

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Merlina Galbreath,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 10-202-TR-CSS
	)	
Mr. Mover of Ohio Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On February 17, 2010, Merlina Galbreath (Complainant) filed a complaint against Mr. Mover of Ohio Inc. (Mr. Mover) alleging that, during a move of her personal belongings on August 23, 2009, 19 pieces of furniture, as well as her hardwood staircase, were damaged. Complainant also alleges that Mr. Mover's employees behaved unprofessionally and failed to correctly reassemble her furniture. After discovering the damage, Complainant alleges that she contacted Mr. Mover, who had a repairman contact her; however, that conversation did not result in arrangements to have the repairs made. According to Complainant, Mr. Mover sent a company representative to view the damage, and Complainant agreed to let the Mr. Mover's repairman repair the damage but he failed to keep their appointment. Therefore, Complainant sought a quote from a repair company, which she alleges Mr. Mover rejected as too expensive. Complainant requests reimbursement to cover the amount of the damages.
- (2) On March 1, 2010, Mr. Mover filed its answer to the complaint. In its answer, Mr. Mover does not deny that, during the move, damage occurred to some of Complainant's belongings. However, Mr. Mover avers that its repairman contacted Complainant, and she refused to let him repair her furniture. In addition, Mr. Mover asserts that, after Complainant rejected its repairman, it scheduled a time to view the damage and attempted to schedule a time to begin repairs; but, Complainant again refused to use Mr. Mover's

repairman. Mr. Mover asserts that, instead complainant forwarded an estimate from another repair company to Mr Mover, which it refused to pay. Mr. Mover asserts that it has the right to choose the repairman to repair damages that occurred during the move of Complainant's belongings, but Complainant refuses to let it take such corrective action.

- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference on Tuesday, April 20, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12<sup>th</sup> floor, Room 1246, Columbus, Ohio 43215-3793.
- (4) The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. Therefore, the parties should bring with them all documents relevant to this matter. Specifically, the Complainant should bring copies of all evidence of damage, and Mr. Mover should bring all relevant information and agreements relating to the move of Complainant's belongings.
- (5) An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (6) If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (7) As an additional matter, the attorney examiner notes that Rule 4901-1-08(A), Ohio Administrative Code (O.A.C.), provides, in part, that, with the exception of paragraph (D) of this rule, any party not appearing on its own behalf, i.e., businesses and for profit and not-for-profit corporations, shall be represented by an attorney authorized to practice law in the state of Ohio. Paragraph (D) of this same rule allows any person with the requisite authority to settle the issues in the case to represent a party at a prehearing conference. Therefore, the attorney examiner wishes to give Mr. Mover notice that it must secure legal counsel in order to proceed before the Commission beyond the prehearing stage of this proceeding. However, notwithstanding the above, Rule 4901-1-8(D), O.A.C., permits corporations to participate before the

Commission in prehearing settlement conferences without representation by an attorney.

It is, therefore,


ORDERED, That a settlement conference be scheduled for Tuesday, April 20, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12<sup>th</sup> floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Katie L. Stenman  
Attorney Examiner

 /dah

Entered in the Journal

**MAR 05 2010**



Renee J. Jenkins  
Secretary