

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

DONELL BARKER,	)	
	)	Case No. 16-1225-EL-CSS
Complainant,	)	
	)	
v.	)	
	)	
THE TOLEDO EDISON COMPANY,	)	
	)	
Respondent.	)	
	)	

**THE TOLEDO EDISON COMPANY’S MOTION TO CONTINUE FEBRUARY 1, 2017  
HEARING AND REQUEST FOR EXPEDITED RULING**

Pursuant to O.A.C. §4901-1-12 and §4901-1-13, Respondent The Toledo Edison Company (“Toledo Edison”) respectfully requests a continuance of the February 1, 2017 hearing and expedited ruling of this request. For cause, Toledo Edison states that Complainant has failed to respond in any way to Toledo Edison’s discovery requests, which were propounded upon Complainant on November 11, 2016. Toledo Edison requires the discoverable information in Complainant’s possession in order to adequately prepare for the hearing in this case. Additional reasons in support of this Motion are set forth in the Memorandum in Support, which is attached and incorporated by reference.

Respectfully submitted,

/s/Christine E. Watchorn

Carrie M. Dunn (0076952)

Counsel of Record

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308

(330) 761-2352

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[cdunn@firstenergycorp.com](mailto:cdunn@firstenergycorp.com)

(Willing to accept service by email)

Christine E. Watchorn (0075919)

Alyson Terrell (0082271)

Ulmer & Berne LLP

65 East State Street, Suite 1100

Columbus, Ohio 43215

(614) 229-0034

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[cwatchorn@ulmer.com](mailto:cwatchorn@ulmer.com)

[aterrell@ulmer.com](mailto:aterrell@ulmer.com)

(Willing to accept service by email)

*On behalf of The Toledo Edison Company*

## MEMORANDUM IN SUPPORT

Toledo Edison Company (“Toledo Edison”) respectfully requests a continuance of the February 1, 2017 hearing in this case and requests an expedited ruling. O.A.C. §4901-1-12(C) provides:

**Any motion may include a specific request for an expedited ruling. The grounds for such a request shall be set forth in the memorandum in support.** If the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda. In all other situations, the party requesting an expedited ruling may first contact all other parties to determine whether any party objects to the issuance of such a ruling without the filing of memoranda. If the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued. If any party objects to the issuance of such a ruling, or if the moving party fails to certify that no party has any objection, any party may file a memorandum contra within seven days after the service of the motion, or such other period as the commission, the legal director, the deputy legal director, or the attorney examiner requires. No reply memoranda shall be filed in such cases unless specifically requested by the commission, the legal director, the deputy legal director, or the attorney examiner. (Emphasis added.)

Moreover, O.A.C. §4901-1-12(F) provides:

Notwithstanding paragraphs (B) and (C) of this rule, **the commission, the legal director, the deputy legal director, or the attorney examiner may, upon their own motion, issue an expedited ruling on any motion, with or without the filing of memoranda, where the issuance of such a ruling will not adversely affect a substantial right of any party.** (Emphasis added.)

Further, O.A.C. §4901-1-13(A) permits a continuance of a hearing:

Except as otherwise provided by law, and notwithstanding any other provision in this chapter, **continuances of public hearings and extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown. . . .** (Emphasis added.)

On November 11, 2016, Ohio Edison propounded its First Set of Combined Discovery Requests to Complainant, seeking discoverable information from Complainant, including the identification of his hearing witnesses, exhibits, and basic factual information relevant to his allegations in this matter. (See First Set of Combined Discovery Requests, attached hereto as Ex. A.) Complainant's responses were due on or before December 1, 2016, but he did not respond at all to the discovery requests, nor has he provided any of the information or materials that Toledo Edison requested.

On December 6, 2016, counsel for Toledo Edison sent a letter to Complainant explaining that the discovery responses were overdue. (See 12/6/16 letter attached as Ex. B.) In the letter, Toledo Edison simplified the requests and asked Complainant to provide his responses on or before December 13, 2016. Complainant did not provide his responses by December 13, 2015. Therefore, counsel for Toledo Edison sent Complainant another letter advising him that Toledo Edison would ask the Commission to compel him to respond if he did not provide his responses by December 30, 2016. (See 12/23/16 letter attached as Ex. C.) To date, Complainant has not responded to the December 23, 2016 letter, nor has he provided any of the requested information.<sup>1</sup>

On December 1, 2016, Complainant requested a continuance of the December 8, 2016 hearing, stating that he needed additional time to "attain additional facts, Information, Medical Records, Documents and evidence." (See 12/1/16 Request for Extension of Time.) To date, Complainant has not produced any of the documents referenced in his request for a continuance. The hearing is currently scheduled for February 1, 2017 – less than one month away. The deadline for prefiled testimony is January 25, 2017 – approximately three weeks away. Without receiving the information and materials Toledo Edison seeks from Complainant

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<sup>1</sup> Toledo Edison is contemporaneously filing a motion to compel the discovery responses.

in discovery, to include the documents Complainant referenced in his request for a continuance, Toledo Edison is not able to adequately prepare its case for hearing. Thus, Toledo Edison respectfully requests a continuance of the February 1, 2017 hearing to allow it additional time to obtain discoverable information from Complainant, including the documents Complainant referenced in his request for a continuance. Due to the fast-approaching testimony deadline and hearing date, Toledo Edison requests an expedited ruling on this Motion.

This request for continuance is not made for purposes of delay and it will not prejudice Complainant. Moreover, this is the first request for a continuance that Toledo Edison has made in this case.

Therefore, Toledo Edison respectfully requests that the Attorney Examiner grant Toledo Edison's request for a continuance of the February 1, 2017 hearing and reschedule the hearing to a mutually agreeable date no earlier than 30 days after Complainant provides complete discovery responses.

Respectfully submitted,

/s/Christine E. Watchorn

Carrie M. Dunn (0076952)

Counsel of Record

FirstEnergy Service Company

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[aterrell@ulmer.com](mailto:aterrell@ulmer.com)

(Willing to accept service by email)

*On behalf of The Toledo Edison Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Toledo Edison Company's Motion to Continue February 1, 2017 Hearing and Request for Expedited Ruling* was served by U.S. Mail and email on this 6th day of January, 2017 upon:

Donell Barker

409 Melrose Avenue

Toledo, Ohio 43610

[donell\\_barker@sbcglobal.net](mailto:donell_barker@sbcglobal.net)

*Complainant, pro se*

*/s/ Christine E. Watchorn*

\_\_\_\_\_  
Christine E. Watchorn (0075919)

*On behalf of Ohio Edison Company*

COL1997 271498v1  
29414.00077

## Terrell, Alyson

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**From:** Sigman, Amy  
**Sent:** Friday, November 11, 2016 3:39 PM  
**To:** 'donell\_barker@sbcglobal.net'  
**Cc:** Watchorn, Christine; Terrell, Alyson  
**Subject:** Donell Barker v. The Toledo Edison Company  
**Attachments:** Letter.pdf; First Set of Discovery Requests to Donell Barker.docx; Rules 4901-1-19 and 4901-1-20.pdf

Mr. Barker:

Christine Watchorn asked that I send you the attached documents.

Thank you.

**Amy Sigman**  
*Legal Secretary*



DIRECT: 614.229.0477  
DIRECT FAX: 614.229.0001  
EMAIL: [asigman@ulmer.com](mailto:asigman@ulmer.com)

**Ulmer & Berne LLP**  
65 East State Street, Suite 1100  
Columbus, Ohio 43215-4213  
[Ulmer.com](http://Ulmer.com)



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Christine E. Watchorn  
Partner

TELEPHONE 614.229.0034  
DIRECT FAX 614.229.0035  
EMAIL cwatchorn@ulmer.com

November 11, 2016

**VIA EMAIL (donell\_barker@sbcglobal.net)  
AND U.S. MAIL**

Donell Barker  
409 Melrose Avenue  
Toledo, Ohio 43610

Re: Donell Barker v. The Toledo Edison Company  
Case No. 16-1225-EL-CSS

Dear Mr. Barker:

Enclosed please find The Toledo Edison Company's First Set of Combined Discovery Requests to Complainant.

If you have any questions, please feel free to contact me.

Sincerely,

Christine E. Watchorn

CEW/als  
Enclosure

CLEVELAND

COLUMBUS

CINCINNATI

CHICAGO

HOUSTON

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EXHIBIT A



**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

DONELL BARKER	)	
	)	Case No. 16-1225-EL-CSS
Complainant,	)	
	)	
v.	)	
	)	
THE TOLEDO EDISON COMPANY	)	
	)	
Respondent.	)	
	)	

**THE TOLEDO EDISON COMPANY'S FIRST SET OF  
COMBINED DISCOVERY REQUESTS TO COMPLAINANT**

Pursuant to Rules 4901-1-19 and 4901-1-20, Ohio Administrative Code, The Toledo Edison Company propounds the following combined set of Interrogatories and Requests for Production of Documents (collectively, the "Discovery Requests") upon Complainant Donell Barker to be responded to fully, separately, and in writing within twenty (20) days of service.

**INSTRUCTIONS**

A. **Completeness:** In answering these Discovery Requests, Complainant must furnish all information and documents available to Complainant. This includes documents in the possession, custody or control of Complainant's attorneys or of any third party or parties to whom Complainant has surrendered possession, custody or control or who are acting on Complainant's behalf, or who have otherwise obtained possession, custody or control, or who, upon Complainant's request would surrender possession, custody or control to Complainant.

B. **Supplementation:** These Discovery Requests shall be deemed continuing in nature so as to require supplementary responses between the time the initial responses are served and the time of a hearing, if any, in accordance with Rule 4901-1-16(D), Ohio Administrative

Code. Such supplementary responses are to be filed and served upon the Ohio Edison Company within five (5) days after receipt of such information.

### **DEFINITIONS**

A. "Document" or "documents" means the original and all copies that are different in any way from the original (whether by interlineation, receipt stamp, notation, indication of copies sent or received or otherwise, and drafts) of any printed, typewritten, handwritten, or otherwise recorded matter of whatever character (including, without limitation, telegraphs, personal notes, diaries, statements, photographs, videotapes, tape recordings, motion pictures, computer tapes or discs, and any Xerox, carbon, magnetic, digital or photographic copies of any such material if Complainant does not have custody and control of the original). Designated documents are to be considered as including all attachments and enclosures. The enumeration of various specific items as included within the definition of the term "document" or "documents" shall not be taken to limit the generality of the terms, and the Document Requests herein are intended to obtain all documents in the broadest and most comprehensive sense and meaning of the term.

B. "Identify," with respect to any natural person, shall mean to provide the following information about the person: full name; present or last known address; employer; and relationship, if any, to Complainant. If any of this information is not available to Complainant, state any other means of identifying such natural person.

C. "Identify," with respect to any document, shall mean to provide the following information about the document: general description; subject matter; date; title; author; recipients; and, if the document is not in Complainant's possession, the location of the document.

If any of this information is not available to Complainant, state any other means of identifying the document.

D. As used herein, the terms “you,” “your”, and “Complainant” refer to Donell Barker and each person acting or purporting to act on behalf of Donell Barker.

E. As used herein, the terms the “Company” and “Toledo Edison” refer to The Toledo Edison Company and each person acting or purporting to act on behalf of The Toledo Edison Company.

F. As used herein, the term “Complaint” refers to the Complaint filed by Complainant with the Public Utilities Commission of Ohio, Case No. 16-1225-EL-CSS.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify all persons who have knowledge or information, or may have knowledge or information, regarding your claims in the Complaint.

**ANSWER:**

**INTERROGATORY NO. 2:** Identify any and all exhibits or demonstrative evidence that you intend to present at any hearing of this matter.

**ANSWER:**

**INTERROGATORY NO. 3:** Identify each person whom you intend to call as a lay (fact) witness at any hearing of this matter.

**ANSWER:**

**INTERROGATORY NO. 4:** Identify each person whom you intend to call as an expert witness at any hearing of this matter.

**ANSWER:**

**INTERROGATORY NO. 5:** For each person identified in your answer to Interrogatory No. 4, state:

- a. the subject matter and substance of the facts and opinions about which he or she is expected to testify;
- b. the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten (10) years; and
- c. the cases in which the witness has testified as an expert at trial, hearing, or by deposition within the preceding four (4) years.

**ANSWER:**

**INTERROGATORY NO. 6:** State the amount of damages, if any, you are claiming in this case and explain your calculation.

**ANSWER:**

**INTERROGATORY NO. 7:** If anyone other than Toledo Edison personnel has inspected, examined, tested, measured, or otherwise made any assessment of the electric service and/or electrical equipment and/or electric meter(s) at 409 Melrose Ave., Toledo, Ohio 43610 ("409 Melrose Ave."), state the following for each person: (a) his or her full name, (b) the company he or she works for, (c) his or her address, (d) his or her phone number, (e) the date of each inspection, examination, test, measurement or other assessment, and (f) the results of the inspection, examination, test, measurement or other assessment.

**ANSWER:**

**INTERROGATORY NO. 8:** Identify each person who has resided at 409 Melrose Ave. from January 1, 2011 to the present, and for each person, state the date(s) they resided there.

**ANSWER:**

**INTERROGATORY NO. 9:** Identify each person who is currently residing at 409 Melrose Ave. and the date(s) on which they began residing there.

**ANSWER:**

**INTERROGATORY NO. 10:** Identify each person who is currently residing at 2372 Fulton St. Uppr, Toledo, Ohio 43620, and the date(s) on which they began residing there.

**ANSWER:**

**INTERROGATORY NO. 11:** Are you affiliated with BMT Properties Limited in any way, including but not limited to, as an employee, owner, shareholder, or representative, and if so, state the nature of your affiliation.

**ANSWER:**

**INTERROGATORY NO. 11:** State your current residential address and all addresses where you have resided in the past 10 years, including the dates you resided at each address.

**ANSWER:**

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:** Produce all documents you identified, referred to, or relied upon in providing answers and responses to these Discovery Requests.

**RESPONSE:**

**REQUEST NO. 2:** Produce all documents and workpapers that reflect or explain the calculation of damages, if any, you claim in this case.

**RESPONSE:**

**REQUEST NO. 3:** Produce all documents related to any inspection, examination, testing, measurement, or other assessment of the electric service and/or electrical equipment and/or electric meter(s) at 409 Melrose Ave., including without limitation, all reports of such inspection, examination, testing, measurement, or assessment.

**RESPONSE:**

**REQUEST NO. 4:** Produce all documents that you intend to rely upon, refer to, or use as exhibits at any deposition or at any hearing in this matter.

**RESPONSE:**

**REQUEST NO. 5:** Produce all documents which refer, relate, or in any way pertain to any witnesses you have retained or specifically employed to provide expert testimony in this case, including but not limited to:

- a. Any written reports, including drafts thereof, including a statement of all opinions to be expressed and the basis thereof;
- b. The data or other information considered by the witness(es) in forming the opinions;
- c. Any exhibits to be used as a summary of, or support for, the opinions;
- d. The qualifications of the witness(es), including a list of all publications authored by the witness within the preceding ten (10) years; and
- e. A listing of any other cases in which the witness has testified as an expert at trial, hearing, or by deposition within the preceding four (4) years.



**REQUEST NO. 6:** Produce all lease agreements entered into with tenants of 409 Melrose Ave. from January 1, 2011 to the present.

**RESPONSE:**

*/s/ Christine E. Watchorn*

Carrie M. Dunn (0076952)

Counsel of Record

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308

(330) 761-2352

(330) 384-3875 Fax

cdunn@firstenergycorp.com

(Willing to accept service by email)

Christine E. Watchorn (0075919)

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65 East State Street, Suite 1100

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(614) 229-0034

(614) 229-0035 Fax

cwatchorn@ulmer.com

(Willing to accept service by email)

*On behalf of The Toledo Edison Company*

## INTERROGATORY VERIFICATION

STATE OF OHIO )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

The undersigned hereby verifies that the foregoing interrogatory responses of Complainant Donell Barker are true and accurate to the best of his knowledge and belief.

Donell Barker

SWORN TO BEFORE ME and subscribed in my presence this \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *The Toledo Edison Company's First Set of Combined Discovery Requests to Complainant* was served this 11th day of November, 2016 via email and regular mail upon:

Donell Barker  
409 Melrose Avenue  
Toledo, Ohio 43610  
donell\_barker@sbcglobal.net

*/s/ Christine E. Watchorn*

Christine E. Watchorn (0075919)

*On behalf of The Toledo Edison Company*

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**4901-1-19 Interrogatories and response time.**

(A) Any party may serve upon any other party written interrogatories, to be answered by the party served. If the party served is a corporation, partnership, association, government agency, or municipal corporation, it shall designate one or more of its officers, agents, or employees to answer the interrogatories, who shall furnish such information as is available to the party. Each interrogatory shall be answered separately and fully, in writing and under oath, unless it is objected to, in which case the reason for the objection shall be stated in lieu of an answer. The answers shall be signed by the person making them, and the objections shall be signed by the attorney or other person making them. The party upon whom the interrogatories have been served shall serve a copy of the answers or objections upon the party submitting the interrogatories and all other parties within twenty days after the service thereof, or within such shorter or longer time as the commission, the legal director, the deputy legal director, or an attorney examiner may allow. The party submitting the interrogatories may move for an order under rule 4901-1-23 of the Administrative Code with respect to any objection or other failure to answer an interrogatory.

(B) Subject to the scope of discovery set forth in rule 4901-1-16 of the Administrative Code, interrogatories may elicit facts, data, or other information known or readily available to the party upon whom the interrogatories are served. An interrogatory which is otherwise proper is not objectionable merely because it calls for an opinion, contention, or legal conclusion, but the commission, the legal director, the deputy legal director, or the attorney examiner may direct that such interrogatory need not be answered until certain designated discovery has been completed, or until some other designated time. The answers to interrogatories may be used to the extent permitted by the rules of evidence, but such answers are not conclusive and may be rebutted or explained by other evidence.

(C) Where the answer to an interrogatory may be derived or ascertained from public documents on file in this state, or from documents which the party served with the interrogatory has furnished to the party submitting the interrogatory within the preceding twelve months, it is a sufficient answer to such interrogatory to specify the title of the document, the location of the document or the circumstances under which it was furnished to the party submitting the interrogatory, and the page or pages from which the answer may be derived or ascertained.

(D) Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such records, and the burden of deriving the answer is substantially the same for the party submitting the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford the party submitting the interrogatory a reasonable opportunity to examine, audit, or inspect such records.

R.C. 119.032 review dates: 03/26/2014 and 03/26/2019

Promulgated Under: 111.15

Statutory Authority: 4901.13

Rule Amplifies: 4901.13, 4901.18, 4903.082

Prior Effective Dates: 3/1/81, 12/25/87, 4/20/01, 5/07/07

## **4901-1-20 Production of documents and things; entry upon land or other property.**

(A) Subject to the scope of discovery set forth in rule 4901-1-16 of the Administrative Code, any party may serve upon any other party a written request to:

(1) Produce and permit the party making the request, or someone acting on his or her behalf, to inspect and copy any designated documents, including writings, drawings, graphs, charts, photographs, or data compilations, which are in the possession, custody, or control of the party upon whom the request is served.

(2) Produce for inspection, copying, sampling, or testing any tangible things which are in the possession, control, or custody of the party upon whom the request is served.

(3) Permit entry upon designated land or other property for the purpose of inspecting, measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon.

(B) The request shall set forth the items to be inspected either by individual item or by category, and shall describe each category with reasonable particularity. The request shall also specify a reasonable time, place, and manner for conducting the inspection and performing the related acts.

(C) The party upon whom the request is served shall serve a written response within twenty days after the service of the request, or within such shorter or longer time as the commission, the legal director, the deputy legal director, or an attorney examiner may allow. The response shall state, with respect to each item or category, that the inspection and related activities will be permitted as requested, unless the request is objected to, in which case the reason for the objection shall be stated. If an objection is made to part of an item or category, that part shall be specified. The party submitting the request may move for an order under rule 4901-1-23 of the Administrative Code with respect to any objection or other failure to respond to a request or any part thereof, or any failure to permit inspection as requested.

(D) Where a request calls for the production of a public document on file in this state, or a document which the party upon whom the request is served has furnished to the party submitting the request within the preceding twelve months, it is a sufficient response to such request to specify the location of the document or the circumstances under which the document was furnished to the party submitting the request.

R.C. 119.032 review dates: 03/26/2014 and 03/26/2019

Promulgated Under: 111.15

Statutory Authority: 4901.13

Rule Amplifies: 4901.13, 4901.18, 4903.082

Prior Effective Dates: 3/1/81, 6/1/83, 12/25/87, 5/07/07

December 6, 2016

**VIA EMAIL & U.S. MAIL**

Donell Barker  
409 Melrose Avenue  
Toledo, Ohio 43610

Re: Donell Barker v. The Toledo Edison Company  
Case No. 16-1225-EL-CSS

Dear Mr. Barker:

On November 11, 2016, we sent you via mail and email Toledo Edison Company's First Set of Combined Discovery Requests to Complainant. According to the rules of the Public Utilities Commission of Ohio (Sections 4901-1-19 and 4901-1-20 of the Ohio Administrative Code), your written responses were due by December 1, 2016. When we talked on the phone on November 23, 2016, you confirmed that you received the requests and that you would provide your responses to me on or before December 1, 2016. I have not received your written responses and they are now overdue. Please provide the written responses to me by **December 13, 2016**. If I do not receive them by that date, we will ask the PUCO to compel you to respond.

Toledo Edison's discovery requests seek information that is relevant to this case, because it relates to witnesses, exhibits, and key facts. **Specifically, we are asking you to answer these questions in writing:**

1. List the names and contact information (addresses and phone numbers) of all people who have information about your claims in this case.
2. List all of the exhibits (papers, materials, documents) that you are going to use at the hearing.
3. List the names and contact information (addresses and phone numbers) of all witnesses that you will call at the hearing – including fact witnesses and expert witnesses.
4. For each expert witness, tell us his or her qualifications and the subjects, facts, and opinions about which he or she will testify.
5. Tell us the amount of the damages, if any, you are claiming and give an explanation of how you determined that amount.
6. Tell us whether any people, other than employees of Toledo Edison, have inspected, examined, tested, measured, or otherwise made any assessment of the

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CHICAGO  
BOCA RATON  
ULMER.COM

electric service and/or electrical equipment and/or electric meters at 409 Melrose Ave., and if so, provide their names, company names, addresses, phone numbers, dates of inspection or testing, and results.

7. Tell us each person who has lived at 409 Melrose Ave. from January 1, 2011 to the present, and the dates each person resided there.
8. Tell us each person who is currently living at 409 Melrose Ave. and the date(s) on which they began residing there.
9. Tell us each person who is currently living at 2372 Fulton St. Uppr, Toledo, Ohio 43620, and the date(s) on which they began residing there.
10. Tell us if you are affiliated with BMT Properties Limited in any way (for example as an employee, owner, shareholder, or representative), and if so, what your affiliation is.
11. Tell us your current residential address and all addresses where you have lived in the past 10 years, including the dates you lived at each address.

**And, we are asking you to give us copies of these documents:**

1. All documents you looked at or referred to in answering the questions listed above.
2. All documents and papers that explain how you calculate the damages, if any, that you are claiming in this case.
3. All documents (including all reports) related to any testing or inspections of the electric service or equipment at 409 Melrose Ave. performed by anyone other than Toledo Edison.
4. All of the documents that you plan to use at any deposition and at the hearing. **This includes the medical records, documents, and evidence that you referred to in your November 30, 2016 request for a continuance of the hearing.**
5. All documents that relate to any expert witnesses you will call at the hearing, including: their resumes, lists of materials they have professionally published, their reports (including drafts), any letters or emails between you and them, any documents they have reviewed, any documents they have created, and any documents or data you gave them.
6. All lease or rental agreements entered into with tenants of 409 Melrose Ave. from January 1, 2011 to the present.

December 6, 2016  
Page 3

As indicated above, we expect to receive the written discovery responses from you by **December 13, 2016**.

If you have any questions, please feel free to contact me.

Sincerely,



Alyson Terrell

COL1997 271107v1  
29414.00077



December 23, 2016

**VIA EMAIL & U.S. MAIL**

Donell Barker  
409 Melrose Avenue  
Toledo, Ohio 43610

Re: Donell Barker v. The Toledo Edison Company  
Case No. 16-1225-EL-CSS

Dear Mr. Barker:

On November 11, 2016, we sent to you via mail and email Toledo Edison Company's First Set of Combined Discovery Requests to Complainant. Your written responses were due by December 1, 2016.

On December 6, 2016, I sent to you via email and mail the enclosed letter asking you to provide your responses by December 13, 2016. When we did not receive your responses, I called you on December 16, 2016. You said that you would forward your responses to me. To date, we have not received your responses.

Please be advised that if we do not receive your written responses on or before **December 30, 2016**, we will file a motion asking the PUCO to compel you to respond.

Sincerely,

  
Alyson Terrell

AT/als  
Enclosure

CLEVELAND

COLUMBUS

CINCINNATI

CHICAGO

BOCA RATON

ULMER.COM

COL1997 271408v1  
29414.00077

December 6, 2016

**VIA EMAIL & U.S. MAIL**

Donell Barker  
409 Melrose Avenue  
Toledo, Ohio 43610

Re: Donell Barker v. The Toledo Edison Company  
Case No. 16-1225-EL-CSS

Dear Mr. Barker:

On November 11, 2016, we sent you via mail and email Toledo Edison Company's First Set of Combined Discovery Requests to Complainant. According to the rules of the Public Utilities Commission of Ohio (Sections 4901-1-19 and 4901-1-20 of the Ohio Administrative Code), your written responses were due by December 1, 2016. When we talked on the phone on November 23, 2016, you confirmed that you received the requests and that you would provide your responses to me on or before December 1, 2016. I have not received your written responses and they are now overdue. Please provide the written responses to me by **December 13, 2016**. If I do not receive them by that date, we will ask the PUCO to compel you to respond.

Toledo Edison's discovery requests seek information that is relevant to this case, because it relates to witnesses, exhibits, and key facts. **Specifically, we are asking you to answer these questions in writing:**

1. List the names and contact information (addresses and phone numbers) of all people who have information about your claims in this case.
2. List all of the exhibits (papers, materials, documents) that you are going to use at the hearing.
3. List the names and contact information (addresses and phone numbers) of all witnesses that you will call at the hearing – including fact witnesses and expert witnesses.
4. For each expert witness, tell us his or her qualifications and the subjects, facts, and opinions about which he or she will testify.
5. Tell us the amount of the damages, if any, you are claiming and give an explanation of how you determined that amount.
6. Tell us whether any people, other than employees of Toledo Edison, have inspected, examined, tested, measured, or otherwise made any assessment of the

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electric service and/or electrical equipment and/or electric meters at 409 Melrose Ave., and if so, provide their names, company names, addresses, phone numbers, dates of inspection or testing, and results.

7. Tell us each person who has lived at 409 Melrose Ave. from January 1, 2011 to the present, and the dates each person resided there.
8. Tell us each person who is currently living at 409 Melrose Ave. and the date(s) on which they began residing there.
9. Tell us each person who is currently living at 2372 Fulton St. Uppr, Toledo, Ohio 43620, and the date(s) on which they began residing there.
10. Tell us if you are affiliated with BMT Properties Limited in any way (for example as an employee, owner, shareholder, or representative), and if so, what your affiliation is.
11. Tell us your current residential address and all addresses where you have lived in the past 10 years, including the dates you lived at each address.

**And, we are asking you to give us copies of these documents:**

1. All documents you looked at or referred to in answering the questions listed above.
2. All documents and papers that explain how you calculate the damages, if any, that you are claiming in this case.
3. All documents (including all reports) related to any testing or inspections of the electric service or equipment at 409 Melrose Ave. performed by anyone other than Toledo Edison.
4. All of the documents that you plan to use at any deposition and at the hearing. **This includes the medical records, documents, and evidence that you referred to in your November 30, 2016 request for a continuance of the hearing.**
5. All documents that relate to any expert witnesses you will call at the hearing, including: their resumes, lists of materials they have professionally published, their reports (including drafts), any letters or emails between you and them, any documents they have reviewed, any documents they have created, and any documents or data you gave them.
6. All lease or rental agreements entered into with tenants of 409 Melrose Ave. from January 1, 2011 to the present.

December 6, 2016  
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As indicated above, we expect to receive the written discovery responses from you by **December 13, 2016**.

If you have any questions, please feel free to contact me.

Sincerely,

Alyson Terrell

A handwritten signature in cursive script, appearing to read "Alyson Terrell", written in black ink.

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**Case No(s). 16-1225-EL-CSS**

Summary: Motion The Toledo Edison Company's Motion to Continue February 1, 2017  
Hearing And Request for Expedited Ruling electronically filed by Ms. Christine E. Watchorn on  
behalf of The Toledo Edison Company