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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: JACK EASTERLING

DATE: SEPTEMBER 16, 2015

* * * * *

Jeanna Migliorisi,
Certified Court Reporter

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

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Cross-Examination By Mr. McMahon

4

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

9 * * * * *

10 APPEARANCES

11
12 REPRESENTING THE COMPLAINANT:

13 DONALD A. LANE, ESQ.

14
15 REPRESENTING THE RESPONDENT:

16 ROBERT A. McMAHON, ESQ.

17 AMY B. SPILLER, ESQ.

18
19 REPRESENTING THE OHIO CONSUMERS' COUNSEL:

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

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

22
23 ALSO PRESENT: MINNA ROLFES-ADKINS, PARALEGAL

24 JEFFREY PITZER

25 * * * * *

1 JACK EASTERLING, 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 for
6 the record?

7 A. Jack Easterling.

8 Q. Mr. Easterling, where do you live?

9 A. 112 Wilson Street, Lockland, Ohio.

10 Q. Mr. Easterling, my name is Bob McMahon.
11 I'm one of Duke Energy Ohio's attorneys in this
12 case. I'm here to take your deposition in the
13 complaint case filed originally by your sister, and
14 then your sister was replaced by your
15 brother-in-law, Jeff Pitzer, as the named
16 complainant against Duke Energy.

17 Have you ever had your deposition taken
18 before?

19 A. Just at a Social Security hearing.

20 Q. Let me just go over some basic ground
21 rules. The court reporter is here to take down
22 everything you and I say or any other attorneys.

23 I will ask you questions. If you could,
24 please let me finish the question before answering,
25 and I'll let you finish the answer before moving

1 onto the next question. That way the court reporter
2 can take down a good record of what transpires here.
3 Okay?

4 A. Yes.

5 Q. It's also important, as you just did, to
6 answer my questions out loud rather than with nods
7 or uh-huhs or unh-unhs.

8 A. I understand.

9 Q. Great, thank you. If you don't understand
10 my question, just tell me and I'll try to rephrase
11 it or we might have the court reporter read
12 something back to you. If you don't hear it, tell
13 me as well, okay?

14 A. Okay.

15 Q. Can we assume then for the record that if
16 you answer the question, you both heard it and
17 understood it?

18 A. Correct.

19 Q. Great, thank you. Also, thanks for your
20 patience today. I know you have been waiting during
21 the other two depositions. More than likely, based
22 on the last deposition, yours will probably be a
23 little bit quicker.

24 A. Okay.

25 Q. As Mr. Lane just advised off the record, I

1 just want to put it on the record so we don't waste
2 time with documents, it's my understanding, sir,
3 you're legally blind?

4 A. Correct.

5 Q. How long have you been legally blind?

6 A. For the last 12 years.

7 Q. Twelve years, okay.

8 A. Somewhere in that area.

9 Q. During that time, or maybe I'll just hone
10 in on the 2011 time frame since that's relevant to
11 this case, you were not looking at or reviewing any
12 types of bills or other mailers or notices or
13 anything of that nature that Duke Energy either sent
14 to the property in question, mailed to the property
15 or dropped off at the property?

16 A. No, I did not.

17 Q. Okay. Have you lived at 112 Wilson Street
18 long?

19 A. Thirty-seven years.

20 Q. That's a long time. How far away is that
21 from the property located at 11312 Orchard Street?

22 A. Probably about six miles.

23 Q. Just to be clear for the record so I don't
24 have to keep repeating that address, if I refer to
25 the property, do you agree that you can assume for

1 your deposition that I'm referring to the property
2 where your mother and brother previously lived,
3 11312 Orchard Street?

4 A. Yes.

5 Q. Great. Thank you. During the fall of
6 2011, did you drive?

7 A. Yes.

8 Q. So that's not an issue with being legally
9 blind?

10 A. I'm not allowed to drive at nighttime.

11 Q. So if you were driving during the day in
12 the fall of 2011, I guess that means at that time
13 you were able to read and see documents, correct?

14 A. No. I can't read anything that's less
15 than four-foot letters. I can drive, but I can't
16 read anything like written, printed --

17 Q. Okay.

18 A. -- or a screen.

19 Q. Fair enough. So if we were to put
20 documents in front of you, you would be unable to
21 read them?

22 A. Correct.

23 Q. But as you sit here today, you can see us,
24 you can function and walk around the building and
25 get to the office, et cetera?

1 A. Depends on how I hold my head of what I
2 can see. Either I can see you and I can't see half
3 of her. I can look straight at her but I can't see
4 any of you out of the peripheral up and down.

5 Q. I understand. Tell me about your mom. In
6 the fall of 2011, what was she like physically,
7 mentally, as far as taking care of herself and so on
8 and so forth?

9 A. She was pretty well taking care of
10 herself. I would rake leaves. She would call me.
11 So I would go up and take the garbage out every
12 Thursday. She would come out in the yard and walk
13 around and instruct me on when I missed a few
14 leaves.

15 Q. Did you do other odds-and-ends tasks for
16 her during the fall of 2011 other than just the
17 garbage?

18 A. Whatever, cut the flowers that had -- I
19 don't know the name of them. They die off, and then
20 you just top them out and they come back up the next
21 fall and spring. Just yard work.

22 Q. It's my understanding that you were
23 cutting the grass also?

24 A. Yes.

25 Q. Was that weekly?

1 A. Yes.

2 Q. Would you generally cut the grass on the
3 same day you went over for the garbage or would
4 those be multiple visits?

5 A. Multiple visits depending on the time of
6 the year.

7 Q. What about your mom's physical condition
8 as far as the ability to do things around the house,
9 care for herself, et cetera?

10 A. She maintained a very well-kept home, done
11 her own laundry, done her own cooking, took care of
12 my brother.

13 Q. When you say she maintained a well-kept
14 home, meaning keeping it clean, orderly, dusted,
15 things like that?

16 A. Correct.

17 Q. So you and your sister and brother-in-law,
18 Jeff Pitzer, would help her on occasion, but your
19 mother generally was self-sufficient during the fall
20 of '11?

21 A. Correct.

22 Q. What about her mental capacity?

23 A. For 84 years old, she was pretty sharp.

24 Q. My understanding is she's the one who took
25 care of all of her own issues with respect to paying

1 the gas and electric bills, water bills, real estate
2 taxes, phone bills and possibly a credit card. Is
3 that accurate? And on what --

4 A. She was a very independent person.

5 Q. And on what I said -- sorry. I
6 interrupted a little bit there. On what I said
7 about my understanding of all the bills she paid,
8 does that ring true to you?

9 A. My sister would check and make sure, but
10 yeah, she paid her bills with either cash or checks.

11 Q. What do you mean by your sister would
12 check and make sure?

13 A. Just make sure that -- you know, you get
14 84 years old, you might forget something. I'm 63
15 and I forget things. Walking across from the living
16 room to the kitchen, I forget what I went to get.

17 Q. So how do you know that your sister was
18 helping in this regard?

19 A. She would just check on top of the
20 refrigerator.

21 Q. So what was kept on top of the
22 refrigerator?

23 A. Everything she had paid with the date
24 wrote on it, all of her bills that were paid. She
25 always wrote on the envelope the date they were

1 paid.

2 Q. So your mom would put paid bills with the
3 notes that you just talked about on top of the
4 refrigerator?

5 A. She had a section for paid bills and a
6 section for bills that needed to be paid.

7 Q. And this was kept on top of the fridge?

8 A. Yeah, it was a refrigerator. It was only
9 about that tall, a small refrigerator.

10 Q. So was it your mom's practice that once
11 she got a bill in the mail to be paid, that she put
12 it in the to-be-paid pile, and then once she paid
13 it, she marked on it and then moved it over to the
14 next pile?

15 A. Correct. But it was no pile.

16 Q. Or little stacks. I don't mean pile, like
17 a high pile or anything. At some point did she
18 collect them and put them somewhere else?

19 A. The paid ones.

20 Q. Did she store them somewhere?

21 A. I have no idea.

22 Q. At some point in time what, to your
23 knowledge, happened to them?

24 A. I have no idea. My mother was a very
25 private person when it came to her bills, her money,

1 her business.

2 Q. Well, you said on occasion your sister,
3 Gail Lykins, would check the top of the refrigerator
4 to see if there were any issues with respect to
5 unpaid bills?

6 A. Occasionally. I mean, I would check them.
7 Anybody would check on their mother or father or
8 anyone.

9 Q. But how do you know your sister was doing
10 this?

11 A. Because I might have been there some day
12 and we'd meet. I would run across paths with her.

13 Q. Would you say in the fall of 2011 that
14 your mom was competent?

15 A. I would.

16 Q. Was she on any medical or caregiver's
17 care?

18 A. None.

19 Q. Your mom was also the primary caregiver
20 for your brother, right?

21 A. Correct.

22 Q. Then you all would help on occasions as
23 necessary?

24 A. Yes.

25 Q. When you say your mom was a very private

1 person when it came to bills and her money, what do
2 you mean by that?

3 A. Well, the same way I am. My money and my
4 wife's -- it's none of my children's business how
5 much money I had in the bank or what bill I had. I
6 mean, that's just -- she didn't want anybody
7 meddling.

8 Q. So when there were occasions that your
9 sister checked on how things were going with respect
10 to payment of bills, did she tend to do that
11 secretively so that your mom might not know or get
12 upset or was she -- was it out in the open that hey,
13 mom, let me just check and make sure everything is
14 going okay?

15 A. She would check on my mother. If I'm
16 there, she would come outside. If I'm working in
17 the yard or painting the side porch, she would just
18 look, you know, casually glance and say, well, what
19 date did they receive it because it had a mailed-out
20 date on it.

21 Q. Did your mom, when she got a bill in the
22 mail, did she note on it the date that she got it?

23 A. Didn't have to. The cancelled postage is
24 on the thing that cancels the date when it was
25 mailed out.

1 Q. Oh, right. I thought you were talking
2 about the date that she received something.

3 A. No.

4 Q. Now, are you aware that Duke Energy had an
5 active account in the name of your dad at the
6 property for two decades or longer after your dad
7 passed away?

8 A. Yes.

9 Q. So did you know that in the fall of 2011
10 the gas and electric account at the property was
11 still in your father's name?

12 A. Yes.

13 Q. How or why did you know that at that time?

14 A. Because she kept everything in his name
15 because she -- the phone, the electric, everything,
16 because she didn't want people to feel that there
17 was just a single woman living there by herself.

18 Q. And that was true of all of her accounts?

19 A. I assume so.

20 Q. Is it fair to say that, based on your
21 condition, you have no personal knowledge about any
22 of the gas and electric bills sent by Duke Energy to
23 the property during the fall of 2011?

24 A. Just the ones that were marked paid on top
25 of the refrigerator. I never looked at them, but

1 you could see it was a Duke Energy bill.

2 Q. Okay. But are you specifically referring
3 to the fall of 2011 or just generally that may
4 happen on occasions?

5 A. Every month there was usually -- if I was
6 in the house, you can glance there and right there
7 you would see bills that were marked paid. There
8 would be a Duke -- I get one at home that says Duke
9 Energy on it. And they stuck it up there and marked
10 the date they were paid.

11 Q. But I guess I don't understand, based on
12 your prior testimony, how you would be able to read
13 that and see that.

14 A. I didn't read that. I could read the Duke
15 Energy on the envelope. If the letters are this
16 big, I can read that. I can -- you know, I've seen
17 Duke Energy for 63 and a half years. It's pretty
18 obvious to recognize it.

19 Q. So are you telling us that you have
20 personal knowledge about Duke Energy Ohio bills that
21 your mom received in September, October and November
22 of 2011?

23 A. Not really, no.

24 Q. I just wanted to make sure because I have
25 documents that I had gone over with your sister and

1 brother-in-law, but I understand, based on your
2 testimony, that that's not possible with you because
3 you're unable to read them. So I wanted to make
4 sure.

5 A. Like I said, I can identify an envelope, a
6 Duke envelope. I can identify a telephone bill.

7 Q. So you never had the occasion during the
8 fall of 2011 to review specific Duke Energy bills in
9 detail that were addressed to Estill Easterling at
10 the property?

11 A. No, because I'm unable to read them.

12 Q. So whether certain bills had reminder
13 notices or disconnection notices or any bill inserts
14 mailed with them, you don't have any personal
15 knowledge of those events for the September, October
16 and November of 2011 time frame?

17 A. No.

18 Q. And that also would be true with respect
19 to any final disconnection notices that were mailed
20 to the property during October of 2011, you would
21 not have any personal knowledge about those notices
22 because you weren't able to read them at the time?

23 A. I don't recall any.

24 Q. You don't recall any discussions with
25 anyone about them?

1 A. My mother never discussed her bills.

2 Q. So if your mother received reminder
3 notices or disconnection notices from Duke Energy,
4 is it your testimony that it would be common
5 practice for her not to discuss those facts with
6 you, your sister or Mr. Pitzer?

7 A. I can't tell you who -- what she discussed
8 with them, but I can tell you she didn't discuss it
9 with me because I'm unable to read them.

10 Q. But you didn't witness, being physically
11 present, or hearing her discuss these matters with
12 your sister or her husband, correct?

13 A. I wasn't there all the time my sister was
14 there or when Mr. Pitzer was there.

15 Q. I understand. I'm just asking. Yes or
16 no?

17 A. No.

18 Q. Okay. And you don't have any personal
19 knowledge about payments that your mom was making to
20 Duke Energy during the fall of 2011, correct?

21 A. Correct.

22 Q. Nor do you have any personal knowledge
23 about what amounts she was required to make to Duke
24 Energy during the fall of 2011, correct?

25 A. Correct. I would not know.

1 Q. Do you have any personal knowledge that
2 your mom or anyone acting on her behalf ever called
3 Duke Energy during September or October or November
4 of 2011 with respect to her account at the property?

5 A. No, I wouldn't.

6 Q. And you don't have any personal knowledge
7 of her or someone else on her behalf reaching out to
8 Duke Energy during the September, October, November
9 2011 time frame to discuss payment arrangements that
10 might be available to your mom?

11 A. I have no knowledge.

12 Q. When was the first time that you learned
13 that electric had been disconnected at the property
14 during November of 2011?

15 A. November 20th when I found them in the
16 house dead.

17 Q. You came to the house that day in
18 particular because Mr. Pitzer called you?

19 A. Correct.

20 Q. Had you been to the house that prior week?
21 Let's say Monday was the 14th. The week of Monday,
22 the week of November 14th?

23 A. The 17th, Thursday. Every Thursday of
24 every week.

25 Q. Bar none?

1 A. Bar none.

2 Q. You came and took out the garbage?

3 A. Correct.

4 Q. So on Thursday, November 17th, 2011, you
5 were at the property and took the garbage out?

6 A. Correct.

7 Q. And you saw your mom and brother that day?

8 A. No. I opened the door, the back door. I
9 hollered, it's me, mom, I'm taking the garbage out,
10 because she was leary of noise outside. You hit the
11 button on the garage and the garage door opens. I
12 wanted her to be aware of whom it was.

13 Q. Did she acknowledge your presence?

14 A. I don't know. It was 7:30 in the morning.
15 She may have been up. She may have been asleep. In
16 case she was up, I wanted her to acknowledge it was
17 me, not to be upset or worried.

18 Q. So were you on your way to work?

19 A. No. I was on my way to go take my
20 granddaughters to school.

21 Q. So at 7:30 in the morning on November
22 17th, 2011 you stop by to take the garbage out?

23 A. Correct.

24 Q. You knock, open the back door and just
25 yell, as you described?

1 A. I opened the back door with keys.

2 Q. Because you have a key?

3 A. Yes, I do.

4 Q. And you don't recall your mom ever
5 responding to your comment?

6 A. No.

7 Q. So you didn't actually speak to her on
8 that day, correct?

9 A. Correct.

10 Q. I know you spoke toward her, yelled into
11 the house?

12 A. Correct.

13 Q. Nor did you speak with your brother that
14 day, correct?

15 A. My brother did not speak.

16 Q. Okay. But you didn't -- let me ask it
17 this way. You didn't see your mom or brother on
18 Thursday, November 17th, 2011?

19 A. Correct.

20 Q. Did you come back the next day to take the
21 garbage cans in?

22 A. Mr. Pitzer took them in. I was watching
23 my granddaughters. My daughter was out of town.

24 Q. How do you know Mr. Pitzer took the cans
25 in on November 18th?

1 A. Because he always took them in that Friday
2 afternoon so they weren't sitting on the street.

3 Q. But do you have personal knowledge that he
4 took them in on that particular day?

5 A. They weren't there Saturday or Sunday,
6 because I drove by Saturday to make sure.

7 Q. So the next time you were in the vicinity
8 was Saturday the 19th and you just drove by?

9 A. Correct.

10 Q. And the cans weren't out front?

11 A. No.

12 Q. So you continued on?

13 A. Correct.

14 Q. And the next time you were at the property
15 was the 20th?

16 A. Correct.

17 Q. So when you stopped by at 7:30 a.m. on
18 November 17th, you didn't notice one way or the
19 other whether there was any electric on at the
20 property?

21 A. The garage worked. Why would I assume
22 there was nothing else working?

23 Q. I'm just asking.

24 A. That's my assumption. I don't go and turn
25 lights on in other people's houses.

1 Q. But there were no exterior lights on or no
2 interior lights on that you can recall?

3 A. She never turned the lights on if it was
4 daylight.

5 Q. So during daytime hours of what to what?
6 What do you consider daylight?

7 A. From the time daylight comes up until dawn
8 goes down.

9 Q. So dawn to dusk --

10 A. Yes.

11 Q. -- your mom didn't turn lights on?

12 A. I don't.

13 Q. Okay. Prior to November 17th of 2011,
14 were you last at the property on the 10th or were
15 you there in between?

16 A. It would be the 10th to take the garbage
17 out.

18 Q. So, generally speaking, unless you had
19 other yard work to do, cut the grass, you were there
20 every Thursday and possibly at other times?

21 A. Correct.

22 Q. How often during, you know, this same time
23 frame, the first few weeks of November of 2011, did
24 you talk to your mom by telephone, if at all?

25 A. I talked to her outside of the house on

1 the porch.

2 Q. Right, but I'm talking specifically during
3 this time frame.

4 A. Probably on the 3rd on the back porch. It
5 varied what time I would go take the garbage out on
6 whether I had to take care of my twin
7 granddaughters. I would go early, and if I didn't,
8 I would go at 11:30 and take lunch and sit out on
9 the back porch and eat.

10 Q. So do you know when you were there on
11 November 10th of 2011?

12 A. It was probably 10:30 or 11:00.

13 Q. So you would have seen your mom and
14 brother that day?

15 A. Yes, I did.

16 Q. But I guess maybe I didn't ask it the
17 right way. Was it common for you to also talk to
18 her on the telephone?

19 A. No. She only called when she needed
20 something.

21 Q. Like something done in the yard or --

22 A. Correct, or a gallon of milk if she had
23 run out.

24 Q. And that was not common?

25 A. Not at all.

1 Q. So when you were there on November 10th of
2 2011, do you have any recollection at all -- I know
3 it's been almost four years -- about what the
4 weather was like?

5 A. It was probably 50's, maybe low 60's, if I
6 remember that November.

7 Q. So if it was 50 to 60 or so degrees
8 outside, would you and your mom sit out on the back
9 porch and have lunch when you visited or is that
10 when you would be inside the house?

11 A. It was the back porch. The porch was
12 enclosed.

13 Q. Like an all-weather room of some kind?

14 A. Yes.

15 Q. So did you ever witness your mom, you
16 know, cooking something on the stove or making
17 something in the microwave or anything like that?

18 A. At which times? Correct. I've seen her
19 cook and microwave.

20 Q. My understanding is from other testimony
21 that the stove was a gas stove?

22 A. Correct.

23 Q. Were there any electric components at all?

24 A. Yes.

25 Q. Like what?

1 A. Spark ignition.

2 Q. So would you agree with me, if there was
3 no electric to the property, your mom would have
4 been unable to use the gas stove?

5 A. No.

6 Q. Why?

7 A. Because you don't need the spark to turn
8 the gas on. You take a lighter and light it.

9 Q. Did she regularly do that?

10 A. I don't have any idea, but she knew how to
11 do it because I had shown her because the old stove
12 spark ignition went out.

13 Q. So in November of 2011 the stove at the
14 property was gas but had a spark ignition?

15 A. Correct.

16 Q. It's your testimony that at that time your
17 mom wouldn't have needed electric to cook on the
18 stove because she could have lit it herself without
19 the spark ignition?

20 A. Correct.

21 Q. And she knew how to do that?

22 A. Yes.

23 Q. To your knowledge, did she actually do
24 that in November of 2011?

25 A. I have no recollection of it.

1 Q. Is that a safe process?

2 A. Lighting a stove?

3 Q. Yeah.

4 A. Yes.

5 Q. Is it akin to lighting a gas grill outside
6 when you see people do that? Is it like that?

7 A. Yes.

8 Q. Did you ever have occasion in November of
9 2011 to get something out of the refrigerator at the
10 property?

11 A. I always brought something to drink or to
12 eat if I was going up there in mid day, and I always
13 would have a bottle of water with me at all times.
14 And she drank water. She never drank soda. She
15 didn't drink milk.

16 Q. She drank water from the tap?

17 A. If she -- yeah.

18 Q. Or bottled water?

19 A. Either. I usually keep a cooler in my car
20 with six or eight bottles of water.

21 Q. Did she keep bottled water in her
22 refrigerator?

23 A. No.

24 Q. If she got a glass of water from the tap,
25 would she put ice in her glass?

1 A. No.

2 Q. So up until November 20th of 2011 you had
3 no idea whatsoever that the electric had been
4 disconnected at the property?

5 A. Correct.

6 Q. As you now sit here today, are you aware
7 that the electric was disconnected on November 4th
8 of 2011?

9 A. No, I wasn't.

10 Q. You've never heard that until I just said
11 it?

12 A. No.

13 Q. So you just knew only prior to today that
14 the electric had been disconnected at some point in
15 time?

16 A. Correct.

17 Q. Prior to today, did you have reason to
18 understand why the electric had been disconnected?

19 A. No.

20 Q. No one -- you've never talked to anyone
21 before today about the electric being disconnected
22 for nonpayment?

23 A. I assumed that's what it was. I didn't
24 know for a fact.

25 Q. So you never discussed that fact with

1 Mr. Pitzer, your sister or Mr. Lane?

2 A. No.

3 Q. Based on your testimony, I assume it's
4 accurate that you have not read the autopsy reports
5 for your mother and your brother?

6 A. I have not.

7 Q. Have you discussed them with anyone?

8 A. No.

9 Q. Has anyone ever told you about conclusions
10 allegedly reached by the Hamilton County coroner
11 with respect to the cause of death for either your
12 mom or your brother?

13 A. No.

14 Q. Have you ever asked anyone?

15 A. No, because it didn't matter. They're
16 both dead.

17 Q. If it was your mom's practice on occasion
18 to call if she needed milk or whatever, do you find
19 it odd that she never called you to advise that the
20 electric had been disconnected at the property on
21 November 4th, 2011?

22 MR. LANE: Objection.

23 Q. You can answer.

24 A. I assume she would have called my sister.

25 Q. But, to your knowledge, did she ever call

1 your sister?

2 A. Not to my knowledge. I don't recall that
3 she -- she never said.

4 Q. Why do you say you assume she would have
5 called your sister as opposed to you?

6 A. Because she would help with the bills if
7 she needed help.

8 Q. Well, based on your knowledge and
9 experience of your mom and how well she took care of
10 herself, her house and your brother, do you find it
11 odd that the two of them would stay in a house with
12 no electric and no heat as it got colder outside?

13 A. First, she never turned the heat on until
14 it got real cold. She was up early in the mornings
15 and goes to bed when it gets dark. I don't have any
16 idea of the oddity of what people do.

17 Q. When you say your mom didn't turn on the
18 heat until it got real cold, can you be --

19 A. Probably 40's.

20 Q. So by real cold, you mean in the 40's?

21 A. Well, it's the lowest that she would ever
22 let -- she let the house temperature get down to
23 like 60 before she would turn the furnace on.

24 Q. So the internal temperature would get down
25 as low as 60 sometimes before she turned --

1 A. Between 60 and 65, depending on if it was
2 sunny or cloudy.

3 Q. Did you ever know your mom to not have the
4 heat on in the house at the property when the
5 outside temperature was in the 30's?

6 A. No. She always had it on.

7 Q. So if, in fact, your mom and brother were
8 at the property without electric or heat while the
9 outside temperature was in the 30's, would you be
10 surprised by that?

11 MR. LANE: Objection.

12 A. Yes, I would, but I would assume that she
13 would have tried to call Duke Energy herself because
14 she liked to handle her own situations.

15 Q. But you're not aware if, in fact, she ever
16 did call Duke Energy?

17 A. I'm not aware.

18 Q. And she was perfectly able in your mind,
19 based on your experience of dealing with her,
20 talking to her, watching her, to pick up the phone
21 and call Duke Energy during November of 2011 if her
22 power had been disconnected, correct?

23 A. Yes, she would.

24 Q. And regardless of what notices or other
25 information were mailed to her or delivered to the

1 property about the disconnection of services, if
2 your mom's electric was turned off and it got cold
3 outside, you would expect her to pick up the phone
4 and call Duke Energy?

5 MR. LANE: Objection.

6 A. I would expect any normal human being to
7 respond to getting their heat or electric turned
8 back on.

9 Q. But in response to my question about your
10 mom, the answer is yes, you would expect her to do
11 that?

12 A. Yes.

13 Q. Because she was competent and capable of
14 doing this herself?

15 A. Yes.

16 MR. McMAHON: I think that's all I have.
17 Thank you.

18 THE WITNESS: Okay, thank you.

19

20 (Witness excused.)

21 (Deposition concluded at 3:22 p.m.)

22

23

24 JACK EASTERLING

DATE

25 (Signature waived.)

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

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

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