

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaints of S.G.  
Foods, Inc.; Miles Management Corp.,  
et al.; Allianz US Global Risk Insurance  
Company, et al.; and Lexington Insurance  
Company, et al.,

Complainants,

v.

The Cleveland Electric Illuminating  
Company, Ohio Edison Company,  
Toledo Edison Company, and  
American Transmission Systems, Inc.

Respondents.

CASE NO. 04-28-EL-CSS

05-803-EL-CSS

05-1011-EL-CSS

05-1012-EL-CSS

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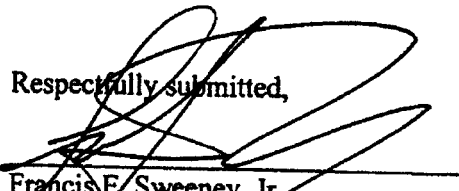
**UNION HOUSE BAR & RESTAURANT'S  
MOTION TO DISMISS  
WITH PREJUDICE**

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Complainant Union House Bar & Restaurant respectfully moves the Commission for an entry dismissing the Third Amended Complaint in case number 05-803-EL-CSS in its entirety and with prejudice. The reasons for this motion are set forth in the attached Memorandum in Support.

Dated: 1-14-08, 2008

Respectfully submitted,

  
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Francis E. Sweeney, Jr.  
Attorney at Law  
323 Lakeside Avenue, Suite 450  
Cleveland, OH 44113

Attorney for Union House Bar & Restaurant

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**MEMORANDUM IN SUPPORT OF UNION HOUSE BAR & RESTAURANT'S  
MOTION TO DISMISS WITH PREJUDICE**

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On August 24, 2006, Complainant Union House Bar & Restaurant (hereinafter, "Union House") filed a Third Amended Complaint against Respondents The Cleveland Electric Illuminating Company and American Transmission Systems, Inc. (collectively, "Respondents"). Union House alleged claims against Respondents for inadequate service and/or facilities under Title 49 of the Ohio Revised Code.<sup>1</sup>

Union House no longer wishes to pursue its claims for inadequate service and/or facilities against Respondents. Therefore, Union House respectfully requests an entry dismissing case

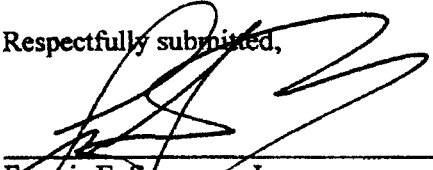
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<sup>1</sup> The Commission dismissed claims against Respondent FirstEnergy Corp. by Entry dated March 7, 2006. As of the date of this Motion, Union House and Dr. Alok Bhaiji are the only remaining Complainants in case number 05-803-EL-CSS. Dr. Bhaiji will voluntarily dismiss his claims with prejudice. All other Complainants in case number 05-803-EL-CSS were dismissed by Entries dated July 13, 2005, September 27, 2006, and April 4, 2007.

number 05-803-EL-CSS in its entirety and with prejudice. Respondents do not oppose the dismissal of this case with prejudice. For all of these reasons, Union House's Motion to Dismiss with Prejudice should be granted.

Dated: 1-14-08, 200\_\_

Respectfully submitted,



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Francis E. Sweeney, Jr.  
Attorney at Law  
323 Lakeside Avenue, Suite 450  
Cleveland, OH 44113

Attorney for Union House Bar & Restaurant

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 05-0803-EL-CSS**

Summary: Notice of withdrawal electronically filed by Mr. Edward F Siegel on behalf of Union House Bar and Restaurant