

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the  
Complaint of Colin  
Russell, and Hear Ear  
Hearing Aids, Inc., and  
Hear Ear Hearing Aid  
Center, Inc.,

Complainants,

vs.

AT&T Ohio,

Respondent.

Case No. 07-1057-TP-CSS

PROCEEDINGS

before Ms. Janet Stoneking, Hearing Examiner, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-C, Columbus, Ohio, called at 10:00  
a.m. on Thursday, October 9, 2008.

10/24/08

Transcript docketed electronically

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Kern Financial Services Inc 3150 N Republic Blvd  
Ste 6 419 843-7263  
Kern Grou Thg 3450 W Central Av 419 537-1100  
Kern McKown Concrete #209 Nebraska Av  
419 866-8990  
Kenton Co 1101 Monroe St 419 243-7281  
Kern's Screen Printing 6051 Telegraph Rd  
419 478-5368  
Kentucky Fried Chicken - See KFC

### KENWOOD GARDENS ofc

www.apartments.com/  
kanwoodgardens

2629 Allison Dr 419 475-1571  
Kenwood Hearing Aids Toledo 419 473-1900  
Kenwood Hearing Center Inc  
3450 W Central Av 419 534-3111  
Kerpl William H est-  
Res 3639 Doran Dr 419 385-1955  
Kerper Jessica C aty 33 S Michigan St  
419 255-5990  
Kerper & Kerper aty 33 S Michigan St  
419 255-5990  
Kerper Richard M aty 33 S Michigan St  
419 255-5990  
Kerin Michael & Christine 1724 Wading Dr  
419 381-1372  
Kern-Liebers USA Inc 1510 Alton Rd  
419 865-2437  
Kern Machine & Tool 6061 Telegraph Rd  
419 470-1206  
Kerr House The 17777 Beaver St  
Grand Rapids 419 832-1733  
Kerr Pump & Supply 12880 Covedale  
Dr Ark MI  
Toledo Tel No 419 255-5377  
Kerscher Duane J Jr DO 8133 Airport Hwy  
419 887-8263  
Kerscher Jeffrey M 901 W South Boundary St  
419 873-6600  
Kersey Richard 1947 Weiner Av 419 475-8660  
Kerston Sales Retirement Planning  
28300 Kamsington Ln 419 872-0067  
KerU Motorcoach Inc 2113 Broadstone Rd  
419 536-3776

### KESLER C JEFF MD FACS

1360 Arrowhead Rd 419 887-7000  
Kestling Dean 5335 Woodville Rd 419 691-6925  
Kessler Nancy MD-  
3929 McCord Rd 419 843-8160  
Kestenberg Joel M PhD 922 Olive Hwy  
419 661-2779

### KESTNER TARA J aty

7445 Airport Hwy 419 865-1251  
Keta's Antiques & Oriental Rugs  
2640 W Central Av 419 474-1616  
Kevin Charles Hair Artistry 4321 Talmadge Rd  
419 471-1800  
Kevin E Anderson 4155 Alton Rd 419 861-2249  
Kevin Haddad Design Group 4476 Monroe St  
419 473-0717  
Kevin Haddad's Private Line 4476 Monroe St  
419 473-9990  
Kevin Savage Cards 3509 Briarfield W  
419 861-2273  
Kevin's Automotive & Trans 3705 Marine Rd  
419 389-4949  
Key Counseling 1200 Olive Hwy 419 662-5858  
Key Distributing Inc The 2961 US Rte 20-A  
419 825-1590  
Key Investments Inc 419 259-8906  
Key Marathon 4340 Heatherdowns Bl  
419 381-0151  
Key Printing Services 954 Phillips Av  
419 478-4777  
Key Shoppers News Inc 2961 US Rte 20-A  
419 826-1010  
Key Sunoco Foodmart 4411 Heatherdowns Bl  
419 389-6464  
Key West Tanning 4104 Airport Hwy  
419 382-0979

### KEYBANK

Customer Service & Account Information  
800 539-2968  
Departments-  
Commercial Banking 419 259-8809  
Key Business Resource Center  
888 439-4249  
Retirement Services 888 539-2820  
Small Business Services 419 259-5945  
For Any Department Not Listed  
419 259-8598  
KeyCenters-  
Toledo-  
6811 Airport Hwy 419 866-2801  
50 S Byrne Rd 419 578-7478  
2161 S Byrne Rd 419 385-2650  
3031 Collingwood Bl 419 254-2710  
5740 Lewis Av 419 269-2758  
205 Main St 419 691-2230  
1360 Sycamore Av 419 727-6272  
245 N Superior St 419 259-8169  
3204 Tremansville Rd 419 473-1840

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### KEYBANK

3030 Secor 419 878-7460  
1950 Reynolds Rd 419 861-6170  
1612 Broadway St 419 254-2720  
1033 Sylvania Av 419 269-2740  
5756 W Central Av 419 578-7480  
106 Talmadge Rd 419 473-1421  
Maumee-  
409 Conant St 419 893-7696  
Oregon-  
3160 Navarre Av 419 691-2340  
Commercial Banking-  
Perrysburg-  
1086 Louisiana Av 419 874-5312  
Point Place-  
5037 Suder Av 419 727-6280  
115 E Airport Hwy 419 828-7810  
1360 Michigan Ave 419 878-8282  
KeyBank 8031 Summerfield Rd Lamberville MI  
734 856-6745

### KEYBOARD SANCTUARY THE-

By Appointment Springfield Twp 419 861-9903  
Keyes Cycles 10221 Telegraph Rd  
Erie MI 734 848-8073

### KEYES CYCLES PARTS & SERVICE

4028 N Detroit Av 419 478-1450  
Kearns Scott 5959 Vassar Rd 419 726-1826  
Keyrock Financial Ltd 5800 Monroe St  
419 885-5700  
Keystone Brothers 1549 Coaling Dr 419 478-8688  
Keystone Auto Glass Inc 6821 W Central Av  
419 641-6636

### KEYSTONE AUTOMOTIVE INDUSTRIES

26691 Ectel Rd 419 873-1044  
Keystone Cylinder Head Exchange  
2331 Parliament St 419 843-2550  
Keystone Press Inc 1801 Broadway St  
419 243-7326

Khalid Jawaria MD 3300 Marquett Rd  
419 824-1100  
Khalil Hany MD 2409 Cherry St 419 231-3039  
KHALIL HANY Y MD FCCP  
7150 Granite Cir 419 843-7800  
Khalil Hany Y MD 715 S Tolt Av  
Fremont 419 333-0840  
Khalil Meshir MD 4235 Secor Rd 419 479-5728  
Khalil Hany MD Medical College Of Ohio  
419 383-3585

Khan Shakil A MD-  
2751 Bay Park Dr 419 698-5835  
2751 Bay Park Dr 419 698-5864  
Khan's Auto Care Inc 310 S Westwood Av  
419 389-0310  
Khazan UM MD 2737 Navarre Av 419 697-0011  
Kheralim Nizar MD-  
2222 Cherry St 419 251-6430  
Khuur & Associates 5055 Cartagena Dr  
419 843-5752  
Khouri Samer Jean MD Medical College Of Ohio  
419 383-3925  
Khouri Jeanine H est-  
Ofc 1446 Reynolds 419 893-4881  
Res 3035 Vlna Dr 419 385-9709  
Kibby Corp 9410 Airport Hwy 419 866-4994  
Kidd Joseph A aty 405 Madison Ave 419 241-2100  
Kidner Foundation Of Northwest Ohio  
3100 W Central Ave 419 329-2776  
Kids Beds -  
Call Kidz 864222

Kid's Club 5104 Airport Hwy 419 292-6103  
Kid's Foot Locker 2040 S Reynolds Rd  
419 389-1701  
Kids Clothingline 111 Louisiana Av 419 861-1076  
Kids Corner 1834 W Sylvania Av 419 874-8427  
Kids Corner 2475 Shoreland Av 419 474-4461  
Kids On the Block 3115 Glendale Av 419 726-9588  
Kids On the Block 5115 Glendale Av 419 382-2277  
Kids Space 419 382-2577  
Kids Time Childcare 3115 Airport Hwy  
419 245-1601  
Kids World 1410 Woodville Rd 419 385-3383  
Kid's World Preschool Of Perrysburg Inc  
200 E Second St 419 836-7598  
Kidz Klose 2 2850 W Sylvania Av 419 874-8915  
Kidz Klose 8023 Summerfield Rd 419 472-4337  
Lamberville MI 734 854-4641  
Kidz Klose 6540 Brink Rd 419 824-8237  
Kidz R Us 1489 Oakwood Av 419 243-9538  
Kidz 5800 6819 W Central Ave 419 843-2997  
Kidz Watch 5800 Crum Dr 419 874-9678  
Kidz Watch 6819 W Central Ave 419 843-2997  
Kiechel J 63 Linden Ln 419 874-9202  
Kiechel Stephen MD 423 Secor Rd 419 479-5820  
Kiefer Sue LMT 5552 Secor Rd 419 474-5867

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419 383-5695  
Kilgus Meats 3946 W Lasky Rd 419 472-9721  
Kilham Catherine H 1822 Cherry St 419 241-2200

### KILLIAM CATHERINE

419 260-4320  
Kilham Michael S Enterprises Inc  
805 Chicago St 419 727-1900  
Kilham Thomas P Four Seacare 419 249-7100  
Kiln & L Kurdin 12 E Bancroft St 419 242-9003  
Kiln Wun J MD Medical College Of Ohio  
419 383-3813  
Kimberlee's Helping Hand 4222 Airport Hwy  
419 389-6205  
Kimberly Cleaners 3512 Sterns Rd 734 856-1755  
Kimberly Cleaners 1032 Lewis Av 734 847-2915  
Klime Design Llc 4303 Talmadge Rd 419 292-8131  
Klime Kopan & Associates-  
4021 W Sylvania Av 419 475-6224  
Klime Kopan & Associates 4021 W Sylvania Av  
419 475-6181  
Klime Timothy G OD-  
4021 W Sylvania Av 419 475-6181  
Kimmelman Jerome MD-  
Ofc 4935 Harraha Rd 419 885-7546  
Res 5715 Monroe 419 885-1809  
Kimmelman William C 419 826-4866  
Kim's Auto & Truck Service Inc  
3705 Sycamore Av 419 726-5467  
Kim's Auto & Truck Service Inc  
3708 Sycamore Av 419 726-5777  
Kim's Modeling 5070-1/2 Telegraph Rd  
419 476-1294  
Kim's Oriental Market Ltd 2527 W Lasky Rd  
419 475-9742

Kinder Care Learning Centers-  
Toledo 419 531-6450  
2812 N Holland Sylvania Rd 419 531-6450  
Kindercare Learning Center 4367 Crossing Dr  
419 882-6674  
Kindercare Learning Center 4367 River Crossing  
419 824-5437  
Kindercare Learning Centers-  
Maumee-  
125 Chesterfield Ln 419 893-8206  
1561 Hawthorne Dr 419 866-0142  
Perrysburg-  
410 W South Boundary St 419 874-3777  
Kindermusik at Miss Barb's Music Studio Inc  
3307 N Hine Sylvania Rd 419 842-8331  
Kindermusik of P J's Music School  
26290 Hull Prairie Rd 419 872-6220  
Kindervater Karen A MD 975 Commerce Dr  
419 874-0274  
Kinetic Concepts 3315 N Centennial 419 841-9085

KINETICA MEDIA  
324 Mulberry St Perrysburg 866 805-6520  
Kinetic Audio 5352 Jackson Rd 419 476-2700  
King Blvd 2021 Dorst St 419 531-4209  
King Douglas W 405 Madison Av 419 242-5100  
King Electric Inc 1952 W Sylvania Av  
419 472-6911  
King Food Mart Inc 1581 Mott Av 419 697-6686  
King Garden 2839 Monroe St 419 255-1260  
King Ink 586 Woodville Rd 419 698-1333  
King James J CPA 3306 Executive Pkwy  
419 536-0000  
King John F 5758 N Main 419 882-8833  
King Joseph A CPA 3306 Executive Pkwy  
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Res 30720 E River Rd 419 666-1422  
King Lighting Inc 360 Ansonia St 419 691-6557  
King Of Glory Lutheran Church  
5517 Brink Rd 419 882-6488  
King Of The Road Auto Parts  
9414 Ansonia Rd 419 861-3737  
King Pin Lanes 1124 W Sylvania Av 419 478-7123  
King Pin Vending Serv 1124 W Sylvania Av  
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King Radiator 1819 Monroe St 419 241-9139  
King Robert P aty 405 Madison Av 419 244-6788  
King Street Antiques 912 Monroe St  
419 882-4136  
King Thomas R aty 709 Madison Av 419 241-2000  
King Vincent H therapist-  
4651 N Summit St 419 729-0725  
King Wm J MD 6375 Carriage Ln  
Onawa Lk MI 734 856-1419  
King's Chef Chinese Restaurants  
6746 W Sylvania Av 419 882-9208  
King's Cove Apartments 2560 Key St  
419 381-1645  
Kings Men Inc 100 S Main St 419 666-1080  
Kings And Queens 16 Hilyard Dr 419 536-9687  
Kingsbury Service Corp 20353 W St Rte 579  
419 836-3433  
Kingston Court Apts 3101 Navarre Av  
419 475-6181

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### KINGSTON HI COMPANY--

Kingston Residen  
333 E Boundary St  
Kingston Residen  
4125 King Rd

Kingston Residence  
4125 King Rd  
Kingston Residence  
4125 N King Rd  
Kingworld Transpo

Kinker-Johnson Joy  
3450 W Central Av  
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December 2, 2005

Hear Ear Hearing Aids Inc  
3030 W Sylvania Av  
Toledo OH 43613

Dear Colin Russell:

It is the goal of each SBC employee to provide telecommunications solutions that meet, and hopefully exceed, the needs of our customers. Occasionally our products or services do not live up to our customer's expectations for our usual quality standards. For that, we regret any inconvenience you may have experienced when the additional listing was not omitted as it should have been in the 04-05 directory advertising books as well as the 05-06 books. This has been an ongoing issue that has now been resolved. Mr Russell has went to all extremes to rectify this matter.

We are committed to constant product improvement and delivery of value that's second to none. We realize that you have choices in telecommunication providers and want to remain your primary source. That's why we are not only available to resolve service issues, but we can also help you make the right choice when selecting telecommunications services that meet the unique needs of your business.

If you have any questions or need information regarding the right telecommunication services for your business, please contact us at 888-257-4192 ext 33545. We are available Monday through Friday 8:30 am through 4:30pm.

Sincerely,

Ethel L Jones

Ethel L Jones  
Business Comm. Specialist  
Business Communications Services  
Account: 419 472-6400



December 6, 2005

Hear Ear Hearing Aids Inc  
3030 W Sylvania Av  
Toledo OH 43613

Dear Colin Russell:

It is the goal of each SBC employee to provide telecommunications solutions that meet, and hopefully exceed, the needs of our customers. Occasionally our products or services do not live up to our customer's expectations for our usual quality standards. For that, we regret any inconvenience you may have experienced when the additional listing, ( 419 473-1900) was not omitted as it should have been in 04-05 books as well as 05-06 books. This has been an ongoing issue that has been resolved. Mr. Russell has gone to all extremes to rectify this matter. The only number that should have been and is currently advertised is 419 472-6400.

We are committed to constant product improvement and delivery of value that's second to none. We realize that you have choices in telecommunication providers and want to remain your primary source. That's why we are not only available to resolve service issues, but we can also help you make the right choice when selecting telecommunications services that meet the unique needs of your business.

If you have any questions or need information regarding the right telecommunication services for your business, please contact us at 800-660-3000. We are available Monday through Friday 08 am through 06 pm.

Sincerely,

Ethel L Jones

Ethel L Jones  
Business Comm. Specialist  
Business Communications Services  
Account: 419 472-6400

FILED  
LUCAS COUNTY

2005 JAN -5 P 3:44

COMMON PLEAS COURT  
BERNIE QUILTER  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY, OHIO

Kenwood Hearing Center, Inc.  
3450 W. Central Avenue, Suite 134  
Westgate Office Building  
Toledo, Ohio 43606

Case No. 010200501055

Judge: ASSIGNED TO JUDGE SKOW

Plaintiff,

v.

Colin Russell  
Kenwood Hearing Aid Center, Inc.  
3030 Sylvania Avenue  
Toledo, Ohio 43613

and

Hear Ear Hearing Aids  
3030 Sylvania Avenue  
Toledo, Ohio 43613,

Defendants.

COMPLAINT FOR TEMPORARY,  
PRELIMINARY, AND PERMANENT  
INJUNCTIVE RELIEF, COMPENSATORY  
AND PUNITIVE DAMAGES,  
ACCOUNTING, ATTORNEY FEES, AND  
JURY DEMAND

Theodore M. Rowen (0014245)  
Anastasia K. Hanson (0072289)  
Spengler Nathanson P.L.L.  
608 Madison Avenue, Suite 1000  
Toledo, Ohio 43604-1169  
(419)241-2201  
Fax: (419)241-8599

Attorneys for Plaintiff

\*\*\*\*\*

Kenwood Hearing Center, Inc., hereinafter Plaintiff, hereby files its Complaint For  
Temporary, Preliminary, and Permanent Injunctive Relief, Damages, Accounting, Punitive Damages,  
Attorney Fees, and Jury Demand and avers as follows:

1. Plaintiff is a corporation organized and existing under the laws of the State of Ohio  
with its principal place of business in Toledo, Ohio. Plaintiff became a corporation under the name

Kenwood Hearing Center, Inc. on February 10, 1993. ("Exhibit 1" attached hereto is a copy of the Certificate of Incorporation of the State Of Ohio, certifying the creation of Plaintiff). Plaintiff has been in existence for approximately twelve years, and during that period it has been professionally assessing the hearing needs of its various patients, many of whom have been referred by various physicians, and many of whom have become aware of its excellent reputation from the public domain. In addition thereto, Plaintiff, through its professional staff, evaluates and fits various hearing aids and other listening enhancing devices for the benefit of its patients whose hearing will improve with the use of those listening devices. All of Plaintiff's personnel who evaluate hearing and fit hearing aids are audiologists, have a Master's Degree from an accredited University, and are certified by the American Speech/Language Hearing Association, as well as are licensed by the State of Ohio Board Speech-Language Pathology and Audiology.

2. Kenwood Hearing Aid Center, Inc., hereinafter Defendant Trade Name Infringer Kenwood, is a corporation organized and existing under the laws of the State of Ohio, and it became a corporation on August 5, 2004. Defendant Trade Name Infringer Kenwood deliberately utilized the deceptively similar name of Kenwood Hearing. The sole purpose of Defendant Trade Name Infringer Kenwood in selecting its corporate name was to confuse the public and pass itself off as Kenwood Hearing Center, which over approximately twelve years has established an excellent reputation through hard work and professionalism for and developed a secondary meaning associated with its name of Kenwood Hearing Center. Its secondary meaning in the Toledo community among physicians and patients is of a professional and excellent place for audiological testing to be conducted and for the fitting of high quality hearing aids if warranted.

3. Hear Ear Hearing Aids, Inc., hereinafter Defendant Hear Ear, is a corporation organized and existing under the laws of the State of Ohio, and it became a corporation on September 15, 2004.

4. Collin Russell, hereinafter Defendant Individual Trade Name Infringer, is the statutory agent for both Defendant Trade Name Infringer Kenwood and Defendant Hear Ear and is being sued in this Complaint as an individual on the basis of the actions in which he has undertaken for himself as well as the other Defendants. All of the Defendants are collectively referred to as Infringing Defendants. Infringing Defendants have hearing aids fitted by hearing aid dealers as opposed to audiologists, with the latter being more highly educated and skilled than hearing aid dealers.

5. The credentials after the name of each audiologist employed by Plaintiff of M.A. or M.S. is indicative that each possesses a Masters Degree in the field of audiology. The initials of CCC-A after the name of an audiologist is indicative that the audiologist has completed a clinical fellowship year under the supervision of an experienced audiologist and has passed a rigorous test to prove her/his competency. If there are letters behind a person's name of BC-IHS, that is indicative that the individual is a hearing aid dispenser or sales person, which can mean many things. To be allowed to sell hearing aids in Ohio, the only qualification is that the individual has a high school diploma and obtain a passing score on a standardized test, along with some minimal education.

6. Infringing Defendants have violated Plaintiff's rights by having engaged in unfair and deceptive trade practices, trade name infringement, unfair competition, fraud, and confusion among the public, and that is why Plaintiff has filed its Complaint.

7. Plaintiff is owned by two audiologists who had been employed by a medical practice group of ear nose and throat physicians. The owners of Plaintiff left the employment of the medical practice group, and in February of 1993 they purchased the audiological and hearing aid business from the doctors and then created Plaintiff as the corporation which would continue the business. These two audiologists paid for the good will and reputation of Kenwood Hearing Center, which through the medical practice group had been doing business since January of 1996.

8. For nine years, Plaintiff has been located at 3450 West Central Avenue, Suite 134, Toledo, Ohio 43606, and Plaintiff has utilized its registered trade name of Kenwood Hearing Center from that address. Defendant Trade Name Infringer Kenwood and Defendant Individual Trade Name Infringer both established an office in the same Westgate Office Building at 3450 West Central, Suite 103, so as to deliberately confuse the public into believing that Kenwood Hearing Center was in fact Defendant Trade Name Infringer Kenwood and not Plaintiff.

9. Both of Defendants established various phone numbers for Defendants. One is (419) 473-1900, which is listed in the SBC Yellow Pages of Toledo and Vicinity as "Kenwood Hearing Aids" ("Exhibit 2") and is answered with another name—Hear Ear Hearing—which has caused the potential patient to believe that he or she is talking with an employee of Plaintiff (Kenwood Hearing Center), when in reality, he or she is talking to an employee of Defendant Trade Name Infringer Kenwood or Defendant Hear Ear. This has created confusion and constitutes an unlawful diversion of profits from Plaintiff.

10. Defendants unlawfully registered the name of Kenwood Hearing Aids with the State of Ohio on July 23, 2004, which was designed to be and is deceptively similar to Plaintiff's corporate



name and trade name of Kenwood Hearing Center. This was done by Defendant Individual Trade Name Infringer then having a statutory address of 306 Milburn Court, Mishawaka, Indiana 46544.

11. By Infringing Defendants choosing the deceptive name of Kenwood Hearing aids, and causing it to be listed that way in SBC Yellow Pages of Toledo and Vicinity, and also by answering the phone with another name-Hear Ear Hearing-they have furthered the confusion, by creating a listing for "Kenwood Hearing Aids" immediately above Plaintiff's list of "Kenwood Hearing Center Inc.

12. In the furtherance of creating confusion, Infringing Defendants are selling and advertising a hearing aid brand of "Kenwood Hearing Aids", which is a private label for a manufactured hearing aid, rather than a brand name hearing aid which is manufactured and sold nationally under the name of Kenwood Hearing Aids. This was done by Infringing Defendants as a deceptive device to unlawfully take business away from Plaintiff.

**First Count  
(Trade Name Infringement)**

13. Plaintiff hereby incorporates the foregoing paragraphs, 1 through 12, so as to be accorded the same effect as if fully restated herein.

14. Plaintiff's trade and corporate name of Kenwood Hearing Center for approximately twelve years has indicated to the public that it is the origin of professional quality hearing testing service, evaluating of hearing needs, and if necessary the fitting of appropriate high quality hearing aids.

15. Plaintiff has created a secondary meaning associated with its trade and corporate name of Kenwood Hearing Center through advertising and through the creation, operation, and

17.  
maintenance of a demand for the goods and services offered by Plaintiff. The name of Kenwood Hearing Center has great value based upon the professional actions and reputation obtained by Plaintiff through its employers and owners.

16. Infringing Defendant have unauthorizedly attempted to utilize the valuable trade and corporate name of Plaintiff by unlawfully infringing upon Plaintiff's rights. As a result thereof, Plaintiff demands that the unlawful action of infringing Defendants in using the name and/or trade name of Kenwood Hearing in advertising, in the phone book, over the telephone, through a private label hearing aid, or in any other capacity should immediately be stopped so as to prevent future damages to Plaintiff and to avoid future confusion. This should be accomplished through the issuance of a temporary and permanent injunction. ✓

**Second Count  
(Unfair Competition)**

17. Plaintiff hereby incorporates the foregoing paragraphs, 1 through 16, so as to be accorded the same effect as if fully restated herein.

18. Infringing Defendants have engaged in unfair competition by the various acts which they have deliberately engaged, in a continuing effort to unfairly take away business from Plaintiff. Plaintiff has already incurred damages and is entitled to the issuance of a temporary and permanent injunction to prevent future damages. Infringing Defendants as competitors have engaged in unscrupulous actions which have been enumerated in this Complaint, in an attempt to get away with the appropriating of Plaintiff's trade and corporate name. 7

19. Plaintiff has the right and intends to protect its valuable trade and corporate name from being obtained by Infringing Defendants.

**Third Count**  
**(Deceptive Trade Practices)**

20. Plaintiff hereby incorporates the foregoing paragraphs, 1 through 19, so as to be accorded the same effect as if fully restated herein.

21. Infringing Defendants have engaged in deceptive trade practices by the various acts which they have deliberately engaged in, to deceptively take away business from Plaintiff. Plaintiff has already incurred damages and is entitled to the issuance of a temporary and permanent injunction to prevent future damages.

**WHEREFORE**, Plaintiff requests the following relief should be granted:

1. The issuance of a Temporary and Permanent Injunction against Defendant Trade Name Infringer Kenwood; Defendant Hear Ear; Defendant Individual Trade Name Infringer; any corporation or limited liability company in which Defendant Individual Trade Name Infringer is an employee, owner, and/or statutory agent; and against any individual, employee, agent, or any other company which is acting in active concert with any of the Infringing Defendants:

- (a) From using the name, trade name, or service mark of Kenwood Hearing in advertising, in the phone book, over the telephone, through a private label hearing aid, or in any other capacity in any way in connection with the sale or repair of hearing aids;
- (b) To require that the trade name and corporate name registered by Infringing Defendants which currently utilizes the name Kenwood Hearing be cancelled with the office of the Secretary of State of Ohio; and
- (c) To require the discontinuing of the phone number of 419-473-1900, which was listed by Infringing Defendants in SBC Yellow Pages as Kenwood Hearing Aids, and to require the calls to that phone number to be transferred to Kenwood Hearing Center's phone number, which is 419-534-3111, and for Infringing Defendants to pay the cost of said transfer, if any is incurred, for one year from the date of the issuance of a Temporary and/or Permanent Injunction.

2. The furnishing of a complete accounting of all income received from the date of the first use of the name Kenwood by Infringing Defendants in the connection of the sale and/or servicing of hearing aids, to be paid for by Infringing Defendants;

7 Cont  
at Paper

3. Compensatory and punitive damages to be paid in an amount to be determined by a jury;

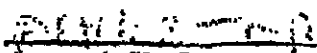
4. The awarding of reasonable attorney fees;

5. The cost of these proceedings should be taxed against Infringing Defendants; and

6. Any further relief in law or equity to which Plaintiff is entitled.

Respectfully submitted,

  
Theodore M. Rowen

  
Anastasia K. Hanson  
Spengler Nathanson P.L.L.  
608 Madison Avenue, Suite 1000  
Toledo, Ohio 43604-1169  
(419)241-2201  
Fax: (419)241-8599

Attorneys for Plaintiff

# The State of Ohio

**Bob Taft**

Secretary of State

538132

## Certificate

hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous  
ings; that said records show the filing and recording of: ARF

of:

**KENWOOD HEARING CENTER, INC.**

United States of America  
State of Ohio  
Office of the Secretary of State

Recorded on Roll H534 at Frame 1830 of  
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 10TH day of FEB

A.D. 19 93



*Bob Taft*  
Bob Taft  
Secretary of State



IN THE COURT OF COMMON PLEAS

LUCAS COUNTY, OHIO

Kenwood Hearing Center, Inc.,

Plaintiff,

v.

Colin Russell, et al.

Defendants.

\* Case No. CI 0200501055

\*

\* Honorable Jack Zouhary

\*

\* JUDGMENT

\*

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\*

\*

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This cause came to be heard for Final Pretrial Conference on January 12, 2006 at 11:00 a.m. before the Honorable Jack Zouhary. Present were Joyce Johnson and Diann Harrison, the owners of Kenwood Hearing Center, Inc., hereinafter Plaintiff, and Colin Russell as an individual defendant and on behalf of the other defendants, Kenwood Hearing Aid Center, Inc. and Hear Ear Hearing Aids, Inc., hereinafter collectively referred to as Defendants.

After a discussion by the lawyers and the parties of the various issues in the case and the merits of parties' respective positions, through the assistance of the Court, the parties reached an amicable resolution of the Complaint and Counterclaim. As a result thereof, it is hereby

**ORDERED** that Plaintiff as of January 12, 2006 should be and hereby is entitled to a Judgment joint and several against each of the Defendants in the amount of Seventy-Two Thousand Two Hundred and Fifty Dollars (\$72,250.00), and it is

**FURTHER ORDERED** that payment shall be made by Defendants on the first day of each month, commencing February 1, 2006 through November 1, 2006 each in the amount of Seven Thousand Two Hundred and Fifty Dollars (\$7,250.00); and it is

**FURTHER ORDERED** that the fully executed Judgment shall be held by counsel for Plaintiff and shall not be filed with the Court unless Defendants fail to make timely payment as is required by the Judgment Order and/or by the Release And Settlement Agreement; and it is

**FURTHER ORDERED** that if there is a default by Defendants in making timely payment, then prior to counsel for Plaintiff being entitled to file and execute upon the Judgment, Counsel for Plaintiff must first furnish written notice to counsel for Defendants and afford Defendants a period of five working days to cure said default, and notwithstanding the foregoing, Defendants shall only be afforded one opportunity to cure its default in connection with said Judgment.

Theodore M. Rowen, Esq. (0014245)  
Anastasia K. Hanson, Esq. (0072289)  
608 Madison Avenue, Suite 1000  
Telephone: (419) 241-2201  
Fax: (419) 241-8599

Attorneys for Plaintiff

---

Raymond W. O'Neal, Sr., Esq.  
11 West Monument Avenue, Suite 304  
Dayton, Ohio 45402

Attorney for Defendants

---

Honorable Jack Zouhary



**RELEASE AND SETTLEMENT AGREEMENT**

THIS RELEASE AND SETTLEMENT AGREEMENT dated January \_\_, 2006, (hereinafter "Release And Settlement Agreement") made and entered by and between Kenwood Hearing Center, Inc., (hereinafter "Plaintiff"), and Colin Russell, Kenwood Hearing Aid Center, Inc. and Hear Ear Hearing Aids, Inc. (hereinafter "Defendants").

**WITNESSETH:**

WHEREAS, Plaintiff has alleged in a Complaint which it had filed in Kenwood Hearing Center, Inc. v. Colin Russell, et al., Case No. CI 2005 1055 (Common Pleas, Lucas) that Defendants had engaged in illegal common law trade name infringement, unfair competitor, and deceptive trade practices in the use of the name Kenwood Hearing Aids and have created confusion among the public and referring physicians;

WHEREAS, Defendants had filed a Counterclaim alleging that they had been defamed by Plaintiff and were well within their rights to have utilized the name Kenwood Hearing Aids in the manner in which they had used it;

WHEREAS, the case came to be heard for Final Pretrial Conference on January 12, 2006 at 11:00 a.m. before the Honorable Jack Zouhary. As a result of the settlement initiative which had been made by Judge Zouhary, the parties engaged in settlement discussion, and they were able to resolve all of their differences between them and have agreed to end this litigation;

NOW, THEREFORE, for valuable consideration the Parties hereby enter into this Release and Settlement Agreement, and it is agreed as follows:

1. This Release And Settlement Agreement shall not in any way be construed as an admission by any party that the other has acted wrongfully in any manner or fashion whatsoever.
2. The total consideration for Plaintiff entering into this Release And Settlement Agreement is the following:
  - (a) Defendants hereby agree to pay to Plaintiff the sum of Seventy-Two Thousand Two Hundred and Fifty Dollars (\$72,250.00) over a ten month period, on the first day of each month, with payment commencing on February 1, 2006 and continuing through November 1, 2006, and with payment being sent to counsel for Plaintiff, Theodore M. Rowen, Esq., at Spengler, Nathanson, 608 Madison Avenue, Suite 1000, Toledo Ohio 43604. Upon receiving each payment, Mr. Rowen will immediately forward a receipt for each payment to both counsel for Defendants, Raymond W. O'Neal Sr., at 11 West Monument Avenue, Suite 304, Dayton, Ohio 45402, and to Defendant Colin Russell at \_\_\_\_\_;
  - (b) The payments due under this Release And Settlement Agreement shall be secured by a Judgment against each of the Defendants, a copy of which is attached hereto as "Exhibit 1" and which shall be held by counsel for Plaintiff and shall not be

filed with the Court unless Defendants fail to make timely payment as is required by the Release And Settlement Agreement,

- (c) If Defendants default in making timely payment, then prior to counsel for Plaintiff being entitled to file and execute upon the Judgment, counsel for Plaintiff must first furnish written notice to counsel for Defendants and afford Defendant a period of five working days to cure said default. It is further agreed that notwithstanding the foregoing, Defendants shall only be afforded one opportunity to cure its default prior to Plaintiff being able to file the Judgment. In other words, if there is a second default, it is not required that Plaintiff issue a notice to Defendants and/or afford them a cure period;
  - (d) Defendants shall immediately contact SBC Yellow Pages and advise it to have the phone number which appears in the December 2005 Telephone Book, and to inform its Directory Assistance that upon any inquiry as to the phone number for Kenwood Hearing Aids, the individual should be given the phone number for Plaintiff, which is 419-534-3111, instead of the phone number currently appearing in the Yellow pages and listed with Directory Assistance, which is 419-472-2669;
  - (e) Defendants shall immediately contact the Secretary of State of Ohio and inform the Secretary that the corporation known as Kenwood Hearing Aid Center, Inc. is no longer in existence, and that Defendants hereby revoke and forever abandon their trade name registration in the name of Kenwood Hearing Aids.
3. The total consideration for Defendant entering into this Release and Settlement Agreement is the following:
- (a) Plaintiff agrees to cause the lawsuit which it had filed against Defendant to be dismissed with prejudice and with Defendants to bear the costs of the litigation, and the parties further agree to execute an Order identical to "Exhibit 2" which is attached hereto.
4. Based upon the consideration specified in paragraphs 2 and 3 of this Release, the Parties hereby have executed this mutual Release and Settlement Agreement, and in so doing, they had for themselves, their executors, administrators, heirs, employees, directors, officers, and assigns, agrees to fully, forever, unconditionally, and irrevocably release and discharge the other, from any and all claims, liabilities, and obligations, actions, causes of action, costs debts, and expenses (including claims for attorneys fees and costs) which it, he, and/or they know of, or should know of, arising from the actions in which Defendants have engaged in trade name infringement, unfair competition and deceptive trade practices, from the beginning of time through the date this Release and Settlement Agreement has been executed, including but not limited to the claims raised or which could have been raised in the Complaint and Counterclaim in Kenwood Hearing Center, Inc. v. Colin Russell et al., Case No. CI 2005 1055 (Common Pleas, Lucas County.)

5. This Release And Settlement Agreement is made and entered into in the State of Ohio, and shall in all respects be interpreted, enforced and governed by and under the laws of the United States and of the State of Ohio.
6. This Release and Settlement Agreement reflects the entire settlement agreement between and among the Parties. There are no other promises made by any party which the other is relying upon other than those promises stated in this Release And Settlement Agreement.
7. The Parties agree that each has read the terms and provisions of this Release And Settlement Agreement, and each is fully aware of its contents and effects, that each executes this Release and Settlement Agreement freely, knowingly, and voluntarily, and that the execution of this Release is not the result of fraud, mistake, or undue influence.

**WITNESSES:**

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Colin Russell, DefendantDated: 

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Kenwood Hearing Aid Center, Inc., Defendant  
By: Colin Russell its PresidentDated: 

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Hear Ear Hearing Aids, Inc., Defendant  
By: Colin Russell its PresidentDated: 

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Kenwood Hearing Center, Inc.  
By: Joyce Johnson, its PresidentDated: 

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## IN THE COURT OF COMMON PLEAS

## LUCAS COUNTY, OHIO

Kenwood Hearing Center, Inc.,

Plaintiff,

v.

Colin Russell, et al.

Defendants.

\* Case No. CI 0200501055

\* Honorable Jack Zouhary

\* ORDER OF DISMISSAL

\*\*\*\*\*

This cause came to be heard for Final Pretrial Conference on January 12, 2006 at 11:00 a.m. before the Honorable Jack Zouhary. Present were Joyce Johnson and Diann Harrison, the owners of Kenwood Hearing Center, Inc., hereinafter Plaintiff, and Colin Russell as an individual defendant and on behalf of the other defendants, Kenwood Hearing Aid Center, Inc. and Hear Ear Hearing Aids, Inc., hereinafter collectively referred to as Defendants.

After a discussion by the lawyers and parties of the various issues in the case and the merits of parties' respective positions, through the assistance of the Court, the parties reached an amicable resolution of the Complaint and Counterclaim. As a result thereof, it is hereby

**ORDERED** that the Complaint and Counterclaim, and each and every accompanying cause of action contained therein should be and hereby is dismissed with prejudice; and it is

**FURTHER ORDERED** that all costs in connection with the foregoing action should be and hereby shall be paid by Defendants.

---

Theodore M. Rowen, Esq. (0014245)  
Anastasia K. Hanson, Esq. (0072289)  
608 Madison Avenue, Suite 1000  
Telephone: (419) 241-2201  
Fax: (419) 241-8599

**Attorneys for Plaintiff**

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Raymond W. O'Neal, Sr., Esq.  
11 West Monument Avenue, Suite 304  
Dayton, Ohio 45402

**Attorney for Defendants**

---

**Honorable Jack Zouhary**

M:\TMR\S-TMR\KerwoodHearing\HearBar\14671.sba.DissOrd.doc

FILED  
LUCAS COUNTY

2006 JAN 12 P 3:57

COMMON PLEAS COURT  
IN THE COURT OF COMMON PLEAS LUCAS COUNTY, OHIO  
CLERK OF COURTS

KENWOOD HEARING CENTER INC  
Plaintiff,

VS.

COLIN RUSSELL  
Defendant.

Case No. G-4801-CI-200501055-000

JUDGE JACK ZOUHARY

JUDGMENT ENTRY OF DISMISSAL

Final settlement pretrial conference held with counsel and parties. Settlement agreement reached and read into the record. Therefore, this case is dismissed without prejudice, with the parties reserving the right to file a subsequent entry of dismissal within 30 days of the date of this order. Costs to defendant.

Date: January 12, 2006

  
JUDGE JACK ZOUHARY

cc: THEODORE ROWEN  
RAYMOND O'NEAL

IN THE COURT OF COMMON PLEAS  
OF LUCAS COUNTY, OHIO

KENWOOD HEARING CENTER,	:	
INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. CI05-1055
	:	Judge Zouhary
COLIN RUSSELL and HEAR	:	
EAR HEARING AIDS,	:	
	:	
Defendants.	:	

Deposition of COLIN D. RUSSELL, a  
Defendant herein, called by the Plaintiff as upon  
Cross Examination pursuant to the Ohio Rules of  
Civil Procedure, taken before Nicole D. Blaker,  
Registered Professional Reporter, Notary Public in  
and for the State of Ohio, at the offices of  
Spengler Nathanson, 609 Madison Avenue, Suite 1000,  
Toledo, Ohio, on Friday, September 30, 2005,  
commencing at 10:18 a.m.

  
**SEAGATE**  
Reporting Service, Inc.

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405 Madison Avenue, Suite 900 — Toledo, OH 43604  
PHONE 419-241-2070 TOLL FREE 888-419-2070 FAX 419-241-4713 WEB [www.seagatereporting.com](http://www.seagatereporting.com)

6

- 1 A Uh-huh, yes.
- 2 Q For the record, would you state your full name,  
3 please, and spell your last name?
- 4 A Colin D. Russell, R-u-s-s-e-l-l.
- 5 Q What's your home address, sir?
- 6 A 306 Millburn Court, Mishawaka, Indiana, 46544.
- 7 Q How long have you lived in that town in Indiana?
- 8 A Since 1995.
- 9 Q And that address?
- 10 A That address since 1997.
- 11 Q Okay, thank you. Have you ever been convicted of  
12 a felony?
- 13 A No, sir.
- 14 Q And you've never been involved in litigation  
15 before?
- 16 A Never have, sir.
- 17 Q Have you or any company or organization that  
18 you've been affiliated with ever been accused of  
19 engaging in false advertising or unfair  
20 competition?
- 21 A No, sir.
- 22 Q With whom are you employed?
- 23 A Self.
- 24 Q What do you do in terms of your self-employment?
- 25 A I am a hearing aid dispenser.

7

- 1 Q How long have you been a hearing aid dispenser?
- 2 A Since 1991.
- 3 Q What, if any, degrees do you hold?
- 4 A Bachelor of science in electronics technology with  
5 a minor in microprocessing, graduated from Central  
6 Missouri State University in 1989.
- 7 Q Thank you. Could you start with your full-time  
8 employment after graduating school, with whom were  
9 you employed?
- 10 A Full-time I started -- a short period of time I  
11 worked for Nooter Construction in St. Lewis.
- 12 Q Could you spell that for me, please?
- 13 A N-o-o-t-e-r.
- 14 Q And what did Nooter Construction do?
- 15 A They were a pipefitting company for -- they were a  
16 contractor for the old refinery business.
- 17 Q And how long did you work for Nooter Construction?
- 18 A I only worked for Nooter about three months.
- 19 Q And what was your job?
- 20 A Safety department, I was safety clerk.
- 21 Q Why did you leave the employment of Nooter  
22 Construction, if you recall?
- 23 A To pursue other things.
- 24 Q What did you next pursue?
- 25 A I pursued battery reclamation, and for a short

8

- 1 period of time I and my brother ran a gas station.
- 2 Q Okay. With pursuing battery reclamation, did you  
3 do that on your own?
- 4 A Yes.
- 5 Q And who did it with you, if anyone?
- 6 A Myself.
- 7 Q And how long did that last?
- 8 A Oh, probably nine months to a year at most.
- 9 Q Nine months to one year. And what did your  
10 battery reclamation enterprise consist of?
- 11 A We just collected batteries and shipped them to  
12 the smelter for reclamation.
- 13 Q And what did you do after you did that for nine  
14 months or a year?
- 15 A I worked -- well, actually, I got into the hearing  
16 aid business in 1991.
- 17 Q What did you do in 1991 in terms of getting into  
18 the hearing aid business?
- 19 A I came to work for Beltone Hearing Aid Center, Bob  
20 Timberman. I worked there for six months. I left  
21 there, went to work for E.B. Brown Optical. I  
22 worked for E.B. Brown approximately nine months.
- 23 Q Okay. Give me a minute, please. You worked for  
24 Beltone Hearing Aid Center where?
- 25 A In Toledo, Ohio.

9

- 1 Q Who was your boss?
- 2 A Bob Timberman who is now deceased.
- 3 Q And what did you do for Beltone Hearing Aid  
4 Center?
- 5 A I dispensed hearing aids.
- 6 Q When you dispensed hearing aids for Beltone  
7 Hearing Aid Center, were you aware of the existence  
8 of a company called Kenwood Hearing Center?
- 9 A As a distant competitor, yes.
- 10 Q What do you mean distant competitor?
- 11 A Never knew them, just knew of the name.
- 12 Q By distant, they were located in the same city;  
13 were they not?
- 14 A Uh-huh, yes.
- 15 Q By distant you meant you never had any contact  
16 with them?
- 17 A No.
- 18 Q That's what you meant by distant?
- 19 A Yes.
- 20 Q Thank you. When you worked for Beltone Hearing  
21 Aid Center, did you know how much of the Toledo  
22 market Kenwood Hearing Center had?
- 23 A Again, no.
- 24 Q And why did you leave the employment of Beltone  
25 Hearing Aid Center?



14

1 MR. O'NEAL: Object only if it's  
2 consistent with the -- if the question is  
3 consistent with the answer that he gave.

4 Q Do you remember the question?

5 A **Only in the fact that we are fellow colleagues.**

6 Q So you never said that you were affiliated with  
7 Joyce Johnson or Kenwood?

8 MR. O'NEAL: Object, asked and  
9 answered.

10 Q Is that your testimony?

11 A **Only in the fact that we are fellow colleagues.**

12 Q The question's capable of a yes or no answer, and  
13 I ask you to do so.

14 MR. ROWEN: Read back the question,  
15 please.  
16 (Said question read.)

17 Q Is that correct, yes or no?

18 A **No, only in the fact that we are fellow  
19 colleagues.**

20 Q So in conversation with the elderly, your  
21 potential comments, on occasion you mentioned the  
22 name Joyce Johnson or Kenwood Hearing Center?

23 A **Only in the fact if they as fellow colleagues had  
24 fit a senior citizen with a product, they may have  
25 came into my office at some time or another for**

15

1 **service or for a second opinion, and again, that  
2 constitutes fellow colleagues.**

3 Q Why did you stop doing business as Quality Hearing  
4 Aids?

5 A **I left in 1995 to become the Beltone dealer in  
6 South Bend, Indiana.**

7 Q Were you self-employed as the Beltone dealer in  
8 South Bend, Indiana?

9 A **As before mentioned, I have worked for myself  
10 since 1992, so at any given time I have worked for  
11 myself to present day.**

12 Q So in 1995 when you were the Beltone dealer in  
13 South Bend, Indiana, you were an independent  
14 contractor?

15 MR. O'NEAL: Object.

16 Q Is that your testimony, by being -- in other  
17 words, you weren't employed by Beltone, correct?

18 A **No.**

19 Q You were just a dealer for Beltone?

20 A **I was a Beltone dispenser.**

21 Q Okay. Now, how long did you remain a Beltone  
22 dispenser in South Bend, Indiana?

23 A **Until 1999.**

24 Q Did you have any other employment other than being  
25 a dealer in South Bend, Indiana, for Beltone during

16

1 the period 1995 until 1999?

2 MR. O'NEAL: We object to the  
3 extensive line of questioning regarding  
4 employment prior to the incident involving  
5 this litigation.

6 MR. ROWEN: That's fine. You have a  
7 right to object to anything you want to.  
8 Read back the question. Please give me an  
9 answer.

10 (Said question read.)

11 A **No, sir.**

12 Q Okay.

13 A **Again, let me stress the point, since 1992 I have  
14 worked for no one but Colin Russell.**

15 Q Why did you cease being a dispenser for Beltone in  
16 1999?

17 MR. O'NEAL: Again, we object.

18 Q Go ahead.

19 MR. O'NEAL: If you don't want to  
20 answer that question, you don't have to,  
21 because we consider it unrelated to the  
22 present litigation. You can give an  
23 opinion by contacting the judge if  
24 opposing counsel wishes to do that.

25 MR. ROWEN: Are you instructing --

17

1 are you instructing him not to answer the  
2 question?

3 MR. O'NEAL: No, I'm telling him what  
4 his choices are. I'm advising him of his  
5 choices.

6 MR. ROWEN: Okay.

7 Q Did you hear your counsel?

8 A **Yes.**

9 MR. ROWEN: Read back the question.  
10 (Said question read.)

11 MR. O'NEAL: If you don't think  
12 that's a reasonable question under the  
13 circumstances as related to this case, you  
14 do not have to answer that question.

15 A **That has no relationship to this case. This whole  
16 line of questioning of my history up to this point  
17 has no relationship to this case.**

18 Q Let me make this very clear to you,  
19 notwithstanding what your learned counsel has said  
20 to you. I'm going to ask you the questions. If  
21 you're telling me you're not answering them, I'm  
22 going to ask you if you do it under instruction of  
23 your counsel. If you say yes, I'll move on. If  
24 you tell me you're doing it on your own, I'm going  
25 to move on, and then at a later date at my

22

1 Q Did you ever rent space in the Kenwood -- I'm  
2 sorry, did you ever rent space in the Westgate  
3 Office Building?  
4 A Yes, I did. I know her suite is 134. I do not  
5 remember the suite number that was inside the  
6 building. I can get that information for you.  
7 Q When did you rent space in the Westgate Office  
8 Building?  
9 A If my memory serves me correct, Hearing Aid  
10 Service leased space in that building when we were  
11 reopening in Toledo, I believe -- when was that --  
12 2003 maybe, the first part of -- it would have been  
13 the first part of 2004 or the fall of '03. I'd  
14 have to go back and find out on the lease whenever  
15 the lease began. We operated there several months  
16 as Hearing Aid Service, Incorporated.  
17 Q You used the phrase when reopening in Toledo. Are  
18 you referring to the same -- when you say  
19 reopening, the prior time when you were in Toledo  
20 or had you been in Toledo operating under the name  
21 Hearing Aid Service, Incorporated?  
22 A No. I'm just referring to business in town and  
23 being here as a business entity.  
24 Q Okay. So the phrase reopening would be after you  
25 left previously to take up the Beltone dealership?

23

1 A Uh-huh, yes, nearly ten years had went by, nine  
2 years.  
3 Q Okay. Thank you very much.  
4 A You're welcome.  
5 Q Now, did you have a written lease in Westgate?  
6 A Yes.  
7 Q And what was the term of the lease?  
8 A It was a one-year lease. Do you need to know the  
9 amount of dollars per month?  
10 Q No, no. And you terminated that lease within the  
11 year?  
12 A No, we finished out the year.  
13 Q So you were there for a year?  
14 A We leased that space for one year. We was good to  
15 our lease and good to our word.  
16 Q And while that lease was in effect, were you not  
17 located on Sylvania Avenue?  
18 A There may have been a couple of months in the  
19 transition of over -- you know, where it lapped  
20 over. I mean, if you're going to begin a new  
21 office, a new lease begins, if there's an old lease  
22 ending, you have to honor that lease, so -- okay?  
23 Q And again, this Hearing Aid Services, Inc. is that  
24 the same name or a synonymous name with Hear Ear  
25 Hearing Aid Center?

24

1 A No, that corporation pretty much ceased to exist.  
2 We were -- in our pursuit of building our own name  
3 I chose Hear Ear as my ultimate name of choice.  
4 Q Okay.  
5 A Hearing Aid Service is too generic. It doesn't  
6 identify one as an individual. That's why we chose  
7 Hear Ear as our ultimate name of choice.  
8 Q Is Hear Ear a corporation?  
9 A Yes.  
10 Q And who is the -- who are the shareholders?  
11 A I am.  
12 Q And I assume that you contributed the initial  
13 capital?  
14 A Well, of course.  
15 Q And all the capital?  
16 A Of course.  
17 Q And when you had Hearing Aid Services,  
18 Incorporated, it too was a corporation solely owned  
19 by you?  
20 A Yes.  
21 Q Thank you. Now, these various names that we've  
22 talked about, let's do them individually first.  
23 A Yes.  
24 Q The name Hear Ear Hearing Aid Center was a name  
25 that you had selected?

25

1 A Ultimately, yes.  
2 Q Was anyone else involved in the selection process  
3 besides you?  
4 A No. Again, it is me, myself, Colin Russell.  
5 Q And the name Hearing Aid Services, Incorporated,  
6 was a name that you yourself had selected too,  
7 correct?  
8 A Yes.  
9 Q Thank you. Who selected the name Kenwood Hearing  
10 Aid Center which would be utilized by you in  
11 conjunction with either Hearing Aid Services, Inc.  
12 or Hear Ear Hearing Aid Center?  
13 MR. O'NEAL: We object to that  
14 question in the phrasing you had.  
15 MR. ROWEN: Read back the question.  
16 I want to make sure you understand it  
17 because I loved the phrasing of it. Would  
18 you read it back, please.  
19 (Said question read.)  
20 MR. O'NEAL: Again, for the record,  
21 we object to it for the purposes of the  
22 phrasing hereof, the reason that it  
23 includes -- it has a provision within that  
24 has not been shown on record, that has not  
25 been shown on record by his testimony.

30

1 **neighborhood that is referred to as Kenwood.**  
2 **Q** Right. But you referred to in your testimony  
3 minutes ago to Kenwood, Ohio. Is that a mistake?  
4 **A** **That was a mistake, yes.**  
5 **Q** So it should have been a portion of Toledo, Ohio,  
6 around the Kenwood Shopping Center; is that fair?  
7 **A** **Correct, yeah.**  
8 **Q** Okay. Now, you yourself never had any business or  
9 prior experience in connection with the Kenwood  
10 Shopping Center, did you?  
11 **A** **No.**  
12 **Q** All right, thank you. When you selected the name  
13 Kenwood to be used in conjunction with one of your  
14 companies, did you know of the existence of Joyce  
15 Johnson's business called Kenwood Hearing Center,  
16 yes or no?  
17 **A** **Yes.**  
18 **Q** Had you known when you selected the name Kenwood  
19 in connection with your two business corporations  
20 that Kenwood Hearing Center had been in business  
21 since February of 1993?  
22 **A** **I knew that they had been around several years.**  
23 **Q** Did you know that they had at one time been  
24 located in the Kenwood Shopping Center?  
25 **A** **Yes.**

31

1 **Q** Through either one of the companies whose names  
2 you've utilized in Toledo since your reopening, to  
3 use your phrase, did you ever sell a private  
4 hearing aid brand?  
5 **A** **No, sir.**  
6 **Q** You never sold a hearing aid brand by the name of  
7 Kenwood hearing aids?  
8 **A** **No, sir.**  
9 **Q** Are you aware of whether there is any hearing aid  
10 manufacturer who markets nationally or  
11 regionally --  
12 **A** **No, sir, there isn't.**  
13 **Q** -- let me finish, sir -- a brand of hearing aids  
14 called Kenwood hearing aids?  
15 **A** **No, sir, there is not. I believe you already knew**  
16 **that according to your correspondence to me, you**  
17 **had done that research.**  
18 **Q** In the time you had selected the name Kenwood in  
19 conjunction with either one of your two companies  
20 since the reopening of your hearing aid business in  
21 Toledo, were you aware of the reputation that  
22 Kenwood Hearing Aid -- I'm sorry, that Kenwood  
23 Hearing Center had established prior to your  
24 opening and using the name?  
25 **MR. O'NEAL:** Object to that question.

32

1 **A** Prior to my opening and using the name of Kenwood  
2 **Q** Yes, sir.  
3 **A** **Sir, again, let's state the fact. When we opened,**  
4 **we were Hear Ear Hearing Aids in the Westgate**  
5 **Building. We never used the name Kenwood Hearing**  
6 **Aids, Kenwood Hearing Aid Center, although we were**  
7 **granted the right by the State of Ohio, and yes,**  
8 **you're going to pull out the phone book listing.**  
9 **(Plaintiff's Exhibit 1 marked.)**  
10 **A** **Can I finish --**  
11 **Q** No.  
12 **A** **-- the answer?**  
13 **Q** No, you weren't talking. There wasn't a question  
14 before you. You're not here to engage in a  
15 soliloquy. You're here to respond to my questions.  
16 **A** **You wanted me to respond to the question of**  
17 **reputation.**  
18 **Q** Excuse me, we're not on that. We're getting back  
19 to that. Take a look, please, at Plaintiff's  
20 Exhibit 1.  
21 **MR. ROWEN:** I don't want you talking  
22 to him.  
23 **MR. O'NEAL:** Note on the record that  
24 I'm speaking with my client, please.  
25 **(Mr. O'Neal conferring with Mr. Russell.)**

33

1 **MR. ROWEN:** I don't know how you do  
2 things in Dayton, but here we don't talk  
3 to our client when a question's pending  
4 and a lawyer's trying to ask a question  
5 where you can see where I'm going by an  
6 exhibit, and I'm asking you to refrain  
7 from that, and if you don't, I will call  
8 the judge on that issue.  
9 **MR. O'NEAL:** That's okay.  
10 **MR. ROWEN:** Have you marked  
11 Plaintiff's Exhibit 1?  
12 **COURT REPORTER:** Yes.  
13 **Q** Have you been handed Plaintiff's Exhibit 1?  
14 **A** **Yes, I did, but I have not finished the answer to**  
15 **the previous question.**  
16 **Q** I expect you to answer questions that are posed to  
17 you. The question is do you have Plaintiff's  
18 Exhibit 1 in front of you, yes or no?  
19 **A** **I have not finished the answer to the previous**  
20 **question, sir, of reputation. You're not allowing**  
21 **me to finish the answer to the questions you're**  
22 **asking.**  
23 **Q** Mr. Russell, we'll get to that. Take a look at  
24 Plaintiff's Exhibit 1.  
25 **A** **Yes.**

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1 familiar with it?

2 A Yes.

3 Q And could you tell us what that reputation was in

4 your judgment?

5 A **That they were fellow colleagues who provided**

6 **audiological services to the community.**

7 Q And what about hearing aid fitting and dispensing?

8 A I am --

9 Q What was the reputation in connection with that,

10 sir, if you understand?

11 A **I understand that that is part of their business.**

12 Q Do you know whether they had a reputation for

13 being excellent in doing so?

14 A **Answering that as a matter of opinion?**

15 Q Yes.

16 A Yes.

17 Q And what is your opinion?

18 A **My opinion of Kenwood?**

19 Q Yeah.

20 A **Kenwood Hearing Center?**

21 Q Yes.

22 A **They must be doing something right to be still in**

23 **business today.**

24 Q So you don't know whether they had a reputation

25 for excellence among referring physicians, do you?

39

1 A No.

2 Q And you don't know whether they had a reputation

3 among the elderly as being fair and good in terms

4 of the service that they were given?

5 A **No, that could only be decided from within the**

6 **realms of an individual office.**

7 Q Thank you very much.

8 MR. O'NEAL: We would object to both

9 of those questions.

10 MR. ROWEN: A little late and under

11 the gun, but the objection is duly noted,

12 thank you.

13 Q Now, who was -- well, you were involved in

14 selecting your first office in the Kenwood

15 Hearing -- I'm sorry -- in the Westgate Office

16 Building; is that correct?

17 A Yes.

18 Q And why did you choose that office building in

19 connection with all the other office space in

20 Toledo, Ohio?

21 A **Because the Westgate Building is a landmark**

22 **building and they had a space available.**

23 Q And you're telling us under oath that the fact

24 that the Kenwood Hearing Center was there was not a

25 factor that you considered in choosing the Westgate

40

1 Office Building; is that your honest testimony?

2 A **Yeah, that's my honest testimony, yes, sir.**

3 Q Thank you. Is it true that you closed your office

4 in the Westgate Office Building as a result of a

5 merger or consolidation?

6 A Yes.

7 Q And who made the decision to have a merger or

8 consolidation in the fourth quarter of 2004?

9 A **I myself.**

10 Q And what was your motivation for doing so?

11 MR. O'NEAL: Object, it's been asked

12 and answered. Go ahead.

13 A **The office space we were in in the Westgate**

14 **Building had no frontage, had no signage. We**

15 **wanted to find a better office space in a medical**

16 **facility. That's why we're where we're at today**

17 **and signed a three-year lease.**

18 Q When you contacted SBC to cancel the telephone --

19 A Uh-huh.

20 Q -- did you consider having the phone number

21 transferred to your new location?

22 A **The 473-1900 listing --**

23 Q Right, that's the number we're talking about, sir.

24 A **Okay. That never was in operation at the Westgate**

25 **Building, so there was no relocation of anything.**

41

1 Q So you just discontinued that number?

2 A **Just discontinued that number.**

3 Q And that phone number that was listed in the phone

4 book on Kenwood actually ran on the Sylvania

5 address, ran into the Sylvania --

6 A **That would have been part of the Sylvania Avenue,**

7 **yes.**

8 Q Okay, thank you.

9 MR. O'NEAL: Clarification. Would

10 you mind stating that phone number?

11 A **419-473-1900.**

12 Q Did you have a lot of colleagues who were hearing

13 dispensers in Fort Wayne, Indiana, in 2004?

14 MR. O'NEAL: I object,

15 characterization as to what colleagues is

16 being referred to.

17 MR. ROWEN: Read back the question.

18 (Said question read.)

19 A No.

20 Q Did you know any hearing aid dispensers in Fort

21 Wayne --

22 MR. O'NEAL: I --

23 MR. ROWEN: Let me finish the

24 question, please.

25 MR. O'NEAL: Go ahead, Ted.

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1 MR. O'NEAL: Okay.  
 2 BAILIFF: Let me get the judge on  
 3 the phone.  
 4 MR. ROWEN: That's fine.  
 5 BAILIFF: Is that okay, Ted?  
 6 MR. ROWEN: Sure. Thank you.  
 7 BAILIFF: Okay. Let me get the  
 8 judge.  
 9 MR. ROWEN: Thank you.  
 10 (Discussion held off the record.)  
 11 JUDGE ZOUHARY: Good morning, Ray and  
 12 Ted. How are you?  
 13 MR. ROWEN: Good morning, your  
 14 Honor.  
 15 MR. O'NEAL: Good morning.  
 16 JUDGE ZOUHARY: How can I help?  
 17 MR. ROWEN: I'm very sorry to bother  
 18 you.  
 19 JUDGE ZOUHARY: No bother.  
 20 MR. ROWEN: We're in the process of  
 21 taking the deposition of the individual  
 22 and 30(B)(5) of the corporation.  
 23 JUDGE ZOUHARY: Right.  
 24 MR. ROWEN: And during questioning  
 25 while the question was being posed, I

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1 noted that Mr. O'Neal was attempting to  
 2 talk to the client and asked him not to do  
 3 that and told him we don't do that in  
 4 Toledo, Ohio, when questions are pending  
 5 or being posed, and then I asked him a  
 6 question, the deponent, about a  
 7 conversation that he supposedly had with a  
 8 hearing aid dealer in Lima where he  
 9 bragged about how he was able to use the  
 10 name Kenwood in connection with his new  
 11 business here, and I saw that while the  
 12 question was pending or just been finished  
 13 that the deponent wanted to talk to  
 14 Mr. O'Neal, and I asked him not to do it  
 15 and asked him to stay on the record and  
 16 not talk while I attempted to contact you,  
 17 because with everything I know that's  
 18 inappropriate.  
 19 They left the room, they would not  
 20 stop from having a conversation, and now  
 21 they're back in the room, and I'm calling  
 22 you and noting the problem, and my  
 23 understanding is that the deposition is  
 24 supposed to be conducted without  
 25 consultation while a question is pending.

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1 Mr. O'Neal, your position?  
 2 MR. O'NEAL: Good morning, your  
 3 Honor.  
 4 JUDGE ZOUHARY: Good morning.  
 5 MR. O'NEAL: Again, we just simply  
 6 take opposition with the way Mr. Rowen is  
 7 explaining this circumstance to the Court.  
 8 I don't believe at either time there was  
 9 any conversation going on, and my client  
 10 did look at me and I did walk out of the  
 11 room with him, because he simply asked  
 12 prior to walking -- you said -- I asked  
 13 Mr. Rowen could we go off the record for a  
 14 second, which he objected.  
 15 He's been screaming at me, and he  
 16 talks about unprofessionalism. This is  
 17 the first time I've ever attended a  
 18 deposition in which opposing counsel felt  
 19 he has a right to scream across the table  
 20 at the other counsel. I don't know  
 21 whether it's because it's in his office or  
 22 whatever his philosophy of the practice  
 23 is. I oppose just generally to his tone  
 24 of conduct.  
 25 Now, my experience is simply

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1 professional courtesy among counsel if a  
 2 client is insisting, if the deponent is  
 3 insistent to momentarily speak with  
 4 counsel about whatever, that upon request  
 5 to go off the record for a second that  
 6 that request be granted. This was not a  
 7 crucial question. The question was not  
 8 even relevant to the issues of the case  
 9 from my point of view, so for him to  
 10 consider it a crucial question and  
 11 absolutely shout across the table to me  
 12 was an affront to me. As a matter of  
 13 fact, it was embarrassing the way he was  
 14 conducting himself to me among -- before  
 15 his client and my client, because I'm not  
 16 used to that, but at any rate, he insisted  
 17 on calling your Honor, and we're here.  
 18 Now we're back in the courtroom -- back in  
 19 the deposition conference room. We were  
 20 only gone for about ten seconds.  
 21 MR. ROWEN: Your Honor, if I could.  
 22 JUDGE ZOUHARY: Sure.  
 23 MR. ROWEN: Number one, I haven't  
 24 been yelling at anyone. He's been  
 25 interrupting the questioning. I've asked

54

1 located in Toledo, Ohio, before today if you can  
 2 recall?  
 3 **A Physically? Probably four weeks ago.**  
 4 **Q** Okay, thank you. The phone number that had been  
 5 discontinued, do you know if there was caller ID on  
 6 it?  
 7 **A Yes, there was.**  
 8 **Q** And do you maintain a list of the people who  
 9 called you and utilized that number?  
 10 **A Yes, yes.**  
 11 **Q** And you have that list?  
 12 **A They -- I'm sure we had the caller ID on it. I'm**  
 13 **sure that they would have record of that.**  
 14 **Q** Would you make that list available to me?  
 15 **A Yes, I would.**  
 16 **Q** Okay. Thank you.  
 17 **A I can tell you exactly who called that list.**  
 18 **Q** Who called that list?  
 19 **A Two from the Plaintiff and one from the**  
 20 **Plaintiff's attorney.**  
 21 **Q** Plaintiff's attorney being me?  
 22 **A Yes.**  
 23 **Q** And who called -- do you know which --  
 24 **A I don't know, there's several people who works**  
 25 **there.**

55

1 **Q** So your recollection is that there was a record  
 2 that shows on December 13, 2004, and that's the  
 3 question, that the Plaintiff called twice? Let me  
 4 back it up. I withdraw the question. You said you  
 5 believe the record shows the Plaintiff called that  
 6 number twice?  
 7 **A I believe.**  
 8 **Q** Do you know if the record shows that the Plaintiff  
 9 called on December 13th?  
 10 **A It would have been during that time frame, yes.**  
 11 **Q** That's fine. Did anyone report to you that  
 12 someone called on December 13th and asked if Joyce  
 13 Johnson was there?  
 14 **A No.**  
 15 **Q** And so no one told you that had occurred?  
 16 **A No.**  
 17 **Q** So therefore you have no knowledge what the  
 18 conversation was if she called?  
 19 **A No, no.**  
 20 **Q** Thank you very much.  
 21 **MR. O'NEAL:** Clarification, Ted, do  
 22 you still want the list?  
 23 **MR. ROWEN:** Yes.  
 24 **MR. O'NEAL:** We would object to that.  
 25 **MR. ROWEN:** And the basis of your

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1 objection?  
 2 **MR. O'NEAL:** Is your objection to the  
 3 list that we asked for.  
 4 **MR. ROWEN:** I'll file a formal  
 5 request. Thank you.  
 6 **Q** Do you recall anyone who was employed in that  
 7 office during the time that phone number was in  
 8 effect reporting to you that someone had inquired  
 9 what type of hearing aids your company was selling?  
 10 **A Yes, yourself, I understand that you had called**  
 11 **and asked if we carried a Kenwood hearing aid.**  
 12 **Q** And what was the response? Will you tell me what  
 13 the response was?  
 14 **A My response to that was no, we have abandoned that**  
 15 **idea, we're going with Hear Ear, we are in the**  
 16 **process -- it was still a new office, okay, he was**  
 17 **not aware that the Kenwood was probably even in the**  
 18 **phone book because it came out by mistake as I've**  
 19 **stated time and time again, it came out by mistake**  
 20 **in Exhibit 1, which was a mistake on our behalf,**  
 21 **but I don't know the exact extent of the**  
 22 **conversation, I was not there.**  
 23 **Q** Who's he that you're referring to?  
 24 **A Brad Stanfield had made mention to me that a Rowen**  
 25 **attorney's office or a Rowen had called.**

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1 **Q** Okay. Now, when you said this was a mistake, you  
 2 placed this listing, did you not, under the name  
 3 that appears in Plaintiff's Exhibit 1?  
 4 **A Yes.**  
 5 **Q** Okay. Thank you.  
 6 **A By the authority given me by the State of Ohio.**  
 7 **Q** Thank you.  
 8 **A Later it was canceled.**  
 9 **Q** Thank you.  
 10 **A And no business was conducted under that number.**  
 11 **Q** And you know it was canceled after you had  
 12 received a cease and desist letter from me?  
 13 **A As well as yes, I had responded to you and to your**  
 14 **client.**  
 15 **Q** So my point is you canceled the listing after you  
 16 got the cease and desist letter from me; is that  
 17 correct?  
 18 **A Yes, I was pretty much unaware of the listing.**  
 19 **Q** Thank you. During the period of time that your  
 20 business has reopened and when you were in the  
 21 Westgate Office Building, are you aware of any  
 22 actual confusion of mail being delivered to you  
 23 that was addressed to Kenwood Hearing Center or  
 24 vice versa?  
 25 **A No, there were a couple -- you know what, I would**

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1 than the word -- the phrase deceptive and unlawful  
 2 use?  
 3 **A Yes, in the last paragraph in the letters behind**  
 4 **the person's name, BCIHS, I'm curious as to --**  
 5 **Q I'm sorry, I'm not -- where are you referring to?**  
 6 **A In the last paragraph of Page 1.**  
 7 **Q Okay.**  
 8 **A What does BCIHS stand for? That's wrong.**  
 9 **Q Okay.**  
 10 **A It's BCHIS, not IHS. I don't know where that came**  
 11 **from.**  
 12 **Q Anything else in this letter that you considered**  
 13 **to be erroneous?**  
 14 **A To go on to say that through this phrase this**  
 15 **individual is a hearing aid dispenser salesperson**  
 16 **which can mean many things does not mean many**  
 17 **things.**  
 18 **Q Where are you reading from, sir?**  
 19 **A That same paragraph.**  
 20 **Q Last paragraph on Page 1 of Plaintiff's Exhibit 3?**  
 21 **A If the letters behind the person's name --**  
 22 **person's name are BCIHS, this means that an**  
 23 **individual is a hearing aid dispenser or**  
 24 **salesperson, which can mean many things. That's**  
 25 **wrong.**

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1 **Q It doesn't mean many things?**  
 2 **A No.**  
 3 **Q What does it mean?**  
 4 **A It means board certified hearing -- BCIHS means**  
 5 **nothing.**  
 6 **Q I understand. BCHIS, the correct one means what?**  
 7 **A BCHIS means board certified hearing instrument**  
 8 **specialist.**  
 9 **Q Okay. Anything else that appears in Plaintiff's**  
 10 **Exhibit 3 that you take issue with as being**  
 11 **incorrect?**  
 12 **A Also somewhat misleading in that same paragraph**  
 13 **where it says and some other minimal education. We**  
 14 **are required by the State of Ohio to carry**  
 15 **continuing education as well as the Board of**  
 16 **American Speech, Language, and Hearing -- no, no --**  
 17 **as well as the Ohio Board of Speech, Language,**  
 18 **Pathology, and Audiology requires their**  
 19 **constituents to carry continuing education hours.**  
 20 **Q Anything else that you take issue with as being**  
 21 **inaccurate in connection with Plaintiff's Exhibit 3**  
 22 **other than what you've already told us so far?**  
 23 **A No.**  
 24 **Q Now, before you reopened your business in Toledo,**  
 25 **Ohio, you contacted the Secretary of State's**

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1 office; is that correct?  
 2 **A Yes, when establishing Hearing Aid Service, I did,**  
 3 **yes.**  
 4 **Q And when's the first time in connection with the**  
 5 **reopening of these businesses did you contact the**  
 6 **State of Ohio Secretary of State's office to make**  
 7 **various inquiries, when's the first time, if you**  
 8 **can recall?**  
 9 **A It would have had to have been a few months prior**  
 10 **to the opening of Hearing Aid Service,**  
 11 **Incorporated, at the Westgate Building.**  
 12 **Q So we're talking about approximately what date,**  
 13 **sir, or if you can give me a range?**  
 14 **A I don't know.**  
 15 **Q Okay.**  
 16 **A That I don't know.**  
 17 **Q All right.**  
 18 **A I don't keep record of that.**  
 19 **Q No one else contacted the Secretary of State**  
 20 **except you?**  
 21 **A Correct.**  
 22 **Q How many times did you contact the Secretary of**  
 23 **State, if you can recall?**  
 24 **A Twice for sure.**  
 25 **Q Okay. And do you recall the time differential**

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1 between --  
 2 **A No.**  
 3 **Q -- the first -- let me finish, please.**  
 4 **A Okay, I thought you were done, sir.**  
 5 **MR. ROWEN: Can you read back the**  
 6 **partial question?**  
 7 **(Said question read.)**  
 8 **Q -- the first contact and the second contact with**  
 9 **the Secretary of State? Are you talking days,**  
 10 **weeks?**  
 11 **A It would have been days maybe.**  
 12 **Q Okay. What were you able to ascertain from the**  
 13 **Secretary of State as a result of the first**  
 14 **conversation as to availability of names?**  
 15 **A It would have been longer than days.**  
 16 **Q How long?**  
 17 **A Several months probably, at least three, four**  
 18 **months.**  
 19 **Q All right. What was the first -- what was your**  
 20 **first reason for contacting the Secretary of State**  
 21 **the first time before the three or so month period?**  
 22 **A Seeing if the name Hearing Aid Service was**  
 23 **available.**  
 24 **Q And was it available?**  
 25 **A Yes.**

CERTIFICATE

STATE OF OHIO )  
 ) SS.  
COUNTY OF LUCAS )

I, Nicole D. Blaker, Registered Professional  
Reporter and Notary Public in and for the State of  
Ohio, duly commissioned and qualified, do hereby  
certify that COLIN D. RUSSELL was by me first duly  
sworn; that the testimony then given was by me reduced  
to stenotype, afterwards transcribed upon a computer;  
that the foregoing is a true and correct transcript of  
the testimony so given as aforesaid; that this  
deposition was taken at the time and place in the  
foregoing caption specified.

I do further certify that I am not a relative,  
employee, or attorney of any of the parties or counsel  
employed by the parties hereto or financially  
interested in this action, **nor am I or JUDGE ZOUHARY**  
**reporting firm with which I am affiliated under a**  
**contract as defined in Civil Rule 29(D).**

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my notarial seal of office at Toledo,  
Ohio, this \_\_\_\_ day of October, 2005.

\_\_\_\_\_  
NICOLE D. BLAKER, RMR  
Notary Public in and for the  
State of Ohio

My Commission expires January 26, 2009.



**IN THE COMMON PLEAS COURT OF LUCAS COUNTY OHIO****STATE OF OHIO**

)

**Case No. CI-200501055**

) ss

**COUNTY OF MONTGOMERY**

)

**AFFIDAVIT OF COLIN RUSSELL**

**COLIN RUSSELL**, Business Operator, Hear Ear Hearing Aids, Inc., Toledo, Ohio, an Ohio corporation, after being duly cautioned and sworn, states that he is the affiant herein.

Further, as defendant in Lucas County, Ohio Common Pleas Court Case Number CI05-1055, affiant states that he is aware that his counsel is processing necessary document for the resolution of this case and has request his affidavit. In this regard, affiant provides the below statements, incorporating as may be necessary and required respective exhibits attached hereto.

1. Affiant has operated a hearing aid business at the Westgate Office Building, 3450 West Central Avenue, Toledo, Ohio, since January 20, 2004. (See Attached copy of lease agreement, as Exhibit 1.)

2. Affiant's lease agreement mentioned at paragraph three (3) immediately above was executed using the business name Hearing Aid Service, Inc., by affiant's name as its business President. (See attached copy of Exhibit 1, at pages 2, 17, and 19

3. The trade name Kenwood Hearing Aids was authorized by the Ohio Secretary of State, J. Kenneth Blackwell, Certificate Number 1478796, Document Number 200420802245, as an acceptable trade name to be used in the state of Ohio on July 1, 2004. through the period July 23, 2004. (See attached copy of Certificate, as Exhibit 2.)

4. The corporate name Kenwood Hearing Aid Center, Inc. was authorized by the Ohio Secretary of State, J. Kenneth Blackwell, Certificate Number 148351, Domestic Articles of Incorporation Document Number 200422202662, as a acceptable for operating a corporation in the State of Ohio on September 1, 2004. (See attached copy of Certificate, as Exhibit 3.)

5. Affiant never used in its business operation the name Kenwood Hearing Aids, either by the answer of its telephones or by advertisement.

6. Affiant placed ads of its hearing aids service in the local newspaper, The Toledo Blade, to be advertised in the name of Hearing Aid Service and Hear Ear, but never Kenwood Hearing Aids. (See copies of newspaper advertisement contracts, as Exhibit 4 and 5.)

7. Although in December 2004, affiant intended to place an ad for advertisement of the name of Kenwood Hearing Aids in the SBC telephone directory, but said request for advertisement was timely cancelled and requested to be withdrawn before the publication and distribution of the 2005 telephone directories. (See letter from SBC offering SBC's regrets for err incurred, as Exhibit 6.)

8. Affiant states that the publication and use of the business name "Kenwood" in conjunction with the hearing aid business can after his cancellation is totally attributed to the error committed by the Ohio SBC by the publication after affiant's cancellation of the ad. (See Exhibit 7.)

9. Affiant acknowledges its receipt of plaintiff counsel's notices of cease and desist dated December 17, 2004 and December 23, 2004, relative to the use of the name "Kenwood" as related to the operation of hearing aid services, and affiant responded.

10. Affiant immediately responded to plaintiff proposing settlement prior to litigation.

**FURTHER, AFFIANT** states that on no occasion since authorized by the Secretary of State of Ohio has obtained or involved his hearing aid businesses in any sales or other hearing aid business transaction for gain having used the business name Kenwood Hearing Aids.

**FURTHER AFFIANT** states that the plaintiff's only proof of claim to-date of "confusion" of use of name is based a mistaken postal delivery of two envelopes (two different deliveries over time) of mass mailed solicitations and materials originated from Capital One. (Capital One Bank is known to engage in mass marketing solicitation by way of mass mailing to the general public or individuals whose names and addresses may have appeared on a general public list, and in this case Kenwood Hearing Aids name appeared as an applicant for incorporation to the Ohio Secretary of State. Capital One's envelope of solicitation was delivered by postal mistake to plaintiff's address.) (See Exhibit 8)

**FURTHER AFFIANT SAYETH NAUGHT.**

  
COLIN RUSSELL

Sworn to before me and subscribed in my presence by the said Colin Russell, on this  
14 day of December, 2005.

1 Affidavit Russell a

  
Notary Public  
JENNIFER CRAIG-ARAÚJO  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP. APR. 16, 2010



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
07/27/2004	200420802246	TRADE NAME/ORIGINAL FILING (RNO)	50.00	.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

COLIN D RUSSELL  
306 MILBURN CT  
MISHAWAKA, IN 46544

# STATE OF OHIO CERTIFICATE

**Ohio Secretary of State, J. Kenneth Blackwell****1478796**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**KENWOOD HEARING AIDS**

and, that said business records show the filing and recording of:

**Document(s)****TRADE NAME/ORIGINAL FILING**

Date of First Use: 07/01/2004  
Expiration Date: 07/23/2009

**Document No(s):****200420802246**

COLIN RUSSELL  
306 MILBURN CT.  
MISHAWAKA, IN 46544



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 23rd day of July, A.D.  
2004.

*J. Kenneth Blackwell*  
Ohio Secretary of State



Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.state.oh.us/sos  
e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)

☐ Yes PO Box 1390  
Columbus, OH 43216  
— Requires an additional fee of \$100 —  
☐ No PO Box 670  
Columbus, OH 43216

**NAME REGISTRATION**  
(For Domestic/Foreign Profit or Non-Profit)  
Filing Fee \$50.00

THE UNDERSIGNED HEREBY STATES THE FOLLOWING:

(CHECK ONLY ONE (1) BOX)

<p>(1) <input checked="" type="checkbox"/> Trade Name (167-RNO) Date of first use <u>7/1/04</u> <u>MMDDYYYY</u></p>	<p>(2) <input type="checkbox"/> Fictitious Name (169-NFO)</p>	<p>(3) Name Reservation (160-NRD) <input type="checkbox"/> Original <input type="checkbox"/> Renewal Registration No. _____</p>
---	---	---

Complete the information in this section if box (1) or (2) is checked.

The exact name being registered or reported is

Kenwood Hearing Aids

The Registrant is (Check Appropriate Box)

<p><input checked="" type="checkbox"/> Individual <input type="checkbox"/> Limited Partnership, Reg. No. _____ <input type="checkbox"/> Ohio Limited Liability Co., Reg. No. _____ <input type="checkbox"/> Ohio Corporation, Charter No. _____ <input type="checkbox"/> General Partnership <input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Foreign Corporation incorporated in the state of _____ holding Ohio license no. _____ <input type="checkbox"/> Unincorporated Association <input type="checkbox"/> Foreign Limited Liability Co. holding Ohio Reg. No. _____ organized in the state of _____</p>
---	--

The name of the registrant designated above is

Colin Russell

NOTE: Where the registrant is a partnership, the name of the partnership must appear on this line. If the registrant is a foreign corporation licensed in Ohio under an assumed name, both the assumed name and actual corporate title of such corporation must appear on this line.

The business address of the registrant is

306 Milburn Ct.

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

Mishawaka

(City)

St Joseph

(County)

IN

(State)

46544

(Zip Code)

Complete the information in this section if box (1) or (2) is checked Cont..

Complete only if registrant is a general partnership

NAME OF ALL GENERAL PARTNERS

COMPLETE RESIDENTIAL ADDRESSES (including zip code)

NOTE: Pursuant to OAG 89-081, if a general partner is a foreign (out-of-state) corporation, it must be licensed to transact business in Ohio; if a general partner is a foreign corporation licensed in Ohio under an assumed name, please note both the assumed name and actual corporate title of such general partner.

The nature of the business conducted by the registrant under the trade or fictitious name is (please be specific)

Hearing Aid Sales & Service

Complete the information in this section if box (3) is checked.

☐ Please reserve the name listed below. (only one name per form)

☐ Please reserve the first name available in the order of my preference.

I understand that I am not guaranteed the reservation UNTIL I RECEIVE WRITTEN CONFIRMATION FROM THE SECRETARY OF STATE'S OFFICE STATING THAT THE NAME HAS BEEN REGISTERED TO ME

The name reservation is valid for a period of 180 days.

(First Choice)

(Second Choice)

(Third Choice)

(Applicant)

(Print Name)

(Address)

(City, State and Zip Code)

**REQUIRED**

Must be authenticated (signed)  
by an authorized representative  
(See Instructions)

Colin Russell  
Authorized Representative

7-11-04  
Date

Authorized Representative

Date

AT&T EX-7

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**Colin Russell, Hear War Hearing Aids, Inc.  
and Hear Ear Hearing Aids Center, Inc.**

**Complainant,**

**v.**

**AT&T OHIO**

**Defendant.**

**Case No. 07-1057-TP-CSS**

---

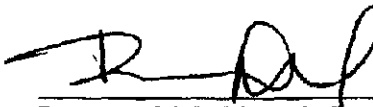
**PART ONE  
COMPLAINANT'S ANSWERS TO RESPONDANT'S INTERROGATORIES  
AND REPLY TO RESPONDANT'S REQUEST FOR  
PRODUCTION OF DOCUMENTS**

---

Now comes Complainant, Colin Russell, who provides his Answers to Respondent's Interrogatories and Response To Requests for Production of Documents, as stated below:

**See Attached, PART ONE, COMPLAINANT'S ANSWERS TO RESPONDANT'S INTERROGATORIES AND REPLY TO RESPONDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS, As Attached Sheets Providing Written Responses To Interrogatories 1-11 (actual interrogatory responses seven pages in total) And Responses To Requests For Production Of Documents Questions 1-6 (Forty-two pages in total).**

Respectfully submitted,



Raymond W. O'Neal, Sr.  
Attorney for Complainant, Colin Russell  
11 W. Monument Avenue, Suite 304  
Dayton, Ohio 45402  
(937) 222-7773

11/20/2007 15:00 9372227747

LAW OFFICE RAY ONEAL

PAGE 83

(B) "Document" includes any written or recorded or graphic matter, however produced or reproduced, including but not limited to: correspondence, telegrams, e-mails or other written, typed or printed communications, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, microfiche, pictures, data processing cards or disks, computer tapes and other computer generated and stored information or data base, calendars, or any writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession.

(C) "You" or "yours" means Colin Russell, Hear Ear Hearing Aids, Inc., and Hear Ear Hearing Aid Center, Inc., your agents, or others acting on your behalf.

(D) "Identify" when referring to a person or business organization means to state the name, business address, primary business telephone number and title, if applicable, of the person or business organization.

(E) "Respondent" means AT&T Ohio, its officers, agents, employees or others acting on its behalf.

**INTERROGATORY NO. 1:** Please state the names and addresses of each person having personal knowledge of any of the facts or circumstances alleged in the Complaint filed by you with the Public Utilities Commission of Ohio on or about September 24, 2007.

**ANSWER:**

Colin Russell  
306 Milwaukee  
Mishawaka In. 46544

---

<sup>1</sup> The Ohio Bell Telephone Company uses the name AT&T Ohio.

11/20/2007 15:00 9372227747

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PAGE 04

**INTERROGATORY NO. 2:** Please state the date in "early December 2004"

when Mr. Russell placed the white pages listing referred to in paragraph 1 of Attachment A to your Complaint.

**ANSWER:** 8-30-04 original date of installation  
of 419-473-1900

**INTERROGATORY NO. 3:** Please state whether the listing referred to in

Interrogatory No. 1 was placed by telephone.

**ANSWER:** yes placed by telephone

**INTERROGATORY NO. 4:** Please state whether the Complainants were

authorized to use the name "Kenwood Hearing Aids" in the listing referred to in the Complaint.

**ANSWER:** yes (Authorized pursuant to Charter received  
from OHIO Secretary of State Corporations Div.  
Certificate #1478796 Dated July 1, 2004 This was a trade name  
listing)

**INTERROGATORY NO. 5:** Please state the "business reasons" for not acquiring

the listing referred to in the Complaint.

**ANSWER:** When setting up original main phone #419-472-6400 the 4<sup>th</sup> Line Listing was 419-473-1900 & the number in question. All #'s were opened under Kenwood Hearing Aids on 8-30-04 (original date of installation) at a later date I changed the name listings to Hear Ear Hearing Aids. As it has the record of this change, this is when the mistake occurred by not changing all 4 phone #'s to Hear Ear. The name was changed when I realized it may cause a conflict with my competitor Kenwood Hearing center.



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LAW OFFICE RAY ONEAL

PAGE 05

**INTERROGATORY NO. 6:** Please state whether you have retained the confirmation notices referred to in paragraph 3 of Attachment A to the Complaint.

**ANSWER:** Disconnect confirmation # C1653223842  
1. on #419-473-1900 on 12-22-04 at 4:30pm

2. PRIOR to this date in September of 04 I requested a name change that changed all other phone listings to Hear Ear Hearing Aids but not 419-473-  
**REQUEST FOR PRODUCTION NO. 1:** If the response to the previous

interrogatory is in the affirmative, please provide copies of those documents.

I only have the confirmation # they (Hear Ear) gave over the phone when I placed the order of change.

**REQUEST FOR PRODUCTION NO. 2:** Please provide copies of the pages of the telephone directories where the listings in question appear.

Exhibit\*2  
(see Attachment)

**INTERROGATORY NO. 7:** Do you have in your possession any logs, notes, compilations or the like concerning the allegations set forth in the Complaint?

**ANSWER:** yes (see Attachment 7B)

**REQUEST FOR PRODUCTION NO. 3:** If the response to the previous interrogatory is in the affirmative, please provide copies of those documents.

copies provided

11/28/2007 15:00 9372227747

LAW OFFICE RAY ONEAL

PAGE 86

**INTERROGATORY NO. 8:** Please describe the financial losses alleged to have

been incurred by the Complainants that were caused by the Respondent.

**ANSWER:** 72,500.<sup>00</sup> court settlement  
10,000.<sup>00</sup> attorney fee in defense against Kenwood case  
50,000.<sup>00</sup> Distribution of Letter afterwards adverse to  
10,000.<sup>00</sup> Defendants professional reputation  
150,000.<sup>00</sup> for PUC litigation  
pain + suffering

**INTERROGATORY NO. 9:** Please state whether the Complainants are related in

any way to the Kenwood Hearing Center, Inc., 3450 W. Central Avenue, Toledo, Ohio and, if so,  
the nature of that relationship.

**ANSWER:** NO

**INTERROGATORY NO. 10:** Please identify each individual who assisted in or

participated in the preparation of the responses to this discovery.

**ANSWER:** Colin Russell

**INTERROGATORY NO. 11:** Please identify each witness you will call at the

hearing in this matter, and provide the address and telephone number for each such witness.

**ANSWER:** Colin Russell  
Ethel Jones At+T  
Brad Stanfield (employee)  
Original sales persons who sold Yellow Page Ad. in Sept.  
04

11/20/2007 15:00 9372227747

LAW OFFICE RAY ONEAL

PAGE 87

REQUEST FOR PRODUCTION NO. 4: Please provide copies of all documents  
you intend to introduce as exhibits at the hearing in this matter.

*copies provided*

REQUEST FOR PRODUCTION NO. 5: Please provide all documents related to  
any dispute concerning the use of the name "Kenwood Hearing Aids."

*copies provided*

11/28/2007 15:00 9372227747

LAW OFFICE RAY ONEAL

PAGE 00

## VERIFICATION

Colin Russell

**Colin Russell**  
Hear Ear Hearing Aids, Inc. and  
Hear Ear Hearing Aid Center, Inc.

**State of Ohio**

County of MONTGOMERY )

Before me, a notary public qualified in said county and state, came Edwin Russell, who swore to and subscribed the foregoing responses to Interrogatories No. 1 - 11 before me this 20<sup>th</sup> day of NOVEMBER, 2007.

**Notary Public**

**My Commission expires:**

RAYMOND W. O'NEAL, SR., Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Secretary of State  
C. S. D.

FILE

07-1057-TP-CSS



The Public Utilities  
Commission of Ohio

RECEIVED-DOCKETING DIV

2007 SEP 24 PM 2:15

Case Number

Public Utilities Commission of Ohio  
Attn: Docketing  
180 E. Broad St.  
Columbus, OH 43215

Colin Russell, and  
Hear Ear Hearing Aids, Inc.  
Hear Ear Hearing Aid Center, Inc.

Formal Complaint Form

Customer Name

3718 Lincoln Way East

Customer Address

Mishawaka, IN 46544

City

State Zip

Against

AT&T Ohio  
c/o Atty. Caroline Gentry  
Suite 1600  
One South Main Street  
Dayton, Oh 45402

41947226697485

Account Number

3030 West Sylvania Ave.

Customer Service Address (if different from above)

Toledo, OH

43613-4147

City

State Zip

Utility Company Name

Please describe your complaint. (Attach additional sheets if necessary)

\*\*\*\*\* SEE DETAILS IN ATTACHMENT "A".

Herbert Creech, Esq., 0005198  
200 Jamestown Circle - F  
Dayton, Oh 45458  
1 937 434 6227

Signature

Telephone Number

The Public Utilities Commission of Ohio  
Ted Strickland, Governor • Alan R. Schrier, Chairman  
Commissioners: Ronda Hartman Fergus, Judy A. Jones, Valerie A. Lemmle, Donald L. Mason  
180 E. Broad Street, Columbus, Ohio 43215-3793 • An Equal Opportunity Employer and Service Provider

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business  
Technician 5 Date Processed 9/24/07

## **ATTACHMENT 'A'**

**In early December 2004, complainants, acting through the person of Colin Russell arranged with the defendant to place a listing in its white pages for an entity called 'Kenwood Hearing Aids'.**

**Later, complainants discovered business reasons for not acquiring such a listing and on December 22, 2004 requested of defendant that the entity above mentioned and any telephone number therefore not be listed in those white pages.**

**Defendant agreed to the request made in paragraph two and sent confirmation notices to the complainants.**

**Nonetheless, defendant published the name of the entity in paragraph two hereof and a telephone number therefore in its white pages for business throughout the years 2005-2007 which caused several forms of great financial loss to complainants.**

**Thus, complainants demand PUCO hold a hearing to establish the wrong done them by defendant and to award them three times the financial damages they prove to be caused them by defendant.**



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
08/10/2004	200422202662	DOMESTIC ARTICLES/FOR PROFIT (ARF)	125.00	.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

COLIN RUSSELL  
306 MILBURN CT  
SOUTH BEND, IN 46544

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, J. Kenneth Blackwell

1481351

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**KENWOOD HEARING AID CENTER, INC.**

and, that said business records show the filing and recording of:

Document(s)

**DOMESTIC ARTICLES/FOR PROFIT**

Document No(s):

**200422202662**

United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 1st day of September,  
A.D. 2004.

Ohio Secretary of State

Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State

Central Ohio: (614) 466-3910

Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.state.oh.us/sos

e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)	
Mail Return to one of the Following:	
<input type="checkbox"/> Yes	PO Box 1390 Columbus, OH 43216
*** Requires an additional fee of \$100 ***	
<input checked="" type="checkbox"/> No	PO Box 670 Columbus, OH 43216

**INITIAL ARTICLES OF INCORPORATION**

(For Domestic Profit or Non-Profit)

Filing Fee \$125.00

RECEIVED

AUG 05 2004

SECRETARY OF STATE

THE UNDERSIGNED HEREBY STATES THE FOLLOWING:

(CHECK ONLY ONE (1) BOX)

(1) <input checked="" type="checkbox"/> Articles of Incorporation Profit (113-ARP) ORC 1701	(2) <input type="checkbox"/> Articles of Incorporation Non-Profit (114-ARN) ORC 1702	(3) <input type="checkbox"/> Articles of Incorporation Professional (170-ARP) Profession ORC 1786
--	---	--

Complete the general information in this section for the box checked above.

FIRST: Name of Corporation	<u>KENWOOD HEARING AID CENTER, INC</u>	
SECOND: Location	<u>TOLEDO</u> (City)	<u>LUCAS</u> (County)
Effective Date (Optional)	<u>09/01/2004</u> Date specified can be no more than 60 days after date of filing. If a (mm/dd/yyyy) data is specified, the date must be a date on or after the date of filing.	
<input type="checkbox"/> Check here if additional provisions are attached		

Complete the information in this section if box (2) or (3) is checked. Completing this section is optional if box (1) is checked.

THIRD: Purpose for which corporation is formed
<u>SALE AND SERVICE OF HEARING AIDS AND OTHER ASSISTED LISTENING DEVICES, AND ALL OTHER</u>
<u>LEGAL ACTS PERMITTED A GENERAL BUSINESS CORPORATION.</u>

Complete the information in this section if box (1) or (3) is checked.

FOURTH: The number of shares which the corporation is authorized to have outstanding (Please state if shares are common or preferred and their par value if any;	<u>1,000</u> (No. of Shares)	<u>COMMON</u> (Type)	<u>1</u> (Per Value)
(Refer to instructions if needed)			



## KENWOOD HEARING AID CENTER, INC

Completing the information in this section is optional

FIFTH: The following are the names and addresses of the individuals who are to serve as initial Directors.

COLIN RUSSELL

(Name)

306 MILBURN CT

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

MISHAWAKA

(City)

IN

(State)

46544

(Zip Code)

JACKIE RUSSELL

(Name)

306 MILBURN CT

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

MISHAWAKA

(City)

IN

(State)

46544

(Zip Code)

(Name)

(Street)


NOTE: P.O. Box Addresses are NOT acceptable.

(City)

(State)

(Zip Code)

**REQUIRED**  
Must be authenticated  
(SIGNED) by an authorized  
representative  
(See instructions)



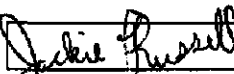
Authorized Representative

08/02/2004

Date

COLIN RUSSELL

Print Name



Authorized Representative

08/02/2004

Date

JACKIE RUSSELL

Print Name



Authorized Representative

Date

Print Name

KENWOOD HEARING AID CENTER, INC

Complete the information in this section if box (1) (2) or (3) is checked.

## ORIGINAL APPOINTMENT OF STATUTORY AGENT

The undersigned, being at least a majority of the incorporators of KENWOOD HEARING AID CENTER, INC  
hereby appoint the following to be statutory agent upon whom any process, notice or demand required or permitted by  
statute to be served upon the corporation may be served. The complete address of the agent is

COLIN RUSSELL

(Name)

WESTGATE BLDG 3450 WEST CONTROL AVE STE 103

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

TOLEDO

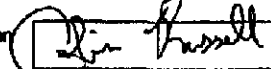
(City)

, Ohio

43606

(Zip Code)

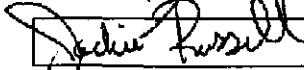
Must be authenticated by an  
authorized representative



Authorized Representative

08/02/2004

Date



Authorized Representative

08/02/2004

Date



Authorized Representative

Date

## ACCEPTANCE OF APPOINTMENT

The Undersigned, COLIN RUSSELL, named herein as the

Statutory agent for, KENWOOD HEARING AID CENTER, INC

, hereby acknowledges and accepts the appointment of statutory agent for said entity.

Signature: 

(Statutory Agent)



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
09/22/2004	200426401126	DOMESTIC ARTICLES/FOR PROFIT (ARF)	125.00	.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

COLIN RUSSELL  
306 MILBURN CT  
MISHAWAKA, IN 46544

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, J. Kenneth Blackwell

1489367

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**HEAR EAR HEARING AIDS INC**

and, that said business records show the filing and recording of:

Document(s)

**DOMESTIC ARTICLES/FOR PROFIT**

Document No(s):

**200426401126**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 15th day of September,  
A.D. 2004.

*J. Kenneth Blackwell*  
Ohio Secretary of State

Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State

Central Ohio: (614) 468-3910

Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.state.oh.us/sos

e-mail: busserv@sos.state.oh.us

2004 AUG 23 PM 9:18

Expedite this Form: (Select One)	
Mail Form to one of the Following:	
<input type="checkbox"/> Yes	PO Box 1390 Columbus, OH 43216
*** Requires an additional fee of \$100 ***	
<input checked="" type="checkbox"/> No	PO Box 870 Columbus, OH 43216

**INITIAL ARTICLES OF INCORPORATION**

(For Domestic Profit or Non-Profit)

Filing Fee \$125.00

THE UNDERSIGNED HEREBY STATES THE FOLLOWING:

(CHECK ONLY ONE (1) BOX)

(1) <input checked="" type="checkbox"/> Articles of Incorporation Profit (113-ARF) ORC 1701	(2) <input type="checkbox"/> Articles of Incorporation Non-Profit (114-ARN) ORC 1702	(3) <input type="checkbox"/> Articles of Incorporation Professional (170-ARP) Profession ORC 1785
---	--	---

Complete the general information in this section for the box checked above.

**FIRST:** Name of Corporation HEAR EAR HEARING AIDS INC

**SECOND:** Location TOLEDO LUCAS  
(City) (County)

Effective Date (Optional) 09/05/2004 Date specified can be no more than 90 days after date of filing. If a date is specified, the date must be a date on or after the date of filing.  
(mm/dd/yyyy)

☐ Check here if additional provisions are attached

Complete the information in this section if box (2) or (3) is checked. Completing this section is optional if box (1) is checked.

**THIRD:** Purpose for which corporation is formed

SALES & SERVICE OF HEARING AIDS AND OTHER ASSISTED LISTENING DEVICES

Complete the information in this section if box (1) or (3) is checked.

**FOURTH:** The number of shares which the corporation is authorized to have outstanding (Please state if shares are common or preferred and their par value if any)

<u>1,000</u>	<u>COMMON</u>	<u>1</u>
(No. of Shares)	(Type)	(Par Value)

(Refer to instructions if needed)

HEAR EAR HEARING AIDS INC

Completing the information in this section is optional

FIFTH: The following are the names and addresses of the individuals who are to serve as initial Directors.

COLIN RUSSELL

(Name)

306 MILBURN CT

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

MISHAWAKA

IN

46544

(City)

(State)

(Zip Code)

JACKIE RUSSELL

(Name)

306 MILBURN CT

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

MISHAWAKA

IN

46544

(City)

(State)

(Zip Code)

(Name)

(Street)

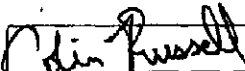
NOTE: P.O. Box Addresses are NOT acceptable.

(City)

(State)

(Zip Code)

REQUIRED  
Must be authenticated  
(SIGNED) by an authorized  
representative  
(See instructions)



Authorized Representative

08/19/2004  
Date

COLIN RUSSELL

Print Name



Authorized Representative

08/19/2004  
Date

JACKIE RUSSELL

Print Name



Authorized Representative



Date

Print Name

HEAR EAR HEARING AIDS INC  
Complete the information in this section if box (1) (2) or (3) is checked.

**ORIGINAL APPOINTMENT OF STATUTORY AGENT**

The undersigned, being at least a majority of the incorporators of HEAR EAR HEARING AIDS INC  
hereby appoint the following to be statutory agent upon whom any process, notice or demand required or permitted by  
statute to be served upon the corporation may be served. The complete address of the agent is

COLIN RUSSELL  
(Name)  
WESTGATE BLDG 3450 WEST CENTRAL AVE  
(Street) NOTE: P.O. Box Addresses are NOT acceptable.  
TOLEDO, Ohio 43606  
(City) (Zip Code)

Must be authenticated by an  
authorized representative

Colin Russell  
Authorized Representative  
Jackie Russell  
Authorized Representative  
  
Authorized Representative

08/19/2004  
Date  
08/19/2004  
Date  
  
Date

**ACCEPTANCE OF APPOINTMENT**

The Undersigned, COLIN RUSSELL, named herein as the  
Statutory agent for, HEAR EAR HEARING AIDS INC  
hereby acknowledges and accepts the appointment of statutory agent for said entity.

Signature: Colin Russell  
(Statutory Agent)

AT&amp;T Ex. 8

TedRowen@SpenglerNathanson.com  
(419)252-6239

December 23, 2004

**Certified Mail - Return Receipt Requested**

Colin Russell  
Kenwood Hearing Aid Center, Inc.  
3030 Sylvania Avenue  
Toledo, Ohio 43613

Re: Kenwood Hearing Aid Center and Cease and Desist Letter

Dear Mr. Russell:

I have been forwarded by Joyce Johnson, President of Kenwood Hearing Center, Inc., my client, the facsimile which you had forwarded to her yesterday. You are not to have any further direct contact with her or with anyone else affiliated with Kenwood Hearing Center, Inc. as I am representing it.

I also acknowledge your voice mail message which you left last evening on my telephone.

Assuming for purposes of this letter and further discussion in an attempt to amicably resolve this matter short of litigation, that you were truthful in your message when you indicated that you and your various companies have not made any money from the use of the name Kenwood, which you have unlawfully tried to appropriate, the following are my client's demands for a prompt resolution of this matter:

- (1) You will notify the telephone company that rather than discontinuing the phone number of 419-473-1900, which was listed in SBC Yellow Pages as Kenwood Hearing Aids, you will cause the calls to be transferred to Kenwood Hearing Center's phone number, which is 419-534-3111, and you

Colin Russell  
Kenwood Hearing Aid Center, Inc.  
December 23, 2004  
Page 2

will pay the cost of said transfer, if any is incurred, for one year from the date an agreement is reached;

- (2) You will notify the Secretary of State that you on behalf of all your companies are ceasing business under the corporate name of Kenwood Hearing Aid Center, Inc., and you are withdrawing the trade name of Kenwood Hearing Aids; and
- (3) You agree on behalf of Kenwood Hearing Aids, Inc. and any other company with whom you are affiliated that you will not use the name Kenwood at all, including in a name, in advertising, and/or in connection with a private label hearing aid.

Please contact the undersigned in writing with your response. Otherwise you leave Kenwood with no other choice than to file suit.

Sincerely yours,

SPENGLER NATHANSON P.L.L.

Theodore M. Rowen

TMR/

cc: Joyce Johnson  
Stasia Hanson, Esq.

M:\TMR\S-TMR\KenwoodHearing\1467148.ltr.wpd





## **Kenwood Hearing Center, Inc.**

3450 W. Central Avenue, Suite 134 • Toledo, OH 43606

960 W. Wooster Street, Suite 206 • Bowling Green, OH 43402

Fulton County Health Center • Medical Office Bldg. 925 S. Shoop Ave. • Wauseon, OH 43567

(419) 534-3111 • (419) 534-3113 FAX

Toll-free: 1-877-534-3277

DEFENDANT'S  
EXH. B

January 5, 2005

Dear MRS. [REDACTED]

Kenwood Hearing Center has recently been alerted to a deceptive and unlawful use of our good name and reputation, which we have developed over the past twelve years. There is a hearing aid "dealer" in our area who has taken out a listing in the business pages of the SBC phone book as Kenwood Hearing Aids. PLEASE do not be misled or confused by this. Kenwood Hearing Center, Inc. has NO relationship with Colin Russell, Brad Stanfield, Clara Boffa, "Kenwood Hearing Aids", Hear Ear Hearing Center, or A Hearing Aid Service, Inc.

Kenwood Hearing Center, Inc. is owned by audiologists Joyce Kinker-Johnson and Diann Harrison. In addition to the owners, there are two other audiologists on staff, Jane Rowen, and Jennifer Siegel. All audiologists on staff have a Master's Degree from an accredited University, are certified by the American Speech-Language-Hearing Association, and are licensed by the State of Ohio Board Speech-Language Pathology and Audiology. These credentials are the credentials you need to look for when choosing someone for your hearing health care needs.

The letters you see behind an audiologist's name will be M.A. or M.S. which means they possess a Masters Degree in the field of Audiology. Following those initials you will see CCC-A, which indicates that they have completed a Clinical Fellowship Year under the supervision of an experienced audiologist and have passed rigorous test to prove their competency.

If the letters behind a person's name are BC-HS, this means that the individual is a hearing aid dispenser or sales person, which can mean many things. To be allowed to sell hearing aids in Ohio the only qualification is that you have a high school diploma and obtain a passing score on a standardized test and some other minimal education.

Joyce Kinker-Johnson, M.A. • Diann M. Harrison, M.A. • Jane F. Rowen, M.A. • Jennifer G. Siegel, M.A.

Certified Audiologists, Fellows American Academy of Audiology

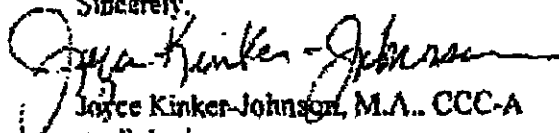
E-Mail: kenwoodhearing@buckeye-express.com

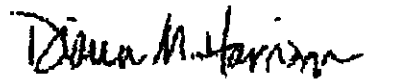


If you would receive a call from anyone saying they are affiliated with Kenwood Hearing or simply "Kenwood", please contact us at 419-534-3111 to determine if the person calling actually works for Kenwood Hearing Center, Inc., or is employed by a person or entity which is engaging in unfair competition and is seeking to confuse the health care public.

We have worked for many years to establish and maintain a credible relationship with our clients, physicians, and the general public in our area. It is most unfortunate that one individual doing business under various corporate names can undermine our years of service to the community and create confusion in the public to those that seek our services. We are truly sorry for any inconvenience this may cause you.

Sincerely,

  
Joyce Kinker-Johnson, M.A., CCC-A  
Audiologist

  
Diann M. Harrison, M.A., CCC-A  
Audiologist



IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

KENWOOD HEARING	)	
CENTER, INC.,	)	
PLAINTIFF,	)	CASE NO. CI05-1055
	)	
V.	)	THE HONORABLE
	)	JACK ZOUHARY
COLIN RUSSELL and	)	
HEARING EAR HEARING	)	
AIDS,	)	
DEFENDANTS.	)	

- - -  
TRANSCRIPT OF PROCEEDINGS  
- - -

Be it remembered, that in the hearing of the cause on  
January 12, 2006 before The Honorable Jack Zouhary in  
the Lucas County Court of Common Pleas, the following  
proceedings were had, to-wit:

APPEARANCES:

On behalf of the Plaintiff:

Theodore M. Rowen  
Anastasia K. Hanson

- - -  
On behalf of the Defendants:

Raymond O'Neal

- - -  
KENDRA L. LAKE, RPR  
LUCAS COUNTY COURT OF COMMON PLEAS

I N D E XPLAINTIFF'S EVIDENCE:PAGE

NO TESTIMONY PRESENTED

DEFENDANT'S EVIDENCE:PAGE

NO TESTIMONY PRESENTED

E X H I B I T SSTATE'S:Desc.IDT:/OBJ/ ADMIT

NO EXHIBITS MARKED OR ADMITTED

DEFENDANT'S:

NO EXHIBITS MARKED OR ADMITTED

COURT'S:

NO EXHIBITS MARKED OR ADMITTED

January 12, 2006  
Lucas County Courthouse  
Toledo, Ohio  
Courtroom 8

02:26PM

02:26PM

THE COURT: We're here on civil

02:26PM

Case Number 05-1055, it's Kenwood Hearing Center

02:26PM

versus Colin Russell and Hear Ear Hearing Aids. I'm

02:26PM

here with both parties and Counsel, we just

02:26PM

completed a final settlement pretrial. The parties

02:26PM

have reached an agreement which I will attempt to

02:26PM

read into the record, and allow Counsel to

02:26PM

supplement as appropriate.

02:26PM

The settlement is in three parts:

02:26PM

Plaintiff will receive from Defendant the sum of

02:26PM

\$72,500, payable over 10 months. The first month

02:26PM

being January or February, and extending until paid

02:26PM

in full. The second part is that Defendants are

02:27PM

going to revoke use of the name Kenwood, and I'll

02:27PM

let the lawyers talk about how they want that

02:27PM

accomplished. And the third part is that Defendants

02:27PM

will take the necessary steps to disconnect from the

02:27PM

phone book the number -- or depending upon what

02:27PM

Plaintiffs want, have that number run directly into

02:27PM

Plaintiff's office.

02:27PM

Those are the basic outlines of the settlement, and I'll let Counsel now supplement and ask any questions, make sure we're all on the same page before we leave today.

02:27PM

02:27PM

02:27PM

02:27PM

MR. ROWEN: Okay, number one, I thought there was going to be a judgment entry in that amount that we would agree not to execute upon, providing the payment schedule, as the Judge described, was met.

02:27PM

02:27PM

02:27PM

02:27PM

02:27PM

THE COURT: We did discuss that and there will be a judgment, but the judgment doesn't execute as long as the payments are made, and it would expire, by its terms, at the end of the time period, assuming the payments have all been made.

02:27PM

02:27PM

02:27PM

02:28PM

02:28PM

02:28PM

MR. O'NEAL: Judgment on the record, Your Honor?

02:28PM

02:28PM

MR. ROWEN: Yes.

02:28PM

THE COURT: Yes.

02:28PM

MR. O'NEAL: We did not --

02:28PM

THE COURT: We didn't talk about that -- in fairness, we did not talk about, specifically, how that would happen. Or we could do

02:28PM

02:28PM

02:28PM

it on the flip side, and that is, the judgment would be entered when there's a default in the payments.

02:28PM

02:28PM

MR. O'NEAL: Okay, we like -- we

02:28PM

didn't talk anything about the judgment itself, but

02:28PM

our preference would be some notice of default and

02:28PM

opportunity to cure within relatively reasonable and

02:28PM

short period of time. And, secondly, that --

02:28PM

THE COURT: Let me stop you there:

02:28PM

I don't think we need that because the terms of the

02:28PM

payment are clear.

02:28PM

MR. O'NEAL: Okay.

02:28PM

THE COURT: Okay? So if there's

02:28PM

not a payment made, you don't need notice, you know

02:28PM

when you haven't made the payment.

02:28PM

MR. O'NEAL: But there may have

02:28PM

been some reason why it was not received, Your

02:28PM

Honor.

02:28PM

THE COURT: I accept that, that's

02:28PM

true.

02:28PM

MR. O'NEAL: That's the reason why

02:28PM

I'm referring to some type of notice.

02:29PM

MR. ROWEN: Your Honor, we would

02:29PM

be willing to agree to hold the -- that judgment



02:29PM

will not be entered until 10 days after the default, but we're not going to give notice of default. The payments will be the first of the month, I'm sure it's a very important matter that can be calendared.

02:29PM

02:29PM

02:29PM

02:29PM

MR. O'NEAL: Okay. The other

02:29PM

thing, then, Ted, is that we would prefer that some receipt be provided as to each payment made in a timely manner.

02:29PM

02:29PM

02:29PM

MR. ROWEN: That's not a problem,

02:29PM

the payment will be made payable to me, to Kenwood

02:29PM

Hearing Center, at my address, and when I receive

02:29PM

it, same day I will send out a receipt or statement

02:29PM

that it was received, okay? And I'll send it to

02:29PM

you.

02:29PM

MR. O'NEAL: Okay.

02:29PM

MR. ROWEN: All right, so we are

02:29PM

covered.

02:29PM

MR. O'NEAL: Would you prefer to

02:29PM

receive the statement, Mr. Russell?

02:29PM

MR. RUSSELL: Oh, I don't care.

02:29PM

MR. O'NEAL: Okay, I'm looking at

02:29PM

the down time since you're talking about the ten-day

02:30PM

turn around. It would be my preference that that

02:30PM

receipt be sent directly to you, sir.

02:30PM

MR. RUSSELL: Okay.

02:30PM

MR. O'NEAL: Okay.

02:30PM

MR. ROWEN: I mean, if the check

02:30PM

comes to me, from whomever it is, the same day we'll

02:30PM

send the receipt out. I don't mind sending a copy

02:30PM

to you too, doesn't matter.

02:30PM

MR. RUSSELL: That would be fine.

02:30PM

MR. O'NEAL: That's good.

02:30PM

THE COURT: That way you'll know

02:30PM

in 10 days if you haven't gotten a receipt back,

02:30PM

there may be a problem.

02:30PM

MR. ROWEN: Okay, and I would like

02:30PM

to make the burden being on your client to notify

02:30PM

the Secretary of State of the revoking of the name,

02:30PM

of giving up the rights to use the name Kenwood

02:30PM

Hearing Aid Center, Inc., Kenwood Hearing Aids, Inc.

02:30PM

MS. JOHNSON: Or anything with

02:30PM

Kenwood in the name.

02:30PM

MS. HANSON: There's a trade name

02:30PM

and there's an entity.

02:30PM

MR. ROWEN: Why don't you tell

02:30PM

them what to put on the record.

02:30PM MS. HANSON: You're going to have  
02:30PM to delist the trade name and cancel the existence of  
02:30PM the entity Kenwood Hearing Aid Center, Inc.

02:31PM MR. O'NEAL: Cancellation of the  
02:31PM trade name, okay.

02:31PM MR. ROWEN: And what we would like  
02:31PM is for you to arrange immediately, or within  
02:31PM three days, let's put it within three days, with SBC  
02:31PM that the phone number that is either listed in the  
02:31PM book, or the one you may have changed it to,  
02:31PM automatically rings in for the balance of the  
02:31PM listing. So it's not cancelled, it rings into 419-  
02:31PM 534-3111.

02:31PM MR. O'NEAL: The number again,  
02:31PM please?

02:31PM THE COURT: 419-534-3111.

02:31PM MR. ROWEN: Which is the phone  
02:31PM number of Kenwood Hearing Center.

02:31PM THE COURT: That should just be a  
02:31PM phone call.

02:31PM MR. O'NEAL: Yeah, forward it to  
02:31PM that number.

02:31PM THE COURT: No, I mean a phone

02:31PM

call from you to SBC.

02:31PM

MR. O'NEAL: Can you do that?

02:31PM

MR. RUSSELL: Yeah, sure.

02:31PM

THE COURT: Probably makes sense

02:31PM

for you to also confirm it to them in writing or get

02:31PM

something in writing from them so there's no issue

02:31PM

with that.

02:31PM

MR. O'NEAL: Certified mail.

02:31PM

MR. ROWEN: Your Honor, do you

02:31PM

want us to prepare something that covers from that

02:32PM

standpoint?

02:32PM

MS. HANSON: Let the record

02:32PM

reflect, Your Honor, that number will be changed

02:32PM

from 419-472-2669.

02:32PM

MR. O'NEAL: Give again, please.

02:32PM

(Whereupon, a discussion was held off the record.)

02:32PM

MR. RUSSELL: I believe it's 2669, I

02:32PM

believe.

02:32PM

MR. ROWEN: Right, I think that's

02:32PM

correct.

02:32PM

MR. RUSSELL: But I don't know for

02:32PM

sure.

02:32PM

MR. ROWEN: The current number is

02:32PM

419-472-2669.

02:32PM

MS. JOHNSON:

And do we need to also

02:32PM

add the 473-1900 number?

02:32PM

MR. ROWEN:

No.

02:32PM

MR. RUSSELL:

That's gone a long

02:32PM

time ago.

02:32PM

MR. O'NEAL:

So 419-472-2669 to

02:32PM

419-534-3111?

02:32PM

MS. HANSON:

That's correct.

02:33PM

MR. RUSSELL:

Now, if they have any

02:33PM

problem remoting that to you without your approval,

02:33PM

can I have them contact you?

02:33PM

MR. ROWEN:

Certainly.

02:33PM

MR. RUSSELL:

Or should --

02:33PM

MR. ROWEN:

No, have them contact

02:33PM

either Ms. Johnson or Ms. Harrison.

02:33PM

MR. RUSSELL:

Sure, okay.

02:33PM

THE COURT:

I'll leave it to

02:33PM

Counsel to prepare the appropriate paperwork that

02:33PM

needs to be done.

02:33PM

MR. ROWEN:

Do you want mutual

02:33PM

releases and settlement agreements which will go in

02:33PM

effect --

02:33PM

MR. O'NEAL: Right.

02:33PM

MR. ROWEN: -- wiping everything

02:33PM

out, assuming the payments are made final? I would

02:33PM

like to say this; I would really like to, for the

02:33PM

record, on behalf of Defendants, thank you, Your

02:33PM

Honor, for the excellent way you were able to

02:33PM

achieve this resolution, which is far beyond

02:33PM

managing a case.

02:33PM

THE COURT: Well, I can't

02:33PM

accomplish anything without cooperation of the

02:33PM

parties, so I appreciate it. Thank you for your

02:33PM

time, working through the noon hour. I know that

02:33PM

both sides may, as I had in my discussions with you,

02:34PM

feel a little, let's say, not the happiest at the

02:34PM

moment, but I think the good news is it will be

02:34PM

behind you and you can move on and accomplish

02:34PM

whatever other things you can do with your time and

02:34PM

not with this lawsuit, so I wish you all the very

02:34PM

best. Thank you.

02:34PM

MR. O'NEAL: Your Honor, my

02:34PM

feelings are the same, and I'm sure with regard to

02:34PM

Mr. Russell and thank him for coming over today. He

02:34PM

was helpful, very helpful, in this matter. The

02:34PM

other thing, Your Honor, I'm not totally clear with regard to what the entry would cite in terms of the three points. Could we just, very summarily, agree on that again, Ted?

02:34PM

02:34PM

02:34PM

02:34PM

MR. ROWEN: Sure. The basic

02:34PM

format would be that this cause came to be heard in final settlement pretrial.

02:34PM

02:34PM

MR. O'NEAL: I mean the points, per say, the three points.

02:34PM

02:34PM

THE COURT: Plaintiff is going to

02:34PM

receive from Defendants the sum of \$72,500. First payment due February 1st of this year. If you -- I take it that the monthly payments will be \$7,250, times ten, takes you to 72-5.

02:35PM

02:35PM

02:35PM

02:35PM

MR. O'NEAL: Is that agreeable with you, Mr. Russell?

02:35PM

02:35PM

MR. RUSSELL: Yeah.

02:35PM

THE COURT: If my math is right,

02:35PM

the last payment will be in November of this year.

02:35PM

There will be a judgment entry prepared to that effect, but will not be filed unless there is a

02:35PM

02:35PM

missed payment. And to make sure there's no

02:35PM

miscommunication on the missed payment, the checks

02:35PM

are being sent to Kenwood in care of Ted Rowen, at which point, when the check is received by Ted's office, he will turn around and issue a receipt to both of you so that you know that the check has been received.

02:35PM

02:35PM

02:35PM

02:35PM

02:35PM

Second is, you're going to -- you, being Defendants, will contact the Secretary of State and will delist and cancel the trade names that you currently have or are doing business under, the Kenwood name, whatever that particular Kenwood entity is.

02:35PM

02:35PM

02:35PM

02:36PM

02:36PM

02:36PM

And the third point is, Defendants are going to contact SBC and change the phone number, which currently is 419-472-2669. That will ring into a new number, the number belonging to Plaintiff of 419-534-3111. And to the extent SBC requires approval from the Plaintiff for that, Defendant is free to contact them directly in order for that to take place ASAP.

02:36PM

02:36PM

02:36PM

02:36PM

02:36PM

02:36PM

02:36PM

02:36PM

MR. O'NEAL:

Okay.

02:36PM

THE COURT:

Is that your

02:36PM

understanding?

02:36PM

MR. O'NEAL:

That's my



02:36PM

understanding.

02:36PM

THE COURT:

Is that your

02:36PM

understanding?

02:36PM

MR. ROWEN:

Yes, Your Honor.

02:36PM

THE COURT:

Thank you.

02:36PM

MR. O'NEAL:

Is Plaintiff required

02:36PM

to go ahead with the dismissal entry forthwith?

02:36PM

THE COURT:

Here's what I'm going

02:36PM

to do, I'm going to prepare today and file, case

02:36PM

settled, dismissed, parties have 30 days to file

02:36PM

their own dismissal papers, and I leave it to the

02:36PM

lawyers to prepare whatever documents you want that

02:36PM

encompass what it is we've discussed.

02:36PM

MR. ROWEN:

With your permission,

02:37PM

Mr. O'Neal, we'll prepare the judgment entry,

02:37PM

prepare the draft of the mutual release and

02:37PM

settlement agreement, and send to you for your

02:37PM

approval.

02:37PM

MR. O'NEAL:

Okay, Mr. Creech, you

02:37PM

got any comment?

02:37PM

MR. CREECH:

(Indicating).

02:37PM

THE COURT:

Can I ask -- are you

02:37PM

done?

02:37PM

MR. O'NEAL:

Yes.

- - -

C E R T I F I C A T E

I, KENDRA L. LAKE, THE UNDERSIGNED, DO CERTIFY  
THAT THE ABOVE AND FOREGOING IS A TRUE, COMPLETE AND  
ACCURATE TRANSCRIPT OF THE PROCEEDINGS HAD IN THE  
HEARING OF THE ABOVE-ENTITLED CAUSE.

Kendra L. Lake  
KENDRA L. LAKE, RPR  
LUCAS COUNTY COURT OF COMMON PLEAS



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/25/2007	200702402172	TRADE NAME/CANCELLATION (RNX)	25.00	100.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

RAYMOND W. O'NEAL, SR.  
11 W. MONUMENT AVE., STE. 304  
DAYTON, OH 45402

**STATE OF OHIO**  
**CERTIFICATE**  
**Ohio Secretary of State, Jennifer Brunner**

1478796

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**KENWOOD HEARING AIDS**

and, that said business records show the filing and recording of:

Document(s)

**TRADE NAME/CANCELLATION**

Document No(s):

**200702402172**

United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 24th day of January, A.D.  
2007.

Ohio Secretary of State



Prescribed by:

The Ohio Secretary of State  
 Central Office: (614) 466-3910  
 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us

e-mail: busserv@sos.state.oh.us

Expedite this Form! (Select One)

Mail Form to one of the Following:

- ☒ Yes PO Box 1390  
 Columbus, OH 43216  
 \*\*\* Register for additional fee of \$100 \*\*\*
- ☐ No PO Box 788  
 Columbus, OH 43216

**NAME REGISTRATION UPDATE**

(For Domestic or Foreign, Profit or Nonprofit)

Filing Fee \$25.00

THE UNDERSIGNED DESIRING TO FILE A:

(CHECK ONLY ONE (1) BOX) This filing does not extend the registration period

(1) <input type="checkbox"/> Assignment of Registered Name Registration No. _____ (116-RNA)	(2) <input type="checkbox"/> Name Reservation Transfer Registration No. _____ (185-NRT)
(3) <input type="checkbox"/> Change of Address only for Registered Name Registration No. _____ (176-RNA)	(4) <input checked="" type="checkbox"/> Cancellation of Registration Registration No. 1478796 (184-RNX)

Check The Appropriate Box

☐ Fictitious Name ☒ Trade Name ☐ Mark of Ownership ☐ Trademark ☐ Service Mark

Name of Entity  
or Description of Mark

KENWOOD HEARING AIDS

Name of Current Owner

COLIN RUSSELL

Complete the information in this section if box (3) is checked.

New Business Address Not Applicable  
 (Street) NOTE: P.O. Box Addresses are NOT acceptable.  
 (City) (County) (State) (Zip Code)

Complete the information in this section if box (1) or (2) is checked.

Are you assigning this name? ☐ Yes ☐ No

New Registrant's Name & Address Not Applicable  
 (Name)  
 (Street) NOTE: P.O. Box Addresses are NOT acceptable.  
 (City) (County) (State) (Zip Code)

Registration No. \_\_\_\_\_

Complete the information in this section if box (4) is checked.

Are you canceling this name? ☒ Yes ☐ No

Complete the information in this section if box (1) is checked.

Please indicate the assignment of the good will of the business as follows:

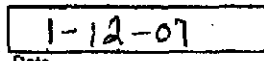
☐ For the amount of \_\_\_\_\_ and for other Good and Valuable Consideration, the receipt of which is hereby acknowledged, ASSIGNOR does hereby assign unto said ASSIGNEE the entire right, title and interest in and to the above-listed mark and registration granted therefrom, and in and to the goodwill of the business in connection with which said mark is used, the same to be held and enjoyed by said ASSIGNEE for its own use and benefit, and for the use and benefit of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by said ASSIGNOR, if this assignment had not been made.

☐ If the goodwill of the business associated with this mark is NOT ASSIGNED

**REQUIRED**

Must be authenticated (signed)  
by an authorized representative  
(See Instructions)

  
Authorized Representative

  
Date



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/25/2007	200702402170	DOMESTIC/DISSOLUTION (DIS)	50.00	100.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

RAYMOND W. O'NEAL, SR.  
11 W. MONUMENT AVE., STE. 304  
DAYTON, OH 45402

# STATE OF OHIO

## CERTIFICATE

Ohio Secretary of State, Jennifer Brunner

1481351

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**KENWOOD HEARING AID CENTER, INC.**

and, that said business records show the filing and recording of:

Document(s)

**DOMESTIC/DISSOLUTION**

Document No(s):

**200702402170**

United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 24th day of January, A.D.  
2007.

Ohio Secretary of State



## Prescribed by

The Ohio Secretary of State

Central Ohio: (614) 466-3910

Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us  
e-mail: busserv@sos.state.oh.us

## Expedite this Form: (Select One)

## Mail Form to one of the following:

☒ Yes PO Box 1390  
Columbus, OH 43216

☐ No PO Box 1028  
Columbus, OH 43216

**CERTIFICATE OF DISSOLUTION BY  
SHAREHOLDERS, DIRECTORS, OR INCORPORATORS**  
(Domestic Profit)  
(Filing Fee \$50.00)

## (CHECK ONLY ONE (1) BOX)

(1) ☐ Shareholders (159-0455) (2) ☐ Directors (137-0680) (3) ☒ Incorporators (138-0180)

Complete the general information in this section for the box checked above.

KENWOOD HEARING AID CENTER, INC.

(Exact Name of Corporation)

1481351

(Charter Number)

COLIN RUSSELL

(Name)

who is

Incorporator

(Title)

of the above named Ohio corporation, articles of incorporation of which were filed in the office of the secretary of state on 9-1-2004 do hereby certify that:

(Date)

Effective Date (Optional)

(mm/dd/yyyy)

Date specified can be no more than 90 days after date of filing. If a date is specified, the date must be a date on or after the date of filing.

The place where its principal office in Ohio is or is to be located is:

Toledo

(City, Township or Village)

Ohio

Lucas

(County)

The name and Ohio address of statutory agent is:

Colin Russell

(Name)

3030 Sylvania Avenue

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

Toledo

(City)

Ohio

43613

(Zip Code)

NOTE: If the statutory agent listed has changed or differs from the agent currently appearing on the corporate records in the secretary of state's office, the named agent must acknowledge and accept the appointment as statutory agent.

## ACCEPTANCE OF APPOINTMENT

Colin Russell

The Undersigned, \_\_\_\_\_, named herein as the

Statutory agent for the corporation named herein, hereby acknowledges and accepts the appointment of statutory agent for said corporation.

Signature: Colin Russell

(Statutory Agent)

2007 JAN 24 AM 11:48



Complete the information in this section if box (1) or (2) is checked.			
The names and complete street addresses of the DIRECTORS are:			NONE
Note: P.O. Box Addresses are NOT acceptable.			
Name	Street	City & State	Zip Code
The names and complete street addresses of the OFFICERS are:			
Note: P.O. Box Addresses are NOT acceptable.			
Name	Street	City & State	Zip Code

Complete the information in this section if box (1) is checked.		NONE
The undersigned have been authorized to execute and file this certificate by a resolution adopted: (Check one of the following)		
<input type="checkbox"/> at a special meeting of the shareholders of said corporation, notice of which was given to all shareholders of every class, whether entitled to vote or not, by the votes cast in person or by proxy, by the holders of record of shares entitling them to exercise _____ % of the voting power		
<input type="checkbox"/> in writing signed under provisions of section 1701.54 of the ORC by all the shareholders who would be entitled to a notice of a meeting held for such purpose declaring that the corporation elects to wind up its affairs and dissolve		
<b>REQUIRED</b>		
Must be authenticated (signed) by an authorized representative	<input type="text"/> Authorized Representative	<input type="text"/> Date

Complete the information in this section if box (2) is checked.

The undersigned have been authorized to execute and file this certificate by a resolution of the Board of Directors adopted pursuant to section 1701.08(D) ( ) (must insert proper paragraph of the ORC)

(Check one of the following)

- ☐ at a meeting duly called and held on \_\_\_\_\_
- ☐ In writing signed by all of the directors pursuant to section 1701.43 of the ORC declaring that the corporation elects to wind up its affairs and dissolve

**REQUIRED**

Must be authenticated (signed)  
by an authorized representative

Authorized Representative

Date

Complete the information in this section if box (3) is checked.

The names and complete street addresses of the INCORPORATORS are:

Note: P.O. Box Addresses are NOT acceptable.

Name	Street	City & State	Zip Code
Colin Russell	3030 Sylvania Avenue	Toledo, OH	43613
Jackie Russell	3030 Sylvania Avenue	Toledo, OH	43613

Whereas, the corporation has not begun business, or, subscriptions to shares have not been received as set forth in the articles, the incorporators elect to dissolve the corporation.

**REQUIRED**

Must be authenticated (signed)  
by an authorized representative

Authorized Representative

Date

Authorized Representative

Date

Authorized Representative

Date

Complete the information in this section if box (1), (2) or (3) is checked.

# AFFIDAVIT

In lieu of dissolution releases from various governmental authorities (1701.66(H)(6) ORC)

**KENWOOD HEARING AID CENTER, INC.**

(Exact Name of Corporation)

The undersigned, being first duly sworn, declares that on the dates indicated below, each of the named state governmental agencies was advised IN WRITING of the scheduled date of filing of the Certificate of Dissolution and was advised IN WRITING of the acknowledgement by the corporation of the applicability of the provisions of Section 1701.95 of the ORC.

**AGENCY**  
Ohio Department of Taxation  
Dissolution Section  
Box 182382  
Columbus, Ohio 43218-2382

**DATE NOTIFIED**

12-26-06

Ohio Job and Family Services  
Status & Liability Section  
P.O. 182404  
Columbus, Ohio 43218-2404

12-26-06

The treasurer of any County named below:

**Lucas County Treasurer**

12-26-06

**640 Jackson St., Ste. 500**

**Toledo, Ohio 43604**

12-26-06

Ohio Bureau of Workers' Compensation  
30 W. Spring Street  
Columbus, Ohio 43215

(Note: This affidavit must be signed by one or more persons executing the certificate of dissolution or by an officer of the corporation.)

By:

Colin Russell  
**Colin Russell**

Title:

Incorporator

Name:

**3030 Sylvania Avenue**

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

**Toledo**

**OH**

**43613**

(City)

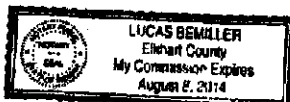
(State)

(Zip Code)

Sworn before me and subscribed in my presence on

01/12/2007

(Date)



(Notary Seal)

[Signature]

(Notary Public)

Commission Expires

August 8, 2014

(Date)

Complete the information in this section if box (1), (2) or (3) is checked.

STATE OF OHIO

County of Lucas :SS

Colin Russell , being first duly sworn, deposes and says that she/he is  
**Incorporator** of **KENWOOD HEARING AID CENTER, INC.**

(Title)

that this affidavit is made in compliance with section 1701.25 of the ORC:  
(Section #)

That said corporation has (Check one of the following)

☒ A. has no personal property in any county in the State of Ohio;

☐ B. personal property only in the following county(ies)

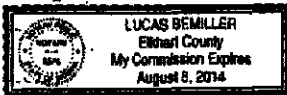
\_\_\_\_\_

and that the net assets of said corporation are sufficient to pay all personal property taxes accrued to date.

Signature: *Colin Russell*

Name: Colin Russell

Sworn before me and subscribed in my presence on 01/12/2007  
(Date)

 *2-8*  
(Notary Public)

(Notary Seal) Commission Expires August 8, 2014  
(Date)

ATTN EX. 13

937 222  
7747



# Monthly Statement

Mar 5 - Apr 4, 2007

COLIN RUSSELL  
COLIN RUSSELL  
3030 W SYLVANIA AVE STE 107  
TOLEDO, OH 43613-4147

Page 1 of 2  
Account Number 419 472-2689 748 5  
Billing Date Apr 4, 2007  
Web Site att.com  
Invoice Number 419472266904

ATT #13

## Bill At-A Glance

Previous Bill	24.21
Payment	.00
Adjustments	10.00
Past Due - Please Pay Immediately	34.21
Current Charges	34.56
<b>Total Amount Due</b>	<b>\$68.77</b>
Current Charges Due in Full By	Apr 24, 2007

## Billing Summary

Questions? Call:

Plans and Services	34.56
1-800-680-3000	
Repair Service:	
1-800-727-2273	
Telecommunications Relay System:	
1-800-750-0750	
<b>Total of Current Charges</b>	<b>34.56</b>

Disconnect 5-8-07  
confirmation  
#1653180630

## News You Can Use - Summary

- PREVENT DISCONNECT
- PAYMENT & INQUIRIES
- FED EXCISE TAX
- 811 BEFORE YOU DIG
- RATE CHANGES
- REPAIR MADE EASY

See "News You Can Use" for additional information.

## Detail of Payments and Adjustments

Item No.	Date Description	Adjustments	Payments
1	4-05 Late Payment Charges	10.00	
Totals		10.00	.00

## Plans and Services

### Promotions and Discounts

Item No.	Description	
1	Term Volume Disc. Plan Monthly minimum commitment not met	10.00

### Monthly Service - Apr 4 thru May 3

Remote Call Forwarding	20.45
------------------------	-------

### Local Calls

Remote Call Forwarding	
13 Call(s) were placed with your Measured Line	
13 Call(s) billed at \$.08 each	1.04

### Taxes

Federal at 3%	.94
Sales at 6.75%	2.13
<b>Total Taxes</b>	<b>3.07</b>

<b>Total Plans and Services</b>	<b>34.56</b>
---------------------------------	--------------

## News You Can Use

### PREVENT DISCONNECT

Thank you for being a valued customer. It is important to inform you that all charges must be paid each month to keep your account current and prevent collection activities. In addition, please be aware that we are required to inform you of certain charges that MUST be paid in order to prevent interruption of basic local service. These charges are already included in the Total Amount Due and are \$58.77.

### 811 BEFORE YOU DIG

Know what's below. Every day, underground digging or excavation results in extensive consequences, from serious injury or death to environmental damage, costly delays, and large-scale utility service interruptions. To reduce risks, the Federal Communications Commission (FCC) approved the use of 8-1-1 as the national abbreviated telephone number for commercial and residential consumers to use to provide notice of excavation activities. Remember, call 8-1-1 before you dig.

Local Services provided by AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio or AT&T Wisconsin based upon the service address location.

U.S. Pat. D410,950 and D414,510

Return bottom portion with your check in the enclosed envelope.

**JENNIFER BRUNNER**

OHIO SECRETARY OF STATE

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**BUSINESS FILINGS**  
 PROMOTING BUSINESS GROWTH
**Agent/Contact Information**

Total Row Count in Report - 11

Charter Num	Agent / Contact Name	Agent Address	City	State	Zip	Agent Effective Date	Agent Status	Business Name	Business Info
1489367	Colin Russell	3450 West Central Avenue	Toledo	Ohio	43606	Sep 15 2004	Active	HEAR EAR HEARING AIDS INC	<a href="#">Click for Details</a>
1481351	Colin Russell	3030 Sylvania Ave.	Toledo	Ohio	43613	Sep 01 2004	Active	KENWOOD HEARING AID CENTER, INC.	<a href="#">Click for Details</a>
1478796	Colin Russell	306 Milburn Ct.	Mishawaka	Indiana	46544	Jul 23 2004	Active	KENWOOD HEARING AIDS	<a href="#">Click for Details</a>
1197651	Colin Russell	2525 N Reynolds Rd	Toledo	Ohio	43615	Nov 08 2000	Active	HEARING AID SERVICE	<a href="#">Click for Details</a>
RN192109	Colin Russell	4434 Secor #1	Toledo	Ohio	43623	Sep 15 1994	Active	QUALITY HEARING SYSTEMS	<a href="#">Click for Details</a>
RN192108	Colin Russell	4434 Secor #1	Toledo	Ohio	43623	Sep 15 1994	Active	QUALITY HEARING AID SYSTEMS	<a href="#">Click for Details</a>
RN192107	Colin Russell	4434 Secor #1	Toledo	Ohio	43623	Sep 15 1994	Active	QUALITY HEARING AIDS	<a href="#">Click for Details</a>
RN190174	Colin Russell	4434 Secor #2	Toledo	Ohio	43623	Aug 19 1994	Active	SONOTONE OF TOLEDO	<a href="#">Click for Details</a>
RN190173	Colin Russell	4434 Secor #2	Toledo	Ohio	43623	Aug 19 1994	Active	QUALITY HEARING BY SONOTONE	<a href="#">Click for Details</a>
RN190172	Colin Russell	4434 Secor #2	Toledo	Ohio	43623	Aug 19 1994	Active	QUALITY HEARING OF NORTHWEST OHIO	<a href="#">Click for Details</a>
RN190171	Colin Russell	4434 Secor #2	Toledo	Ohio	43623	Aug 19 1994	Active	QUALITY HEARING	<a href="#">Click for Details</a>

[help](#)[Back to Menu](#)

AT&amp;T Ex. 14

AT&amp;T Ex. 15

**Hearing Aid Service**  
3718 Lincolnway East  
Mishawaka, IN 46544  
574.256.0000 - Fax: 574.256.0244

---

Ray,

January 31, 2008

The following is the outline of what happened.

1. The original setup of phones was sometime the second week of August 2004. The original phone numbers were:

419-472-6400  
419-472-0604  
419-472-0664  
419-473-1900

All of these numbers were set up as Kenwood Hearing Aids during the first part of August 2004. I could not acquire information on the exact day I called.

To confirm this I called SBC (AT&T) on November 27, 2007. SBC employee India, ID# 7642, confirmed to me that original name on the order for the 4 lines was Kenwood Hearing Aids. The main billing number was 419-472-6400 and on confirmation date August 30, 2004 when the phones were turned on, the billing name was and still is Hear Ear Hearing Instruments. On August 25, 2004, 5 days before the phones were to be turned on August 30, 2004 I called from my cell phone, 574-850-5039 and changed all the names from Kenwood Hearing Aids to Hear Ear Hearing Instruments. This was confirmed by Melissa, ID# MS1285, at SBC (AT&T), confirmation number N1653100345.

The omission or mistake as referenced by the letter from Ethel Jones at SBC occurred on August 25, 2004 when the name on 419-473-1900 was not changed to Hear Ear as it should have been. Thus, it came out in the 2004 white pages directory as Kenwood Hearing Aids.

To sum this all up, India, ID# 7642, confirmed original set up was Kenwood Hearing Aids.

2. The second major mistake occurred on December 22, 2004 at 4:30pm, confirmation number C1653223842. Order was for de-listing and a change of number to 419-473-2669 as this is our 4<sup>th</sup> line. The phone company failed to de-list the Kenwood Hearing Aid listing. So as a result it came out again in the white pages directory with the new phone number 419-473-2669 listed as Kenwood Hearing Aids. Again in reference to letter from Ethel Jones the second mistake of non-omission occurred in the 2005/2006 white page directory.
3. I spoke with Donna Hill on December 13, 2004 and she referred me to Ethel Jones for support. Ethel Jones worked with Donna Hill, phone number 312-364-7100 Executive Director of Appeals, in the forming of the SBC letter of admission.

**Your hearing is our only priority!**

06. 07 2008 4:10PM



CUSTOMER SERVICE RECORD

09/05/04	ZBU SB	TOLD	1MH	345	419 472-6400	1
PRINTED	C90404	EXCH	CS	CUST	TELNUM	PAGE
	BILLDT					

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
	ZBU	SB			
	ZCPI	C			
	NOCN	9321			

ORDERS PROCESSED SINCE LAST BILLING FOR THIS ACCOUNT

SERVICE	EFFECTIVE	PURCHASE
ORDER NUMBER	DATE	ORDER NUMBER
N1653100345	08/30/04	

--MAIN LISTINGS

LN HEAR; EAR HEARING AIDS INC  
 LA 3030 W SYLVANIA AV, TOLEDO  
 LOC SUIT 107  
 SIC 5999  
 DZIP 43613

--ADDITIONAL LISTINGS

AL (A) KENWOOD; HEARING AIDS  
 /LA , TOLEDO/TN 419 473-1900

--BILLING INFORMATION

BN1 COLIN RUSSELL  
 BA1 DBA HEAR EAR HEARING AIDS  
 BA2 3030 W SYLVANIA AV  
 BA3 SUIT 107  
 PO TOLEDO OH 43613  
 EMA Q  
 ZGC 360950000  
 IB (A) 6, 61490, 08-30-04  
 SS NONE  
 TAR 0048  
 ZCPI C, V, COLIN RUSSELL, 08-25-04

--SERVICE AND EQUIPMENT

SPP (A) VT9/TA 12, 08-30-04/SED 08-25-04  
 HTG A 419 472-6400, 419 472-0604,  
 419 473-1900, 419 472-0664/HTY SC

1	TGRFS	/DES 866 472-6400	0.00	0.00	NNTNNN
		/ORD N1653100345/CD 08-30-04			
1	1MH	/PIC SAF/PCA BO, 08-30-04	0.00	0.00	TNTNNN
		/ZPIC SAF/LPCA BO, 08-30-04			
		/PKG C-PGOQD/ITC 9017/HTG A			
		/ORD N1653100345/CD 08-30-04			
1	QBP UU	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	ESM	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			

# CUSTOMER SERVICE RECORD

09/05/04	ZBU SB	TOLD	1MH	345	419 472-6400	2
PRINTED	BILLDT	EXCH	CS	CUST	TELNUM	PAGE

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
1	NSQ	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	NSD	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	ESC	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	PGOQD	/SPP (A)/ORD N1653100345	113.96	113.96	TNTNNN
		/CD 08-30-04			
1	OBQTT	/ORD N1653100345/CD 08-30-04	6.00	6.00	TNTNNN
1	RTVIN	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	FYW	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	NALDC	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	UXT48	/ORD N1653100345/CD 08-30-04	0.12	0.12	TNTNNN
1	9ZR	/ORD N1653100345/CD 08-30-04	5.38	5.38	TNTNNN
1	9PZLM	/ORD N1653100345/CD 08-30-04	0.73	0.73	TNTNNN
1	NSR	/ORD N1653100345/CD 08-30-04	0.18	0.18	TNTNNN
1	N8D	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	1MH	/TN 472-0604/PIC SAF	0.00	0.00	TNTNNN
		/PCA BO, 08-30-04/ZPIC SAF			
		/LPCA BO, 08-30-04/PKG C-XREPD			
		/ITC 9017/HTG A			
		/ORD N1653100345/CD 08-30-04			
1	OBQTT	/TN 472-0604/ORD N1653100345	6.00	6.00	TNTNNN
		/CD 08-30-04			
1	RTVIN	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	FYW	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	XREPD	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	NALDC	/TN 472-0604/PKG C-XREPD	0.00	0.00	TNTNNN
		/ORD N1653100345/CD 08-30-04			
1	UXT48	/TN 472-0604/ORD N1653100345	0.12	0.12	TNTNNN
		/CD 08-30-04			
1	9ZR	/TN 472-0604/ORD N1653100345	5.38	5.38	TNTNNN
		/CD 08-30-04			
1	9PZLM	/TN 472-0604/ORD N1653100345	0.73	0.73	TNTNNN
		/CD 08-30-04			
1	NSR	/TN 472-0604/ORD N1653100345	0.18	0.18	TNTNNN
		/CD 08-30-04			
1	1MH	/TN 472-0664/PIC SAF	0.00	0.00	TNTNNN
		/PCA BO, 08-30-04/ZPIC SAF			
		/LPCA BO, 08-30-04/PKG C-XREPD			
		/ITC 9017/HTG A			
		/ORD N1653100345/CD 08-30-04			
1	OBQTT	/TN 472-0664/ORD N1653100345	6.00	6.00	TNTNNN

# CUSTOMER SERVICE RECORD

09/05/04	ZBU SB	TOLD	1MH	345	419 472-6400	3
PRINTED	090404	EXCH	CS	CUST	TELNUM	PAGE

BL	CODE &	GRP	QNTY	DESCRIPTION	UNIT RATE	TOTAL	TAX FSCMXT
				/CD 08-30-04			
1	RTV1N			/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
				/CD 08-30-04			
1	FYW			/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
				/CD 08-30-04			
1	XREPD			/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
				/CD 08-30-04			
1	NALDC			/TN 472-0664/PKG C-XREPD	0.00	0.00	TNTNNN
				/ORD N1653100345/CD 08-30-04			
1	UXT48			/TN 472-0664/ORD N1653100345	0.12	0.12	TNTNNN
				/CD 08-30-04			
1	9ZR			/TN 472-0664/ORD N1653100345	5.38	5.38	TNTNNN
				/CD 08-30-04			
1	9PZLM			/TN 472-0664/ORD N1653100345	0.73	0.73	TNTNNN
				/CD 08-30-04			
1	NSR			/TN 472-0664/ORD N1653100345	0.18	0.18	TNTNNN
				/CD 08-30-04			
1	1MH			/TN 473-1900/PIC SAF	0.00	0.00	TNTNNN
				/PCA BO, 08-30-04/ZPIC SAF			
				/LPCA BO, 08-30-04/PKG C-XREPD			
				/ITC 9017/HTG A			
				/ORD N1653100345/CD 08-30-04			
1	OBQTT			/TN 473-1900/ORD N1653100345	6.00	6.00	TNTNNN
				/CD 08-30-04			
1	RTV1N			/TN 473-1900/ORD N1653100345	0.00	0.00	TNTNNN
				/CD 08-30-04			
1	FYW			/TN 473-1900/ORD N1653100345	0.00	0.00	TNTNNN
				/CD 08-30-04			
1	XREPD			/TN 473-1900/ORD N1653100345	0.00	0.00	TNTNNN
				/CD 08-30-04			
1	CLT			/TN 473-1900/REF A	3.00	3.00	TNTNNN
				/ORD N1653100345/CD 08-30-04			
1	NALDC			/TN 473-1900/PKG C-XREPD	0.00	0.00	TNTNNN
				/ORD N1653100345/CD 08-30-04			
1	UXT48			/TN 473-1900/ORD N1653100345	0.12	0.12	TNTNNN
				/CD 08-30-04			
1	9ZR			/TN 473-1900/ORD N1653100345	5.38	5.38	TNTNNN
				/CD 08-30-04			
1	9PZLM			/TN 473-1900/ORD N1653100345	0.73	0.73	TNTNNN
				/CD 08-30-04			
1	NSR			/TN 473-1900/ORD N1653100345	0.18	0.18	TNTNNN
				/CD 08-30-04			

--RMKS  
 RMKR 01-EXPLN 1YR COMM, WOT #  
 884400

# CUSTOMER SERVICE RECORD

09/05/04	ZBU SB					
PRINTED	090404	TOLD	1MH	345	419 472-6400	4
	BILLDT	EXCH	CS	CUST	TELNUM	PAGE

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
		TOTAL EXCLUDING TAXES		166.60	
		AMOUNT SUBJECT TO FEDERAL TAX		166.60	
		AMOUNT SUBJECT TO COUNTY TAX		166.60	
		--SERV & EQUIP ACCOUNT SUMMARY			
1	CLT	Additional Directory Listing			
1	ESC	Three Way Calling			
1	ESM	Call Forwarding			
4	FYW	Abbreviated Toll Free Service			
4	NALDC	Line Charge			
1	NSD	Caller Identification			
1	NSQ	Automatic Callback			
4	NSR	Number Portability Surcharge			
1	N8D	Calling Name Display			
4	OBQTT	CO Termination With Touchtone			
1	PGOOD	Custom BizSaver Unlimited 4Ln			
1	QBPUU	Custom Biz Saver Local			
4	RTV1N	900/976 Call Blocking			
1	TGRFS	Toll Free Single Termination			
4	UXT48	9-1-1 Service Charge			
3	XREPD	Additional Line Cust Biz Saver			
4	1MH	Indiv Msg Business Hunting Ln			
4	9PZLM	Federal USF - Multi - Line-BUS			
4	9ZR	Federal Access Charge			

**KELLY, JON (Legal)**

---

**From:** MCCLINTOCK, DEBBIE (ATTADV)  
**Sent:** Thursday, November 29, 2007 9:42 AM  
**To:** KELLY, JON (Legal); GENTILE-KLEIN, KATHLEEN M (ATTOHB)  
**Cc:** BARRY, MIKE (Legal); PAMPALONA, SHARON (Legal)  
**Subject:** RE: Toledo Directory Pages.pdf (Colin Russell)

Hi Jon,

Sure. The service order cut off date for the 12/05 issue was 9/22.

The service order cut off date for the 12/04 issue was 9/21.

Debbie

-----Original Message-----

**From:** KELLY, JON (Legal)  
**Sent:** Thursday, November 29, 2007 9:37 AM  
**To:** MCCLINTOCK, DEBBIE (ATTADV); GENTILE-KLEIN, KATHLEEN M (ATTOHB)  
**Cc:** BARRY, MIKE (Legal); PAMPALONA, SHARON (Legal)  
**Subject:** RE: Toledo Directory Pages.pdf (Colin Russell)

Thanks, Debbie, can you pull up the service order cut off dates for the Dec 2004 and Dec 2005 Toledo WP directories too?

Jon F. Kelly  
 General Attorney  
 AT&T Services, Inc.  
 150 E. Gay Street, Rm. 4-A  
 Columbus, Ohio 43215  
 Telephone: 614 223 7928  
 Fax: 614 223 5955  
 jk2961@att.com

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---

**From:** MCCLINTOCK, DEBBIE (ATTADV)  
**Sent:** Thursday, November 29, 2007 9:26 AM  
**To:** GENTILE-KLEIN, KATHLEEN M (ATTOHB)  
**Cc:** BARRY, MIKE (Legal); KELLY, JON (Legal); PAMPALONA, SHARON (Legal)  
**Subject:** RE: Toledo Directory Pages.pdf (Colin Russell)

Hi Kathy,

The service order cut off date for the Toledo-OH 12/06 issue was 9/22/06. Delivery started on 11/27/06.

The service order cut off date for the upcoming Toledo-OH 1/08 issue was 10/12/07. Delivery will start on 12/17/07.

Hope that helps.

Debbie

-----Original Message-----

**From:** GENTILE-KLEIN, KATHLEEN M (ATTOHB)  
**Sent:** Thursday, November 29, 2007 9:13 AM

**To:** PAMPALONA, SHARON (Legal)  
**Cc:** BARRY, MIKE (Legal); MCCLINTOCK, DEBBIE (ATTADV); KELLY, JON (Legal)  
**Subject:** RE: Toledo Directory Pages.pdf (Colin Russell)

Team,

One quick question for someone. When is the actual cut off date of any new or canceled Directory Listings for the Toledo, OH directory? Also, what date does the delivery start.

This information would be helpful in our meeting at the PUCO this morning.

Kathy

-----Original Message-----

**From:** KELLY, JON (Legal)  
**Sent:** Thursday, November 29, 2007 8:20 AM  
**To:** PAMPALONA, SHARON (Legal)  
**Cc:** BARRY, MIKE (Legal); GENTILE-KLEIN, KATHLEEN M (ATTOHB); MCCLINTOCK, DEBBIE (ATTADV)  
**Subject:** RE: Toledo Directory Pages.pdf (Colin Russell)

Got it, many thanks for the prompt response.

Jon F. Kelly  
General Attorney  
AT&T Services, Inc.  
150 E. Gay Street, Rm. 4-A  
Columbus, Ohio 43215  
Telephone: 614 223 7928  
Fax: 614 223 5955  
jk2961@att.com

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**From:** PAMPALONA, SHARON (Legal)  
**Sent:** Thursday, November 29, 2007 7:40 AM  
**To:** KELLY, JON (Legal)  
**Cc:** BARRY, MIKE (Legal); GENTILE-KLEIN, KATHLEEN M (ATTOHB); MCCLINTOCK, DEBBIE (ATTADV)  
**Subject:** Toledo Directory Pages.pdf (Colin Russell)

<< File: Toledo Directory Pages.pdf >>  
Good morning Jon,

Attached are the two pages that Mike asked me to scan and e-mail to you.

Thanks and have a nice day.

Sharon

Sharon J. Pampalona  
Administrative Assistant  
AT&T Advertising & Publishing  
Legal & External Affairs  
100 E. Big Beaver Road, Suite 1300  
Troy, Michigan 48063

Phone No: (248) 524-7660  
Fax No: (248) 524-7227







## 60

**KINGSTON HEALTHCARE  
COMPANY—**  
Kilmer Residence Of Perryville—  
333 E Highway St ————— 419 872-6200  
Kilmer Residence Of Sylvania—  
6125 King Rd ————— 419 834-4280

Kingsmen Residence of SYLVANIA  
4125 King Rd \_\_\_\_\_ 419 824-4200  
Kingsmen Residence of SYLVANIA  
4125 N King Rd \_\_\_\_\_ 419 843-1992

Kingsworld Transportation 5007 H Summit St  
 419 729-9921  
 Kinter-Johnson Joyce R Junior  
 3450 W Central Av  
 419 534-3111

**KIRKER-JOHNSON JOYCE MA**  
3450 W Central Av. — **419 534-3111**  
Kirk's - - See Fed-Ex Kirk's

**Kaiser Associated** 57 Powdermill Dr  
Toll-free Tel No - 419 475-7911

**KINSEY FUNERAL HOME**

Kioship Navigator Program 2155 Arlington Av  
419 382-0422

Kap's RV Service 7005 S. Telegraph Rd.  
Tomball, TX 77455 734 047-5423

Kirby Co Of Nw China 5950 Airport Hwy  
Molokai Tel No - 419 867-2000  
Kirby Mason Contractors 18115 Crab Rd

Kirby's Country Treasures 1235 E. Rd.  
Erie, MI 49501 734 848-0077

**Kidney Ties it out—**

Qlc 5444 Airport Hwy	419 366-866
North Ridge J 124 N Summit St	419 294-392
Res 4343 Deepwood Ln	419 382-064

Kirchberg Thomas G MD— 419 291-220  
2150 W Canal Av  
Kirchberg Thomas G MD— 419 291-219  
2150 W Canal Av

Kirkpatrick, Joel J 4190 Lakeside Commons 890-4190 873-2422  
Kirkpatrick, Joel J 414 N Erie St. 419 242-8900  
Kirkpatrick, Joel J 4895 Monroe St. 419 475-8888  
Kirk's Cleaning Depot 8967 Lewis Ave  
FIREMIX 734 850-9944

ERIE MI 734 848-810  
KIRSCH Chair L. 30 7460 Jackson Rd  
THOMAS MI 734 847-608  
KIRSCH Mrs. Nancy 254 Casswood Dr 419 874-556

**KIRSHNER ALAN R** only  
6800 W Central Av.—419 841-3311  
**Kirshner Alan B MD** 4925 Snider Rd—419 479-5866  
Neurological Assoc 1626 Commercial Cr.

**Kaiser Appliances** 7300 International Dr  
419 868-3271

Kramer Gallery-Artist Studio  
6819 W Central Ave  
Krasoff Rayner Foot & Kruse PA  
6445 Whetstone Dr

Robert Victor CPA 4485 Wrenstone Ct  
419 866-7800  
Kishner Tom Inc sec 7304 Airport Hwy  
419 865-2922  
Mark Douglas Winner Designer & Painter

405 Madison Av 419 243-3211  
Kitch Deutsch Wagner Danovics & Yablum PC  
405 Madison Av 419 243-3211  
Kitch Design Plus LLC 5250 Norwicht Dr

Kitchen For The Poor 650 Vance St 419 338-3300  
Kitchen Margaret Applegate ave 419 241-2800  
SMM Monroe St 419 882-3750

KITCHEN SUPPLIES INC 6710 W Central Ave  
419 841-7700  
KITCHEN TOOLS & SKILLS 26597 N Dodge Hwy  
419 872-1970  
KITCHEN'S BY JENNIFER 2126 N Riverside Rd

**Kitchens Unlimited Bob Hahn** 419 531-9775  
528 Warehouse Rd 419 383-7722  
**Kitty Condo LLP 4338 Spartan Dr** 419 696-1966  
1105 Thomas R. Hall Trade 419 486-1105

58639 Anenbach 2004

\_\_\_\_\_

# CUSTOMER SERVICE RECORD

A121 Ex. 17

01/05/05	ZBU SB00NX04	010405	TOLD	1MH	345	419 472-6400	1
PRINTED	BILLDT	EXCH	CS	CUST	TELNUM		PAGE

BL	CODE &	GRP	QNTY	DESCRIPTION	UNIT RATE	TOTAL	TAX FSCMXT
	ZBU			SB, CON-X04			
	ZCPI			C			
	NOCN			9321			

## ORDERS PROCESSED SINCE LAST BILLING FOR THIS ACCOUNT

SERVICE	EFFECTIVE	PURCHASE
ORDER NUMBER	DATE	ORDER NUMBER
R9006070283	12/09/04	
C1653223842	12/23/04	

### --MAIN LISTINGS

LN HEAR; EAR HEARING AIDS INC  
 LA 3030 W SYLVANIA AV, TOLEDO  
 LOC SUIT 107  
 SIC 5999  
 DZIP 43613

### --ADDITIONAL LISTINGS

AL (A) KENWOOD; HEARING AIDS  
 /LA , TOLEDO /TN 419 472-2669

### --DIRECTORY ADVERTISING

DIRECTORY	TYPE	
TOLO	YP	
DIRECTORY ADVERTISING TOTAL		

2901.00 NNNNNN  
 2901.00

### --BILLING INFORMATION

BN1 COLIN RUSSELL  
 BA1 DBA HEAR EAR HEARING AIDS  
 BA2 3030 W SYLVANIA AV  
 BA3 SUIT 107  
 PO TOLEDO OH 43613  
 EMA Q  
 ZGC 360950000  
 IB (A) 6, 61490, 08-30-04  
 SS NONE  
 TAR 0048  
 ZCPI C, V, COLIN RUSSELL, 08-25-04  
 TACT (B) MWVM, VM CONNECTION PROMO,  
 0904, 120, 409VGOT

### --SERVICE AND EQUIPMENT

SPP (A) VT9/TA 12, 08-30-04/SED 08-25-04  
 HTG A 419 472-6400, 419 472-0604,  
 419 472-2669, 419 472-0664/HTY SC

1	TGRFS /DES 866 472-6400	0.00	0.00	NNTNNN
	/ORD N1653100345/CD 08-30-04			

CUSTOMER SERVICE RECORD

01/05/05	ZBU SB00NX04					
PRINTED	010405	TOLD	1MH	345	419 472-6400	2
	BILLDT	EXCH	CS	CUST	TELNUM	PAGE

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
1	1MH	/PIC SAF/PCA BO, 08-30-04	0.00	0.00	TNTNNN
		/ZPIC SAF/LPCA BO, 08-30-04			
		/PKG C-PGOQD/ITC 9017/HTG A			
		/ORD N1653100345/CD 08-30-04			
1	QBPUU	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	EVD	/CFN 1 419 242-2070/RCYC 3	0.60	0.60	TNTNNN
		/ORD C1653113270/CD 09-08-04			
1	ESM	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	NSQ	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	NSD	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	ESC	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	PGOQD	/SPP (A)/ORD N1653100345	113.96	113.96	TNTNNN
		/CD 08-30-04			
1	OBQTT	/ORD N1653100345/CD 08-30-04	6.00	6.00	TNTNNN
1	RTVIN	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	FYW	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	M1W	/ORD C1653113270/CD 09-08-04	0.25	0.25	TNTNNN
1	NALDC	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	UXT48	/ORD N1653100345/CD 08-30-04	0.12	0.12	TNTNNN
1	9ZR	/ORD N1653100345/CD 08-30-04	5.38	5.38	TNTNNN
1	9PZLM	/ORD N1653100345/CD 08-30-04	0.85	0.85	TNTNNN
1	AM7V2	/AAN 472-0604/ORD C1653113270	17.45	17.45	NNNNNN
		/CD 09-08-04			
1	NSR	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	N8D	/PKG C-PGOQD/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	1MH	/TN 472-0604/PIC SAF	0.00	0.00	TNTNNN
		/PCA BO, 08-30-04/ZPIC SAF			
		/LPCA BO, 08-30-04/PKG C-XREPD			
		/ITC 9017/HTG A			
		/ORD N1653100345/CD 08-30-04			
1	EVD	/TN 472-0604	0.60	0.60	TNTNNN
		/CFN 1 419 242-2070/RCYC 3			
		/ORD C1653113270/CD 09-08-04			
1	OBQTT	/TN 472-0604/ORD N1653100345	6.00	6.00	TNTNNN
		/CD 08-30-04			
1	RTVIN	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	FYW	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	XREPD	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			

CUSTOMER SERVICE RECORD

01/05/05	ZBU SB00NX04					3
PRINTED	010405	TOLD	1MH	345	419 472-6400	
	BILLDT	EXCH	CS	CUST	TELNUM	PAGE

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
1	NALDC	/TN 472-0604/PKG C-XREPD	0.00	0.00	TNTNNN
		/ORD N1653100345/CD 08-30-04			
1	UXT48	/TN 472-0604/ORD N1653100345	0.12	0.12	TNTNNN
		/CD 08-30-04			
1	9ZR	/TN 472-0604/ORD N1653100345	5.38	5.38	TNTNNN
		/CD 08-30-04			
1	9PZLM	/TN 472-0604/ORD N1653100345	0.85	0.85	TNTNNN
		/CD 08-30-04			
1	NSR	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	1MH	/TN 472-0664/PIC SAF	0.00	0.00	TNTNNN
		/PCA BO, 08-30-04/ZPIC SAF			
		/LPCA BO, 08-30-04/PKG C-XREPD			
		/ITC 9017/HTG A			
		/ORD N1653100345/CD 08-30-04			
1	TFM	/TN 472-0664/PN 472-6400	0.00	0.00	TNTNNN
		/ORD C1653113270/CD 09-08-04			
1	EVB	/TN 472-0664	0.60	0.60	TNTNNN
		/CFN 1 419 242-2070			
		/ORD C1653113270/CD 09-08-04			
1	EVD	/TN 472-0664	0.60	0.60	TNTNNN
		/CFN 1 419 242-2070/RCYC 3			
		/ORD C1653113270/CD 09-08-04			
1	OBQTT	/TN 472-0664/ORD N1653100345	6.00	6.00	TNTNNN
		/CD 08-30-04			
1	RTVIN	/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	FYW	/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	XREPD	/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	NALDC	/TN 472-0664/PKG C-XREPD	0.00	0.00	TNTNNN
		/ORD N1653100345/CD 08-30-04			
1	UXT48	/TN 472-0664/ORD N1653100345	0.12	0.12	TNTNNN
		/CD 08-30-04			
1	9ZR	/TN 472-0664/ORD N1653100345	5.38	5.38	TNTNNN
		/CD 08-30-04			
1	9PZLM	/TN 472-0664/ORD N1653100345	0.85	0.85	TNTNNN
		/CD 08-30-04			
1	NSR	/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	1MH	/TN 472-2669/PIC SAF	0.00	0.00	TNTNNN
		/PCA BO, 08-30-04/ZPIC SAF			
		/LPCA BO, 08-30-04/PKG C-XREPD			
		/ITC 9017			
		/CLT .UAFU.419.472.2669			
		/ME MEOE MEOE.IR01H09.001.25-			
		059; MECP MECP.IR01H09.001.25-			

# CUSTOMER SERVICE RECORD

01/05/05	ZBU SBOONX04	TOLD	1MH	345	419 472-6400	4
PRINTED	BILLDT	EXCH	CS	CUST	TELNUM	PAGE

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
		059; SPLT SPLT.IR01H09.001.25-			
		059/HTG A/LQ LD/UNN1 3144			
		/UNE1 .UAFU.104539..OB			
		/RA 216 G68-7822/CUS 000/SSP			
		/ORD C1653223842/CD 12-23-04			
1	TFM	/TN 472-2669/PN 472-6400	0.00	0.00	TNTNNN
		/ORD C1653223842/CD 12-23-04			
1	EVD	/TN 472-2669	0.60	0.60	TNTNNN
		/CFN 1 419 242-2070/RCYC 3			
		/ORD C1653223842/CD 12-23-04			
1	OBQTT	/TN 472-2669/ORD C1653223842	6.00	6.00	TNTNNN
		/CD 12-23-04			
1	RTVIN	/TN 472-2669/ORD C1653223842	0.00	0.00	TNTNNN
		/CD 12-23-04			
1	FYW	/TN 472-2669/ORD C1653223842	0.00	0.00	TNTNNN
		/CD 12-23-04			
1	XREPD	/TN 472-2669/ORD C1653223842	0.00	0.00	TNTNNN
		/CD 12-23-04			
1	CLT	/TN 472-2669/REF A	3.00	3.00	TNTNNN
		/ORD C1653223842/CD 12-23-04			
1	NALDC	/TN 472-2669/PKG C-XREPD	0.00	0.00	TNTNNN
		/ORD C1653223842/CD 12-23-04			
1	UXT48	/TN 472-2669/ORD C1653223842	0.12	0.12	TNTNNN
		/CD 12-23-04			
1	9ZR	/TN 472-2669/ORD C1653223842	5.38	5.38	TNTNNN
		/CD 12-23-04			
1	9PZLM	/TN 472-2669/ORD C1653223842	0.85	0.85	TNTNNN
		/CD 12-23-04			
1	NSR	/TN 472-2669/ORD C1653223842	0.00	0.00	TNTNNN
		/CD 12-23-04			

--RMKS

RMKR 01-EXPLN 1YR COMM, WOT #

884400

RMKR 76-BRAD STANFIELD 419-472-6400

TOTAL EXCLUDING TAXES

187.06

AMOUNT SUBJECT TO FEDERAL TAX

169.61

AMOUNT SUBJECT TO COUNTY TAX

187.06

DIRECTORY ADVERTISING TOTAL

2901.00

# CUSTOMER SERVICE RECORD

01/05/05	ZBU SBOONX04	010405	TOLD	1MH	345	419 472-6400	5
PRINTED	BILLDT	EXCH	CS	CUST	TELNUM		PAGE

BL	CODE	&	GRP	QNTY	DESCRIPTION	UNIT RATE	TOTAL	TAX FSCMXT
					--SERV & EQUIP ACCOUNT SUMMARY			
				1	AM7V2 Enhanced Voice Mail			
				1	CLT Additional Directory Listing			
				1	ESC Three Way Calling			
				1	ESM Call Forwarding			
				1	EVB Busy Line Transfer			
				4	EVD Alternate Answering			
				4	FYW Abbreviated Toll Free Service			
				1	MIW Msg Wtg Audible & Visual Ind			
				4	NALDC Line Charge			
				1	NSD Caller Identification			
				1	NSQ Automatic Callback			
				4	NSR Number Portability Surcharge			
				1	N8D Calling Name Display			
				4	OBQTT CO Termination With Touchtone			
				1	PGOQD Custom BizSaver Unlimited 4Ln			
				1	QBPUU Custom Biz Saver Local			
				4	RTV1N 900/976 Call Blocking			
				2	TFM Voice Msg Svc-Transfer Mailbox			
				1	TGRFS Toll Free Single Termination			
				4	UXT48 9-1-1 Service Charge			
				3	XREPD Additional Line Cust Biz Saver			
				4	1MH Indiv Msg Business Hunting Ln			
				4	9PZLM Federal USF - Multi - Line-BUS			
				4	9ZR Federal Access Charge			

# BUSINESS

[illegible][illegible]

**Hood Doctors Barber Shop** 2246 Colwell Blvd  
— 419-841-9047

**Hood Shoe •**  
**Ten Shoes Ten**

**Hood Start Center —**  
• Toledo-Lucas County 505 Hamilton St  
— 419-255-7125

**Hood Start-Economic Opportunity Planning**  
**Asian Of Greater Toledo** 505 Hamilton St  
— 419-255-7125

**Hood To Tail Animal Shelter** 113 W Woodard St  
— 419-747-7387

**Hood Y Tai Tae Anadol Reunion Tour**  
**Oregon Tai No •** 419-687-7387

**Headache & Migraine Center Of Ohio**  
1030 Highway G2 — 419-955-5998  
Headaches 3724 N Wythe Ave — 419-874-7224  
Henneping 3333 Leavitt St — 419-243-8647  
1765 W Jackson Rd — 419-536-9066

**HEALING ARTS INSTITUTE**  
349 Trade Meadows Dr — 419-874-4496  
Healing Through Massage Therapy  
#6 E 2 St — 419-874-2778  
Healing Touch Massage Therapy  
5458 York St — 419-882-9512  
Health Aid Of Ohio Inc 487 Tonnawanda Tr  
— 419-991-4190

**Health Care Purchasing Consulting**  
2223 Alverton Rd — 419-478-3978  
— 419-478-7083

**Health Care Paper's Condition Inc.**  
233 S Summit St — 419-252-5880

**Health Care REIT Inc One Seaboard**  
Health Care REIT Inc 333 S Sumner St  
— 419-252-5880

**Health Care Solutions 896 Capital Congress Dr**  
— 419-368-4044

**Health Care Solutions 5825 Murray St**  
— 419-862-1429

**Health Care Solutions INC 2953 S Republic St**  
Springdale Tenn — 419-878-7412

**HEALTH N OF OHIO LLC**  
3246 Haverly Av — 419-693-3538

**Health Management Solutions**  
2535 N Mainway Rd — 419-534-5099

**Health Plan Of Michigan DBL Warren Rd**  
— 419-474-6386

**Health Plus Specialists 403B Alder Dr**  
— 419-475-3438

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**HEALTH SERVICES CONNECTIONS**  
3028 Haverly Av — 419-698-8733

---

**Health Systems LLC 4757 N Summit** 419-727-1480  
Health Van 1423 W Morris Rd Thermi MI 734-887-8888

**Healthy Mergent LBNP (former FPL)** 734-887-8888  
Henneping Advisory Liaison — 419-824-1376  
Henneping Consultants Assoc Of Michigam  
Glen Park South Economy St — 419-874-8740

**Healthcare Consulting Services Review LLC**  
1738 Indian Wood Cir — 419-482-0412  
— Provider Solutions

**120 Oak St** — 419-241-3331  
Henneping Staffing 3151 Morgan St — 419-241-3331  
HENNEPIN CONCEPT MESSAGE THERAPY  
4444 Huron St — 419-852-6188

**Hennepin Court 195 Harrison Av** — 419-877-8844  
Henning Touch Of White House  
478 Broadway Pl — 419-877-8844  
Hillier Hair Styling Salon Inc 3328 W Spanglers Av  
— 419-478-4272

**Hearing Aid Home Service 240 Medina**  
— 419-282-6478

**HEARING AIDS BY BRIAN PRATT**  
2846 S Spruce Rd — 419-382-7427

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**HEARING ASSOCIATES INC**  
Susan Shields Forbes AUD CCC-A  
Lisa Wear Au D CCC-A  
5448 Haverly St — 419-832-5958

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**Hearing & Speech Center 3950 Airport Hwy**  
— 419-475-7899

**Heart Flinders Co 3341 Madison Rd** — 419-475-7773

**HEART DISEASE RESEARCH FOUNDATION—**  
Memorial Scripps 50 Court Brooklyn NY  
— 718-649-6318  
Wills Research & Education  
50 Court Brooklyn NY — 718-649-7983

**Heart Of The Home Kitching**  
4418 Fremont Pl — 419-837-2321  
Heart Specialists Of NW Ohio

[illegible]

# BUSINESS



## CUSTOMER SERVICE RECORD

AT&amp;T Ex 21

12/06/05 120405 TOLD 1MH 345 419 472-6400 1  
 PRINTED BILLDT EXCH CS CUST TELNUM PAGE

BL	CODE &	UNIT	TAX
GRP	QNTY	RATE	FSCMXT
DESCRIPTION		TOTAL	
ZBU	SB, 00N-XC4		
ZCPI	C		
NOCN	9321		

## ORDERS PROCESSED SINCE LAST BILLING FOR THIS ACCOUNT

SERVICE	EFFECTIVE	PURCHASE
ORDER NUMBER	DATE	ORDER NUMBER
R9972208915	11/30/05	
C1653602097	12/01/05	

## --MAIN LISTINGS

LN HEAR; EAR HEARING AIDS INC  
 LA 3030 W SYLVANIA AV, TOLEDO  
 LOC SUIT 107  
 SIC 5999  
 DZIP 43613

## --DIRECTORY ADVERTISING

DIRECTORY TYPE  
 TOLO YP

DIRECTORY ADVERTISING TOTAL

70.00 NNNNNN  
 70.00

## --BILLING INFORMATION

BN1 COLIN RUSSELL  
 BA1 DBA HEAR EAR HEARING AIDS  
 BA2 3030 W SYLVANIA AV  
 BA3 SUIT 107  
 PO TOLEDO OH 43613  
 EMA Q  
 ZGC 360950000  
 SS NONE  
 TAR 0048  
 ZCPI C, V, COLIN RUSSELL, 08-25-04  
 TACT (B) MWVM, VM CONNECTION PROMO,  
 0904, 120, 409VGOT  
 TACT (C) REN2, CBS RENEW OPTION,  
 0705, 036, 40KJQTG

## --SERVICE AND EQUIPMENT

SPP (B) VT9/TA 24, 07-26-05/SED 07-25-05  
 HTG A 419 472-6400, 419 472-0604,  
 419 472-8535, 419 472-0664/HTY SC

1	TGRFS /DES 866 472-6400	0.00	0.00	NNTNNN
	/ORD N1653100345/CD 08-30-04			
1	1MH /PIC SAF/PCA BO, 08-30-04	0.00	0.00	TNTNNN
	/ZPIC SAF/LPCA BO, 08-30-04			
	/SPP (B)/TBE C/PKG C-PGOQD			



# CUSTOMER SERVICE RECORD

12/06/05	ZBU SBOONX04	120405	TOLD	1MH	345	419 472-6400	2
PRINTED	BILLET	EXCH	CS	CUST	TELNUM		PAGE

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
		/ITC 9017/HTG A			
		/ORD R1653496869/CD 08-31-05			
1	QBPUU	/SPP (B)/PKG C-PGOQD	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	EVD	/CFN 1 419 242-2070/RCYC 3	0.60	0.60	TNTNNN
		/ORD C1653113270/CD 09-08-04			
1	ESM	/SPP (B)/PKG C-PGOQD	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	NSQ	/SPP (B)/PKG C-PGOQD	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	NSD	/SPP (B)/PKG C-PGOQD	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	ESC	/SPP (B)/PKG C-PGOQD	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	PGOQD	/SPP (B)/ORD C1653456159	114.96	114.96	TNTNNN
		/CD 07-26-05			
1	OBQTT	/ORD N1653100345/CD 08-30-04	6.00	6.00	TNTNNN
1	RTVIN	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	FYW	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	M1W	/ORD C1653113270/CD 09-08-04	0.25	0.25	TNTNNN
1	NALDC	/SPP (B)/PKG C-PGOQD	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	UXT48	/ORD N1653100345/CD 08-30-04	0.12	0.12	TNTNNN
1	9ZR	/ORD N1653100345/CD 08-30-04	5.39	5.39	TNTNNN
1	9PZLM	/ORD N1653100345/CD 08-30-04	0.80	0.80	TNTNNN
1	AM7V2	/AAN 472-0604/ORD C1653113270	17.45	17.45	NNTNNN
		/CD 09-08-04			
1	NSR	/ORD N1653100345/CD 08-30-04	0.00	0.00	TNTNNN
1	N8D	/SPP (B)/PKG C-PGOQD	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	1MH	/TN 472-0604/PIC SAF	0.00	0.00	TNTNNN
		/PCA BO, 08-30-04/ZPIC SAF			
		/LPCA BO, 08-30-04/SPP (B)			
		/TBE C/PKG C-XREPD/ITC 9017			
		/HTG A/ORD R1653496869			
		/CD 08-31-05			
1	EVD	/TN 472-0604	0.60	0.60	TNTNNN
		/CFN 1 419 242-2070/RCYC 3			
		/ORD C1653113270/CD 09-08-04			
1	OBQTT	/TN 472-0604/ORD N1653100345	6.00	6.00	TNTNNN
		/CD 08-30-04			
1	RTVIN	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	FYW	/TN 472-0604/CRD N1653100345	0.00	0.00	TNTNNN
		/CD 08-30-04			
1	XREPD	/TN 472-0604/SPP (B)	0.00	0.00	TNTNNN
		/ORD R9001139150/CD 08-12-05			
1	NALDC	/TN 472-0604/SPP (B)	0.00	0.00	TNTNNN

# CUSTOMER SERVICE RECORD

12/06/05	ZBU SB00NX04	120405	TOLD	1MH	345	419 472-6400	3
PRINTED	BILLDT	EXCH	CS	CUST	TELNUM		PAGE

BL	CODE & GRP	QNTY	DESCRIPTION	UNIT RATE	TOTAL	TAX FSCMXT
			/PKG C-XREPD/ORD R9001139150			
			/CD 08-12-05			
	1	UXT48	/TN 472-0604/ORD N1653100345	0.12	0.12	TNTNNN
			/CD 08-30-04			
	1	9ZR	/TN 472-0604/ORD N1653100345	5.39	5.39	TNTNNN
			/CD 08-30-04			
	1	9PZLM	/TN 472-0604/ORD N1653100345	0.80	0.80	TNTNNN
			/CD 08-30-04			
	1	NSR	/TN 472-0604/ORD N1653100345	0.00	0.00	TNTNNN
			/CD 08-30-04			
	1	1MH	/TN 472-0664/PIC SAF	0.00	0.00	TNTNNN
			/PCA BO, 08-30-04/ZPIC SAF			
			/LPCA BO, 08-30-04/SPP (B)			
			/TBE C/PKG C-XREPD/ITC 9017			
			/HTG A/ORD R1653496869			
			/CD 08-31-05			
	1	TEM	/TN 472-0664/PN 472-6400	0.00	0.00	TNTNNN
			/ORD C1653113270/CD 09-08-04			
	1	EVB	/TN 472-0664	0.60	0.60	TNTNNN
			/CFN 1 419 242-2070			
			/ORD C1653113270/CD 09-08-04			
	1	EVD	/TN 472-0664	0.60	0.60	TNTNNN
			/CFN 1 419 242-2070/RCYC 3			
			/ORD C1653113270/CD 09-08-04			
	1	OBQTT	/TN 472-0664/ORD N1653100345	6.00	6.00	TNTNNN
			/CD 08-30-04			
	1	RTVIN	/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
			/CD 08-30-04			
	1	FYW	/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
			/CD 08-30-04			
	1	XREPD	/TN 472-0664/SPP (B)	0.00	0.00	TNTNNN
			/ORD R9001139150/CD 08-12-05			
	1	NALDC	/TN 472-0664/SPP (B)	0.00	0.00	TNTNNN
			/PKG C-XREPD/ORD R9001139150			
			/CD 08-12-05			
	1	UXT48	/TN 472-0664/ORD N1653100345	0.12	0.12	TNTNNN
			/CD 08-30-04			
	1	9ZR	/TN 472-0664/ORD N1653100345	5.39	5.39	TNTNNN
			/CD 08-30-04			
	1	9PZLM	/TN 472-0664/ORD N1653100345	0.80	0.80	TNTNNN
			/CD 08-30-04			
	1	NSR	/TN 472-0664/ORD N1653100345	0.00	0.00	TNTNNN
			/CD 08-30-04			
	1	1MH	/TN 472-8535/PIC SAF	0.00	0.00	TNTNNN
			/PCA BO, 08-30-04/ZPIC SAF			
			/LPCA BO, 08-30-04/SPP (B)			
			/TBE C/PKG C-XREPD/ITC 9017			
			/CLT .UAFU.419.472.8535			

# CUSTOMER SERVICE RECORD

12/06/05	ZBU SBOONX04	120405	TOLD	IMH	345	419 472-6400	4
PRINTED	BILLDT	EXCH	CS	CUST	TELNUM	PAGE	

BL	CODE &		UNIT		TAX
GRP	QNTY	DESCRIPTION	RATE	TOTAL	FSCMXT
		/ME MEOE MEOE.IR01HC9.001.25-			
		059; MECP MECP.IR01HC9.001.25-			
		059; SPLT SPLT.IR01HC9.001.25-			
		059/HTG A/LQ LD/UNN1 3144			
		/UNE1 .UAFU.104539..OB			
		/RA 216 G68-7822/CUS 000/SSP			
		/ORD C1653602097/CD 12-01-05			
1	TFM	/TN 472-8535/PN 472-6400	0.00	0.00	TNTNNN
		/ORD C1653602097/CD 12-01-05			
1	EVD	/TN 472-8535	0.60	0.60	TNTNNN
		/CFN 1 419 242-2070/RCYC 3			
		/ORD C1653602097/CD 12-01-05			
1	OBQTT	/TN 472-8535/ORD C1653602097	6.00	6.00	TNTNNN
		/CD 12-01-05			
1	RTVIN	/TN 472-8535/ORD C1653602097	0.00	0.00	TNTNNN
		/CD 12-01-05			
1	FYW	/TN 472-8535/ORD C1653602097	0.00	0.00	TNTNNN
		/CD 12-01-05			
1	XREPD	/TN 472-8535/SPP (B)	0.00	0.00	TNTNNN
		/ORD C1653602097/CD 12-01-05			
1	NALDC	/TN 472-8535/SPP (B)	0.00	0.00	TNTNNN
		/PKG C-XREPD/ORD C1653602097			
		/CD 12-01-05			
1	UXT48	/TN 472-8535/ORD C1653602097	0.12	0.12	TNTNNN
		/CD 12-01-05			
1	9ZR	/TN 472-8535/ORD C1653602097	5.39	5.39	TNTNNN
		/CD 12-01-05			
1	9PZLM	/TN 472-8535/ORD C1653602097	0.80	0.80	TNTNNN
		/CD 12-01-05			
1	NSR	/TN 472-8535/ORD C1653602097	0.00	0.00	TNTNNN
		/CD 12-01-05			

--RMKS  
 RMKR 01-EXPLN 1YR COMM, WOT #  
 884400  
 RMKR 76-BRAD STANFIELD 419-472-6400

TOTAL EXCLUDING TAXES	184.90
AMOUNT SUBJECT TO FEDERAL TAX	167.45
AMOUNT SUBJECT TO COUNTY TAX	184.90
DIRECTORY ADVERTISING TOTAL	70.00

# CUSTOMER SERVICE RECORD

12/06/05	ZBU SBOONX04	120405	TOLD	1MH	345	419 472-6400	5
PRINTED	BILLDT	EXCH	CS	CUST	TELNUM		PAGE

BL CODE & GRP	QNTY	DESCRIPTION	UNIT RATE	TOTAL	TAX FSCMXT
		--SERV & EQUIP ACCOUNT SUMMARY			
	1	AM7V2 Enhanced Voice Mail			
	1	ESC Three Way Calling			
	1	ESM Call Forwarding			
	1	EVB Busy Line Transfer			
	4	EVD Alternate Answering			
	4	FYW Abbreviated Toll Free Service			
	1	M1W Msg Wtg Audible & Visual Ind			
	4	NALDC Line Charge			
	1	NSD Caller Identification			
	1	NSQ Automatic Callback			
	4	NSR Number Portability Surcharge			
	1	N8D Calling Name Display			
	4	OBQTT CO Termination With Touchtone			
	1	PGOQD Custom BizSaver Unlimited 4Ln			
	1	QBPUU Custom Biz Saver Local			
	4	RTV1N 900/976 Call Blocking			
	2	TFM Voice Msg Svc-Transfer Mailbox			
	1	TGRFS Toll Free Single Termination			
	4	UXT48 9-1-1 Service Charge			
	3	XREPD Additional Line Cust Biz Saver			
	4	1MH Indiv Msg Business Hunting Ln			
	4	9PZLM Federal USF - Multi - Line-BUS			
	4	9ZR Federal Access Charge			

**KANAWHA-KEYBANK**

BUSINESS



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# Facsimile Cover Sheet

**To:** Jon F. Kelup  
**Company:** AT&T Legal  
**Phone:** (614) 223-7928  
**Fax:** (614) 223-5955

**From:** Julia E. Moore  
**Company:** AT&T - Midwest

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**Date:** 11/20/07

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**Comments:**

Per your e-mail.

Julia



Kennedy Carol 1803 1/2 Adams St Toledo	419 934-8963	Kennedy Pat 3121 Navarre Av Oregon	419 691-8186
Kennedy Carol A MD 1001 Brigham Dr	419 872-5364	Kennedy Patrick 2677 Algonquin Pkwy Toledo	419 473-1154
Kennedy Caroline 228 W Seventh St Perrysburg	419 874-7442	Kennedy Patrick L 2502 Trumbullville Rd Toledo	419 475-2749
Kennedy Charles & Diane 4354 Battleground Cir Maumee	419 866-3691	Kennedy Philip 3735 Grantley Rd Toledo	419 671-0312
Kennedy Cindy 5702 Angolia Rd Toledo	419 691-8429	Kennedy R A J 1312 Wingham Rd Maumee	419 662-8523
Kennedy Craig 2526 Fortisdale Ct Toledo	419 729-3968	Kennedy Richard & Kimberly 3724 Vail Av Toledo	419 472-5948
Kennedy D 747-172 East Broadway St Toledo	419 695-9130	Kennedy Robert C 1937 North Cove Bl Toledo	419 478-7819
Kennedy Daniel B 1633 Park Ridge Ln Toledo	419 381-2781	Kennedy Robt E 1523 Elm St Toledo	419 344-7102
Kennedy David 3653 Seckinger Dr Toledo	419 474-4177	Kennedy Robt S 2325 Carry Av Toledo	419 382-8737
Kennedy Deborah L 816 Clay Av Toledo	419 727-8191	Kennedy Robt W 108 Ponderosa Dr Oregon	419 691-1881
Kennedy Deborah S 3478 Cheltenham Rd Toledo	419 478-2239	Kennedy Roy C 1019 Forsythe St Toledo	419 693-6347
Kennedy Dennis M 6666 Shadowcreek Dr Springfield Twp	419 865-8787	Kennedy-Smith M L 1339 Craigwood Rd Toledo	419 478-3351
Kennedy Elizabeth atty One Saagata Toledo	419 254-3254	Kennedy T 3889 Schneider Rd Toledo	419 385-5857
Kennedy Elmer L 2920 Rumpser Dr Toledo	419 477-5117	Kennedy Thomas L 5 Bonaparte Dr Toledo	419 865-4744
Kennedy Howard 1105 N Huron St Toledo	419 258-2527	Kennedy William R Toledo	419 479-1555
Kennedy James 1443 Crestwood Rd Toledo	419 476-3249	Kennedy-Bey Jannette 1699 Alondale Av Toledo	419 242-5158
Kennedy James L 9934 Monclova Rd Monclova Twp	419 868-7278	Kennedy-Bey Zulika 1541 Indiana Av Toledo	419 241-2694
Kennedy James L CPA 1530 Timberwlf Dr	419 867-5350	Kennedy-Cookson Joe 1619 Horseshoe Bend Dr Perrysburg Twp	419 874-8555
Kennedy James R 3783 Severly Dr Toledo	419 385-0114	Kennelly S 2639 Gloria Ct Toledo	419 382-1114
Kennedy John & Brenda 4505 Stable Path Dr Monclova Twp	419 865-7330	Kennelly James Toledo	419 242-6444
Kennedy John C 1045 Mulbridge Av Toledo	419 242-6474	Kennelly Kristi A Perrysburg	419 872-8521
Kennedy John D 3955 Navarre Av Oregon	419 691-2596	Kennelly R M 6126 Harst Rd Toledo	419 478-7332
Kennedy John T 3249 Yorktown Dr Oregon	419 691-4994	Kennelly Tammy S 5326 Nebraska Av Toledo	419 578-6097
Kennedy Joseph M 4022 Lamson Rd Toledo	419 474-6644	Kennelly Timothy M 2735 Kingsford Dr Toledo	419 385-4620
Kennedy K 2245 Midwestern Dr Toledo	419 551-8811	Kennelly Cynthia 655 S Oregon Rd Springfield Twp	419 861-2871
Kennedy K P 3716 Rushland Av Toledo	419 472-6951	Kenneth J 144 Superior St Rossford	419 666-9644
Kennedy E W 4435 Jackson Rd Toledo	419 474-1178	Kenneth Phillippe Attorney At Law 412 14th St Toledo	419 244-6911
Kennedy Karen 6666 Shadowcreek Dr Springfield Twp	419 865-8787	Kenneth Robert 3742 Angolia Rd Toledo	419 668-4625
Kennedy Kathy 513 Arden Pl Toledo	419 694-8073	Kenneth Rose 574 Lotus Av Toledo	419 242-4309
Kennedy Ken 4281 Garden Rd Springfield Twp	419 463-6544	Kenneth C Paul 5853 Kitchener Dr Toledo	419 534-3160
Kennedy Kim 9918 La Plante Rd Monclova Twp	419 867-1839	Kenneth C Paul Studio Photographer 2948 W Sylvania Av Toledo	419 472-8588
Kennedy L 3644 St Andrews Rd Perrysburg Twp	419 644-8446	Kenny Donald 1511 East Beverly Hills Dr Toledo	419 382-3441
Kennedy Louise A 4451 Harvest Ln Toledo	419 471-9190	Kenny Eleanore 808 Buffalo St Toledo	419 754-1597
Kennedy Lucille 417 Cincinnati St Toledo	419 729-4789	Kenny Jean 2518 Concord St Toledo	419 697-8412
Kennedy Lyman A 5163 Flint Rd Toledo	419 556-2629	Kenny Jessica 3016 Lambert Dr Toledo	419 754-9166
Kennedy M R 1034 Kirk St Maumee	419 693-8959	Kenny Katie 3217 Glanzman Rd Toledo	419 388-0910
Kennedy Malachi 6014 325th St Toledo	419 727-8084	Kenny Thomas 3425 Nebraska Av Toledo	419 533-2405
Kennedy Marie & Jerry 4447 264th St Toledo	419 726-8676	Kennington Paul E 2446 Eldora Dr Toledo	419 242-2174
Kennedy Marilyn 4582 Mansfield Dr Toledo	419 292-1799	Kenniston Betty A 2521 Crystal Av Maumee	419 693-6647
Kennedy Mary 2010 Walnut St Toledo	419 242-1294	Kennison N A 3579 Cecilia Av Toledo	419 754-1175
Kennedy Michael 8648 Euclid Hollow Ct Springfield Twp	419 865-5944	Kenny Tom 5081 South Av Toledo	419 694-8883
Kennedy Michael L CPA One Saagata Toledo	419 321-8530	Kenny Tom 2538 Broadway St Toledo	419 754-8251
Kennedy Nicholas 2928 118th St Toledo	419 726-8229	Kenny's Video Toledo- Perrysburg Tel No -	419 875-1628
Kennedy Organization Inc Twp 2821 River Rd Maumee	419 893-2040		

Ken's 3960 N Detroit Av Toledo	419 269-1593	Keppler Olan 3658 Beverly Dr Toledo	419 382-2153
Ken's Cars 40 E Foultz St Toledo	419 462-5448	Keppler Scott 3464 River Rd Toledo	419 389-8791
Ken's Flower Shop 4038 Talmadge Rd Toledo	419 473-3800	Keppler William rl est- Reg	
Ken's Flower Shops- Toledo-		Keppler Berian Dr 3039 Berian Dr	419 385-1955
Downtown-		Keppler William 8839 Berian Dr Toledo	419 385-1951
802 Madison Av	419 283-6534	Kerber Nathan & Carrie 1148 Hugo St Maumee	419 893-3498
Ken's Flower Shops		Kerchavall Chris & Amy 961 S Reynolds Rd Toledo	419 388-7941
4335 Weatherdowns Bl-- Toledo Tel No -	419 381-8861	Kerchavall E 2447 Luther Mills Dr Oregon	419 691-8489
Ken's Wallpaper & Paint Toledo	419 478-8855	Kerchavall J 5820 Oakridge Dr Toledo	419 471-9108
Ken's Wildlife Control 1717 Pool St Toledo	419 693-6567	Kerchavall Kenneth L 3456 148th St Toledo	419 726-6014
Kent Calvin J 481 Cheesick Rd Springfield Twp	419 865-6361	Kerchavall T 2559 Charlestown Av Toledo	419 474-6347
Kent Christine A 1365 Gattysburg Dr Maumee	419 691-6366	Kerdorp Salina 11332 Five Point Rd Middleton Twp	419 874-2832
Kent D & S 818 River Rd Maumee	419 691-3442	Kerkes Andrew 1806 Wooddale Av Toledo	419 754-6811
Kent Group The 3450 W Central Av Toledo	419 537-1109	Kerkes Ben 4206 Dilhouse Rd Toledo	419 471-7440
Kent M 211 Clinton St Maumee	419 693-8476	Kerkes C 549 Southover Rd Toledo	419 476-7943
Kent M & 1957 Lake Rd Conneaut	419 595-2718	Kerkes C L 687-1/2 Starr Av Toledo	419 691-8469
Kent McKown Concrete 8209 Nebraska Av Springfield Twp	419 866-5994	Kerkes Cindy 1119 Richland St Maumee	419 692-9966
Kent Randall 722 Colwell St Maumee	419 893-2689	Kerkes Debra 3607 Mapleway Dr Toledo	419 382-1925
Kent Robert 4445 Millandale Rd Ottawa Hills	419 536-6838	Kerkes E 3026 117th St Toledo	419 726-7922
Kent V 1 3757 Oak Forest Dr Toledo	419 385-7849	Kerkes E 4415 Foxglove Rd Toledo	419 475-7224
Kenton Co 1101 Monroe St Toledo	419 265-7261	Kerkes Edward 1352 East Meadow Dr Oregon	419 693-5368
Kentucky Fried Chicken 1010 Conant St Maumee	419 893-7684	Kerkes Elmer 708 N Crissey Rd Springfield Twp	419 867-8190
Kentucky Fried Chicken 3586 Burr St Toledo	419 536-8233	Kerkes Jes F 2567 168th St Toledo	419 726-4234
Kentucky Fried Chicken 1830 V Larky Rd Toledo	419 473-1673	Kerkes Joseph F 5927 Adelaide Dr Toledo	419 474-2832
Kentucky Fried Chicken 1121 Louisiana Av Perrysburg	419 874-1102	Kerkes Julius Jr 828 Grasper St Oregon	419 693-5974
Kentucky Fried Chicken 2983 Monroe St Toledo	419 242-6200	Kerkes K 9919 Suder Av Toledo	419 729-1427
Kentucky Fried Chicken 3730 Sacor Rd Toledo	419 475-3454	Kerkes L 366 Millford Av Toledo	419 693-7618
Kentucky Fried Chicken 2224 Woodville Rd Oregon	419 693-0776	Kerkes L 1121 Amanda Cir Toledo	419 867-1356
Kennwood Gardens ofc 2629 Alisdale Dr Toledo	419 475-1571	Kerkes Sheila 3522 Leybourn Av Toledo	419 478-6451
Kennwood Hearing Center Inc 3458 W Central Av Toledo	419 534-3111	Kerkes Steven Jr 2188 Chase St Toledo	419 726-4848
Kenworthy V & R 807 Oak St Toledo	419 498-1591	Kerkes Thomas 382 Craig St Toledo	419 478-8881
Kanyon David & Lucinda 5227 Adella St Toledo	419 472-6560	Kerkayto Andrew 2974 Crocus Ct Oregon	419 491-1575
Kanyon Eric A 325 Tudor St Toledo	419 476-1943	Kerkayto Andrew 1354 Fair St Toledo	419 691-8759
Kanyon Richard M 2839 Timberlawn Rd Toledo	419 734-2999	Kerger J 1972 Putnam Dr Toledo	419 538-6949
Kanyon Wendy 6735 Harwick Ct Monclova Twp	419 861-3844	Kerger Jessica C atty 33 S Michigan St Toledo	419 253-5990
Kanzis James 10218 Angolia Rd Maumee	419 861-7995	Kerger Richard M atty 33 S Michigan St Toledo	419 253-5990
Keogh Beatrice 5582 305th St Toledo	419 726-3138	Kerin Eric 26 Edgewater Pk Toledo	419 726-6148
Keogh Edwin & Eva 4443 Harvest Ln Toledo	419 471-0369	Kerlin Jack 1734 Hawthorne Dr Springfield Twp	419 867-1607
Keogh Thomas 2813 Chase St Toledo	419 726-4374	Kerin Michael & Christine 1724 Watkins Dr Toledo	419 381-1372
Keogh William 2428 Grantwood Dr Toledo	419 478-2640	Kerlin Marjorie P 4030 Indian Rd Toledo	419 534-5742
Kepes H 730 Woodford St Toledo	419 693-2009	Kerlin Mark 4105 Marianne Dr Toledo	419 472-8304
Kepich V 1826 Columbus St Toledo	419 693-2670	Keri Jon L 3855 River Rd Toledo	419 385-5931
Keppler Gary D 2152 Timberidge Dr Toledo	419 381-1379	Keri Ruth 1244 Schneider Rd Rossford	419 666-4437