

COMMONWEALTH OF KENTUCKY  
OCCUPATIONAL SAFETY AND HEALTH  
REVIEW COMMISSION

KOSHRC 5065-13

SECRETARY OF LABOR  
COMMONWEALTH OF KENTUCKY

COMPLAINANT

v

SCOTT, MURPHY & DANIEL, LLC

RESPONDENT

**COMMISSION ORDER**  
**DENYING RESPONDENT'S**  
**REQUEST TO FILE AN**  
**INTERLOCUTORY APPEAL.**

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We have before us Scott Murphy's request for special permission to file an interlocutory appeal from the hearing officer's order issued January 15, 2015. We received a response from the Cabinet on February 2.


We have carefully reviewed the relevant documents: Scott Murphy's request to file its interlocutory appeal, respondent's partial motion to dismiss and its memorandum in support, the Cabinet's response to the partial motion to dismiss, respondent's reply to the Cabinet's response, the hearing officer's January 15 order denying respondent's partial motion to dismiss and the steel erection standard.

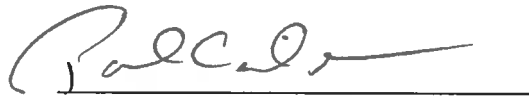
Despite respondent's assurances to the contrary, we find the issues involved are fact dependent. We expect the parties at trial will be careful to spell out the duties of a controlling employer and a controlling contractor on a steel erection work site.


We deny respondent's request to file an interlocutory appeal and remand this case to the hearing officer for a trial on the merits.

It is so ordered.

February 10, 2015.

  
Faye S. Liebermann  
Chair

  
Paul Cecil Green  
Commissioner

  
Joe F. Childers  
Commissioner

#### Certificate of Service

I certify this order was served on the parties in the manner indicated on this February 10, 2015:

By messenger mail:

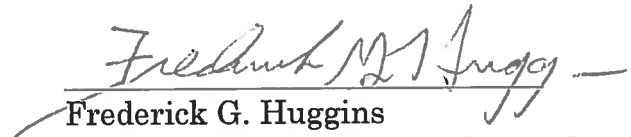
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