing?** Yes **If yes:**
 - i. **How far in advance of the hearing do you need to receive it?** A draft of the C & R Agreement should be sent to Judge via WCAIS as a document/correspondence no later than 48 hours before the hearing (excluding weekends). It should not be uploaded as an exhibit. Following the hearing, the Judge's staff will upload the C & R Agreement and all other exhibits.
 - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** After. The Judge's staff will upload the executed C & R Agreement and other related exhibits to WCAIS after the hearing.
 - d. **Should child support docs be uploaded as a separate exhibit?** Yes. The Judge's staff will upload the executed C & R Agreement and related exhibits to WCAIS after the hearing. Documents that should be included as part of and attached to the C & R Agreement are: fee agreement, bill of costs, medical bills to be paid under terms of agreement, liens to be reimbursed, MSA and/or Court Orders from Domestic Relations. The other expected exhibit, separate and apart from the C & R Agreement, is the Act 109 Affidavit and lien search report, which will be a separate exhibit. The parties may also wish to provide a Waiver of Appeal, but it is not required.
 - e. **What other exhibits should be uploaded as part of the C&R Agreement or as separate exhibits (i.e., waiver of appeal, medical bills, etc.?)** See above
 - f. **Should they be a part of the C&R Agreement or separate exhibits?** See above
 - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** The Judge's staff will redact the Social Security Number from the C & R Agreement and other related exhibits.
 - h. **Will you sign bench orders?** No Click or tap here to enter text.
 - i. **Describe any other procedures you have for C&R Agreements:** N/A

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Written Stipulations must be executed by all parties, including: Claimant, Claimant Counsel, and Defense Counsel. Fully executed Stipulations can be uploaded to WCAIS by the parties as an exhibit.
2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit Click or tap here to enter text.
3. **Should child support documents be uploaded as a separate exhibit?** Yes. However, Domestic Relation Court Orders must be attached to the Stipulation.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Exhibits, such as fee agreement, bill of cost, medical bills to be paid, and liens to be reimbursed are not required to be attached to the Stipulation; however, they must be uploaded to WCAIS as separate exhibits.
 - a. **Should they be part of the stip or a separate exhibit?** See above
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** Redaction of confidential information, such as Social Security Number, will be done by Judge's staff.

6. Describe any other procedures you have for stips: N/A

BRIEFS AND POST-HEARING SUBMISSIONS

1. **Will you close a case via WCAIS submission or is a final hearing required?** WCAIS Submission. Hearings are generally scheduled only for the presentation of testimony or to address procedural matters and special motions, such as a Motion for Recusal or a Motion to Dismiss Petition.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Briefs and post-hearing submissions are to be uploaded to WCAIS on or before close date set by the Judge. If post-hearing submissions are not filed by close date, the record will close as is and no reminders will be issued by the Judge's office.
3. **Describe any preferences regarding the format and content of submissions:** Judge Lugo prefers narrative positional statements, but will accept Proposed Findings of Facts and/or legal briefs.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Currently Judge Lugo conducts Mandatory Mediations in the Erie WCOA office for cases from Erie, Warren, Crawford and Venango Counties.
2. **Do you require all participants to attend in-person?** Yes
 - a. **Under what circumstances do you permit attendance by phone?** The only exception is that the Workers' Compensation Adjuster, if not local, may participate by phone.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** Judge Lugo does not have a specialized mediation form; however, the parties are expected to upload mediation statements/narratives to WCAIS or to mail or fax written mediation statements/narratives at least 48 hours before the mediation (excluding weekends). The mediation statements/narratives should include description of injury and medical evidence, summarization of litigation (i.e., identification of legal and factual issues and summary of evidence), and analysis of case and settlement parameters.
 - b. **What documents, if any, must accompany the Statement?** Medical records or any other documents that are not already in WCAIS, including but not limited to Bureau records, MSA proposal or CMS approval of MSA, child support order or arrearages information, lien statements (including DPW), third party recovery information, UC records and unpaid medical bills.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** As soon as possible, but no later than 48 hours before mediation (excluding weekends).
4. **After you approve a Mediation Request, how long until it's scheduled?** Generally within 30-60 days, depending on Judge's mediation schedule and availability of parties.
5. **Are you willing to conduct more than one session per Dispute?** Yes [Click or tap here to enter text.](#)
6. **If the party wants to request cancellation or postponement of a mediation on a Dispute assigned to you, should they contact you or the mediating Judge? You If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** [Click or tap here to enter text.](#)
7. **What else should the parties know or do before the mediation?** Parties should be adequately prepared and have all necessary information related to the Workers' Compensation claim (medical bills, liens, credits or underpayments) as well as information regarding peripheral issues, such as: SSD, Medicare, MSA proposal and/or approval by CMS, child support, pension benefits, union benefits, COBRA, bankruptcy, etc. in order to have genuine settlement discussions.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes [Click or tap here to enter text.](#)
2. **List the offices where you conduct voluntary mediations:** Any WCOA office in Western or Central Pennsylvania.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes. Only by agreement of the parties.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
 - a. **Describe any special procedures:** N/A
5. **Do you require parties to execute an agreement to mediation?** No **If yes:**
 - a. **Describe the matters addressed by the agreement:** [Click or tap here to enter text.](#)
6. **Do you require all participants to attend in-person?** Yes
 - a. **Under what circumstances do you permit attendance by phone?** Only exception, is that the Workers' Compensation Adjuster, if not local, may participate by phone.
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** Judge Lugo does not have a specialized mediation form; however, the parties are expected to upload mediation statements/narratives to WCAIS or to mail or fax written mediation statements/narratives at least 48 hours before the mediation (excluding weekends). The mediation statements/narratives should include description of injury and medical evidence, summarization of litigation (i.e., identification of legal and factual issues and summary of evidence), and analysis of case and settlement parameters.
 - b. **What documents, if any, must accompany the Statement?** Medical records or any other documents that are not already in WCAIS, including but not limited to Bureau records, MSA proposal or CMS approval of MSA, child support order or arrearages information, lien statements (including DPW), third party recovery information, UC records and unpaid medical bills.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** As soon as possible, but no later than 48 hours before mediation (excluding weekends).
8. **After you approve a Mediation Request, how long until it's scheduled?** Generally within 30-60 days, depending on Judge's mediation schedule and availability of parties.
9. **Are you willing to conduct more than one session per Dispute?** Yes [Click or tap here to enter text.](#)
10. **If the party wants to request cancellation or postponement of a mediation on a Dispute assigned to you, should they contact you or the mediating Judge?** Mediating Judge **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** As soon as possible, but no later than 48 hours before mediation (excluding weekends).
11. **What else should the parties know or do before the mediation?** Parties should be adequately prepared and have all necessary information related to the Workers' Compensation claim (medical bills, liens, credits or underpayments) as well as information regarding peripheral issues, such as: SSD, Medicare, MSA proposal and/or approval by CMS, child support, pension benefits, union benefits, COBRA, bankruptcy, etc. in order to have genuine settlement discussions.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Requests should be uploaded to WCAIS as soon as the conflict or need for an extension

arises, but no later than 48 hours before the hearing or deadline for deposition or close of record date (excluding weekends).

2. **Under what circumstances do you conduct conference calls?** Either at Judge's discretion or at request of parties.
3. **Under what circumstances do you accept faxes and e-mails from parties?** I do not. However, telephone requests for permission to fax documents will be considered in emergency situations.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Judge Lugo tries to adhere to time schedule; however, extra time may be granted, within reason, if the Judge's schedule allows and it does not interfere with other cases schedule for hearing or mediation.
5. **What is the best way to contact you in an urgent situation?** Telephone Judge's office and speak to her secretary.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Judge Lugo does not follow a specific school district's closing policy. Hearings or mediations will only be cancelled for extreme inclement weather or illness. However, timely requests for a postponement or to participate by phone due to inclement weather or illness will be considered. Additionally, separate and apart from weather issues and other emergencies, the parties should not hesitate to telephone or send a letter with any concerns relative to any litigation and/or mediation before Judge Lugo. The goal is for the Workers' Compensation process to be smooth, efficient and flexible.