

Makotsi, Edwin

BOARD

Summary judgment

Before granting a motion for summary judgment the parties have a right to a hearing on the motion and must expressly waive that right before the judge can issue a ruling without conducting a hearing. ...*In re Edwin Makotsi*, BIIA Dec., 15 20961 (2016)

Scroll down for order.

1 Mr. Makotsi has, and provide him with time to file an additional response to the Motion for Summary
2 Judgment if he so chooses. In addition, a hearing should be held to hear oral argument on the
3 summary judgment motion unless the parties expressly waive that option after the judge explains the
4 process.

5 **ORDER**

6 This appeal is remanded to the hearings process, as provided by WAC 263-12-145(4), for
7 further proceedings as indicated by this order. Unless the matter is settled or dismissed, the industrial
8 appeals judge will issue a new Proposed Decision and Order. The new order will contain findings
9 and conclusions as to each contested issue of fact and law. Any party aggrieved by the new
10 Proposed Decision and Order may petition the Board for review, as provided by RCW 51.52.104.
11 This order vacating is not a final Decision and Order of the Board within the meaning of
12 RCW 51.52.110.

13 Dated: June 20, 2016.

14
15 **BOARD OF INDUSTRIAL INSURANCE APPEALS**

16
17
18 /s/ _____
DAVID E. THREEEDY Chairperson

19
20
21 /s/ _____
FRANK E. FENNERTY, JR. Member

22
23
24 /s/ _____
JACK S. ENG Member

