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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: GAIL D. LYKINS
DATE: SEPTEMBER 16, 2015
* * * * *

Jeanna Migliorisi,
Certified Court Reporter

CJV REPORTING COMPANY, INC.
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1 The deposition of GAIL D. LYKINS, 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 9:00 a.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: JEFFREY PITZER

24 * * * * *

1 GAIL D. LYKINS, after having been first duly
2 sworn, was examined and deposed as follows:

3 CROSS-EXAMINATION

4 BY MR. McMAHON:

5 Q. Could you please state your full name?

6 A. Gail Denise Lykins.

7 Q. What is your current residence address?

8 A. 11312 Orchard Street.

9 Q. Cincinnati, Ohio?

10 A. 45241.

11 Q. That's the same property that's in
12 question where your mom and brother previously
13 lived, correct?

14 A. That's correct.

15 Q. Ms. Lykins, as you know, we're here to
16 take your deposition in this case pending before the
17 PUCO pursuant to notice and the arrangements of the
18 parties. Have you ever had your deposition taken
19 before?

20 A. Yes.

21 MR. LANE: Speak up, Gail.

22 A. Yes.

23 Q. So you're aware generally of the
24 parameters. I will be asking questions. Your
25 counsel or the OCC's attorney who is participating

1 by phone may or may not have objections at various
2 times. And then I'm not trying to trick you or
3 anything like that. I'm just trying to find out
4 information relevant to this case. Okay?

5 A. All right.

6 Q. If you don't understand my question or
7 don't hear it, just let me know and I'll try to
8 rephrase it to the best of my ability, fair enough?

9 A. Fair enough.

10 Q. But can we assume for the record that if
11 you answer the question, you both heard it and
12 understood it?

13 A. Yes.

14 Q. Great, thank you. To the extent I use the
15 term property, can it also be assumed for the record
16 that we're talking about the same property in
17 question on Orchard Street where you now live and
18 your mom and brother previously lived, okay?

19 A. Yes.

20 Q. Okay, great. That way I don't have to say
21 the address every time. Let me also preface before
22 I get started on questioning that we're all very
23 sensitive to the reasons that we're here. I don't
24 want you to take any tone of my question or anything
25 as to the fact that I'm not sensitive to the fact

1 that your mom and brother passed away. I'm just
2 trying to understand what happened and what you, in
3 particular, at this point in time know about these
4 events. Okay?

5 A. All right.

6 Q. Great, thank you. Let me start off with
7 your mom, Dorothy Easterling, and let's say that the
8 summer of 2011 and getting into the fall of '11, can
9 you tell me about your relationship with your mom?

10 A. It was very good.

11 Q. How often did you see her in person, say,
12 from August through October of 2011?

13 A. Probably two to three times a week.

14 Q. And that was in person?

15 A. That was in person.

16 Q. Okay. By the way, I should have asked,
17 where were you living at that point in time in the
18 summer and fall of 2011?

19 A. Four miles away from her house.

20 Q. And you were living there with your
21 husband Jeff Pitzer?

22 A. Yes.

23 Q. And that's another thing. I'm glad you
24 spoke out loud. It's important for the court
25 reporter to take down our questions and answers,

1 that you let me finish my question before answering
2 and in turn you answer out loud rather than just
3 nodding or shaking your head, okay?

4 A. All right.

5 Q. So you would see her in person, roughly,
6 two to three times a week from August through
7 October of '11. Was that generally at her house or
8 at your house or --

9 A. At her house.

10 Q. At her house. How often would you talk to
11 her, say, on a weekly basis during that same time
12 frame, August to October of '11?

13 A. Other than in person?

14 Q. Yeah. On the telephone. I'm sorry.

15 A. Probably two to three times a week.

16 Q. So you kept in regular contact?

17 A. Yes.

18 Q. Did your mom communicate via text or
19 e-mail or anything of that nature?

20 A. No.

21 Q. She didn't use an e-mail address or use a
22 cell phone at all to text?

23 A. No.

24 Q. Wasn't on Facebook or anything like that?

25 A. No.

1 Q. What was your mom's, you know, physical
2 and mental condition as of the August, September,
3 October of 2011 time frame?

4 A. Physically healthy. Mentally healthy.

5 Q. And she was, my understanding, 84 years
6 old at that time?

7 A. That's correct.

8 Q. What was her birthday?

9 A. May 4th.

10 Q. My understanding from the discovery
11 responses is that she wasn't under the regular care
12 of any physicians at that time?

13 A. That's correct.

14 Q. To your knowledge, did she see any
15 physician during 2011 at all?

16 A. I don't recall at this time anything, you
17 know.

18 Q. Did she have any physical conditions?

19 A. No.

20 Q. No heart ailments, diabetes, nothing --

21 A. Nothing.

22 Q. -- that you can think of? Wow, that's
23 great. And mentally, you said healthy. Based on
24 your experience and dealing with her, was your mom
25 competent?

1 A. Very.

2 Q. Did she take care of herself?

3 A. Yes.

4 Q. She didn't require any daily assistance in
5 regular living activities?

6 A. No.

7 Q. Did she also take care of your brother?

8 A. Yes.

9 Q. Had that been the case for his entire
10 life?

11 A. Yes.

12 Q. Did your mom -- let me ask about financial
13 matters. Was she the person who paid, as in this
14 case, the gas and electric bills?

15 A. Yes.

16 Q. The water bills?

17 A. Yes.

18 Q. Real estate taxes?

19 A. Yes.

20 Q. Did she go get her own groceries?

21 A. She did not.

22 Q. Who did that for her?

23 A. My husband and me.

24 Q. What about your brother?

25 A. What about him?

1 Q. Did he ever go get the groceries at all?

2 A. No.

3 Q. That was pretty much handled by you and
4 your husband?

5 MR. LANE: You might want to specify
6 because she had two brothers.

7 A. I did. I do.

8 Q. Oh, I'm sorry.

9 A. Uh-huh. The brother in question that
10 you're speaking about, no.

11 Q. I'm referring to Jack Easterling.

12 A. Oh, Jack?

13 Q. Yes.

14 A. Yeah, he helped out.

15 Q. Who is the other brother?

16 A. The deceased one.

17 Q. I'm sorry. Did I understand that he had
18 Down Syndrome, correct?

19 A. Correct.

20 Q. I think there was a reference in the
21 interrogatories to a brain injury?

22 A. Uh-huh.

23 Q. What was that? Could you explain that?

24 A. No more than it was a brain injury.

25 Q. I mean, was it a result of a physical

1 incident or was it just a natural --

2 A. A result of being dropped when he was
3 born.

4 Q. As far as going to get groceries, would
5 you and your husband pay for them and then your mom
6 would pay you back, or would she give you a blank
7 check to take with you?

8 A. She would give us the money. She knew
9 exactly how much everything was to the penny.

10 Q. What about the phone bill, who paid for
11 that?

12 A. She did.

13 Q. I understand there was no paid TV service,
14 no cable, correct?

15 A. No.

16 Q. Did she have a credit card?

17 A. Yes.

18 Q. Was she the person who paid that credit
19 card bill?

20 A. Yes.

21 Q. To the extent with respect to all of these
22 financial issues I just went through, your mom was
23 the person who would get these bills in the mail,
24 review them and pay them?

25 A. Yes.

1 Q. Did she do that by physically writing a
2 check?

3 A. Sometimes.

4 Q. Or sometimes in cash?

5 A. Cash.

6 Q. Did she ever do any payments
7 electronically?

8 A. No.

9 Q. You said that your mom was competent. So
10 is it fair to say that she was able to read and
11 understand all of these various bills that she would
12 get and then pay, based on your experience with her?

13 A. Yes.

14 Q. What about physically taking care of the
15 house, you know, did your mom perform general duties
16 around the house like cleaning or doing the dishes,
17 things of that nature?

18 A. Yes.

19 Q. Did anyone assist her in maintaining the
20 house or the property?

21 A. Yes.

22 Q. Who?

23 A. My brother Jack.

24 Q. What particularly did he do?

25 A. Cut grass, took out trash.

1 Q. I asked how often you spoke to your mom in
2 person and telephone. Let me ask you this. Your
3 husband, Jeffrey Pitzer, how often to your knowledge
4 did he speak to your mom in person in the August
5 through October of 2011 time frame?

6 A. A minimum of two times a week.

7 Q. What about his contact with her by
8 telephone during that same period?

9 A. I would say a minimum of two times a week.

10 Q. What about your brother Jack Easterling,
11 how often did he see your mom in person during the
12 August through October of 2011 time frame?

13 A. I can't answer that.

14 Q. Did you occasionally see him at your mom's
15 house?

16 A. Yes.

17 Q. Do you have any idea how often he cut her
18 grass during that time period?

19 A. I know at least weekly.

20 Q. How often did he take out the trash for
21 her during that time period?

22 A. That would be weekly.

23 Q. Is that how often the trash was picked up
24 in that neighborhood?

25 A. Uh-huh.

1 Q. Sorry. You need to say yes or no.

2 A. Yes.

3 Q. Thank you. And your brother Estill
4 Easterling --

5 A. Estill.

6 Q. Estill Easterling, thank you. He did not
7 have any involvement whatsoever in the, you know,
8 reviewing or payment of bills or anything like that
9 or getting groceries or things of that nature?

10 A. No.

11 Q. Was he able to take care of himself
12 physically?

13 A. Somewhat.

14 Q. Can you explain that, what you mean by
15 somewhat?

16 A. He could fix his own food, you know. He
17 could dress his self. Pick up after his self.

18 Q. What about personal hygiene, taking a
19 shower, bath, brushing his teeth, things of that
20 nature?

21 A. Not really because of the hot water and
22 the cold water situation.

23 Q. What do you mean?

24 A. You know, didn't want him to get burnt.
25 So someone usually ran the water.

1 Q. Would that someone be your mom?

2 A. Or me.

3 Q. So there were occasions where you would
4 run the water to assist your brother in bathing
5 himself, cleaning or brushing his teeth, things like
6 that?

7 A. That's correct.

8 Q. To your knowledge, did other people, other
9 than you and your mom, provide that level of care
10 for your brother?

11 A. No.

12 MS. BOJKO: Excuse me. Ms. Lykins, could
13 you speak up? Or push the phone closer
14 to her?

15 THE WITNESS: Sure.

16 MS. BOJKO: Thank you.

17 Q. Now, let me talk about the Duke Energy
18 account in question that brings us here today, okay?
19 That account was in the name of Estill Easterling,
20 your father, correct?

21 A. Correct.

22 Q. When did your father pass away?

23 A. I don't recall the year.

24 Q. Roughly, 10, 15, 20 years ago? I just
25 don't remember off the top of my head.

1 A. I don't either.

2 Q. But it's been more than a decade?

3 A. To be honest with you, I don't know.

4 Q. To your knowledge, did your mom or anyone
5 else ever advise Duke Energy Ohio that your father
6 had passed away?

7 A. I have no clue on that. I do not recall
8 anything about it.

9 Q. Certainly, you didn't?

10 A. No.

11 Q. To your knowledge, did your mother or
12 anyone else ever ask that this account with Duke
13 Energy Ohio be put in Dorothy's name, your mother's
14 name?

15 A. I don't know.

16 Q. Again, you never made any such request of
17 Duke Energy?

18 A. No.

19 MR. McMAHON: Go off the record.

20 (OFF THE RECORD)

21 (Exhibit 1 was marked for
22 identification.)

23 MR. McMAHON: We can go back on. Ms.
24 Lykins, I've handed you what's been
25 marked as Exhibit 1. Counsel

1 participating by phone, just so you know,
2 we plan on probably marking exhibits
3 sequentially and just using them for all
4 three depositions today.

5 MS. SPILLER: You might want to identify
6 what that is.

7 MR. McMAHON: Yeah, yeah, I will.

8 BY MR. McMAHON:

9 Q. Ms. Lykins, this Exhibit 1 is a Duke
10 Energy bill addressed to Estill Easterling relating
11 to this account number 01200420-20-5 with a due date
12 of September 27, 2011, correct?

13 A. That's what the bill says.

14 MS. SPILLER: Can we go off the record
15 for a moment?

16 (Discussion off the record.)

17 Q. Go back on. For the record, this document
18 up in the upper right-hand corner is attachment
19 Pitzer-POD-01-004, page 1 of 22 and 2 of 22.

20 Ms. Lykins, this bill is addressed to
21 Estill Easterling, correct?

22 A. Correct.

23 Q. And this bill was delivered to the
24 property by the post office, correct?

25 A. I don't know that.

1 Q. Do you have any evidence indicating
2 otherwise?

3 A. No.

4 Q. Do you have any evidence that your mom did
5 not receive it?

6 A. No.

7 Q. As you look at this Exhibit No. 1, is it
8 fair to say that all the information on this exhibit
9 is accurate to your knowledge?

10 A. The name and address is accurate.

11 Q. Is there anything on this Exhibit No. 1
12 that is not accurate to your knowledge?

13 A. That I can't answer. I don't know.

14 Q. So is it fair to say that you don't have
15 any personal knowledge about the Duke Energy account
16 that's referenced on this Exhibit 1?

17 A. Personal knowledge as to how?

18 Q. Well, you don't have any personal
19 knowledge about this particular bill, correct?

20 A. Correct.

21 Q. You can't, as you sit here today, you
22 can't say one way or the other whether anything on
23 this Exhibit 1 is accurate or not accurate?

24 A. The name and address is accurate.

25 Q. Okay, other than that. I'm sorry.

1 A. Just what it says on the bill.

2 Q. Okay. You see where it says reminder
3 notice?

4 A. I do.

5 Q. That's, in fact, in two different
6 locations on the first page of Exhibit 1, here and
7 here?

8 A. Okay.

9 Q. Do you see that?

10 A. Yes.

11 Q. Then there's also a third reference to a
12 reminder in what is commonly referred to as the
13 message box in the middle of the first page of
14 Exhibit 1. Do you see that?

15 A. Are you talking about this?

16 Q. Yes.

17 A. I see it.

18 Q. Okay. These references to the reminder
19 and the information down below in the lower
20 right-hand corner in this box, that indicates that
21 the account had not been paid the prior month,
22 correct?

23 A. It indicates they had not received a
24 payment at that time.

25 Q. Just to be clear, as you look on this

1 Exhibit 1, it indicates that this particular bill
2 was prepared on September 2nd, 2011, correct?

3 A. That's what the bill says.

4 Q. So your prior answer, to the extent
5 there's a reminder notice, it means that as of
6 September 2nd, 2011 Duke Energy had not received a
7 payment on this account, right?

8 MR. LANE: Objection.

9 Q. You can answer.

10 A. The reminder box says unless your payment,
11 unless you've paid your bill recently. I don't know
12 whether she had paid that bill recently or not.

13 Q. So you can't dispute the information in
14 Exhibit 1 that as of September 2nd, 2011 this
15 account was in arrears?

16 A. I can't dispute that.

17 (Exhibit 2 was marked for
18 identification.)

19 Q. I've now handed you what's been marked as
20 Exhibit 2. For the record, this is a document in
21 the upper right-hand corner marked attachment
22 Pitzer-POD-01-004, pages 3 through 5 of 22.

23 Ms. Lykins, Exhibit 2 is a copy of a Duke
24 Energy bill addressed to your father at the property
25 and prepared on October 4th, 2011, correct?

1 A. That's what the bill says.

2 Q. And this bill was actually delivered to
3 the property by the U.S. post office?

4 A. I don't know that.

5 Q. You have no evidence to the contrary?

6 A. I have no evidence that it was delivered.

7 Q. And you have no evidence that would
8 suggest or indicate that your mom did not receive
9 Exhibit 2 in the mail, correct?

10 A. I have no evidence that she did receive
11 it.

12 Q. But if you could answer my question, you
13 don't have any evidence that your mom did not
14 receive Exhibit 2 in the mail, correct?

15 A. That's correct.

16 Q. Based on your testimony about Exhibit 1,
17 is it fair to say that the name and address on this
18 document marked Exhibit 2 are accurate, correct?

19 A. That's correct.

20 Q. And you don't have any personal knowledge
21 otherwise about the rest of the information
22 contained in Exhibit 2 as to whether it's accurate
23 or not accurate?

24 A. I do not.

25 Q. Do you see at the top of Exhibit 2 there's

1 a reference to disconnect notice?

2 A. Yes.

3 Q. You also see a second reference to
4 disconnect notice on the first page of Exhibit 2?

5 A. Uh-huh.

6 Q. I'm sorry. You need to answer out loud.

7 A. Yes. I'm sorry.

8 Q. Thank you. Then do you also see what I've
9 referred to earlier as the message box in the middle
10 of the first page of Exhibit 2 that provides
11 additional information about potential
12 disconnection?

13 A. I do.

14 Q. And that message box clearly states that
15 service may be disconnected if the past due amount
16 of \$248.82 was not paid before October 28th, 2011,
17 correct?

18 MR. LANE: Objection.

19 Q. You can answer.

20 A. That's what the bill says.

21 Q. Towards the lower right-hand corner of the
22 first page of Exhibit 2, there's no payments listed,
23 correct?

24 MR. LANE: Objection.

25 A. I don't see any.

1 Q. Okay. And you don't have any personal
2 knowledge that a payment was made on this account
3 prior to October 4th, 2011 when this particular bill
4 was prepared, correct?

5 A. I have no personal knowledge of it.

6 Q. So as of October 4th, 2011 when this bill
7 was prepared, this account in your father's name was
8 in arrears, correct?

9 A. That's what the bill says.

10 Q. And you have no evidence suggesting or
11 proving otherwise, correct?

12 A. Nope.

13 Q. Neither your mom, nor anyone else made the
14 required payment of \$248.82 before October 28th,
15 2011, did she?

16 MR. LANE: Objection.

17 A. I have no evidence of anything on that.

18 Q. So you have no evidence indicating one way
19 or the other that a payment of \$248.82 was made on
20 this account between October 4th, 2011 and
21 October 28th, 2011?

22 A. That she did or didn't pay it?

23 Q. Correct. You have no evidence one way or
24 the other?

25 A. No.

1 Q. And you never made any such payment,
2 correct?

3 A. Not that I recall.

4 Q. Well, was it common for you personally to
5 make a payment toward this account in your father's
6 name at the property?

7 A. Define common.

8 Q. Okay. Because you talked earlier about
9 your mom was the one who paid these bills, did --

10 A. Correct.

11 Q. -- you ever pay a Duke Energy bill on this
12 account in your father's name during the months of
13 August, September or October of 2011?

14 A. I don't recall.

15 Q. Prior to August of 2011, did you ever make
16 a payment to Duke Energy Ohio on this particular
17 account in your father's name at the property?

18 A. I don't recall the dates, but I did take
19 payments up for her.

20 Q. So at some point in time you took payments
21 from your mom to Duke Energy or a payment center
22 that was authorized to receive payments for the
23 company?

24 A. Correct.

25 Q. But you don't recall ever doing that in

1 the time frame that I was talking about, August,
2 September or October of '11?

3 A. I don't recall any of the dates.

4 Q. Is it fair to say that if you had evidence
5 of payments that weren't credited to this account in
6 your father's name at the property, that you or your
7 attorney would have produced them by this point?

8 A. Say that again.

9 MR. McMAHON: Can you read it back?

10 (The question on page 25, beginning on
11 line 4 was read by the Court
12 Reporter.)

13 A. I suppose it would be. I don't know.

14 Q. We'll get to the one partial payment that
15 is in the record, but other than that payment that
16 we'll get to in the October 12th, 2011 time frame, I
17 have not seen any evidence of any other payments
18 made on this account in August, September or October
19 of '11. So I'm just trying to make sure that you're
20 not aware of any evidence of other payments that
21 haven't been disclosed to us, correct?

22 A. Correct, I guess.

23 Q. Let me go back to -- you said on
24 occasion -- you don't recall the dates, but on
25 occasions you would take your mom's payments to Duke

1 Energy. Why did you do that?

2 A. I was going to pay mine. I told her I was
3 going to pay mine. She said, fine, will you pay
4 mine too.

5 Q. What was her typical way of making
6 payments to Duke Energy?

7 A. Cash, check.

8 Q. One or the other or both?

9 A. Both.

10 Q. To the extent she had cash, I assume those
11 payments would be taken physically to Duke Energy or
12 a payment center, correct?

13 A. A Duke payment center.

14 Q. No one ever mailed cash --

15 A. No.

16 Q. -- your mom or otherwise --

17 A. No.

18 Q. -- to Duke Energy? If she had a check for
19 one of her payments, you're saying that there might
20 be occasion for you to take it with you, or did your
21 mom sometimes mail those payments?

22 A. Correct.

23 Q. What payment center did you go to to make
24 these payments?

25 A. B&V Beverages.

1 Q. I'm sorry. Could you say that again?

2 A. B&V Beverages.

3 Q. Where is that located?

4 A. U.S. 42, Sharonville, Ohio.

5 Q. Is that the payment center you used all
6 the time?

7 A. Uh-huh, yes.

8 Q. Thank you. And the only payment made in
9 response to Exhibit 2 was a partial payment of
10 \$143.49, correct?

11 MR. LANE: Objection.

12 A. I don't know that to be true.

13 MS. BOJKO: Objection.

14 MS. SPILLER: I'm sorry. Can you restate
15 the answer?

16 (The answer on page 27 on line 12 was
17 read by the Court Reporter.)

18 Q. Are you aware that a payment of \$143.49
19 was made on this account to Duke Energy on or about
20 October 12th, 2011?

21 A. I don't know that to be true.

22 Q. So you don't have personal knowledge one
23 way or the other that a payment of \$143.49 was made
24 to Duke Energy on this particular account on or
25 about October 12th of 2011?

1 A. If it was, I don't recall it. I have what
2 is known as chemo brain. I don't recall a lot of
3 things. I'm not going to apologize for that because
4 it's part of my treatment.

5 Q. Sure.

6 A. Therefore, you know, I'm not trying to
7 throw anything off track. I'm just trying to be
8 honest with you. If I don't recall it, it's just
9 not there right now.

10 Q. And I appreciate that. Like I said
11 earlier, we're just trying to find out what you
12 know.

13 A. Right.

14 Q. And perhaps I should have said what you
15 recall because sometimes those go hand in hand.

16 A. Okay.

17 Q. So if you don't know, just tell me.

18 A. Well, I am.

19 Q. Okay. To the best of your recollection,
20 did you physically make any payments on this account
21 during October of 2011?

22 A. I don't recall.

23 Q. Has anyone gone back and looked at your
24 mom's banking records to find out how the payment of
25 \$143.49 was made to Duke Energy during 2011?

1 A. I don't know.

2 Q. You're not aware of your husband doing
3 anything like that --

4 A. No.

5 Q. -- or your attorney?

6 A. No.

7 Q. But as you said earlier, your mom made her
8 payments either in cash or by check?

9 A. Correct.

10 Q. So if there was a check, I presume her
11 bank would have a copy of that check, correct?

12 A. I don't know.

13 Q. I guess, assuming their document retention
14 policy still kept it around. I'm not getting into
15 that issue.

16 A. Exactly.

17 Q. You've never seen a copy of a cancelled
18 check in the amount of \$143.49 payable to Duke
19 Energy, correct?

20 A. No.

21 Q. My understanding is that your mom in this
22 August, September, October time frame of 2011 banked
23 with PNC Bank, is that accurate?

24 A. Yeah.

25 Q. That's where she maintained --

1 A. Yes.

2 Q. -- her checking or savings account?

3 A. I believe her -- I believe it was a
4 checking account. I'm not sure.

5 Q. I think there also was an account of some
6 kind at Cheviot Savings?

7 A. I don't know.

8 Q. So the bottom line is, you don't know if,
9 when or who made the payment of \$143.49 on this
10 particular account or even if any such payment was
11 made?

12 A. The bottom line is I don't recall it. It
13 doesn't mean I don't know it. It doesn't mean it
14 won't come to me. It means I don't recall it. With
15 chemo brain, that's how that works.

16 Q. Okay. Do you have any idea why your mom
17 wouldn't have paid the amount of \$248.82 to Duke
18 Energy before October 28th, 2011, as reflected in
19 the message box on the first page of Exhibit 2?

20 A. I --

21 MS. BOJKO: Objection.

22 Q. I'm sorry. You said no?

23 A. I can only speculate, and I don't think
24 you want speculations.

25 Q. You're free to answer however you want.

1 A. She didn't get the bill.

2 Q. Well, earlier you said you have no idea
3 whether she got the bill.

4 A. That's what I'm saying. I'm speculating.

5 Q. Oh, okay. Just to be clear --

6 A. Just to be clear.

7 Q. -- you're not changing your testimony?

8 A. No. That's a speculation on my part.

9 (Exhibit 3-A was marked for
10 identification.)

11 (Exhibit 3-B was marked for
12 identification.)

13 MR. McMAHON: Ms. Lykins, I've handed you
14 what's been marked as two separate
15 exhibits, Exhibit 3-A and Exhibit 3 B.
16 For the record, Counsel, Exhibit 3-A is
17 marked in the upper right-hand corner as
18 OCC-POD-01-006 attachment, pages 4 and 5
19 of 7.

20 BY MR. McMAHON:

21 Q. Ms. Lykins, Exhibits 3-A and 3-B are
22 different copies of the same documents entitled Ohio
23 Residential Disconnection Notice, correct?

24 A. That's what it says.

25 Q. As you look at them, you can independently

1 look at Exhibit 3-A and 3-B and tell that they're
2 the same document, just copied in a different
3 manner, correct?

4 MR. LANE: Objection.

5 Q. Go ahead and look at them and take
6 whatever time you need. If this helps, you can see
7 that because of the way it's folded, you see page 1
8 and 4 and then it goes down to the second page of
9 3-A as page 2 and 3.

10 MR. LANE: Objection.

11 A. I'm sorry. I'm not following you.

12 Q. As you look at Exhibits 3-A and 3-B, are
13 these documents copies of the same information;
14 namely, the Ohio Residential Disconnection Notice
15 from Duke Energy?

16 MR. LANE: Objection.

17 MS. BOJKO: If 3-A is page 4 and 5 of 7,
18 what is 3-B?

19 MR. McMAHON: It's a different -- it has
20 the pages 1 through 4 laid out
21 sequentially next to each other so that
22 it's easier to follow.

23 BY MR. McMAHON:

24 Q. Let me ask you this, Ms. Lykins. See
25 underneath the Duke Energy logo on 3-A, do you see

1 the reference to all caps MAR-DOHR-W 10/11? Do you
2 see that?

3 MR. LANE: Objection.

4 A. No, I don't.

5 Q. Underneath the Duke Energy logo on the
6 first page of Exhibit 3-A?

7 A. That's what it says.

8 Q. Do you see that same reference on the
9 left-hand side of Exhibit 3-B underneath the Duke
10 Energy logo MAR-DOHR-W 10/11?

11 A. I see the same logos, yeah.

12 Q. You see those same letters that I just
13 read off on both Exhibits 3-A and 3-B?

14 A. That's what it says.

15 Q. Okay. This Ohio Residential Disconnection
16 Notice was inserted and mailed with the bill
17 prepared by Duke Energy on October 4th, 2011 that
18 was marked as Exhibit 2, correct?

19 MR. LANE: Objection.

20 MS. BOJKO: Objection.

21 A. I don't know that.

22 Q. So you have no personal knowledge one way
23 or the other that the Ohio Residential Disconnection
24 Notice was not inserted and mailed to the attention
25 of your father at the property on or about October

1 4th, 2011 with the bill marked as Exhibit 2?

2 A. I have no evidence that it was.

3 Q. And you have no evidence that it was not?

4 A. That it wasn't, that's correct.

5 Q. Are you aware of anyone who claims to have
6 personal knowledge that the Ohio Residential
7 Disconnect Notice in the form, you know, a copy of
8 it marked as either Exhibit 3-A or 3-B was not
9 included with the bill marked as Exhibit 2 and
10 mailed to your father's attention at the property?

11 MR. LANE: I'm sorry. Could you read
12 that back?

13 A. I'm sorry. Can you read it again or say
14 it?

15 Q. I'll restate it. Sure, I'll restate it.
16 Are you aware of anyone who claims that this, that a
17 copy of this Ohio Residential Disconnection Notice
18 that we're talking about, Exhibits 3-A and 3-B, that
19 a copy of that was not inserted and mailed to the
20 property with Exhibit 2, the bill prepared by Duke
21 Energy on or about October 4th of 2011?

22 MR. LANE: Which one, 3-A or 3-B?

23 MR. McMAHON: A version of that document.

24 MR. LANE: Well, there's two documents.

25 MR. McMAHON: Do you have an objection?

1 Just say it. If not, be quiet.

2 MR. LANE: No. I'm asking for
3 clarification.

4 MR. McMAHON: Well, your witness can
5 decide if she understands the question.

6 A. I really don't. That's what I'm trying to
7 figure out here.

8 Q. Exhibits 3-A and 3-B are the Ohio
9 Residential Disconnection Notice from Duke Energy
10 Ohio, correct?

11 A. Yeah, that's what you said.

12 Q. Let me put it this way. It is Duke
13 Energy's position that a copy of this form -- it
14 would have been folded up and in pink color -- was
15 inserted and included with the October 4th, 2011
16 bill that was mailed to the attention of your father
17 at the property, okay?

18 MS. BOJKO: Objection.

19 A. Okay.

20 Q. Did you understand what I just said?

21 MR. LANE: Was that a question?

22 MR. McMAHON: The question, did you
23 understand what I just said? Yes, that
24 was a question.

25 A. Not really. I'm fogging out on the end of

1 it. I'm not sure what you're asking me. Like I
2 said, I'm not trying to be obstinate, guys. I
3 really am not. I'm fogging out on the end of this
4 one.

5 (Exhibit 3-C was marked for
6 identification.)

7 Q. I don't have copies -- well, I do, but not
8 in this additional form or fashion. Ms. Lykins,
9 I've now handed you what's been marked as Exhibit
10 3-C, okay?

11 A. Uh-huh.

12 Q. This is a pink folded document, four pages
13 long, correct, one, two, three, four?

14 A. That's correct.

15 Q. And Exhibit 3-C is the same information
16 reflected in Exhibits, Exhibit 3-B, correct?

17 MR. LANE: Objection.

18 Q. You can look at it. Look at page one,
19 two, three and four.

20 A. Without extensively reading it, it looks
21 the same.

22 Q. Do you want to extensively read it?

23 A. Not at this moment.

24 Q. So you're prepared to go on?

25 A. Yeah.

1 Q. As you look down below the Duke Energy
2 logo on the first page of Exhibit 3-C, it has the
3 exact same letters that are reflected in Exhibits
4 3-A and 3-B; namely, MAR-DOHR-W 10/11, correct?

5 A. That's what's under the logo.

6 Q. Do you have any personal knowledge or
7 information that would indicate that Exhibit 3-C,
8 this pink version of this document, was not inserted
9 and mailed to your father at the property, along
10 with the bill prepared by Duke Energy, on
11 October 4th, 2011?

12 MR. LANE: Objection.

13 A. You're asking me if I have any knowledge
14 that it was in the bill?

15 Q. Yes.

16 A. I haven't -- I don't have any knowledge
17 that it wasn't in the bill or was in the bill.

18 Q. So you have no personal knowledge one way
19 or the other?

20 A. That's correct.

21 Q. Are you aware of anyone who claims to have
22 personal knowledge that Exhibit 3-C was not sent
23 with the bill prepared by Duke Energy on
24 October 4th, 2011 to your father at the property?

25 A. I have no knowledge of the bill, period.

1 Q. That wasn't my question. Are you aware of
2 anyone else who claims to have personal knowledge
3 that Exhibit 3-C was not sent with the bill prepared
4 by Duke Energy on October 4th, 2011?

5 A. I'm sorry. State it again.

6 Q. I'll go --

7 A. Go slow, yeah. I'm losing you halfway
8 between.

9 Q. Okay. Has your husband ever indicated
10 that he has personal knowledge that Exhibit 3-C was
11 not sent to the property, along with the
12 October 4th, 2011 bill for this account?

13 A. My husband has not.

14 Q. Has anyone else ever told you that they
15 have personal knowledge that Exhibit 3-C was not
16 sent to the property, along with the bill prepared
17 by Duke Energy, on October 4th, 2011?

18 MS. BOJKO: Objection.

19 A. I don't recall any, any of it.

20 Q. So you're not aware. Your husband has
21 never said that to you and you're not aware of
22 anyone else who has ever indicated that they know
23 for a fact Exhibit 3-C was not sent with the bill
24 prepared by Duke Energy on October 4th, 2011, a copy
25 of which has been marked as Exhibit 2?

1 A. I don't know what answer you want me to
2 give you. I don't know if it was in there. I don't
3 know if it wasn't.

4 Q. I understand that. You testified to your
5 lack of knowledge. I'm trying to find out has
6 anyone else ever indicated to you that they may have
7 personal knowledge about these issues?

8 A. Not that I recall.

9 Q. So you're not aware of anyone who is going
10 to come to the hearing in this case and testify
11 under oath that he or she has personal knowledge
12 that Exhibit 3-C was not sent by Duke Energy to your
13 father at the property, along with the bill prepared
14 on October 4th, 2011?

15 MS. BOJKO: Objection. Assumes facts not
16 in evidence.

17 A. Say it again. I'm sorry.

18 MR. McMAHON: Can you read it back to
19 her?

20 THE WITNESS: I'm getting tired. Can we
21 take a break?

22 MR. McMAHON: If you want to take a
23 break, sure.

24 (Recess taken.)

25 Q. Back on the record. Ms. Lykins, getting

1 back to Exhibit 3-C, let me ask my question this
2 way. You're not aware of anyone who will testify in
3 this case, either at a deposition or at the hearing,
4 that they have personal knowledge that Exhibit 3-C
5 was not mailed to the property, along with the bill
6 prepared by Duke Energy on October 4th, 2011,
7 correct?

8 A. I'm not aware of that at this moment.

9 Q. As we sit here today, no one has indicated
10 to you that they have any such knowledge, correct?

11 A. Not as of today.

12 Q. Don't you think it's fair to say that if,
13 for example, your husband had that type of personal
14 knowledge, he would have told you by now?

15 MR. LANE: Objection.

16 Q. Correct?

17 A. Yeah, I guess. My husband wouldn't have
18 that knowledge, but yeah.

19 Q. Okay. And if Duke Energy has evidence
20 that Exhibit 3-C was mailed to the property on
21 October 4th, 2011, along with the bill on this
22 account, you can't refute that evidence, correct?

23 MR. LANE: Objection.

24 A. I have no knowledge that it was mailed
25 there.

1 Q. And no knowledge that it was not, correct?

2 A. That's correct.

3 Q. As you look at Exhibit 3-C, there's
4 nothing in there that's confusing, is there?

5 A. I haven't read it.

6 Q. Go ahead.

7 A. No, it's not confusing.

8 Q. So someone who took the time to read
9 Exhibit 3-C when it came in the mail would be fully
10 advised of his or her duties and rights when it
11 comes to making the required payment, correct?

12 MR. LANE: Objection.

13 A. Say it again.

14 Q. Someone who took the time to read Exhibit
15 3-C when it came in the mail would be fully advised
16 of his or her duties and rights when it comes to
17 making a required payment?

18 MR. LANE: Objection.

19 A. I suppose.

20 Q. Similarly, that person who got Exhibit 3-C
21 in the mail and read it would know what do to avoid
22 disconnection?

23 MR. LANE: Objection.

24 A. I can't answer that.

25 Q. Doesn't Exhibit 3-C provide information on

1 that issue?

2 MR. LANE: Objection.

3 A. Okay. Say it again.

4 Q. The question was, doesn't Exhibit 3-C
5 provide information on that issue? And we're
6 talking about avoiding disconnection.

7 MR. LANE: Objection.

8 A. So if someone reads this, they would know
9 how to avoid disconnection, is that what you're
10 asking me?

11 Q. Yes.

12 A. If they comprehended it.

13 Q. Okay. And you said Exhibit 3-C is not
14 confusing after you read it, correct?

15 A. Not to me.

16 Q. So if someone read it and understood it as
17 you did and can, they would know how to avoid
18 disconnection?

19 MR. LANE: Objection.

20 A. I can only assume.

21 Q. Likewise, if someone read Exhibit 3-C,
22 they would know what extended payment plans are
23 available to them, correct?

24 MR. LANE: Objection.

25 A. It states in the paper.

1 Q. The payment plans are reflected in Exhibit
2 3-C?

3 A. Uh-huh. They're mentioned, yes.

4 Q. And you're looking at page two of Exhibit
5 3-C?

6 A. That's correct.

7 Q. Also, within Exhibit 3-C on page 3 is
8 information about payment options, correct?

9 MR. LANE: Objection.

10 A. That's what it says.

11 Q. Also, below that section on page 3 of
12 Exhibit 3-C is information about the winter rule,
13 correct?

14 MR. LANE: Objection.

15 Q. Correct?

16 A. That's what it says.

17 Q. Then on the back of Exhibit 3-C, which is
18 page 4, there's information about restoring service
19 and how to contact Duke Energy, correct?

20 MR. LANE: Objection.

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

22 Q. Are you aware of any information that is
23 somehow missing from Exhibit 3-C and that you think
24 should be reflected in a notice of this type?

25 MR. LANE: Objection.

1 A. I don't know the law, so I wouldn't know
2 what I would be aware of. I would have to be
3 made -- you know, I would have to know everything
4 before I could answer that question.

5 Q. So to be clear, as you sit here today, you
6 don't have knowledge of any information that is
7 missing from Exhibit 3-C in which you believe should
8 be reflected within Exhibit 3-C?

9 MR. LANE: Objection.

10 A. I don't have knowledge of any that should
11 or shouldn't be in there.

12 (Exhibit 4 was marked for
13 identification.)

14 MR. McMAHON: Okay. Ms. Lykins, I've now
15 handed you what's been marked as Exhibit
16 4. For the record, Counsel, this is
17 marked in the upper right-hand corner
18 OCC-POD-01-006 attachment page 6 of 7.

19 BY MR. McMAHON:

20 Q. Ms. Lykins, this document is a Duke Energy
21 final disconnection notice form, correct?

22 MR. LANE: Objection.

23 A. That's what the paper states.

24 Q. In the lower left-hand corner in pretty
25 small writing you can see the letters M-1349-W-R47,

1 correct?

2 A. That's what the paper says.

3 Q. If Duke Energy Ohio has evidence that a
4 copy of Exhibit 4 was mailed to Estill Easterling at
5 the property on October 19th, 2011, you can't refute
6 that evidence, correct?

7 MR. LANE: Objection.

8 A. I can't say that it was delivered or not
9 delivered. I don't know.

10 Q. So you have no personal knowledge one way
11 or the other whether a copy of Exhibit 4 was mailed
12 to your father's attention at the property by Duke
13 Energy Ohio on October 19th, 2011?

14 A. I don't recall anything.

15 Q. So you don't recall seeing that document
16 or you don't have any personal knowledge one way or
17 the other?

18 A. I don't recall it at all.

19 Q. I just need to make sure I'm understanding
20 your answer because there is a difference between I
21 don't recall or I don't have knowledge.

22 A. I don't recall ever seeing it. I don't
23 recall that it was ever sent there. I don't recall
24 ever knowing anything about it.

25 Q. Okay. Are you aware of anyone else, your

1 husband or anyone else, who claims to have personal
2 knowledge that a copy of Exhibit 4 was not mailed by
3 Duke Energy to the property on October 19th, 2011?

4 MR. LANE: Could you read that back?

5 (The question on page 45, beginning on
6 line 25 was read by the Court
7 Reporter.)

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

9 MR. LANE: Speak up, Gail.

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

11 Q. So as you sit here today, no one has
12 indicated to you that they know for a fact that a
13 copy of Exhibit 4 was not mailed to the property?

14 A. Was or was not, either one, I don't
15 recall.

16 Q. And you have no personal knowledge one way
17 or the other whether your mom actually received
18 Exhibit 4 during October 2011?

19 A. Not at this moment.

20 Q. Has anyone ever indicated to you that they
21 have personal knowledge that your mom did or did not
22 receive Exhibit 4 in the mail during October 2011?

23 A. Not that I recall.

24 Q. By the way, when I say Exhibit 4, when I
25 say Exhibit 4 was sent to your mom, it would have

1 been addressed to Estill Easterling at the property
2 with the account number and date, okay?

3 MR. LANE: Objection.

4 A. I see where it should have been, yes.

5 Q. So you have, just to be clear, no personal
6 knowledge one way or the other whether a version of
7 Exhibit 4 addressed to your father at the property
8 with the account number in question was ever
9 received by your mom in the mail during October of
10 2011?

11 MR. LANE: Objection.

12 A. I don't recall any of it.

13 (Exhibit 5 was marked for
14 identification.)

15 Q. Ms. Lykins, you've now been handed what's
16 been marked as Exhibit 5. For the record, this is,
17 in the upper right-hand corner marked attachment
18 Pitzer-POD-01-004, pages 6 through 7 of 22.

19 Ms. Lykins, this is the Duke Energy bill
20 addressed to your father at the property and
21 prepared by the company on November 2nd, 2011,
22 correct?

23 MR. LANE: Objection.

24 A. I don't know when it was prepared.

25 Q. See on the first page of Exhibit 5 where

1 this document indicates that it was prepared on
2 November 2nd, 2011?

3 A. That's what the paper states.

4 Q. Do you have any information that suggests
5 that information is not accurate?

6 A. Nope.

7 Q. And this bill, Exhibit 5, was delivered to
8 the property by the post office, correct?

9 MR. LANE: Objection.

10 A. I have no knowledge of that.

11 Q. So you don't know one way or the other,
12 correct?

13 A. Correct.

14 Q. And you have no knowledge one way or the
15 other whether your mom actually got Exhibit 5 in the
16 mail?

17 A. I have no way of knowing that.

18 Q. Well, you testified earlier that it was
19 common for you --

20 A. Uh-huh.

21 Q. -- to visit your mom personally two to
22 three times per week in the August, September,
23 October 2011 time frame?

24 A. Correct.

25 Q. On any of those occasions, did you ever

1 review your mom's mail with her, talk to her about
2 unpaid bills owed to Duke Energy or anyone else?

3 A. No.

4 Q. She handled all those things, correct?

5 A. Correct.

6 Q. And you talked about how she paid all of
7 her bills herself, other than to the extent you
8 physically took a payment to a Duke Energy payment
9 center?

10 A. That's correct.

11 Q. By the way, was she driving?

12 A. Yes.

13 Q. She had a valid driver's license in 2011?

14 A. Yes, she did.

15 MR. LANE: Gail, keep your voice up.

16 A. I'm sorry. Yes, yes.

17 Q. Would she go to the bank herself?

18 A. Yes.

19 Q. So to the extent she had cash for you to
20 take to Duke Energy on those occasions that you
21 talked about --

22 A. Yes.

23 Q. -- she would have the cash in her
24 possession, give it to you, and you would take it to
25 Duke?

1 A. That's correct.

2 Q. Was she also the person that handled, if
3 there were any such occasions, having any
4 third-party contractors or anything of that nature
5 do work at the property?

6 A. Yes.

7 Q. Did things like that happen in 2011 at any
8 time?

9 A. I don't recall.

10 Q. You and your husband live at the property
11 now, correct?

12 A. Right.

13 Q. When did you move in?

14 A. I don't recall. Maybe two years ago.

15 MR. LANE: Keep your voice up, Gail.

16 A. I don't recall. Honestly, I don't.

17 Q. So you're not aware as you sit here today
18 of any work that your mom had done at the property
19 during 2011 by an outside contractor?

20 A. I don't recall.

21 Q. What about in 2010, do you recall anything
22 of that nature?

23 A. No.

24 Q. But to the extent anything like that was
25 happening, your mom was the one who dealt with it?

1 A. Correct.

2 Q. Was she the one who actually looked for,
3 sought out and hired contractors who did work at the
4 property?

5 A. Yes.

6 Q. So she was pretty self-sufficient then?

7 A. That's correct.

8 Q. If she received things in the mail from
9 Duke Energy, she would have been able, based on your
10 experience, to read and understand them?

11 A. Correct.

12 Q. And that would include any bill inserts
13 that were sent with bills from Duke Energy?

14 MR. LANE: Objection.

15 A. If there was one.

16 Q. Are you a customer of Duke Energy?

17 A. I am.

18 Q. Are you aware that it's common practice
19 for Duke at various times of the year to include
20 various bill inserts to its customers?

21 MR. LANE: Objection.

22 A. I don't recall.

23 Q. Do the bills come to your attention --

24 A. No.

25 Q. -- by mail?

1 A. No.

2 Q. To who's attention do they come?

3 A. My husband.

4 Q. Who handles your account, like as far as
5 paying the Duke Energy bill?

6 A. My husband does now.

7 Q. Did you in the past?

8 A. Yes.

9 Q. You were the one who would physically open
10 the envelope and see the bill and then make the
11 payment at some point?

12 A. Sometimes.

13 Q. Sometimes he would do it?

14 A. Yes.

15 Q. You don't recall ever seeing bill inserts
16 come with bills when you would physically open them
17 on occasions?

18 A. I don't.

19 Q. Getting back to Exhibit 5, do you see at
20 the top of the document where it says disconnect
21 notice?

22 A. That's what it states.

23 Q. And it also says that a second time on the
24 first page of Exhibit 5?

25 A. That's what it states.

1 Q. Then in the message box in the middle of
2 the first page of Exhibit 5 there's more information
3 about potential disconnection of the services,
4 correct?

5 MR. LANE: Objection.

6 A. That's what it states.

7 Q. And, in fact, Exhibit 5 states: Please
8 pay \$229.57 immediately to avoid disconnection.
9 Correct?

10 A. That's what it states.

11 Q. If you look down to the lower, toward the
12 lower right-hand corner of Exhibit 5, you see the
13 information that says payment received, \$143.49?

14 A. That's what it says.

15 Q. And you don't see any other payments
16 identified there, correct?

17 MR. LANE: Objection.

18 A. There's none stated there.

19 Q. And you're not aware of any other payments
20 made on this account during October of 2011, are
21 you?

22 A. I don't recall.

23 Q. Are you aware of anyone else who claims to
24 have personal knowledge that an additional payment
25 of some kind was made to Duke Energy on this account

1 during October of 2011?

2 A. Say it again.

3 Q. Are you aware of anyone else who claims to
4 have personal knowledge of an additional payment
5 that was made to Duke Energy?

6 A. I'm not aware of that.

7 Q. I'm not either. I just want to make sure
8 I understand the nature of the case. My
9 understanding is that one payment was made, and I
10 know you don't have the personal knowledge, but I've
11 never heard of any other payments made in October,
12 so I just want to be clear.

13 MR. LANE: Objection.

14 Q. So as of November 2nd, 2011 when this bill
15 marked as Exhibit 5 was prepared by Duke Energy,
16 this account in your father's name was in arrears,
17 correct?

18 A. That's what the paper says.

19 Q. And you have no knowledge or information
20 to refute that, correct?

21 A. Not at this moment.

22 Q. If you did have that knowledge or
23 information, we would have received it by now,
24 correct?

25 A. Yeah.

1 (Exhibit 6 was marked for
2 identification.)

3 Q. You've now been handed what's been marked
4 Exhibit 6. For the record, in the upper right-hand
5 corner it has OCC-POD-01-006, attachment page 7 of
6 7.

7 Ms. Lykins, this is the Duke Energy form
8 disconnection of service, Ohio winter notice,
9 correct?

10 MR. LANE: Objection.

11 A. That's what the paper says.

12 Q. Just to be clear, underneath the Duke
13 Energy logo in the upper left-hand corner it reads
14 in all caps: MAR-DODOH-W 09/11, correct?

15 A. That's what is under the logo.

16 Q. Now, the electric service at the property
17 was disconnected on November 4th, 2011, correct?

18 A. I have no knowledge of that.

19 Q. You're the one that filed the Complaint in
20 this case, or at least had your attorney do it,
21 correct?

22 A. Correct.

23 Q. You've accused Duke Energy of a wrongful
24 disconnection of service, correct?

25 A. Correct.

1 Q. I believe in the Complaint you allege that
2 the electric and gas services were disconnected,
3 correct?

4 A. Correct.

5 Q. When you say that you're not aware or
6 don't recall about the disconnection of the
7 electric, are you saying you don't know what date it
8 was disconnected or you don't know that the electric
9 was ever disconnected?

10 A. I don't know that it was ever
11 disconnected.

12 Q. Then why did you file a complaint
13 against --

14 A. Until we found it -- until we found out, I
15 had no knowledge that it was going to be shut off.

16 Q. That's not my question. I'm asking about
17 when it was disconnected.

18 A. I don't know that.

19 Q. At some point in time you knew, you
20 learned that the electric at the property had been
21 disconnected, correct?

22 A. When we found her dead, that's when I
23 knew.

24 Q. So on November 20th, 2011 was the first
25 time that you learned or realized that the electric

1 had been disconnected at the property?

2 A. That's correct.

3 Q. So how often did you see your mom in
4 person during November of 2011?

5 A. Once or twice a week, like I said.

6 Q. Well, my question earlier was about August
7 through October of '11, and you said two to three
8 times per week in person.

9 A. It could have been two to three. It could
10 have been once or twice. I mean, it was -- I was
11 visiting my mother. I didn't mark it on a calendar.

12 Q. I understand.

13 A. I didn't know I had to. So this is what
14 I'm telling you. It was twice a week and sometimes
15 three times a week. It depended on life, what was
16 going on.

17 Q. So during November of 2011, between
18 November 1st and November 20th, obviously, there are
19 20 days, correct?

20 A. Yes.

21 Q. Correct?

22 A. Nineteen, but yeah. Go ahead.

23 Q. Okay. One through 20, I thought it was
24 20.

25 A. Okay, whatever.

1 Q. That's almost three weeks, correct?

2 A. Yes.

3 Q. Three weeks would be 21 days?

4 A. Right.

5 Q. So are you telling us that during that
6 20-day period you visited your mother in person --

7 A. Yes.

8 Q. -- at least one to two or maybe two to
9 three times per week?

10 A. That's what I'm telling you.

11 Q. Did your husband also visit your mother in
12 person the same number of times during November of
13 2011?

14 A. I can't answer that. I know definitely at
15 least once or twice a week.

16 Q. Did you go together or separately?

17 A. Sometimes together. Sometimes separately.

18 Q. And that was also consistent with how you
19 visited her during August, September and October of
20 '11?

21 A. That's correct.

22 Q. So sometimes the two of you, you and your
23 husband would go together, sometimes separately?

24 A. Correct.

25 Q. So as between you and your husband, it

1 sounds like during August, September, October and
2 the first 20 days of November of 2011 one of you was
3 personally at the property visiting your mom and
4 brother two, three or four days per week, is that
5 accurate?

6 A. I can't say that that is.

7 Q. Go back to what you talked about earlier.
8 At a minimum, you were there two to three times per
9 week you said?

10 A. Uh-huh.

11 Q. Correct?

12 A. Correct.

13 Q. Your husband is also there two to three
14 times per week you said?

15 A. Correct.

16 Q. Sometimes you're together and sometimes
17 not, correct?

18 A. That's correct.

19 Q. So you're there multiple times per week
20 from, during August, September, October and the
21 first 20 days of November of 2011?

22 A. Correct.

23 Q. To your knowledge, was your brother Jack
24 Easterling also at the property at least once a week
25 during the month of November 2011?

1 A. Yes.

2 Q. Would he have still been cutting the
3 grass, for example, in November of '11?

4 A. I can't recall the weather, so I couldn't
5 tell you.

6 Q. But he still would have been taking out
7 the garbage for your mom?

8 A. That's correct.

9 Q. And that would have been once a week
10 during the first 20 days of November?

11 A. At a minimum, yeah.

12 Q. But as far as the garbage, it only goes
13 out once a week?

14 A. Correct.

15 Q. Then he may have visited her additional
16 times, not just to cut grass or take out the
17 garbage?

18 A. Correct.

19 Q. And that would have been common for him to
20 do?

21 A. Yes.

22 Q. So for the 20 days of November of 2011,
23 you, your husband and brother Jack had been at the
24 property on multiple occasions, yet no one realized
25 that there wasn't electricity?

1 A. That's correct. She didn't state it.

2 Q. Did you always visit when it was daylight?

3 A. Yes.

4 Q. Never in the evening?

5 A. (WITNESS SHAKING HEAD.)

6 Q. No?

7 A. I work nights.

8 Q. Was it not -- I mean, how often would you
9 stay during these visits?

10 A. It would depend on the day. It could be
11 five minutes. It could be two hours.

12 Q. What did your mom do during the day while
13 she was at home and you visited her?

14 A. When I visited her?

15 Q. Yeah.

16 A. Sat down and talked.

17 Q. Even during the day she wouldn't have
18 lights on in the living room, dining room, kitchen,
19 anywhere?

20 A. Why would she have lights on in the day?

21 Q. You're telling me -- do you not turn on
22 lights in your house during the daytime?

23 A. Not generally, no.

24 Q. Is her house well lit with good, big open
25 windows that provide a lot of daylight into the

1 property?

2 A. Yes, it is.

3 Q. What was it common for her to keep the
4 drapes wide open so that daylight could come into
5 the house?

6 A. The house is well lit.

7 Q. Does she not watch TV?

8 A. No, she didn't.

9 Q. Did your brother Estill --

10 A. No.

11 Q. -- not watch TV?

12 A. No.

13 Q. Did either of them listen to the radio?

14 A. No, not very often.

15 Q. Well, did they at all?

16 A. I wasn't there all the time, but no.

17 Q. Well, did you ever see or hear in your
18 presence your mom --

19 A. No.

20 Q. -- and brother listening to the radio?

21 A. No.

22 Q. Did you ever talk to her about TV shows or
23 radio stations that had programs that she listened
24 to or watched?

25 A. No.

1 Q. Did your mom read books or magazines or
2 the newspaper?

3 A. Daily.

4 Q. And she would do that by natural light?

5 A. Yes.

6 Q. Never with an electric light on?

7 A. No, not during the day.

8 Q. Just to be clear, you're saying that
9 you've never seen your mom read a magazine, book or
10 newspaper with a light on during the daytime?

11 A. First off, she didn't read magazines. She
12 read the newspaper and she read her bible, and she
13 would read them during the day without lights on.

14 Q. Did she ever read at night?

15 A. I wasn't there at night, so I don't think
16 so.

17 Q. Did you ever talk to her about, you know,
18 that she read when she went to bed during the
19 evening or the nighttime?

20 A. No.

21 Q. Did she keep the bible at her bedside?

22 A. It was all over the house, wherever she
23 was.

24 Q. Were there occasions that you saw your
25 mom's bible in her bedroom?

1 A. Yes.

2 Q. To your knowledge, was she reading it in
3 the bedroom?

4 A. Not to my knowledge.

5 Q. So the only place you've ever seen your
6 mom read the newspaper or bible was in the living
7 room?

8 A. No.

9 Q. Where else did you see her read?

10 A. The dining room, kitchen, back porch,
11 front porch.

12 Q. When she read in the dining room or
13 kitchen, you never saw her read with the lights on?

14 A. No.

15 Q. Did you ever use the bathroom at the
16 property?

17 A. Yeah.

18 Q. Would you have used the bathroom, let's
19 say, prior to November 1st of 2011?

20 A. Yes.

21 Q. I assume like most people you would walk
22 in and close the door?

23 A. Uh-huh.

24 Q. Correct?

25 A. Correct.

1 Q. And turn on the light, correct?

2 A. No.

3 Q. No?

4 A. Not during the day.

5 Q. So what type of window did the bathroom
6 have?

7 A. It has windows about the size of those two
8 windows right there.

9 MR. LANE: For the record, she's pointing
10 to the windows in the conference room.

11 Q. So you're saying the bathroom at the
12 property that you would use has windows in excess of
13 six-by-six feet?

14 A. I would say the north side of the bathroom
15 is completely windows.

16 Q. Did you ever use the bathroom at the
17 property during the evening or at night?

18 A. No. I mean, I did, but not during that
19 period of time.

20 Q. Then when did you?

21 A. During the day if I stopped down there.

22 Q. But you're saying not at night?

23 A. Yes.

24 Q. Is that what you meant by period of time?

25 A. Uh-huh.

1 Q. Did you ever see lights on at the house
2 when you visited your mom and brother?

3 A. Have I ever --

4 Q. Yeah.

5 A. -- or just during that time?

6 Q. Ever.

7 A. Sure.

8 Q. What about during August, September and
9 October of 2011?

10 A. I don't recall.

11 Q. What made you answer so quickly sure about
12 ever seeing lights on?

13 A. I grew up in that house. I was at that
14 house for 50 some odd years. So, obviously, I've
15 seen lights on in that house.

16 Q. What about when you visited your mom in
17 August, September, October of 2011, did you ever see
18 lights on at the house?

19 A. Not during the day.

20 Q. What about in the evening or at night?

21 A. I generally was not there evenings and
22 nights.

23 Q. Were you ever there evenings and nights
24 during August, September, October of 2011?

25 A. I don't recall.

1 Q. During November of 2011, the first 20
2 days, were you ever there during the evening or at
3 night?

4 A. I don't recall.

5 Q. Meaning you may have been or may not, you
6 just don't recall or that was simply it never
7 happened?

8 A. It would have been out of my work
9 schedule, so I probably was not there.

10 Q. What was your work schedule at that time?

11 A. I worked evenings.

12 Q. What days of the week?

13 A. It depends. My schedule changed within
14 what was the need of the business.

15 Q. What were you doing? Who were you working
16 for?

17 A. The city of Sharonville.

18 Q. What did you do?

19 A. Managed a recreation center.

20 Q. What were your normal hours during the
21 week during the fall of 2011?

22 A. It could fluctuate anywhere from 5:30 in
23 the morning to nine o'clock at night.

24 Q. Seven days a week?

25 A. Five days a week.

1 Q. Did you ever work Saturdays and Sundays?

2 A. Yes.

3 Q. So on the weekends were you ever at your
4 mom's house at the property during the fall of 2011?

5 A. I can't be for sure what days I was there.

6 Q. Did you ever eat meals with your mom and
7 brother when you visited during the fall of 2011?

8 A. I generally took them meals.

9 Q. You generally did or you always did?

10 A. Generally.

11 Q. Did you ever cook anything there or see
12 your mom cook anything at the property during the
13 fall of 2011?

14 A. I don't recall. I mean, they ate. I know
15 they ate.

16 Q. What about during the first 20 days of
17 2011, let's talk about that. When you would visit,
18 did you go get anything to drink while you were
19 visiting?

20 A. No.

21 Q. You never did?

22 A. No.

23 Q. Even if you were there for two hours, you
24 never got any water or anything?

25 A. No.

1 Q. Why not? Like you were never thirsty
2 while you were there?

3 A. I can go two hours without drinking. I
4 mean, I don't walk around with a water bottle in my
5 hand all the time, so yeah.

6 Q. During those 20 days of November of 2011,
7 did you ever see your mom make any food, make
8 coffee, tea, toast, anything?

9 A. I don't recall.

10 Q. Did you ever see her or your brother use
11 the water during November of 2011?

12 A. Well, I guess they flushed the toilet.
13 They had the sink water on, yeah.

14 Q. So you saw them flush the toilet during
15 November of 2011?

16 A. Well, I flushed the toilet, I'm sure.

17 Q. So you used the toilet facilities and
18 flushed the toilet during that time, right?

19 A. Uh-huh.

20 Q. Yes?

21 A. Yes. I'm sorry.

22 Q. Are you saying you saw your mom and
23 brother do it or you just assumed because they lived
24 at the property?

25 A. I just assumed.

1 Q. During those 20 days of November of 2011,
2 did you ever help your brother with the hot water as
3 you talked about earlier when he was cleaning or
4 bathing himself?

5 A. No.

6 Q. Why not?

7 A. Because my mother usually did that.

8 Q. Well, you said you've done it before?

9 A. I've done it before.

10 Q. But you know for a fact you didn't do it
11 during those 20 days?

12 A. I don't recall if I did.

13 Q. Because before you said no, you didn't.

14 A. No. I'm saying I don't recall if I did in
15 that month. I've helped before.

16 Q. Did you ever use the sink water at the
17 property during those 20 days of November of 2011
18 from the 1st through the 20th?

19 A. I don't recall.

20 Q. Did you ever go to the refrigerator during
21 those first 20 days of November 2011?

22 A. No.

23 Q. Did you ever see your mom and brother eat
24 or drink anything that you did not bring to them
25 during the first 20 days of November 2011?

1 A. Did I ever see them is what you're asking
2 me?

3 Q. Yes.

4 A. Yes, I've seen my brother eat.

5 Q. Something that you didn't bring to him?

6 A. Correct.

7 Q. What was that?

8 A. Oatmeal.

9 Q. Why do you recall that as you sit here
10 nearly four years later?

11 A. Because he ate oatmeal just about every
12 day.

13 Q. Well, were you there just about every day
14 when he was --

15 A. Not every day, but I know his diet.

16 Q. But you specifically recall him eating
17 oatmeal from November 1st through the 20th of 2011?

18 A. From August to November, yes, he would eat
19 oatmeal.

20 Q. Including those 20 days of November of
21 2011?

22 A. Yes.

23 Q. Who made it and how?

24 A. Sometimes she made it. Sometimes he made
25 it. Sometimes microwave, I'm sure.

1 Q. What type of stove did they have at the
2 property during November of 2011?

3 A. A gas stove.

4 Q. To your knowledge, could that gas stove
5 work without electric at the property?

6 A. That I can't answer.

7 Q. You said they have a microwave?

8 A. Uh-huh.

9 Q. And sometimes they would use the microwave
10 to make your brother's oatmeal?

11 A. Uh-huh.

12 MR. LANE: You have to answer yes.

13 A. Yes, yes. I'm sorry.

14 Q. Including during November 2011?

15 A. I assume.

16 Q. Well, as you sit here today, are you
17 aware, even though you didn't at the time know this,
18 but are you now aware that the electric was
19 disconnected at the property on November 4th of
20 2011?

21 A. No, I'm not aware. I was not aware.

22 Q. Not were you back then. I'm asking as you
23 sit here today, are you now aware of that fact?

24 A. That's what you're telling me.

25 Q. I just want to make sure I understand.

1 You're saying, even as you sit here today, you still
2 have no idea that the property, the electric to the
3 property was disconnected on November 4th, '11?

4 A. That's what you're telling me that it was.

5 Q. All you know is that once you got there on
6 the 20th and found it to be disconnected, that's all
7 you know?

8 A. That's correct.

9 Q. Well, let me ask you this. If the power,
10 the electric power to the property was disconnected
11 on November 4th of 2011 and your mom and brother
12 were still living at the property, do you find it
13 odd that your mom wouldn't have told you that they
14 do not have electric power at the property?

15 MR. LANE: Objection.

16 A. Restate it.

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

18 (The question on page 73, beginning on
19 line 9 was read by the Court
20 Reporter.)

21 A. Yes, yes.

22 Q. Yet she never made any such comments to
23 you during those first 20 days of November of 2011?

24 A. No.

25 Q. And your brother never said anything to

1 you during those first 20 days of 2011 about not
2 having electric?

3 A. No.

4 MR. LANE: I'm sorry. Estill?

5 MR. McMAHON: Yes. Thank you.

6 MR. LANE: So it's Estill just so we're
7 clear, and that's your answer.

8 THE WITNESS: That he never said anything
9 to me about not having -- no.

10 Q. And your husband Jeff Pitzer never said
11 anything to you during those first 20 days of
12 November that the property didn't have electric?

13 A. No.

14 Q. And your brother Jack Easterling never
15 said anything to you during those first 20 days of
16 November that the property did not have electric?

17 A. No.

18 Q. Who was getting your mom and brother's
19 groceries during those 20 days of November 2011?

20 A. My husband.

21 Q. Would that include items that had to be
22 put into a refrigerator?

23 A. Yes.

24 Q. Whose job would it have been to take what
25 your husband bought at the grocery store and put all

1 of the purchased items away at the property?

2 A. Him and my mother did it together.

3 Q. So one or both of them would put the
4 items, the cold items or frozen items into the
5 refrigerator and freezer?

6 A. Correct.

7 Q. Was he, in fact, doing that during
8 November of 2011?

9 A. I'm sure he was.

10 Q. But do you have personal knowledge that he
11 was or you're just assuming that he was?

12 A. I have personal knowledge that he was
13 going to the store for her.

14 Q. We talked about it earlier. Because he
15 was the one who did that every week, correct?

16 A. Correct.

17 Q. And he continued doing that through
18 August, September, October and the first 20 days of
19 November of 2011?

20 A. Correct.

21 Q. Have you ever, while you were visiting
22 your mom and brother, did you ever have occasion to
23 open the refrigerator at the property?

24 A. No. Not ever. I mean, of course, but not
25 within that time period I didn't.

1 Q. So you're saying at some point in time
2 surely you would have opened the refrigerator when
3 you visited them, but you never did it during
4 August, September, October and the first 20 days of
5 November of 2011?

6 A. I'm saying that I didn't generally have a
7 reason to open the refrigerator.

8 Q. But how often did you?

9 A. I don't recall.

10 Q. Is it accurate that when you opened the
11 refrigerator at the property during the fall of
12 2011, that the internal light would come on?

13 A. That's accurate.

14 Q. So is it also accurate that as soon as
15 someone opened the refrigerator door, they would
16 know immediately whether there was electric to the
17 refrigerator or possibly that the bulb was burned
18 out?

19 A. That's accurate.

20 Q. If there was no power to the house, to the
21 property, someone using the refrigerator or freezer
22 would also know that to be the case because it
23 wouldn't be cold?

24 MR. LANE: Objection.

25 Q. Correct?

1 A. If it wasn't working, that would be
2 correct.

3 Q. Because you, for example, can tell when
4 you open a refrigerator door or freezer whether it's
5 cold or not, right?

6 A. Yeah.

7 Q. And your husband during the fall of 2011
8 was perfectly capable of recognizing that fact also,
9 correct?

10 MR. LANE: Objection.

11 A. I'm sure he was. You would have to ask
12 him.

13 Q. I will. And your mom was perfectly
14 capable of realizing that her refrigerator and
15 freezer were not working, correct?

16 A. Correct.

17 Q. Yet at no point in time during the entire
18 month of November 2011 did your mom ever say to you,
19 hey, my refrigerator and freezer aren't working?

20 A. No.

21 Q. And at no point in time during those first
22 20 days of '11 did your husband ever say, hey, I
23 went to put stuff from the grocery store into the
24 freezer or refrigerator and it's not working?

25 A. No.

1 Q. When someone made your brother's oatmeal,
2 I assume they have to use water, correct?

3 MR. LANE: Objection.

4 A. Sure, or milk.

5 Q. And the milk would be stored in the
6 refrigerator?

7 A. Correct.

8 Q. That's where your mom kept her milk,
9 right?

10 A. That's where most people do.

11 Q. Including throughout the fall of 2011?

12 A. Correct.

13 Q. Do you know how she or someone made your
14 brother's oatmeal, whether they used milk or water?

15 A. It depends on the day.

16 Q. Why?

17 A. Sometimes she would think he wasn't
18 getting enough water, so she would make it with
19 water. Sometimes if he would request milk, she
20 would make it with milk.

21 Q. You were there and witnessed those
22 occasions?

23 A. Yeah.

24 Q. And he ate oatmeal on a daily basis, your
25 brother Estill?

1 A. Correct.

2 Q. Did you ever hear during those first 20
3 days of November of 2011 that the water had been
4 disconnected to the property?

5 A. No.

6 Q. Are you aware, as you sit here today, that
7 the water was disconnected at the property?

8 A. No.

9 Q. Do you dispute that the water was
10 disconnected?

11 A. Yes.

12 Q. Tell me what you know about that.

13 A. After they had passed away, we had water
14 in the house.

15 Q. At what point in time did you know that
16 there was water in the house after your mom and
17 brother passed away?

18 A. I can't answer that. I didn't know
19 what -- I didn't know they didn't have water.

20 Q. But when you say after they passed away we
21 had water in the house, what time frame are you
22 talking about?

23 A. Probably that night.

24 Q. So you're saying on the night of Sunday,
25 November 20th, 2011 you knew that there was water

1 operating at the property?

2 A. Correct.

3 Q. How did you come to know that?

4 A. Flushing the toilet.

5 Q. You know for a fact that you flushed the
6 toilet that day?

7 A. Yes.

8 Q. How do you know that?

9 A. We had to stand outside for quite a long
10 time and wasn't able to use the bathroom. When we
11 could go in, I had to use the bathroom.

12 Q. What do you mean you had to stand outside
13 for quite a long time?

14 A. While the police were there.

15 Q. I'll get back to that in a second. So if
16 Duke Energy Ohio has evidence that one of its
17 technicians was at the property on November 4th,
18 2011 and knocked on the door to try to speak to
19 someone, you can't refute that evidence, correct?

20 A. I can't agree with that evidence either
21 way.

22 Q. You have no personal knowledge one way or
23 the other whether any of those events happened?

24 A. That's correct.

25 Q. Back to the document marked as Exhibit 6,

1 you have no personal knowledge one way or the other
2 whether Exhibit 6 was left at the property by a Duke
3 Energy Ohio employee on November 4th, 2011, correct?

4 A. That's correct, one way or the other that
5 it was or wasn't.

6 Q. Are you aware of anyone else, your husband
7 or anyone who will testify in this case that Exhibit
8 6 was not left at the property on November 4th,
9 2011?

10 A. I'm not aware of anybody that can say it
11 was or wasn't.

12 Q. Okay. Are you aware of anyone, your mom
13 or anyone else acting on her behalf who telephoned
14 Duke Energy Ohio or otherwise contacted the company
15 during September or October 2011 regarding this
16 account?

17 A. I have no way of knowing it.

18 Q. Are you aware of anyone, your mom or
19 anyone else who ever telephoned Duke Energy Ohio or
20 otherwise contacted the company from November 1
21 through the 20th of 2011 regarding this account?

22 A. I'm aware that on the 20th the police
23 called Duke Energy.

24 Q. Tell me what you're aware of that.

25 A. Why I'm aware of it or --

1 Q. Yeah, what your knowledge is in that
2 regard.

3 A. They discovered that there was no electric
4 and they called Duke Energy. And they were out
5 there within 40 minutes to turn it back on.

6 Q. Are you aware, to get back to my question,
7 of your mom or anyone else telephoning Duke Energy
8 or otherwise contacting the company from November 1
9 through the 19th of 2011?

10 A. I have no knowledge of that.

11 Q. So you have no knowledge one way or the
12 other whether your mom or anyone else acting on her
13 behalf reached out to Duke Energy at any time during
14 September, October or November of 2011 to discuss
15 this account, available payment plans or any
16 restoration of service?

17 A. I don't recall any of it.

18 Q. When did your mom and brother pass away?

19 A. The 20th.

20 Q. You're saying they passed away on that
21 day?

22 A. That's -- yeah.

23 Q. Why do you say they passed away on the
24 20th?

25 A. That's what the death certificate says.

1 Q. We can identify that, but doesn't the
2 death certificate say that's the date they were
3 found?

4 A. I don't recall without looking at it to be
5 honest with you.

6 Q. Has anyone ever indicated to you what the
7 actual date of death was for either your mom or your
8 brother?

9 A. No.

10 (Exhibit 7 was marked for
11 identification.)

12 (Exhibit 8 was marked for
13 identification.)

14 Q. Ms. Lykins, I've handed you what's been
15 marked as Exhibit 7 and 8. Just for the record,
16 Exhibit 7 is marked as PI0001, and Exhibit 8 is
17 marked PI0003 and 4.

18 Ms. Lykins, Exhibit 7 and 8 are the death
19 certificates that you were talking about previously?

20 A. Yes, looks like them.

21 Q. As you can see during the middle of the
22 page of Exhibit 7 and the middle of the first page
23 of Exhibit 8 where it says in the box marked 26-B
24 time of death, it says found on both documents?

25 A. Yes.

1 MR. LANE: You know, I don't see any
2 names at the top of these, either one.
3 At least my copy is cut off.

4 MR. McMAHON: This is how I got them as
5 well.

6 THE WITNESS: There is none on them.

7 Q. Just to be clear, Exhibit 7 is the death
8 certificate for your mom. As you can see up there
9 at the top, years 84, and it identifies her father's
10 and mother's name, correct?

11 MR. LANE: Okay. I just want to state
12 that there are no names that appear on
13 either one of those.

14 A. Yes.

15 Q. Then Exhibit 8 is for your brother Estill.
16 It identifies his parents, your parents' names,
17 Estill Easterling, Sr., Dorothy Hillard, and also
18 identifies his age, 49 years, up top?

19 MR. LANE: Objection.

20 A. Well, it says 49.

21 Q. To your knowledge, is Exhibit 8 not the
22 death certificate for your brother?

23 A. It doesn't have his name on it.

24 Q. I understand. Your attorney made that
25 clear. But to your knowledge, does this not relate

1 to your brother based on all the other information
2 set forth on the pages?

3 A. Looks like it does.

4 Q. By the way, with respect to water at the
5 property, if there's evidence from the Greater
6 Cincinnati Water Works that the water had been
7 disconnected on or about November 4th, 2011, do you
8 have any personal knowledge to refute that
9 information?

10 A. Other than the fact that it was on.

11 Q. It was on on the 20th, you said?

12 A. I couldn't be honest about any of that on
13 the 4th.

14 Q. Did you, your husband or your attorney
15 ever investigate any potential claims against
16 Greater Cincinnati Water Works?

17 A. Not to my knowledge.

18 Q. In particular, I'm referring to the deaths
19 of your mom and brother Estill.

20 MR. LANE: I want to caution you not to
21 divulge the content of any conversations
22 that we have had. That's privileged.
23 You can answer whether you know an
24 investigation was conducted, but not the
25 content of any of our conversations.

1 Q. With that admonition from your attorney,
2 are you aware of any investigations being conducted
3 in that regard?

4 A. I don't recall.

5 Q. I mean, you were the one who filed the
6 Complaint in this case against Duke Energy, correct?

7 A. Correct.

8 Q. You've not filed anything similar against
9 Greater Cincinnati Water Works?

10 A. No.

11 Q. Did you ever consider filing any such
12 claim against Greater Cincinnati Water Works?

13 A. I had no reason to.

14 Q. Why is that?

15 A. They had water.

16 (Exhibit 9 was marked for
17 identification.)

18 Q. Ms. Lykins, I've handed you what's been
19 marked as Exhibit 9. For the record, these
20 documents in Exhibit 9 are marked PI0005 through 11.
21 Exhibit 9 is a copy of the coroner's report with
22 respect to your mom, correct?

23 A. That's what it says.

24 Q. Are you aware from either Exhibit 9 or any
25 other source that the coroner concluded that your

1 mom died as a result of, partially of severe
2 dehydration?

3 MR. LANE: I'll object on relevancy
4 grounds as to this phase of the
5 proceedings before the PUCO.

6 Q. Go ahead. You can answer.

7 A. I'm sorry. What was the question?

8 MR. McMAHON: Read it back to her,
9 please.

10 (The question on page 86, beginning on
11 line 24 was read by the Court
12 Reporter.)

13 A. No.

14 Q. Have you ever seen --

15 MS. BOJKO: Counsel, are you reading from
16 a document, sir?

17 MR. McMAHON: Yes. I identified it
18 already.

19 MS. BOJKO: Not the cause of death
20 provision -- is there a particular part
21 of Exhibit 9 you're referring to?

22 MR. McMAHON: Do you have an objection?

23 MS. BOJKO: Yes.

24 MR. McMAHON: What's the objection?

25 MS. BOJKO: Lack of clarity.

1 MR. McMAHON: Okay, thanks.

2 BY MR. McMAHON:

3 Q. You've never seen the autopsy report for
4 your mother --

5 A. No.

6 Q. -- before today?

7 A. No.

8 Q. Has your husband ever seen this document
9 to your knowledge?

10 A. None of us have ever seen this.

11 Q. Are you aware that your attorney produced
12 this document in discovery in this case?

13 A. No.

14 Q. Were you aware that you attached this
15 document, Exhibit 9, to the Complaint that you filed
16 in this case?

17 A. I'm aware that we attached whatever needed
18 to be attached.

19 Q. What does that mean?

20 A. I'm aware that my lawyer attached what
21 needed to be attached for this case.

22 Q. In response to my question, are you aware
23 that the autopsy report for your mom was attached to
24 the Complaint that you filed against Duke Energy
25 Ohio?

1 A. I hate to fall back on it, but I don't
2 recall the forms and files that were attached to
3 anything.

4 Q. Did you ever review the Complaint that
5 your lawyer filed on your behalf before it was
6 filed?

7 A. Verbally.

8 Q. What does that mean?

9 A. We talked about it.

10 Q. So you never looked physically at the
11 written materials that were filed before they were
12 filed with the Public Utilities Commission of Ohio?

13 A. I was in the hospital for months at a
14 time. I did not have access to it.

15 Q. Did you ever discuss this autopsy report
16 about your mother with anyone prior to today?

17 A. Unh-unh.

18 Q. Sorry. Your answer is no?

19 A. Discussed the opinion part in this?

20 Q. Or any information contained in Exhibit 9?

21 A. Discussed it with -- who did you say?

22 Q. Anyone before today?

23 A. We went over the death certificate.

24 Q. What about Exhibit 9, the autopsy report?

25 A. No.

1 Q. So prior to today you've never discussed
2 with anyone the document marked as Exhibit 9?

3 A. No, not in depth.

4 Q. So does that mean in some form or fashion
5 you discussed it, because I thought you just said
6 no, you didn't discuss it?

7 A. In some form or fashion the fact that she
8 passed away from hypothermia.

9 Q. Who told you that?

10 A. The death certificate told me that.

11 Q. So you did see Exhibit 8 and Exhibit 7
12 before today?

13 A. Correct.

14 Q. But you never saw Exhibit 9 before today?

15 A. No. If I did, I don't recall it.

16 Q. So if you turn to page two of Exhibit 9,
17 at any time prior to today did anyone ever indicate
18 to you that a contributory cause of death for your
19 mom, at least according to the coroner, was
20 dehydration with renal failure and malnutrition?

21 MR. LANE: Continuing objection on
22 relevancy grounds for this phase of the
23 proceedings.

24 A. No. I took the death certificate as what
25 it was, hypothermia.

1 (Exhibit 10 was marked for
2 identification.)

3 Q. You've now been handed what's been marked
4 as Exhibit 10. For the record, this is marked in
5 the lower right-hand corner as PI0012 through 18.

6 This is a copy of the coroner's report
7 relating to your brother, correct?

8 A. That's what is stated here. It's an
9 opinion.

10 Q. Is your testimony about Exhibit 10 similar
11 to your testimony about Exhibit 9; meaning, you have
12 never seen Exhibit 10 prior to today?

13 A. If I have, I don't recall it.

14 Q. Did you ever discuss it with anyone prior
15 to today?

16 A. I don't recall it.

17 Q. Were you aware that Exhibit 10 was
18 attached to the Complaint that you filed against
19 Duke Energy in this case?

20 A. I was aware that all the necessary papers
21 were attached.

22 Q. Again, what does that mean?

23 A. That means that whatever needed to be
24 attached to file the case was attached properly.

25 Q. Who decided that?

1 A. We did with the lawyer.

2 Q. Were you involved in the input in the
3 decision-making process whether to attach Exhibits 9
4 and 10 to the Complaint in this case?

5 A. I was involved in the decision to attach
6 whatever needed to be attached.

7 Q. But in answering my question, were you
8 involved in attaching Exhibits 9 and 10 to the
9 Complaint that you filed?

10 A. I can't specifically say that. I don't
11 recall all of the papers that were attached.

12 Q. All you know is that you did whatever was
13 necessary and attached whatever needed to be
14 attached?

15 A. The proper paperwork that needed to be
16 attached.

17 Q. Turning to page 2 of Exhibit 10, have you
18 ever discussed prior to this day the fact that the
19 coroner, the coroner's opinion had, as a
20 contributory cause of your brother's death,
21 dehydration with renal failure,
22 starvation/malnutrition?

23 MR. LANE: Objection.

24 A. Am I aware of what now?

25 Q. Did you ever discuss that opinion with

1 anyone prior to today?

2 A. Not that opinion, no.

3 Q. Seeing this information in Exhibits 9 and
4 10 now in writing, does it surprise you as you sit
5 here today?

6 MR. LANE: Objection.

7 A. In what way?

8 Q. In any way.

9 A. Surprise me? I think it's opinion based.
10 I think there's some incorrect stuff on there.

11 Q. Such as?

12 A. Trisomy 21.

13 Q. Say that again.

14 A. Trisomy 21.

15 Q. What are you referring to?

16 A. No. 4 on my brother.

17 Q. Can you explain what you mean by that
18 being incorrect?

19 A. He was never diagnosed with Trisomy 21.

20 Q. Okay. I'm not familiar with that. What
21 is Trisomy 21?

22 A. It is a condition of the brain. It has to
23 do with the genetic disposal of genes within the
24 body.

25 Q. Do you have any idea where the coroner

1 would have gotten that information?

2 MR. LANE: Objection.

3 A. No, no idea.

4 Q. Does anything else in Exhibits 9 and 10
5 surprise you as you sit here?

6 MR. LANE: Objection.

7 A. Not really, but, like I said, these are
8 opinion based.

9 Q. What about the fact that the coroner
10 listed in paragraph two of both documents, Exhibits
11 9 and 10, for your mom severe dehydration and for
12 your brother dehydration?

13 MR. LANE: Objection.

14 Q. Do those opinions from the coroner
15 surprise you?

16 MR. LANE: Objection.

17 A. What do you mean surprise me?

18 Q. Well, do you have any idea why your mom
19 and brother would be either dehydrated or severely
20 dehydrated as the coroner reports in these
21 documents --

22 MR. LANE: Objection.

23 Q. -- at the time of their death?

24 A. No, I have no idea. Of course, like I
25 said, this is opinion based.

1 Q. What about in the first paragraph of both
2 documents where the coroner has, quote: No
3 electricity or water in the home for 14 days, end
4 quote?

5 A. I have no opinion on that. I don't know
6 where they got that information from.

7 Q. Did you ever speak to the coroner in
8 connection with your mom and brother?

9 A. No.

10 Q. To your knowledge, did your husband?

11 A. No.

12 Q. To your knowledge, did anyone in the
13 family?

14 A. No.

15 Q. What about any of your attorneys?

16 A. I don't recall that.

17 Q. What about in paragraph number three of
18 Exhibit 9 where it says your mom suffered from
19 malnutrition, and then in paragraph three of your
20 brother's, Exhibit 10, it says
21 starvation/malnutrition?

22 MR. LANE: Objection.

23 Q. Does either of that surprise you?

24 A. Yeah, it does.

25 Q. Why is that?

1 A. They weren't starved to death. It states
2 hypothermia.

3 Q. Well, I understand it says that in
4 paragraph one.

5 A. It says that on the death certificate
6 also.

7 Q. I understand. But seeing that the coroner
8 put in his opinion that both your mom and brother
9 suffered from malnutrition, does that surprise you?

10 MR. LANE: Objection. Also, the coroner
11 who completed this report is a female by
12 name.

13 MR. McMAHON: Oh, I'm sorry. I
14 apologize.

15 THE WITNESS: Yes, it's a female.

16 Q. So same question.

17 A. Yes, it surprises me.

18 Q. Because based on your experience of seeing
19 your mom and brother during the month of November,
20 they looked perfectly fine?

21 A. They looked typical for an 84-year-old
22 woman and an almost 50-year-old handicapped boy,
23 yes, man.

24 Q. As far as you know, they were eating and
25 drinking?

1 A. As far as I know.

2 Q. And your mom was competent enough that if
3 she were sitting in a house with no power and heat,
4 she would have told you?

5 A. Absolutely.

6 Q. If she were sitting in a house with no
7 power and heat, she would have told your husband?

8 A. Yes.

9 Q. And your brother Jack?

10 A. Yes.

11 Q. So how do you explain the fact that she
12 never told anyone?

13 A. I don't have --

14 MR. LANE: Objection.

15 Q. You don't have an explanation?

16 A. Unh-unh.

17 Q. Now, in discovery in answers to
18 interrogatories your husband indicated that you last
19 talked to your mom and brother Estill around
20 November 17 or 18.

21 A. That's probably correct, 16, 17, 18.

22 Q. How do you know now three and a half,
23 nearly four years later that that's when you last
24 talked to your mom and brother?

25 A. Because I calculated back because on that

1 Sunday we had an event to attend and Friday we had
2 to prepare for the event. So she knew I would be
3 busy over the weekend.

4 Q. Was this an event at work? I'm sorry.

5 A. No.

6 Q. What event was it?

7 A. It was an event for my granddaughter.

8 Q. What event was that?

9 A. It was a cheer competition.

10 Q. So on Sunday the 20th you had a cheer
11 competition for your granddaughter?

12 A. That's correct.

13 Q. So you knew that would keep you busy on
14 Saturday and Sunday?

15 A. I knew that would keep me busy on
16 Thursday, Friday, Saturday and Sunday.

17 Q. So Saturday would have been the 19th of
18 November, Friday the 18th and Thursday the 17th?

19 A. Right.

20 Q. In the answers to interrogatories your
21 husband indicated that you last saw your mom and
22 brother around the 17th or the 18th of that month.

23 A. It was probably the Monday or Tuesday --

24 Q. Before?

25 A. -- that I talked to her. Yes.

1 Q. That's fair. I said talked to. What
2 about when you last saw them in person?

3 A. Probably would have been, going back, the
4 week before.

5 Q. So let me just make sure I'm understanding
6 the time frame. So for speaking with your mom or
7 brother, you last talked to them on the Monday or
8 Tuesday?

9 A. I talked to her, not them.

10 Q. You talked to her on Monday or Tuesday of
11 that week?

12 A. That's correct.

13 Q. So that would have been on the 14th or
14 15th of November?

15 A. I don't have a calendar. I can't answer
16 that.

17 Q. If we count back, Sunday was the 20th,
18 19th a Saturday, 18th Friday, 17th Thursday, 16th
19 Wednesday, 15th Tuesday, 14th Monday. So it would
20 have been either the 14th or the 15th of November?

21 A. I don't recall the exact date, but --

22 Q. Well, you said Monday or Tuesday. That's
23 what I'm trying to figure out.

24 A. Right, uh-huh.

25 Q. And that would have been by phone?

1 A. Yes.

2 Q. And you didn't otherwise go see her that--

3 A. Not that week.

4 Q. Why was that?

5 A. I was working and I had this competition
6 thing.

7 Q. Your husband indicated in discovery that
8 he had talked to your mom and/or brother around the
9 14th or 15th of November. That's the same days
10 you're talking about?

11 A. Uh-huh.

12 Q. Did you two separately call her or were
13 you part of the same conversation?

14 A. It was separate.

15 Q. To your knowledge, did your husband go see
16 your mom and brother at all during that same week?

17 A. No, I don't recall. But I know that's why
18 he went down there on the 20th.

19 Q. Were your brother or your mom getting any
20 types of benefits or services through the Ohio
21 Department of Job & Family Services?

22 A. Welfare, is that what you're talking
23 about?

24 Q. Anything.

25 A. No.

1 Q. There's been some allegation or claim of
2 some kind that Duke Energy did something wrong, that
3 it should have contacted the Hamilton County office
4 of the Department of Job & Family Services before
5 disconnecting services at the property.

6 Do you have any knowledge or information
7 about those allegations or that claim?

8 A. Nope.

9 MS. BOJKO: Objection.

10 MR. McMAHON: Want to take a break?

11 MS. SPILLER: Yeah.

12 MR. McMAHON: We're going off the record
13 briefly.

14 (Recess taken.)

15 Q. Ms. Lykins, I just have some final
16 follow-up. I asked you about your brother Jack
17 taking your mom's garbage out for her, correct?

18 A. Correct.

19 Q. What happened the next day when the cans
20 were empty? Who took those back?

21 A. Sometimes he would come up and take them
22 back. Sometimes my husband would stop and take them
23 back.

24 Q. So generally then on garbage days and the
25 next day, someone was there those two days?

1 A. Correct.

2 Q. And that would have happened also during
3 the first 20 days of November?

4 A. Correct.

5 Q. Was your mom still driving through the
6 month of November?

7 A. I don't recall if she went anywhere or not
8 to be honest about it.

9 Q. You said previously during one of the, in
10 response to one of my last questions, you talked
11 about last talking to her on the phone on the 14th
12 or 15th of November and seeing her in person the
13 prior week?

14 A. Uh-huh.

15 Q. Can you be more specific on when you last
16 saw her in person?

17 A. I can't give you an exact day or date.

18 Q. Based on your work schedule and things
19 that you can recall, might that help pin it down?

20 A. Not really.

21 Q. So it was sometime during the week of --

22 A. The week --

23 Q. -- the 7th?

24 A. Yeah.

25 Q. Where did your mom keep her car, by the

1 way?

2 A. In the garage.

3 Q. Did that have an electric opener?

4 A. Yes, it did.

5 Q. She would press a button and the door
6 would go up and down?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes. I'm sorry.

10 Q. So if the power was disconnected on
11 November 4th of 2011, that electric opener wouldn't
12 have worked, correct?

13 A. Correct, but it worked.

14 Q. It worked?

15 A. Uh-huh.

16 Q. All through the month?

17 A. Yes. It's on a separate bill.

18 MR. McMAHON: I just realized that, okay.

19 I don't have any further questions.

20 Thank you.

21 THE WITNESS: You're welcome.

22 MR. LANE: I don't have any questions.

23 EXAMINATION

24 BY MS. BOJKO:

25 Q. I have a couple clarifying questions.

1 Good afternoon, Ms. Lykins.

2 A. Good afternoon.

3 Q. My name is Kim Bojko. I'm representing
4 Ohio Consumers Counsel in this proceeding, and I'd
5 like to start out by saying I'm very sorry for your
6 loss.

7 A. Thank you.

8 Q. There's been some confusion about the
9 names on the bills and the names of your father and
10 brother. So your father was Estill Easterling, the
11 Third, or the Second, I mean?

12 A. He was Estill Junior Easterling. My
13 brother was Estill Easterling, the Third.

14 Q. And there is no Estill Easterling, the
15 Fourth, is that correct?

16 A. No.

17 Q. Going back, I didn't hear what you just
18 stated to your counsel about the garage. The garage
19 was operating on a separate meter, is that what I
20 heard you say?

21 A. That's correct.

22 Q. Where was that meter located?

23 A. It's located on the garage.

24 Q. Does the property receive a separate bill
25 for that meter?

1 A. Yes.

2 Q. Are there any other devices hooked up to
3 that meter?

4 A. As to what would pull the electric off of
5 the garage?

6 Q. No. Sorry. Device wasn't very good. Are
7 there any other appliances or any other lighting,
8 anything that --

9 A. Yes.

10 Q. -- would charge the --

11 A. There's lights.

12 Q. I'm sorry?

13 A. There are lights in the garage, and
14 there's also a welder that's hooked up to it.

15 Q. Are any appliances or lights in the
16 house --

17 A. No.

18 Q. -- hooked up to that meter?

19 A. No. It's a separate account even.

20 Q. Whose account was that in back in
21 November 2011? Whose name was that account in?

22 A. Estill Easterling.

23 Q. Your father?

24 A. Yes.

25 MS. BOJKO: Those are all the questions I

1 have. Thank you very much.

2 THE WITNESS: You're welcome.

3 MR. LANE: No questions.

4 MR. McMAHON: Okay, thanks.

5

6 (Witness excused.)

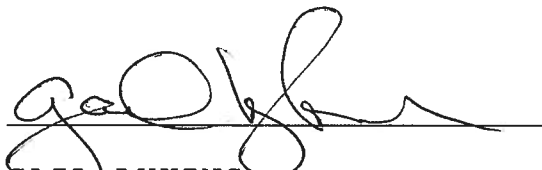
7 (Deposition concluded at 11:37 a.m.)

8

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11


GAIL LYKINS

9/30/2015
DATE

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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:

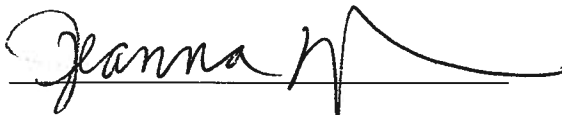
7 That the witness named in the deposition, prior
8 to being examined, was by me duly sworn;

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: Gail Lykins
DATE: September 16, 2015

CORRECTION

LINE

PAGE

① I just dont remember off top 24+25 15
of my head -

take out - "I dont either" 1 16

15+16 104

② And there is NO Estill Easterling,
the fourth, is that correct

③ NO - change to yes - Question is confusing - Answer is
There is NO Estill Easterling the fourth.

9/30/15
Date

Gail Lykins
Witness

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

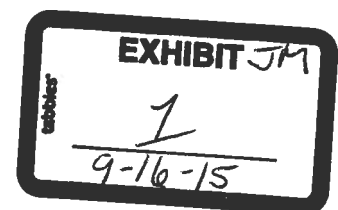
Amount Due
Amt Due - Previous Bill \$ 143.49
Late Payment Charge(s) 2.15
Balance Forward 145.64
Current Gas Charges 36.85
Current Electric Charges 66.33
Current Amount Due \$ 248.82

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.

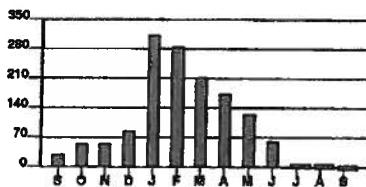
Order your FREE compact fluorescent light bulbs today! Call 1-800-843-7585 and choose option 1, or visit www.duke-energy.com/freecfls1 to see if you are eligible.

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

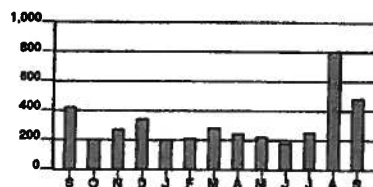
Gas Usage



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

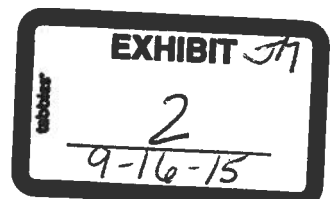
Gas Charges
Usage - 67 CCF
Duke Energy - Rate RS \$ 78.77
Current Gas Charges \$ 78.77
Gas Cost Recovery \$0.58664980/CCF

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.

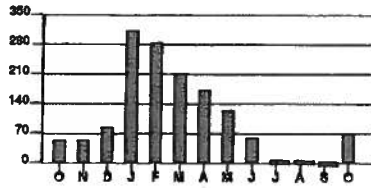
Summary of Charges			
Gas Meter - 000999214 CCF Usage - 67 Sep 01 - Oct 03 32 Days	Duke Energy		
	Rate RS - Residential Service		
	Fixed Delivery Service Charge	\$ 25.33	
	Usage-Based Charge		
	67 CCF @ \$ 0.03272800	2.19	
	Gas Delivery Riders	11.94	
	Gas Cost Recovery		
	67 CCF @ \$ 0.58664980	39.31	\$ 78.77
			\$ 78.77
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

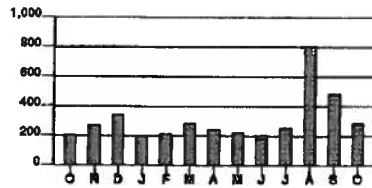
Name	Service Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

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.
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OHIO RESIDENTIAL

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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.

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EXHIBIT

tabbies

3-11
9-16-15

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.

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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 as soon as possible. If you are unable to pay the bill, please call the Public Utilities Commission (PUC) at 800-688-1570 (toll free) from 8:00 a.m. to 5:00 p.m., weekdays, or visit www.puc.ohio.gov for more information.

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 as soon as possible.
- If you are unable to pay the bill, please call the Public Utilities Commission (PUC) at 800-688-1570 (toll free) from 8:00 a.m. to 5:00 p.m., weekdays, or visit www.puc.ohio.gov for more information.
- Pay the required amount to your local utility company (not applicable to all utilities).
- Pay the required amount to your local utility company (not applicable to all utilities).

To learn more about how to maintain your gas and/or electric service, please view 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.

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- 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.

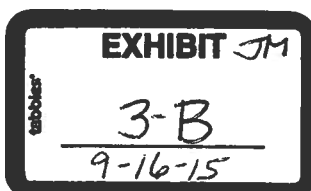
CONTACT INFORMATION

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

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.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

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.

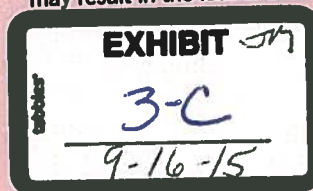
AVOIDING DISCONNECTION

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.



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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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.



FINAL DISCONNECTION NOTICE
NOTICE DATE:

(account number)

(date)

0000002 01 AV 0.325 ***AUTO T1 1 4990 45042-227404 -C01-I
|||||

OCCUPANT OR

(customer name and
premise address)

FOR SERVICE AT :
OCCUPANT OR

(customer name
and premise
address)

To maintain your gas and/or electric service(s), please pay the amount noted on the last bill you received (see "IMPORTANT" message box in the body of the bill), or make satisfactory payment arrangements within ten calendar days from the date indicated above. The required payment amount will increase after the billing date; however, the termination date will not be affected by receipt of any subsequent bill.

AVOIDING DISCONNECTION

To avoid disconnection it will be necessary to satisfy one or more of the following options:

- Pay the entire past-due balance.
- Pay the past-due amount of any extended payment plan.
- Pay any past-due Security Deposit. See "Important" message box on your last bill to determine if a security deposit will be requested.
- Pay the required amount to set-up an extended payment plan (applicable to qualified customer only).

WINTER RECONNECTION ORDER

During the time period of October 18, 2010 through April 15, 2011 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(s) has been disconnected, a reconnection charge must be paid in addition to the \$175.00. Reconnection charge, Gas \$17.00; Electric \$25.00; Both Services \$38.00.

Please note: Funds from the Emergency Home Energy Assistance Program (EHEAP) or other emergency energy assistance programs can be applied toward the \$175.00 payment.

PAYMENT OPTIONS

Payments can be made by any of the following methods:

- Pay over the phone by electronic check or credit card (VISA & MasterCard)
Please call 1-877-586-5068.
- Pay at a Pay Station. Visit www.duke-energy.com or contact our Credit Department to locate a Pay Station near you.

CONTACT INFORMATION

If you have any questions about your bill, or this disconnect notice, please contact our Credit Department at 513-651-5100 or 1-800-648-7777. Our representatives are available 7:00 a.m. to 7:00 p.m. Monday through Friday and Saturday 8:00 a.m. to 1:00 p.m.

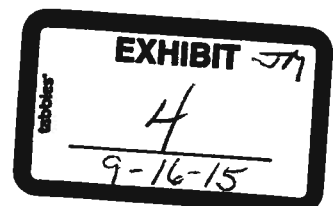
If your complaint is not resolved after you have called Duke Energy Ohio, or for general utility information, residential and business consumers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free), from 8:00 a.m. to 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 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.pcooc.org.

M-1349-W-R47

More important information about your service on the other side.

4990-01-00-0000002-0001-0000002



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	Duke Energy	513-651-5100	0120-0420-20-5
11312 Orchard			
Cincinnati OH 45241			

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

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

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

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

Service	Account 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

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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.

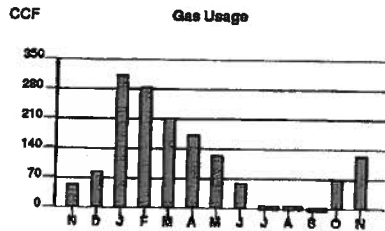
PRICE TO COMPARE: In order for an average residential customer to save money, an electric supplier must offer a price lower than 9.00 cents per kWh. Your Price to Compare may be different based on your usage. Visit www.duke-energy.com to calculate your individual Price to Compare or contact Duke Energy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

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

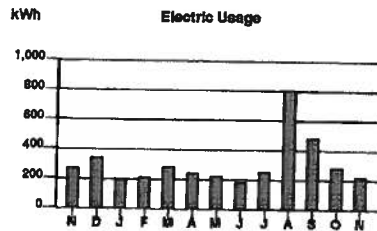
DISCONNECT NOTICE

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	6	6	67	125	125
Electric	278	345	194	213	268	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

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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



548092

DECEDENT	404-20-4554		(Years) 49	Months	Days	Hours	Minutes	October 22, 1962		CINCINNATI, OHIO		
	8a. Residence State OHIO			8b. County HAMILTON				8c. City or Town SHARONVILLE				
	8d. Street and Number 11312 Orchard St.						8e. Apt. No.	8f. Zipcode 45241		8g. Inside City Limits? Yes		
	9. Ever in US Armed Forces? No		10. Marital Status at Time of Death Never Married				11. Surviving Spouse's Name (If wife, give name prior to first marriage)					
DISPOSITION	12. Decedent's Education NOT OBTAINABLE				13. Decedent of Hispanic Origin No				14. Decedent's Race White			
	15. Father's Name ESTILL EASTERLING SR						15. Mother's Name (prior to first marriage) DOROTHY HILLARD					
	17a. Informant's Name JACK EASTERLING						17b. Relationship to Decedent Brother		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>ALBERT M.D.</i> M.D.				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.										Approximate Interval Between Onset and Death	
	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.												
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?		
33a. 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

8
9-16-15I HEREBY CERTIFY THAT
THIS DOCUMENT IS AN EXACT
COPY OF THE RECORD OF THE
THE OHIO DEPARTMENT OF HEALTH

PI0003

DE-8110000-1

23. Registrar's Signature <i>Timothy Taper</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

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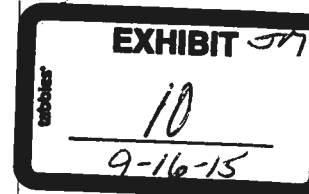
ESTILL EASTERLING III

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



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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

This foregoing document was electronically filed with the Public Utilities

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in

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

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