

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

STATE ALARM, INC.  
5956 Market Street  
Youngstown, Ohio 44512

Complainant,

v.

Ameritech Ohio  
a/k/a The Ohio Bell Company  
45 Erieview Plaza  
Cleveland, Ohio 44114,

Respondent.

Case No. 95-1182-TP-CSS

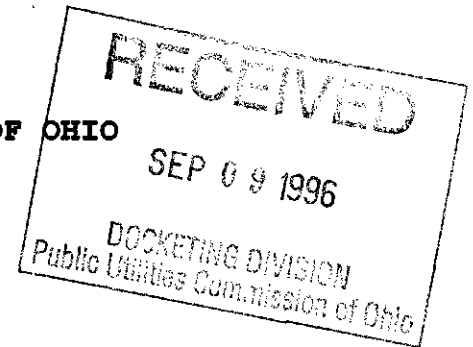
REPORT OF STATE ALARM, INC. CONCERNING DISCOVERY PROGRESS.  
FILED JULY 9, 1996

Now comes Complainant State Alarm, Inc. (hereinafter, "State Alarm"), a customer of Respondent Ameritech Ohio (previously providing service as The Ohio Bell Company, and collectively referred to below as "Ameritech"), before this Commission pursuant to Entry of Hearing Examiner See dated April 11, 1996. The April 11, 1996 states that each party shall submit its third report concerning discovery activity by September 8, 1996. This report is submitted on September 9, 1996 since the 8th fell on a weekend.

The key dates concerning this case, and the discovery process are as follows:

- Complaint filed December 27, 1995;
- Answer filed January 18, 1996;
- Motion to Dismiss filed January 18, 1996, Memorandum Contra Motion to Dismiss filed February 5, Reply Memorandum filed February 15, 1996, and Entry denying Motion to Dismiss issued February 21, 1996;
- State Alarm serves its first set of interrogatories and requests for production on March 1, 1996;

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.  
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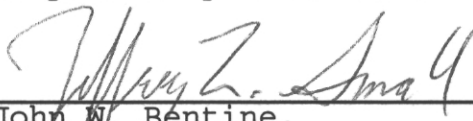
- settlement conference held on March 5, 1996;
- Joint Motion for continuance filed April 4, 1996;
- Ameritech receives State Alarm's "trouble reports" on April 8, 1996;
- Ameritech takes deposition of Don Shury, President of State Alarm, on April 8, 1996 in Cleveland;
- discovery schedule issued by Attorney Examiner See on April 11, 1996;
- Ameritech response to State Alarm's first set of interrogatories is received on May 14, 1996 (verification received May 16, 1996);
- State Alarm correspondence on May 24, 1996 informs Ameritech that its discovery requests are largely unresponsive and contain no documents in response to the requests for production of documents;
- on June 5, 1996, counsel for Ameritech provides additional answers to State Alarm's first set of interrogatories (unverified) and one document copied from its tariffs;
- State Alarm receives Ameritech's First Set of Interrogatories and Requests for Production of Documents on June 14, 1996;
- State Alarm receives letter on August 5, 1996 from counsel for Ameritech in response to State Alarm's interrogatories and request for production of documents, dated March 1, 1996, that Ameritech has information relating to Count Three of the Complaint and that further information will be provided as it is developed (no additional information is received);
- counsel for State Alarm receive a copy of an executed protective agreement, covering release of Ameritech documents, on August 5, 1996;
- Ameritech's counsel delivers documents in response to State Alarm's request for production of documents at the offices of State Alarm's president on or around August 12, 1996;
- depositions of State Alarm employees B. Dull and T. Baytos are taken on August 15 and 16, 1996 upon the agreement of counsel;

- counsel for State Alarm receive a copy of an executed protective agreement, covering release of State Alarm documents, on August 21, 1996;
- State Alarm receives a document under Ameritech's claim of confidentiality on September 5, 1996 after Ameritech consulted with its vendor concerning release of vendor supplied documents.

State Alarm still believes that Ameritech responses to State Alarm's discovery requests, dated March 1, 1996, have been minimal. It is difficult for State Alarm to determine the extent of the documents that Ameritech holds that pertain to the present case. However, Ameritech has not provided answers to interrogatories related to Count Three and produced one of two documents concerning the design of Ameritech circuits that serve State Alarm, even though Ameritech's counsel has stated that Ameritech has information in these two areas.

The bulk of documents that Ameritech has asked for in its request for production of documents, dated June 14, 1996, were provided on April 8, 1996 at the time of the deposition of State Alarm's president. A few additional documents will be provided to Ameritech in the near future.

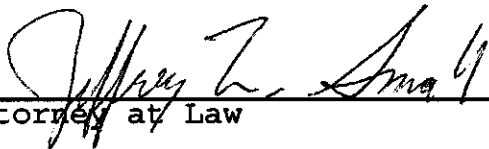
Respectfully submitted,

  
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Attorneys for Complainant  
State Alarm, Inc.

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing Discovery Report was served upon Charles S. Rawlings, Esq., Attorney for Ameritech Ohio, at 75 Public Square, Suite 1320, Cleveland, Ohio 44113, by regular U.S. Mail, postage prepaid, this 9th day of September, 1996.

  
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Attorney at Law