

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Michael)	
D. Baskett,)	
)	
Complainant,)	
)	
v.)	Case No. 15-301-TR-CSS
)	
Hercules Moving and Storage, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On February 11 2015, Michael D. Baskett (Complainant) filed a complaint against Hercules Moving and Storage, Inc. (HMS). In the complaint, Complainant states that she received an estimate from HMS for moving her furniture and belongings from her residence at 2223 Riverside Drive, Cincinnati, Ohio to 104 Marion Avenue, Terrance Park, Ohio. However, because the occupants at 104 Marion Avenue had not yet vacated the premises, she requested that her property be placed in storage at HMS' storage facility. Complainant alleges that, during the move of her household goods on June 9, 2014, from her residence to HMS' storage facility, items of furniture and personal belongings were damaged and/or lost. Complainant further states that, after the move and the placement of her property in storage at HMS' facility, she received an inflated invoice from HMS. Complainant disputes the invoice amount and states that HMS will not let her see her furniture and belongings until the bill is paid. Complainant requests that she be allowed to see all of her furniture and property at HMS's facility and that she receive a corrected moving and storage bill. Complainant states that she will pay the corrected bill upon seeing her furniture and belongings in storage.
- (2) On February 19, 2015, HMS' representative, Ron Hirth, filed a response to the complaint. In the response, Mr. Hirth explains that the move from 2223 Riverside Drive to HMS' storage facility and the storage cost have been resolved through HMS'

attorney; however, the move from HMS' facility to 5906 Briely Ridge Drive has not been paid for. Further, Mr. Hirth notes that he utilized a cleaning company and his furniture repair man, that Ms. Baskett would not allow the furniture repair man to finish the job, and that his own upholstery company repaired Ms. Baskett's loveseat. Mr. Hirth states that, concerning the missing items in boxes, everything was inventoried and Ms. Baskett signed the inventory. Mr. Hirth also states that he will not do any other repairs until the bill for the job is paid and that the matter is in mediation through the Better Business Bureau.

- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference on April 2, 2015, 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 billings and evidence of damage, and HMS 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 Ohio Adm.Code 4901-1-08(A) provides, in part, that, with the exception of paragraph (D) of the 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 HMS 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, Ohio Adm.Code 4901-1-8(D) 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 April 2, 2015, 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

jrj/vrm

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Case No(s). 15-0301-TR-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for April 2, 2015, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio