

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of George  
Zadanski,

Complainant,

v.

The Columbus & Ohio River Rail Road  
Company,

Respondent.

Case No. 04-1387-RR-CSS

ENTRY

The attorney examiner finds:

- (1) On September 8, 2004, George A. Zadanski (complainant) filed a complaint against The Columbus & Ohio River Rail Road Company (company), alleging that the company improperly removed and barricaded a railroad crossing from one portion of the complainant's property to another portion of his property.
- (2) On September 10, 2004, pursuant to Rule 4901-9-01, Ohio Administrative Code, the secretary of the Commission served a copy of the complaint on the company and directed the company to file an answer to the complaint with the Commission, along with any responsive motions, and to serve a copy of the answer and any motions upon the complainant.
- (3) On September 17, 2004, the company filed its answer to the complaint, substantially denying the allegations in the complaint.
- (4) In accordance with the Commission's goal of reducing the number of adversarial proceedings before it, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An attorney examiner from the Commission's legal department will facilitate the settlement process. The parties should bring with them all documents relevant to this matter.

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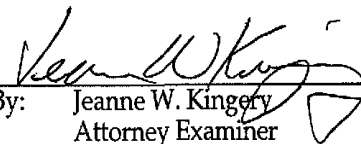
- (5) In the event that a settlement is not reached at the conference, the attorney examiner will discuss procedural issues at the conclusion of the settlement conference. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (6) Further, in the event that the parties do not reach a settlement at the conference, and if the real party in interest is a corporation, in accordance with Rule 4901-1-08(A) of the Ohio Administrative Code, a corporation must be represented by an attorney at law at the subsequent hearing.
- (7) Accordingly, this case should be scheduled for a settlement conference on Wednesday, October 13, 2004, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Legal Conference Room, 12<sup>th</sup> Floor, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That a settlement conference be scheduled in accordance with finding (7). It is, further,

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

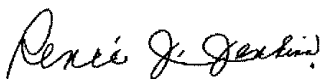
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jeanne W. Kingery  
Attorney Examiner

JWK:geb

Entered in the Journal

SEP 23 2004



Renee J. Jenkins  
Secretary