e-Filing 101: An Introduction to the DWC's Litigation Management System

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Project Background and Objectives

The Department of Workers' Claims has contracted with CapTech Ventures, Inc., of Richmond, Virginia, to develop a web-based electronic filing system (LMS) with the following characteristics and objectives:

- Provide stakeholders the ability to initiate and administer a claim online, including web submission of forms;
- Provide dashboards to key stakeholders for the management of workers' compensation cases;
- Replace paper documents currently filed with the Department of Workers' Claims; and
- Provide claims management support to ALJs and the WCB and protect the confidentiality of sensitive information.

Release Schedule

LMS is being developed and released in three phases with a goal of release of the completed project for production in the fall of 2015. As each Release is delivered by CapTech, DWC is performing internal testing.

Training

The DWC will provide training for LMS planned to begin in the fall of 2015. Training will be conducted at various locations throughout the state and additional online/video training programs are being considered.

D. LMS-related Proposed Changes to Practice Regulations Section 1: Definitions:

(5) "Date of Filing"

(a) A document electronically filed shall be deemed filed on the date submission is completed.
(b) LMS may be accessed for filing Monday through Friday, 6:00 a.m. (local time) through 10:00 p.m. (local time) and on Saturday from 6:00 a.m. (local time) through 5:00 p.m. (local time).
(c) On or after July 1, 2016, no paper or written pleadings, motions or order will be accepted for filing.

(11) "Signature" refers to actual personal signatures, and incorporates electronic signatures which shall be treated as personal signatures for purposes of CR 11.

Section 3: LMS Filings:

(1) Generally an electronically filed document using LMS must bear the electronic signature of the filing party's attorney, as more fully described in paragraphs (a) and (b) below. The electronic signature of the filing party's attorney will be treated as a personal signature and will serve as a signature for purposes of CR 11, for all other purposes pursuant to the Civil Rules, and for any purpose for which a signature is required pursuant to this regulation.

(a) An electronically filed document must include a signature block setting forth the name, mailing address, phone number, fax number, and email address of the filing party's attorney.

(b) In addition, the name of the filing party's attorney must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. A handwritten signature is required for any conventionally-filed document.

(c) Affidavits and exhibits to pleadings with original handwritten signatures must be scanned and filed in PDF or PDF/A format.

(2) Signatures of more than one party required. A document requiring signatures of more than one party must be filed either by:
(a) Representing the consent of the other parties on the document by inserting in the location where each handwritten signature would otherwise appear the typed signature of each person, other than the filing party, preceded by an "/s/" and followed by the words "by permission" (e.g., "/s/ Jane Doe by permission"); or by
(b) Electronically filing a scanned document containing all necessary signatures.

(3) Signatures of judges, board members and designees of the Commissioner. If the signature of a judge, board member or designee of the Commissioner is required on a document, an electronic signature may be used. The electronic signature shall be treated as the judge's or designee's personal signature for purposes of CR 11, all other Civil Rules, and for any purpose required by this regulation.

(4) Documents required to be notarized, acknowledged, verified, or made under oath. The signature of any document required to be notarized, acknowledged, verified, or made under oath must be handwritten and scanned into the LMS. The scanned document shall be maintained as the official record, and filing party must retain the originally executed copy. The original paper copy may be required to be produced if the validity of the signature is challenged.

(5) Challenging or disputing authenticity.

(a) A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature, or the authenticity of that document or the authenticity of an electronically filed document containing multiple signatures, must file an objection to the document within fourteen (14) days of service of the document. An objection the document shall place a burden on the non-moving party will result in the filing being stricken from the record.

(b) If a party wishes to challenge the authenticity of an electronically filed document or signature after the fourteen (14) day period, a motion shall be filed to seek a ruling, and show cause for the delayed challenge. If the challenge to authenticity is allowed, the non-moving party shall have the burden to prove authenticity. Failure to prove authenticity by the non-moving party shall result in the filing being stricken from the record.

(c) Challenges to authenticity filed without a valid basis are subject to sanctions pursuant to KRS 342.310, and Section 25 of this regulation.

(6) Validity and enforceability or orders. All orders or opinions may be entered or issued may be filed electronically, and will have the same force and effect as if the judge or board member had affixed a signature to a paper copy of the order in a conventional manner.

(7) Entry of orders or opinions. Immediately upon entry of an order or opinion, a notice shall be serviced electronically on all parties. A paper form of the order or opinion shall be served upon those parties not utilizing LMS.

Section 4. Pleadings:

(2) The filing of an application and service through LMS shall satisfy all requirements for service pursuant to CR 5. All pleadings filed in the LMS and shall be served upon all other parties electronically or by email. If a party is represented, the pleading shall be served on that representative, at the party's or representative's last known email address. A certificate of service indicating the date of service and electronically signed by the party shall appear on the face of the pleading. The party or its representative shall include his/her name, full address, phone number, email address, and if applicable, Kentucky Bar Association number. Notices of deposition, notices of physical examination, requests for and responses to requests for production of documents, and exchange of reports or records shall be served by email upon the parties and shall not be filed with the Commissioner.

What is this LMS thing?

LMS – Litigation Management System Who Benefits?



LMS – Litigation Management System How does this benefit the DWC?

New System allowing us to paper-lessly litigate a Workers' Compensation Claim

If a party signs up as a user of LMS to receive paperless notifications, the DWC will not 'mail' litigation documents to that party.

• Saving staff time by not mailing documents to every party.

• Saving Money on Postage.

• Speeds up document delivery for every user; both the DWC and all external users.

Templates and Web Forms for common documents, such as 101's, 102's, 103's, Form 110's, BRC Orders and many more!

LMS – Litigation Management System How does this benefit the DWC?

Work Queues Available to internal users to manage their work.

• Shows each section what work there is to do with associated timelines if applicable.

Virtually all functions of the DWC will be housed/managed through the LMS system

Dockets of all kinds (Motion Docket, FMD, Commissioner's Citation Docket) are set through LMS, with rules built into the system.

LMS – Litigation Management System How does this benefit the DWC?

Dashboards for Commissioner, ALJ's, Board Members, and DWC Staff to serve as your go-to for working DWC documents on a daily basis.

No more FileNet Document Access! All documents are being migrated to SharePoint as the 'official record' of DWC files.

LMS provides a seamless view to documents in SharePoint so users will not need to go anywhere but LMS to see everything they are involved with!

LMS – Litigation Management System How will this benefit the External World?

Attorneys may file documents, receive notifications and have immediate access to new filings by other parties. No more waiting on the postal service or DWC for document access!

Claimants/Individuals may sign up to check insurance coverage, initiate a workers' compensation claim (file a 101,102, etc.).

Court Reporters will be able to register to submit their transcripts to the DWC through LMS

LMS – Litigation Management System How will this benefit the External World?

Employers can Submit drug Free Workplace Applications.

Self-Insured Employers will file their Proof of Coverage electronically with the DWC.

All Self-Insurance Applications will be web forms that will be filed with the DWC through the LMS.

LMS – Litigation Management System How will this benefit the External World?

Insurance Carriers will be able to view their First Reports, Subsequent Reports, and Proof of Coverage filings and associated acknowledgements.

The LMS will have something for anyone interested in workers' compensation. All employers, insurance carriers, and attorneys will be able to create LMS groups for their business.

- This will allow groups the ability to assign particular users within their group to particular claims.
- The group admins can add/edit/remove users within that group as they see fit.

LMS – Litigation Management System

Any entity that files an initiating document into LMS (to the DWC) will have immediate access to the claim. All others must have a *claim number* and an *access code* to get into the claim to which they are/will be a party.

Parties may share their access codes with those they want to access/view the claim. (e.g. The Insurance carrier may provide the employer with an access code to see the goings on within the case to which they are a party)

LMS – Litigation Management System

Now that you have heard a bit about LMS – let's get into the system and let you take a look around!

Litigation Management System Release 1





IT Management Consulting
 Systems Integration
 Data Management

LMS Release 1 Landing Page



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- User selects 'Registration' from LMS landing page
- System solicits user email and personal security questions
- Red asterisks indicate a required field

Create Password *			
Password			
Password must be between 8 and 20 ch: character.	aracters and include at least one	uppercase letter, one lowercase letter, one	number, and one speci
Confirm Password *			
Confirm Password			
Security Question #1*			
Select a question		\checkmark	
Answor			
Allswei			
Security Question #2*			
Security Question #2 *			
Security Question #2 * Select a question			
Security Question #2 * Select a question Answer			
Security Question #2 * Select a question Answer Security Question #3 *			
Security Question #2 * Select a question Answer Security Question #3 * Select a question			

• User selects 'Registration Type'

Account Registration

Step 2 of 5

How will you be using the system?

○ Kentucky Attorney

○ Court Reporter

Other



Next

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- System solicits user personal information
- If Attorney was chosen, Kentucky Bar ID will be required to register

Account Registration			
Step 3	of 5		
Title First Name*	Middle	Last Name *	Suffix
Address *			
City*	State *	Zip Code *	
	Kentucky		
Phone *	Fax		
Gender *			
(select gender with your arrow keys)			
\odot Female \odot Male \odot Undiscl	osed		
Kentucky Bar ID *			
			Pack Next
			Dack

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 User picks to sign up for paperless notifications or continue to receive paper notifications.

Account Registration

Step 4 of 5

I acknowledge by selecting "Yes" below that I am signing up for paperless communications from the Department of Worker's Claims and where possible, the DWC will send me notifications electronically using the email provided. I also acknowledge that the DWC may send me paper if necessary or if required by law.

○ Yes, I want to sign up for paperless notifications.

○ No, please continue to send me paper.

Back

Next

Release 1 Scope User Registration

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- User must check both boxes in order to complete registration
- Terms/Conditions are not complete at this time and filler is being used

Account Registration

Step 5 of 5	
Terms and Conditions	
Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.	<
□ I accept the Terms and Conditions. *	
□ I am 18 years of age or older. *	
 The following errors were encountered: You must accept the terms and conditions. You must confirm that you are 18 years of age or older to use the system. 	



After completion of registration, user will receive a Success
 Message and will be prompted by email to become a user in LMS

Account Registration	
Complete	
Success!	
Please complete the registration by clicking the activation link in the email that was just sent to you.	
	Return Home

- User will need to go to the email used to register and click on link provided to complete registration
- Link will activate the account and user will get a Green Success! message

To me	Today at 8:57 AM \pm
Hello Von,	
Thank you for signing up with LMS. To activate your account, please visit the URL link below.	
http://eat073vu-ws001.8080/Account/ConfirmEmail?userId=496&code=OSXotKhzMq5i4LX00uA8bPn4hdJX4% 285VMnJjw9ufAGKKq7SwgHKCjGHClcSNyZHneCPkHvpD3Do9eFfqeERE33PBtacRavDoMrzGFA2Jykv2UU7WvLMXErNio%28%28PjCt 30%3D	JCnjPffA3DXBjTVSUM60pQQA%
Once you have visited the verification URL, your account will be activated and you will be able to log in. If you have any problems or questic of Workers' Claims at <u>support@ky.dwc.gov</u> .	ons, please contact the Department
Thank you	
Thank you	



LMS Release 1 Edit Profile

- User logs into LMS, selects My Profile page from upper right corner
- User can edit/update their profile
- Information solicited and options selected during registration are displayed here

Litigation Management System	Edit Profile							Welcome, Sola
MyClaims		Update Perso	nal Information					
Notifications Queue		Title Mr.	First Name*	Middle	Last Nam	e *	Suffix	
Schedule		Address*						
		7100 Forest Ave.						
Employer Coverage		City *		State *		Zip Code*		
Admin		Richmond		Virginia	•	23223		
		(202) 630 8225						
		Fax						
		Gender *						
		○ Female ® Ma	ele () Undisclosed				Update Profile	
		Paperless Not	tifications					
		l addrowledge by sel send me notification	lecting "Yes" below that I am is electronically using the emo	signing up for paperless communicatio ail provided. I also acknowledge that th	ns from the Departme he DWC may send me p	it of Worker's Claims an aper it necessary or it re	d where possible, the DWC will quired by law.	
		Yes, I want to si	gn up for paperiess notifi	cations.				

LMS Release 1 Password Recovery



Kentucky

LMS Release 1 Password Recovery



- User selects 'Forgot Password' from LMS Landing page
- System asks for email address, answer Security Questions and user must check box "I'm not a robot" and type word shown, in order to complete password reset

Password Reset	
Please enter account email address:	
Next	
Password Reset	
What is your favorite color?	
What is the first name of your eldest nephew/niece?	
What was the name of the first company you ever worked for?	
New Password	
Confirm Password	
Our system is secure against automated attacks. Please demonstrate that yo responding below:	u are a real person by
l'm not a robot	
	Submi

LMS Release 1 Associating to a Claim

- User selects Add Claim button from My Claims dashboard
- System asks for Claim Number and Access Number
- Release 2 will add role identification and pro hac vice attestation

Ky.gov An Official Website of the	Commonwealth of Kentucky						of Workers'	<u>' Claims</u> (
Litigation Management					Welco	ome, So	lace 🗸	?
System	My Claims	Add a Claim		×	2. File Claim	F F	-ile Docum	nent
My Claims	10 v records pe	To join as a party or represe Number.	entative to a claim you must be a na	med party and have an Access				
	Claim #	Claim Number *				\$	ALJ	\$
Notifications Queue	197905478	Access Number *			AR AND LUMBO-SACRAL)		N/A	
Schedule		You can also file a new claim, sub	mitting all documentation electronically.	Cancel Join				
Employer Coverage	201500014	JASON RICHMOND ARMSTRONG Vs H.H. GREGG INC	Apr-09-2013	LOW BACK AREA (INC: LUM	BAR AND LUMBO-SACRAL)		N/A	
	201500015	JAMES REYNOLDS Vs SPS/PULLMAN POWER LLC	Mar-24-2014	FINGER(S)			N/A	

LMS Release 1 My Claims Dashboard

- *Rentucký* CapTech
- User lands on My Claims Dashboard when logging in (Release 1)
- All columns can be sorted, default sort is descending by injury date
- Actions taken here include associating to claim, selecting claim to see details.

Litigation Management System	My Claims 🕂	Add Claim			Welcome, Solace	, ? ocument
A My Claims	10 🔽 records per pa	ge				
	Claim #	🕈 Style 🔻	Injury Date	♦ Body Part	\$ ALJ	\$
Schedule	197905478	PEGGY HOUK Vs UNION UNDERWEAR COMPANY, INC.	Jan-24-1979	LOW BACK AREA (INC: LUMBAR AND LUMBO-SA	CRAL) N/A	
Employer Coverage	201500014	JASON RICHMOND ARMSTRONG Vs H.H. GREGG INC	Apr-09-2013	LOW BACK AREA (INC: LUMBAR AND LUMBO-SA	CRAL) N/A	



Ky.gov An Official Wet	bsite of the Commonwealth of Kentucky.gov
Litigation	Home > My Claims > Start Claim Welcome, Scott Jones
Management System	Start Claim Start Claim Submit Document
🗛 My Claims	Claim for Compensation
	Injured Workers Information:
O Claim Soarch	Name First Name Middle Name Last Name Suffix
	Address
🗹 Work Queue	
	City , KY - Zip Code Country -
Schedule	Phone Home Phone Work Phone
	Email
🏟 Admin	SSN Alternate Id Type Alternate Id
	Incident Details
	Date of Injury / / Time of Injury Avg Weekly Wages
	Injured Part

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of the Commonwealth o	of Kentucky			Search Kentui	ky.gov Q	Click on Tools
<u>Home</u> > My Claims					Welcome, Scott	additional fea
My Claims						
Claim #				Body Part	Disposition	
<u>12345678</u> Fo	Jennifer Ind Motor C Join	a Claim		×	Assigned to ALL	
1 <u>2346878</u> Fo	Jannifar Ind Motor C To join a party al	as a party or representat nd have an Access Num	ive to a claim you must be ber.	e a named	10/4/2014	
12345678 Fo	Jennier nd Motor C Clai	m Number		Ports	Assigned to ALJ	
12345678 Fo	Jennifer Ind Motor C Acc	ess Number		Parts	Assigned to ALJ	
12345678 Fo	Jennifer ard Motor C			Parts	11/2/2014	
12345678 Fo	Jennifer ord Motor C.	4.5	_	Parts	1/1/2009	
	Jennifer Caldwell Vs			Martin Day The	0/20/000	





Ky.gov An Official We	bsite of the Commonwealth c	of Kentucky	Search Kente	ucky.gov
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	<u>12345678</u> Fo	Jennifer ord Motor C Please identify yourself:	'Pa	rts 10/4/2014
🗹 Work Queue	<u>12345678</u> Fo	Jennifer ord Motor C O Jon Dewey (Claimant Attorney)	Par	ts Assigned to ALJ
💾 Schedule	<u>12345678</u> Fo	O Construct CO (Employer) O Mark Humphrey (Employer Attorney)	Par	ts Assigned to ALJ
🏟 Admin	<u>12345678</u> Fo	Jennifer ord Motor C Other (not listed above)	·Par	rts 11/2/2014
	<u>12345678</u> Fo	Jennifer Ba	ack Next Par	rts 1/1/2009
	<u>12345678</u> Fo	Jennifer Caldwell Vs ord Motor CO-KY Truck Plant 12/17/2014 Multiple Phys	sical Injuries Only Multiple Body Par	ts 6/16/2011



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Release 1 Scope Claim Details Dashboard

- User selects a Claim to view details
- Able to view Related Parties, Documents and Incident tabs (Release 1)
- Access number can be viewed (for 3 seconds) using 'show access #' button

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Ky.gov An Official Website of the	Commonwealth of Kentucky				Department of Workers' Claims 12		
Litigation Management System	Claim #: 20150001	6			Welcome, Solace → ?		
A My Claims	Style FABIAN INC	VELEZ Vs SIGMA STRETCH FILM OF	KY	e Carrier Information			
Votifications Queue	Judge N/A Date of Injury Nov-09-1 Disposition READY 1	2013 TO ACKNOWLEDGE	Maintena Maintena Claim Adr	nce Type Code nce Type Code Date ninistrator #	N/A N/A N/A		
Schedule	Nature FRACTU Body Part FINGER	RE (S)	Claim Acces	s#	show access #		
Employer Coverage	Related Parties	Documents	Awards/Agreements	Incident	Insurance		
🔅 Admin	Claimant: FABIAN VELEZ Employer: Ford Motor CO						
	✓ Insurance Carrier: OLD REPUBLIC INS CO						
	✓ Medical Provider: Ke	entucky State University					

Kentucky CapTech

- On My Claim Details, user selects 'File Document'
- Document categories are based on SIMBA status types (Release 1)
- Document types available for submission are Motion to file late brief (MFLB) and Motion to Compel (MTNC) (Release 1)

Ky.gov An Official Website of the						Department of Workers' Claims 🗗
Litigation Management System	Claim #: 201	Submit Document	×		w	elcome, Solace → ?
A My Claims	Style	Select a Document category to upload: MOTIONS RESPONSES	Ŧ	tion		
Motifications Queue	Judge Date of Injury Disposition	Select a Document type to upload:	<u>ـ</u>	ate	N/A N/A	
Schedule	Nature Body Part	JTCR - JOINT PETITION FOR REFERRAL TO CHIRO PEER REVIEW MADR - MOTION TO APPOINT DOCTOR	ď		N/A show access #	
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🏠 Admin	 ✓ Claimant: F ✓ Employer: F 	MCLA - MOTION TO CLARIFY MCME - MOTION TO CONTEST MEDICAL EXPENSES	~			
	✓ Insurance C	Carrier: OLD REPUBLIC INS CO				
	✓ Medical Property of the second	ovider: Kentucky State University				





Ky.gov An Official Website of the Commonwealth of Kentucky					Search Kentucky.gov		
Litigation	<u>Home</u> > My Clair	ns		Welcome, Scott Jones add			
Management System My Claims						Submit Document	
🖸 My Claims	Claim #					Disposition	
	<u>12345678</u>	Jennifer Ford Motor C			Parts	Assigned to ALJ	
Q Claim Search		loopifor	Submit a Document		×		
_	<u>12345678</u>	Ford Motor C	Select a Motion type		/ Parts	10/4/2014	
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💾 Schedule	<u>12345678</u>		 Clarity Dismiss Appeal 				
		Jennifer Ford Motor C	O Extensions of Time/Appeals		Parts	Assigned to ALJ	
🔅 Admin	12345678	Jennifer	 File a Late Brief File Brief 		Parts	11/2/2014	
		Ford Motor C	 Permission 				
	<u>12345678</u>	Jennifer Ford Motor C	Remand Case to ALJ		Parts	1/1/2009	
	<u>12345678</u>	Jennifer Ford Motor C	O Misc/Appeals		Parts	6/16/2011	





Ky.gov An Official Webs	ite of the Commonwealth of Ken	ucky		Search Kentucky	gov
Litigation	Home > My Claims				Welcome, Scott add
Management System	My Claims				Submit Document
🖨 My Claims	Claim #	Style Injury Date N	Vature	Body Part	Disposition
Q Claim Search	12345678 Je Ford M	Submit a Document		X	Assigned to ALJ
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🗹 Work Queue	12345678 Je Ford M	Claim Number Date of Injury nife 12345678 12/02/2014	Clear	Parts	Assigned to ALJ
💾 Schedule	12345878 Ford M	nifer 2 Results	d Motor CO-KY Truck	Plant Parts	Assigned to ALJ
🍄 Admin	12345678 Ford M	nifer O 12345678 John Smith vs Walmart Kor C		Parts	11/2/2014
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	12345678 Ford M	nifer Caldwell Vs for CO-KY Truck Plant 12/17/2014 Multiple Phy	ysical Injuries Only	Multiple Body Parts	8/16/2011







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QUESTIONS?

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