PUCO EXHIBIT FILING

PUCO Case Caption: In the Matter of the Notice of Apparent Violation and Intent to Assess Forfeiture Against Dimitri A. Ivanov	
Forfeiture Against Dimitri A. Ivanov	
E	2011 JUL -7
	PM 1: 06
List of exhibits being filed: Staff Ex. 1 - Driver/Vehicle Examination Report	•
Staff Ex.2A-26 - Photographs	
Staff Ex. 3 - Driver/vehicle Examination Report	
Staff Ex. 4A-4I- Photographs	
RESP. Ex. A - Receipt from Beaverdam Fleet Service, I	nc.
Resp. Ex B- Receipt from US Truck & Trailer Repair	,Inc

RECEIVED-DOCKETING DIV

26

whis is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of pusiness.

Date Processed

Technician

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO
 1
 2
 3
     In the Matter of the :
 4
    Notice of Apparent
    Violation and Intent to : Case No. 10-2493-TR-CVF
 5
    Assess Forfeiture Against :
 6
    Dimitri A. Ivanov.
 7
 8
 9
                          PROCEEDINGS
    before Mr. Daniel E. Fullin, Hearing Examiner, at the
10
    Public Utilities Commission of Ohio, 180 East Broad
11
    Street, Room 11-A, Columbus, Ohio, called at 9:58
12
13
    a.m. on Thursday, June 23, 2011.
14
15
16
17
18
19
20
21
                    ARMSTRONG & OKEY, INC.
                222 East Town Street, 2nd Floor
22
                   Columbus, Ohio 43215-5201
                (614) 224-9481 - (800) 223-9481
23
                      Fax - (614) 224-5724
24
25
```

Public Utilities Commission

Transportation Department Phone: (614) 466-0429 Fax: (614) 752-9274

Report Number: OH1554003873

Inspection Date: 6/30/2010 Certification Date: 07/12/2010

Time Ended: 13:45 Time Started: 12:40

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

404 70 010		
APA 73 INC	Driver;	IVANOV, DIMIT
70 W LAKE ST	License #:	11511604328
NORTHLAKE, IL 60164	Date of Birth:	11/18/1964
Phone #: (708)947-9747 Fax #:		

State: II

USDOT #: State #:

County:

Location: ROAD SIDE

Highway: US 30

1691703

VAN WERT

MilePost:

Origin:

Destination:

MC/MX #: 645973

GREEN BAY, WI

COAL TOWNSHIP, PA

Bill of Lading: ORD0000013372

Cargo: GENERAL FREIGHT

HPCGB Shipper: VEHICLE IDENTIFICATION: Unit Type Make Year State Existing Decal# OOS Stkr.# License# Company # **Unit VIN GVWR** Issued Decal# TT FRHT 1999 IL 1FUYDSZB2XPA04619 P644397 80,000 118 ST STOU 2006 ME 1139448 S5608 1DW1A53296S863608 0 Y BRAKE ADJUSTMENTS: No brake measurements recorded. **VIOLATIONS:**

Section Code	St	Unit	oos	Lvl 6	Citation #	Verify*	Crash	Violation Description
392.2	(Million) a	D	N	N	Warning	N	N	Lane Restriction violation, driver stopped for marked lanes by Tpr. R. Knebel Unit 950.
396.7		1	Υ	N		Ų	Ŋ	Unsafe operations forbidden, left rear of tractor cab damaged from hit skip crash, exposing vehicle accessory equipment, See photos.
393.51		1	N	Ń		N	N	No or defective brake warning device, low air warning buzzer not operable, low air warning lamp is operable.
393.9(a)		2	N	N		N	N	Inoperable required lamp, top right id lamp of center 3 id lamps not operable.
393.25(f)		2	Y	N		U	N ·	Stop lamp violations, brake lamps on rear of trailer stuck on,
* N - Non-OOS or Drive	er OO	S Viola	ation; (J - Unkn	own			

HazMat:	No HM Transported.	Placard:	NA Cargo Tank:
Special Checks:	Alcohol/Controled Substance Check Conducted by Local Jurisdiction Size and Weight Enforcement	X Traffic Enforcement PASA Conducted Inspection Drug Interdiction Search	Post Crash Inspection PBBT Inspection prests:

Inspection Notes: Driver was called off as a reckless operation. Driver was stopped by Tpr. R. Knebel Unit 950 for marked lanes violation. Driver was weaving back and forth in lane. Driver advised cab was damaged after being struck by another commercial vehicle while in a parking lot in Illinois but did not have any type of police report with him. Trailer brake lamps were stuck on not operable. Rear of tractor cab was damaged under bunk area in driver's side box. Chains and other equipment was secured by bungees. Floor of damaged side box was bent downward toward roadway. Driver was escorted to E & R Trailer Repair on Lincoln Highway where tractor and trailer were both placed OOS. Driver was argumentative about his tractor being placed OOS.

Special Study Fields:

Special Study1: Special Study2: Special Study3: Special Study4:

Special Study5:

Special Study6:

Special Study7: Special Study8: Special Study9:

Special Study 10:

Locally Defined Fields:

For-Hire Carrier: Y;Fatalities (Y/N): N;Driver Address: 455 W WOOD ST APT 507;Driver City; PALATINE;Driver State: IL;Driver Zip: 60067;Photos Taken (Y/N): Y;Reason Code: TRAF;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N

Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

Report Prepared By: PARGEON, ROBERT

Badge #: 1554

Copy Received By: IVANOV, DIMITRI





Public Utilities Commission

Transportation Department Phone: (614) 466-0429 Fax: (614) 752-9274

Report Number: OH1554003873

Certification Date: 07/12/2010 Inspection Date: 6/30/2010

Time Started: Time Ended: 13:45 12 40

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

APA 73 INC 70 W LAKE ST

NORTHLAKE, IL 60164

Phone #: (708)947-9747

USDOT #: 1691703

Fax #:

MC/MX #: 645973

Driver:

Date of Birth:

IVANOV, DIMITRI

License #:

11511604328

11/18/1964

State: IL

State #:

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above. -AND-. The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio-TASD; 180 E. Broad St.; Columbus, Oh; 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of

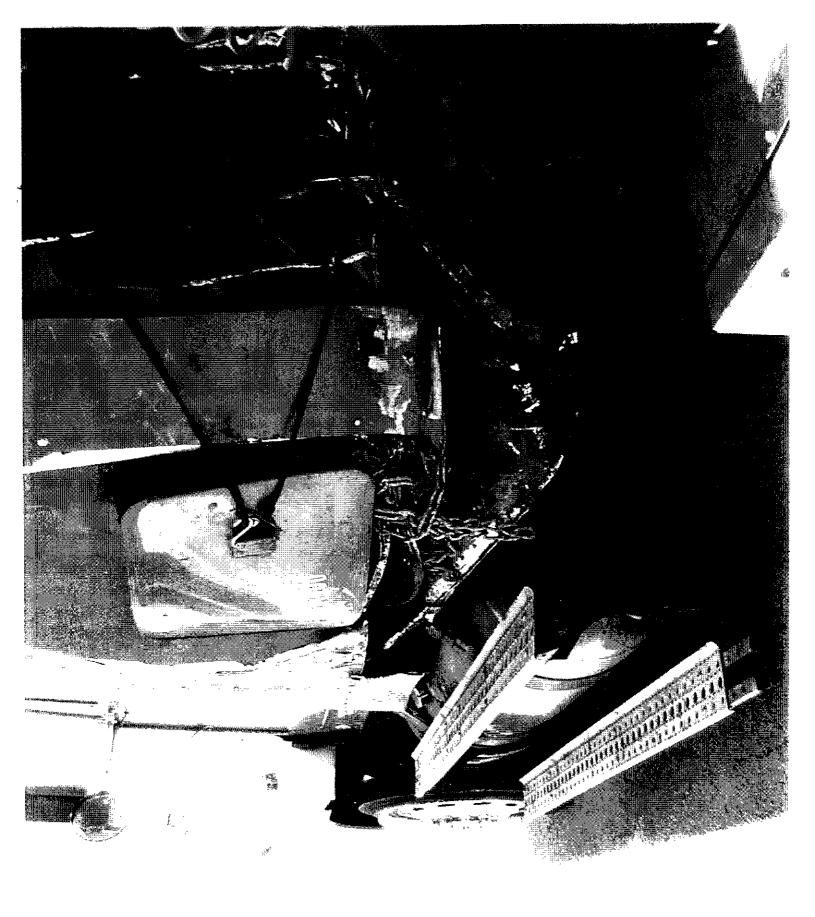
MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS; The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carner Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

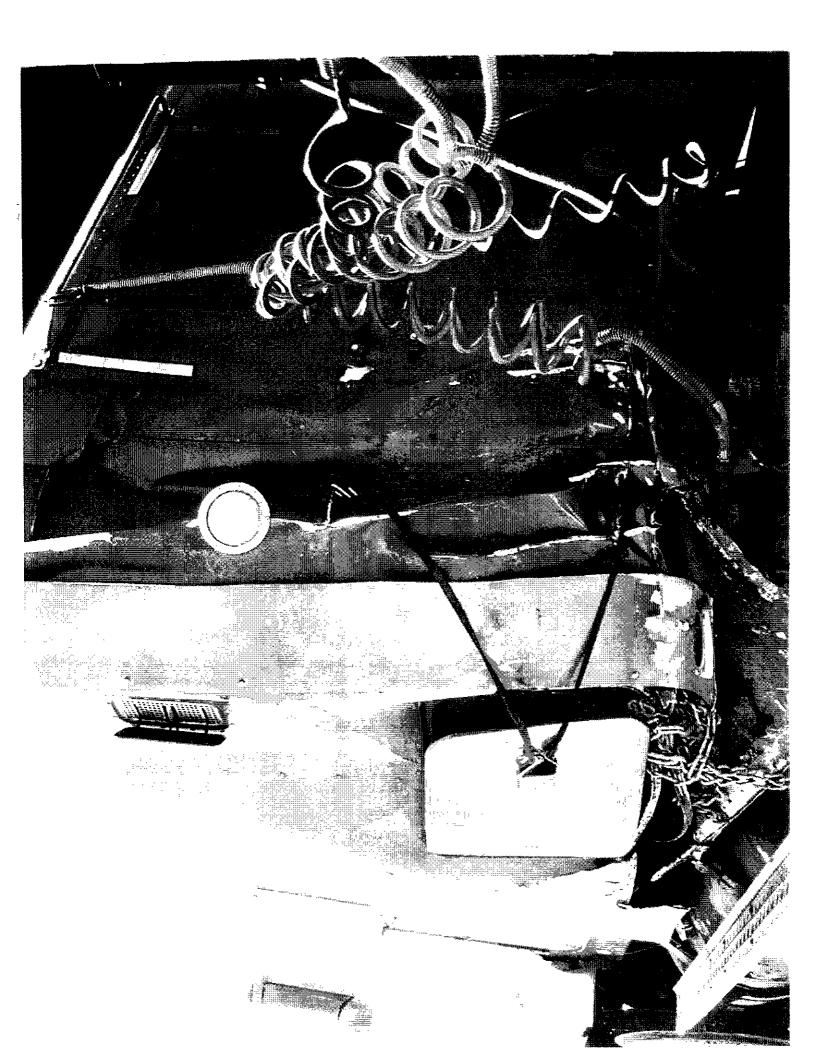
Signature of Carrier Official:	X	Title:	Date:
Signature of Repairer:	x	Facility:	Date:

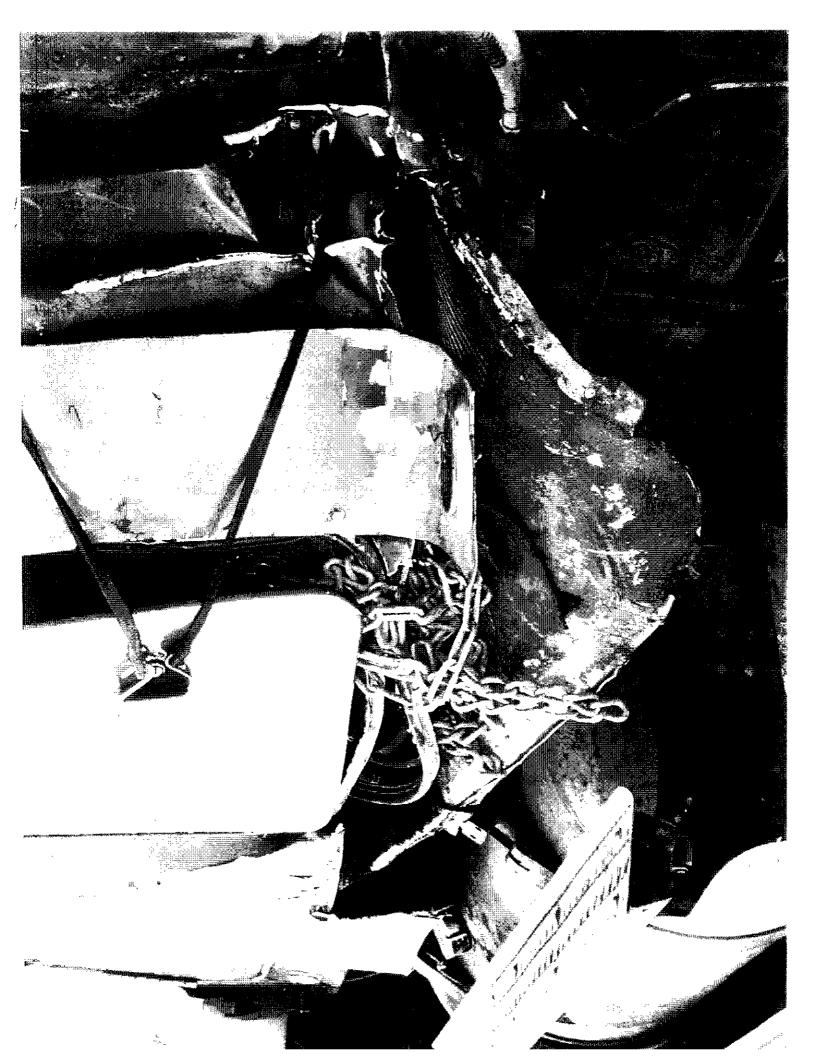


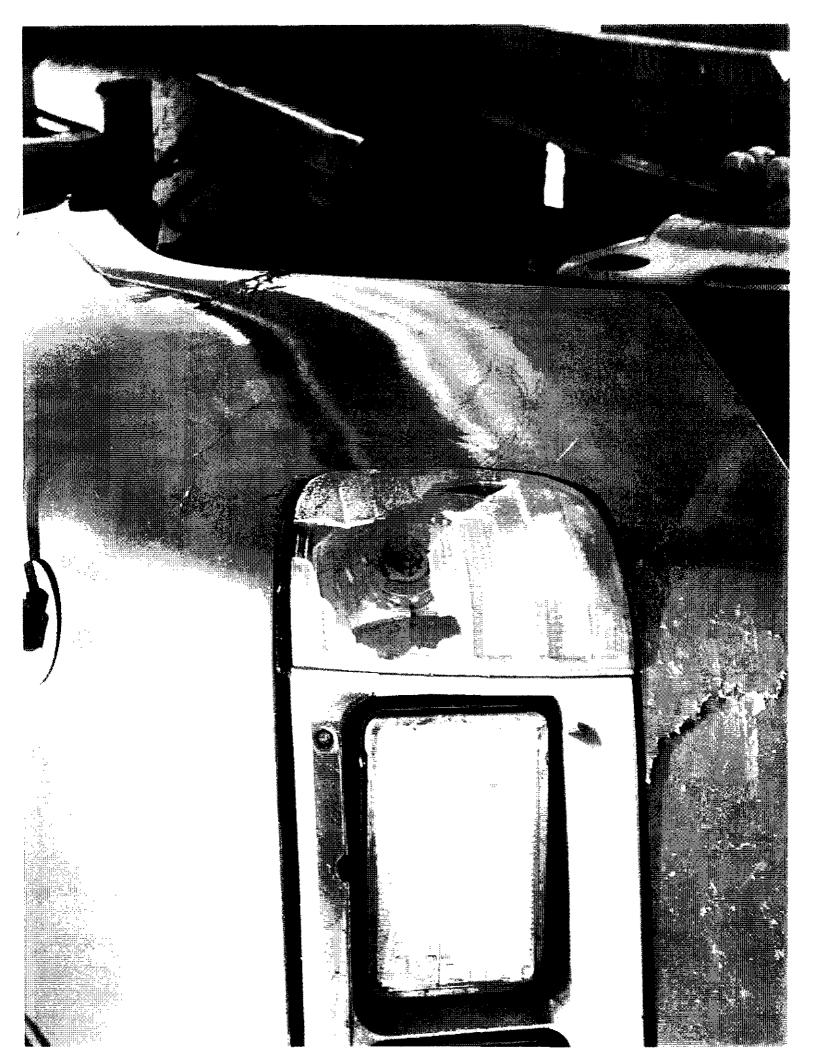
OH1554003873











State: IL

DRIVER/VEHICLE EXAMINATION REPORT

Driver:

License #:

Date of Birth:

hio

Public Utilities Commission

Transportation Department Phone: (614) 465-0429 Fax: (514) 752-9274

Report Number: OH3229007350

Inspection Date: 6/30/2010 Certification Date: 07/12/2010

Time Started: 14:44 Time Ended: 16:59

IVANOV, DIMITRI

11511604328

11/18/1964

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

APA 7	'3 INC	
70 W	LAKE	ST

NORTHLAKE, IL 60164

Fax #:

Phone #: (708)947-9747 USDOT #: 1691703

MC/MX #: 645973

State #:

Location: ROADSIDE

Highway: US30 County: ALLEN MilePost:

Origin: GREEN BAY, WI Destination: COAL TOWNSHIP, PA

Bill of Lading: ORD0000013372 Cargo: GENERAL FREIGHT

Shipper: HPCGE	3									J		
VEHICLE IDENT	IFICATI	ON:							-	, : 		
Unit Type Make Y			icense	#	Company #		Unit V	'IN	GVWR	Issued Decal#	Existing Decal#	OOS Stkr.i
1 TT FRHT 1	999 IL	P	64439	7	118	1FU	YDSZB2)	PA04619	80,000			Y
2 ST STOU 2	006 ME	1	139448	\$	\$5608	1DV	V1A53296	S863608	0			Y
BRAKE ADJUST	MENTS	5;	No bra	ke mea	surements reco	rded.						
VIOLATIONS:	- 					,						
Section Code	St	Unit	oos	Lvi 6	Citation #	Verify*	Crash	Violation	Description	on		
392,2	\overline{x}	D	N	N	· ·	N	N	HÀAS, U	NIT 199/8	ervice vehicle: VEI 31/01, WITH THE HIELD & BRAKE I	OUT-OF-SERVICE	E STICKER
396.7		1	Y	N		Ŋ	N	Unsafe of DAMAGE ACCESS	operation ED FROM SORY EQ	s: LEFT REAR CO I HIT SKIP CRASH UIPMENT. BISO FE	ORNER OF TRAC I, EXPOSING VE	TOR CAB HICLE
393.51		1	N	N		N	N	WARNIN	tive brake IG BUZZE	waming device: LER WAS INOPERA SED 55 PSI & MO	ATIVE WHEN AIR	PRESSURI
393,25(f)		2	N	N		N	N	Stop lam	p violation ON THE R	IS: THIS TRAILER REAR MOST PAR OP. LAMPS STUC	HAD NO OPERA TOF THIS VEHIC	BLE STOP LE AT THE
393,9(a)		2	N	N		N	N	Inoperable TRAILER	le lamp (o R, ONE Of	other than head/tail F THE MIDDLE ID THIS INSPECTIO): ON REAR OF T LAMPS WAS INC	HE OPERATIVE
392.3		D	Y	N		N	N	Operation DRIVER	ig a CMV WAS PH	while ill: DURING YSICALLY GETTI K THREE TIMES	THIS INSPECTI NG ILL (THROWI	ON THIS NG UP).
* N - Non-OOS or D	river OO	S Viol	ation; t	J - Unkr	10WII			PUASK	NAWO OIC	W TUNCE SHEEP	POINT IND IN	afection,
HazMat:		No	HM Tra	nsport	ed.	MANAGEMENT HER	i		F	Placard: NA	Cargo Tank:	
Special Checks:	Г	Alco	hol/Co	ntroled	Substance Check	. Г	Traffic	Enforcem	ent	Post	Crash Inspection	· · · · · · · · · · · · · · · · · · ·
	H	Con	ducted	by Loc	al Jurisdiction	ľ	T PASA	Conducte	d Inspecti	ion 🗏 PBB1	Inspection	
	 	Size	and W	Veight E	nforcement	Ť	🕇 Drug I	nterdiction	Search	Arrests:	•	

Report Prepared By:

H A Emnett

Badge #: 3229

Copy Received By: IVANOV, DIMITRI





Public Utilities Commission

Transportation Department Phone: (614) 466-0429 Fax: (614) 752-9274

Report Number: OH3229007350

Inspection Date: 6/30/2010 Certification Date: 07/12/2010

Time Ended: 16:59 Time Started: 14:44

IVANOV, DIMITRI

11511604328

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

APA 73 INC

State #:

70 W LAKE ST

NORTHLAKE, IL 60164

Phone #: (708)947-9747

Fax #:

MC/MX #: 645973

Date of Birth:

Driver:

License #:

11/18/1964

State: IL

USDOT#: 1691703

Inspection Notes: Vehicle and driver were placed out-of-service at a repair shop near Beaverdam, Ohio. An out-of-service sticker was applied to the windshield, left front corner of the trailer, and a driver out-of-service note was placed on the inspection report. This driver was served with the original copy of the inspection report. Driver's home address was verified.

This vehicle was placed out-of-service by O.S.H.P. C.M.V. Trooper Pargeon, Unit 1554/01, on 06/30/2010 at 13:45 hrs. This vehicle was placed out-of-service at E & R Trailer Sales and Service near Middle Point, Ohio, Trooper Pargeon's inspection report number was: OH1554003873.

This tractor was placed out-of-service for having equipment hanging out of the damaged area of the sleeper berth on the driver's side, unsecured. The equipment storage box area was broken open and equipment could be seen hanging out between the floor and side wall panel. The trailer was placed out-of-service for the brake lamps at the rear staying "on" all the time without a brake application.

During my interview with E & R Trailer Sales & Service & this driver, I noted the following. After Trooper Pargeon placed this vehicle out-of-service at the repair location, the driver stated to the mechanic that he repaired the brake lamps himself. The mechanic would not sign the inspection report under the "signature of repairer" because they did not do anything to this vehicle. The driver talked the mechanic in to writing a note saying the brake lamps worked. The driver had the mechanic watch the trailer brake lamps as the driver stepped on the brake pedal. They did work properly at that time, with the ignition key turned off, & the engine not running. Before Lt. Haas stopped this vehicle, he followed & viewed the brake lamps staying "on" while the vehicle traveled down the roadway. During this inspection, I found that the vehicle key had to be turned "on" & the engine running for the trailer brake lamps to malfunction

Special Study Fields:

Special Study1; Special Study6: Special Study2: Special Study7; Special Study8: Special Study3: Special Study4: Special Study9: Special Study5: Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y; Driver Address: 455 W WOOD ST APT 507; Driver City: PALATINE; Driver State: IL; Driver Zip: 60067; Photos Taken (Y/N): Y;Reason Code; OBVI;FMCSA Credentials Verified-Y/N; Y;CDL Verified (Y/N); Y;FMCSA OOS Order Issued(Y/N); N

I hereby declare DIMITRI IVANOV "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until:DRIVER IS NO LONGER ILL

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating

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Report Prepared By:

H A Emnett

Badge #: 3229

Copy Received By: IVANOV, DIMITRI



Ohio

Public Utilities Commission

Transportation Department Phone: (614) 466-0429 Fax: (614) 752-9274 Report Number: OH3229007350

Inspection Date: 6/30/2010 Certification Date: 07/12/2010

Time Started: 14:44 Time Ended: 16:59

Inspection Level: || - Walk-Around HM Inspection Type: No HM Inspection

APA 73 INC

70 W LAKE ST

NORTHLAKE, IL 60164

Phone #: (708)947-9747

8)947-9747 Fa

USDOT #: 1691703

Fax #:

MC/MX #: 645973

Driver: License #: IVANOV, DIMITRI (1511604328

Date of Birth: 1

11/18/1964

State: IL

. .

State #;

Signature of Carrier Official:

Title:

Date:

Signature of Repairer:

X

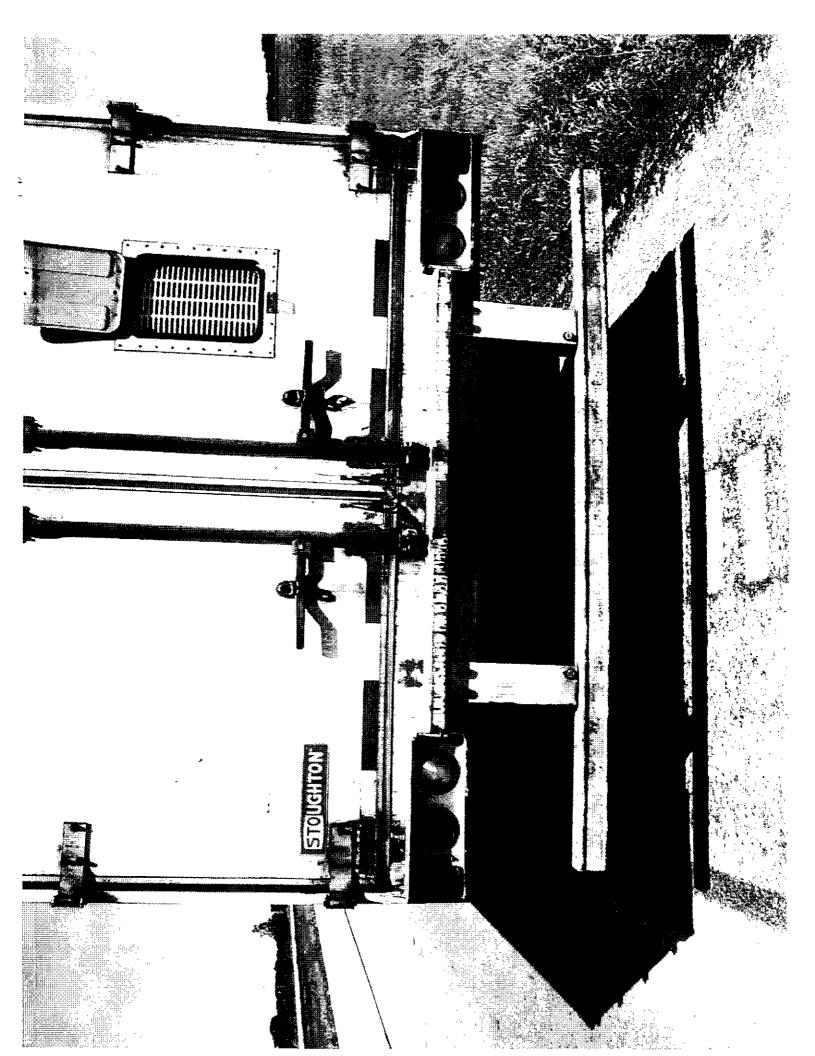
Facility:

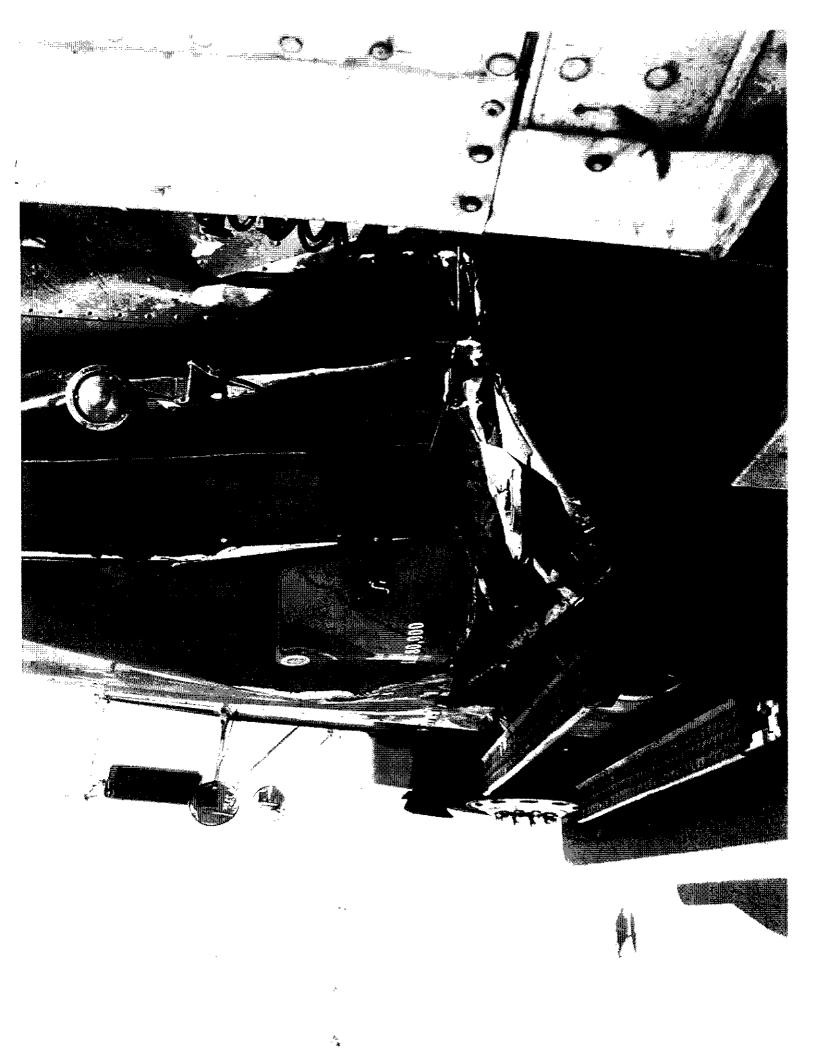
Date:

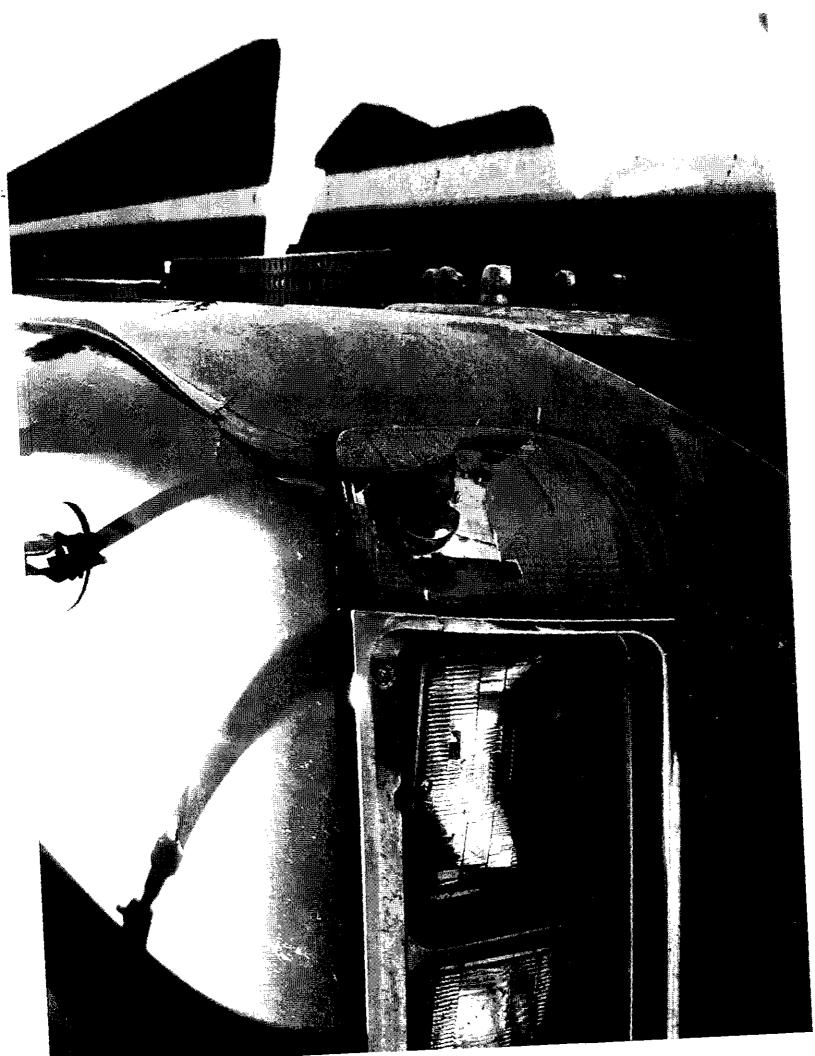


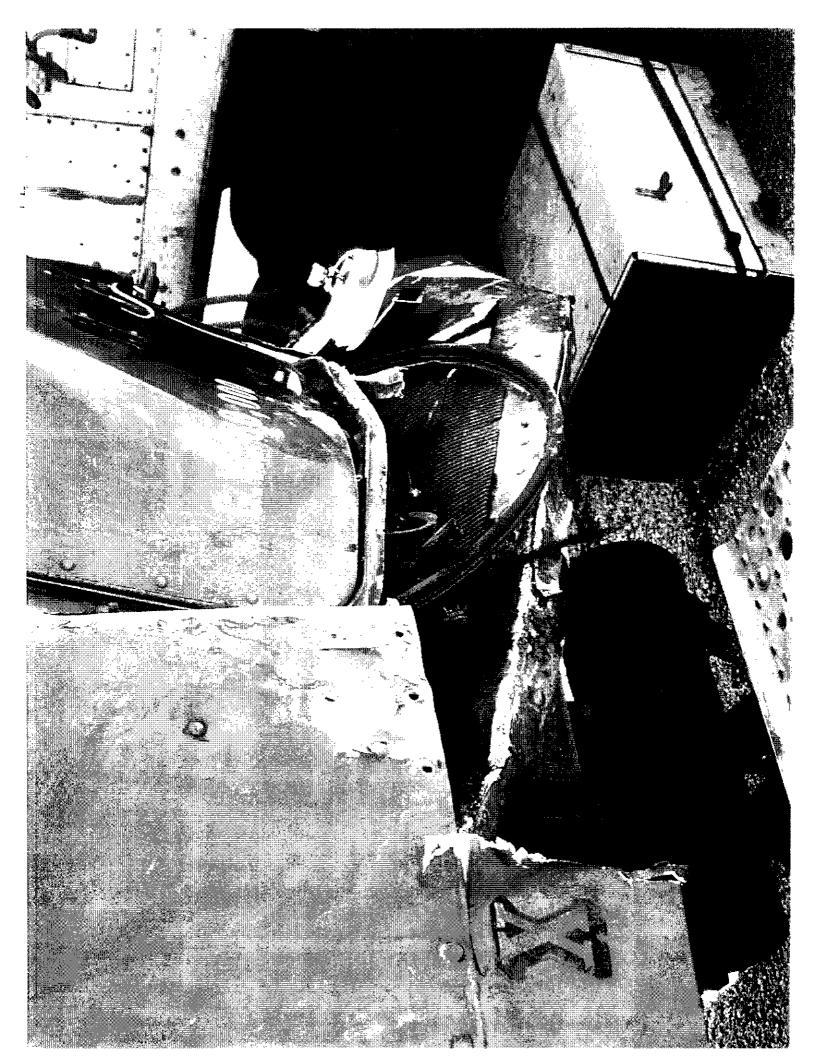
OH3229007350

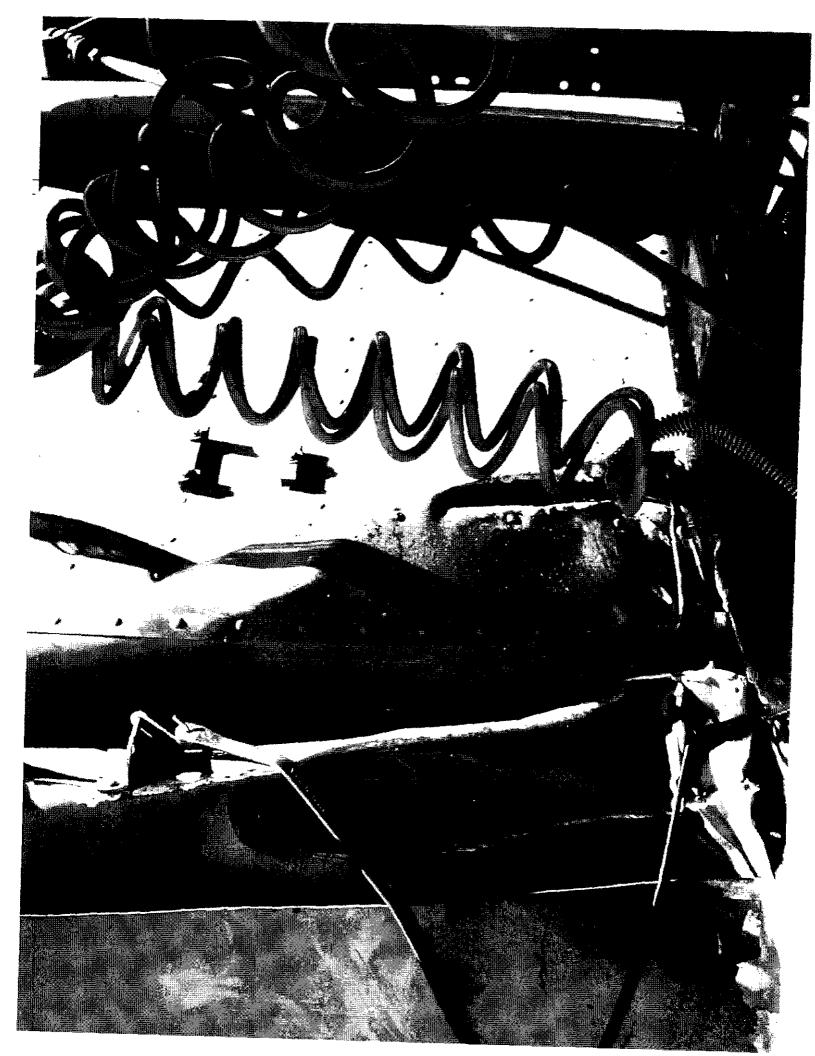
















OHIO STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT DIST 1 HEADQUARTERS TELEPHONE (419) 422-6477

本人。全《大利山山村市》。 (2) 1861 125

Report Number, OH1554003673 Inspection Date 05/35/2010 Start Time: 12 40 PM End Time: 01 45 PM

Inspection Level: U-Walk-Around HM Inspection Type: None

her

APA 73 INC 70 W LAKE ST

NORTHLAKE, IL 60164

USDOT#: 01691703 MC/MX#: 645973

State#:

Location: ROAD SIDE

Highway: US 30 County: VAN WERT, OH

Fax#:

Phone#: (708)947-9747

MilePost: 22

Origin: GREEN BAY, WI

Destination: COAL TOWNSHIP, P/ Cargo: GENERAL FREIGHT

Shipper: HPCGB

Driver: IVANOV, DIMITRI

License#: 11511604328

Date of Birth: 11/18/1964

Bill of Lading: ORD0000013372

GVWR CVSA # CVSA Issued # OOS Sticker

VEHICLE IDENTIFICATION

Unit Type Make Year State

TT FRHT 1999 IL 2 ST STOU 2006 ME

P644397 1139448 Company # 3118 85608

1FUYD\$Z82XPA04619 80,000 1DW1A53296S853608

CoDriver:

License#:

Date of Birth:

Cargo Tank:

State IL

State:

BRAKE ADJUSTMENTS No Brake Measurements Required For Level 2

HOLATIONS

Mon Gode Type Unit OCS Citation # Venfy Crash Warning

Ш Violations Discovered

Lane Restriction violation, driver stopped for marked lanes by Tpr. R. Knuebel Unit 950

Unsafe operations forbidden, left rear of tractor cab damaged from hit skip crash, exposing vehicle accessory equipment. See photos. No or defective brake warning device, low air warning buzzer not operable, low eir warning lamp is operable

Inoperable required lamp, toping it is lamp of center 3 id lamps not operable. Stop lamp violations, brake lamps on rear of trailer stuck on

Placard: No

Iransported

Traffic Enforcement

add Anny GDE Ventiad (YAN) Y FMCSA OOS CHIEF LEDING FOIL IN FORLERS CARRY Y Reason Code TRAF.

Bids as 185-W WOOD ST APT 507. Driver City PALATINE Linver State IL. Driver 26. 20057. Proces State

CISTRIBUTORS OF SEMICTABLE FIRSTS NEW A LID TRAILERS BOAD A FORAGE TRAILER RENTALS E & RITRAILER SALES & SERVICE, INC. 20186 LINCOLN HWY. - MIDDLE POINT EXIT MIDDLE POINT, OHIO 45863-9705 www.ertraller.com LIMA LOCATION MIDDLE POINT LOCATION PHONE: (419) 228-7278 PHONE: (419) 968-2115 FAX: (419) 228-1032 FAX: (19) 968-2712 WATS: (800) 370-5462 WATS: (800) 586-2115 LIST



8473920603

DRIVER

BEAVERDAM FLEET SERVICE INC.

CASH SALE

424 E. Main St.

Beaverdam, OH 45808

(419) 643-8840

Date

Invoice No.

6/29/2010

65700

Sold To

A.P.A. - 73

NORTH LAKE, IL

Check No. Payment M...

202538857

Check

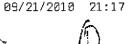
MECH	Service Veh.#	TRACTOR #	Mileage	TRAILER#	Hub	
JAS	97	118				
item	Oty	D-	escription		Rate	Amount
TOWING		TOW TRUCK AND TRAIL	er from van v	VERT TO SHOP	393.75	393.75T
LABOR	:	FIND AND REPAIR SHOR	. ,,, . ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		75.00	150.00T
		LIGHTS, COVER HOLE IN 1.5 HRS ON TRAILER, 51				
294X50	. 13	4" ALUMINUM REPAIR TI	APE-PER FOOT		2,42	29.04T
OTHER		SHOP SUPPLYS			5.00	5.00T
		trailer stop lights a	ND ACC. TRAIL	er power		
		SHORTED TOGETHER IN	slidder wirin	r G		
		FLEET ONE CHECK FOR 5	00.00, REST IN (Cash by		

Sales Tax (6.5%)

\$37,56

Total

\$615.35



US Truck & Trailer Repair, Inc. 777 Rohlwing Rd.

RESOURCE

Addison, IL. 60101 Ph:(630)620-0269, Fax:(630)620-0496

			• • • • • • • • • • • • • • • • • • • •		+•		
Inc APA 73		Vehicle: 1		1	Invoice numbe		
1		Engine: D	ETROIT			Job# 160	
Stone Park, WI 5	3403	License: I			Started: 08/12/10	•	
		VIN: A	04619		(Friday, August 27,	2010, 12:07	pm}
Hm () -	Wk () -	Color: B	LUE		Mileage:	7	,
****************	Descript	ion of work	*********	 -	Service history	Date	Mileage
			••••		- 		
					Oil & Filter Change]<<<
					Air Filter	//	•
					Tune Up	h#/ns/ss	• •
					Fuel Filter	//	
					Engine Overhaul	••/••/••	
					Fuel Injector	//	
					Alignment	//	
					Shocks / Struts	//	
OUR INSPECTIO	N OF YOUR VEHICLE SHOWS	IT NEEDS THE FOL	LOWING:		New Tires	//	
			•		Charge A/C	//	
					Front Brakes	//	
	***************************************		**		Rear Brakes	//	
Stock no.	Oty Description	Each	Price	Tn	Rebuild Transmission		
			4000 00	*	Thermostat	//	
Labor	Labor		1260.00	7	Belts	//	
02-COM	1 Body mat.	1744.25	1744.25	7	Hoses	//	
15-A182958700	0 1 Utility door	390.94	390.94	7	New Battery	!!	
					[Transm.Oil Change	//	
					DOT Inspection	//	
					Clutch Replacement	//	
				•	, †	######################################	
					<u>.</u> *	Totals	
. •					Advance deposit :	-2500.00	
					} !	0.00	
					0i1 :	0.00	
					l Labor :	1260.00	
					Parts :	2135.19	
					Sublet :	0.00	
					Yard Parking :	0.00	
					:	0.00	
					j	0.00	
					Road Service/Tow :	0.00	
					Shop Supplies :	0.00	
	RE TO REMIT PAYMENT WILL				Sub Total :	895.19	• • • • • • • • • • • • • • • • • • • •
etseq.IF CUST	PURSUING ALL OTHER REMED OMER INCURS LEGAL FEES T	COLLECT UNTIME	LY PAYMENTS.CUST	OMER IŞ	: Sales Tax :	0.00	
RESPONSIBLE F	THE REIMBURSMENT OF REAS FOR LOSS OR DAMAGE TO VEH	IGLES LEFT FOR S	TORAGE OR REPAIR	S.2MSERVI	BALANCE DUE :	895.19	
CE CHARGE UN OF WORK, SIGNATURE:	ALL ACCOUNTS OVER 30 DAY	5.350.UU PEK DAY	STURAGE AFTER C	OMPLETIUN	Thanks! US Truck & Status : Initialized		ir. Inc.
					+		

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REPORTER WORKSHEET #1-66543

Armstrong & Okey, Inc. 222 East Town Street, 2nd Floor Columbus, OH 43215 (614) 224-9481 Fax (614) 224-5724

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Job No. 1-66543 Entered 06/16/2011 By DUFFJE Job Date 06/23/2011 Due Date 07/07/2011 Trial Date

Job Time 10:00 AM 2.0 Hours Confirm By Dan

Location 11-A

State of Ohio Public Utilities

Client 180 E. Broad Street

Columbus, OH 43215

Attorney Dan Fullin

Phone No. (614) 466-0457 Fax No. ()

Ordered Dan Fullin

Case No. 10-2493-TR-CVF Caption Dimitri A. Ivanov

Specialty Notation PUCO

Witness

Video?NSubpoena?NRealtime?NInterpreter?N

Remarks

Tom Forbes