

Mr. Rogers,

During the settlement conference, the agreed-upon term was 'refund'. However, as you indicated, I did inadvertently acquiesce to the term credit. Therefore, I will accept the change from 'refund' to 'credit'. However, the terms of the proposed confidentiality agreement are not acceptable.

Mary C. Simballa
[Quoted text hidden]


Rogers, Christopher <CRogers@beneschlaw.com>
To: Mary S <mary.simballa@gmail.com>

Fri, Apr 28, 2023 at 2:25 PM

Ms. Simballa,

Attached is a revised version of the Settlement Agreement. The purpose of a written agreement is highlighted by our exchange below. A written agreement ensures that all parties are operating under the same terms, rather than, as demonstrated below, a difference in belief about what was or was not agreed to. Unfortunately, we have a difference of memory regarding what was discussed, necessitating a written agreement to ensure we both know what the correct terms are.

I have attempted to address your concerns regarding the settlement agreement in the attached document. Most of these terms are standard settlement terms. However, if you have a different wording you would prefer, please revise accordingly. I have revised the confidentiality provision so that you are operating under the same provisions as Ohio Edison.




vCard Bio

Christopher Rogers
(he/him/his)
Litigation Associate
Admitted in Ohio and Washington.
Practice temporarily authorized pending admission to the Kentucky Bar Association
Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.6251 | m: 207.240.5354
CRogers@beneschlaw.com | www.beneschlaw.com
200 Public Square, Suite 2300, Cleveland, OH 44114-2378

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

[Quoted text hidden]


 Confidential Settlement Agreement and Release - Simballa v. Ohio Edison.DOCX
42K

Rogers, Christopher <CRogers@beneschlaw.com>
To: Mary S <mary.simballa@gmail.com>

Wed, Jul 12, 2023 at 12:58 PM

Ms. Simballa,

It is my understanding that the security deposit has been credited to your account. Unless I hear otherwise from you, we will deem this matter settled and I will move to dismiss this action under Ohio Adm. Code 4901-9-01(F). Please let me know by close of business tomorrow if you believe that this matter has not been resolved pursuant to the agreement.



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Please note that effective August 1, 2023 our new address will be 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

[Quoted text hidden]
[Quoted text hidden]

Rogers, Christopher <CRogers@beneschlaw.com>
To: Mary S <mary.simballa@gmail.com>, "Dan.Fullin@puco.ohio.gov" <Dan.Fullin@puco.ohio.gov>, "Fling, Kristen M" <kfling@firstenergycorp.com>

Mon, Aug 14, 2023 at 2:43 PM

Ms. Simballa,

I am in receipt of your opposition to Ohio Edison's OAC 4901-9-01(F) Motion to Dismiss.

As indicated in the emails below, Ohio Edison offered to credit the security deposit to your account in June 2023 "in exchange for dismissing your complaint." You accepted this offer.

Ohio Edison credited the security deposit to your account in your bill dated June 19, 2023, which is attached for your reference. Ohio Edison has honored its portion of the settlement. However, your refusal to dismiss your Complaint violates your obligations under the settlement.

Accordingly, you are hereby notified that you are in breach of the settlement between you and Ohio Edison. If you do not dismiss your Complaint, Ohio Edison will have choice but to take further action to enforce its rights.



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As of August 1, 2023 our new address is 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

From: Mary S <mary.simballa@gmail.com>
Sent: Monday, January 30, 2023 1:33 PM
To: Rogers, Christopher <CRogers@beneschlaw.com>; Dan Fullin@puco.ohio.gov; kfling@firstenergycorp.com
Subject: Re: Evid. R. 408 Communication

Hello Mr. Fullin and Mr. Rogers,

[Quoted text hidden]
[Quoted text hidden]

SimballaRBill062923MSW.pdf
1808K

Mon, Aug 14, 2023 at 6:49 PM

Rogers, Christopher <CRogers@beneschlaw.com>
To: "mary.simballa@simballalaw.com" <mary.simballa@simballalaw.com>

Ms. Simballa,

Please see the below message that I sent to your Gmail account



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Sent: Monday, August 14, 2023 2:43 PM
To: Mary S <mary.simballa@gmail.com>; Dan.Fullin@puco.ohio.gov; Fling, Kristen M <kfling@firstenergycorp.com>
Subject: RE: Evid. R. 408 Communication

Ms. Simballa,

[Quoted text hidden]

SimballaRBill062923MSW.pdf
1808K

Tue, Aug 15, 2023 at 12:46 PM

Mary S <mary.simballa@gmail.com>
To: "Rogers, Christopher" <CRogers@beneschlaw.com>; Dan.Fullin@puco.ohio.gov

demanding a confidentiality agreement that far exceeded the agreed upon terms. Therefore, the settlement agreement had been terminated by Ohio Edison's breach. Regarding your previous email in which you decreed a 28 hour deadline to respond, I did not access that email until after the arbitrarily defined time had passed.

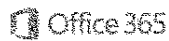
As a side note, the implied threat in your email is reflective of Ohio Edison's tactics in the past and an indication of why the company is so hard to deal with.

Mary C. Simballa

[Quoted text hidden]

postmaster@ohio.gov <postmaster@ohio.gov>
To: mary.simballa@gmail.com

Tue, Aug 15, 2023 at 12:46 PM



Your message to Dan.Fullin@puco.ohio.gov couldn't be delivered.

Dan.Fullin wasn't found at puco.ohio.gov.

| | | |
|--------------------|------------|------------|
| mary.simballa | Office 365 | Dan.Fullin |
| Action Required | | Recipient |
| Unknown To address | | |

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: Fix email delivery issues for error code 5.1.10 in Office 365, and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.10

This error occurs because the sender sent a message to an email address hosted by Office 365 but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in

Mr. Rogers,

I upheld my part of the settlement agreement when I paid the deposit in January as I agreed to during the conference. Ohio Edison breached the settlement agreement by demanding a refund of the deposit that far exceeded the agreed upon terms. Therefore, the settlement agreement had been terminated by Ohio Edison's breach. Regarding

both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Recipient has a valid license - Make sure the recipient has an Office 365 license assigned to them. The recipient's email admin can use the Office 365 admin center to assign a license (Users > Active Users > select the recipient > Assigned License > Edit).

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see Fix email delivery issues for error code 5.1.10 in Office 365.

Original Message Details

Created Date: 8/15/2023 4:46:00 PM
 Sender Address: mary.simbatla@gmail.com
 Recipient Address: Dan.Fullin@puco.ohio.gov
 Subject: Re: FW: Evid. R. 408 Communication

Error Details

Error: 550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient Dan.Fullin@puco.ohio.gov not found by SMTP address lookup
 Message rejected by: PH0PR09MB8811.namprd09.prod.outlook.com

Notification Details

Sent by: PH0PR09MB8811.namprd09.prod.outlook.com

Message Hops

| HOP | TIME (UTC) | FROM | TO | WITH | RELAY TIME |
|-----|----------------------|---|---|--|------------|
| 1 | 8/15/2023 4:46:39 PM | | mail-ed1-f54.google.com | SMTP | 39 sec |
| 2 | 8/15/2023 4:46:39 PM | mail-ed1-f54.google.com | DM3GCC02FT034.mail.protection.outlook.com | Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) | * |
| 3 | 8/15/2023 4:46:39 PM | DM3GCC02FT034.eop-gcc02.prod.protection.outlook.com | DM6PR09CA0002.outlook.office365.com | Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) | * |
| 4 | 8/15/2023 4:46:39 PM | DM6PR09CA0002.namprd09.prod.outlook.com | PH0PR09MB8811.namprd09.prod.outlook.com | Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) | * |

Original Message Headers

Received: from DM6PR09CA0002.namprd09.prod.outlook.com (2603:10b6:5:160::15) by PH0PR09MB8811.namprd09.prod.outlook.com (2603:10b6:5:10:65::13) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6678.26; Tue, 15 Aug 2023 16:46:39 +0000
 Received: from DM3GCC02FT034.eop-gcc02.prod.protection.outlook.com (2a01:111:f400:7d04::209) by DM6PR09CA0002.outlook.office365.com (2603:10b6:5:160::15) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6699.14 via Frontend Transport; Tue, 15 Aug 2023 16:46:39 +0000
 Authentication-Results: spf=pass (sender IP is 209.85.208.54) smtp.mailfrom=gmail.com; dkim=pass (signature was verified) header.d=gmail.com; dmarc=pass action=none header.from=gmail.com;
 Received-SPF: Pass (protection.outlook.com: domain of gmail.com designates 209.85.208.54 as permitted sender) receiver=protection.outlook.com; client-ip=209.85.208.54; helo=mail-ed1-f54.google.com; pr=C
 Received: from mail-ed1-f54.google.com (209.85.208.54) by DM3GCC02FT034.mail.protection.outlook.com (10.97.8.200) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6699.15 via Frontend Transport; Tue, 15 Aug 2023 16:46:39 +0000
 Received: by mail-ed1-f54.google.com with SMTP id 4fb4d7f45d1cf-5257669d4fbso1000057a12.0 for <Dan.Fullin@puco.ohio.gov>; Tue, 15 Aug 2023 09:46:39 -0700 (PDT)
 DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=gmail.com; s=20221208; t=1692117998; x=1692722798; h=to:subject:message-id:date:from:in-reply-to:references:mime-version:from:to:cc:subject:date:message-id:reply-to; bh=LNjyP4mReiHRTGgWlJZ0yNYbz5o/DuFTORwaidmGAs=; b=WJp6pglMGx4Pft00TpaSndG9tjPmZRM6jJ3RfVDEr6RLQGoBuPRjIeR0Pzcfi5C14dvaXQ+blse/vTVTQqWx/SREe089xWFX40fq/6K5B1qpMG808avODL0z6eB2WvWfC00

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4L2QWIK0FpWuXAY1U33DvUv1+c0o1E50hWUESXcE+AwesKNS0V6W4jkhToXBieCXzn
f7Jw==

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=1e100.net; s=20221208; t=1692117998; x=1692722798;
h=to:subject:message-id:date:from:in-reply-to:references:mime-version
:x-gm-message-state:from:to:cc:subject:date:message-id:reply-to;
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KL5M157EzUJTGayvwbx1aIyqjGetXkVWAMY5v9yZLzSQC6A7+S1EG11eWQXyrARc9j3r
dPKw==

X-Gm-Message-State: AOU0YxYieQZViK39p1gtf19jwQD/Y50d3yI8nsZUE0Gien9+XCMy0c+
tkJ150cseCeAiTN1jHTZiD0tk1RhKHH3zXJq1Q=

X-Google-Smtp-Source: AGHT+IFyHq+rXmpsOZQxg5F0oXyr-XlcyFj6akDaViPqQLchBH6pG6GL7CE1Qa7tj3XoUJfsi37h4knR2Rkhw6oxsFE=

X-Received: by 2002:a17:906:196:b0:99c:d05d:4aa with SMTP id
22-20020a170906019600b0099cd05d04aamr10120172ejb.16.1692117997772; Tue, 15
Aug 2023 09:46:37 -0700 (PDT)

MIME-Version: 1.0

References: <CAOTrzfEzifmDpacy0QpSkGkuW9oe0Vid7e_x1Q_s7vW9ZLC73A@mail.gmail.com>
<DM6PR12MB375696f63B7EDDE1F2526F90C6CC9@DM6PR12MB3756.namprd12.prod.outlook.com>
<CAOTrzfH+QZ9_5PrUjR6L6bYgBdc5XumRRr4qu+vvCOinBq+Z4GA@mail.gmail.com>
<DM6PR12MB375622B8AB4F539BD63414DDC617A@DM6PR12MB3756.namprd12.prod.outlook.com>
<DM6PR12MB3756BEAFC12C3A84AB93C45AC617A@DM6PR12MB3756.namprd12.prod.outlook.com>

In-Reply-To: <DM6PR12MB3756BEAFC12C3A84AB93C45AC617A@DM6PR12MB3756.namprd12.prod.outlook.com>

From: Mary S <mary.simballa@gmail.com>

Date: Tue, 15 Aug 2023 12:46:00 -0400

Message-ID: <CAOTrzfH_sVqNz7ELL+1hUztBAzviD++yBozX9x1F5gGrepe5g@mail.gmail.com>

Subject: Re: FW: Evid. R. 408 Communication

To: "Rogers, Christopher" <CRogers@beneschlaw.com>, Dan.Fullin@puco.ohio.gov

Content-Type: multipart/related; boundary="0000000000002d07160602f8ec30"

Return-Path: mary.simballa@gmail.com

X-EOPAttributedMessage: 0

X-EOPTenantAttributedMessage: 50f8fcc4-94d8-4f07-84eb-36ed57c7c8a2:0

X-MS-PublicTrafficType: Email

X-MS-TrafficTypeDiagnostic: DM3GCC02FT034:EE_]PH0PR09MB8811:EE_

X-MS-Office365-Filtering-Correlation-Id: 6d7dc1d4-8fbd-4297-52e9-08db9daf3289

Final-Recipient: rfc822,Dan.Fullin@puco.ohio.gov

Action: failed

Status: 5.1.10

Diagnostic-Code: smtp;550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient Dan.Fullin@puco.ohio.gov not found by SMTP address lookup

----- Forwarded message -----

From: Mary S <mary.simballa@gmail.com>

To: "Rogers, Christopher" <CRogers@beneschlaw.com>, Dan.Fullin@puco.ohio.gov

Cc:

Bcc:

Date: Tue, 15 Aug 2023 12:46:00 -0400

Subject: Re: FW: Evid. R. 408 Communication

Mr. Rogers,

I upheld my part of the settlement agreement when I paid the deposit in January as I agreed to during the conference. Ohio Edison breached the settlement agreement by demanding a confidentiality agreement that far exceeded the agreed upon terms. Therefore, the settlement agreement had been terminated by Ohio Edison's breach. Regarding your previous email in which you decreed a 28 hour deadline to respond, I did not access that email until after the arbitrarily defined time had passed.

As a side note, the implied threat in your email is reflective of Ohio Edison's tactics in the past and an indication of why the company is so hard to deal with.

Mary C. Simballa

On Mon, Aug 14, 2023 at 6:50 PM Rogers, Christopher <CRogers@beneschlaw.com> wrote:

Ms. Simballa,

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Christopher Rogers
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Sent: Monday, August 14, 2023 2:43 PM
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Ms. Simballa,

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Accordingly, you are hereby notified that you are in breach of the settlement between you and Ohio Edison. If you do not dismiss your Complaint, Ohio Edison will have choice but to take further action to enforce its rights.



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To: Rogers, Christopher <CRogers@beneschlaw.com>; Dan.Fullin@puco.ohio.gov; kfling@firstenergycorp.com
Subject: Re: Evid. R. 408 Communication

Hello Mr. Fullin and Mr. Rogers,

I agree to the settlement offer proposed by Ohio Edison and Mr. Rogers during our phone conference last week. I have attached the files of the pictures of the money order for the security deposit and the envelope with the round stamp by the post office. The payment was mailed today. As per the agreement, the security deposit will be refunded in June 2023. Thank you, Mr. Fullin, for facilitating the settlement discussion.

Mary C. Simballa

On Fri, Jan 27, 2023 at 10:26 AM Rogers, Christopher <CRogers@beneschlaw.com> wrote:

Ms. Simballa,

Ohio Edison is willing for forego requiring you to enroll in autopay. Please let me know if you will accept Ohio Edison's offer to credit the security deposit to your account in May/June 2023 if you pay the security deposit and continue paying in full and on time until then, in exchange for dismissing your complaint.

Please note, that this is a one-time waiver, and Ohio Edison reserves the right to reassess the security deposit if you begin making late or partial payments again.



Christopher Rogers

(he/him/his)

Litigation Associate

Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.6251 | m: 207.240.5354

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200 Public Square, Suite 2300, Cleveland, OH 44114-2378

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

vCard Bio

From: Mary S <mary.simballa@gmail.com>
Sent: Wednesday, January 25, 2023 1:20 AM
To: Dan Fullin@puco.ohio.gov; Rogers, Christopher <CRogers@beneschlaw.com>; Kfling@firstenergycorp.com
Subject: Documents in support of complaint filed by Mary C. Simballa, hearing 1/25/2023 at 1 pm

Hello Mr. Fullin,

It was a pleasure speaking with you on Tuesday. I appreciate you considering my safety in traveling to Columbus with the pending foul weather and for offering to conduct the hearing via conference call. As per our discussion, I have attached the files of the supporting documentation for the dispute with Ohio Edison and First Energy Corp. I have also included Christopher Rogers and Kathy Fling in the email since Mr. Rogers is the counsel of record for Ohio Edison Company and Ms. Fling is the counsel of record for First Energy Corp and representing Ohio Edison Company.

Again, I appreciate your concern for my safety and am looking forward to speaking with you at 1:00 pm on January 25.

Mary C. Simballa

Mary S <mary.simballa@gmail.com>
To: Dan.Fullin@puco.ohio.gov

Tue, Aug 15, 2023 at 12:49 PM

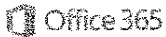
----- Forwarded message -----

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Subject: Re: FW: Evid. R. 408 Communication
To: Rogers, Christopher <CRogers@beneschlaw.com>, <Dan.Fullin@puco.ohio.gov>

[Quoted text hidden]

postmaster@ohio.gov <postmaster@ohio.gov>
To: mary.simballa@gmail.com

Tue, Aug 15, 2023 at 12:50 PM



Your message to Dan.Fullin@puco.ohio.gov couldn't be delivered.

Dan.Fullin wasn't found at puco.ohio.gov.

mary.simballa
Action Required

Office 365

Dan.Fullin
Recipient

Unknown To address

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.10 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.10

This error occurs because the sender sent a message to an email address hosted by Office 365 but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Recipient has a valid license - Make sure the recipient has an Office 365 license assigned to them. The recipient's email admin can use the Office 365 admin center to assign a license (Users > Active Users > select the recipient > Assigned License > Edit).

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues for error code 5.1.10 in Office 365](#).

Original Message Details

Created Date: 8/15/2023 4:49:24 PM
Sender Address: mary.simballa@gmail.com
Recipient Address: Dan.Fullin@puco.ohio.gov
Subject: Fwd: FW: Evid. R. 408 Communication

Error Details

Error: 550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient Dan.Fullin@puco.ohio.gov not found by SMTP address lookup
Message rejected by: PH0PR09MB11693.namprd09.prod.outlook.com

Notification Details

Sent by: PH0PR09MB11693.namprd09.prod.outlook.com

Message Hops

| HOP | TIME (UTC) | FROM | TO | WITH | RELAY TIME |
|-----|----------------------|---|---|--|------------|
| 1 | 8/15/2023 4:50:03 PM | | mail-ed1-f49.google.com | SMTP | 39 sec |
| 2 | 8/15/2023 4:50:03 PM | mail-ed1-f49.google.com | DM3GCC02FT023.mail.protection.outlook.com | Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) | * |
| 3 | 8/15/2023 4:50:03 PM | DM3GCC02FT023.eop-gcc02.prod.protection.outlook.com | CYXPR09CA0009.outlook.office365.com | Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) | * |
| 4 | 8/15/2023 4:50:03 PM | CYXPR09CA0009.namprd09.prod.outlook.com | PH0PR09MB11693.namprd09.prod.outlook.com | Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) | * |

Original Message Headers

Received: from CYXPR09CA0009.namprd09.prod.outlook.com (2603:10b6:930:d4::14) by PH0PR09MB11693.namprd09.prod.outlook.com (2603:10b6:510:2a8::7) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6678.26; Tue, 15 Aug 2023 16:50:03 +0000

Received: from DM3GCC02FT023.eop-gcc02.prod.protection.outlook.com (2a01:111:f400:7d04::202) by CYXPR09CA0009.outlook.office365.com (2603:10b6:930:d4::14) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6652.33 via Frontend Transport; Tue, 15 Aug 2023 16:50:03 +0000

Authentication-Results: spf=pass (sender IP is 209.85.208.49) smtp.mailfrom=gmail.com; dkim=pass (signature was verified) header.d=gmail.com; dmarc=pass action=none header.from=gmail.com;

Received-SPF: Pass (protection.outlook.com: domain of gmail.com designates 209.85.208.49 as permitted sender) receiver=protection.outlook.com; client-ip=209.85.208.49; helo=mail-ed1-f49.google.com; pr=C

Received: from mail-ed1-f49.google.com (209.85.208.49) by DM3GCC02FT023.mail.protection.outlook.com (10.97.8.173) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6699.15 via Frontend Transport; Tue, 15 Aug 2023 16:50:03 +0000

Received: by mail-ed1-f49.google.com with SMTP id 4fb4d7f45d1cf-51e28cac164so13764718a12.1 for <Dan.Fullin@puco.ohio.gov>; Tue, 15 Aug 2023 09:50:03 -0700 (PDT)

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=gmail.com; s=20221208; t=1692118202; x=1692723002; h=to:subject:message-id:date:from:in-reply-to:references:mime-version:from:to:cc:subject:date:message-id:reply-to; bh=nPk0kTSeW8czFtbQwJc2/Be7pmeGcKQLYt11ud09Z0=; b=phQ0Gp2z+R2kY7AvYJPS0o5+EWkInqj/ADg4qX412Nt0sd+LSevDahDex71uymNe2/W0115UC4+FVx6eN2vHZ5546VfyfvdJ5wgGmC.LhkoZwUixyGkNpnJ4G6FQZqh3NEjw/r3gJ3QTD7b3k01AJHAIXu8kIxxRXYjswIx9E735ymqoQLfXkXzrgi74e1mEBnqFSuHcuqovYkVreP4Q09+2N24qG41zdkNIY2wbIgaXehbht4g3Fh9JFxt4IG7L2N1zD025B3H/MH47pP5VT8MwYcVkJ2jT7Zm8WxbnQYB82WJpJfXJi1MyQBCUR63wU95rPwGwNr5oeg==

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=1e100.net; s=20221208; t=1692118202; x=1692723002; h=to:subject:message-id:date:from:in-reply-to:references:mime-version:from:to:cc:subject:date:message-id:reply-to; bh=nPk0kTSeW8czFtbQwJc2/Be7pmeGcKQLYt11ud09Z0=; b=jsbMP4BvVwCh16SF79Uc1vP7IsTdQrts/seZNFbEwY6upcT8moB/vfs6R+7YAUrx2D Sg00SgCFHeyJghz7Qs fCiPBTf+QmuD1gZt1mFUVQ1J8tZ1ZFYiXhp1MxnNA5VdC0Wm y8wMkE8/trxAtWVA1no++VIAKUI/t8fyUPZZ3W09hkB/KuhnJhMvGX3INJ1PpFmL4NjpbJ8dAI500XrMpuUc18QJ+lfC6Fbu0RR7AjLpGHCLVup9Njzk1paVnan4UBuzZPesR3t DyXRv0ay3sKkFPLGF9Yc3HW40a2QqyTunTiJT5ME3aa1QEYEGcn1E1AFK9mK551pYBC NJ0w==

X-Gm-Message-State: A03u0Yx76yF10jaXUy3QGnr1Xa54LV604R3vojaYQyGYSia/QX37o19 yG#h11Xp8Wt4dvKUX89NTP+a9wN8uLoTjU81H8y93

X-Google-Smtp-Source: AGHT+IFgMbakRwv/T5jYl99W5yo9W6ciSauk+d+7X4fxeMioZu1RAjo1Fr7mEE0Zz573Rk1X7SL/IPYRo1w87MK3U=

X-Received: by 2002:a17:907:9492:b0:99b:cadd:c2ee with SMTP id dm18-2002a170907949200b0099bcaddc2eemr3093234ejc.29.1692118201609; Tue, 15 Aug 2023 09:50:01 -0700 (PDT)

MIME-Version: 1.0

References: <CAOTrzfEZfmdpeoy0QpSkGkuW9oa0Vtd7e_x1Q_s7vW9ZLC73A@mail.gmail.com>
 <DM6PR12MB375896F63B7EDDE1F2526F90C6CCS@DM6PR12MB3756.namprd12.prod.outlook.com>
 <CAOTrzfH+QZ9_5PrUr6L6bYShdo6XumRRR4qu+wwCOinBq+Z4GA@mail.gmail.com>
 <DM6PR12MB375622B8AB4F539BD63414DDC617A@DM6PR12MB3756.namprd12.prod.outlook.com>
 <DM6PR12MB3756EAFc12C3A84AB93C45AC617A@DM6PR12MB3756.namprd12.prod.outlook.com>
 <CAOTrzfH_srvqNz7ELL+1hUzIBAzviD++yBozX9x1FSgGrepe8g@mail.gmail.com>

In-Reply-To: <CAOTrzfH_srvqNz7ELL+1hUzIBAzviD++yBozX9x1FSgGrepe8g@mail.gmail.com>

From: Mary S <mary.simballa@gmail.com>

Date: Tue, 15 Aug 2023 12:49:24 -0400

Message-ID: <CAOTrzfG=Vl6xb9MPPGuNFp1xVnF4N0tx6YefrkFgrZIU-9uM_Ag@mail.gmail.com>

Subject: Fwd: FW: Evid. R. 408 Communication

To: Dan.Fullin@puco.ohio.gov

Content-Type: multipart/related; boundary="000000000005373780602F8F80d"

Return-Path: mary.simballa@gmail.com

X-EOPAttributedMessage: 0

X-EOPTenantAttributedMessage: 50f8fcc4-94d8-4f07-B4eb-36ed57c78a2:0

X-MS-PublicTrafficType: Email

X-MS-TrafficTypeDiagnostic: DM3GCC02FT023:EE_[PH0PR09MB11693:EE_

X-MS-Office365-Filtering-Correlation-Id: 71ec429c-773b-46aa-332d-88db9dafac12

Final-Recipient: rfc822:Dan.Fullin@puco.ohio.gov

Action: failed

Status: 5.1.10

Diagnostic-Code: smtp;550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient Dan.Fullin@puco.ohio.gov not found by SMTP address lookup

----- Forwarded message -----

From: Mary S <mary.simballa@gmail.com>

To: Dan.Fullin@puco.ohio.gov

Cc:

Bcc:

Date: Tue, 15 Aug 2023 12:49:24 -0400

Subject: Fwd: FW: Evid. R. 408 Communication

----- Forwarded message -----

From: **Mary S** <mary.simballa@gmail.com>

Date: Tue, Aug 15, 2023 at 12:46 PM

Subject: Re: FW: Evid. R. 408 Communication

To: Rogers, Christopher <CRogers@beneschlaw.com>, <Dan.Fullin@puco.ohio.gov>

Mr. Rogers,

I upheld my part of the settlement agreement when I paid the deposit in January as I agreed to during the conference. Ohio Edison breached the settlement agreement by demanding a confidentiality agreement that far exceeded the agreed upon terms. Therefore, the settlement agreement had been terminated by Ohio Edison's breach. Regarding your previous email in which you decreed a 28 hour deadline to respond, I did not access that email until after the arbitrarily defined time had passed.

As a side note, the implied threat in your email is reflective of Ohio Edison's tactics in the past and an indication of why the company is so hard to deal with.

Mary C. Simballa

On Mon, Aug 14, 2023 at 6:50 PM Rogers, Christopher <CRogers@beneschlaw.com> wrote:

Ms. Simballa,

Please see the below message that I sent to your Gmail account.

Benesch

vCard Bio

Christopher Rogers

(he/him/his)

Litigation Associate

Admitted in Ohio and Washington.

Practice temporarily authorized pending admission to the Kentucky Bar Association

Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.6251 | m: 207.240.5354

CRogers@beneschlaw.com | www.beneschlaw.com

127 Public Square, Suite 4900, Cleveland, OH 44114

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

As of August 1, 2023 our new address is 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

From: Rogers, Christopher <CRogers@beneschlaw.com>

Sent: Monday, August 14, 2023 2:43 PM

To: Mary S <mary.simballa@gmail.com>; Dan.Fullin@puco.ohio.gov; Fling, Kristen M <kfling@firstenergycorp.com>

Subject: RE: Evid. R. 408 Communication

Ms. Simballa,

I am in receipt of your opposition to Ohio Edison's OAC 4901-9-01(F) Motion to Dismiss.

As indicated in the emails below, Ohio Edison offered to credit the security deposit to your account in June 2023 "in exchange for dismissing your complaint." You accepted this offer.

Ohio Edison credited the security deposit to your account in your bill dated June 19, 2023, which is attached for your reference. Ohio Edison has honored its portion of the settlement. However, your refusal to dismiss your Complaint violates your obligations under the settlement.

Accordingly, you are hereby notified that you are in breach of the settlement between you and Ohio Edison. If you do not dismiss your Complaint, Ohio Edison will have choice but to take further action to enforce its rights.

Christopher Rogers

(he/him/his)

Litigation Associate
Admitted in Ohio and Washington.
Practice temporarily authorized pending admission to the Kentucky Bar Association



Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.6251 | m: 207.240.5354

vCard Bio

CRogers@beneschlaw.com | www.beneschlaw.com

127 Public Square, Suite 4900, Cleveland, OH 44114

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

As of August 1, 2023 our new address is 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

From: Mary S <mary.simballa@gmail.com>
Sent: Monday, January 30, 2023 1:33 PM
To: Rogers, Christopher <CRogers@beneschlaw.com>; Dan.Fullin@puco.ohio.gov; kfling@firstenergycorp.com
Subject: Re: Evid. R. 408 Communication

Hello Mr. Fullin and Mr. Rogers,

I agree to the settlement offer proposed by Ohio Edison and Mr. Rogers during our phone conference last week. I have attached the files of the pictures of the money order for the security deposit and the envelope with the round stamp by the post office. The payment was mailed today. As per the agreement, the security deposit will be refunded in June 2023. Thank you, Mr. Fullin, for facilitating the settlement discussion.

Mary C. Simballa

On Fri, Jan 27, 2023 at 10:26 AM Rogers, Christopher <CRogers@beneschlaw.com> wrote:

Ms. Simballa,

Ohio Edison is willing for forego requiring you to enroll in autopay. Please let me know if you will accept Ohio Edison's offer to credit the security deposit to your account in May/June 2023 if you pay the security deposit and continue paying in full and on time until then, in exchange for dismissing your complaint.

Please note, that this is a one-time waiver, and Ohio Edison reserves the right to reassess the security deposit if you begin making late or partial payments again.

Christopher Rogers

(he/him/his)

Litigation Associate



Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.6251 | m: 207.240.5354

vCard Bio

CRogers@beneschlaw.com | www.beneschlaw.com

200 Public Square, Suite 2300, Cleveland, OH 44114-2378

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

From: Mary S <mary.simballa@gmail.com>
Sent: Wednesday, January 25, 2023 1:20 AM
To: Dan Fullin@puco.ohio.gov; Rogers, Christopher <CRogers@beneschlaw.com>; kfling@firstenergycorp.com
Subject: Documents in support of complaint filed by Mary C. Simballa, hearing 1/25/2023 at 1 pm

Hello Mr. Fullin,

It was a pleasure speaking with you on Tuesday. I appreciate you considering my safety in traveling to Columbus with the pending foul weather and for offering to conduct the hearing via conference call. As per our discussion, I have attached the files of the supporting documentation for the dispute with Ohio Edison and First Energy Corp. I have also included Christopher Rogers and Kathy Fling in the email since Mr. Rogers is the counsel of record for Ohio Edison Company and Ms. Fling is the counsel of record for First Energy Corp and representing Ohio Edison Company.

Again, I appreciate your concern for my safety and am looking forward to speaking with you at 1:00 pm on January 25.

Mary C. Simballa