

Rebecca Britton
211 Andover Dr.
Exton PA 19341

October 16, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Rebecca Britton v. Sunoco Pipeline L.P.; Docket No. C-2019-3006898

Meghan Flynn. et al. v. Sunoco Pipeline L.P.; Docket Nos. C-2018-3006116 and
P-2018-3006117;

REBECCA BRITTON'S ANSWER TO SPLP'S MOTION IN LIMINE

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Rebecca Britton's
Answer to Motion in Limine.

If you have any questions regarding these filings please do not hesitate to contact me.

Very Truly Yours,



Rebecca Britton
Pro se
October 16, 2019

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rebecca Britton	:	
211 Andover Dr.	:	
Exton, PA 19341	:	Docket No. C-2019-3006898
Complainant	:	
Consolidated	:	
MEGAN FLYNN <i>et al</i>	:	Docket Nos.C-2018-3006116
v.	:	
SUNOCO PIPELINE L.P. ,	:	
Respondent.	:	

Rebecca Britton Response to Sunoco’s Motion in Limine

Sunoco filed a motion in limine is too broad and at this stage is being put forth for unfounded reasons. The motion reads to me as a request to deny Her Honor from using her good judgement during the hearing to determine what is “irrelevant, inadmissible, immaterial and unduly repetitive”

I. INTRODUCTION

1. Denied. Judge has already ruled “testimony should not be “overly repetitive or cumulative”. Timing of testimony has been worked out; complainants and aligned intervenors have followed orders.

1. Denied. Lay witnesses are allowed to give opinions under Pennsylvania Law, just not expert opinions. Judge can rule on duplicate or repetitive matters through objection during hearing. Judge can decide standing through objection as well.

2. Denied. I cannot speak to other parties testimony, however, this is a lay witness hearing and as such it seems fair that people called to the stand should be allowed to discuss things they have heard, seen, felt, or experienced.

3. Denied. Judge can use her discretion during hearing, this is to broad to decide before trial during testimony.

4. Denied. SPLP has not heard evidence presented to object to yet. I believe Her Honor is capable of managing the courtroom for time and efficiency.
5. Ms. Britton has presented in her original complaint at; B. Public Awareness that”my neighbors, including my neighbor just across the street, does not have the same information and awareness.” In SPLP’s Preliminary Response they argue I cannot present testimony on behalf of other people. Now SPLP argues I can “testify to the alleged facts of my complaint as I verified it”? This is my opportunity to have on the record what my neighbor(s) “do and do not know” and how their concerns in preparing for evacuation and emergency situations not only affect my neighbors personally; but, can also affect my ability to obtain help from emergency response teams during an emergency. Mrs. Dunn’s testimony supports that my needs are direct, immediate and substantial.

IF, Sunoco will stipulate to these facts as set forth below prior to the hearing I will withdraw Ms. Dunn to relieve burden to the court if Judge Barnes decides it is in the interest of judicial efficiency. OR, SPLP can agree to let me testify to what my neighbors, “do and do not know” and about their health and mobility.

1. People outside of 1000 feet do not know that they live in a probable impact zone or how to evacuate from one.
2. People have limited awareness of how to identify a leak or an *inability* to see, smell, hear a leak from their homes that are not easement owners.
3. People living in Uwchlan Township, a high consequence area, have mobility and health issues that range from small to significant; including immobile.
4. Having to evacuate people with mobility, mental health and health issues complicates and burdens rescue and recovery activities.

7. Denied. I cannot speak for other parties witnesses but I don’t see the problem in letting witnesses, in a lay hearing, discuss what they know to be true regarding a loved one because they are a *responsible* party in their care. At this juncture all I can tell for sure is that Sunoco wishes to prevent testimony that would be *damning* to the continued operations of their for-profit dangerous pipeline running through our beloved communities jeopardizing the health, welfare and safety of our families, friends and neighbors.

8. Denied. Pipelines are continuous as already ruled by Judge Barnes in DiBernardino. Judge Barnes can rule during the hearing what is relevant. I certainly expect opposing counsel to object to everything I do anyway.

9. Denied. Reasons stated above. Denied. Mrs. Dunn should not testify unless stipulations are made.

II. REQUEST FOR EXPEDITED ANSWER AND RULING

10. Denied in part. Time is of the essence; however, this motion seems to do nothing to move proceedings along except “stack the deck” for SPLP; protecting their interests. Request for Motion in Limine should be *Denied*.

III. ARGUMENT

11. Denied. Evidence cannot be ruled on SPLP's "inflated perception" of appearance; that is why we are having a hearing.

12. Denied. Repetitive no additional response required.

13. Denied. I cannot speak for other parties; but, I do not intend to ask Mrs. Dunn anything outside of her personal knowledge, nor, am I asking Mrs. Dunn to weigh evidence.

14. Why doesn't Sunoco object to other lay testimony like that of Chester County Council. The move to "pick and choose" which parties lay testimony gets heard seems malicious and targeted at this point. Moreover, I trust that Judge Barnes can weigh evidence in the proceeding she is the ultimate finder of fact.

15. Denied. SPLP is giving a magnified account of the finding in the Dinniman case.

16. Denied. For judicial expediency this paragraph is repetitive no further response required.

17. Denied. Judge Barnes should be person, ruling and finding facts, not opposing counsel.

18. Denied. It is unduly burdensome for Judge Barnes to determine facts of case that hasn't been presented yet. No testimony has been provided to rule on; the motion is too broad and *overreaching*.

B. Duplicative Testimony

19. Denied. Respectfully, I cannot weigh what is duplicative testimony at this juncture of the hearing. I am presenting testimony on the second day of hearing, and, will comply with Your Honors previous orders. If testimony that is given on day one is duplicative, I will remove it from my presentation. I also want the courtroom to run smoothly and everyone to get a chance to submit testimony and evidence.

20. Denied. Respectfully, Her Honor can rule on day of the hearing if evidence is repetitive.

21. Denied. Respectfully, I cannot respond on behalf of others; other than to say, in my humble experience over the last several months counsel for the Flynn Complainants has followed Judges Order's. Counsel has been timely, respectful of others time and prepared for our calls. There is no reason to suggest he wouldn't conduct himself in the courtroom in the same fashion.

22. Denied. Respectfully, SPLP cannot know what I will testify to. This motion is a 'fishing expedition' meant to elicit information, "stack the deck" and suppress testimony. The motion might as well read as a "motion for a cheat sheet during an exam". The only thing not asked for is a copy of my trial preparation materials; and, for me to prepare his cross for him. There is no reason to suggest, or give any appearance that my testimony will be duplicative. Again, I have

made every effort to conduct myself within the rules and regulations of the Commission and Judges Orders.

23. Denied. Accordingly, Your Honor can rule duplicative testimony should not be allowed and still allow Mrs. Dunn to testify.

C. Irrelevant Testimony

24. Denied. All preliminary motions have already been sustained. I cannot speak for Flynn Complainants but in my ruling from Judge Barnes it was already ruled upon that emergency services is burdened with a large populations of people. Three of the four people Sunoco is asking to eliminate from testifying represent an important stakeholder in our community. Having the *right to rescue*, people with health and mobility issues creates additional burdens on Emergency Services. Complainants, myself included, have a substantial, immediate and direct need for this information to be presented. This consolidation allows for friendly cross and if I have a say in the matter I would like to keep Marshall and McDonald in; otherwise, I will be calling additional witnesses. Likewise, if Mrs. Dunn is eliminated I reserve the right to call a “lay expert” to provide additional information pertinent to the matter.

25. Denied. Repetitive no additional response required.

26. Denied. Accordingly, Judge Barnes, I have prepared testimony and evidence that is not duplicative, not repetitive, and that I have standing over. I have done so, taking into account , as best I could, what others would present. I am relying on the incorporation of evidence and friendly cross to lay the foundations of my case. It was after all SPLP who motioned to consolidate and now they have to live with the implications of this consolidation including friendly cross.

IV. Conclusion

WHEREFORE, Rebecc Britton respectfully requests:

- The Motion in Limine is denied in its entirety.
- If Ms. Dunn’s testimony is eliminated the stipulations are granted.



Rebecca Britton

October 16, 2019

VERIFICATION

I, Rebecca Britton, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

A handwritten signature in black ink that reads "Rebecca Britton". The signature is written in a cursive style with a large initial 'R'.

Rebecca Britto
Pro se
October 16, 2019

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 1.54 (relating to service by a party).

This document has been filed via electronic filing:

VIA ELECTRONIC FILING

Pennsylvania Public Utility Commission
efiling system

Thomas J. Sniscak, Esq
tjsniscak@hmslegal.com

Kevin J. McKeon
kjmckeon@hmslegal.com

Whitney E. Snyder
@hmslegal.com

Robert D. Fox, Esq.
Neil S. Witkes, Esp.
Diana A. Silva, Esq.
rfox@mankogold.com
nwitkes@mankogold.com
dsilva@mankogold.com

Michael Bomstein
mbomstein@gmail.com

Anthony D. Kanagy, Esquire
Garrett P. Lent, Esquire
akanazy@postschell.com
glent@postschell.com

Rich Raiders, Esq.
rich@raiderslaw.com

Vince M. Pompo, Esq.
Guy. A. Donatelli, Esq
Alex J. Baumler, Esq.
vpompo@lambmcerlane.com
Gdonatelli@lambmcerlane.com
abaumler@lambmcerlane.com

Margaret A. Morris, Esq.
mmorris@regerlaw.com

Leah Rotenberg, Esq.
rotenberg@mcr-attorneys.com

Mark L. Freed
mlf@curtinheefner.com

James R. Flandreau
jflandreau@pfblaw.com

David J. Brooman
Richard Sokorai
Mark R. Fischer
dbrooman@highswartz.com
rsokorai@highswartz.com
mfischer@highswartz.com

Thomas Casey
tcaseylegal@gmail.com

Josh Maxwell
jmaxwell@downingtown.org

Laura Obenski
ljobenski@gmail.com

Stephanie M. Wimer
stwimer@pa.gov

Michael Maddren, Esq.
Patricia Sons Biswanger, Esq.
maddrenM@co.delaware.pa.us
patbiswanger@gmail.com

James C. Dalton, Esq.
jdalton@utbf.com

Melissa DiBernardino
lissdibernardino@gmail.com

Virginia Marcille-Kerslake
vkerslake@gmail.com

James J. Byrne, Esq.
Kelly S. Sullivan, Esq.
jjbyrne@mbmlawoffice.com
ksullivan@mbmlawoffice.com

Honorable Elizabeth Barnes
ebarnes@pa.gov



Rebecca Britton
Pro se
October 16, 2019