

15-298-6E-CSS

February 6, 2015

RECEIVED

FEB 10 2015

Public Utilities Commission of Ohio
Attn: IAD
180 E. Broad Street
Columbus, Ohio 43215-3793

INVESTIGATION AND AUDIT DIVISION
PUBLIC UTILITIES COMMISSION OF OHIO

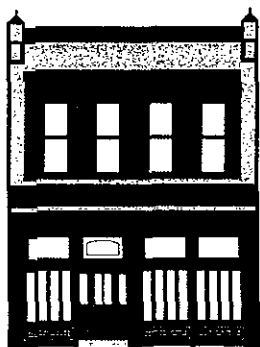
Re: **Complaint for Wrongful Death Pursuant to Improper Disconnect of Utilities**
Dorothy Easterling and Estill Easterling
11312 Orchard Street
Cincinnati, OH 45241
Duke Energy Acct. No.: 0120-0420-20-5

To Whom This May Concern:

The following complaint is being submitted on behalf of Gail Lykins, acting as the personal representative of Dorothy Easterling and Estill Easterling (the "Easterlings"), who are now deceased. The complaint is being submitted against Duke Energy Ohio, Inc. ("Duke") and relates to Duke's improper disconnection of the gas and electric utility services at 11312 Orchard Street, Cincinnati, OH 45241 (the "property"), in 2011.

Procedural History:

Prior to submitting this complaint to the Public Utilities Commission of Ohio ("PUCO"). Ms. Lykins filed a complaint against Duke in the Hamilton County Court of Common Pleas, Case No. A1307654. In response to a motion to dismiss filed by Duke, the Court of Common Pleas dismissed the case, determining that PUCO has exclusive jurisdiction because the claim is related to the termination of utility services. A copy of the original complaint and the Court's entry granting the motion to dismiss are attached. Ms. Lykins now submits this complaint to PUCO for a determination of whether Duke improperly disconnected the utility services at the property and what compensation is due Ms. Lykins as their personal representative.



This is to certify that the images appearing are an accurate and complete reproduction of a copy file document delivered in the regular course of business.

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Proud Neighbors in Over-the-Rhine

PUCO

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Factual Background:

Dorothy Easterling was Estill Easterling's biological mother and was 84 years old at the time of her death. Estill Easterling, who was 48 years old at the time of his death, was mentally and physically disabled and resided at the property with his mother. On November 4, 2011, Duke disconnected the utility services at the property. Without the ability to heat their home, the Easterlings died of hypothermia sometime between the date the services were disconnected, November 4, 2011, and the date their bodies were discovered at the property, November 20, 2011. The Hamilton County Coroner's office conducted autopsies on the Easterlings, determining that hypothermia was the cause of death for both Dorothy and Estill. Copies of the autopsy reports from the Hamilton County Coroner are attached.

Billing and Payment History:

Duke provided gas and electric services to the Easterlings' home. A copy of each Duke bill from August through December of 2011 is attached. On November 4, 2011, Duke ordered the utility services at the property to be disconnected for non-payment, and the order was completed that same day. A copy of Duke's "Multiple Service Request Log" for the account is also attached.

At the time Duke disconnected the services at the property, the account had a balance of \$381.25, with \$233.01 of the balance being comprised of past due charges. However, as evidenced by the bill prepared on November 2, 2011, Duke received a payment of \$143.49 prior to ordering the disconnection of services on November 4, 2011. The payment of \$143.49 constituted a payment greater than one-third (1/3) of the previous balance, which totaled \$373.06. The decision to disconnect the utility services at the property after November 1st was improper, pursuant to the special disconnection procedures during the winter season, discussed below.

Ohio Disconnection Procedures and the Winter Heating Season Plan:

The Ohio Administrative Code sets forth the requirements a utility provider must follow, prior to disconnecting a residential customer's utility services. OAC 4901:1-18-06(B) specifically pertains to the disconnection of utility services during the winter months, i.e. November 1st through April 15th of each calendar year. Below is a summary of the procedural requirements, as fully set forth in OAC 4901:1-18-06(B), which a utility provider must satisfy prior to disconnecting service during the winter months:

- (1) The utility provider must make contact with the customer ten days prior to disconnecting service. Contact must be made by personal contact, telephone, or hand-delivered written notice. OAC 4901:1-18-06(B)(1).
- (2) The utility is required to inform the customer that sources of federal, state, and local government aid are available for payment of utility bills and for home weatherization.

Sufficient information must be provided to the customer to allow the customer to further pursue available assistance. OAC 4901:1-18-06(B)(2).

- (3) The utility is required to inform the customer of the right to enter into any of the special payment plans set forth in OAC 4901:1-1805. If the customer does not respond to the ten-day notice, or refuses to accept a payment plan or fails to make the initial payment on a payment plan, the utility company may disconnect services after the ten-day notice expires. OAC 4901:1-18-06(B)(3).

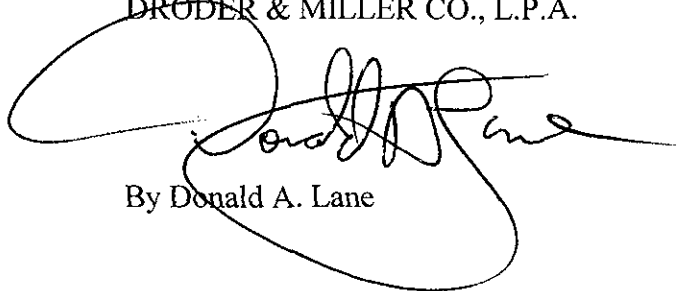
Duke has been unable to provide documentation or evidence to prove that it complied with the ten-day notice requirement under OAC 4901:1-18-06(B).

Furthermore, a review of the attached utility bills shows that Duke failed to comply with the requirements set forth in OAC 4901:1-18-06(B)(3) when it terminated the Easterlings' service, despite the Easterlings' having made an initial payment on the winter heating season plan. OAC 4901:1-18-05(3) defines the winter heating season plan. The winter heating season plan allows the customer to prevent disconnection of their utility services during the winter months if the customer provides one-third of the balance due each month. The Easterlings' payment of \$143.49 on the account balance of \$373.06 equaled a payment greater than one-third of the balance due at the time the payment was rendered. *See* the November bill. Accordingly, this payment constituted an initial payment under the winter heating season plan, and therefore, Duke's disconnection of the Easterlings' utility services after November 1, 2011, was in violation of the disconnection requirements set forth in OAC 4901:1-18-06(B).

As the personal representative of the Easterlings, Gail Lykins submits this complaint to PUCO for a determination as to whether Duke's disconnection of the utility services at the property failed to comply with the disconnection procedures and requirements set forth in OAC 4901:1-18-06 and the winter heating season plan defined in OAC 4901:1-18-05 and for compensation because of Duke's actions.

Very truly yours,

DRODER & MILLER CO., L.P.A.

A large, stylized handwritten signature in black ink, appearing to read "Donald A. Lane", is written over the typed name.

By Donald A. Lane

DAL/jed
Enclosures

**IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

GAIL LYKINS, :
Personal Representative of :
Decedents, Dorothy and Estill Easterling :
11312 Orchard Court :
Cincinnati, Ohio 45241 :

Plaintiff

V.

DUKE ENERGY OHIO, INC.
c/o CT CORPORATION SYSTEM
1300 East Ninth Street
Cleveland, Ohio 44114

Defendant

CASE NO.

JUDGE:

COMPLAINT FOR DAMAGES WITH JURY DEMAND

Gail Lykins (“Plaintiff”), personal representatives of Decedents, Dorothy Easterling and Estill Easterling (“Decedents”), for her complaint against Defendant, Duke Energy Ohio, Inc. (“Duke”), states as follows:

Parties and Jurisdiction

1. Plaintiff is an individual and is a resident of Hamilton County, Ohio. Plaintiff is the personal representative of Decedents.
2. Prior to their deaths, Decedents were individuals and were residents of Hamilton County, Ohio.
3. Upon information and belief, Duke is an Ohio corporation with its principal place of business in Hamilton County, Ohio.

4. Jurisdiction and venue are proper in this Court because the actions giving rise to Plaintiff's claims arose in Hamilton County, Ohio.

Factual Allegations

5. Plaintiff incorporates paragraphs 1 through 4 of her Complaint as if fully set forth herein.

6. At all relevant times, Decedents resided together at 11312 Orchard Street, Cincinnati, Ohio ("the Residence").

7. At all relevant times, Decedent, Dorothy Easterling, was an 84 year old woman.

8. At all relevant times, Decedent, Estill Easterling, was a 48 year old man who was mentally and physically disabled.

9. On November 4, 2011, Duke discontinued natural gas and electrical service to the Residence. This discontinuation of service remained in effect until November 21, 2011, in violation of Ohio Revised Code Section 4933.121, regulations promulgated by the Public Utilities Commission of Ohio and Duke's own internal policies and procedures, all relating to the discontinuation of natural gas and electrical service to residential customers during expected cold weather seasons.

10. Upon information and belief, and, after reasonable investigation, Plaintiff alleges that Duke failed to provide notices required by Ohio Revised Code Section 4933.121, regulations promulgated by the Public Utilities Commission of Ohio and its own internal policies, prior to discontinuing service at the Residence. Further, Duke failed to provide information about assistance Decedents could obtain to maintain utilities to the Residence.

11. According to climatological data from the Cincinnati, Ohio weather station, temperatures in the Greater Cincinnati area dipped into the 20 degree Fahrenheit range on November 17 and 18, 2013, and remained at 39 degrees on November 19.

12. On November 20, 2011, Plaintiff and others discovered that Decedents had died in the Residence, and their deaths were later attributed to hypothermia, due to the low temperatures identified in paragraph 11, above.

Cause of Action

13. Plaintiff incorporates paragraphs 1 through 4 of her Complaint as if fully set forth herein.

14. As a service provider to the Residence, Duke owed a duty of care to Decedents.

15. By discontinuing service to the Residence and failing to provide notices and information about assistance, Duke breached the duty identified in paragraph 14.

16. Duke's breach of duty directly and proximately caused Decedents' deaths.

17. Pursuant to Ohio Revised Code 2125.02, Plaintiff is entitled to bring a cause of action against Duke for the death of Decedents.

18. Pursuant to Ohio Revised Code 2125.02, Decedents' children and next of kin are entitled to damages for the death of Decedents, including their loss of society, companionship, consortium, care, assistance, attention, protection, advice, guidance and counsel and for the children and next of kin's mental anguish, all in an amount to be proven at trial.

NOW, THEREFORE, Plaintiff seeks compensatory damages in the amount of at least \$25,000, further to be proven at trial, interest, costs and attorney fees.

DRODER & MILLER CO., L.P.A.



Donald A. Lane (0038974)

Attorney for Plaintiff

125 W. Central Parkway

Cincinnati, Ohio 45202

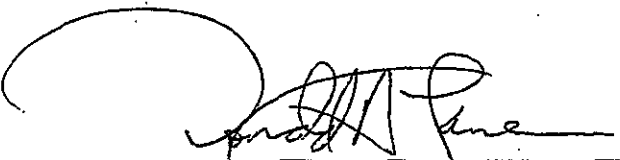
(513) 721-1504 x 304

(513) 721-0310 (facsimile)

dlane@drodermiller.com

PRAECIPE TO THE CLERK OF COURTS

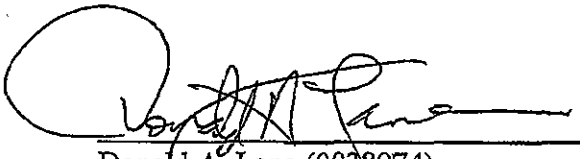
Plaintiff requests that the Clerk serve the Defendant certified mail at the address listed in the caption above.



Donald A. Lane (0038974)

JURY DEMAND

Plaintiff hereby requests a trial by jury in the above-referenced matter.



Donald A. Lane (0038974)

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ENTER

NOV 12 2014

Charles J. Kubicki Judge

GAIL LYKINS, Personal Representative : Case No. A 1307654
Of Decedents Dorothy and Estill Easterling :
Plaintiff, :

vs.

DUKE ENERGY OHIO, INC., :
Defendant. :

ENTRY GRANTING MOTION
TO DISMISS

ENTERED

NOV 14 2014



D108573116

This cause came before the Court on Defendant's Motion to Dismiss. This Court finds that the Motion To Dismiss is well-taken and is therefore GRANTED. The Public Utilities Commission of Ohio has exclusive jurisdiction because the claim is for Defendant's termination of utilities.¹

IT IS SO ORDERED.

Judge Charles J. Kubicki, Jr.

Copies Via Facsimile and Regular Mail To:

Donald A. Lane, Esq.
125 West Central Parkway
Cincinnati, OH 45202
Facsimile: 513-721-0310
Attorney for Plaintiff

James E. McLean
139 East Fourth Street, M/C 1212-M
Cincinnati, OH 45202
Facsimile: 513-287-4386
Attorney for Defendant

¹ See R.C. 4905.02, et seq.; *Allstate Ins. Co. v Cleveland Elec. Illum. Co.*, 119 Ohio St.3d 301, 2008 Ohio 3917, 893 N.E.2d 824.; *Bruce Andrew Brown v. E. Ohio Gas Co.*, 2011 Ohio 6443.



Hamilton County Coroner

The Frank P. Cleveland, M.D. Institute of Forensic Medicine, Toxicology and Criminalistics
3159 Eden Avenue, Cincinnati, Ohio 45219-2299
Office: 513-946-8700 Fax: 513 946-8727



DOROTHY EASTERLING

CC11-03267

OPINION

Diagnoses:

1. Hypothermia:
 - a. Gastric hemorrhages
 - b. Discoloration of hands and feet
 - c. No electricity or water in the home for 14 days
 - d. Climatological data indicating 4 days at or around freezing temperatures during time electricity and water was off.
2. Severe dehydration:
 - a. Tenting skin
 - b. Sunken eyes and dry lips
 - c. Vitreous chemistry
 - d. Renal failure based on vitreous chemistry.
3. Malnutrition:
 - a. Cachexia
 - b. Body mass index (BMI) of 16.1 (within range of moderate malnutrition).
4. Other findings:
 - a. Mild decomposition
 - b. Atherosclerotic cardiovascular disease:
 - i. Focal 30 percent stenosis of right coronary artery
 - ii. Focal calcified 50 percent stenosis of left anterior descending coronary artery
 - iii. Moderate aortic arteriosclerosis.
 - c. Mural thrombi of the aorta
 - d. Lung findings:
 - i. Bilateral pleural adhesions
 - ii. Pulmonary emphysema
 - iii. Benign, congenital bilobed right lung.
 - e. Granular kidneys with scar
 - f. Cerebral atrophy
 - g. Osteoporosis with mild scoliosis and kyphosis.

OPINION
Dorothy Easterling

PAGE 2
CC11-03267

Cause of Death: Hypothermia.

Contributory Cause of Death: Dehydration with renal failure and malnutrition.

Manner of Death: Accident.

K. Looman

Karen Looman, D.O.

Deputy Coroner, Forensic Pathologist
Hamilton County, Ohio



2/2/2012

Date

**POSTMORTEM EXAMINATION
OF THE BODY OF**

DOROTHY EASTERLING

A postmortem examination of the body identified by family members and scene circumstance as "Dorothy Easterling" is performed at the Hamilton County Coroner's Office on Monday, November 21, 2011, at 9:55 a.m. by Dr. Karen Looman. The morgue attendants are Clyde Gamble and Tony Kimble.

HISTORY:

The decedent is an 84-year-old white female who was found deceased and starting to decompose on the bed in her home. Her son (CC11-03268) was also found dead in an adjacent room.

EXTERNAL EXAMINATION

GENERAL:

The body is that of a normally developed, cachectic female who is 81 pounds, 59-1/2 inches in height, and appears appropriate for the stated age. The body mass index (BMI) is 16.12, within the range of medium malnutrition (16 to 17). The body is cool to the touch due to refrigeration. Rigor mortis is passing. The skin tents when pinched. Livor mortis is pink-red and in a posterior distribution, except over areas exposed to pressure. Both the arms, hands and feet have dark red-purple, mottled discoloration.

The face is very pale. The neck is in hyperextension and the mouth is wide open. The scalp hair is long, loose and unkempt, white-yellow and slightly curly. The eye sockets appear sunken. The globes of the eyes are collapsed. The corneas are slightly opaque, and the irides are blue. The sclerae are free of petechia, icterus or hemorrhage. The nose is atraumatic. The mouth is edentulate. The lips are dry. There is no jugular venous distention. The chest has a normal anteroposterior diameter without costal margin flaring. The rib cage is prominent. The breasts have no fatty tissue and are pendulous. There is a seborrheic keratosis along the right lower rib margin. The abdomen is scaphoid and has green decomposition color change. There is no pubic hair. The mons pubis is prominent. The external genitalia are normal for an adult female. There is slight scoliosis of the spine in the midthoracic region with a convexity to the right. There is moderate-to-severe kyphosis as well. The pelvis is stable to manipulation. The upper extremities are not edematous. The fingernails are short and straight. The left upper thigh has a pedunculated mole. There is mild pitting edema of both ankles.

CLOTHING:

The body is dressed in a light green flannel nightgown with body fluids on the right sleeve.

TATTOOS:

None.

SCARS AND HEALING INJURIES:

None.

MARKS OF THERAPY:

None.

EVIDENCE OF INJURY:

There is a 1/4-inch x 2 inch curved, purple contusion below the right knee.

X-RAYS:

None.

INTERNAL EXAMINATION

SEROUS CAVITIES:

There are no fluid collections in the pleura, peritoneum or pericardium. The left posterior lung is adherent to the chest wall. There are right apical adhesions. The abdomen and pericardial sac are free of adhesions.

NECK ORGANS:

There are no injuries to the strap muscles, hyoid bone or thyroid cartilage. The thyroid gland is small and brown-red. Upon sectioning, there are no focal lesions.

HEART:

The heart is 265 grams. The coronary arteries arise normally and are right-sided dominant. There is up to 30-percent stenosis of the right coronary artery. The left anterior descending coronary artery has focal calcified 50-percent stenosis. The circumflex coronary artery is unremarkable. The myocardium is red and firm and without scars. The valves are thin, delicate and unremarkable.

AORTA:

The aorta has moderate calcifications and plaques along its length. The aorta appears slightly tortuous but no distinct aneurysms are identified. There are four well-organized mural thrombi along its length. There is a 1.0 x 1.0 x 8.0 centimeter thrombus in the midthoracic region around the area of the celiac artery ostia. The mid to lower abdominal aorta has a 1.0 x 2.0 x 5.0-centimeter thrombus near the superior mesenteric artery. A 1.0 x 2.0 x 2.0-centimeter thrombus is near the left renal ostia and a 1.0 x 1.0 x 6.0 centimeter thrombus is at the iliac bifurcation. Each thrombus fails to completely occlude the vessel. There are no other focal lesions.

LUNGS:

The right lung is 300 grams, and the left lung is 315 grams. The tracheobronchial tree is free of fluid, foam or obstruction. Both lungs appear bright pink. The right lung has a normal variant of only two lobes. There is minimal anthracotic pigment on the surfaces. There are no blebs identified. Upon sectioning, there is no pulmonary edema that exudes from the cut surfaces. No distinct focal lesions are identified.

LIVER:

The liver is 680 grams. The capsule is intact and covers dark brown parenchyma. There are decomposition changes along the anterior-inferior margins. Upon sectioning, no focal lesions are identified.

GALLBLADDER:

The gallbladder is distended and contains 45 milliliters of very dark brown-green, viscous bile. There are no stones in the lumen.

SPLEEN:

The spleen is 65 grams. The capsule is intact and covers red-purple parenchyma. The white pulp is not visualized. There are no focal lesions.

PANCREAS:

The pancreas is congested with decomposition changes but has normal lobulated architecture without focal lesions.

ADRENAL GLANDS:

The glands have decomposition changes but retain normal yellow cortices and brown medullae without focal lesions.

GASTROINTESTINAL TRACT:

The oral mucosa is pale. The tongue is atraumatic and dry. The esophagus is patent. The gastroesophageal junction is unremarkable. The stomach contains 50 milliliters of dark brown, thin fluid. The gastric mucosa is autolytic. There are black-dark brown petechial hemorrhages within the gastric wall, especially within the fundal region. There are no ulcers or other focal lesions. The small and large intestines are very narrow in caliber. There is no gas present. No diverticula or other focal lesions are identified. The appendix is present.

KIDNEYS:

The right kidney is 55 grams, and the left kidney is 60 grams. The capsules strip with slight difficulty from the slightly granular cortical surface. Upon bisection, the calyces are patent and free of stones or hydronephrosis. The left inferior lobe of the kidney has a 0.5 x 0.5 x 1.0-centimeter scar. There are no other focal lesions.

BLADDER:

The bladder contains approximately 5.0 milliliters of clear, yellow urine. The mucosa is light tan and unremarkable.

GENITALIA:

The uterus, Fallopian tubes and ovaries are small and atrophic. There are no focal lesions present.

BRAIN AND MENINGES:

The brain is 1,160 grams and is atrophic. There is no epidural, subdural or subarachnoid hemorrhage. The leptomeninges are thin and free of purulent exudate. The cranial nerves and vessels are free of atherosclerotic disease or other focal lesions. Upon sectioning, the cortical ribbon is thin and even. There are no lesions within the white matter or deep gray nuclei. There is very faint pink discoloration of the caudate nuclei. The brainstem and cerebellum are free of hemorrhage and upon sectioning have no focal lesions.

SKULL AND SUBGALEA:

The skull and subgalea are atraumatic and within normal limits.

RIBS/STERNUM/SHOULDER GIRDLE:

The ribs are osteoporotic. There are no fractures identified. The sternum and shoulder girdles are atraumatic.

VERTEBRAE:

The vertebrae are free of acute injury. There is a midthoracic scoliosis with convexity to the right. There is severe kyphosis of the upper thoracic region. No other focal lesions are present.

PELVIS:

The pelvis is atraumatic and within normal limits.

EXTREMITIES:

The extremities have a contusion, pitting edema and mottled purple discoloration.

MICROSCOPIC EXAMINATION

- Heart (Slide 1):** Vascular congestion and patchy myocyte hypertrophy. No fibrosis.
- Lung (Slides 2, 3):** Pulmonary emphysema. Vascular congestion. Some bronchioles have mucus in the lumen and mild peribronchiolar chronic inflammation. Mild anthracosis and focal calcified cartilage. One larger arteriole has a non-occluding partial thrombus.
- Liver (Slide 4):** Congestion. Patches of bile stasis.
- Kidney (Slide 4):** Moderate glomerulosclerosis. Mild interstitial chronic inflammation.
- Brain (Slide 5):** No meningitis. Corpora amylacea and neuropil with edematous changes. Focal pyknosis in the CA1 sector but area is near tissue edge.

LABORATORY EXAMINATION

Laboratory examinations were ordered, and the results are attached.

02/01/2012 njb



HAMILTON COUNTY CRIME LABORATORY
The Frank P. Cleveland, M.D. Institute of Forensic Medicine, Toxicology and Criminalistics
3159 Eden Avenue, Cincinnati, Ohio 45219-2299
Crime Laboratory 513-946-8750 Fax 513-946-8772



TOXICOLOGY REPORT

SUBJECT NAME(S): Easterling, Dorothy
SUBMITTING AGENCY: Sharonville Police Department

FILE #: CC11-03267
DATE REPORTED: 12/12/2011

RESULTS:

Carbon Monoxide:

<u>Item #</u>	<u>Specimen</u>	<u>Results</u>	<u>Concentration</u>
1-6	Blood - purple top	Carbon Monoxide	< 5 % Hb Saturation

Headspace Gas Chromatography:

<u>Item #</u>	<u>Specimen</u>	<u>Results</u>	<u>Concentration</u>
1-1	Peripheral blood - A	Ethyl Alcohol	Negative

Immunoassay Screen (ELISA) **Presumptive:**

<u>Item #</u>	<u>Specimen</u>	<u>Results</u>	<u>Concentration</u>
1-9	Serum	Negative	

Ernie F. Chaffin

Ernie F. Chaffin
Toxicologist

Outside Lab Results

Laboratory

Vitreous Electrolytes

LabCorp

<u>Item #</u>	<u>Specimen</u>	<u>Findings</u>	<u>Results</u>
1-5-1	Vitreous	Glucose	10 mg/dl
	Vitreous	Urea Nitrogen	166 mg/dl
	Vitreous	Creatinine	2.2 mg/dl
	Vitreous	Sodium	180 mmol/L
	Vitreous	Potassium	17.4 mmol/L
	Vitreous	Chloride	148 mmol/L



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Hamilton County Coroner

The Frank P. Cleveland, M.D. Institute of Forensic Medicine, Toxicology and Criminalistics
3159 Eden Avenue, Cincinnati, Ohio 45219-2299
Office: 513-946-8700 Fax: 513-946-8727



ESTILL EASTERLING III

CC11-03268

OPINION

Diagnoses:

1. Hypothermia:
 - a. Gastric hemorrhages
 - b. Pink discoloration of body, hands and feet
 - c. Nude with one blanket partially covering body
 - d. No electricity or water in home for 14 days
 - e. Climatological data indicating 4 days at or around freezing temperatures during time electricity and water shut off
 - f. Found with mother also deceased in home.
2. Dehydration:
 - a. Sunken eyes and dried lips
 - b. Vitreous chemistry
 - c. Renal failure based on vitreous chemistry.
3. Starvation/malnutrition:
 - a. Cachexia
 - b. Body mass index (BMI) of 17.4 (within range of mild malnutrition)
 - c. Serum acetone (indicative of starvation).
4. Trisomy 21 (Down Syndrome):
 - a. No congenital anomalies
 - b. Not ambulatory
 - c. Anecdotal history of inability to perform any activities of daily living (ADLs) without assistance.
5. Other findings:
 - a. Mild cardiovascular vasculitis and perivasculitis
 - b. Right lung adhesions
 - c. Microscopic foamy foreign material in right lung without inflammatory reaction
 - d. Hypoplasia of left lobe of liver with mild macrosteatosis
 - e. Benign ectopic adrenal tissue
 - f. Cholelithiasis.


OPINION
Estill Easterling, III

PAGE 2
CC 11-03268

Cause of Death: Hypothermia.

Contributory Cause of Death: Dehydration with renal failure, starvation/malnutrition.

Manner of Death: Accident.



Karen Looman, D.O.

Deputy Coroner, Forensic Pathologist
Hamilton County, Ohio



2/2/2012

Date

**POSTMORTEM EXAMINATION
OF THE BODY OF**

ESTILL EASTERLING III

A postmortem examination of the body identified by family members and scene circumstances as "Estill Easterling" is performed at the Hamilton County Coroner's Office on Monday, November 21, 2011, at 10:54 a.m. by Dr. Karen Looman. The morgue attendants are Tony Kimble and Clyde Gamble.

HISTORY:

The decedent is a 48-year-old white male with severe Down Syndrome who was found naked and deceased in his home. His mother (CC11-03267) was found deceased in the same home.

EXTERNAL EXAMINATION

GENERAL:

The body is that of a normally developed, thin, adult male who is 98 pounds and 63 inches in height. The body is in a mild state of decomposition with drying and congestion of the facial features. The body mass index (BMI) is 17.4, which is within a stage of mild malnutrition. The body is cool to the touch due to refrigeration. The livor is anterior and bright pink, except in areas exposed to pressure. The rigor is passing. The right arm is flexed and across the chest with surface blanching. Both legs are slightly flexed as the decedent was face down and reclined on the right side with the legs to the left and head turned to the right at death.

The scalp hair is light tan-gray and medium length. There is thin white stubble in the distribution of the mustache and beard. The globes of the eyes are collapsed. The orbits appear sunken. Both sclerae are congested greater in the left eye than the right. There is no petechia, icterus or hemorrhage. The irides are hazel. There is red tache noir. The nose is atraumatic. The mouth has very poor dentition. The lips are dried and peeled back. There is brown, dried material around the lips. The facial features are consistent with a Down Syndrome individual. The neck shows no jugular venous distention. The chest has a normal anteroposterior diameter. The abdomen is flat. The skin and the subcutaneous tissue of the abdomen feels firm as if there is a poorly demarcated, oval mass. The external genitalia are dried. The penis is circumcised. The spine appears straight. There is a subcutaneous mass on the right lower back. There are dark brown, dried pressure marks on the right lateral hip. The pelvis is stable to manipulation. The upper extremities are not edematous. The hands are dark purple. There are two calluses on the left thumb. There is also peeling skin on the top of the thumb. The fingernails are very long. The anterior left thigh has a pedunculated mole. There are dried, red pressure marks and blanching marks by the left knee. The toenails are very long, thickened and curved. The sole of the left foot is black.

CLOTHING:

The body is nude.

TATTOOS:

None.

SCARS AND HEALING INJURIES:

There is a pale scar with two small scabs on the dorsum of the left forearm. There is a 1/4-inch scab on the lateral right shoulder. A faint purple-yellow contusion is on and below the right gluteal fold.

MARKS OF THERAPY:

None.

EVIDENCE OF INJURY:

A 1-1/2 x 3 inch red abrasion is on the right buttock. A dried red abrasion is by the left elbow and above the left knee.

X-RAYS:

None.

INTERNAL EXAMINATION**SEROUS CAVITIES:**

All the serous cavities have a slightly congested appearance consistent with early decomposition. There are no fluid collections within the pleura, peritoneum or pericardium. There are some right-sided lung adhesions present. There are no other adhesions identified. The anterior abdominal wall is free of masses. The right lower back has a 3 inch x 6 inch x 6 inch subcutaneous mass. Upon sectioning, the lesion is an encapsulated cyst with yellow pasty material in the center, consistent with an epidermal inclusion cyst.

NECK ORGANS:

There are no injuries to the strap muscles, hyoid bone or thyroid cartilage. The thyroid gland is congested and purple. Upon sectioning, there are no focal lesions.

HEART:

The heart is 220 grams. The coronary arteries arise normally and are right-sided dominant. There is no atherosclerotic disease. The myocardium is red and firm. There are no septal defects and the foramen ovale is sealed. There are no scars within the myocardium. The valves are thin, delicate and unremarkable.

AORTA:

The vascular anatomy is normal at the heart. There is minimal fatty streaking along the artery length. Hemolytic staining is present.

LUNGS:

The right and left lungs are 230 grams, each. The tracheobronchial tree is free of fluid, foam or obstruction. Both lungs appear bright pink. There is some thick, tan fluid within the oropharynx. There is no anthracotic pigment across the surfaces of the lungs. Upon sectioning, there is no pulmonary edema that exudes from the cut surfaces. No focal lesions are identified.

LIVER:

The liver is 670 grams. There is hypoplasia of the left lobe of the liver. The capsule is intact and covers dark brown parenchyma. Upon sectioning, no distinct focal lesions are identified.

GALLBLADDER:

The gallbladder sac contains a single 1.0 x 1.0 x 1.5-centimeter green-black stone. There is approximately 1.0 milliliter of green bile present. No other focal lesions are identified.

SPLEEN:

The spleen is 30 grams. The capsule is intact and covers red parenchyma. Upon sectioning, there are no focal lesions.

PANCREAS:

The pancreas has a normal tan-brown, lobulated architecture without focal lesions.

ADRENAL GLANDS:

The glands have yellow cortices and tan medullae without focal lesions.

GASTROINTESTINAL TRACT:

The oral mucosa is pale. The tongue is atraumatic. The esophagus is patent. The stomach contains 70 milliliters of black-brown, thin fluid. The gastric mucosa is autolytic. There are fine 0.1 centimeter black hemorrhages and petechiae along the apices of all rugal folds. There are no ulcers present. The small and large intestines are gas-filled. There are no diverticula. The appendix is present.

KIDNEYS:

The right kidney is 65 grams, and the left kidney is 70 grams. Both capsules strip with ease from each smooth cortical surface. Upon bisection, the calyces are patent and free of stones or hydronephrosis. A single 0.2-centimeter off-white-yellow round lesion is on the surface of the right kidney. No other lesions are identified.

BLADDER:

The bladder contains approximately 50 milliliters of clear, yellow urine. The mucosa is light tan and unremarkable.

GENITALIA:

The penis is circumcised. The prostate is small to palpation. There are no other focal lesions.

BRAIN AND MENINGES:

The brain is 1,330 grams and appears slightly swollen. There is no epidural, subdural or subarachnoid hemorrhage. The leptomeninges are thin and free of purulent exudate. The cranial nerves and vessels are unremarkable. Upon sectioning, the cortical ribbon is thin and even. There are no lesions within the white matter or deep gray nuclei. The brainstem and cerebellum are free of hemorrhage and upon sectioning have no focal lesions.

SKULL AND SUBGALEA:

The skull is atraumatic and within normal limits. The left temporal scalp has slight red dependent congestion. There are no other focal lesions.

RIBS/STERNUM:

The ribs and sternum are atraumatic and within normal limits.

VERTEBRAE:

The vertebrae are atraumatic and within normal limits.

PELVIS:

The pelvis is atraumatic and within normal limits.

EXTREMITIES:

The extremities have calluses, pressure marks, scabs, and long, curved nails as previously described.

MICROSCOPIC EXAMINATION

Heart (Slide 1): Focal mild perivasculitis and vasculitis. No myocarditis is present. No contraction band necrosis. Focal myocardial disarray adjacent to the subendocardium. Section of left ventricular wall without inflammation or necrosis. Vascular congestion.

Lung (Slides 2, 3): Vascular congestion. Dilated air spaces. Foamy-appearing foreign material in one part of a right lung section without an inflammatory reaction. Mucus in the tracheobronchial tree. No pneumonia.

Liver (Slide 4): Lobular congestion and mild macrosteatosis.

Kidney (Slide 4): Autolysis. Multiple calcifications in the tubules. Very mild glomerulosclerosis. Vascular congestion. Focus of ectopic adrenal tissue.

Brain (Slide 5): Corpora amylacea. No hippocampus on section. No ischemia in cerebellum. Vascular congestion.

LABORATORY EXAMINATION

Laboratory examinations were ordered, and the results are attached.



HAMILTON COUNTY CRIME LABORATORY
The Frank P. Cleveland, M.D. Institute of Forensic Medicine, Toxicology and Criminalistics
3159 Eden Avenue, Cincinnati, Ohio 45219-2299
Crime Laboratory 513-946-8750 Fax 513-946-8772



TOXICOLOGY REPORT

SUBJECT NAME(S): Easterling, III, Estill
SUBMITTING AGENCY: Sharonville Police Department

FILE #: CC11-03268
DATE REPORTED: 12/12/2011

RESULTS:

Carbon Monoxide:

<u>Item #</u>	<u>Specimen</u>	<u>Results</u>	<u>Concentration</u>
1-7	Blood - purple top	Carbon Monoxide	< 5 % Hb Saturation

Headspace Gas Chromatography:

<u>Item #</u>	<u>Specimen</u>	<u>Results</u>	<u>Concentration</u>
1-1	Peripheral blood - A	Acetone	14.7 mg%
1-1	Peripheral blood - A	Ethyl Alcohol	Negative

Immunoassay Screen (ELISA) **Presumptive:**

<u>Item #</u>	<u>Specimen</u>	<u>Results</u>	<u>Concentration</u>
1-8	Serum	Negative	

Ernie F. Chaffin

Ernie F. Chaffin
Toxicologist

Outside Lab Results

Laboratory

Vitreous Electrolytes

LabCorp

<u>Item #</u>	<u>Specimen</u>	<u>Findings</u>	<u>Results</u>
1-12-1	Vitreous	Glucose	0 mg/dl
	Vitreous	Urea Nitrogen	104 mg/dl
	Vitreous	Creatinine	2.4 mg/dl
	Vitreous	Sodium	172 mmol/L
	Vitreous	Potassium	> 40.0 mmol/L
	Vitreous	Chloride	144 mmol/L

Account Number 0120-0420-20-5

10 02

For less detailed billing information on
your monthly bill, check box on right ☐

Due Date

Aug 26, 2011

Amount Due

\$ 143.49

\$ _____ \$ _____
HeatShare Contribution Amount Enclosed
(for Customer Assistance)Estill Easterling
11312 Orchard St
Cincinnati OH 45241-1915PO Box 1326
Charlotte NC 28201-1326

400 00000143499 01200420205 082620117 00000145645

Page 1 of 2

Name/Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-421-9500	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Aug 04 not included Last payment received Aug 01 Bill prepared on Aug 04, 2011 Next meter reading Sep 01, 2011

Meter	Number	Reading Date From To	Days	Meter Reading Previous Present	Usage
Gas	000999214	Jul 05 Aug 03	29	1259 1267	8
Elec	106188883	Jul 05 Aug 03	29	1844 2650	806

Gas - Residential	Current Billing
Usage - 8 CCF	Amt Due - Previous Bill \$ 178.21
Duke Energy - Rate RS \$ 38.03	Payment(s) Received 178.21 cr
Current Gas Charges \$ 38.03	Balance Forward 0.00
Gas Cost Recovery \$0.56997230/CCF	Current Gas Charges 38.03
	Current Electric Charges 105.46
	Current Amount Due \$ 143.49

Electric - Residential
Usage - 806 kWh
Duke Energy - Rate RS \$ 105.46
Current Electric Charges \$ 105.46

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5699723 per CCF, which includes a base GCR of \$0.5434000 and Ohio excise tax of \$0.0265723.

Order your FREE compact fluorescent light bulbs today! Call 1-800-943-7585 and choose option 1. or visit www.duke-energy.com/freecfls1 to see if you are eligible.

PRICE TO COMPARE: In order for an average residential customer to save money, an electric supplier must offer a price lower than 8.87 cents per kWh. Your Price to Compare may be different based on your usage. Visit www.duke-energy.com to calculate your individual Price to Compare or contact Duke Energy for a written explanation.

Due Date	Amount Due	After
Aug 26, 2011	\$ 143.49	Aug 26, 2011 \$ 145.64

REMINDER NOTICE

Account Number 0120-0420-20-5

10 02

For less detailed billing information on
your monthly bill, check box on right

☐

Due Date	Amount Due
Sep 27, 2011	\$ 248.82

\$ _____ \$ _____
HeatShare Contribution Amount Enclosed
(for Customer Assistance)

Estill Easterling
11312 Orchard St
Cincinnati OH 45241-1915

PO Box 1326
Charlotte NC 28201-1326

400 00000248827 01200420205 092720110 00000252557

REMINDER NOTICE

Page 1 of 2

Name/Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-421-9500	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Sep 02 not included Bill prepared on Sep 02, 2011 Next meter reading Oct 03, 2011

REMINDER - Did you overlook paying last month's bill? Unless you paid your bill recently, please give this your prompt attention.

Meter Number	Reading Date From To	Days	Meter Reading Previous Present	Usage
Gas 000999214	Aug 03 Sep 01	29	1267 1273	6
Elec 106188883	Aug 03 Sep 01	29	2650 3136	486

Gas Residential	
Usage - 6 CCF	
Duke Energy - Rate RS	\$ 36.85
Current Gas Charges	\$ 36.85
Gas Cost Recovery \$0.59692900/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 143.49
Late Payment Charge(s)	2.15
Balance Forward	145.64
Current Gas Charges	36.85
Current Electric Charges	66.33
Current Amount Due	\$ 248.82

Electric Residential	
Usage - 486 kWh	
Duke Energy - Rate RS	\$ 66.33
Current Electric Charges	\$ 66.33

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5969290 per CCF, which includes a base GCR of \$0.5961000 and Ohio excise tax of \$0.027829.

REMINDER NOTICE

Due Date	Amount Due	After
Sep 27, 2011	\$ 248.82	Sep 27, 2011 \$ 252.55

DISCONNECT NOTICE

Account Number 0120-0420-20-5

10 02

For less detailed billing information on
your monthly bill, check box on right ☐

Due Date	Amount Due
Oct 26, 2011	\$ 373.06

\$ _____ \$ _____
HeatShare Contribution Amount Enclosed
(for Customer Assistance)

Estill Easterling
11312 Orchard
Cincinnati OH 45241

PO Box 1327
Charlotte NC 28201-1327

410 00000373060 01200420205 102620119 00000378666

DISCONNECT NOTICE

Page 1 of 3

Name / Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-651-5100	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1327 Charlotte NC 28201-1327	Payments after Oct 04 not included Bill prepared on Oct 04, 2011 Next meter reading Nov 01, 2011

If your service is disconnected for non payment, in addition to a reconnection charge, you will be required to pay a deposit in the amount of \$200.00 before service is restored.

IMPORTANT: Your service may be disconnected if your past due amount of \$248.82 is not paid before 10/28/2011. A reconnection charge will be required. In addition, a service deposit may be required; if so, payment arrangements may be available. For questions, please call the number shown above.

You also have the option to retain or have reconnected one of your services, either gas or electric. Please contact us at the number shown above to discuss this option.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Sep 01	Oct 03	32	1273	1340	67
Elec	106188883	Sep 01	Oct 03	32	3136	3418	282

Gas - Residential	Current Billing
Usage - 67 CCF	Amt Due - Previous Bill \$ 248.82
Duke Energy - Rate RS \$ 78.77	Late Payment Charge(s) 3.73
Current Gas Charges \$ 78.77	Balance Forward 252.55
Gas Cost Recovery \$0.58664980/CCF	Current Gas Charges 78.77
	Current Electric Charges 41.74
	Current Amount Due \$ 373.06

Electric - Residential
Usage - 282 kWh
Duke Energy - Rate RS \$ 41.74
Current Electric Charges \$ 41.74

DISCONNECT NOTICE

Due Date	Amount Due	After
Oct 26, 2011	\$ 373.06	Oct 26, 2011 \$ 378.66

DISCONNECT NOTICE

Account Number 0120-0420-20-5

10 02

For less detailed billing information on
your monthly bill, check box on right

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Due Date	Amount Due
Nov 28, 2011	\$ 381.25

\$ _____ \$ _____
HeatShare Contribution Amount Enclosed
(for Customer Assistance)

Estill Easterling
11312 Orchard St
Cincinnati OH 45241-1915

PO Box 1326
Charlotte NC 28201-1326

410 00000381250 01200420205 112820116 00000386979

DISCONNECT NOTICE

Page 1 of 3

Name/Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-651-5100	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Nov 02 not included Last payment received Oct 11 Bill prepared on Nov 02, 2011 Next meter reading Dec 02, 2011

IMPORTANT: If your service has not yet been disconnected, please pay \$229.57 immediately to avoid disconnection.

If your service is disconnected for non payment, in addition to a reconnection charge, you will be required to pay a deposit in the amount of \$205.00 before service is restored.

You also have the option to retain or have reconnected one of your services, either gas or electric. Please contact us at the number shown above to discuss this option.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Oct 03	Nov 01	29	1340	1465	125
Elec	106188883	Oct 03	Nov 01	29	3418	3643	225

Gas - Residential	
Usage -	125 CCF
Duke Energy - Rate RS	\$ 113.42
Current Gas Charges	\$ 113.42
Gas Cost Recovery \$0.54458890/CCF	

Electric - Residential	
Usage -	225 kWh
Duke Energy - Rate RS	\$ 34.82
Current Electric Charges	\$ 34.82

Current Billing	
Amt Due - Previous Bill	\$ 373.06
Payment(s) Received	143.49cr
Late Payment Charge(s)	3.44
Balance Forward	233.01
Current Gas Charges	113.42
Current Electric Charges	34.82
Current Amount Due	\$ 381.25

DISCONNECT NOTICE

Due Date	Amount Due	After
Nov 28, 2011	\$ 381.25	Nov 28, 2011
		\$ 386.97

Account Number 0120-0420-20-5

10 02

For less detailed billing information on
your monthly bill, check box on right

☐

Due Date	Amount Due
Dec 27, 2011	\$ 299.73

\$ _____ \$ _____
HeatShare Contribution Amount Enclosed
(for Customer Assistance)

Estill Easterling
11312 Orchard St
Cincinnati OH 45241-1915

PO Box 1326
Charlotte NC 28201-1326

400 00000299731 01200420205 122720110 00000301388

Page 1 of 3

Name/Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-421-9500	0120-0420-20-5

Mail Payments to	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Dec 05 not included Last payment received Nov 22 Bill prepared on Dec 05, 2011 Next meter reading Jan 04, 2012

PLEASE NOTE: A service deposit has been charged to your account because your service was previously disconnected for nonpayment. To avoid another interruption of service, please pay the stated deposit amount by the due date indicated or contact us at the number listed for payment arrangements.


Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Nov 01	Dec 02	31	1465	1518	53
Elec	106188883	Nov 01	Nov 04	3	3643	3668	25
Elec	106188883	Nov 21	Dec 02	11	3668	3761	93

Gas - Residential	Current Billing
Usage - 53 CCF	Amt Due - Previous Bill \$ 381.25
Duke Energy - Rate RS \$ 66.98	Payment(s) Received 381.25cr
Current Gas Charges \$ 66.98	Balance Forward 0.00
Gas Cost Recovery \$0.54637200/CCF	Current Gas Charges 66.98
	Current Electric Charges 17.75
	Reconnect Charge 25.00
	Security Deposit Amt Due 190.00
	Current Amount Due \$ 299.73

Electric - Residential
Usage - 25 kWh
Duke Energy - Rate RS \$ 3.76
Usage - 93 kWh
Duke Energy - Rate RS 13.99
Current Electric Charges \$ 17.75

Due Date	Amount Due	After
Dec 27, 2011	\$ 299.73	Dec 27, 2011 \$ 301.38

Page: 1 Document Name: Untitled

MSRA MULTIPLE SERVICE REQUEST FOR ACCOUNT 11:27 A 11/05/13 M35MSRA
ACCT: 01200420 20 CS: GOOD STATUS/DATE: FINAL 07/09/13 PG: 1
DIV : 10 CYC: 03 ZIP: 45241 CUST SIC : PRIVATE HOUSEHOLDS
NAME: ESTILL EASTERLING PENDING : 
ADDR: 11312 ORCHARD APT: FL: SUBURB: SHARONVILLE

LN	TN	SVRQ	SERV	DATE	ORDER	STATUS		MTR NO OR
NO	NO	TYPE	TYPE	WANTED	STATUS	DATE	CUSTOMER NAME	COND MAP/POLE
01	21	ON	GAS	07/08/13	COMP	07/09/13	JEFFREY E PITZER	999214
			ELEC	07/08/13	COMP	07/09/13		106188883
02	20	CRON	ELEC	11/21/11	COMP	11/21/11	ESTILL EASTERLING	106188883
03	20	GSRV	GAS	11/20/11	COMP	11/20/11	ESTILL EASTERLING	999214
04	20	DNP	GAS	11/04/11	CANC	11/04/11	ESTILL EASTERLING	999214
			ELEC	11/04/11	COMP	11/04/11		106188883

LN NO: ____

4-6 1 Sess-1 162.113.67.185 T2FD 22/9