

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RUSSELL ENYART,

Complainant,

v.

OHIO EDISON COMPANY,

Respondent.

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Case No. 18-1734-EL-CSS

**NOTICE OF VOLUNTARY DISMISSAL OF REQUEST FOR DAMAGES**

Complainant Russell Enyart hereby dismisses his request of the Commission “to provide restitution or damages to Complainant,” as stated in Paragraphs 82 and 89 of the Complaint. Respondent’s Partial Motion to Dismiss (filed June 19, 2019) is therefore moot. Complainant otherwise maintains the remaining requests for relief asserted in the Complaint.

The Commission’s Rules of Practice and Procedure do not have a provision for voluntary dismissals. Accordingly, this Notice should be treated as a voluntary dismissal, without prejudice, in accordance with Civil Rule 41(A)(1)(a). *See* R.C. 4903.082 (“Without limiting the commission’s discretion the Rules of Civil Procedure should be used wherever practicable.”).

Dated: October 29, 2019

Respectfully submitted,

/s/ Mark A. Whitt

Mark A. Whitt

Lucas A. Fykes

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*Attorneys for Complainant*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Voluntary Dismissal was electronically filed with the Commission on October 29, 2019. Parties will receive service by DIS. Courtesy copies are also being served this date by electronic mail to the following:

Scott Casto  
scasto@firstenergycorp.com

Ryan Doringo  
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/s/Mark A. Whitt  
Attorney for Complainant

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/29/2019 5:03:09 PM**

**in**

**Case No(s). 18-1734-EL-CSS**

Summary: Notice Notice of voluntary dismissal of damages claim electronically filed by MARK A WHITT on behalf of Enyart, Russell