

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SERVICE EMPLOYEES INTERNATIONAL
INC., ET AL.,

Plaintiffs,

vs.

Case No. 3:11-cv-1036-J-20MCR

MICHAEL WILLIAMS, ET AL.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Department of Labor's Unopposed Motion to Amend the Caption and to Join the Private Parties' December 1, 2011 Submission Regarding Case Management and Briefing Schedule (Doc. 11) filed December 7, 2011.

The Director, Office of Workers' Compensation Programs, United States Department of Labor, on behalf of Hon. Charles D. Lee, brings the instant Motion pursuant to Fed. R. Civ. P. 7(b). The Director is the administrator of the Longshore Act. See 33 U.S.C. § 939; 20 C.F.R. § 1.2(e); 74 Fed. Reg. 58834-01. As such, he is the proper agency-party respondent to these proceedings. See Ingalls Shipbuilding, Inc. v. Director, OWCP (Yates), 519 U.S. 248, 265-70 (1997); 20 C.F.R. § 802.410(b).

Accordingly, the Court finds that the party caption in this case should be amended as follows: Substitute "Director, Office of Workers' Compensation Programs, United States

Department of Labor,” for the current party listing, “The Honorable Charles D. Lee, District Director, United States Department of Labor”.

Additionally, the Director requests to join in the “Response to Tracking Assignment and Filing of Case Management Report,” which was filed by Petitioners Service Employees International, et al, and Respondent Michael Williams on December 1, 2011. The Director agrees that this case is properly designated a Track One case because it is “an action for review on an administrative record,” M.D. Fla. R. 3.05(b)(1)(A), which calls upon the Court to act as an appellate body. See H.B. Zachry Co. v. Quinones, 206 F. 3d 474, 476-77 (5th Cir. 2000) see also Yates, 519 U.S. at 265-70 (holding Director has right to participate as respondent in Benefits Review Board appeals). Accordingly, the Court agrees that the Director should be included on the briefing schedule proposed by the private parties in their December 1 submission, with his brief due at the same time as Respondent Williams’ brief (i.e., 45 days after Petitioners’ brief).

According, after due consideration, it is

ORDERED:

The Department of Labor’s Unopposed Motion to Amend the Caption and to Join the Private Parties’ December 1, 2011 Submission Regarding Case Management and Briefing Schedule (Doc. 11) is **GRANTED** as provided in the body of this Order.

DONE AND ORDERED in Chambers in Jacksonville, Florida this 9th day of
December, 2011.

Monte C. Richardson

MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

Counsel of Record