BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE

IN THE MATTER OF:	
NEWSTONE HOMES LLC & LIBERTY MUTUAL	**DOCKET NO: 12.28-100153A**

PROCEDURAL ORDER OF DISMISSAL

This matter pends on the Petition for Reconsideration /written appeal filed by Respondent Newstone Homes, LLC. The Petition repeats the classification issue that was the subject of the initial appeal. It does not address the underlying untimeliness of the original appeal. The appeal being untimely, there is nothing to reconsider.

The attachments to the Order entered on June 1, 2009, however, incorrectly advised that an appeal lay to the Commissioner of the Department of Commerce and Insurance. The appeal of a case dismissed as a matter of law by an Administrative Law Judge properly is filed in the Chancery Court for Davidson County, and not the Commissioner. Tennessee Environmental Council, Inc. v. Tennessee Water Quality Control Board, (Docket No. M2006-00914-COA-R3-CV, Tenn. Ct. of App. Opinion filed 10/3/07). Therefore, in the interests of justice, the Order previously entered is adopted in this Order, and the appeal times for the Order of Dismissal shall run from the date of this Order.

Entered and effective this 17th day of July 2009.

Marion P. Wall
Administrative Judge