

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DAWN PAQUETTE,**

COMPLAINANT,

v.

CASE NO. 17-2056-TR-CSS

PLANES MOVING AND STORAGE, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on October 31, 2017

{¶ 1} On September 26, 2017, Dawn Paquette (Complainant) filed a complaint against Planes Moving and Storage, Inc. (Planes or Company) alleging that, during a move of her household goods on May 22, 2017, a mattress for her bed, as well as other items, were damaged by Planes' personnel. Complainant states that an insurance claim for the mattress was denied by Planes and that she is requesting reimbursement for the replacement cost of the mattress.

{¶ 2} On October 13, 2017, Planes filed its answer to the complaint. In its answer, Planes denies liability for damage to Complainant's mattress, and states that the damage detailed in Complainant's claim was found to be a common manufacturer defect for the brand of mattress.

{¶ 3} At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference on December 6, 2017, at 1:30 p.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 Planes 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 may 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 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 Planes 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.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a settlement conference be scheduled for December 6, 2017, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

{¶ 10} 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

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-2056-TR-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for December 6, 2017, at 1:30 p.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio