

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF FEDEX CUSTOM
CRITICAL, INC., NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 17-1960-TR-CVF

ENTRY

Entered in the Journal on January 31, 2018

{¶ 1} On September 7, 2017, counsel for FedEx Custom Critical, Inc. (Respondent), Mr. Timothy Wiseman, requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 2} On December 21, 2017, the attorney examiner issued an Entry scheduling a settlement conference on January 25, 2018.

{¶ 3} During the January 25, 2018 settlement conference, Staff and Respondent were unable to reach a settlement.

{¶ 4} Accordingly, the attorney examiner schedules a hearing on March 27, 2018, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 5} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule further states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.

{¶ 6} At the hearing, Staff must prove, by a preponderance of the evidence, that Respondent committed the alleged violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 7} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting his contentions regarding the alleged violation in this matter.

{¶ 8} On another matter, Rule XII, Section 2(A) of the Government of the Bar of Ohio (Bar Rule) provides rules governing eligibility to practice pro hac vice in Ohio. Pursuant to Section 2(A)(6) of the Bar Rule, motions for admission pro hac vice must be accompanied by a certificate of pro hac vice registration furnished by the Supreme Court of Ohio's Office of Attorney Services.

{¶ 9} On January 24, 2018, Mr. Wiseman filed a motion requesting permission to appear pro hac vice in this matter. Along with the motion, Mr. Wiseman provided a copy of his pro hac vice registration certificate from the Supreme Court of Ohio. The certificate indicates that Mr. Wiseman's registration is valid until December 31, 2018. Upon review, the attorney examiner finds Mr. Wiseman's motion is reasonable and should be granted.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled for March 27, 2018. It is, further,

{¶ 12} ORDERED, That the motion to appear pro hac vice on behalf of Mr. Wiseman be granted. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

jrj/vrm

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in

Case No(s). 17-1960-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for March 27, 2018, at 10:00 and granting the motion to appear pro hac vice; electronically filed by Vesta R Miller on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio