SUPERIOR COURT
OF THE
STATE OF DELAWARE

CRAIG A. KARSNITZ
JUDGE

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GEORGETOWN, DE 19947

June 19, 2019

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RE: This and That Services Co., Inc. v. Raymond Nieves
C.A. No. S18A-10-003 CAK

**DECISION ON MOTION FOR REARGUMENT - DENIED**

Dear Counsel:

By opinion and order dated June 7, 2019, I reversed the decision of the Industrial Accident Board in which the Board determined the issues in the case were moot. I decided they were not. The Board in its order also granted Claimant's motion in limine to limit any consideration of Claimant's medical expenses to the period before his surgery in August of 2017.

In my opinion the only substantive comment concerning the motion in limine is it was granted without any supporting rationale. While the rationale may have been self-explanatory, I did not want to sanction any limit of the evidence presented to the Board. I let that decision to it.

I agree with Employer's comment in response to this motion that on remand the Board is to consider "...whether prescriptions for pain medication was reasonable and necessary...". To me this requires a review of the available medical evidence. The Board limited and then short circuited its review. A full review of the evidence is needed. The Board should makes its decision after the review. My decision necessarily overrules the limitations placed upon the parties by the granting of the motion in limine. Hopefully, this makes clear what I thought was apparent.

I have not in this short writing detailed or analyzed the requirements for granting a motion for re-argument as they are well known. The effort seemed superfluous given my original decision and the clarification I provide here.

Very truly yours,

Craig A. Karsnitz

CAK/lml