

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

CHRISTINE M. AMEDIA and ADRIAN C.)	
AMEDIA,)	
)	
Complainants,)	
)	CASE NO. 22-0802-EL-CSS
vs.)	
)	
OHIO EDISON COMPANY,)	
)	
Respondent.)	

OHIO EDISON COMPANY’S MOTION TO COMPEL DISCOVERY RESPONSES

Pursuant to Ohio Adm. Code 4901-1-23(A), Respondent Ohio Edison Company (“Ohio Edison”) hereby moves for an order (1) compelling Complainants Chirstine M. Amedia and Adrian C. Amedia (“Complainants”) to respond to Ohio Edison Company’s First Set of Requests for Admission, Interrogatories, and Requests for Production (“Discovery Requests”), which were propounded on August 15, 2023 and are now overdue; and (2) admonishing Complainants that if they fail to respond to Ohio Edison’s Discovery Requests, the Commission will dismiss the pending proceeding pursuant to Ohio Adm. Code 4901-1-23(F)(4). Pursuant to Ohio Adm. Code 4901-1-22(B), the requests for admission are deemed admitted. A copy of Ohio Edison’s Discovery Requests is attached hereto as **Exhibit A**.

The attached affidavit (**Exhibit B**) describes the efforts to resolve this dispute, as required by Ohio Adm. Code 4901-1-23(C)(3). All of the underlying discovery requests are reasonably calculated to lead to the discovery of admissible evidence and all of the sought documents could lead to or constitute admissible evidence.

A memorandum in support is attached hereto.

Respectfully submitted,

/s/ Christopher A. Rogers

Christopher A. Rogers (0100781)

Counsel of Record

BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

127 Public Square, Suite 4900

Cleveland, Ohio 44114

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: crogers@beneschlaw.com

Counsel for Ohio Edison Company

MEMORANDUM IN SUPPORT

I. INTRODUCTION AND BACKGROUND

Complainants filed this complaint proceeding on August 24, 2022. Within their Complaint, they alleged that they installed 2 temporary 15-amp furnaces during the previous winter.¹ According to their Complaint, even if running non-stop, their kilowatt usage would not exceed 21,600 kWh a month.² However, Complainants allege that their reported usage was 31,112 kWh in January 2022 and 23,626 kWh in February 2022.³ Despite a meter test being run, Complainants dispute the accuracy of their recorded usage because no other construction was taking place in January and February 2022 and the house was fully insulated.⁴ Ohio Edison timely answered Complainants' Complaint on September 13, 2022, denying that the it improperly measured Complainant's electrical usage.⁵

The purpose of discovery is to obtain information reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(A). On August 15, 2023, Ohio Edison propounded discovery requests on Complainants to obtain evidence related to Complainants' allegations against Ohio Edison.⁶ The Discovery Requests seek, among other things: the names and contact information of all people with knowledge of Complainants' claims; all witnesses they intend to call at the hearing of this matter, including lay and expert witnesses; copies of all documents upon which they rely to support their allegations and/or which they intend to use at the hearing; an explanation of their claimed damages; information about the appliances

¹ *In the Matter of the Complaint of Christine M Amedia & Adrian C Amedia vs Ohio Edison Company*, PUCO No. 22-802-EL-CSS, Complaint, at 1 (Aug. 24, 2022) ("Complaint").

² *Id.*

³ *Id.*

⁴ *Compare id.*, with *id.* Answer, ¶ 14 (Sept. 13, 2022).

⁵ *Id.*, Answer (Sept. 13, 2022)

⁶ Ex. A; Rogers Aff., ¶ 2.

in use at their Service Address; and information regarding the electrical construction work being performed at the time of the subject matter of the Complaint.⁷

To date, Complainants have failed to respond to Ohio Edison's discovery requests despite several requests by undersigned counsel.⁸ Undersigned counsel followed up with Complainants via email on October 31, 2023, requesting responses by November 3, 2023.⁹ Complainants failed to respond to this email.¹⁰ On November 3, 2023, undersigned counsel again emailed Complainants and attempted to call the phone number associated with Complainants' service address.¹¹ Counsel called and left messages for Complainants at both of the numbers associated with their account on November 6, 2023.¹² Prior to December 12, 2023, neither Complainant responded to counsel's inquiries.¹³ On December 12, 2023, counsel spoke with Complainant Adrian Amedia and informed him that he needed to respond to Ohio Edison's discovery requests by December 15, 2023 or Ohio Edison would file a motion to compel his responses.¹⁴ Complainants failed to respond to Ohio Edison's discovery requests by December 15, 2023.¹⁵

Ohio Edison is only attempting to receive the discovery to which it is entitled, and which it needs in order to fully prepare for a hearing in this matter. Complainants have no basis to refuse to respond to Ohio Edison's Discovery Requests, and their failure to respond has stalled and delayed the progression of this matter and will prejudice Ohio Edison's ability to defend this case at hearing. The Commission should order Complainants to immediately provide full and complete responses to Ohio Edison's Discovery Requests.

⁷ See generally Ex. A.

⁸ Rogers Aff., ¶¶ 3–9.

⁹ Rogers Aff., Ex. 1.

¹⁰ Rogers Aff., ¶ 7, Ex. 1.

¹¹ Rogers Aff., ¶ 5, Ex. 1.

¹² Rogers Aff., ¶ 6.

¹³ Rogers Aff., ¶ 7.

¹⁴ Rogers Aff., ¶ 8.

¹⁵ Rogers Aff., ¶ 9.

Further the Commission should admonish Complainant that failure to comply will result in the dismissal of the pending proceeding pursuant to Ohio Adm. Code 4901-1-23(F)(4).

II. LAW AND ARGUMENT

The Commission's discovery rules "encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparation for participation in commission proceedings."¹⁶ The rules allow discovery of "any matter, not privileged, which is relevant to the subject matter of the proceeding."¹⁷ "It is not a ground for objection that the information sought would be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence."¹⁸

Ohio Adm. Code 4901-1-23(A) authorizes orders compelling discovery for:

- (1) Any failure of a party to answer an interrogatory served under rule 4901-1-19 of the Administrative Code.
- (2) Any failure of a party to produce a document or tangible thing or permit entry upon land or other property as requested under rule 4901-1-20 of the Administrative Code.
- (3) Any failure of a deponent to appear or to answer a question propounded under rule 4901-1-21 of the Administrative Code.
- (4) Any other failure to answer or respond to a discovery request made under rules 4901-1-19 to 4901-1-22 of the Administrative Code.

As a prerequisite to filing a motion to compel, the party seeking discovery must be able to demonstrate that it "has exhausted all other reasonable means of resolving any differences with the party or person from whom discovery is sought."¹⁹

¹⁶ Ohio Adm. Code 4901-1-16(A).

¹⁷ Ohio Adm. Code 4901-1-16(B).

¹⁸ *Id.*

¹⁹ Ohio Adm. Code 4901-1-23(C).

Here, Complainants have failed to respond to Ohio Edison's Discovery Requests that were due on September 4, 2023. As noted above, undersigned called and emailed Complainants several times in effort to communicate regarding the outstanding discovery requests.²⁰ To date, Complainants have failed to provide responses to Ohio Edison's discovery requests.²¹

Ohio Edison propounded its Discovery Requests to explore and test the allegations raised in Complainants' Complaint, specifically Complainants' contention that it would be impossible for them to use as much electricity as their meter recorded.²² The Discovery Requests, attached hereto as **Exhibit A**, seek the following types of information and related documents:

- Witnesses with knowledge regarding the allegations in the Complaint.
- The identity and proposed testimony of any expert witness.
- The amount of damages sought.
- The basis for the allegations in their Complaint.
- The identities of the electricians and HVAC contractors that worked on their residence, and the dates they worked on the residence.
- The make and model of the appliances in use at the Service Address during the period in dispute.
- The make and model of the furnaces alleged in the Complaint, the dates that the air handlers were used, their age, and the manufacturer's Kilowatt usage range.
- The heated square footage of the Service Address.

This information is necessary to refute Complainants' allegations that it would have been impossible for them to use the amount of electricity their meter recorded. Their residence is essentially a new construction, and there is no historical winter usage to compare. Even though the meter tests returned a normal result, pursuant to the Commission's jurisprudence, Ohio Edison

²⁰ Rogers Aff., ¶¶ 3–8.

²¹ Rogers Aff., ¶ 9.

²² Compare Complaint at 1 (Aug. 14, 2022), with Ex. A.

must present a plausible explanation for the electricity use recorded.²³ Absent the information and documents requested from Complainants, Ohio Edison will be prejudiced in its ability to defend against Complainants' allegations.

III. CONCLUSION

Accordingly, for the reasons set forth above, Ohio Edison respectfully requests that the Commission: (1) compel Complainants to respond in full to the Discovery Requests; and (2) admonish Complainants that failure to comply will result in dismissal of the pending proceeding pursuant to Rule 4901-1-23(F)(4), Ohio Administrative Code.

Respectfully submitted,

/s/ Christopher A. Rogers

Christopher A. Rogers (0100781)

Counsel of Record

BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

127 Public Square, Suite 4900

Cleveland, Ohio 44114

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: crogers@beneschlaw.com

Counsel for Ohio Edison Company

²³ See, e.g., *In re the Complaint of Jenny Kenderes v. The Cleveland Electric Illuminating Co.*, Case No. 18-922-EL-CSS, Opinion and Order, ¶ 29 (May 6, 2020).

CERTIFICATE OF SERVICE

On December 19, 2023, the foregoing document was filed on the Public Utilities Commission of Ohio's Docketing Information System. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties of record in this proceeding. A service copy has been sent by electronic and U.S. Mail on this 19th day of December, 2023, to the Complainant at the following address:

Christine M. Amedia
Adrian C. Amedia
5000 Raccoon Road
Canfield, OH 44406
adrianamedia@gmail.com
christieamedia@gmail.com
Complainants

/s/ Christopher A. Rogers
*Counsel for The Cleveland Electric
Illuminating Company*

Exhibit A

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

CHRISTINE M. AMEDIA and ADRIAN C.)	
AMEDIA,)	
)	
Complainants,)	
)	CASE NO. 22-0802-EL-CSS
vs.)	
)	
OHIO EDISON COMPANY,)	
)	
Respondent.)	
)	

**OHIO EDISON COMPANY’S FIRST SET OF REQUESTS FOR ADMISSION,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION TO COMPLAINANT**

Pursuant to Rules 4901-1-19, 4901-1-20, and 4901-1-22 Ohio Administrative Code, Respondent Ohio Edison Company (“Ohio Edison” or the “Company”) propounds the following combined set of Interrogatories, Requests for Admission, and Requests for Production of Documents (collectively, the “Discovery Requests”) upon Complainants Christine M. Amedia and Adrian C. Amedia (“Amedia” or “Complainant”) to be responded to fully, separately, and in writing within twenty (20) days of service. Pursuant to Rule 4901-1-22(B) a matter is deemed admitted unless a written answer or object is submitted to the undersigned attorney within twenty (20) days.

INSTRUCTIONS

1. In answering these Discovery Requests, Complainant must furnish all information and documents available to Complainant. This includes documents in the possession, custody or control of Complainant’s attorneys or of any third party or parties whom Complainant has surrendered possession, custody or control or who are acting on Complainant’s behalf, or who

have otherwise obtained possession, custody or control, or who, upon Complainant's request would surrender possession, custody or control to Complainant.

2. These Discovery Requests shall be deemed continuing in nature so as to require supplementary responses between the time the initial responses are served and the time of hearing, if any, in accordance with Rule 4901-1-16(D), Ohio Administrative Code. Such supplementary responses are to be filed and served upon Ohio Edison within five (5) days after receipt of such information.

3. You must specifically admit or deny each Request for Admission.

4. If you cannot admit or deny a matter contained in any Request for Admission, you must specifically set forth the reasons in detail in the Response to the Request for Admission, including lack of sufficient information as to the matter in question obtained after reasonable inquiry.

5. A denial of a Request for admission must meet the substance of the requested admission.

6. If You respond to a Discovery Request with an objection, You must state with particularity the reasons for the objection.

7. When good faith requires that you qualify an answer or deny only part thereof, you must specify the portions of the Request for Admission to which you admit and then deny or qualify your answer to the remainder.

8. Lack of information or knowledge is not a valid reason for failing to admit or deny, unless (a) you have made reasonable inquiry and (b) the information that you know and can readily obtain is insufficient to enable you to admit or deny the matter for which an admission is requested. In such case, please set forth the nature of the inquiry undertaken.

DEFINITIONS

A. “Document” or “documents” means the original and all copies that are different in any way from the original (whether by interlineation, receipt stamp, notation, indication of copies sent or received or otherwise, and drafts) of any printed, typewritten, handwritten, or otherwise recorded matter of whatever character (including, without limitation, telegraphs, personal notes, diaries, statements, photographs, videotapes, tape recordings, motion pictures, computer tapes or discs, and any Xerox, carbon, magnetic, digital or photographic copies of any such material if Complainant does not have custody and control of the original). The enumeration of various specific items as included within the definition of the term “document” or “documents” shall not be taken to limit the generality of the terms, and the Document Requests herein are intended to obtain all documents in the broadest and most comprehensive sense and meaning of the term.

B. “Identify,” with respect to any natural person, shall mean to provide the following information about the person: full name; present or last known address; employer; and relationship, if any, to the Complainant. If any of this information is not available to Complainant, state any other means of identifying such natural person.

C. “Identify,” with respect to any document, shall mean to provide the following information about the document: general description; subject matter; date; title; author; recipients; and, if the document is not in Complainant’s possession, the location of the document. If any of this information is not available to Complainant, state any other means of identifying the document.

D. As used herein, the terms “you,” “your,” “Complainant,” and “Amedia” refers to Complainants Christine M. Amedia and Adrian C. Amedia, both singularly and collectively, and

each person acting or purporting to act on behalf of Christine M. Amedia and Adrian C. Amedia, either collectively or individually.

E. As used herein, the terms the “Company” and “Ohio Edison” refer to Respondent Ohio Edison Company and each person acting or purporting to act on behalf of Respondent Ohio Edison Company.

F. As used herein, the term “Complaint” refers to the Complaint filed by Complainant with the Public Utilities Commission of Ohio, Case No. 22-0802-EL-CSS.

G. As used herein, the term “Service Address” means 5000 Raccoon Road, Canfield, Ohio, 44406, the service address identified in the Complaint.

H. As used herein, the term “Meter” means Meter No. S328928402.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that Meter No. S343033992, installed on or about February 24, 2022, accurately records Your electrical usage.

ANSWER:

REQUEST FOR ADMISSION NO. 2: Admit that a 10kW heat strip can utilize more electricity than 10kW.

ANSWER:

REQUEST FOR ADMISSION NO. 3: Admit that in addition to the electrical usage from the heat strip, additional electricity will be consumed by the air handler itself, including for a fan.

ANSWER:

REQUEST FOR ADMISSION NO. 4: Admit that, per hour, more than 20kW could be consumed during the period in dispute.

ANSWER:

REQUEST FOR ADMISSION NO. 5: Admit that the meter tests indicates that the Meter was accurately recording Your electrical usage at the Service Address for the period in dispute.

ANSWER:

REQUEST FOR ADMISSION NO. 6: Admit that Ohio Edison's bills for the Service Address for the period in dispute are accurate.

ANSWER:

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person who answered or assisted in answering these Discovery Requests.

ANSWER:

INTERROGATORY NO. 2: Identify all persons who have knowledge or information, or may have knowledge or information, regarding your claims in the Complaint. For each person identified, state: (a) their full name; (b) their present or last known address; (c) their employer (if known); (d) their relationship, if any, to the Complainant; (e) whether that person will testify in the Hearing for your Complaint; and (f) the subject matter and substance of the facts about which he or she is expected to testify, if applicable

ANSWER:

INTERROGATORY NO. 3: Identify any and all exhibits or demonstrative evidence that you intend to present at any hearing of this matter.

ANSWER:

INTERROGATORY NO. 4: Identify each person whom you intend to call as an expert witness at any hearing of this matter. For each person identified, state: (a) the subject matter and substance of the facts and opinions about which he or she is expected to testify; (b) the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten (10) years; and (c) the cases in which the witness has testified as an expert at trial, hearing, or by deposition within the preceding four (4) years.

ANSWER:

INTERROGATORY NO. 5: State the relief you seek in this case, including the number of damages you are claiming in this case, if any. If you are claiming damages, please also explain your calculation for said damages.

ANSWER:

INTERROGATORY NO. 6: Describe the factual basis for your contention that the Meter was not recording your electricity use accurately.

ANSWER:

INTERROGATORY NO. 7: Do you contend that Meter No. S343033992, installed on or about February 24, 2022, does not accurately record Your electrical usage? If yes, please describe the basis for your belief.

ANSWER:

INTERROGATORY NO. 8: Identify all electricians and electrical companies that have performed work at the Service Address.

ANSWER:

INTERROGATORY NO. 9: Identify all Heating, Ventilation, Air Condition (HVAC) technicians and/or companies that performed work at the Service Address.

ANSWER:

INTERROGATORY NO. 10: Identify all electrical permits obtained for the construction performed at the Service Address.

ANSWER:

INTERROGATORY NO. 11: Identify the date that electrical work began, and the date that the electrical work was completed at the Service Address.

ANSWER:

INTERROGATORY NO. 12: Identify all appliances that utilize electricity in use at the Service Address between December 1, 2021 to March 30, 2022. For each identified appliance, identify the make and model.

ANSWER:

INTERROGATORY NO. 13: Identify the type, model, and make of each air handler in use on the premises between December 1, 2021 and March 30, 2022.

ANSWER:

INTERROGATORY NO. 14: Identify the type, model, and make of each heating strip in use on the premises between December 1, 2021 and March 30, 2022.

ANSWER:

INTERROGATORY NO. 15: Identify the date you first began using heaters at the Service Address, as alleged in your Complaint.

ANSWER:

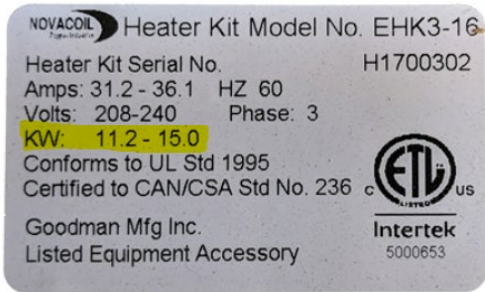
INTERROGATORY NO. 16: Identify the date you ceased using the heaters at the Service Address, as alleged in your Complaint.

ANSWER:

INTERROGATORY NO. 17: Identify the age of each heater in use at the Service Address, as alleged in your Complaint.

ANSWER:

INTERROGATORY NO. 18: Identify the manufacturer's Kilowatt usage range for the heat strip utilized in the heaters that You used at the Service Address (example highlighted below)



ANSWER:

INTERROGATORY NO. 19: Identify the manufacturers' kilowatt usage range for the air handler used as a heater on at the Service Address.

ANSWER:

INTERROGATORY NO. 20: Identified the heated square footage of the house at the Service Address, including any basement and attic spaces. Identify the square footage by level (i.e., basement, first floor, second floor, attic, etc.)

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Produce all documents You identified, referred to, or relied upon in providing answers and responses to these Discovery Requests.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all expert reports or opinions you have requested or received in connection with the allegations asserted in the Complaint.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: With respect to any expert witness You intend to call in this case, produce all documents relating in any way to such witness's qualifications as an expert (including, without limitation, his or her professional resume, any articles, books or other scholarly publications by such person and any record of his or her testimony as an expert witness in any prior court proceeding), all documents you provided to the expert, and all documents reviewed or relied on by such expert

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all documents that You intend to rely upon, refer to, or use as exhibits at any deposition or at the hearing in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce copies of all permits for electrical work performed at the Service Address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce copies of all electrical inspections performed at the Service Address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce copies of the electrical plans for the service address.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce the spec sheets for each air handler in use at the Service Address between December 1, 2021 and March 30, 2022.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce the spec sheets for each heating strip in use at the Service Address between December 1, 2021 and March 30, 2022.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce the owner's manual and/or product manual for each air handler in use at the Service Address between December 1, 2021 and March 30, 2022.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce the owner's manual and/or product manual for each heating strip in use at the Service Address between December 1, 2021 and March 30, 2022.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all documentation to support your contention that the heaters (including air handlers and heating strips) in use at the Service Address between December 1, 2021 and March 30, 2022, could have only used 14,640 kWh each month.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce the service history of each heater in use at the Service Address between December 1, 2021 and March 30, 2022.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce the service history of each heating strip in use at the Service Address between December 1, 2021 and March 30, 2022.

RESPONSE:

Respectfully submitted,

/s/ Christopher A. Rogers

Christopher A. Rogers (100781)
BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

127 Public Square, Suite 4900

Cleveland, Ohio 44114-2378

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: crogers@beneschlaw.com

Counsel for Ohio Edison Company

VERIFICATION PAGE

STATE OF _____)

COUNTY OF _____)

I, _____, am one of the Complainants in the above-entitled action. I certify and state under the penalty of perjury under the laws of the State of Ohio and the United States of America that I have read the foregoing answer and responses to *Ohio Edison Company's First Set of Requests for Admission, Interrogatories, and Requests for Production to Complainant*, know the contents thereof, and believe the same to be true and correct.

Printed Name: _____

SWORN TO BEFORE ME and subscribed in my presence this _____ day of _____, 2023.

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following by electronic mail and U.S. Mail on this 15th day of August, 2023.

Christine M. Amedia
Adrian C. Amedia
5000 Raccoon Road
Canfield, OH 44406
adrianamedia@gmail.com
christieamedia@gmail.com
Complainant

/s/ Christopher A. Rogers
One of the Attorneys for Ohio Edison
Company

Exhibit B

**Amedia - Rogers Affidavit ISO Motion to Compel Discovery Responses.pdf**

DocVerify ID: 8D497601-B055-4870-8288-594EB14AD5DA
Created: December 19, 2023 04:49:55 -8:00
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E-Signature Summary**E-Signature 1: Christopher A. Rogers (CAR)**

December 19, 2023 05:31:00 -8:00 [6C7BF152D1B9] [134.238.180.51]
CRogers@beneschlaw.com (Principal) (Personally Known)

E-Signature Notary: Elizabeth Kohn (EK)

December 19, 2023 05:31:00 -8:00 [F15F282E19EC] [216.221.27.63]
liz.kohn29@gmail.com

I, Elizabeth Kohn, did witness the participants named above electronically sign this document.



**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

CHRISTINE M. AMEDIA and ADRIAN C. AMEDIA,)	
)	
)	
Complainants,)	
)	CASE NO. 22-0802-EL-CSS
vs.)	
)	
OHIO EDISON COMPANY,)	
)	
Respondent.)	

**AFFIDAVIT OF CHRISTOPHER ROGERS IN SUPPORT OF OHIO EDISON
COMPANY'S MOTION TO COMPEL DISCOVERY RESPONSES**

STATE OF OHIO)	
)	S.S.
COUNTY OF CUYAHOGA)	

I, Christopher A. Rogers, hereby first duly sworn under oath, state the following to be true according to personal knowledge:

1. I am an attorney at Benesch, Friedlander, Coplan & Aronoff LLP, and am one of the attorneys representing Ohio Edison Company ("Ohio Edison") in the above-captioned matter. I am over the age of 18, have personal knowledge of the facts stated herein, and am competent to make this declaration. I submit this Affidavit in support of Ohio Edison's Motion to Compel.

2. I caused Ohio Edison's First Set of Requests for Admission, Interrogatories, and Requests for Production to Complainant to be served on Complainants via email and U.S. Mail on August 15, 2023. A true and accurate copy of these Discovery Requests are attached as Exhibit A to Ohio Edison's Motion to Compel.

3. To date, Complainants have failed to provide responses to these Discovery Requests.



4. Attached hereto as **Exhibit 1** is a true and accurate copy of my email correspondence to Complainants.

5. On November 3, 2023, I called the number listed on Complainant's account. The call was disconnected and did not go to voicemail.

6. On November 6, 2023, I called both phone numbers associated with Complainant's account and left phone messages for the Complainants.

7. Prior to December 12, 2023, Complainants failed to respond to my inquiries.

8. On December 12, 2023, I called and spoke with Complainant Adrian Amedia. I informed him that if I did not receive his discovery responses by Friday, December 15, 2023, I would file a motion to compel.

9. Complainants failed to respond to Ohio Edison's discovery requests by December 15, 2023.

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Executed this 19th day of December, 2023 in Solon, Ohio.

Christopher A. Rogers

Signed on 2023/12/19 08:31:00 -8:00

Christopher A. Rogers (0100781)

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

127 Public Square, Suite 4900

Cleveland, Ohio 44114-1284

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: crogers@beneschlaw.com

Attorneys for Ohio Edison Company

SWORN AND SUBSCRIBED before
me this 19th day of December, 2023.



Notary Public of the State of Ohio

My commission expires: 02/03/2024



Notarial act performed by audio-visual communication



From: [Rogers, Christopher](#)
To: [adrianamedia@gmail.com](#); [christieamedia@gmail.com](#)
Cc: [Cuesta, Kelly](#)
Subject: RE: Amedia v. Ohio Edison Company, PUCO Case No. 22-0802-EL-CSS
Date: Tuesday, December 12, 2023 10:17:12 AM
Attachments: [image002.png](#)
[image003.png](#)

Mr. Amedia,

Per our conversation a few minutes ago, please provide your responses to Ohio Edison's discovery requests by Friday, December 15, 2023, or I will file a motion to compel.



vCard Bio

Christopher Rogers
(he/him/his)
Litigation Associate
Admitted in Ohio and Washington.
Practice temporarily authorized pending admission to the Kentucky Bar Association
Benesch Friedlander Coplan & Aronoff LLP
t: 216.363.6251 | m: 207.240.5354
CRogers@beneschlaw.com | www.beneschlaw.com
127 Public Square, Suite 4900, Cleveland, OH 44114

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

From: Rogers, Christopher
Sent: Tuesday, December 12, 2023 9:58 AM
To: [adrianamedia@gmail.com](#); [christieamedia@gmail.com](#)
Cc: Cuesta, Kelly <kcuesta@beneschlaw.com>
Subject: RE: Amedia v. Ohio Edison Company, PUCO Case No. 22-0802-EL-CSS

Mr. and Mrs. Amedia,

I will be filing a motion to compel tomorrow morning, unless you give me a date certain that you will respond to Ohio Edison's discovery requests.

From: Rogers, Christopher <CRogers@beneschlaw.com>
Sent: Friday, November 3, 2023 5:12 PM
To: [adrianamedia@gmail.com](#); [christieamedia@gmail.com](#)
Cc: Cuesta, Kelly <KCuesta@beneschlaw.com>
Subject: RE: Amedia v. Ohio Edison Company, PUCO Case No. 22-0802-EL-CSS

Mr. and Mrs. Amedia,

I am following up on my email below. Please advise whether you intend to respond to Ohio Edison's discovery requests.



vCard Bio

Christopher Rogers
(he/him/his)
Litigation Associate
Admitted in Ohio and Washington.
Practice temporarily authorized pending admission to the Kentucky Bar Association
Benesch Friedlander Coplan & Aronoff LLP
t: 216.363.6251 | m: 207.240.5354
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Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

From: Rogers, Christopher <CRogers@beneschlaw.com>
Sent: Tuesday, October 31, 2023 9:29 AM
To: [adrianamedia@gmail.com](#); [christieamedia@gmail.com](#)
Cc: Cuesta, Kelly <KCuesta@beneschlaw.com>
Subject: RE: Amedia v. Ohio Edison Company, PUCO Case No. 22-0802-EL-CSS

Mr. and Mrs. Amedia,

These discovery requests were served on August 15, 2023. Pursuant to the Commission's rules, your answers to the interrogatories, requests for admission, and requests for production were due no later than Monday, September 4, 2023. To date, I have yet to receive any responses from you. Pursuant to Ohio Adm. Code 4901-1-22(B), the requests for admission are deemed admitted. However, if I do not receive your answers to the interrogatories and requests for production by Friday, November 3, 2023, I will have no choice but to move to compel your answers.

I look forward to hearing from you.



[vCard Bio](#)

Christopher Rogers
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Litigation Associate
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Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

As of August 1, 2023 our new address is 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

From: Cuesta, Kelly <KCuesta@beneschlaw.com>

Sent: Tuesday, August 15, 2023 11:17 AM

To: adrianamedia@gmail.com; christieamedia@gmail.com

Cc: Rogers, Christopher <CRogers@beneschlaw.com>

Subject: Amedia v. Ohio Edison Company, PUCO Case No. 22-0802-EL-CSS

Mr. & Mrs. Amedia,

Attached is Ohio Edison Company's First Set of Requests for Admission, Interrogatories, and Requests for Production to Complainant, regarding the captioned matter. Please note that a hard copy of the attached is being sent via regular U.S. mail and a response is due within twenty (20) days.

Thank you for your attention to this matter.

Best regards,



Technology Certified
Legal Support Specialist



Kelly Cuesta
Legal Assistant | Litigation
Benesch Friedlander Coplan & Aronoff LLP

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Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

As of August 1, 2023 our new address is 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

12/19/2023 2:58:05 PM

in

Case No(s). 22-0802-EL-CSS

Summary: Motion Motion to Compel Discovery Responses electronically filed by
Mr. Christopher A. Rogers on behalf of Ohio Edison Company.