

FAX
FILE
FirstEnergy

30

76 South Main Street
Akron, Ohio 44308Kathy J. Kolich
Senior Attorney330-384-4580
Fax: 330-384-3875*Via Federal Express
And Facsimile (614-466-0313)*

June 18, 2008

Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

RECEIVED-DOCKETING DIV
2008 JUN 18 PM 3:53
PUCO

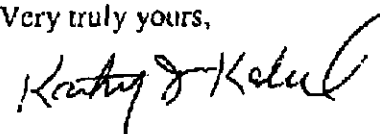
Dear Ms. Jenkins:

*Re: Answer of The Cleveland Electric Illuminating Company, Motion to
Dismiss, and Memorandum in Support of Motion to Dismiss
Case No. 08-662-EL-CSS*

Enclosed for filing, please find the original and twelve (12) copies of the *Answer of the Cleveland Electric Illuminating Company, Motion to Dismiss, and Memorandum in Support of Motion to Dismiss* regarding the above-referenced case. Please file the enclosed, time-stamping the two extras and returning them to the undersigned in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,

kag
Enclosures

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician Sm Date Processed 6/18/08

cc: Parties of Record

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

Marcus A. Fields)	
)	
Complainant,)	
)	
vs.)	CASE NO. 08-662-EL-CSS
)	
The Cleveland Electric)	
Illuminating Company)	
)	
Respondent.)	

ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

Respondent, The Cleveland Electric Illuminating Company ("CEI" or "Company") submits its Answer to the Complaint filed in the instant action and says that:

1. It is a public utility, as defined by §4905.03(A)(4), O.R.C. and is duly organized and existing under the laws of the State of Ohio.
2. It has at all times acted in accordance with its Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.
3. It denies for lack of information or belief as to the truth of the allegations (regarding Complainant's contact information) set forth in the first unnumbered paragraph on page 1 of the Complaint.

4. As for the allegations set forth in unnumbered paragraph 2 on page 1 of the Complaint, it admits that the service address on record for Account No. 110023516021 and Account No. 110023636944 is 10660 Carnegie Avenue, Cleveland, Ohio 44106, and further avers that the customer of record is Cleveland JCC/ATSI as indicated on the attachments to the Complaint.
5. With regards to the allegations set forth in unnumbered paragraph 3 on page 1 of the Complaint, it admits that Complainant, Marcus A. Fields, is a customer of the Illuminating Company and further avers that the address at which he is a customer is not 10660 Carnegie Avenue. It denies that the billing statement that Complainant references in the Complaint provides evidence as to the fact that he is a customer of the Company as Complainant's name appears nowhere on any of the attachments, and further avers that the customers of record included on said attachments are Cleveland JCC/ATSI and MRN Ltd. It denies that the other active accounts also attached to the Complaint are active accounts of the Complainant, Mr. Marcus A. Fields, and further avers that as of the date of this filing according to Company records, these are accounts of MRN Limited and that at least two of these accounts have arrearages totaling over \$9,600; seven of these accounts have late payment charges applied for at least one month in the past year; two accounts were given disconnect notices for non-payment within the last year; and one account is currently under a disconnect notice unless a payment of more than \$2,000 is received by July 3, 2008.
6. With regard to the allegations set forth in unnumbered paragraph 4 on page 1 of the Complaint, it admits that a security deposit of approximately \$13,000

was originally requested based on a standard Company formula and that said amount was subsequently reduced to approximately \$9,000 based on lower usage in more current months that reduced the overall average for purposes of the formula, but denies for lack of information or belief as to the truth of the other allegations set forth in said paragraph.

7. It denies that the amount of the deposit is unreasonable and denies for lack of information or belief as to the truth of all other allegations set forth in unnumbered paragraph 5 on page 1 of the Complaint.
8. With regard to unnumbered paragraph 6 on the bottom of unnumbered page 1 and carrying over to unnumbered page 2 of the Complaint, the attached billing statements speak for themselves and accordingly no response is necessary.
9. It denies any other allegations of the Complaint not otherwise addressed.

FIRST DEFENSE

10. CEI has at all times acted in accordance with its Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.

SECOND DEFENSE

11. As an employee of the customer being asked to pay the deposit at issue in this matter, Mr. Fields lacks the necessary standing to maintain this action as the Complainant on behalf of his employer.

THIRD DEFENSE

12. Mr. Fields is representing his employer, an Ohio limited partnership, which is a separate legal entity. Therefore, Mr. Fields is not appearing *in propria persona* as required by Rule 4901-1-08 of the Ohio Administrative Code.

FOURTH DEFENSE

13. As a non-attorney attempting to represent a third party, Mr. Fields is engaging in the unauthorized practice of law.

WHEREFORE having fully answered the Complaint and for the reasons more fully discussed in the Motion to Dismiss that is being filed in this docket concurrent with this Answer, Respondent, The Cleveland Electric Illuminating Company, respectfully requests that this matter be dismissed.

Respectfully submitted,

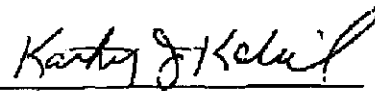


Kathy J. Kolich (Reg. No. 0038855)
Senior Attorney
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
Phone: 330-384-4580
Fax: 330-384-3875

On behalf of The Cleveland Electric
Illuminating Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer was served upon Mr. Marcus A. Fields, P.O. Box 14100, Cleveland OH 44114, by regular U.S. Mail, postage prepaid, and by electronic mail at mfields@mmltd.com this 18th day of June, 2008.



Kathy J. Kolich, Esq.

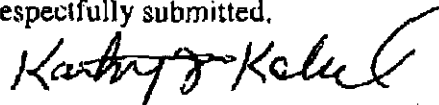
**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

Marcus A. Fields)	
)	
Complainant,)	
)	
vs.)	CASE NO. 08-662-EL-CSS
)	
The Cleveland Electric)	
Illuminating Company)	
)	
Respondent.)	

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY'S
MOTION TO DISMISS**

Respondent, The Cleveland Electric Illuminating Company, moves this honorable Commission, pursuant to O.A.C. Rule 4901-1-12, to dismiss the Complaint filed in the above referenced matter. As more fully discussed in the attached Memorandum in Support, the Complainant (i) lacks the necessary standing to maintain the instant action; (ii) is a non-attorney not appearing *in propria persona* as required by Section 4901-1-08(A) of the Ohio Administrative Code; and (iii) as a non-attorney attempting to represent a third party, is engaged in the unauthorized practice of law. Accordingly, Respondent asks that the instant action be dismissed.

Respectfully submitted,



Kathy J. Kolich (0038855)
Senior Attorney
FirstEnergy Corp.
76 South Main Street
Akron, Ohio 44308
Phone: (330) 384-4580
Fax: (330) 384-3875
kjkolich@firstenergycorp.com

On behalf of The Cleveland Electric
Illuminating Company

**MEMORANDUM IN SUPPORT OF THE
CLEVELAND ELECTRIC ILLUMINATING COMPANY'S
MOTION TO DISMISS**

I. INTRODUCTION

On or about June 3, 2008 Complainant, Marcus A. Fields, an individual, filed a complaint against The Cleveland Electric Illuminating Company ("CEI" or "Company"), complaining about the amount of the security deposit that his employer, MRN Limited Partnership, was asked to pay before service at 10660 Carnegie Avenue, Cleveland, Ohio 44106 ("Premises") was transferred into the partnership's name. (Complaint, unnumbered paragraph 4, page 1.) According to the Complaint at unnumbered Paragraph 4 on page 1, along with the prior electric bills attached to the Complaint, a tenant, Cleveland JCC/ATSI was the customer of record at the Premises prior to the request to transfer service. As indicated in the same paragraph of the Complaint, Complainant, Marcus A. Fields, is filing this Complaint in his "capacity as accountant to the building's owner." Mr. Fields signed the complaint as "Staff Account[ant]" at MRN Limited Partnership. (last unnumbered page of Complaint.) As more fully discussed below, issues involving the security deposit are between the Company and the building's owner, which appears to be MRN Limited Partnership. Therefore, Mr. Fields, as Complainant, has no standing to maintain this action. Moreover, as a non-attorney, allowing Mr. Fields to represent his employer in this action will violate Section 4901-1-08 of the Ohio Administrative Code and aid Mr. Fields in the unauthorized practice of law. Accordingly, CEI asks that this matter be dismissed.

II. ARGUMENT

I. Complainant Lacks Standing to Maintain this Complaint.

Based on the allegations set forth in the Complaint, the owner of the building apparently is MRN Limited Partnership. According to the Ohio Secretary of State records, (attached Exhibit A), MRN Limited Partnership is an Ohio limited partnership. According to these same records, Mr. Fields is not a general partner, nor did he indicate his status as a limited partner in this business. (See pages 5, 11, 17 of Exhibit A; see generally Complaint.) As discussed below, Mr. Fields cannot demonstrate that he is the real party in interest, that he is a party to the contract for electric service or that he will incur an injury in fact from the requirement that his employer must make a deposit before service is transferred into his employer's name. Thus Mr. Fields lacks the standing necessary to maintain this action.

In *State ex rel Jones v. Suster* (1998), 84 Ohio St. 3d 70, 77, the Ohio Supreme Court indicated that a party lacks standing if that party is not the real party in interest. And in *Grant Thornton v. Windsor House, Inc.* (1991), 57 Ohio St. 3d 158, 161, the Court held that "[o]nly a party to a contract or an intended third party beneficiary of a contract may bring an action on a contract in Ohio." And finally, in *State Ex Rel Consumers League of Ohio v. Ratchford*, 8 Ohio App. 3d 420, 424 (10th Dist., 1982), the court indicated that:

Standing requires demonstration of a concrete injury in fact, rather than an abstract or suspected injury. Demonstration of injury in fact is limited to those situations where an individual can show he has suffered or will suffer a specific injury, even if slight, from the challenged action or inaction, and that this injury is likely to be redressed if the court invalidates the action or inaction. [See also *Boros v. CEI*, PUCO Case No. 05-1281-EL-CSS, (Apr 25, 2007 Order at 3) (A "complainant has standing to bring a complaint where he is an Ohio customer or

consumer of services provided by an Ohio utility and where he is directly affected by the alleged unreasonable activity.")]

In the instant action, Mr. Fields is an employee of the customer seeking to have service transferred into its name. This employer is an Ohio limited partnership. It is this partnership that must pay the deposit, not Mr. Fields. Therefore, he is not the real party in interest, he is not a party to the electric service contract in question and he cannot demonstrate that he will incur an injury in fact if his employer pays the deposit. Indeed, Mr. Fields will suffer no direct harm from CET's activities regardless of whether a deposit is paid, or the amount thereof and thus lacks the necessary standing to maintain this action.

2. To Allow Complainant to Maintain this Action Will Violate O.A.C. Rule 4901-1-08(A).

Rule 4901-1-08(A) of the Ohio Administrative Code provides in pertinent part that "each party not appearing *in propria persona* shall be represented by an attorney-at-law authorized to practice before the courts of this state." (italics in original.) Mr. Fields has indicated that he is employed as an accountant of the building owner. Nowhere in the Complaint has he stated that he is a member of the Ohio bar. Moreover, there is no record of Mr. Fields being licensed in the State of Ohio as an attorney. Inasmuch as the limited partnership is a separate entity and Mr. Fields' relationship appears to be limited to that of employee, Mr. Fields *in his capacity as Complainant* in this proceeding would not be appearing *in propria persona*, thus violating O.A.C. Rule 4901-1-08.

3. To Allow Complainant to Maintain this Action Would Violate the Ohio Code of Professional Responsibility that Prohibits Assistance in the Unauthorized Practice of Law in Ohio.

Disciplinary Rule DR 3-101(A) of the Ohio Code of Professional Responsibility expressly prohibits a lawyer from aiding a non-lawyer in the unauthorized practice of law. While there is no clear cut definition of the "practice of law", Ethical Consideration EC 3-5 in the Ohio Code of Professional Responsibility states:

It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law. Functionally, the practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of the professional judgment of the lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client; and thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment.

Clearly the preparation of a formal complaint and the signing of a pleading constitutes the practice of law, as does the requisite analysis of the portions of the Ohio Administrative Code that govern the subject matter of this action (security deposits). Moreover, if there is to be a truly legitimate discussion of settlement in any prehearing conference, the representative for the building owner (who is the real party in interest), must have a through understanding of the applicable regulations at issue and be able to apply legal principles to the facts surrounding this matter. And finally, if no settlement can be reached, a procedural schedule will have to be established. Surely the preparation for an evidentiary hearing constitutes the practice of law, thus requiring the presence of the attorney who will participate in the hearing in order to establish such schedule.¹ As a

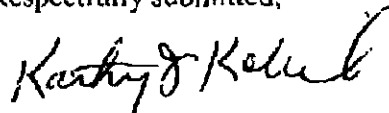
¹ As indicated on attached Exhibit A, when the owner of the building is in need of legal services, they hire an attorney which, in the case of the filing of their partnership documents, was Benesch Friedlander, a relatively large firm. (See pages 1, 7 and 12 of Exhibit A. See also generally www.bfca.com)

non-attorney who drafted and signed the pleading, and who is attempting to represent a third party in a legal proceeding, Mr. Fields has already engaged in the unauthorized practice of law. To allow him to continue places any attorney involved in this matter at risk of violating Disciplinary Rule 3-101(A).

III. CONCLUSION

In sum, Complainant, Mr. Marcus A. Fields, has not been requested to make a deposit; his employer, MRN Limited Partnership, has. Mr. Fields is not the real party in interest and cannot show direct harm and, therefore, Mr. Fields lacks the standing necessary to maintain this Complaint. To allow this complaint to proceed not only would violate Rule 4901-1-08(A), but it would also force this attorney, as well as any other attorneys at the Commission involved in this proceeding to be part of the unauthorized practice of law, which violates Disciplinary Rule DR 3-101(A). In light of the foregoing, Respondent, The Cleveland Electric Illuminating Company, respectfully asks that this Complaint be dismissed.

Respectfully submitted,



Kathy J. Kolich (0038855)

Senior Attorney

FirstEnergy Corp.

76 South Main Street

Akron, Ohio 44308

Phone: (330) 384-4580

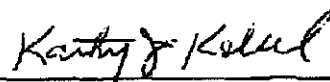
Fax: (330) 384-3875

kjkolich@firstenergycorp.com

On behalf of The Cleveland Electric
Illuminating Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Motion to Dismiss and related Memorandum in Support of The Cleveland Electric Illuminating Company was served upon Mr. Marcus A. Fields, P.O. Box 14100, Cleveland OH 44114, by regular U.S. Mail, postage prepaid, and by electronic mail at mfields@mmnltc.com this 18th day of June, 2008.



Kathy J. Kolich

Doc ID --> 5026_1678

Exhibit A Case No 08-662-EL-CSS

OHIO SECRETARY OF STATE
PROCESSING STATEMENT
01/27/95

05026-1678

CHARTER NUMBER: 892130
ROL AND FRAME: 5026-1678

CORPORATION:

DOCUMENT NUMBER

CODE

FEE

MRN LIMITED PARTNERSHIP

CLP

NO FEE

070570

RETURN TO: BENESCH, FRIEDLANDER, COPLAN ET AL
ATTN: H OULIC
200 PUBLIC SQ #2300
CLEVELAND OH 44114

TOTAL :

0219

Doc ID --> 5026_1678

Exhibit A, Case No. 08-662-EZ-CSS00520-1070

The State of Ohio

Bob Taft

Secretary of State

892130

Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous Filings; that said records show the filing and recording of: CLP

of:

MRN LIMITED PARTNERSHIP

United States of America
State of Ohio
Office of the Secretary of State



Recorded on Roll 5026 at Frame 168D of
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 5TH day of JAN

A.D. 1995

Bob Taft
Bob Taft
Secretary of State

Doc ID -> 5026_1678

Exhibit A, Case No. 08-662-EL-CSS



(5026-1680)

Prescribed by
 Bob Taft, Secretary of State
 10 East Broad Street, 14th Floor
 Columbus, Ohio 43266-0418
 Form CLP (July 1994)

Approved

Date

For

CERTIFICATE OF LIMITED PARTNERSHIP

The undersigned, desiring to form a limited partnership in accordance with Ohio Revised Code Chapter 1782, do hereby certify as follows:

1. The name of the limited partnership shall be MRN LIMITED PARTNERSHIP
(See instruction #1 regarding name)

2. The address of the principal place of business of the partnership shall be:

2483 Saybrook Road

(street and number)

University Heights
(city, village or township)

Ohio
(state)

44118

(zip code)

3. The name and address of the limited partnership's agent for service of process in Ohio is:

Paul A. Maron
(name of agent)

2483 Saybrook Road
(street and number)

University Heights
(city, village or township)

Ohio

44118

(zip code)

4. The name and business or residence address of each GENERAL PARTNER is:

Name

Address

See Exhibit "A" attached hereto

(If insufficient space to cover this item, please attach additional sheet)

Doc ID -->

5026_1678

Exhibit A, Case No. 08-662-EL-CS1

03026-1681

5. The undersigned hereby certify that this limited partnership has been in existence since April 10, 1991, and that this certificate is being filed solely to
(date of filing with county recorder's office)
comply with Ohio Revised Code Section 1782.63(A)(1).

The foregoing item 5 is to be completed, and is applicable ONLY IF the subject limited partnership was in existence prior to July 1, 1994. If not applicable, please insert "N/A" in the blank designated for the pre-existing date.

6. Other provisions (optional):

(If insufficient space for additional provisions, please attach a separate sheet)

IN WITNESS WHEREOF, the undersigned have caused this Certificate to be executed this
26 day of December, 19 96.

See Signature Page attached hereto

(If insufficient space for all signatures, please attach a separate sheet containing additional signatures)

INSTRUCTIONS

1. Pursuant to ORC 1782.02, the name of the limited partnership must include the words "Limited Partnership", "L.P.", "Limited", or "Ltd.", and shall NOT contain the name of a limited partner unless either of the following are true:
 - a. It is also the name of a general partner;
 - b. the business of the limited partnership had been carried on under that name before the admission of that limited partner.
2. Pursuant to ORC 1782.01(H), a limited partnership must be created by a minimum of two persons. The certificate must be signed by all General Partners.
3. "If this certificate of limited partnership is being filed solely to comply with the provisions of Ohio Revised Code Section 1782.63(A)(1), then no filing fee is required.

[Ohio Revised Code Section 1782.08]

Doc ID --> 5026_1678

Exhibit A, Case No. 08-662-E-CSS

05026-1082
EXHIBIT 'A'General Partners:Address

Richard D. Maron, Trustee
under Richard D. Maron Living
Trust dated September 21, 1991

3315 Avalon Road
Shaker Heights, Ohio 44120

Judith S. Eigenfeld, Trustee
under Judith S. Eigenfeld Living
Trust dated September 21, 1991

3315 Avalon Road
Shaker Heights, Ohio 44120

Paul A. Maron, Trustee under
Paul A. Maron Living Trust
dated September 21, 1991

2483 Saybrook Road
University Heights, Ohio 44118

Phyllis S. Maron, Trustee under
Phyllis S. Maron Living Trust
dated September 21, 1991

2483 Saybrook Road
University Heights, Ohio 44118

November 22, 1994 - 2:01pm - EHI
CLEP - (3473718 - 199401)

Doc ID -> 5026_1678

Exhibit A, Case No. 08-662-EL-CSS

05026-100

MRN LIMITED PARTNERSHIP

By: Judith S. Eigenfeld
Judith S. Eigenfeld, Trustee under
Judith S. Eigenfeld Living Trust
dated September 21, 1991,
General Partner

By: Paul A. Maron
Paul A. Maron, Trustee under
Paul A. Maron Living Trust
dated September 21, 1991,
General Partner

By: Phyllis S. Maron
Phyllis S. Maron, Trustee under
Phyllis S. Maron Living Trust
dated September 21, 1991,
General Partner

By: Richard D. Maron
Richard D. Maron, Trustee under
Richard D. Maron Living Trust
dated September 21, 1991,
General Partner

November 22, 1994 - 2:05pm - E41
CLB - (34979.1B - 19340)1

Doc ID --> 200102201550

Exhibit A, Case No. 08-662-EL-CSS



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/22/2001	200102201550	RE-STATE/LIMITED PARTNERSHIP (LPR)	10.00	00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

BENESCH FRIEDLANDER
88 E. BROAD STREET, SUITE
ATTN: M DULIC
COLUMBUS, OH 43215

STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

892130

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

MRN LIMITED PARTNERSHIP

and, that said business records show the filing and recording of:

Document(s)

RE-STATE/LIMITED PARTNERSHIP

Document No(s):

200102201550



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 4th day of January, A.D.
2001.

J. Kenneth Blackwell
Ohio Secretary of State

Doc ID -->

200102201550

Exhibit A, Case No. 08-662-EL-CSS



Prescribed by
J. Kenneth Blackwell, Secretary of State
30 East Broad Street, 14th Floor
Columbus, Ohio 43266-0418
(December 1990)

Approved _____
Date _____
Fee \$10
Registration # _____

RESTATED CERTIFICATE OF LIMITED PARTNERSHIP

The undersigned do hereby certify that the Certificate of Limited Partnership of
NRN LIMITED PARTNERSHIP
(name of limited partnership)
bearing registration number 892130 is restated as follows:

1. The name of the limited partnership shall be NRN LIMITED PARTNERSHIP
(See instruction #1 regarding name)

2. The address of the principal place of business of the partnership shall be:

2000 Lee Road, Suite 120

(street and number)

Cleveland Heights

(city, village or township)

Ohio

(state)

44118

(zip code)

3. The name and address of the limited partnership's agent for service of process
Ohio is:

Paul A. Maron

(name of agent)

25447 Bryden Road

(street and number)

Beachwood

(city, village or township)

Ohio

44122

(zip code)

4. The name and business or residence address of each GENERAL PARTNER is:

Name

Address

See Exhibit "A" attached hereto.

(If insufficient space to cover this item, please attach additional sheet)

Doc ID --> 200102201550

Exhibit A, Case No. 08-662-EL-CSS

5. Other provisions (optional):

IN WITNESS WHEREOF, the undersigned have caused this Restated Certificate to be executed this 29th day of December, 2000.

See signature page attached hereto

INSTRUCTIONS

1. Pursuant to ORC 1782.02, the name of the limited partnership must include the words "Limited Partnership", "L.P.", "Limited", or "Ltd.", and shall NOT contain the name of a limited partner unless either of the following are true:
 - a. It is also the name of a general partner;
 - b. the business of the limited partnership had been carried on under that name before the admission of that limited partner.
2. Pursuant to ORC 1782.01(H), a limited partnership must be created by a minimum of two persons. The restated certificate must be signed by all General Partners.

[Ohio Revised Code Section 1782.09(F)]

Doc ID -->

200102201550

Exhibit A, Case No. 08-662-EL-C8

SIGNATURE PAGE TO RESTATED CERTIFICATE OF
LIMITED PARTNERSHIP OF MRN LIMITED PARTNERSHIP

MRN LIMITED PARTNERSHIP

By: Richard D. Maron
Richard D. Maron, Trustee under
Richard D. Maron Living Trust
dated September 21, 1991, General Partner

By: Judith S. Eigenfeld
Judith S. Eigenfeld, Trustee under
Judith S. Eigenfeld Living Trust
dated September 21, 1991, General Partner

By: Paul A. Maron
Paul A. Maron, Trustee under
Paul A. Maron Living Trust
dated September 21, 1991, General Partner

By: Phyllis S. Maron
Phyllis S. Maron, Trustee under
Phyllis S. Maron Living Trust
dated September 21, 1991, General Partner

Doc ID --> 200102201550

*Exhibit A, Case No. OB-662-EL-CSA*EXHIBIT "A"Names and Addresses of General Partners:

Richard D. Maron, Trustee
under Richard D. Maron Living
Trust dated September 21, 1991
3315 Avalon Road
Shaker Heights, Ohio 44120

Judith S. Eigenfeld, Trustee
under Judith S. Eigenfeld Living
Trust dated September 21, 1991
3315 Avalon Road
Shaker Heights, Ohio 44120

Paul A. Maron, Trustee under
Paul A. Maron Living Trust
dated September 21, 1991
25447 Bryden Road
Beachwood, Ohio 44122

Phyllis S. Maron, Trustee under
Phyllis S. Maron Living Trust
dated September 21, 1991
25447 Bryden Road
Beachwood, Ohio 44122

Doc ID --> 200506800122

Exhibit A, Case No. 08-662-EL-CSS



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
03/09/2005	200506800122	RESTATED/LIMITED PARTNERSHIP (LPR)	50.00	.00	.00	.00	5.00

Receipt

This is not a bill. Please do not remit payment.

BENESCH FRIEDLANDER
88 E. BROAD ST., SUITE 900
JAMIE WILLIAMS
COLUMBUS, OH 43215

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, J. Kenneth Blackwell

892130

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

MRN LIMITED PARTNERSHIP

and, that said business records show the filing and recording of:

Document(s)

RESTATED/LIMITED PARTNERSHIP

Document No(s):

200506800122

United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 25th day of February,
A.D. 2008.

Ohio Secretary of State

Doc ID -->

200506800122

Exh. A Case No. 08-662-EL-CSS



Prescribed by J. Kenneth Blackwell

 Ohio Secretary of State
 Central Ohio, (614) 466-3710

Toll Free 1-877-SOS-FILE (1-877-767-3453)

www.state.oh.us/sos

e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)	
<input type="radio"/> Yes	PO Box 1380 Columbus, OH 43216 Requires an additional fee of \$100 **
<input type="radio"/> No	PO Box 1028 Columbus, OH 43216

Certificate of Amendment / Correction / Restated of Limited Partnership or Partnership Having Limited Liability or Disclaimer of General Partner Status

(Domestic or Foreign)
Filing Fee \$50.00

THE UNDERSIGNED DESIRING TO FILE A

(CHECK ONLY THE APPROPRIATE BOX(ES))

(1) Limited Partnership Domestic <input type="checkbox"/> Amendment (127-LPA) <input checked="" type="checkbox"/> Restated (162-LPK)	(2) Limited Partnership Foreign <input type="checkbox"/> Correction (136-FCR) _____ (Name State/Country)
(3) Partnership Having Limited Liability <input type="checkbox"/> Domestic <input type="checkbox"/> Foreign <input type="checkbox"/> Correction (117-PLL) <input type="checkbox"/> Restated (178-PLL)	(4) <input type="checkbox"/> Cancellation of Disclaimer of General Partnership Status (130-LPS)

Complete the general information in this section for the box checked above

Name of Partnership <u>MRN Limited Partnership</u> <small>(current name on record)</small>	
Registration No. <u>892130</u>	Original Registration Date <u>4/10/91</u> <small>(Date)</small>
Date Registered with Ohio Secretary of State <u>1/5/95</u> <small>(Date)</small>	

Complete the information in this section if Restated is checked in box (1). If Amendment is checked, complete the information that applies.

The name of the limited partnership shall be <u>MRN Limited Partnership</u>		
The address of the principal place of business of the partnership shall be <u>529 Euclid Avenue</u>		
(street address)	<small>Note: P.O. Box addresses are NOT acceptable.</small>	
<u>Cleveland</u> (city, township, or village)	<u>Ohio</u> (state)	<u>44114</u> (zip code)

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Exh. A - Case No. 08-662-EL-CSS

Complete the information in this section if Required is checked in box (1). If Amendment is checked, complete the information that applies only.

The name and business or residence address of each GENERAL PARTNER is:
(If insufficient space to cover this item, please attach additional sheet)

Name Address Note: P.O. Box addresses are NOT acceptable.

See Exhibit "A" attached hereto.

Other provisions (optional):

Complete the information in this section if box (3) is checked.

A Foreign Limited Partnership does hereby certify that the following statement contained in said limited partnership application for registration was false or inaccurate, and that such statement is to be corrected as follows:

The false or inaccurate statement is:

The correct or accurate statement is:

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Exhibit A - Case No. 08-662-EL-CS-1

Complete the information in this section if Reserved is checked in box (3). If Corporation is checked, complete the information that applies.		
The name of the partnership shall be _____		
Please complete the following appropriate section (either item A or B):		
A. The address of the partnership's principal office in Ohio is:		
(street address)	Note: P.O. Box Addresses are NOT acceptable.	
_____	Ohio	_____
(city, township, or village)		(zip code)
(If the partnership does not have a principal office in Ohio, then item B and item C must be completed)		
B. The address of the partnership's principal office (Non Ohio)		
(street address)	Note: P.O. Box Addresses are NOT acceptable.	
_____	_____	_____
(city, township, or village)	(state)	(zip code)
C. The name and address of a statutory agent for service of process in Ohio is as follows:		
(name of agent)		
(street address)		
Note: P.O. Box Addresses are NOT acceptable.		
_____	Ohio	_____
(city, township, or village)		(zip code)
If this is a Foreign Limited Liability Partnership, please indicate the state or jurisdiction in which it has been created:		

(Please note, the above item must only be completed if the Partnership Having Limited Liability is a Foreign Partnership Having Limited Liability.)		
The business which the partnership engages in is		

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Exhibit A - Case No. 08-662-EL-CSS

Complete the information in this section if box (4) is checked.

The date the Certificate of Disclaimer of General Partner Status in question was filed on: _____

(date)

The name of the person/entity identified in the Certificate of Disclaimer of General Partner Status filed on the date referenced in the line above is _____

REQUIRED

Must be authenticated (signed) By:
by an authorized representative
(See instructions)

MRN Limited Partnership

By: Richard D. Maron, Trustee
Authorized Representative

2/22/05
Date

Richard D. Maron, Trustee

(Print Name)

under Richard D. Maron Living

Trust dated September 21, 1991, General Partner

By:

Judith S. Eigenfeld, Trustee
Judith S. Eigenfeld, Trustee under
Judith S. Eigenfeld Living Trust dated
September 21, 1991, General Partner

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Exhibit A - Case No. 08-662-EL-CSS**EXHIBIT "A"**Name and Address of Each General Partner:

Judith S. Eigenfeld, Trustee
under Judith S. Eigenfeld Living
Trust dated September 21, 1991
629 Euclid Avenue
Cleveland, Ohio 44114

Richard D. Maron, Trustee
under Richard D. Maron Living
Trust dated September 21, 1991
629 Euclid Avenue
Cleveland, Ohio 44114

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