

FILE

BEFORE  
THE PUBLIC UTILITY COMMISSION OF OHIO

DIANA WILLIAMS

Complainant

CASE NO. 08-1230-EL-CSS

Vs.

OHIO EDISON COMPANY

Respondent

RECEIVED-DOCKETING DIV  
2008 DEC 22 PM 2:21  
PUCO

MOTION TO DISMISS RESPONDENTS MOTION TO DISMISS  
& MOTION FOR SUMMARY JUDGMENT PURSUANT  
TO 4901-9-01 (D)

Pursuant to Ohio Administrative Code 4902-9-01 (D) Diana Williams

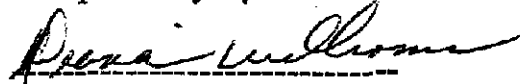
Respectfully motions that the Commission dismiss the respondents motion

To Dismiss this motion. Argument in support of this Motion are set forth

In the attached Memorandum of support, as well as Argument for motion

For Summary Judgment.

Respectfully Submitted



Diana Williams

933 Hartford Ave. 44320

Phone 330-835-9348

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accurate and complete reproduction of a case file  
document delivered in the regular course of business  
Technician S Date Processed DEC 22 2008

## MEMORANDUM IN SUPPORT

### 1. ARGUMENT

#### A. The complainant does state reasonable grounds for complaint.

Respondent never even gave an address as to where this alleged Bill took place. I had to call The Commission to get an alleged Account no. I as of today was never given an address to where This service was supposed to have occurred. This alone constitutes Reasonable grounds for my complaint.

Respondent states a complaint that fails to allege any facts which Would Support a finding of inadequate service does not state Reasonable grounds and therefore should be dismissed. The respondent Refused to give me any details as to the address this alleged service Took place nor for what duration of time this alleged service occurred. I subpoenaed this information in Summit County Court of Common Pleas through their attorney Donald Mause and never received a response I have attached a copy of that subpoena as EXHIBIT A. since I had no knowledge of where or when this service was performed and I stated that this service was never performed , it could not be deemed adequate and because of their refusal to inform me of times and dates and addresses these service were alleged to have been performed in answer to my subpoena nor to adequately provide

this information to the court how could I defend myself. As to the nature of the adequacy of the level of service performed which should negate my ability to adequately assess their violation of the statutes of The Commission rule or order and thus this complaint should not be subject to dismissal

1. respondent that the Commission does not have the jurisdiction over matters that are not related to service or reliability.

The Commission has the duty and obligation to determine if there was in fact service performed and billed to a customer appropriately which in this case Complainant totally disagrees. This refusal by the Respondent to come forth with more than allegations but actual facts as to the validity of their claim, amounts to extortion and or larceny by trick by them not bringing forth concrete evidence as to their lawful right to payments for services not rendered is a Tort and Extortion and or larceny by trick and obstruction of justice. There is no way any consumer should have to pay a utility company without the company producing evidence of what is owed. The underlying subject of the case which resulted in a judgment and garnishment is properly before this Commission because of the Contempt of court that Respondent exhibited in Summit County Common Pleas court by refusing to produce documentation of

4  
An alleged utility debt is exactly the jurisdiction of the PUCO.

And I have the right to have access to those records.

They have garnished my wages and refuse to give me any details

To confirm the details of that supposed debt. I was given a copy

Of the garnishment papers at my job and never actually observed

The name of the company's that was on the papers until

Much later I was taken back when I observed that the paper work

Was not even from Ohio Edison I am submitting those papers as

Well as an affidavit stating that these were the papers submitted

To my employer at that time.

2. Respondent states that the Complainant does not adequately explain what happened, much less allege facts supporting a finding of inadequate service.

Complainant was not presented any facts as to how this debt was accumulated, nor even an address that service was rendered, which makes it impossible to defend my rights. This is discrimination

To the highest degree. The Summit County Common Pleas Court

Refused to hold the respondent in contempt of court for refusing

To produce these documents as prescribed by law i. e. subpoenaed

Evidence. In a court of law. My rights have been violated and

Ohio Edison is trying to cover up some corruption that took place

In this bogus supposed to be debt concocted by their corrupt  
Legal counsel. I am only requesting that the Commission  
Get me access to these records in this case. I t is impossible  
To have met the conditions of the requirements of the law without  
The information that the respondent refused to allow me to obtain.

#### IN CONCLUSION

I motion for Summary Judgment in this case pursuant to  
Administrative Code section 4901-9-01 (D). The Material  
Allegation in this case is that Respondent Ohio Edison Company  
Refused to produce any documents to prove their claim of liability  
In the complaint which was not denied, Shall be admitted for  
Purposes of this proceeding.

Respondent has engaged in corruption and conspiracy, and collusion  
In all aspects of the civil trial with the help of their law firm and  
Judges as well as public officials in Cuyahoga County who are  
A part of the F B I probe that's underway in Cuyahoga County  
Which has been in the news . This is part of that corruption dealing  
With vary high officials in Cuyahoga County as well as their  
High power law firm located in Cuyahoga County too. This  
Is why the respondent is fighting so vehemently to not give me  
Access to these records. Why ? are they being allowed to ignore

A court ordered subpoena. Why are they hiding theses records.

If this was a legitimate debt they would be willing to confirm  
Its legitimacy without trying to hide behind technicalities. Either

Grant me my Summary Judgment or make them produce these

Documents as my legal right. They state that I owe them almost


\$6000 dollars from over 10 years ago. With interest about \$15,000.

Ohio Edison is attempting extortion, larceny by trick and obstruction

Of justice, and using their public utility status to destroy a customers

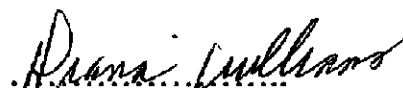
Well being. I thought The PUCO was set up so this type of thing

Could not happen.

  
Diana Williams

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to dismiss respondents  
Motion to dismiss and grant Summary Judgment to Complainant  
And memorandum of support was sent by US mail to Mark A. Hayden  
Counsel for the respondent at 76 Main st. Akron Ohio 44308 this  
---18th--- day of December 2008.

  
Diana Williams

DANIEL M. HERRIGAN

2008 JUL 17 PM 3:50

SUMMIT COUNTY  
CLERK OF COURTSSUMMIT COUNTY CLERK OF COURTS  
CIVIL DIVISIONOhio Edison Company

PLAINTIFF

VS

CASE # CV-1798-16388Diana B. Williams

DEFENDANT

INSTRUCTIONS FOR SERVICETO THE CLERK: YOU ARE REQUESTED TO MAKE SERVICE UPON THE FOLLOWING PARTIES  
BY:

- ☒ CERTIFIED MAIL  
☐ SHERIFF (PERSONAL)  
☐ SHERIFF (PERSONAL OR RESIDENTIAL)  
☐ REGULAR MAIL  
☐ PERSON APPOINTED TO SERVE

PLEASE LIST PLEADINGS TO BE SERVED: Subpoena for  
all documents of your evidence for garnishment

NAMES &amp; ADDRESSES OF PARTIES TO BE SERVED:

Ohio Edison Company Attorney Donald M. Mueser  
323 W. Lakeside Ave STE 200  
Cleveland OH 44113JUL 18 2008  
Ohio Edison Company  
Attorney Donald M. Mueser  
SUBPOENA ISSUED TO  
BY Cert.Diana Williams pro SE  
ATTORNEYATTORNEY FOR: Respondent ATTORNEY SUPREME COURT # \_\_\_\_\_

DANIEL M. HARRIGAN  
SUBPOENA  
CIVIL CASE

Rev. Code, Secs. 1901.23, 1911.012, 1913.01, 02, 03; C.R. 45 Amended

2808 JUL 17 PM 3:58

Certified Article Number

7160 3901 9845 7019 2666

SENDER'S RECORD

OH:0 Edison SUMMIT COUNTY  
CLERK OF COURTS  
Plaintiff  
vs.

Diana B. Williams  
Defendant

CASE # CV-1998-10-3882  
Subpoena in Civil Case

Attorney: Donald A. Mausar

Supreme Court #

Phone: 216-685-1000

TO: Donald A. Mausar (Name)  
323 W. Lakeside Ave STE 200 (Address)  
Cleveland OH 44113 (City-State-Zip)

YOU ARE HEREBY COMMANDED TO:

ATTEND AND GIVE TESTIMONY AT A (TRIAL) (HEARING) (DEPOSITION) ON THE DATE, TIME AND AT THE PLACE SPECIFIED BELOW.

ATTEND AND PRODUCE (DOCUMENTS) (TANGIBLE THINGS) AT A (TRIAL) (HEARING) (DEPOSITION) ON THE DATE, TIME AND AT THE PLACE SPECIFIED BELOW.

PRODUCE AND PERMIT INSPECTION AND COPYING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED BELOW, OF ANY DESIGNATED DOCUMENTS THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.

PRODUCE AND PERMIT INSPECTION AND COPYING, TESTING OR SAMPLING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED BELOW, OF ANY TANGIBLE THINGS THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.

PERMIT ENTRY UPON THE FOLLOWING DESCRIBED LAND OR OTHER PROPERTY, FOR THE PURPOSES DESCRIBED IN CIV. R. 34(A) (3), ON THE DATE AND AT THE TIME SPECIFIED BELOW. DESCRIPTION OF LAND OR PREMISES:

produce all bills that pertain to  
guarantee you issued

DAY Monday DATE 7/28/14 TIME 5:00

PLACE 933 Hartford Ave 441320

DESCRIPTION OF ITEMS TO BE PRODUCED: all bills from the date

that you assign to defendant as owing to  
your client for your guarantee

Hereof fail not under penalty of the law.

WITNESS my signature and the seal of said Court, this  
day of 20

By *A. Rousi*

Clerk, Attorney, Notary

Deputy Clerk



DANIEL M. HERRIGAN

2008 JUL 17 PM 3:50

SUMMIT COUNTY  
CLERK OF COURTSSUMMIT COUNTY CLERK OF COURTS  
CIVIL DIVISIONOhio Edison Company

PLAINTIFF

VS

CASE # CV-1998-16382Diana B. Williams

DEFENDANT

INSTRUCTIONS FOR SERVICETO THE CLERK: YOU ARE REQUESTED TO MAKE SERVICE UPON THE FOLLOWING PARTIES  
BY:

- ☒ CERTIFIED MAIL  
☐ SHERIFF (PERSONAL)  
☐ SHERIFF (PERSONAL OR RESIDENTIAL)  
☐ REGULAR MAIL  
☐ PERSON APPOINTED TO SERVE

PLEASE LIST PLEADINGS TO BE SERVED: Subpoena for  
all documents of your evidence for garnishment

NAMES &amp; ADDRESSES OF PARTIES TO BE SERVED:

Ohio Edison Company attorney Donald A. Mueser  
323 W. Lakeside Ave STE 200  
Cleveland OH 44113

JUL 18 2008  
Ohio Edison Company  
Atty Donald A. Mueser  
SUBPOENA ISSUED TO  
BY Cert

Diana Williams pro SE  
ATTORNEYATTORNEY FOR: Defendant ATTORNEY SUPREME COURT # \_\_\_\_\_

OPY

**UNITED STATES POSTAL SERVICE**

**PRINT YOUR NAME, ADDRESS AND ZIP CODE BELOW**

First Class Mail  
US Postage Paid  
Permit No. G-10




DANIEL M HORRIGAN  
CLERK OF COURTS  
CIVIL DIVISION  
205 S HIGH STREET  
AKRON OH 44308-1662

SUMMIT COUNTY  
CLERK OF COURTS

2008 JUL 24 AM 7:57

DANIEL M. HORRIGAN

OPY

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7160 3901 9845 7019 2666		A. Received by (Please Print Clearly)	B. Date of Delivery
3. Service Type CERTIFIED MAIL		C. Signature X WELTMAN, WEINBERG & REIS <sup>Agent</sup> <sub>Address</sub> CONTRACTOR	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
1. Article Addressed to: CV-1998-10-3882 10 OHIO EDISON COMPANY ATTORNEY DONALD A. MAUSAR 323 W. LAKESIDE AVE., STE. 200 CLEVELAND, OH 44113		JUN 22 2008 JUL 1 8 2008 538	
PS Form 3811, January 2005		Domestic Return Receipt	

STATE OF OHIO

IN THE COUNTY OF SUMMIT

AFFIDAVIT

I DIANA. WILLIAMS being duly sworn, deposes and states that this affidavit is  
To state that these are the papers that were served on me at my job. At CUYAHOGA  
County however Ohio Edison has been garnishing my wages since that date illegally.  
And continues without showing me any proof of my liability. .

Affiant Further Sayeth Naught.

By-----  
Edward L. Williams

Sworn to before me and subscribed in my presence this -----day of-----2003.

-----  
Notary Public

# NOTICE TO THE JUDGMENT DEBTOR OF GARNISHMENT OF PERSONAL EARNINGS

Summit County, SS

BARBERTON MUNICIPAL COURT

CLEVELAND POSTAL EMPLOYEES  
P.O. BOX 5877  
CLEVELAND, OH 44101

MUNICIPAL BLDG.  
BARBERTON, OH 44203  
330-753-2261

**Judgment Creditor**

vs.

DIANA B WILLIAMS  
1373 BLACK POND DR  
AKRON, OH 44320

Weltman, Weinberg & Reis  
323 Lakeside Ave West Ste 200  
Cleveland, OH 44113-1099

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

CASE NO. 97CVF0000529**Judgment Debtor**

You are hereby notified that this court has issued an order in the above case in favor of CLEVELAND POSTAL EMPLOYEES, the judgment

creditor in this proceeding, directing that some of your personal earnings be used in satisfaction of your debt to the judgment creditor instead of being paid to you. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in the BARBERTON MUNICIPAL COURT on July 09, 1998 with the above case number.

The law of Ohio provides that you are entitled to keep a certain amount of your personal earnings free from the claims of creditors. Additionally, wages under a certain amount may never be used to satisfy the claims of creditors. Your employer is required to calculate the amount of your personal earnings to be withheld pursuant to statute.

If you dispute the judgment creditor's right to garnish your personal earnings and believe that you are entitled to possession of the personal earnings because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the Request for Hearing form accompanying this notice or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court no later than, the end of the fifth business day after you receive this notice.

You may state your reasons for disputing the judgment creditor's right to garnish your personal earnings in the space provided on the form, however, you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons, it will not be held against you by the court, and you can state your reasons at the hearing.

**NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.** The hearing will be limited to a consideration of the amount of your personal earnings, if any, that can be used in satisfaction of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted no later than twelve days after your request is received by the court, and the court will send you notice of the date, time, and place. You may indicate in the form that you believe that the need for the hearing is an emergency and that it should be given priority by the court. If you do so the court will schedule the hearing as soon as practicable after your request is received and will send you notice of the date, time, and place. If you do not request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, some of your personal earnings will be paid to the judgment creditor.

If you have any questions concerning this matter, you may contact the office of the Clerk of this Court. If you want legal representation, you should contact your lawyer immediately.

If you need the name of a lawyer, contact the local bar association. BARBERTON MUNICIPAL COURT

Date 5.2.07

Clerk of

01001792 C E Cle OVA

Completed/Forwarded to deliverance room of the Sheriff to the Judgment Debtor

STATE OF OHIO  
County of **Summit County, SS**  
**CLEVELAND POSTAL EMPLOYEES**

Docket No.:

Case No.:

Court:

97CVF0000529

BARBERTON MUNICIPAL COURT

MUNICIPAL BLDG.  
BARBERTON, OH 44203  
330-753-2261

Judgment Creditor(s)  
**DIANA B WILLIAMS**  
**1373 BLACK BOND DR**  
**AKRON, OH 44320** Against

**ORDER AND NOTICE OF GARNISHMENT  
AND ANSWER OF EMPLOYER**

THIS LAW FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT THIS DEBT FOR  
OUR CLIENT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Judgment Debtor(s)

**SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT**  
**YOUTH DEVELOPMENT CENTER; 1219 ONTARIO, RM 417; CLEVELAND, OH 44113**

To: **Garnishee**  
The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this Court stating that you owe the judgment debtor money for personal earnings, and that

some of that money may not be exempt from garnishment under the laws of the State of Ohio or the laws of the United States. You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in section B of this form. Return one completed and signed copy of this form to the clerk of this Court within five (5) business days after you receive this order of garnishment. Deliver one completed and signed copy of this form and the accompanying documents entitled "NOTICE TO THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING" to the judgment debtor. Keep the other completed and signed copy of this form for your files.

(The total probable amount now due on this judgment is **\$16955.69** The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is **\$5916.48** interest on that judgment and, if applicable, prejudgment interest relative to that judgment at the rate of **14.000%** per annum payable until that judgment is satisfied in full, and court costs in the amount of **\$317.50**)

This order of garnishment of personal earnings is a continuous order that generally requires you to withhold a specified amount, calculated each pay period at the statutory percentage, of the judgment debtor's personal disposable earnings during each pay period, as determined in accordance with the "Interim Report and Answer of Garnishee", from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor commencing with the first full pay period beginning after you receive the order until the judgment in favor of the judgment creditor and the associated court costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor as described above have been paid in full. You generally must pay that specified amount, calculated each pay period at the statutory percentage, to the clerk of this Court within thirty (30) days after the end of each pay period of the judgment debtor and must include with that specified amount calculated each pay period at the statutory percentage an "INTERIM REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.07 of the Ohio Revised Code. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings, and you may photocopy it to use each time you pay the specified amount to the clerk of this Court. You are permitted to deduct a processing fee of up to three dollars from the judgment debtor's personal disposable earnings for any pay period of the judgment debtor that an amount was withheld for that order (the processing fee is not a part of the court costs). You are not required to file with the court the "INTERIM REPORT AND ANSWER OF GARNISHEE" for any pay period of the judgment debtor for which an amount from the judgment debtor's personal disposable earnings during that pay period was not withheld for that order.

This order of garnishment of personal earnings generally will remain in effect until one of the following occurs:

1. The total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount, calculated each pay period at the statutory percentage, from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor that commenced with the first full pay period beginning after you received the order.
2. The judgment creditor or the judgment creditor's attorney files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied or the judgment creditor or the judgment creditor's attorney files a written request to terminate this order of garnishment and release you from the mandate of this order of garnishment.
3. A municipal or county court appoints a trustee for the judgment debtor and issues to you an order that stays this order of garnishment of personal earnings.
4. A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.
5. A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order with a higher priority than this order.
6. A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that does not have a higher priority than this order.
7. The judgment creditor or the judgment creditor's attorney files with this court a written request to terminate and release the order of garnishment, and as a result, the order of garnishment will cease to remain in effect.

**01001792 C E C1e OVA**

Under any of the circumstances listed above, you are required to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.08 of the Ohio Revised Code. A copy of the "FINAL REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings. Under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment after the expiration of the full pay period within which the one hundred eighty-second (182) day after you began processing it falls.

Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders of garnishment with respect to the same judgment debtor. These rules are set forth in section 2716.041 of the Ohio Revised Code. An employer guide to processing continuous orders of garnishment is included with this order of garnishment. You should become familiar with these rules.

Witness my hand and the seal of this court on this date of 5/7

SS No:

ID Info:

**SS# 245-84-4789**

Judge

# NOTICE OF GARNISHMENT

# PAYROLL DISTRIBUTION

County Administration Bldg./1219 Ontario St./Cleveland, OH 44113

Employee DIANE WILLIAMS Agency 01-COUNTY COMMISSIONERS

The Payroll Distribution Department has been served with a garnishment against your wages.

Plaintiff CLEVELAND POSTAL EMP. CR. UN.	Total amount of Garnishment 16055.69
Court BARBERTON MUNI COURT	Case Number 97CVF0000529
Attorney for Plaintiff WELTMAN, WEINBERG & REIS	Attorney's Phone No. 216-685-1000

This garnishment will be deducted from your pay check beginning on the pay date of 07/13/2007

All releases must be presented to the Garnishment Department, Room 121, County Administration Building, 1219 Ontario St. before 4:30 P.M. on the Monday preceding pay day.

NOTE: State law permits you to request a hearing if you dispute the facts of the garnishment. Forms, instructions and a pre-addressed envelop are enclosed for this purpose.

Signature of Employee \_\_\_\_\_ Date Received \_\_\_\_\_

14  
STATE OF OHIO  
I  
COUNTY OF SUMMIT

AFFIDAVIT

I DIANA WILLIAMS being duly sworn, deposes and states and claims

That theses are the papers I received for garnishment on 7 /13/2007.

At my job at Cuyahoga County. EXHIBIT A ATTACHED.

Affiant Further Sayeth Naught

By *Diana Williams*  
DIANA. WILLIAMS

Sworn to before me and subscribed in my presence this 17<sup>th</sup> day of NOV. 2008

*Patricia J. Her*  
Notary Public

Patricia J. Her, Notary  
State of Ohio  
My Commission Expires: 12/02/09