

OPINION ENTERED: July 15, 2013

CLAIM NO. 201200800

DAVID ALLEN STEPHENS

PETITIONER

VS. **APPEAL FROM HON. JONATHAN R. WEATHERBY,
ADMINISTRATIVE LAW JUDGE**

VIRGINIA FUEL CORPORATION
and HON. JONATHAN R. WEATHERBY,
ADMINISTRATIVE LAW JUDGE

RESPONDENTS

**OPINION
VACATING AND REMANDING**

* * * * *

BEFORE: ALVEY, Chairman, and STIVERS, Member.

STIVERS, Member. David Allen Stephens ("Stephens") appeals from the January 28, 2013, opinion and order of Hon. Jonathan R. Weatherby, Administrative Law Judge ("ALJ") dismissing his claim for income and medical benefits against Virginia Fuel Corporation ("Virginia Fuel") for "lack of jurisdiction." Stephens also appeals from the

February 25, 2013, order denying his petition for reconsideration.

In his Form 101, Stephens asserted an injury on June 13, 2012, occurring when he "fell violently on the metal deck" of a rock truck injuring his back. He subsequently filed a motion to amend his Form 101 asserting he had incorrectly alleged a back injury. Stephens asserted his claim was for cumulative trauma injuries to the right shoulder and both hands (carpal tunnel syndrome) due to a work activity for Virginia Fuel and his predecessor employers. In the motion to amend, Stephens did not indicate whether the date the cumulative trauma injuries manifested was June 13, 2012. By order dated September 24, 2012, the ALJ sustained Stephens' motion ordering the claim was amended to describe the alleged injuries as a cumulative trauma disorder injury to the right shoulder and both hands (carpal tunnel syndrome).

Stephens later filed a motion to amend the Form 101 to allege an alternative injury date of January 28, 2012, the date Virginia Fuel asserts it last employed Stephens. Stephens also moved to amend the November 7, 2012, benefit review conference ("BRC") order to reflect an alternative date of injury of January 28, 2012, and to include waiver, estoppel, and implied agency as contested

issues. In separate orders both dated November 30, 2012, the ALJ sustained Stephens' motion to amend the Form 101 and the motion to amend the BRC order.

Stephens relied primarily upon the Form 107-medical report and the attached addendum of Dr. Robert Hoskins both dated July 8, 2012, generated as a result of an independent medical evaluation ("IME") performed on June 4, 2012.

Virginia Fuel relied primarily upon the medical report of Dr. Timothy Kriss and the medical report and deposition of Dr. Ronald C. Burgess.

Stephens testified at an August 23, 2012, deposition and at the November 29, 2012, hearing. Stephens testified he first worked for Virginia Fuel from August 2011, to January 2012 as a mechanic and welder. His job was to maintain heavy equipment used in surface mining which required the constant use of his hands. Stephens also performed diagnostic work which involved the use of small tools, computers, and electronic circuit boards. Stephens testified that prior to going to work for Virginia Fuel he had performed the same job at Fox Knob Coal.¹

¹ Apparently, Fox Knob Coal has no affiliation with Virginia Fuel.

In January 2012, Stephens and others were told they were being laid off. He indicated the general layoff affected approximately two hundred employees.

Stephens testified between August 2011 through January 2012 he worked "in Kentucky mostly" and in Virginia. In Kentucky he worked at the Louder Creek mine site. In Virginia, he primarily worked at the mine in Keokee. During this period, his superintendent at Virginia Fuel was Emmett Greer ("Greer"). Stephens estimated that during the time he worked for Virginia Fuel in 2011 until January 2012 he spent seventy-five percent of his time working in Kentucky and twenty-five percent working in Virginia. When he was hired by Virginia Fuel in 2011 he went to its Wise, Virginia office and completed an application for employment and a W-4 form. A drug test was performed. He also completed insurance applications and watched a safety video.

After being laid off in January 2012, Stephens did not work until he received a call from Greer wanting him to return to work. Stephens acknowledged Greer did not provide the name of the employer. He was told to go to Wise, Virginia to complete the paperwork. Stephens testified he went to a different building at the same site

where he initially completed documents when he was employed by Virginia Fuel in 2011.

When he returned to work he was given a choice of working in Kentucky or Virginia. Because he would work more hours, Stephens choose to work in Virginia. He testified he was told he would work fifty-five hours a week in Virginia as opposed to forty-five hours a week in Kentucky. At Wise, Stephens learned Joseph Buchanan ("Buchanan"), the previous human resource person, would again be his human resource person. In completing the employee form, Stephens testified he put an "x" in the box out from Virginia Fuel Corporation. He explained the top of the employee form had two corporate names, A & G Coal Corporation ("A & G") and Virginia Fuel Corporation.² Out from the name of each corporation is a box. Stephens indicated he put an "x" in the Virginia Fuel Corporation box and did not circle A & G Coal Corporation.³ Stephens testified A & G Coal Corporation was not circled at the top of the employment form in his presence. Stephens testified Buchanan told him to mark Virginia Fuel Corporation. Stephens also wrote "rehire June 1, 2012" at the direction

²The employment form was introduced as exhibit two to the September 14, 2012, deposition of Joshua Collett ("Collett") the HR Director for Justice Corporation.

³ In addition to the box out from Virginia Fuel being checked, Exhibit two also reflects A & G Coal Corporation was circled.

of Buchanan. He then underwent a drug test and received his insurance paperwork.

In June 2012, Stephens reported to job #22 at Keokee, Virginia, where he had previously worked for Virginia Fuel until he was laid off in January 2012. There, Stephens knew most of his co-workers because he had worked with them in Kentucky from September 2011 through January 2012. Stephens testified he worked for Virginia Fuel from June 3, 2012, through June 13, 2012. During that time, he worked only in Virginia. He testified when he started work "we was [sic] told we would move back to Kentucky to a different location." The equipment at the Virginia site was the same equipment he worked on when he worked for Virginia Fuel. At the time he completed the employee form in Virginia, Stephens testified he believed he had returned to work for Virginia Fuel. Stephens testified he was not provided any information indicating A & G was his employer in June 2012.

During the short period of time he worked in Virginia, Stephens testified he developed more upper extremity symptoms and hand symptoms. Stephens indicated he would not have taken the job in Virginia if he had been told he was working for a Virginia employer. Before returning to work, Stephens contacted his attorney to see

if it was okay for him to return to work. Stephens acknowledged he saw Dr. Hoskins prior to returning to work in June 2012 and that prior to seeing Dr. Hoskins he was contemplating asserting a workers' compensation claim. There is no dispute all the paperwork associated with Stephens' employment was completed in Wise, Virginia.

Stephens testified he could not remember the name on his pay check when he worked in Virginia in June 2012. Stephens explained that upon receiving his check, he gave it to his wife. When Stephens went to Wise, Virginia to complete the necessary paperwork in June 2012, he was told if he had a payroll problem he was to contact "Tommy somebody" in Middlesboro, Kentucky. A representative of the company told him the company would use his previous tax forms.

Virginia Fuel introduced the September 14, 2012, deposition of Joshua Collett ("Collett"). Collett also testified at the March 29, 2012, hearing. Collett testified he is the "HR Director of Justice Corporation." As such he "manages all benefits administration, payroll administration, workers' compensation and insurance for all our subsidiary companies," which includes Virginia Fuel and A & G. He testified Justice Corporation has two subsidiaries, Justice Companies and Southern Coal

Corporation. A & G is a subsidiary of Southern Coal Corporation and Virginia Fuel is a subsidiary of Justice Companies. He indicated A & G and Virginia Fuel are two separate companies with separate federal and state tax identification numbers and mine identification numbers. All subsidiaries are operated independently. Collett testified Virginia Fuel and A & G are the only two companies that have payrolls.

Virginia Fuel has no corporate office in Kentucky but has a small mine site in Kentucky. The bulk of its operations are in Virginia.

A & G has no corporate office in Kentucky. Collett testified that several years ago A & G had a small mine in Kentucky, but for the last three years that mine site had been inoperable. In June 2012, A & G had no mine sites in Kentucky and conducted no business in Kentucky. Collett acknowledged Stephens was employed by Virginia Fuel from September 2011 through January 2012 and worked at the Calvin Mining site.⁴ Collett introduced Stephens' earnings records covering the period he worked for Virginia Fuel.⁵

⁴ At the hearing, Collett explained Calvin Mining was the previous owner of the mine located at Louder Creek.

⁵ Exhibit 1 to his September 14, 2012, deposition.

He testified Stephens was laid off at the end of January 2012 in a "general workforce reduction."

On June 1, 2012, Stephens returned to work. Collett testified A & G was reopening or opening a new job site in Virginia and the rule of thumb was to recall the laid off employees when that occurred. He testified Stephens was hired or rehired to work for A & G on June 1, 2012, as a mechanic on job #22 in Virginia. The mine permit for the mine at which Stephens worked in Virginia was in A & G's name. Stephens was required to "redo" all of his paperwork at A & G's Wise office. Collett explained Exhibit 2 to his deposition entitled "Employee Form" contains all of Stephens' "pertinent and vital information" and reflects Stephens was hired by A & G as a mechanic on June 1, 2012. The form was completed at the Wise, Virginia office which is not A & G's corporate office, but its operations office. Once Stephens completed A & G's "paperwork and the initial hire form" he was considered an A & G employee.

Collett introduced A & G's wage records pertaining to Stephens' employment in June 2012 as Exhibit 3 to his deposition. Exhibit 3 reflects Stephens received two checks for wages and provides the regular and overtime hours worked along with the total amount earned during the

entire period. It also reflects the department number was "22 Bear Pin" Collett testified none of the mine site is in Kentucky.

Exhibit 4, introduced at Collett's deposition provides the date and hours Stephens worked each day for A & G in June 2012. Exhibit 4 reveals Stephens first worked on June 2, 2012, working ten hours that day. Stephens then worked ten hours on June 3, and eight hours on June 4, 5, 6, 9, 10, 11, 12, and 13 of 2012. Exhibit 4 also reveals Stephens' employer in June 2012 was A & G. Collett testified the forms comprising Exhibit 4 "serve as our time sheet" for that mine site and shows the hours worked each day as well as the total hours worked. Collett testified June 13, 2012, was Stephens' last day of employment due to a layoff which affected nineteen employees.

Collett testified his first notification Stephens had been injured was when he received the Form 101 containing Dr. Hoskins' June 4, 2012, report. Collett estimated the job site where Stephens worked in June 2012 was open approximately three and a half to four weeks.

Collett testified he is employed by Sequoia Energy "another subsidiary." He explained the parent company and the two subsidiaries have no payroll and no "formal employees." His office is located in Middlesboro,

Kentucky. The corporate office for the Justice Corporation is in Roanoke, Virginia. The corporate office for A & G and Virginia Fuel is in Wise, Virginia.

Collett believed a telephone call to Stephens asking him to return to work was made from Wise, Virginia by A & G's general manager, Buchanan. He acknowledged all of the corporations have the same owners, James C. Justice, II, James C. Justice, III, and Jillian Justice. They also have the same officers.

Collett testified all the employees are paid by check with the name of the company employing them at the top of the check. Collett testified that if Virginia Fuel had been Stephens' employer in June 2012, A & G's name would not have been on the check. Collett testified Stephens worked for A & G in June 2012 and was paid by A & G from funds which came from its separate bank account. He explained A & G does not have copies of the pay checks as they are destroyed and everything is recorded electronically. The notation department #22 Bear Pin, shown in Exhibit 3, refers to an A & G coal mine. He testified Bear Pin is located outside Keokee in Wise County, Virginia, and no portion of that mine is located in Kentucky. Further, A & G has no office in Kentucky.

Collett testified A & G has workers' compensation coverage in Virginia.

Collett acknowledged Virginia Fuel has mine sites in Kentucky and while employed by Virginia Fuel, Stephens worked in Kentucky. However, Stephens was never employed in Kentucky by A & G. He also acknowledged Stephens correctly testified the mine in Kentucky was located at Louder Creek. Collett was unable to dispute Stephens' testimony he worked at the same location in Virginia in June 2012 where he had initially worked for Virginia Fuel in 2011 and early January 2012. Collett indicated it was a common occurrence to transfer equipment to another job. He noted the Louder Creek job site is ten miles from A & G's job #22 where Stephens reported in June 2012. He emphasized the Louder Creek job was not reopened, rather there was a recall of the laid off employees who were to report to another job site.

In the January 28, 2013, opinion and order dismissing Stephens' claim, the ALJ entered the following findings of facts and conclusions of law:

Jurisdiction/Waiver and Estoppel

12. KRS 342.670(1) provides as follows:

(1) If an employee, while working outside the territorial limits of this

state, suffers an injury on account of which the employee, or in the event of the employee's death, his or her dependents, would have been entitled to the benefits provided by this chapter had that injury occurred within this state, that employee, or in the event of the employee's death resulting from that injury, his or her dependents, shall be entitled to the benefits provided by this chapter, if at the time of the injury:

(a) His or her employment is principally localized in this state; or

(b) He or she is working under a contract of hire made in this state in employment not principally localized in any state; or

(c) He or she is working under a contract of hire made in this state in employment principally localized in another state whose workers' compensation law is not applicable to his or her employer; or

(d) He or she is working under a contract of hire made in this state for employment outside the United States and Canada.

13. The Plaintiff alleges a cumulative trauma injury wherein his last employer was Virginia Fuel Corporation on June 13, 2012. The Plaintiff indicated that he was laid off in January of 2012 and then called back in June of 2012 and given the choice to work in either Virginia or Kentucky. The Plaintiff indicated that he mad [sic] a conscious decision to work in Virginia because he believed that he could work more hours.

14. It is undisputed that the Plaintiff worked entirely in the state

of Virginia after being called back in June, that the employment paperwork was executed in Virginia and that no part of this period of employment took place in Kentucky.

15. The ALJ finds that the Plaintiff does not meet any of the criteria for extraterritorial jurisdiction as delineated in KRS 342.670(1).

16. The Plaintiff argues that the Defendant should be estopped from denying jurisdiction for the Plaintiff's claim because it failed to notify the Plaintiff that he was working for a different entity. It is undisputed however that the Plaintiff chose to work exclusively in Virginia for the benefits that he believed would accompany employment in that state. The ALJ therefore finds that esstopel [sic] and/or waiver does not apply and that this matter is barred due to lack of jurisdiction under the Kentucky Worker's Compensation Act.

17. All other issues are rendered moot by the foregoing findings.

Stephens filed a petition for reconsideration asserting he worked in Kentucky and Virginia pursuant to a contract made in Virginia and then returned to Virginia for thirteen days after completing paperwork at Virginia Fuel's Virginia office. Stephens argued his employment was localized in neither state, and therefore, Kentucky has jurisdiction.

Stephens also argued if the ALJ believed Kentucky did not have jurisdiction over his claim relating to the

last thirteen days of his employment in Virginia, the ALJ "should have determined all issues related to [his] claim for income and medical benefits for the carpal tunnel syndrome injury he sustained prior to his last date of employment in Kentucky, January 28, 2012." Stephens argued the fact he was last employed by Virginia Fuel in Virginia does not negate his claim for benefits under Kentucky law and his claim should not have been dismissed.

The ALJ summarily denied the petition for reconsideration finding it to be nothing more than a re-argument of issues and to contain no allegation of patent error in the February 25, 2013, order.

On appeal, Stephens first argues the ALJ implicitly determined he was an employee of Virginia Fuel in June 2012. He correctly notes one of the central issues in its case was Virginia Fuel's contention that when Stephens returned to work in June 2012, he was not employed by Virginia Fuel but by A & G. Since the ALJ did not address the issue and directed his attention solely to the matter of extraterritorial jurisdiction, Stephens posits the ALJ implicitly found Virginia Fuel continued to be his employer in June 2012. Consequently, since Virginia Fuel did not appeal, *res judicata* applies to this implicit finding.

Stephens also maintains had the ALJ determined he was an employee of A & G in June 2012, the ALJ would have had to address the question of whether Stephens' last employer, a Virginia entity and not a party to the case, was solely liable for his cumulative trauma claim. Had the ALJ determined A & G was Stephens' last employer, Stephens argues there was no reason to consider the question of extraterritorial jurisdiction since A & G was not a party in this claim.

Next, Stephens asserts Kentucky had extraterritorial jurisdiction over Virginia Fuel at the time it employed Stephens in June 2012. Citing to Larson's Workers' Compensation Law, § 143, Stephens asserts most states exercise jurisdiction over out-of-state injuries if the employee was injured in the state, hired in the state, or has an employment relationship within the state. Stephens asserts "the third test of jurisdiction" is also described in terms of "principal location of employment" which is the approach embodied in KRS 342.670. Stephens maintains the ALJ determined extraterritorial jurisdiction did not exist because when he returned to work in June 2012 he completed his paperwork in Virginia, chose to work in Virginia, and worked solely in Virginia. However, Stephens argues the ALJ erred in not considering Stephens' entire

tenure as a Virginia Fuel employee. Stephens argues when he was hired in September 2011, he went to the office in Wise, Virginia, completed his employment documents, watched a safety video, and took a drug test. While working as a surface mine mechanic between September 2011 and late January 2012, Stephens worked at two surface mines, one located in Kentucky and the other in Virginia. Though Stephens traveled back and forth between the two sites, he asserts he spent three-fourths of his time on the job at the Kentucky site.

Stephens cites to Collett's testimony regarding the services Collett provided to Virginia Fuel and that his office is located in Middlesboro, Kentucky. He also notes the invitation to return to work was conveyed by Greer, the superintendent, who worked at Virginia Fuel's Kentucky and Virginia surface mines. Stephens adds that Greer phoned him at his home in Kentucky.

Stephens argues the ALJ's finding he chose to work "exclusively in Virginia" is incorrect since he testified when he returned to work in Virginia in June 2012 he was told he would be moving back to Kentucky to a different boundary and understood he would not be working exclusively in Virginia. Stephens maintains it is undisputed that during his first stint of employment, he

worked back and forth between Kentucky and Virginia and was rehired to work in Virginia with the understanding he would be returning to a surface mine in Kentucky. Stephens contends KRS 342.670(5)(d)(1) confers extraterritorial jurisdiction over his injuries because his employment was principally localized in Kentucky.

Alternatively, Stephens argues even though the ALJ found extraterritorial jurisdiction was lacking, he should have determined whether a portion of his cumulative trauma injury claims were viable and compensable on January 28, 2012, the date of his last employment in Kentucky. Stephens' argument on this issue is as follows:

As the administrative law judge pointed out on page 10 of the opinion and order, the respondent employer's medical expert Ronald Burgess, M.D., testified by deposition that Stephens' brief employment in Virginia in June of 2012, was insufficient to cause him impairment. Therefore, to the extent Stephens has a claim of cumulative trauma disorder attributable to his indisputable employment by the respondent employer under Kentucky's workers' compensation law up to January 28, 2012, his final date of employment in Kentucky, the administrative law judge should have determined compensability.

We disagree with Stephens' assertion the ALJ implicitly determined he was an employee of Virginia Fuel when he returned to work in June 2012 and *res judicata*

applies to that finding. First, the doctrine of *res judicata* does not apply in the case *sub judice* as the issue of Stephens' employer has never been finally determined in this or a prior judicial proceeding. *Res judicata* prohibits the re-litigation of issues which have been finally determined on the merits. See Garrett Mining Co. v. Nye, 122 S.W.3d 513 (Ky. 2003). Second, a review of the ALJ's findings of fact and conclusions of law reveals he never determined Stephens' employer for the period in question, June 2012.

In addition to jurisdiction under the Act and whether an employment relationship between the parties existed at all times, the November 7, 2012, BRC order reflects the following contested issues were checked:

benefits per KRS 342, work-relatedness/causation, notice, average weekly wage, unpaid or uncontested medical expenses, injury as defined by the Act, credit for temporary total disability/unemployment, exclusion for pre-existing disability impairment, and temporary total disability benefits.

Coverage under the Act was written under the heading of "Other." Also pending for resolution was Virginia Fuel's motion to dismiss which asserted Stephens was an employee of A & G in June 2012 and not an employee of Virginia Fuel. In the November 29, 2012, hearing order the ALJ wrote as

follows: "defendant's motion will be decided as an issue." Additionally, in a November 30, 2012, order, the ALJ ordered the BRC order was amended to allege an alternative injury date of January 20, 2012, and to include waiver, estoppel, and implied agency as contested issues.

Given these contested issues, the ALJ should have first determined the entity that employed Stephens in June 2012. Instead, the ALJ based his decision to dismiss Stephens' claim on the fact he worked entirely in Virginia after being called back to work in June, his employment paperwork was executed in Virginia, and none of his employment during that period took place in Kentucky. The ALJ never made a finding Stephens was employed during that period either by A & G or Virginia Fuel. Thus, we are unable to determine which entity the ALJ believed was Stephens' employer in June 2012. In the findings of fact, the ALJ stated it was undisputed Stephens worked entirely in Virginia after being called back to work, signaling he may have believed Stephens worked for Virginia Fuel. However, the ALJ went on to reject Stephens' contention estoppel and waiver applied, thus indicating he may have believed A & G was Stephens' employer. From the ALJ's findings we are unable to determine which entity the ALJ concluded was Stephens' employer in June 2012.

In that same vein, the ALJ never addressed the issue of implied agency which he identified as a contested issue in his November 30, 2012, order, allowing the November 7, 2012, BRC order to be amended. Similarly, the ALJ did not address Virginia Fuel's motion to dismiss in which it argued Stephens was not an employee of Virginia Fuel in June 2012. Therefore, the January 28, 2013, decision and the February 25, 2013, order of the ALJ must be vacated and this matter remanded to the ALJ for a determination as to Stephens' employer in June 2012. After determining Stephens' employer, the ALJ must address Virginia Fuel's motion to dismiss as well as the implied agency issue raised by Stephens.

The ALJ's decision regarding Stephens' employer in June 2012 must be supported by sufficient findings of fact. If the ALJ determines Virginia Fuel was Stephens' employer, then he must resolve Stephens' claim of a cumulative trauma manifesting in June 2012. If the ALJ determines A & G was Stephens' employer he must also address Virginia Fuel's motion to dismiss and, as previously noted, Stephens' assertion of implied agency.

In addition, we agree with Stephens the claim must also be remanded for the ALJ to resolve Stephens' claim for a cumulative trauma injuries culminating with the

termination of his employment with Virginia Fuel in January 2012. The ALJ sustained Stephens' motion to amend his Form 101 to allege an alternative injury date of January 28, 2012, the last date Virginia Fuel agreed Stephens was employed by it.⁶ Stephens' testimony, which appears to be corroborated by Collett, establishes when he worked for Virginia Fuel in the latter part of 2011 into early January 2012, he worked a substantial amount of time in Kentucky. Stephens estimated seventy-five percent of his employment was in Kentucky and twenty-five percent was in Virginia. This testimony certainly indicates if Stephens sustained cumulative trauma injuries during the latter part of 2011 through January 28, 2012, they occurred in Kentucky. Therefore, the ALJ must determine whether Stephens sustained cumulative trauma injuries during the course of his employment with Virginia Fuel and whether the injuries occurred in Kentucky. If the ALJ determines Stephens sustained a cumulative trauma injuries in Kentucky, then KRS 342.670 does not apply as Stephens would not have sustained injuries outside the territorial limits of Kentucky. However, if the ALJ determines Stephens sustained a cumulative trauma injuries in the course of his

⁶ Although Stephens referenced an injury date of January 28, 2012, he alleged injuries to his right shoulder and both hands.

employment in Virginia then the ALJ must analyze the claim under the guidelines contained in KRS 342.670.

We express no opinion regarding the viability of Stephens' claim and the applicability of KRS 342.670 regarding his alleged cumulative trauma injuries occurring during the time he was employed by Virginia Fuel in the latter part of 2011 through January 28, 2012. However, the ALJ must resolve that issue, as Stephens pled alternative cumulative trauma injuries which occurred during the period he was employed by Virginia Fuel in the latter part of 2011 through January 28, 2012.

Accordingly, the January 28, 2013, opinion and order and the February 25, 2013, order denying the petition for reconsideration are **VACATED**. This claim is **REMANDED** to the ALJ for entry of an amended opinion and order determining Stephens' employer in June 2012. The ALJ shall then resolve all other related contested issues in conformity with the views expressed herein. In addition, the ALJ must also render a decision, supported by sufficient findings of fact, regarding Stephens' alleged cumulative trauma injuries occurring during the period he was employed by Virginia Fuel in the latter part of 2011 through January 28, 2012.

ALVEY, CHAIRMAN, CONCURS.

COUNSEL FOR PETITIONER:

HON SHERRY BRASHEAR
P O BOX 1626
HARLAN KY 40831

COUNSEL FOR RESPONDENT:

HON H BRETT STONECIPHER
300 E MAIN ST STE 400
LEXINGTON KY 40507

ADMINISTRATIVE LAW JUDGE:

HON JONATHAN R WEATHERBY
SPINDLETOP OFFICE COMPLEX
2780 RESEARCH PARK DR
LEXINGTON KY 40511