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BEFORE

THE PUCO UTILITIES COMMISSION OF OHIO

CASE NUMBER: 15-298-GE-CSS

IN THE MATTER OF THE COMPLAINT OF

JEFFREY PITZER COMPLAINANT

vs.

DUKE ENERGY OHIO, INC. RESPONDENT

* * * * *

DEPONENT: JEFFREY PITZER

DATE: SEPTEMBER 16, 2015

* * * * *

Jeanna Migliorisi,
Certified Court Reporter

CJV REPORTING COMPANY, INC.
130 DUDLEY ROAD, SUITE 170
EDGEWOOD, KENTUCKY 41017
(859) 581-9794

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Cross-Examination By Mr. McMahon

4

1 The deposition of JEFFREY PITZER, taken for the
2 purpose of discovery and/or use as evidence in the
3 within action, pursuant to notice, heretofore taken
4 at the offices of Duke Energy, 139 E. Fourth Street,
5 1303 Main, Cincinnati, Ohio, on September 16, 2015,
6 at 12:39 p.m., upon oral examination, and to be used
7 in accordance with the Ohio Rules of Civil
8 Procedure.

9 * * * * *

10 APPEARANCES

11
12 REPRESENTING THE COMPLAINANT:

13 DONALD A. LANE, ESQ.
14

15 REPRESENTING THE RESPONDENT:

16 ROBERT A. McMAHON, ESQ.

17 AMY B. SPILLER, ESQ.
18

19 REPRESENTING THE OHIO CONSUMERS' COUNSEL:

20 TERRY L. ETTER, ESQ. (VIA SPEAKERPHONE)

21 KIMBERLY W. BOJKO, ESQ. (VIA SPEAKERPHONE)
22

23 ALSO PRESENT: MINNA ROLFES-ADKINS, PARALEGAL

24 * * * * *
25

1 JEFFREY PITZER, after having been first duly
2 sworn, was examined and deposed as follows:

3 CROSS-EXAMINATION

4 BY MR. McMAHON:

5 Q. Mr. Pitzer, good afternoon. My name is
6 Bob McMahon. As we met earlier, I'm one of the
7 attorneys for Duke Energy Ohio in this case. You
8 were present during your wife's deposition this
9 morning, correct?

10 A. Uh-huh, yes.

11 Q. I'll just go over some ground rules.
12 First, could you please state your full name for the
13 record?

14 A. Jeffrey Eugene Pitzer.

15 Q. And your current address?

16 A. 11312 Orchard Street, Cincinnati, Ohio,
17 45241.

18 Q. As you heard me say during your wife's
19 deposition, that is the same property that's at
20 issue in this case, correct?

21 A. Correct.

22 Q. So to the extent I refer to the property,
23 we're talking about the same thing, where your
24 mother-in-law and brother-in-law previously lived
25 and where you and your wife now reside?

1 A. Correct.

2 Q. You and your wife currently have service
3 at the property?

4 A. Correct.

5 Q. And service, I'm sorry. I should have
6 said, with Duke Energy of Ohio?

7 A. Correct.

8 Q. Is that account in your name or your
9 wife's name?

10 A. Mine.

11 Q. Has that always been the case since the
12 events at issue in this case?

13 A. Can you clarify what you're asking?

14 Q. Yeah. Since Dorothy Easterling and Estill
15 Easterling passed away?

16 A. Since we moved in the house?

17 Q. Yes.

18 A. It's in my name.

19 Q. This just reminded me. Before we get
20 started, let's make sure we understand the same
21 ground rules. For purposes of allowing the court
22 reporter to take down a good record of what
23 transpires here this afternoon, it's important that
24 you allow me to finish the question --

25 A. Okay.

1 Q. -- before answering, and then I'll do the
2 same for you and let you finish your answer before
3 going on, okay?

4 A. Okay.

5 Q. It's also important, as you just did, to
6 answer out loud rather than shaking your head or
7 nodding.

8 A. Uh-huh.

9 Q. That way the court reporter can take
10 everything down.

11 A. All right.

12 Q. If you do not understand the question, let
13 me know, okay?

14 A. Uh-huh.

15 Q. If you don't hear the question, you'll let
16 me know?

17 A. Yes.

18 Q. Great. And we can assume for the record
19 that if you answer the question, you both heard it
20 and understood it?

21 A. Yes.

22 Q. Okay, great. We had started talking about
23 the service that's in your name at the property now
24 that you moved in. When did you and your wife move
25 in?

1 A. The exact date, I'm not sure.

2 Q. General time frame?

3 A. Probably 2013.

4 Q. Did anyone live at the house during any of
5 2012?

6 A. No.

7 Q. While this is fresh in my memory, I'm
8 going to get into it now. Your counsel has raised
9 in a letter a claim or reference to an alleged fact
10 that a smart meter was installed at the property
11 shortly before Dorothy Easterling and Estill
12 Easterling passed away in November of 2011. Are you
13 aware of that claim by your attorney?

14 A. I'm aware of the claim.

15 Q. Was a smart meter installed at the
16 property in the fall of 2011?

17 A. I wasn't present. I don't recall, you
18 know, that it was -- when it was.

19 Q. Okay. I failed to ask your wife a
20 question about this issue because I think the
21 reference was that your wife may have seen or met
22 the person at the property. Are you aware of that?

23 A. I believe so.

24 Q. This issue is confusing, to say the least,
25 to the company because the company records show that

1 the smart meter was installed at the property on
2 April 24th, 2014.

3 MS. BOJKO: Objection.

4 Q. Are you saying that it was installed in
5 2011?

6 A. Okay. One was installed in our basement
7 in 2014. That wasn't -- I don't know what they
8 called it.

9 Q. Okay. Meaning you don't know what type of
10 meter?

11 A. No. No, I don't. All I know is they
12 wanted to install a new meter so they can read it
13 from wherever.

14 Q. Okay.

15 A. I don't know the exact names of all the
16 meters.

17 Q. Fair enough. So something -- some type of
18 new meter was installed at the property in 2014 when
19 you and your wife were living there?

20 A. That is correct, yes.

21 Q. Does the April time frame sound familiar
22 to you or you're --

23 A. I believe so.

24 Q. -- not sure? Then going back to the fall
25 of 2011, are you saying that some other type of

1 meter was installed at the property during August,
2 September or October of '11?

3 MR. LANE: Objection. Go ahead.

4 A. From my understanding.

5 Q. What is the basis of your understanding?

6 A. My wife.

7 Q. What specifically did she say to you in
8 this regard?

9 A. That she --

10 MR. LANE: Objection.

11 A. That they came out.

12 MR. LANE: Objection. I'm sorry. Go
13 ahead.

14 A. They came out and put in a meter.

15 Q. And why would your wife have been there?

16 MR. LANE: Objection.

17 Q. Or was she there?

18 MR. LANE: Objection.

19 A. I believe she was visiting. I, I was
20 working.

21 Q. Based on what your wife told you, is it
22 your understanding that she was present when this
23 meter was installed or she just learned about it?

24 MR. LANE: Objection.

25 A. Correct, she was present.

1 Q. And you don't know what type of meter
2 supposedly was installed?

3 A. No, I have no idea.

4 Q. And your wife didn't tell you what type of
5 meter she saw being installed?

6 MR. LANE: Objection.

7 A. No.

8 Q. Are you aware that your attorney has
9 referred to this meter in the fall of 2011 as being
10 a smart meter?

11 A. I believe so, yes.

12 Q. But do you know where your attorney got
13 that information?

14 MR. LANE: Objection. To the extent that
15 the question calls for you to relate any
16 conversations I've had with you, I would
17 instruct you not to answer. That is
18 privileged.

19 A. Okay.

20 Q. Without divulging attorney/client
21 communications, are you able to answer my question?

22 A. No.

23 Q. To your knowledge, would your attorney
24 have gotten any information about meters having been
25 installed at the property from anyone other than you

1 or your wife?

2 MR. LANE: Again, to the extent that that
3 question requires you to talk about any
4 conversations that we've had, I would
5 encourage you not to answer it.

6 Q. Are you able to answer the question
7 without revealing attorney/client communications?

8 A. No.

9 Q. To your knowledge, did your attorney speak
10 with anyone at Duke Energy directly?

11 A. I'm not aware.

12 Q. What is your understanding of a smart
13 meter?

14 A. I have no understanding of a smart meter.

15 Q. On September 14, 2015, for the record,
16 your attorney sent us and all counsel a letter that
17 said, and I quote: Mr. Pitzer is aware that Dorothy
18 Easterling had a new, quote, smart meter, end quote,
19 installed in her home sometime in August, dash,
20 October, 2011 shortly before her death, end period.

21 What is the basis of your attorney's
22 reference in that letter?

23 MR. LANE: Objection.

24 Q. You can answer.

25 A. I will when I decide what I want to say

1 here. Just a second, please.

2 Q. Okay.

3 A. There was something put on the house.

4 What it's called, I don't know.

5 Q. That's the extent of your answer?

6 A. Yes.

7 Q. So is it more accurate to say that you
8 aren't aware that a smart meter was installed at the
9 property sometime in August to October of 2011?

10 MR. LANE: Objection.

11 A. Could you rephrase or restate that again?

12 MR. McMAHON: Could you read it back to
13 him, please?

14 (The question on page 12, beginning on
15 line 7 was read by the Court
16 Reporter.)

17 A. If it's called a smart -- what is it
18 called? Smart? If that's what it's referred to,
19 yes, it was. It was on the house.

20 Q. I'm trying to understand the basis for
21 your attorney's letter.

22 A. Okay.

23 Q. He's referring to you. You're welcome to
24 look at the letter if you would like.

25 A. Okay.

1 MR. LANE: Are we going to mark that as
2 an exhibit?

3 MR. McMAHON: No.

4 A. Okay.

5 Q. So are you or are you not aware that a
6 smart meter was installed at the property at
7 sometime during August through October of 2011?

8 A. Yes, it was.

9 Q. So you're now aware of that?

10 A. Yes.

11 Q. So you're now aware that a smart meter,
12 not some other type of meter, but a smart meter was
13 installed at the property? That's a question.

14 A. Yes, I know. Yes, I guess.

15 Q. Do you now have an understanding of what a
16 smart meter is?

17 A. I understand it's something that you guys
18 read the meter with, yes.

19 Q. How do you know? What personal knowledge
20 do you have as to what was supposedly installed at
21 the property during August through October of 2011?

22 A. I'm sorry?

23 Q. What personal knowledge do you have?

24 A. I guess I don't personally.

25 Q. So whatever knowledge or information you

1 have, apparently, came from your wife?

2 A. I believe so.

3 Q. To your knowledge and understanding, does
4 your wife know the difference between a smart meter
5 and some other type of meter?

6 MR. LANE: Objection.

7 A. I can't answer that.

8 Q. In that same letter that you were just
9 looking at, the next sentence says, quote: Gail
10 Lykins recalls speaking with the installer and that
11 his name is James, end quote.

12 What, if anything, has your wife told you
13 about her conversations with the installer?

14 A. I don't recall it.

15 MR. LANE: Objection.

16 A. I don't recall.

17 Q. Did she ever tell you about that
18 conversation?

19 A. I don't recall.

20 Q. We'll go back over a lot of the same
21 things I went over with your wife earlier today.
22 Let's start with your mother-in-law Dorothy
23 Easterling. Describe your relationship with her
24 during, let's say, 2011.

25 A. A close, loving relationship with my

1 mother-in-law.

2 Q. When you say close, what do you mean?

3 A. Just as I said, I was close to her as far
4 as a son-in-law can be.

5 Q. What do you mean by close?

6 A. I helped her, you know.

7 Q. How often from August of 2011 through
8 November 20 of 2011 did you see your mother-in-law
9 in person?

10 A. One to two times a week.

11 Q. Would that be at the property?

12 A. Yes.

13 Q. Would you go visit her on those occasions
14 with your wife or by yourself or sometimes one or
15 the other?

16 A. It could be alone or both.

17 Q. Was that in order to, among other things,
18 go to the grocery store for your mother-in-law?

19 A. Correct.

20 Q. Did you ever go visit her and your
21 brother-in-law, I should say, during August of 2011
22 through November 20th of 2011 other than to go to
23 the grocery store for her?

24 MR. LANE: I'm assuming that we're
25 talking about Estill as the

1 brother-in-law?

2 MR. McMAHON: Yes.

3 A. Other than to go to the grocery store?

4 Q. Yes.

5 A. Yes.

6 Q. How often in the August through
7 November 20th of 2011 time frame did you speak to
8 your mother-in-law on the phone?

9 A. One to two times a week.

10 Q. Would these occasions be occasions to
11 catch up or more to say, hey, I'm on my way over
12 type of thing?

13 A. It depends. Sometimes a catch-up.
14 Sometimes just to let her know I was coming.

15 Q. And these telephone calls, were these
16 calls that you placed to your mother-in-law or vice
17 versa?

18 A. It went both ways.

19 Q. Based on your wife's testimony, it's
20 correct that your mom did not communicate with you
21 or anyone else via text, e-mail or anything
22 electronic?

23 A. Correct.

24 Q. So how would you describe your
25 mother-in-law's physical condition in the August

1 through November 2011 time frame?

2 A. Good.

3 Q. Can you elaborate on that at all?

4 A. As far as?

5 Q. What do you mean by good?

6 A. She cleaned the house. She did her daily
7 routine.

8 Q. She was self-sufficient?

9 A. Yes.

10 Q. Other than with respect to, obviously, you
11 and your wife and others helping her on occasion,
12 correct?

13 A. Correct.

14 Q. As your wife testified, your mother-in-law
15 drove?

16 A. Yes.

17 Q. And she was still driving her car in
18 November of 2011?

19 A. Not that I'm aware of.

20 Q. At some point in time did she stop
21 driving?

22 A. Not that I'm aware of.

23 Q. When is the last time that you personally
24 know that your mother-in-law drove her car?

25 A. I don't recall that.

1 Q. But to your knowledge, was she still
2 driving in the August, September, October,
3 November 2011 time frame?

4 A. I don't recall that.

5 Q. When you say she cleaned their house,
6 meaning what? Can you explain that a little bit
7 more?

8 A. Just like you clean your house. You sweep
9 and do your chores.

10 Q. Run the vacuum?

11 A. Yes.

12 Q. So your mother-in-law at the age of 84 was
13 still able physically to get the vacuum cleaner out
14 and run it in the house at the property?

15 A. Yes.

16 Q. And did her dishes?

17 A. Yes.

18 Q. And generally dusted and other things like
19 that?

20 A. Yes.

21 Q. What about laundry?

22 A. Yes.

23 Q. She did it herself?

24 A. Yes.

25 Q. You and your wife didn't help in that

1 regard during this time frame?

2 A. I don't recall that, no.

3 Q. Your mother-in-law was not under any
4 medical care at the time in the fall of 2011?

5 A. Not that I recall.

6 Q. Did she have any medical issues or
7 conditions?

8 A. Not that I recall.

9 Q. What about her mental state in the fall of
10 2011?

11 A. Very bright.

12 Q. Anything else?

13 A. No.

14 Q. What level of education did your
15 mother-in-law obtain?

16 A. I don't recall that.

17 Q. I just wondered. Would you say that she
18 was competent mentally?

19 A. Yes.

20 Q. And your mother-in-law, as I understand
21 it, was the one who got her mail, opened her mail
22 and paid all of her bills, correct?

23 A. Correct.

24 Q. That's true of the gas and electric bill?

25 A. Yes.

1 Q. The water bill?

2 A. Yes.

3 Q. The real estate taxes?

4 A. Yes.

5 Q. The phone bill?

6 A. Yes.

7 Q. And I guess some type of credit card or
8 something?

9 A. Not that I recall.

10 Q. You don't recall a credit card?

11 A. I don't.

12 Q. Did your mother-in-law ever have to do any
13 big project that she could not take care of at the
14 property like during 2010, 2011?

15 A. Not that I recall.

16 Q. And your mother-in-law was the primary
17 caregiver for Estill Easterling?

18 A. Correct.

19 Q. What were his abilities with respect to
20 daily activities and such?

21 A. Can you elaborate on that a little bit?

22 Q. What was he able to do with respect to his
23 personal care?

24 A. His personal care?

25 Q. Yes.

1 A. He relied on his mother.

2 Q. I think your wife talked about he might
3 bathe himself occasionally or brush his teeth, fix
4 some meals here or there. Is that accurate?

5 A. Yes.

6 Q. But, generally speaking, he relied on his
7 mom?

8 A. Correct.

9 Q. He had no involvement whatsoever in the
10 day-to-day upkeep of the household payment of bills,
11 nothing of that nature?

12 A. Correct.

13 Q. Do you recall when your wife's dad, Estill
14 Easterling, Jr., passed away?

15 A. I don't recall the year. I recall the
16 month. It was April.

17 Q. Do you know, roughly speaking, how long
18 ago it's been?

19 A. Close to 30 years.

20 Q. To your knowledge, did Dorothy Easterling
21 or anyone else ever tell Duke Energy Ohio that
22 Estill Easterling had passed away close to 30 years
23 ago?

24 A. I don't recall.

25 Q. To your knowledge, did Dorothy Easterling

1 or anyone else ever ask Duke Energy Ohio to put the
2 gas and electric account in her name or someone
3 else's name after he passed away?

4 A. I don't recall.

5 Q. But you're aware that the gas and electric
6 account at the property remained in the name of
7 Estill Easterling, your wife's dad, through,
8 actually until 2013 or so when you and your wife
9 moved in, correct?

10 A. Correct.

11 Q. So even after the events of November of
12 2011 when your mother-in-law and brother passed
13 away, the account still remained in your dad, in
14 your father-in-law's name, Estill Easterling, for
15 the next, more than a year or year and a half until
16 you and your wife moved in?

17 A. Correct.

18 Q. Why is that? Do you know?

19 A. Because we lived at another property.

20 Q. Right. But do you know why neither you,
21 nor your wife had the gas and electric account at
22 the property put in one of your names or somebody
23 else's name after the two people who lived there had
24 passed away?

25 A. Because we didn't live there, we didn't

1 change it.

2 Q. You ultimately moved into the house?

3 A. Correct.

4 Q. Did you buy it?

5 A. I --

6 Q. I'm sorry?

7 A. We own it.

8 Q. Right. Did you purchase it?

9 A. No.

10 Q. Was the property inherited once Dorothy
11 Easterling passed away?

12 A. Correct.

13 Q. Is the property currently in your wife's
14 name or both of your names?

15 A. My wife's.

16 Q. I put in front of you the documents that
17 were marked during your wife's deposition. We're
18 going to use the same documents for your deposition.

19 Let's start with Exhibit 1. Exhibit 1 is
20 a copy of the Duke Energy bill prepared on
21 September 2nd, 2011 and addressed to Estill
22 Easterling at the property, correct?

23 A. A prepared -- where's that at?

24 Q. I'm sorry. If I can help you, right
25 there.

1 A. That's what it says.

2 Q. Is there any information within Exhibit 1
3 that you believe is incorrect?

4 MR. LANE: Objection.

5 A. Not to my knowledge.

6 Q. And Exhibit 1 was mailed to the property,
7 right?

8 MR. LANE: Objection.

9 A. I don't recall that, no.

10 Q. Do you have any evidence to indicate that
11 Exhibit 1 was not received by Dorothy Easterling at
12 the property?

13 A. I don't recall that either.

14 Q. Well, my question is, do you have any
15 evidence that suggests she didn't receive it?

16 A. I do not.

17 Q. Are you aware of anyone that supposedly
18 has personal knowledge that this bill marked as
19 Exhibit 1 was not received at the property?

20 A. I do not.

21 Q. Now, you see the references to reminder
22 notice at the top and then, roughly, in the middle?

23 A. Okay.

24 Q. Yes?

25 A. Yes.

1 Q. And then you see the message box in the
2 middle of the first page of Exhibit 1?

3 A. The reminder?

4 Q. Yes.

5 A. Yes.

6 Q. Do you have any knowledge or information
7 to refute that this account was not past due as of
8 September 2nd, 2011?

9 MR. LANE: Objection.

10 A. I don't.

11 Q. Just to be clear, you're the named
12 complainant in this case?

13 A. Yes.

14 Q. You were substituted in place of your
15 wife, correct?

16 A. Correct.

17 Q. And you're not claiming in this case that
18 a payment of some kind was made during August of
19 2011 or on the 1st or 2nd of September and that was
20 not reflected in this bill, correct?

21 A. I'm not aware.

22 Q. Right. But that's not part of your case,
23 correct?

24 A. Could you say the question again, please?

25 Q. Let me ask it this way. Your case against

1 Duke Energy Ohio here has nothing to do with a claim
2 that Duke supposedly didn't credit this account for
3 a payment that you believe actually was made?

4 A. Not that I'm aware of.

5 Q. At the risk of summarizing, this case is
6 all about the disconnection of service and whether
7 proper notice was given?

8 A. Okay.

9 Q. Correct?

10 A. Correct.

11 Q. Now, take a look at Exhibit 2, please.

12 Exhibit 2 is a copy of the bill prepared by Duke
13 Energy on October 4th, 2011 and mailed to the
14 attention of Estill Easterling at the property,
15 correct?

16 A. Correct.

17 Q. This bill marked as Exhibit 2 was actually
18 delivered to the property by the USPS, correct?

19 MR. LANE: Objection.

20 A. Not that I'm aware of.

21 Q. Do you have any evidence to the contrary?

22 A. No.

23 Q. Do you have any evidence or knowledge that
24 Dorothy Easterling did not receive the bill marked
25 as Exhibit 2 by mail?

1 A. No.

2 Q. To your knowledge, is there any
3 information within Exhibit 2 that is not accurate?

4 MR. LANE: Objection.

5 A. Not that I'm aware of.

6 Q. You see the two references to disconnect
7 notice at the top and, roughly, in the middle?

8 A. Yes.

9 Q. Then you see the message box in the middle
10 of the first page of Exhibit 2?

11 A. Yes.

12 Q. Within that message box is the sentence,
13 quote: Your service may be disconnected if your
14 past due amount of \$248.82 is not paid before
15 10/28/2011, end quote. Correct?

16 A. Yes.

17 Q. I mean, there's nothing in there that's
18 confusing, is there?

19 MR. LANE: Objection.

20 A. No.

21 Q. So as of October 4th, 2011, this account
22 in the name of Estill Easterling was in arrears,
23 right?

24 MR. LANE: Objection.

25 A. From my understanding.

1 Q. I didn't hear you.

2 A. From my understanding.

3 Q. From your understanding yes?

4 A. Yes.

5 Q. To your knowledge, Dorothy Easterling
6 didn't make the required payment of \$248.82 before
7 October 28th, 2011, did she?

8 A. I'm not aware of that, no.

9 Q. And you're not aware of anyone else making
10 a payment on this account in the amount of \$248.82
11 before October 28th, 2011, are you?

12 A. I'm not aware of that, no.

13 Q. And you're only aware of one partial
14 payment in the amount of \$143.49, correct?

15 A. Does that show that on here?

16 Q. No. I'll get to a document. But are you
17 aware of that partial payment?

18 A. Yes.

19 Q. Do you have any knowledge as to how that
20 partial payment was made?

21 A. I'm not aware, no.

22 Q. Do you have any knowledge where it was
23 made or by whom?

24 A. I have no -- I'm not aware at all, no.

25 Q. Do you have any idea why Dorothy

1 Easterling didn't make the payment of \$248.82 before
2 October 28th of 2011?

3 MR. LANE: Objection.

4 A. No, I don't recall.

5 Q. Let's just go -- to avoid any further
6 confusion, let's just go right to Exhibit 3-C.

7 A. Okay.

8 Q. Exhibit 3-C is a pink folded document
9 entitled Ohio Residential Disconnection Notice,
10 correct?

11 A. That's what it says, yes.

12 Q. At the bottom of page one of Exhibit 3-C,
13 it has the Duke Energy logo. Do you see that?

14 A. Yes.

15 Q. And beneath that there's the lettering and
16 numbering MAR-DOHR-W 10/11, right?

17 A. Correct.

18 Q. Do you have any knowledge or information
19 to refute that Exhibit 3-C was included with the
20 October 4th, 2011 bill when it was mailed to Estill
21 Easterling at the property?

22 A. I'm not aware of it, no.

23 Q. So you have no idea one way or the other
24 whether that insert you're holding in your hand
25 marked as Exhibit 3-C was mailed with the

1 October 2011 bill on this account?

2 A. No.

3 Q. Are you aware of anyone who plans to
4 testify in this case that the bill insert you're
5 holding in your hand, Exhibit 3-C, was not mailed by
6 Duke Energy Ohio to the property?

7 A. I'm not aware of, no.

8 Q. Based on your answers to those questions,
9 I assume it's also true that if Duke Energy Ohio has
10 evidence that it did, in fact, mail that notice,
11 Exhibit 3-C, to the property, along with the bill,
12 you can't refute that?

13 MR. LANE: Objection.

14 A. No.

15 Q. There's nothing in Exhibit 3-C that's
16 confusing, is there?

17 MR. LANE: Objection. Read it if you
18 need to.

19 A. I'm going to. I guess not.

20 Q. To your knowledge, is there any
21 information missing from Exhibit 3-C that you think
22 is required to be included in Exhibit 3-C?

23 MR. LANE: Objection.

24 A. I'm not aware, no.

25 Q. Thank you. Turn to Exhibit 4, please.

1 Exhibit 4 is a copy of the Duke Energy final
2 disconnection notice, correct?

3 A. That's what it says, yes.

4 Q. As you can see on Exhibit 4, there are
5 spaces on the document to identify the particular
6 account, customer, date and address relating to a
7 particular notice that gets sent, correct?

8 MR. LANE: Objection.

9 A. I presume. There's no name here.

10 Q. Right. What is in your hand, Exhibit 4,
11 is a form document used by the company, correct?

12 MR. LANE: Objection.

13 A. I'm not aware of that. I don't know, no.

14 Q. It's not addressed to a particular
15 customer?

16 MR. LANE: Objection.

17 A. Correct.

18 Q. And if Duke Energy Ohio has evidence that
19 a copy of Exhibit 4 was mailed to Estill Easterling
20 at the property on October 19th, 2011, which would
21 have had the particular account number, the name and
22 address, so on and so forth, you have no knowledge
23 or information to refute that evidence, correct?

24 MR. LANE: Objection.

25 A. I'm not aware of it, no.

1 Q. You're not aware of any knowledge or
2 information to refute that, correct?

3 MR. LANE: Objection.

4 A. No.

5 Q. Are you aware of anyone else who claims to
6 have personal knowledge that a copy or version of
7 Exhibit 4 was not mailed by Duke Energy to the
8 property on October 19th, 2011?

9 A. I'm not aware, no.

10 Q. Is it also true that you do not have any
11 personal knowledge one way or the other that Dorothy
12 Easterling did not receive a copy of Exhibit 4 in
13 the mail during October 2011?

14 A. I'm not aware, no.

15 Q. So you're not aware of anyone who is
16 prepared to testify in this case that they
17 supposedly know for a fact that Exhibit 4 or some
18 version of it was not received by Dorothy
19 Easterling?

20 MR. LANE: Objection.

21 A. I'm not aware, no.

22 Q. As the named complainant in this case, you
23 would be aware by now if there were some witnesses
24 to that effect, correct?

25 MR. LANE: Objection.

1 A. Correct.

2 Q. By the way, what type of telephone was at
3 the property during the fall of 2011?

4 A. A landline.

5 Q. A landline?

6 A. Yes.

7 Q. Were there any electric portable phones?

8 A. Not that I'm aware of, no.

9 Q. How many phones were there?

10 A. I don't recall.

11 Q. What about the furnace at the property,
12 what can you tell me about the furnace in the fall
13 of 2011?

14 A. I don't recall anything about the furnace
15 in 2011.

16 Q. Maybe a better way to start off is, is the
17 furnace at the property now the same furnace that
18 was at the property in August, September, October
19 and November of 2011?

20 A. Yes.

21 Q. So that's the furnace where you live
22 currently?

23 A. Correct.

24 Q. What can you tell me about that furnace at
25 your property?

1 A. It's a furnace. That's all I know.

2 Q. What does it operate on, gas or electric?

3 A. I believe it's electric to the best of my
4 knowledge.

5 Q. Do you have any idea what make and model
6 it is?

7 A. No, I have no idea.

8 Q. Have you ever had occasions to have it
9 serviced?

10 A. No.

11 Q. Not since you've lived there?

12 A. We've had it cleaned, yes. That's it.

13 Q. By an outside contractor?

14 A. No.

15 Q. Who has come in and cleaned it?

16 A. We have a family member.

17 Q. A family member?

18 A. Yes.

19 Q. Who is that?

20 A. Barry Nuss.

21 Q. Could you spell the last name?

22 A. N-u-s-s.

23 Q. Is Mr. Nuss an HVAC contractor?

24 A. He's certified if that's what you mean.

25 Q. Is that what he does for a living?

1 A. Yes.

2 Q. Does he work for a company?

3 A. He works for a school.

4 Q. So on the side he, as a favor to you and
5 your wife, came and cleaned the furnace?

6 A. Correct.

7 Q. How many times have you had him do this?

8 A. Just once.

9 Q. Why?

10 A. Why have we only had it once?

11 Q. Yeah.

12 A. I don't know. I don't recall.

13 Q. Why did you have him clean it on that one
14 occasion?

15 A. I don't recall why we had it cleaned at
16 that time.

17 Q. So, otherwise, to your knowledge, for the
18 past, you know, two plus years the furnace has been
19 operating adequately?

20 A. Pretty much, yes.

21 Q. Are you aware of your mother-in-law ever
22 having the furnace serviced in the 2011 time frame?

23 A. I don't recall.

24 Q. Let's turn to Exhibit 5, please. Exhibit
25 5 is a copy of the Duke Energy bill prepared on

1 November 2nd, 2011 and addressed to Estill
2 Easterling at the property, correct?

3 A. That's what it says, yes.

4 Q. Do you have any evidence to refute that
5 this bill was actually delivered to the property by
6 the USPS in November of 2011?

7 A. Not that I'm aware of, no.

8 Q. You have no knowledge or information to
9 refute that Dorothy Easterling actually received
10 Exhibit 5, this bill, in the mail in November of
11 2011, correct?

12 A. Not that I'm aware of, no.

13 Q. And as with the prior bills, is it true
14 that you do not have any knowledge or information
15 that anything contained within Exhibit 5 is
16 incorrect?

17 MR. LANE: Objection.

18 A. Correct.

19 Q. I'm sorry. Did you say that's correct?

20 A. Correct.

21 Q. Okay. So again you see two references to
22 disconnect notice on the first page of Exhibit 5,
23 right?

24 A. Just a second.

25 Q. Up top and then --

1 A. Yeah. I see that one, yes.

2 Q. Then do you see a similar message box in
3 the middle of the first page of Exhibit 5?

4 A. Yes.

5 Q. And that message reads, quote: Important,
6 colon, if your service has not yet been
7 disconnected, please pay \$229.57 immediately to
8 avoid disconnection, end quote. Right?

9 A. That's what it says, yes.

10 Q. There's nothing confusing about that
11 sentence, right?

12 MR. LANE: Objection.

13 A. No, I guess not.

14 Q. In the lower right-hand corner there's a
15 reference to a payment of \$143.49. Do you see that?

16 A. Yes.

17 Q. And that's the payment that you're aware
18 of generally, even though you don't know the
19 particulars?

20 A. Correct.

21 Q. To your knowledge, that was the only
22 payment made on this account between 9/1/11 and
23 11/20/11?

24 A. I don't recall.

25 Q. Is it fair to say that if you had

1 knowledge of additional payments that had not been
2 credited to this account, we would have learned
3 about that by now?

4 A. Yes.

5 Q. So is it correct that as of November 2nd,
6 2011 this account was in arrears?

7 MR. LANE: Objection.

8 A. From what is in front of me, yes.

9 Q. And you have no knowledge or information
10 to refute what's in front of you and particularly
11 what's referenced in Exhibit 5?

12 A. Yes.

13 Q. Turn to Exhibit 6, please. Exhibit 6 is a
14 disconnection of service, Ohio winter notice
15 document with the Duke Energy logo, correct?

16 A. Yes, that's what it says.

17 Q. Just to be clear, underneath the logo it
18 reads: MAR-DOH-W 09/11, right?

19 A. Yes.

20 Q. As you sit here today, are you now aware
21 that the electric service at the property was
22 disconnected on November 4th, 2011?

23 A. I'm aware of it now, yes.

24 Q. Are you aware that it is Duke Energy
25 Ohio's position that a technician was at the

1 property on that date to disconnect the service?

2 MR. LANE: Objection.

3 A. On November 20th?

4 Q. November 4th.

5 A. I'm not aware of that, no.

6 Q. Do you have any knowledge or information
7 to refute any evidence presented by Duke Energy Ohio
8 that one of its employees was at the property on
9 November 4th, 2011?

10 A. I'm not aware, no.

11 Q. So if a Duke Energy employee were to
12 testify under oath that he visited the property,
13 knocked on the door repeatedly, and that no one
14 answered on November 4th, 2011, you can't refute any
15 of that testimony?

16 MS. BOJKO: Objection.

17 A. I don't recall that. I can't recall it.
18 She was hard of hearing at times.

19 Q. I'm just asking you, you can't refute that
20 testimony?

21 A. No.

22 Q. As you just said, she was hard of hearing
23 at times, and you're referring to Dorothy
24 Easterling?

25 A. Correct.

1 Q. So are you saying it's possible that a
2 Duke Energy employee knocked on the door on November
3 4th, 2011 and Dorothy Easterling may not have heard
4 it?

5 MR. LANE: Objection.

6 A. I'm not sure.

7 Q. I'm just asking if it's possible based on
8 your knowledge and experience with her hearing
9 abilities.

10 MS. BOJKO: Objection.

11 A. I'm not sure.

12 Q. You said you had a close relationship with
13 your mother-in-law.

14 A. I did, uh-huh.

15 Q. So I assume you experienced her hearing
16 capabilities on a regular basis when you talked to
17 her?

18 A. Once in a while.

19 Q. And there were occasions when she might be
20 hard of hearing, I assume?

21 A. Every once in a while, yes, uh-huh.

22 Q. Could that be whether you're talking to
23 her in person or on the telephone?

24 A. More on the phone.

25 Q. Do you think it was possible as of

1 November of 2011 that Dorothy Easterling may not
2 have heard someone knocking on the front door?

3 MR. LANE: Objection.

4 A. That I'm not aware of, no.

5 Q. So you're saying it's not possible or it
6 is possible?

7 MR. LANE: Objection.

8 Q. You said it earlier, not me.

9 A. No.

10 Q. So now you're saying she would have heard
11 somebody knock?

12 A. Yeah.

13 Q. So why has your answer changed?

14 A. She had -- she didn't hear good on the
15 phone. She heard -- you know, when you talked to
16 her, she was fine.

17 Q. Okay. Do you have any idea why that was
18 the case?

19 A. No, I don't.

20 Q. Did she have bad hearing in one ear or the
21 other?

22 A. Not that I'm aware of, no.

23 Q. Whenever you had occasions to visit her at
24 the house, did you ring the doorbell, knock or what?

25 A. I usually called and then went down and

1 then rang the doorbell.

2 Q. When you arrived, what would you do?

3 A. Rang the doorbell.

4 Q. Who would answer the door?

5 A. She would.

6 Q. Did your brother-in-law Estill Easterling
7 ever answer the door or was that really your
8 mother-in-law's task?

9 A. It was my mother-in-law's task.

10 Q. Did he ever answer it?

11 A. No.

12 Q. Did you ever experience occasions when you
13 might knock on the door instead of ringing the
14 doorbell?

15 A. Not that I'm aware of, no. I'd usually
16 ring the doorbell.

17 Q. Did she always hear it?

18 A. Yes.

19 Q. So with respect to Exhibit 6, if Duke
20 Energy Ohio has evidence that a copy of Exhibit 6
21 was delivered to and left at the property on
22 November 4th, 2011, you have no personal knowledge
23 or information to refute that evidence, correct?

24 MR. LANE: Objection.

25 A. I'm not aware, no.

1 Q. Are you aware of anyone else who claims to
2 have personal knowledge that a copy of Exhibit 6 was
3 not delivered to the property on November 4th, 2011?

4 A. No, I'm not aware of. No.

5 Q. Are you aware of Dorothy Easterling or
6 anyone acting on her behalf ever contacting Duke
7 Energy Ohio during September, October or
8 November 2011 regarding this account?

9 A. I'm not aware of, no.

10 Q. Are you aware of Dorothy Easterling or
11 anyone else acting on her behalf reaching out to
12 Duke Energy Ohio during September or October 2011 or
13 the first 20 days of November of 2011 to discuss
14 available payment plans for this account?

15 A. No, I'm not aware of.

16 Q. And, certainly, you never made any such
17 contacts on her behalf?

18 A. No, I did not.

19 Q. Or any telephone calls or anything else?

20 A. Nope.

21 Q. So when did you first realize that there
22 was no electric at the property?

23 A. On the 20th.

24 Q. On November 20th, 2011?

25 A. Correct.

1 Q. Tell us, please, about the events of that
2 day.

3 A. I went down to shop. She didn't answer
4 her phone, so I went down to shop.

5 Q. Did you say you went down to shop?

6 A. To grocery shop. It was grocery shopping
7 day, yes. And she didn't answer the door. So I
8 called my brother-in-law and he came and got in the
9 house.

10 MR. LANE: You may want to reference who
11 you're talking about by name.

12 THE WITNESS: Oh, Jack Easterling.

13 Q. So did you say Sunday was grocery shopping
14 day?

15 A. Usually.

16 Q. How would you know what to go get her?

17 A. She would give me a list.

18 Q. When?

19 A. When I would go down there on Sunday.

20 Q. So maybe I misunderstood. Did you say
21 that you had gone to the store and then the house or
22 you had gone to the house in order to go to the
23 store?

24 A. Yes. I went to the house to go to the
25 store.

1 Q. Sorry about that.

2 A. Uh-huh.

3 Q. So, as you said, you called and there was
4 no answer?

5 A. Right.

6 Q. So you went to the house?

7 A. Correct.

8 Q. And rang the doorbell?

9 A. I did everything.

10 Q. Can you explain that, please?

11 A. Rang the doorbell and knocked on the door.

12 Q. Just the front door?

13 A. Back and front.

14 Q. This was Sunday at what time?

15 A. I don't recall.

16 Q. Just roughly, morning, afternoon, night?

17 A. Oh, it was during the day.

18 Q. Afternoon, morning, do you know?

19 A. Probably 3:00, 4:00. I'm not sure.

20 Q. By the way, were the garbage cans out
21 front?

22 A. Not that I'm aware of, no.

23 Q. So, roughly, 3:00 or four o'clock or so on
24 Sunday the 20th you ring the doorbell and knock on
25 the front door and there's no answer, correct?

1 A. I went to the back door actually.

2 Q. After doing this at the front door?

3 A. Correct.

4 Q. And before calling Jack?

5 A. Yes.

6 Q. So you go around to the back door, and
7 what is the back door? Is it solid? Does it have a
8 glass window of some kind?

9 A. It has a door with a window and it has a
10 security door.

11 Q. Like a storm door?

12 A. A storm security door.

13 Q. Were you able at that time to open the
14 storm door to knock on the interior door?

15 A. No.

16 Q. So you knocked on the storm door?

17 A. Yes.

18 Q. There's no doorbell in the back?

19 A. I don't recall.

20 Q. Well, you live there now.

21 A. I know, but I don't go to the back door
22 and ring the doorbell.

23 Q. Fair enough. When you rang the doorbell,
24 could you hear it? I'm talking about November 20th.

25 A. I don't recall that. No, I don't.

1 Q. What about other times previously if you
2 were standing, or today -- have you changed the
3 doorbell in the past four years?

4 A. No.

5 Q. So if someone is standing at your front
6 door with the door closed and rings the doorbell,
7 can you hear it from outside on the porch?

8 A. I -- no, I don't know.

9 Q. So you don't recall one way or the other
10 on occasions when you would go to your
11 mother-in-law's house and ring the doorbell whether
12 you could hear it outside?

13 A. Correct.

14 Q. So you knock on the back door and there's
15 no answer?

16 A. Correct.

17 Q. Is that when you called Jack?

18 A. Yes.

19 Q. Did you not have a key to the house?

20 A. I do not.

21 Q. Did your wife have a key to the house?

22 A. She did.

23 Q. So in the fall of 2011 she had a key to
24 get in and out but not you?

25 A. No.

1 Q. And Jack Easterling also had a key to the
2 house?

3 A. Correct.

4 Q. Did anyone else, other than Dorothy
5 Easterling, have a key to the house at that time?

6 A. I don't recall.

7 Q. So Jack, how far away did he live? Or how
8 long did it take him to get there? Sorry.

9 A. I'm not sure. I had to go back and get my
10 wife. She was at a, at her event with our
11 granddaughter and that was in Fairfield.

12 Q. Okay. So you called Jack and then you
13 left?

14 A. Yes.

15 Q. Were you scheduled to go pick up your wife
16 at the time or were you going to get her because of
17 what was going on at the property?

18 A. Yeah.

19 Q. Which? I'm sorry. Which one?

20 A. Yes, I was getting her because I couldn't
21 get in the house and I felt she needed to be there.

22 Q. You were worried?

23 A. Correct.

24 Q. Sure. I just wasn't sure if you were late
25 to go pick her up and you had to leave or something?

1 A. No.

2 Q. To your knowledge, Jack showed up while
3 you were gone?

4 A. Correct.

5 Q. So what time, roughly, did you and your
6 wife get back to the property?

7 A. I don't recall. I don't.

8 Q. Did you find out or learn anything from
9 Jack or someone else before you got back to the
10 property with your wife?

11 A. I don't recall that.

12 Q. I just wasn't sure if Jack maybe called
13 you on a cell.

14 A. I don't recall that. I really don't. It
15 was, you know, a bad day, so I don't recall.

16 Q. Absolutely, right. So when you and your
17 wife get back to the property -- I know it's a bad
18 day -- can you please describe to us what you
19 encountered, who was there and what you saw?

20 A. Fire trucks, police, and I guess that was
21 it right then.

22 Q. I mean, it's November 20th of the year.
23 So the time has changed. So I assume it's getting
24 dark earlier, correct?

25 A. Correct.

1 Q. So by this time, by the time you got back
2 to the house, is it starting to be dusk or is it
3 past dusk?

4 A. I don't recall if it was dusk or -- I know
5 it wasn't dark.

6 Q. It was not dark?

7 A. Unh-unh.

8 Q. Okay. So there's a fire truck, police
9 cars, I presume with lights flashing?

10 A. I believe an ambulance was there, too.

11 Q. Sure. Is that when you learn from Jack
12 what had happened?

13 A. Correct.

14 Q. Did you and your wife go into the property
15 at that time?

16 A. We were not able.

17 Q. The police wanted you to stay out?

18 A. They had it taped off.

19 Q. At any point in time did you speak to
20 anyone at the scene other than Jack to find out what
21 had happened or what was going on?

22 A. I didn't, no.

23 Q. Did your wife?

24 A. I don't recall.

25 Q. Was Jack the one who had told you that

1 your mother-in-law and brother-in-law had passed
2 away?

3 A. I don't recall.

4 Q. At some point in time, did you go into the
5 house on the 20th?

6 A. I don't recall me personally going in the
7 house, no.

8 Q. Did someone else go into the house?

9 A. I don't recall. I don't.

10 Q. By just the way you answered, I thought
11 you were suggesting that somebody else may have.

12 A. No, I don't recall.

13 Q. Did you notice whether any lights were on
14 inside the house?

15 A. I was not aware, no.

16 Q. At that point did you even -- I presume
17 it's true that you didn't even know whether --
18 strike that. That was the day that you learned that
19 power had been disconnected?

20 A. Correct.

21 Q. How did you find that out if you didn't go
22 into the house? Did someone tell you?

23 A. Yeah. I really don't recall who it was,
24 but somebody passed by and said something, yeah.

25 Q. Did someone say that the electric was off

1 or did someone mention gas and electric?

2 A. I don't recall that.

3 Q. Do you have any understanding as to
4 whether the water was still on at the property as of
5 November 20th of '11?

6 A. I don't recall that either, no.

7 Q. So if you were going to the property one
8 to two times a week and talking to Dorothy
9 Easterling one to two times per week through the
10 first 20 days of November, is it fair to say that
11 you were at the property anywhere from three to six
12 or more times during those first three weeks of
13 November?

14 A. I really don't recall how many times.

15 Q. Were you there -- did you get the
16 groceries every week during the month of November of
17 2011?

18 A. I don't recall that, no.

19 Q. Was someone else doing that at that time
20 frame?

21 A. Not that I recall, no.

22 Q. Is there a reason why you would not have
23 been the one to get groceries for your mother-in-law
24 during November of 2011?

25 A. If she didn't need anything, she wouldn't

1 call.

2 Q. So this wasn't a weekly occurrence?

3 A. Usually, once in a while she didn't need
4 nothing.

5 Q. And even if you weren't getting groceries,
6 though, you would still go visit her?

7 A. Correct.

8 Q. At least weekly, correct?

9 A. Correct.

10 Q. Sometimes with your wife and sometimes
11 alone?

12 A. Correct.

13 Q. During November of 2011, were you working?

14 A. Yes.

15 Q. Full time?

16 A. Yes.

17 Q. What was your work schedule?

18 A. I don't recall the schedule I was on at
19 that time.

20 Q. I mean, was it, roughly, 8:00 to 5:00
21 or --

22 A. I work days.

23 Q. You work day times?

24 A. Uh-huh.

25 Q. So would you go visit your mother-in-law

1 after work on occasions?

2 A. If she needed something, yes.

3 Q. Were you doing that in the October and
4 November 2011 time frame?

5 A. I don't recall the times.

6 Q. Did you ever visit your mother-in-law at
7 the property during November of 2011 during the
8 dusk, evening or nighttime hours?

9 A. I really don't recall. No, I don't. I
10 don't. Like I said, usually Sundays was my, the
11 main day that I went there during the day.

12 Q. But then, as you said, you could go one or
13 more times during the week?

14 A. Correct, uh-huh.

15 Q. And yet during November of 2011, from
16 November 1 through 20, you don't recall ever being
17 at the property during evening or nighttime hours?

18 A. No.

19 Q. And when you otherwise visited the
20 property during November 1st through the 20th of
21 '11, did you ever see whether your mother-in-law was
22 using electric?

23 A. I don't recall, no.

24 Q. I mean, was it common for her to sit in
25 the house with no lights on?

1 A. Yes.

2 Q. Why was that?

3 A. She didn't like to put lights on.

4 Q. And she didn't watch TV?

5 A. No.

6 Q. Never?

7 A. No.

8 Q. So in all the years you've known her, you
9 never saw your mother-in-law watch television?

10 A. I really can't say. No, I can't.

11 Q. What about listening to the radio?

12 A. No.

13 Q. She didn't listen to the radio?

14 A. No.

15 Q. Did she get all of her information from
16 the daily newspaper that she read --

17 A. Yes.

18 Q. -- or others who might talk to her and
19 tell her things?

20 A. Right.

21 Q. If you were going to the grocery for her,
22 you wouldn't just get dry packaged goods. You also
23 would get things that might have to go into the
24 refrigerator or the freezer. Right?

25 A. Sometimes, yes.

1 Q. Yet at no point in time did you have to do
2 that during the first 20 days of November of 2011?

3 A. I don't recall what I got at the store.

4 Q. You would know when you opened the
5 refrigerator door if there was electric connected to
6 it, right?

7 A. Correct.

8 Q. You would see the light come on?

9 A. Correct.

10 Q. You would know whether it was cold?

11 A. Correct.

12 Q. So you would know if you went to put
13 drinks into the fridge that something was not right?

14 A. Correct.

15 Q. Did your mother-in-law drink coffee or
16 tea?

17 A. She drank coffee.

18 Q. How did she make it?

19 A. On the stove.

20 Q. With what, a pot of water?

21 A. A teapot, tea kettle, whatever you want to
22 call it.

23 Q. So she would heat up water and then pour
24 it into a mug with instant coffee?

25 A. Correct.

1 Q. What type of stove was at the property?

2 A. Gas.

3 Q. Did it have any electric components at
4 all?

5 A. Not that I recall.

6 Q. What about a clock?

7 A. Not that I recall.

8 Q. Is this the same stove that's still in
9 your house now?

10 A. No.

11 Q. When did you replace it?

12 A. I don't recall.

13 Q. What about other clocks in the property
14 when your mother-in-law and brother-in-law lived
15 there, were they electric or battery operated?

16 A. Battery.

17 Q. So they didn't have bedside clocks that
18 were digital with red numbers on them?

19 A. No.

20 Q. No bedside radios that were plugged in or
21 anything like that?

22 A. No.

23 Q. Did you ever have occasion to see your
24 mother-in-law use the microwave in the kitchen?

25 A. Yes.

1 Q. How often would you see her use the
2 microwave?

3 A. I don't recall that.

4 Q. To your knowledge, was the water
5 disconnected at the property around November 4th of
6 2011?

7 A. I don't recall.

8 Q. One way or the other?

9 A. No. I don't have any recollection at all,
10 no.

11 Q. So when your wife testified earlier that
12 she actually used the water on the night of
13 November 20th, you have no personal knowledge to
14 that effect?

15 A. No.

16 Q. I think you said earlier that as you sit
17 here now you're aware that the electric was
18 disconnected on November 4th of '11, right?

19 A. Now that I'm here.

20 Q. And you don't know when your mother-in-law
21 and brother-in-law passed away, correct?

22 A. November 20th.

23 Q. I know that's the date that they were
24 discovered as having died, but you don't know when
25 they actually passed away, correct?

1 A. Correct.

2 Q. When was the last date that you spoke or
3 saw, spoke to or saw either of them?

4 A. I don't recall the date.

5 Q. Can you try to put it into context? If
6 these events happened on Sunday, November 20th, does
7 that shed any light on when you last saw in person
8 or spoke to Dorothy Easterling or Estill Easterling?

9 A. No, I don't really recall. I don't.

10 Q. So you have no idea one way or the other
11 whether it was five days before that, a week before
12 that, two weeks before that or anything?

13 A. Correct.

14 Q. In answers to one of our interrogatories,
15 you indicated under oath that you last talked to
16 Dorothy and Estill around November 14th or 15th of
17 2011.

18 A. Okay.

19 Q. What was the basis of that answer if you
20 now have no idea?

21 A. I guess I got my dates mixed up. I'm not
22 sure. I just know that the 20th was the day we
23 found them. That's it.

24 Q. Well, might you have gotten the dates
25 mixed up about the November 14th and 15th

1 information?

2 A. I guess.

3 Q. So it's fair to say that as of today, as
4 you sit here today, you can't say one way or the
5 other when was the last day in which you talked to
6 or saw Dorothy Easterling or Estill Easterling?

7 A. Correct.

8 Q. If, in fact, the electric was disconnected
9 on November 4th of 2011, do you have any idea why
10 Dorothy Easterling wouldn't have told you, your wife
11 or Jack Easterling that she and Estill Easterling
12 were sitting in the dark with no power or heat?

13 MR. LANE: Objection.

14 A. I'm not aware, no.

15 Q. I mean, do you have any idea that they
16 actually sat in the dark with no power or heat for
17 an extended period of time?

18 A. I'm not aware, no.

19 Q. So they could have passed away far earlier
20 than November 14th of 2011?

21 A. I'm not aware of that, no.

22 Q. Is it fair to say that if, in fact,
23 Dorothy Easterling and Estill Easterling were
24 sitting in a home with no electric and no heat, that
25 she would have told you, your wife or Jack

1 Easterling?

2 MR. LANE: Could you read --

3 A. Yes, I'm sorry.

4 MR. LANE: Could you read that back?

5 (The question on page 60, beginning on
6 line 22 was read by the Court
7 Reporter.)

8 MR. LANE: Objection.

9 Q. At no point in time did she say anything
10 of that nature to you during November of 2011?

11 A. Not that I'm aware of, no.

12 Q. At no point in time did she say anything
13 like that to your wife?

14 A. Not that I'm aware of, no.

15 Q. Or to Jack Easterling?

16 A. Not that I'm aware of, no.

17 Q. Is it also fair to say that had Dorothy
18 Easterling made a comment of that nature to your
19 wife or Jack Easterling, one of them would have told
20 you?

21 MR. LANE: Objection.

22 A. Not that I'm aware of, no. I'm not sure.

23 Q. So is it your testimony that had your wife
24 been told by Dorothy Easterling that Dorothy and
25 Estill were sitting in a house with no electric and

1 power, that your wife wouldn't have shared that
2 information with you?

3 A. I guess.

4 Q. I guess yes?

5 A. Yes.

6 Q. Even though you have such a close, had
7 such a close relationship with Dorothy Easterling?

8 MR. LANE: Objection.

9 Q. You don't think that would have been
10 information to share with her husband?

11 MR. LANE: Objection.

12 A. My wife?

13 Q. Yeah.

14 A. I guess, yes.

15 Q. Okay. Similarly, if Jack Easterling had
16 been told by his mom that she and his brother were
17 sitting in the dark with no power, do you think that
18 would have been information that he would have
19 withheld from you?

20 MR. LANE: Objection.

21 A. I'm not aware of, no. I'm not sure, no.

22 Q. I'm just asking you, looking back, do you
23 think that would have been the type of information
24 that he would not have told to you?

25 MR. LANE: Objection.

1 A. Maybe not me personally, no.

2 Q. So you think it would have been
3 information that he would have told to your wife,
4 his sister?

5 MR. LANE: Objection.

6 A. Probably.

7 Q. And you're not aware of any such
8 communications?

9 A. I'm not aware of, no.

10 Q. What about the Hamilton County Department
11 of Job & Family Services, were Dorothy or Estill
12 getting some type of services or benefits from that
13 department?

14 A. I don't recall, no.

15 Q. There's been some claim or allegation from
16 you as complainant that Duke Energy Ohio should have
17 notified the county's Department of Job & Family
18 Services before disconnecting the electric for
19 nonpayment on November 4th, 2011. What's the basis
20 for that claim or allegation?

21 A. Maybe because he's handicapped. I'm not
22 sure.

23 Q. To your knowledge, did Duke Energy Ohio
24 have any idea that Estill Easterling had Down
25 Syndrome or was otherwise handicapped?

1 A. Not that I'm aware of, no.

2 Q. So is that the extent of your information,
3 your answer as to how the company would have somehow
4 been required to tell the county Department of Job &
5 Family Services before disconnecting the electric
6 for nonpayment?

7 A. Can you slow down there a little bit?

8 MR. McMAHON: Can you read it back to
9 him?

10 (The question on page 64, beginning on
11 line 2 was read by the Court
12 Reporter.)

13 A. Yeah, I guess.

14 Q. In response to Duke Energy Ohio's
15 interrogatory No. 33, you answered, and I quote.
16 And I can show it to you. Quote: Mr. Pitzer is
17 investigating the specific procedure applicable in
18 Hamilton County by the Department of Job & Family
19 Services, end quote.

20 Tell me everything that you've done to
21 investigate this procedure.

22 A. I personally have not, no.

23 Q. So that information in your interrogatory
24 answer is false?

25 A. Yes, I guess.

1 Q. Turn to Exhibits 7, 8, 9 and 10.

2 MR. LANE: Why don't we take a break?

3 MR. McMAHON: Okay.

4 (Recess taken.)

5 Q. Mr. Pitzer, before we took a break, I just
6 asked you to get out Exhibits 7, 8, 9 and 10 there
7 in front of you. Really, let me look at 9 and 10.
8 We can put 7 and 8 aside. Have you seen Exhibits 9
9 and 10 before today?

10 A. No.

11 Q. Have you discussed any coroner reports
12 with anyone before today?

13 A. No.

14 Q. Or any findings or conclusions that were
15 reached by a coroner with respect to Dorothy
16 Easterling or Estill Easterling and their causes of
17 death?

18 MR. LANE: I want to note a continuing
19 line of objection to this line of
20 questioning as relevant to this phase of
21 the proceedings.

22 Q. You can answer.

23 A. No.

24 Q. As the named complainant, were you aware
25 that the documents marked as Exhibits 9 and 10 are

1 attached to the complaint in this case?

2 A. Yes.

3 Q. How were you aware of that if you had not
4 seen Exhibits 9 and 10 before today?

5 A. From my attorney.

6 Q. Were you involved in the filing of the
7 complaint in this case?

8 A. No.

9 Q. Originally, the named complainant was your
10 wife?

11 A. Correct.

12 Q. So did you participate in any meetings
13 with your wife and Mr. Lane in connection with the
14 preparation of the complaint in this case?

15 MR. LANE: I'm going to instruct you to
16 answer yes or no, but if there were any
17 meetings that took place, I would caution
18 you not to divulge any discussions that
19 we had.

20 THE WITNESS: Okay. Repeat that
21 question, please.

22 MR. McMAHON: Why don't you read it back?

23 (The question on page 66, beginning on
24 line 12 was read by the Court
25 Reporter.)

1 A. Yes.

2 Q. How many?

3 A. One.

4 Q. Where did it take place?

5 A. Do I have to answer that?

6 Q. Yes.

7 MR. LANE: I'll let you know if he's
8 asking you questions that require you to
9 divulge privileged information.

10 A. Home, our home.

11 Q. So at the property?

12 A. Correct.

13 Q. Who was present?

14 A. My wife and I and Mr. Lane.

15 MR. LANE: And your dogs.

16 THE WITNESS: Yes.

17 Q. When did this meeting take place?

18 A. I'm trying to think of the date. Sorry.

19 Just a second.

20 Q. That's all right.

21 A. I can't remember the date. I don't recall
22 the date. I don't.

23 Q. I'm not sure if this helps, but the letter
24 that is the complaint filed by your wife in this
25 case through Mr. Lane is dated February 6th, 2015.

1 So does that help you remember the date of
2 the meeting that you're talking about?

3 A. No, it doesn't.

4 Q. All you can say is that it was sometime
5 before February 6th, 2015?

6 A. Correct.

7 Q. And at that time only your wife was the
8 named complainant, right?

9 A. Correct.

10 Q. Not you?

11 A. No.

12 Q. So Mr. Lane was not representing you,
13 correct?

14 A. No.

15 Q. He was only representing your wife?

16 A. Yes.

17 Q. So tell me what was discussed during that
18 meeting.

19 MR. LANE: Objection. I'll instruct you
20 not to answer.

21 Q. Are you abiding by your attorney's
22 instructions not to answer my questions about this
23 meeting?

24 A. Yes.

25 MR. McMAHON: Don, is it your position

1 that --

2 MR. LANE: I think you know the answer.

3 MR. McMAHON: -- that Mr. --

4 MR. LANE: I think you know the answer.

5 MR. McMAHON: -- Pitzer was your client

6 during the course of this meeting?

7 MR. LANE: I am instructing him not to

8 answer the question.

9 MR. McMAHON: On what grounds?

10 MR. LANE: I'm not testifying.

11 MR. McMAHON: On what grounds?

12 MR. LANE: I'm not testifying.

13 MR. McMAHON: What is the basis of your

14 instruction? Is it attorney/client

15 privilege or something else?

16 MR. LANE: (NO RESPONSE.)

17 MR. McMAHON: Don? You're refusing to

18 advise -- put on the record the basis of

19 your instruction to your client?

20 MR. LANE: I already did.

21 MS. SPILLER: No, you didn't.

22 MR. McMAHON: I'm sorry. Jeanna --

23 MR. LANE: Okay. It's privileged. And

24 I'm sorry. Who's conducting the

25 deposition?

1 MR. McMAHON: Who's conducting it?

2 MR. LANE: Right.

3 MR. McMAHON: I am.

4 MR. LANE: Okay. I don't think you need
5 to talk.

6 MS. SPILLER: Oh, I can't talk at all?

7 MR. LANE: No. It's not necessary.

8 MR. McMAHON: Don, let's be a little
9 professional here.

10 MR. LANE: That's ironic.

11 MR. McMAHON: Okay, okay.

12 MR. LANE: So -- nevermind.

13 MR. McMAHON: Feel free to say whatever
14 you want.

15 MR. LANE: No.

16 MS. SPILLER: Wow.

17 Q. Did you have any other communications with
18 Mr. Lane before he filed this complaint on behalf of
19 your wife?

20 MR. LANE: That's a yes or no question.

21 A. Yes.

22 Q. Were those by telephone?

23 A. No.

24 Q. Were there other in-person meetings beyond
25 the one meeting at the property?

1 A. Yes.

2 Q. When did those take place?

3 A. I don't recall the dates.

4 Q. Maybe I misunderstood you. I thought you
5 said there was one meeting with you, your wife and
6 Mr. Lane before the complaint was filed in this
7 case?

8 A. There was.

9 Q. Are you now talking about other meetings
10 with your wife and Mr. Lane before the complaint was
11 filed in this case?

12 A. What was your question, again? I'm sorry.

13 Q. My question is, did you have any other
14 discussions with Mr. Lane?

15 A. Before February 6th?

16 Q. Correct.

17 A. No.

18 Q. Just to be clear, no other discussions of
19 any kind, even by telephone, before the complaint
20 was filed in this case?

21 MR. LANE: It's a yes or no question.

22 A. No.

23 Q. So during that meeting with your wife and
24 Mr. Lane before February 6th of 2015, did you have
25 occasion to see the two coroner reports identified

1 as Exhibits 9 and 10?

2 A. No.

3 Q. When did you first see those documents?

4 A. I don't recall the date.

5 Q. Was it after you became the named
6 complainant in this case?

7 A. Yes.

8 Q. Have you read through Exhibits 9 and 10
9 since you first saw them?

10 A. Some, yes.

11 Q. Including today?

12 A. I haven't read them today, no.

13 Q. Do you recall looking at Exhibits 9 and 10
14 and being surprised by any of the information
15 contained within them?

16 A. Yes.

17 Q. What in particular were you surprised
18 about?

19 A. The contributory cause of death.

20 Q. The contributory cause of death?

21 A. Uh-huh.

22 Q. For both Dorothy Easterling and Estill
23 Easterling?

24 A. Yes.

25 Q. And why were you surprised by that

1 information?

2 A. Because cause of death says hypothermia.

3 Q. What does that have to do with the fact
4 that you were surprised by the information reflected
5 next to contributory cause of death?

6 A. Because they took care of their selves.

7 Q. What do you mean they took care of
8 themselves?

9 A. Well, the same with dehydration and
10 starvation, they ate and they drank.

11 Q. Well, except you've already said that you
12 can't say whether you were at the property at any
13 time on or after November 14th or even the week
14 before, so what personal knowledge do you have as to
15 what your mother-in-law and brother-in-law were
16 eating and drinking from, say, November 7th until
17 they passed away?

18 A. I don't.

19 Q. So your testimony about they took care of
20 themselves was about your general knowledge and
21 experience with them prior to November of 2011?

22 A. Yes.

23 Q. You have no personal knowledge of what
24 they were doing or how well they were taking care of
25 themselves during the months of November of 2011?

1 A. Not that I'm aware of, no.

2 Q. Would you agree with me that sitting in
3 the dark in a house without heat is not indicative
4 of someone who takes care of themselves?

5 MR. LANE: Objection.

6 A. No.

7 Q. No, you don't think so? Please explain.

8 A. Sitting in the dark?

9 Q. Yeah.

10 A. Please rephrase. Can you ask the question
11 again, please?

12 Q. Sure. Is it your understanding that
13 someone who is sitting in the dark in a house
14 without heat is indicative of someone who takes care
15 of themselves?

16 MS. BOJKO: Objection.

17 A. No.

18 Q. Have you ever talked to anyone at the
19 Hamilton County coroner's office regarding Exhibits
20 9 and 10 or anything about your mother-in-law or
21 brother-in-law?

22 A. No.

23 Q. Has your wife?

24 A. Not that I'm aware of, no.

25 Q. To your knowledge, has your attorney?

1 A. Not that I'm aware of, no.

2 Q. Do you have any idea where the Hamilton
3 County coroner got the information reflected in
4 paragraph one of Exhibits 9 and 10, that quote: No
5 electricity or water in the home for 14 days, end
6 quote?

7 MR. LANE: Objection.

8 A. Not that I'm aware of, no.

9 Q. Do you have any idea where the Hamilton
10 County coroner got the information reflected in
11 paragraph one of both Exhibits 9 and 10 about the
12 water being off at the property?

13 MR. LANE: Objection.

14 A. Not that I'm aware of, no.

15 Q. Do you know how often other people in your
16 family, beyond you, your wife and brother-in-law
17 Jack Easterling, were visiting the property during
18 the first 20 days of November 2011?

19 A. I don't recall.

20 Q. To your knowledge, was it common for
21 anyone else to go to the property?

22 A. Yes.

23 Q. Who?

24 A. Our children.

25 Q. Who are your children?

1 A. Eric Lykins, Amber Lykins, well,
2 Vonderhaar.

3 Q. That's Amber's last name?

4 A. Her married name, Vonderhaar, yes, uh-huh.
5 And Kyle Lykins.

6 Q. How old are they?

7 A. Eric is 38. Amber is 31 and Kyle is 25.

8 Q. So in the November 2011 time frame, are
9 you saying that it would have been common for one or
10 more of them to visit the property?

11 A. It's a possibility, yes, uh-huh.

12 Q. But you're not sure one way or the other?

13 A. I don't recall that, no.

14 Q. Have either of them, Kyle, Amber or Eric,
15 any of your children ever indicated to you that they
16 did, in fact, visit the property from November 1st
17 through the 20th of 2011?

18 MR. LANE: Objection.

19 A. No.

20 Q. Did any of them ever indicate to you that
21 they went to the property during that same time
22 frame and saw that there was no electricity or no
23 water, no heat?

24 MR. LANE: Objection.

25 A. Not that I recall.

1 Q. Did any neighbors help Dorothy Easterling
2 and Estill Easterling during the fall of 2011 time
3 frame?

4 A. No.

5 Q. Even with taking back the garbage cans or
6 anything of that nature?

7 A. No.

8 Q. Who would take back the empty garbage
9 cans?

10 A. Jack Easterling or myself.

11 Q. As your wife testified and I think you
12 testified earlier, it was Jack's job to come over
13 and take the garbage out, and then the next day
14 either you or he would return the empty cans to the
15 side or back of the house?

16 A. Usually, the garage.

17 Q. To the garage, okay.

18 A. Yeah. I always did it on my way to work,
19 though.

20 Q. Do you recall doing that during the month
21 of November of 2011?

22 A. I don't recall that particular month, no.

23 Q. In one of your interrogatories you said
24 that Jack Easterling last saw your brother-in-law
25 and mother-in-law on November 17th, 2011. Where did

1 that information come from?

2 A. I believe Jack.

3 Q. Did you ask him about that visit or --

4 A. No.

5 Q. Did he share any information with you
6 about that visit?

7 A. No.

8 Q. You also identified a physician, William
9 P. Sawyer, as Dorothy and Estill's primary care
10 physician. Were they under active care or treatment
11 by this doctor during 2011?

12 A. Not that I recall, no.

13 MR. McMAHON: Let's take a couple-minute
14 break to see if I have any follow-up
15 questions.

16 (Recess taken.)

17 Q. We're back on the record. I have a couple
18 just quick follow-ups. Because I don't know the
19 diagram of the property, where was the laundry
20 located in the fall of 2011?

21 A. In the basement.

22 Q. Washer and dryer?

23 A. Correct.

24 Q. And your mother-in-law would be the one
25 who would go up and down the steps to do that?

1 A. Correct.

2 Q. Obviously, if the electric is
3 disconnected, there's no way of doing laundry,
4 either washing or drying the clothes, right?

5 A. Correct.

6 Q. Similarly, if there's no water to the
7 house, there's no way to wash clothes, right?

8 A. Yeah, I guess.

9 Q. Was there a dishwasher in the kitchen or
10 did she wash dishes by hand?

11 A. Hand.

12 Q. Was there a dishwasher?

13 A. No.

14 Q. So during the time, during November 2011
15 when there was no electric at the property, did you
16 ever notice laundry piling up, clothes not being
17 cleaned, your mother-in-law and brother-in-law
18 wearing dirty clothes?

19 A. I don't recall, no. The clothes they had
20 on when I was there were clean.

21 Q. Did you ever recall them not being bathed
22 or clean?

23 A. No.

24 MR. McMAHON: That's all I have. Thank
25 you.

1 THE WITNESS: All right, thank you.

2 MS. BOJKO: I do not have any questions.

3 MR. LANE: We're going to take signature
4 on all of them.

5 (Witness excused.)

6 (Deposition concluded at 2:39 p.m.)

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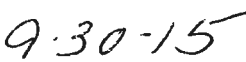
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JEFFREY PITZER



DATE

1)
2 COMMONWEALTH OF KENTUCKY)
3)

4 I, Jeanna Migliorisi, Court Reporter and Notary
5 Public in and for the Commonwealth of Kentucky, do
6 hereby certify:

7 That the witness named in the deposition, prior
8 to being examined, was by me duly sworn;

9 That said deposition was taken before me at the
10 time and place therein set forth and was taken down
11 by me in shorthand and thereafter transcribed into
12 typewriting under my direction and supervision;

13 That said deposition is a true record of the
14 testimony given by the witness and of all objections
15 made at the time of the examination.

16 I further certify that I am neither counsel for
17 nor related to any party to said action, nor in any
18 way interested in the outcome thereof.

19 IN WITNESS WHEREOF I have subscribed my name
20 and affixed my seal this 18th day of September,
21 2015.

22 
23 JEANNA MIGLIORISI

24 Notary Public

25 My Commission expires: 10/31/16

Errata Sheet

In The Matter of The Complaint of Jeffrey Pitzer

Vs.

Duke Energy Ohio, Inc.

DEPONENT: Jeffrey Pitzer

DATE: September 16, 2015

CORRECTION

LINE

PAGE

BROTHER IN LAW

12

22

9-30-15
Date

Date _____

Witness

Jeffrey Pitzer

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 Billing Use Only	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-421-9500	0120-0420-20-5

Mail Payment 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.

Utility	Account Number	Reading Date	From	To	Days	Reading	Usage
Gas	000999214	Aug 03	Sep 01		29	1267	6
Elec	106188883	Aug 03	Sep 01		29	2650	486

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

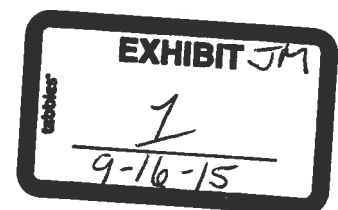
Amount Due
Amt Due - Previous Bill \$ 143.49
Late Payment Charge(s) 2.15
Balance Forward 145.64
Current Gas Charges 36.85
Current Electric Charges 66.33
Current Amount Due \$ 248.82

Electric Charges
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 \$0.5691000 and Ohio excise tax of \$0.027829.

REMINDER NOTICE

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



REMINDER NOTICE

Page 2 of 2

Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5
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OUR TRAINS ARE CHANGING STATIONS: The Duke Energy Holiday Trains are scheduled for an early arrival this November 5th through December 24th at the Cincinnati History Museum. Look for more details and information on FREE admission - in your October Duke Energy bill.

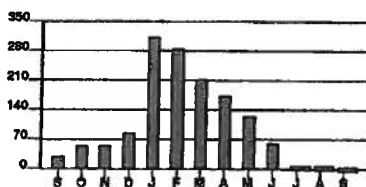
Order your FREE compact fluorescent light bulbs today! Call 1-800-843-7585 and choose option 1, or visit www.duke-energy.com/freecfls1 to see if you are eligible.

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.

Gas Meter - 000999214 CCF Usage - 6 Aug 03 - Sep 01 29 Days	Duke Energy Rate RS - Residential Service Fixed Delivery Service Charge \$ 25.33 Usage-Based Charge 6 CCF @ \$ 0.03272800 0.20 Gas Delivery Riders 7.74 Gas Cost Recovery 6 CCF @ \$ 0.59692900 3.58 \$ 36.85
Electric Meter - 106188883 kWh Usage - 486 Aug 03 - Sep 01 29 Days	Duke Energy Rate RS - Residential Svc-Summer Distribution-Customer Chg \$ 5.50 Delivery Charges Distribution-Energy Chg 486 kWh @ \$ 0.02212600 10.75 Delivery Riders 6.57 Total Delivery Charges \$ 17.32 Generation Charges Generation Energy Chg 486 kWh @ \$ 0.04234500 20.58 Rider FPP 15.57 Rider AAC 4.34 Rider TCR 3.02 Total Generation Charges \$ 43.51 66.33
	\$ 66.33

CCF

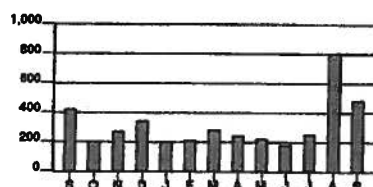
Gas Usage



Calculations based on most recent 12 month history
Total Usage 1,382
Average Usage 115

kWh

Electric Usage



Calculations based on most recent 12 month history
Total Usage 3,725
Average Usage 310

	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Gas	31	54	55	88	314	284	211	173	123	61	7	2	8
Electric	420	293	276	345	194	213	282	247	224	188	259	806	486

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

Mail Payment 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.

Service	Account Number	Start Date	End Date	Days	Readings	Usage
Gas	000999214	Sep 01	Oct 03	32	1273	1340 67
Elec	106188883	Sep 01	Oct 03	32	3136	3418 282

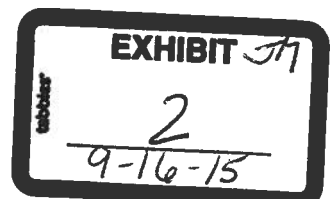
Gas Charges
Usage - 67 CCF
Duke Energy - Rate RS \$ 78.77
Current Gas Charges \$ 78.77
Gas Cost Recovery \$0.58664980/CCF

Summary Totals
Amt Due - Previous Bill \$ 248.82
Late Payment Charge(s) 3.73
Balance Forward 262.55
Current Gas Charges 78.77
Current Electric Charges 41.74
Current Amount Due \$ 373.06

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

DISCONNECT NOTICE

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



DISCONNECT NOTICE

Page 2 of 3

Service Address		
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5866498 per CCF, which includes a base GCR of \$0.5593 and Ohio excise tax of \$0.0273498.

In Case No. 11-4329-EL-RDR, the PUCO approved an adjustment to Rider TCR, Transmission Cost Recovery Rider. The PUCO also approved adjustments to Riders SRT and FPP. A typical residential customer using 1,000 kWh per month will see an increase of approximately \$1.8 or 1.0%.

Order your FREE compact fluorescent light bulbs today! Call 1-800-943-7585 and choose option 1, or visit www.duke-energy.com/freedcts1 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 9.00 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.

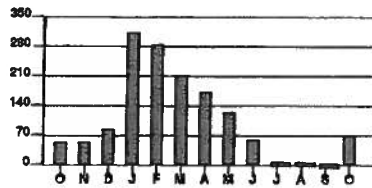
Summary of Charges			
Gas Meter - 000999214 CCF Usage - 67 Sep 01 - Oct 03 32 Days	Duke Energy		
	Rate RS - Residential Service		
	Fixed Delivery Service Charge	\$ 25.33	
	Usage-Based Charge		
	67 CCF @ \$ 0.03272800	2.19	
	Gas Delivery Riders	11.94	
Electric Meter - 106188883 kWh Usage - 282 Sep 01 - Oct 03 32 Days	Duke Energy		
	Rate RS - Residential Svc-Winter		
	Distribution-Customer Chg	\$ 5.50	
	Delivery Charges		
	Distribution-Energy Chg		
	282 kWh @ \$ 0.02212600	6.24	
	Delivery Riders	4.41	
	Total Delivery Charges	\$ 10.65	
	Generation Charges		
	Generation Energy Chg		
	282 kWh @ \$ 0.04234500	11.94	
	Rider FPP	9.34	
	Rider AAC	2.52	
	Rider TCR	1.79	
	Total Generation Charges	\$ 25.59	41.74
			\$ 41.74

DISCONNECT NOTICE

Page 3 of 3

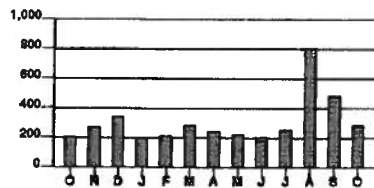
Name	Service Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

CCF Gas Usage



Calculations based on most recent 12 month history
Total Usage 1,395
Average Usage 116

kWh Electric Usage



Calculations based on most recent 12 month history
Total Usage 3,804
Average Usage 317

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
Gas	54	85	86	914	284	211	173	123	61	7	6	6	67
Electric	203	278	345	194	213	282	247	224	188	208	806	486	282

RESTORING SERVICE

If your service has been disconnected you will be required to satisfy all of the following in order to restore service(s):

- Pay the amount displayed on the Disconnection Notice located on your bill or the past due amount of any extended payment plan (including PIPP Plus). If paying 10 days or more after the disconnection has occurred, the entire past due amount must be paid.
- Pay a reconection charge (if applicable). Gas \$17.00; Electric \$25.00; Both Services \$38.00.
- Pay a security deposit (if applicable) see "IMPORTANT" message box on the bill to determine if a deposit will be requested.

DISPUTED BILLS

If you dispute the reason for disconnection please contact the Credit Department at the telephone number listed below.

CONTACT INFORMATION

Credit Department

**Available: 7:00 a.m. to 7:00 p.m. Monday-Friday
8:00 a.m. to 1:00 p.m. Saturday**

Telephone Numbers: 513-651-5100 or 800-648-7777
If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Duke Energy or for general utility company information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 800-686-7826 (toll free) or for TTY at 800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.pucoco.ohio.gov.

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pucoco.org.

OHIO RESIDENTIAL DISCONNECTION NOTICE

According to our records your account is past due. To maintain your gas and/or electric service(s), please pay the amount noted on the enclosed bill. Please see the "IMPORTANT" message box in the body of the bill for the amount to pay and the date payment needs to be made to avoid disconnection.

Or contact us before the date noted in the message box in the body of the bill to determine if you are eligible for other payment options.

AVOIDING DISCONNECTION

To avoid disconnection it will be necessary to satisfy one of the following options by the date noted on the bill:

- Pay the amount noted on your enclosed bill (see "IMPORTANT" message box in the body of the bill).
- Pay the required amount to set-up a payment plan (applicable to qualified customers only).
- Provide a Medical Certificate (see information on Page 2).

To learn more about how to maintain your gas and/or electric service(s), please review the additional information in this notice and/or contact our Credit Department at 513-651-5100 or 800-648-7777.

Please note: Failure to pay charges for products or services may result in the loss of those products and/or services.



RESTORING SERVICE

If your service has been disconnected you will be required to satisfy all of the following in order to restore service(s):

- Pay the amount displayed on the Disconnection Notice located on your bill or the past due amount of any extended payment plan (including PIPP Plus). If paying 10 days or more after the disconnection has occurred, the entire past due amount must be paid.
- Pay a reconection charge (if applicable). Gas \$17.00; Electric \$25.00; Both Services \$38.00.
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OHIO RESIDENTIAL DISCONNECTION NOTICE

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EXHIBIT

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EXTENDED PAYMENT PLANS

Residential customers may request one of the following Extended Payment Plans:

- **Percentage of Income Payment Plan (PIPP Plus)** - The income-based payment plan for income-eligible, residential customers served by regulated electric, gas, and natural gas utility companies.
- **One-Third Plan/Winter Heating Season Plan (WHS)** - This plan is offered November 1 through April 15. This plan requires the customer to pay one third of the total account balance each month.
- **One-Sixth Plan** - A plan that requires six equal payments on the arrearages in addition to full payment of the current bill.
- **One-Ninth Plan** - A plan that requires nine equal monthly payments on the arrearages in addition to a budget payment plan.
- **Separation of Service** - An extended payment plan to retain either gas or electric service as chosen by the customer.

MEDICAL EMERGENCY

If disconnection of your residential gas and/or electric service would be especially dangerous to the health of a person who lives in your household, you may be able to postpone disconnection with a Medical Certification.

A Medical Certification will prevent disconnection of service for 30 days or restore service if the Medical Certification form is received within 21 days from the date of disconnection and you enter into an Extended Payment Plan.

You may apply for a Medical Certification by:

- Having a medical professional call our Credit Department.
- Requesting a Medical Certification form be sent to your medical professional.

PAYMENT OPTIONS

Payments can be made by any of the following methods:

- Pay by phone with electronic check or credit card (VISA and MasterCard). Please call 877-596-5068.
- Pay at one of our Pay Stations. Please contact our Credit Department to locate a Pay Station near you, or visit our website at www.duke-energy.com.
- Pay online at www.duke-energy.com.
- If payment is made at the time of the disconnection visit a charge of \$15.00 will be assessed.

ENERGY ASSISTANCE

Residential customers may contact United Way by calling 211 for energy assistance referral information.

WINTER RULE

During the period of October 17, 2011 through April 13, 2012, residential customers can avoid disconnection or have gas and/or electric service restored, on a one time basis, by paying \$175.00 and enrolling in an extended payment plan. If your gas and/or electric service has been disconnected, a reconnection charge (if applicable) must be paid in addition to the \$175.00. A security deposit (if applicable) will be included on your next bill.

PIPP Plus customers using the Winter Rule may be required to pay a co-payment of up to \$50.00 per service.

Please note: Funds from Energy Assistance Programs can be applied toward the \$175.00 Winter Rule payment.

EXTENDED PAYMENT PLANS

Residential customers may request one of the following Extended Payment Plans:

- **Percentage of Income Payment Plan (PIPP Plus)** - The income-based payment plan for income-eligible, residential customers served by regulated electric, gas, and natural gas utility companies.
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You may apply for a Medical Certification by:

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- Pay at one of our Pay Stations. Please contact our Credit Department to locate a Pay Station near you, or visit our website at www.duke-energy.com.
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During the period of October 17, 2011 through April 13, 2012, residential customers can avoid disconnection or have gas and/or electric service restored, on a one time basis, by paying \$175.00 and enrolling in an extended payment plan. If your gas and/or electric service has been disconnected, a reconnection charge (if applicable) must be paid in addition to the \$175.00. A security deposit (if applicable) will be included on your next bill.

PIPP Plus customers using the Winter Rule may be required to pay a co-payment of up to \$50.00 per service.

Please note: Funds from Energy Assistance Programs can be applied toward the \$175.00 Winter Rule payment.

OHIO RESIDENTIAL DISCONNECTION NOTICE

According to our records, your account is past due. To maintain your gas or electric service, please pay the amount noted on the bill. Please see the "Pay Your Bill" message box in the body of the bill for the amount to pay and the due payment date. To be made, you must call or visit.

Or contact us before the date noted in the message box in the body of the bill to determine if you are eligible for other payment options.

AVOIDING DISCONNECTION

To avoid disconnection, we will be necessary to satisfy one of the following options by the date noted on the bill:

- Pay the amount noted in your message box (see "Pay Your Bill" message box in the body of the bill).
- Pay the required amount to your local utility (for example, a local gas or electric company).
- Pay the required amount to your local utility (for example, a local gas or electric company).

To learn more about how to maintain your gas and/or electric service, please see the additional information in this notice and/or contact our Credit Department at 513-651-5100 or 800-688-1570.

Please note: Failure to pay charges for products or services may result in the loss of these products and/or services.



EXTENDED PAYMENT PLANS

Residential customers may request one of the following Extended Payment Plans:

- **Percentage of Income Payment Plan (PIPP Plus)** - The income-based payment plan for income-eligible residential customers served by regulated electric, gas, and natural gas utility companies.
- **One-Third Plan/Winter Heating Season Plan (WHSP)** - This plan requires the customer to pay one third of the total account balance each month.
- **One-Sixth Plan** - A plan that requires six equal payments on the amount due in addition to bill payment of the current bill.
- **One-Ninth Plan** - A plan that requires nine equal monthly payments on the amount due in addition to a budget payment plan.
- **Separation of Service** - An extended payment plan to retain either gas or electric service as chosen by the customer.

MEDICAL EMERGENCY

If disconnection of your residential gas and/or electric service would be especially dangerous to the health of a person who lives in your household, you may be able to postpone disconnection with a Medical Certification.

A Medical Certification will prevent disconnection of service for 30 days or restore service if the Medical Certification form is received within 21 days from the date of disconnection and you enter into an Extended Payment Plan.

- You may apply for a Medical Certification by:
 - Having a medical professional call our Credit Department.
 - Requesting a Medical Certification form be sent to your medical professional.

PAYMENT OPTIONS

Payments can be made by any of the following methods:

- Pay by phone with electronic check or credit card (WISA and Master Card). Please call 877-596-5068.
- Pay at one of our Pay Stations. Please contact our Credit Department to locate a Pay Station near you, or visit our website at www.duke-energy.com.
- Pay online at www.duke-energy.com.
- If payment is made at the time of the disconnection, visit a charge of \$15.00 will be assessed.

ENERGY ASSISTANCE

Residential customers may contact United Way by calling 211 for energy assistance referral information.

WINTER RULE

During the period of October 17, 2011 through April 13, 2012, residential customers can avoid disconnection or have gas and/or electric service restored, on a one time basis, by paying \$125.00 and enrolling in an extended payment plan. If your gas and/or electric service has been disconnected, a reconnection charge (if applicable) must be paid in addition to the \$125.00. A security deposit (if applicable) will be included on your next bill.

PIPP Plus customers using the Winter Rule may be required to pay a co-payment of up to \$50.00 per service.

Please note: Funds from Energy Assistance Programs can be applied toward the \$125.00 Winter Rule payment.

RESTORING SERVICE

If your service has been disconnected you will be required to satisfy all of the following in order to restore service(s):

- Pay the amount displayed on the Disconnection Notice located on your bill or the past due amount of any extended payment plan (including PIPP Plus).
- If paying 10 days or more after the disconnection has occurred, the entire past due amount must be paid.
- Pay a reconnection charge (if applicable). Gas \$17.00; Electric \$25.00; Both Services \$38.00.
- Pay a security deposit (if applicable) see "IMPORTANT" message box on the bill to determine if a deposit will be requested.

DISPUTED BILLS

If you dispute the reason for disconnection please contact the Credit Department at the telephone number listed below.

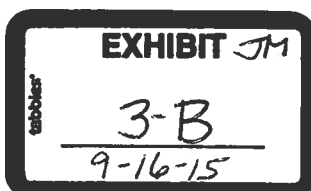
CONTACT INFORMATION

Credit Department
Available: 7:00 a.m. to 7:00 p.m. Monday-Friday
8:00 a.m. to 1:00 p.m. Saturday

Telephone Numbers: 513-651-5100 or 800-688-7777

If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Duke Energy or for general utility company information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 800-688-7826 (toll free) or for TTY at 800-688-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.puc.ohio.gov.

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.puc.ohio.gov.



RESTORING SERVICE

If your service has been disconnected you will be required to satisfy all of the following in order to restore service(s):

- Pay the amount displayed on the Disconnection Notice located on your bill or the past due amount of any extended payment plan (including PIPP Plus). **If paying 10 days or more after the disconnection has occurred, the entire past due amount must be paid.**
- Pay a reconnection charge (if applicable), Gas \$17.00; Electric \$25.00; Both Services \$38.00.
- Pay a security deposit (if applicable) see "IMPORTANT" message box on the bill to determine if a deposit will be requested.

DISPUTED BILLS

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Credit Department

**Available: 7:00 a.m. to 7:00 p.m. Monday-Friday
8:00 a.m. to 1:00 p.m. Saturday**

Telephone Numbers: 513-651-5100 or 800-648-7777

If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Duke Energy or for general utility company information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 800-686-7826 (toll free) or for TTY at 800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.puco.ohio.gov.

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org.

OHIO RESIDENTIAL DISCONNECTION NOTICE

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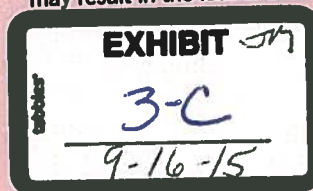
AVOIDING DISCONNECTION

To avoid disconnection it will be necessary to satisfy one of the following options by the date noted on the bill:

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- Pay the required amount to set-up a payment plan (applicable to qualified customers only).
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A Medical Certification will prevent disconnection of service for 30 days or restore service if the Medical Certification form is received within 21 days from the date of disconnection and you enter into an Extended Payment Plan.

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- If payment is made at the time of the disconnection visit a charge of \$15.00 will be assessed.

ENERGY ASSISTANCE

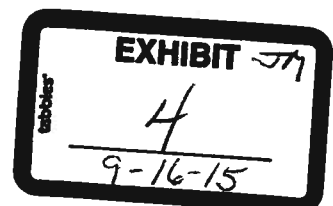
Residential customers may contact United Way by calling 211 for energy assistance referral information.

WINTER RULE

During the period of October 17, 2011 through April 13, 2012, residential customers can avoid disconnection or have gas and/or electric service restored, on a one time basis, by paying \$175.00 and enrolling in an extended payment plan. If your gas and/or electric service has been disconnected, a reconnection charge (if applicable) must be paid in addition to the \$175.00. A security deposit (if applicable) will be included on your next bill.

PIPP Plus customers using the Winter Rule may be required to pay a co-payment of up to \$50.00 per service.

Please note: Funds from Energy Assistance Programs can be applied toward the \$175.00 Winter Rule payment.



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
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 00000386977

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 Forwarding	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	Previous Reading	Current Reading	Usage
Gas	000999214	Oct 03 Nov 01	29	1340	1465
Elec	106188883	Oct 03 Nov 01	29	3418	3643
					225

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

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

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

EXHIBIT

5

9-16-15

DISCONNECT NOTICE

Page 2 of 3

Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5
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This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5445889 per CCF, which includes a base GCR of \$0.5192 and Ohio excise tax of \$0.0253889.

In Case No. 1-4076-EL-UJEX, the PUCO approved an adjustment to Rider UE-ED, Electric Distribution Uncollectible Expense Rider. A typical residential customer using 1,000 kWh per month will see an increase of approximately \$0.41 or 0.3%.

FREE CFLs for your house, delivered right to your door. They're an easy way to save energy and money. And best of all - they're FREE! Call 1-800-943-7585 (choose option 1) or visit duke-energy.com/CFLbulb to see if you are eligible.

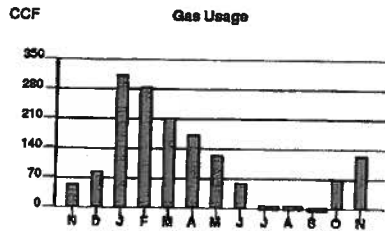
PRICE TO COMPARE: In order for an average residential customer to save money, an electric supplier must offer a price lower than 9.00 cents per kWh. Your Price to Compare may be different based on your usage. Visit www.duke-energy.com to calculate your individual Price to Compare or contact Duke Energy for a written explanation.

Gas		
Meter -	000999214	Duke Energy
CCF Usage -	125	Rate RS - Residential Service
Oct 03 - Nov 01		Fixed Delivery Service Charge
29 Days		Usage-Based Charge
		125 CCF @ \$ 0.03272800
		Gas Delivery Riders
		Gas Cost Recovery
		125 CCF @ \$ 0.54458890
		\$ 25.33
		4.09
		15.93
		68.07
		\$ 113.42
		\$ 113.42
Electric		
Meter -	106188883	Duke Energy
kWh Usage -	225	Rate RS - Residential Svc-Winter
Oct 03 - Nov 01		Distribution-Customer Chg
29 Days		Delivery Charges
		Distribution-Energy Chg
		225 kWh @ \$ 0.02212600
		Delivery Riders
		Total Delivery Charges
		Generation Charges
		Generation Energy Chg
		225 kWh @ \$ 0.04234500
		Rider FPP
		Rider AAC
		Rider TCR
		Total Generation Charges
		\$ 5.50
		4.98
		3.91
		\$ 8.89
		9.53
		7.46
		2.01
		1.43
		\$ 20.43
		34.82
		\$ 34.82

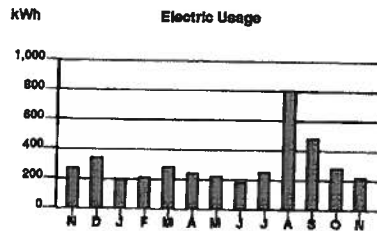
DISCONNECT NOTICE

Page 3 of 3

Name	Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5



Calculations based on most recent 12 month history
Total Usage 1,465
Average Usage 122



Calculations based on most recent 12 month history
Total Usage 3,751
Average Usage 313

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
Gas	55	86	284	211	173	123	81	7	258	806	488	67	125
Electric	278	345	194	213	282	247	224	188	258	806	488	282	225



DISCONNECTION of SERVICE

Ohio Winter Notice

We regret that it was necessary to disconnect your utility service(s) because of the nonpayment of your account.

RESTORING SERVICE

If service has been disconnected for 10 business days or less

You can reconnect service(s) that has been disconnected for nonpayment by making a payment or providing proof of payment of the following:

- The amount stated on the disconnection notice located on your bill, or
- The past due amount of your extended payment plan, and
- A reconnection fee (if applicable), and
- A security deposit (if applicable).

Service will be restored as soon as possible, but may take up to 24 hours after payment and/or arrangements are made.

If service has been disconnected for more than 10 business days

Due to the length of time you were disconnected you may be treated as a new customer. You can reconnect service(s) that has been disconnected for nonpayment by making a payment or providing proof of payment for all of the following:

- The total past due amount
- Reconnection fee (if applicable)
- Security deposit (if applicable)

Service will be restored as soon as possible, but may take up to five days for gas and three days for electric after payment and/or arrangements are made.

Duke Energy may assess a reconnection charge of \$17.00 for gas services, \$25.00 for electric services. If reconnection is required for both services the fee will be \$38.00.

PAYMENT OPTIONS

- Other payment plans may be available, contact Customer Services at 513-651-5100 or 800-648-7777. (Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 1:00 p.m.)
- To pay your bill by VISA, MasterCard, debit card or check please call 877-596-5068.
- You may also pay at a pay station. Please call Customer Service for a pay station near you, or visit our website at www.duke-energy.com.
- You may access and pay your bill online at www.duke-energy.com.

ENERGY ASSISTANCE

United Way Referral Service
Call 211

HeatShare
Administered by The Salvation Army
513-762-5636

Emergency Home Energy Assistance Program (EHEAP)

Contact local Community Action Agency

Home Energy Assistance Program (HEAP)

Contact your local Community Action Agency or
The Ohio Department of Development at 800-282-0880

WINTER RULE

During the period of October 17, 2011 through April 13, 2012, residential customers can avoid disconnection or have gas and/or electric service(s) restored, on a one time basis, by paying \$175.00 and enrolling in an extended payment plan. If your gas and/or electric service has been disconnected, a reconnection charge (if applicable) must be paid in addition to the \$175.00. A security deposit (if applicable) will be included on your next bill.

Please note: Funds from Energy Assistance Programs can be applied toward the \$175.00 Winter Rule payment.

If you have questions or need further information regarding this notice please contact Duke Energy's Customer Service department:

Customer Service: 513-651-5100
or 800-648-7777 (toll free)
7:00 a.m. to 7:00 p.m. Monday-Friday
8:00 a.m. to 1:00 p.m. Saturday

If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Duke Energy or for general utility company information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 800-686-7826 (toll free) or for TTY at 800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.puco.ohio.gov.

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org.

EXHIBIT JM

tabbies

6
9-16-15



548084

DECEDENT	290-22-1965	(Years) 84	Months	Days	Hours	Minutes	May 04, 1927	COVINGTON, KENTUCKY	
	8a. Residence State OHIO		8b. County HAMILTON				8c. City or Town SHARONVILLE		
	8d. Street and Number 11312 Orchard St.						8e. Apt. No. 45241	8f. Zip Code 45241	
	9. Ever in US Armed Forces? No						10. Marital Status at Time of Death Widowed (and not remarried)		
DISPOSITION	12. Decedent's Education HIGH SCHOOL GRADUATE OR GED		13. Decedent of Hispanic Origin No				14. Decedent's Race White		
	15. Father's Name WILLIAM HOWARD HILLARD				16. Mother's Name (prior to first marriage) VIRGINIA MCMULLIN				
	17a. Informant's Name JACK EASTERLING				17b. Relationship to Decedent Son		17c. Mailing Address (Street and Number, City, State, Zip Code) 112 Wilson St. LOCKLAND, OHIO 45215		
	18a. Place of Death Decedent's Home				18b. Facility Name (If not Institution, give street & number) 11312 Orchard St.		18c. City or Town, State and Zip Code SHARONVILLE, OH 45241		18d. County of Death HAMILTON
REGISTRAR	19. Signature of Funeral Service Licensee or Other Agent <i>[Signature]</i>				20. License Number (of licensee) 008658		21. Name and Complete Address of Funeral Facility SCHMIDT- DHONAU KUCNER FH 10980 READING RD SHARONVILLE, OH 45241		
	22a. Method of Disposition Burial				22b. Date of Disposition November 23, 2011				
	22c. Place of Disposition (Name of Cemetery, Crematory, or other place) Rest Haven Memorial Park				22d. Location (City/Town and State) BLUE ASH, OH				
	23. Registrar's Signature <i>Timothy Ingram</i>				24. Date Filed 12-8-11				
CERTIFIER	25a. Name of Person Issuing Burial Permit INGRAM, TIMOTHY I				25b. District No. 3100		25c. Date Burial Permit Issued November 22 2011		
	26a. Certifier (Check only one) <input type="checkbox"/> Certifying Physician To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Coroner On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.								
	26b. Time of Death FOUND		26c. Date Pronounced Dead (Mo/Day/Year) 11/20/2011			26d. Was case referred to coroner? Yes			
	26e. Signature and Title of Certifier <i>ARBL M.D.</i>				26f. License number 35.037957		26g. Date Signed 11/30/11		
CAUSE OF DEATH	27. Name (Last, First, Middle) and Address of Person who Completed Cause of Death BHATI, ANANT RAM, 3159 EDEN AVE. CINCINNATI, OH 45219								
	28. Part I. Enter the disease, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Type or print in permanent blue or black ink.								
	Immediate Cause (Final disease or condition resulting in death)	a. Pending							
	Sequentially list conditions, if any, leading to immediate cause.	b. Due to (or as Consequence of)							
Enter Underlying Cause (Disease or injury that initiated events resulting in a death)	c. Due to (or as Consequence of)								
Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.								29a. Was An Autopsy Performed? Yes	29b. Were Autopsy Findings Available Prior To Completion Of Cause of Death? Yes
30. Did Tobacco Use Contribute to Death? No				31. If Female, Pregnancy Status NOT APPLICABLE.				32. Manner of Death Pending Investigation	
33a. Date of Injury (Mo/Day/Year)		33b. Time of Injury		33c. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)				33d. Injury at Work?	
33e. Location of Injury (Street and Number or Rural Route Number, City or Town, State)									
33f. Describe How Injury Occurred:						33g. If Transportation Injury, Specify:			

HEA 2724 Rev. 01/07

EXHIBIT 7

7
9-16-15I HEREBY CERTIFY THAT
THIS DOCUMENT IS AN EXACT
COPY OF THE RECORD ON FILE WITH
THE OHIO DEPARTMENT OF HEALTH.

PI0001

DE-8 11 00 03 42

HEA 2724 Rev. 01/97

MF - 2 1 0 0 0 0 -

23. Registrar's Signature <i>Timothy Jagan</i>		24. Date Filed <i>2.6.12</i>	
25a. Certifier (Check only one)		<input type="checkbox"/> Certifying Physician To the best of my knowledge, death occurred at the time, date, and place; and due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Coroner On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place; and due to the cause(s) and manner stated.	
25b. Time of Death FOUND		25c. Date Pronounced Dead (Mo/Day/Year) November 20, 2011	
25d. Signature and Title of Certifier <i>A. Bhat</i> M.D.		25f. License number 35.037957	25g. Date Signed <i>1/31/12</i>
27. Name (Last, First, Middle) and Address of Person who Completed Cause of Death BHATI, ANANT RAM, 3159 EDEN AVE., CINCINNATI, OH, 45219			
28. Part I. Enter the disease, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Type or print in permanent black ink.			Approximate Interval Between Onset and Death
Immediate Cause (Final disease or condition resulting in death)	a. HYPOTHERMIA		HOURS
Sequentially list conditions, if any, leading to the immediate cause. Enter Underlying Cause Last (Disease or injury that initiated events resulting in a death)	b. Due to (or as Consequence of)		
	c. Due to (or as Consequence of)		
	d. Due to (or as Consequence of)		
Part II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I. Dehydration With Renal Failure And Malnutrition/starvation		29a. Was an Autopsy Performed? Yes	29b. Were Autopsy Findings Available Prior to completion of Cause of Death? Yes
30. Did Tobacco Use Contribute to Death? No	31. If Female, Pregnancy Status NOT APPLICABLE.		32. Manner of Death Accident
33a. Date of Injury (Mo/Day/Year) November 20, 2011 FOUND	33b. Time of Injury 99:99	33c. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area) RESIDENCE	33d. Injury at Work? No
33e. Location of Injury (Street and Number or Rural Route Number, City or Town, State) 11312 Orchard Street, SHARONVILLE, OHIO			
33f. Describe How Injury Occurred: House With No Electricity, Gas Or Water		33g. If Transportation Injury, Specify:	

HEA 2752
Rev. 01/07

THIS SUPPLEMENTARY CERTIFICATE IS TO BE COMPLETED BY THE ATTENDING PHYSICIAN
OR CORONER AND FILED WITH LOCAL REGISTRAR OF VITAL STATISTICS
Required by section 3705.27 of the Ohio Revised Code



548092



2011101488

COPY OF
THE

PI0004



Hamilton County Coroner

The Frank P. Cleveland, M.D. Institute of Forensic Medicine, Toxicology and Criminalistics
3159 Eden Avenue, Cincinnati, Ohio 45219 2289
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.

EXHIBIT *JH*

9

9-16-15

PI0005

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.

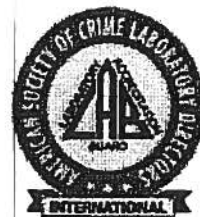
LABORATORY EXAMINATION

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



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



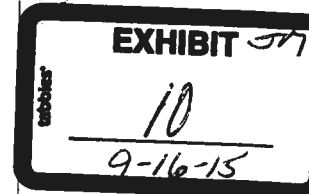
ESTILL EASTERLING III

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.



PI0012

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.

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, 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

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in

Case No(s). 15-0298-GE-CSS

Summary: Deposition Deposition Transcript of Jeffrey Pitzer electronically filed by Ms. E Minna Rolfes on behalf of Amy B. Spiller and Duke Energy Ohio, Inc.