

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Brenda)
Adams,)
)
Complainant,)
)
v.) Case No. 13-1582-TR-CSS
)
Herlihy Moving and Storage, Inc.,)
)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On July 5, 2013, Brenda Adams (complainant) filed a complaint against Herlihy Moving and Storage, Inc. (Herlihy or company) alleging that, during a move of her household goods on December 22, 2012, items of furniture, as well as her lawnmower, were damaged. In the complaint, complainant alleges that, due to their negligence and inexperience, Herlihy's employees damaged her belongings. Moreover, complainant states that, when she submitted a damage claim of \$1,813.19 for the damage to her furniture, she received a check from Herlihy for \$835.20. Complainant states that she was never told there was a limit on amounts payable for damage claims.
- (2) On July 18, 2013, Herlihy filed its answer to the complaint. In its answer, Herlihy does not deny that, during the move, damage occurred to some of complainant's belongings. Herlihy explains that, when the company received complainant's claim, it was immediately forwarded to a third party claims specialist, P&M Solutions, and an in-home inspection was arranged by the claims specialist to assess complainant's damaged household goods. Further, once the inspection report was received, a check was prepared to settle the claim based on limited liability coverage of \$.60/lb. per article, which complainant had previously accepted. In addition, Herlihy asserts that, because complainant was not satisfied with this settlement, the claim was sent to QBE General Casualty (QBE), Herlihy's insurance carrier, to get its

independent evaluation of complainant's claim and the proposed settlement. Herlihy asserts that, according to its understanding of the situation, QBE offered complainant the same settlement and some additional money to avoid the cost of potential legal action. Complainant, however, initiated this complaint with the Commission. Herlihy asserts that it has tried to settle complainant's claim in a professional and transparent process, by third party professionals, and that every attempt has been made to be fair and reasonable.

- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference on August 23, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793.
- (4) The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. Therefore, the parties should bring with them all documents relevant to this matter. Specifically, complainant should bring copies of all evidence of damage, and Herlihy should bring all relevant information and agreements relating to the move of complainant's belongings.
- (5) An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (6) If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (7) As an additional matter, the attorney examiner notes that Rule 4901-1-08(A), Ohio Administrative Code (O.A.C.), provides, in part, that, with the exception of paragraph (D) of this rule, any party not appearing on its own behalf, i.e., businesses and for profit and not-for-profit corporations, shall be represented by an attorney authorized to practice law in the state of Ohio. Paragraph (D) of this same rule allows any person with the requisite authority to settle the issues in the case to represent a party at a prehearing conference. Therefore, the attorney

examiner wishes to give Herlihy notice that it must secure legal counsel in order to proceed before the Commission beyond the prehearing stage of this proceeding. However, notwithstanding the above, Rule 4901-1-8(D), O.A.C., permits corporations to participate before the Commission in prehearing settlement conferences without representation by an attorney.

It is, therefore,

ORDERED, That a settlement conference be scheduled for August 23, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

sef/vrm

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in

Case No(s). 13-1582-TR-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for August 23, 2013, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio