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July 20, 2020

VIA ELECTRONIC FILING

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

Re: Meghan Flynn, et al., Docket Nos. C-2018-3006116 & P-2018-3006117 (consolidated)
Melissa DiBernardino, Docket No. C-2018-3005025 (consolidated)
Rebecca Britton, Docket No. C-2019-3006898 (consolidated)
Laura Obenski, Docket No. C-2019-3006905 (consolidated)
Andover Homeowner's Association, Inc.; Docket No. C-2018-3003605
(consolidated)
v.
Sunoco Pipeline L.P.

**SUNOCO PIPELINE L.P.'S MOTION TO COMPEL RESPONSES TO FIRST
REQUEST FOR ADMISSIONS AND INTERROGATORIES TO THOMAS
CASEY**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Sunoco Pipeline L.P.'s Motion to Compel Responses to First Request for Admissions and Interrogatories to Thomas Casey.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

/s/ Whitney E. Snyder

Thomas J. Sniscak
Whitney E. Snyder
Counsel for Sunoco Pipeline L.P.

WES/BRB/das

Enclosure

cc: Honorable Elizabeth Barnes (by email ebarnes@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al.	:	Docket Nos. C-2018-3006116 (consolidated)
	:	P-2018-3006117
MELISSA DIBERNARDINO	:	Docket No. C-2018-3005025 (consolidated)
REBECCA BRITTON	:	Docket No. C-2019-3006898 (consolidated)
LAURA OBENSKI	:	Docket No. C-2019-3006905 (consolidated)
ANDOVER HOMEOWNER'S ASSOCIATION, INC.	:	Docket No. C-2018-3003605 (consolidated)
	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN FIVE (5) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Counsel for Sunoco Pipeline L.P.

Dated: July 20, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al.	:	Docket Nos.	C-2018-3006116 (consolidated)
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	:		
	:		
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**SUNOCO PIPELINE L.P. MOTION TO COMPEL RESPONSES TO FIRST REQUEST
FOR ADMISSIONS AND INTERROGATORIES TO INTERVENOR THOMAS CASEY**

Pursuant to Section 5.342(g) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations, 52 Pa. Code § 5.342(g), Sunoco Pipeline L.P. ("SPLP") files this Motion To Compel Responses To First Request For Admissions And Interrogatories To Intervenor Thomas Casey ("Motion").¹ In support of this Motion, SPLP respectfully asserts as follows:

INTRODUCTION

1. SPLP is moving to compel verified responses to 10 simple discovery requests² seeking relevant information as to witness bias, credibility, and motivation and compliance with the decorum required in litigating cases before this Commission. The controversy here involves questions calculated to determine if a party or representative of a party has made harassing

¹ SPLP notes that it served similar request on two other parties that objected. SPLP filed a Motion to Compel Flynn Set 1 on July 13, 2020 and is filing concurrently with this Motion a Motion to Compel Andover Set 1.

² The discovery requests are included as **Attachment A**.

and/or defamatory statements against SPLP and its counsel that show bias against SPLP or its representatives of SPLP's positions in this case when that person obtained copies of SPLP's testimony. As discussed below, bias and credibility are always issues that can be probed in Commission proceedings and in legal proceedings generally. That Mr. Casey did not testify in this proceeding or that the time has passed for him to do so are immaterial. His responses may illicit information that another party or witness was involved. Moreover, as a party to this proceeding, his bias and motivation matters, including for purposes of adjudicating this Motion and whether his positions have merit. Regarding timing, this event happened **after** SPLP served its rebuttal testimony. SPLP does not need to cross examine Mr. Casey to put responses to this discovery into the record. SPLP's discovery includes Requests for Admission. Mr. Casey's responses to the Requests for Admission can be admitted without witness testimony. There is no procedural limitation upon the responses to SPLP's discovery potential use at hearing.

2. SPLP electronically served on counsel and each pro se party its public testimony in this proceeding via Sharefile link that required each user to enter an email address and first and last name. The controversy began when an unidentified person or persons logged in³ with the following information:

- First Name/Last Name "Fk You,"⁴ email address "fred@fksunoco.com,"; and
- First Name/Last Name "Mankogold Endangerschildren," email address "kaboom@milewideblastradius.com"

³ Sharefile keeps a log of access to the materials including usernames and email addresses. The relevant portion of the log is included as **Attachment B**. Undersigned counsel Diana Silva and Whitney Snyder are administrators of this folder and certify that the attached is a true and correct copy of the relevant portions of the log, redacted consistent with note 4 *infra*.

⁴ SPLP has redacted the letters "uc" from this profane word given the public nature of this filing and respect for Your Honor and the Commission.

3. SPLP is now seeking to discover who that person was for two troubling reasons:

a) because the link was only provided to parties and their representatives either a party or representative signed in under a fake and scandalous name which is contemptuous to the integrity of this legal proceeding and may be sanctionable; or b) a party or its representative provided the link to parties or entities outside of this proceeding and was thus complicit in this behavior by improperly (given the conduct that occurred as a result of their action) forwarding this Sharefile link created for the limited purpose of service upon counsel and pro se parties of testimony set forth in the Procedural Orders in this case. If a party in this proceeding made these harassing, profane, and/or defamatory statements, that goes directly to that person's bias, credibility, and motivation and that information is relevant. *See Commonwealth v. Nolen*, 634 A.2d 192 (Pa. 1993) (evidence of bias, interest, or corruption is always relevant impeachment evidence). Moreover, if a party engaged in this contemptuous and improper conduct in this proceeding (not just at a formal hearing), they face potential consequences in this proceeding further showing this information is relevant. 66 Pa. C.S. § 332(f) (sanctions for misconduct in a "proceeding"); 52 Pa. Code § 5.245(c) (same). As detailed below, the Commission's regulation prohibiting unduly burdensome or harassing discovery does not bar SPLP's discovery requests. Given the Public Utility Code and Commission regulation provisions on contemptuous conduct, Mr. Casey should welcome the opportunity to definitively put to rest whether he was involved by answering the discovery. SPLP is entitled to discover if a party to or witness in these proceedings made or participated in making these statements and its discovery is narrowly tailored to this point.

ARGUMENT

4. Mr. Casey's objections⁵ have no basis in law and should be dismissed. He objected to all requests on the grounds that the information sought is "irrelevant." Mr. Casey also raises a host of meritless allegations implying the discovery is harassing or burdensome.

I. SPLP Set I Seeks Discoverable Information That Is Relevant

5. Contrary to Mr. Casey's objections, the information is relevant. As the Commission's regulations outline and as the Commission has repeatedly affirmed, a party seeking to withhold discovery on grounds of relevancy must meet a high burden showing the requested information to be wholly irrelevant to the applicable subject matter. Under the Commission's regulations, "a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter." 52 Pa. Code § 5.321(c). The Commonwealth Court has further reinforced the broad scope of discoverable information, stating that "relevancy should be interpreted broadly and liberally, and any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy." *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlth. 2006). As emphasized by the Commonwealth Court, the party contending discovery is not relevant has the burden of proving irrelevancy. *Id.*

6. Discovery intended to obtain evidence which is relevant or reasonably calculated to lead to relevant evidence⁶ has always been permitted. Evidence which can impeach a witness

⁵ Mr. Casey's objections are included as **Attachment C**.

is universally permitted as relevant in Pennsylvania jurisprudence, whether in court or administrative proceedings. Thus, SPLP's narrowly tailored discovery requests are reasonably calculated to lead to relevant and admissible evidence. The caselaw could not be clearer that this type of evidence is relevant. *See Application of Scranton Transportation, LLC, for the Right to Begin to Transp., As A Common Carrier, by Motor Vehicle, Persons in Call or Demand Serv., to &/or from Points Within Lackawanna Cty., Pennsylvania*, No. A-2012-2303837, 2014 WL 2876689, at *6 (Pa. PUC 2014) ("The credibility of witnesses, their manner of testifying, their apparent candor, intelligence, personal intent and bias, or lack thereof, are all considered in determining what weight should be given to their testimony.") (quoting *Application of Jet Sedan Services*, Docket No. A-2009-2120781 (Order entered August 18, 2010)) (citing *Danovitz v. Portnoy*, 399 Pa. 599, 161 A.2d 146 (Pa. 1960)); *see also, e.g., Com. v. Ellis*, 700 A.2d 948, 957 (Pa. Super. 1997) (evidence of bias, interest, or corruption is always relevant impeachment evidence).

7. In fact, Your Honor has already admitted into the record similar evidence as to bias, credibility and witness motivation.⁷ At hearing, Your Honor permitted the admission of evidence that a witness is a "vocal critic of the pipeline." N.T. at 230:3-4. Specifically, Your Honor permitted the admission of statements witness and Complainant Mr. Walsh made on Twitter, which criticized SPLP, the Commission, and other state officials. N.T. at 230:3-234:11.

⁶ 52 Pa. Code Section 5.321(c) "*Scope*. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears ***reasonably calculated to lead to the discovery of admissible evidence.***" (emphasis added).

⁷ N.T. 230:3-234:11 and SPLP Cross Exhibit 1 (Walsh tweets); N.T. 848:18-849:13 (Friedman tweets).

Likewise, Your Honor permitted the admission of witness and president of Complainant Andover Homeowner's Association Inc., Eric Friedman's Twitter posts that contain similar criticisms and accusations of misconduct lodged at SPLP, the Commission, and state officials. N.T. 848:18-849:13. As the above examples illustrate, Your Honor has consistently recognized that statements posted to the internet by witnesses and parties in this litigation are probative and relevant.

8. The issue here is not Complainants' or Intervenors' case or arguments but whether the discovery is relevant to SPLP's defense relative to the credibility or bias of opposing witnesses. Indeed, witness bias, motivation, and credibility are relevant to SPLP's defense and in determining the weight of testimony by witnesses and therefore whether allegations in testimony are factually true or should be viewed with skepticism because of the witness's bias or lack of candor. *Commonwealth v. Rouse*, 782 A.2d 1041, 1045 (Pa. Super. 2001) ("Pennsylvania courts have consistently recognized that evidence of bias is relevant to impeach the credibility of a witness."). There are some facts in dispute in this matter, and determination of some of those facts will rely on witness testimony. Witness bias, motivation, and credibility play directly into the weight testimony should be given and thus make a fact alleged by such witness more or less likely to be true. *Supra* Paragraphs 5-6.

9. That Mr. Casey did not testify in this proceeding or that the time has passed for him to do so are immaterial. His responses may elicit information that another party or witness in this proceeding was involved or responsible. Moreover, as a party to this proceeding, his bias and motivation matters particularly where he is proceeding pro se and submitting objections and verified pleadings that require Your Honor to decide whether to accept the positions he sets forth, including the objections he served and the Answer he will presumably file in response to

this Motion. Regarding timing, this event happened **after** SPLP served its rebuttal testimony and that SPLP can submit for the record if it chooses to do so once the information is available. SPLP does not need to cross examine Mr. Casey to put responses to this discovery into the record. SPLP's discovery includes Requests for Admissions. Mr. Casey's responses to the Requests for Admission can be admitted into evidence without witness testimony. Moreover, SPLP asked parties about the conduct within three days of discovering it and pursued discovery within five days of Mr. Casey's ambiguous response to SPLP's informal inquiry. There is no procedural limitation upon the responses to SPLP's discovery potential use at hearing.

10. Moreover, the information sought is relevant to determine if a party has violated the rules of decorum set forth in the Public Utility Code and Commission regulations. Specifically, the Public Utility Code and Commission regulations provide that, after due notice and opportunity for hearing, if the Commission or presiding officer determines actions of a party or counsel in a ***proceeding*** are obstructive to the orderly conduct of the proceeding and inimical to the public interest, the Commission may reject or dismiss any rule or order in any manner proposed by the offending party or counsel and, with respect to counsel, may bar further participation by him or her in any proceedings before the Commission. 66 Pa.C.S. § 332(f); see 52 Pa. Code §§ 1.26 (pertaining to contemptuous conduct), 1.27 (pertaining to suspension and disbarment of attorneys before the Commission), 5.245(c). Where appropriate, the Commission or the presiding officer may dismiss the complaint, application, or petition if the action is that of a complainant, applicant, or petitioner. *See* 66 Pa. C.S. § 331(d); 52 Pa. Code § 5.245(c).

11. Consequences for misconduct are not limited to an on the record formal hearing. The Commission and Your Honor can address any misconduct that occurs in a ***proceeding***:

If the actions of a party or counsel **in a proceeding** shall be determined by the commission, after due notice and opportunity

for hearing, to be obstructive to the orderly conduct of the proceeding and inimical to the public interest, the commission may reject or dismiss any rule or order in any manner proposed by the offending party or counsel, and, with respect to counsel, may bar further participation by him in any proceedings before the commission.

66 Pa. C.S. § 332(f).

(c) If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, **in a proceeding** obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application, or petition, if the action is that of complainant, applicant, or petitioner.

52 Pa. Code § 5.245(c).

12. There is no doubt that this is a Commission proceeding that began with the filing of the formal Complaints and continues until the matter is finally adjudicated. The conduct here occurred within the scope of the proceeding because it was accomplished using SPLP's method of service of its testimony, which is obviously a procedural step required in this proceeding. Parties receipt and use of that link was tied to the method of service and is thus part of this proceeding. Moreover, arguments that the misconduct may not have been brought to light but for SPLP raising the issue are immaterial. Just because conduct might not have been discovered does not mean it is allowable conduct. This is akin to saying as long as the Judge did not hear someone make a contemptuous comment in his or her presence, then it is ok to do so and no party can bring that conduct to light. That is illogical.

II. SPLP's Requests Are Neither Unduly Burdensome Nor Harassing

13. Mr. Casey's assertion that these requests constitute an undue burden or harassment is without foundation. SPLP asserts it would have taken Mr. Casey less time and burden to answer the discovery than to object and initiate the motion to compel process. SPLP

even provided him the verifications to sign. Participating in litigation before the Commission comes with the duty to answer discovery. Considering this is the first set of discovery requests SPLP has served coupled with the hundreds of discovery requests SPLP has complied with, the 100,000 plus pages of documents SPLP has produced, and SPLP's participation in Complainants' deposition of SPLP witness Mr. Gordon, there can be no assertion of undue burden or harassment here. To the extent Mr. Casey is arguing that his email response to Mr. Fox should have resolved the matter, that is wrong and irrelevant. First, SPLP is entitled to verified discovery responses, meaning the parties answering are swearing their responses are true and correct to the best of their knowledge and belief subject to penalty for unsworn falsification to authorities. 52 Pa. Code § 1.36 (denials of fact require verification subject to 18 Pa. C.S. § 4904); 52 Pa. Code § 5.342(a)(6) (verification pursuant to § 1.36 required for answers to discovery). This is especially important here where in unverified emails all parties have at least denied their participation or given an evasive response. Someone who is a party, consultant or representative is not being forthcoming and SPLP is entitled to determine who caused access to the Sharefile. Second, Mr. Fox asked very specific questions in his emails (seeking Mr. Casey to indicate whether he was involved in the conduct)⁸ and Mr. Casey's response was ambiguous: "I haven't even accessed the document in question."⁹ This did not answer Mr. Fox's specific inquiry particularly because the link could have been forwarded without actually accessing the documents and the lack of specific response further shows the propriety of this discovery.

14. That SPLP narrowly tailored its discovery to certain parties is not indication of harassment of the parties upon whom discovery was served. The proposition that not pursuing

⁸ Objections at p. 4.

⁹ Objections at p. 5.

discovery on all parties means SPLP is harassing the parties it has served discovery upon is senseless. And SPLP has good reason to pursue discovery of the three parties at issue. SPLP reviewed the email responses to Mr. Fox's initial inquiry, and each of these three parties sent a response that was incomplete and ambiguous as to whether the party committed the act and none of these parties denied forwarding the link.

15. Mr. Casey's assertion that this is a personal vendetta of SPLP's counsel is not only wrong, but turns this issue on its head. It is Complainants or intervenors who have acted improperly. SPLP has merely taken measured, narrowly tailored, procedurally proper steps to discover who among Complainants acted improperly. Moreover, this discovery is in no manner intended to advance any personal goals. Quite to the contrary, SPLP and its counsel proposed this discovery to determine whether these statements bear on the bias and/or credibility of a witness in this case and to seek to maintain the integrity of these proceedings. In essence, the conduct that occurred here is inappropriate and undermines the integrity of the Commission's legal proceeding. That is why such conduct is prohibited and could have serious legal consequences. 66 Pa. C.S. § 332(f); 52 Pa. Code § 5.245(c).

16. Finally, SPLP will not address Mr. Casey's objection regarding Request for Admission 7 because SPLP is hereby withdrawing this request.

CONCLUSION

WHEREFORE, Sunoco Pipeline L.P. respectfully requests that Your Honor reject intervenor Thomas Casey's Objections to SPLP's Requests for Admissions and Interrogatories and grant this Motion to Compel.

Respectfully submitted,

/s/ Whitney E. Snyder

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dsilva@mankogold.com

Date: July 20, 2020

Attachment A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al.	:	Docket Nos.	C-2018-3006116 (consolidated)
	:		P-2018-3006117
MELISSA DIBERNARDINO	:	Docket No.	C-2018-3005025 (consolidated)
REBECCA BRITTON	:	Docket No.	C-2019-3006898 (consolidated)
LAURA OBENSKI	:	Docket No.	C-2019-3006905 (consolidated)
ANDOVER HOMEOWNER'S ASSOCIATION, INC.	:	Docket No.	C-2018-3003605 (consolidated)
	:		
	:		
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**SUNOCO PIPELINE L.P.'s
FIRST REQUEST FOR ADMISSIONS AND INTERROGATORIES
TO PRO SE INTERVENOR THOMAS CASEY**

Sunoco Pipeline L.P. ("SPLP") serves the following First Request for Admissions (the "Requests") and Interrogatories on Pro Se Intervenor Thomas Casey, and in accordance with 52 Pa. Code. § 5.350 and § 5.341 requests a written response together with the accompanying verification(s) provided herewith be served within twenty (20) days hereof, as follows:

Requests for Admission

1. Admit that on or after June 15, 2020 you received the ShareFile link via email from SPLP's counsel that granted access to SPLP's Rebuttal Testimony and Exhibits (public versions).

Admitted: _____ **Denied:** _____

2. Admit that on or after June 15, 2020, you accessed the ShareFile link to view, download, or otherwise access SPLP's Rebuttal Testimony and Exhibits (public versions).

Admitted: _____ **Denied:** _____

3. Admit that you used the First Name/Last Name “F█k You” or the email address “fred@f█ksunoco.com” to access the ShareFile link to view, download, or otherwise access SPLP’s Rebuttal Testimony and Exhibits (public versions).

Admitted: _____ **Denied:** _____

4. Admit that you used the First Name/Last Name “Mankogold Endangerschildren” or the email address “kaboom@milewideblastradius.com” to access the ShareFile link to view, download, or otherwise access SPLP’s Rebuttal Testimony and Exhibits (public versions).

Admitted: _____ **Denied:** _____

5. Admit that on or after June 15, 2020, you forwarded the ShareFile link previously received via email from SPLP’s counsel that granted access to SPLP’s Rebuttal Testimony and Exhibits (public versions), to anyone.

Admitted: _____ **Denied:** _____

6. Admit that your internet service provider is Verizon Fios.

Admitted: _____ **Denied:** _____

7. Admit that your internet protocol (“IP”) address 100.19.129.46.

Admitted: _____ **Denied:** _____

Interrogatories

1. If your answer to Request for Admission No. 2 is the affirmative, and you admitted that on or after June 15, 2020, you accessed the ShareFile link to view, download, or

otherwise access SPLP's Rebuttal Testimony and Exhibits (public versions), list the First Name, Last Name, and email address that you used to access the ShareFile link.

ANSWER:

2. If your answer to Request for Admission No. 5 is in the affirmative, and you admitted that on or after June 15, 2020, you forwarded the ShareFile link previously received via email from SPLP's counsel that granted access to SPLP's Rebuttal Testimony and Exhibits (public versions), identify the person(s) to whom you forwarded the ShareFile link, including his or her First Name, Last Name, and email address.

ANSWER:

3. If your answer to Requests for Admission No. 3 or 4 were in the negative and you denied that you used the First Name/Last Name "F███k You," the email address "fred@f███ksunoco.com," the First Name/Last Name "Mankogold Endangerschildren," or the email address "kaboom@milewideblastradius.com" to access the ShareFile link to view download, or otherwise access SPLP's Rebuttal Testimony and Exhibits (public versions), identify whether you know the person(s) who used those names or email addresses, and if you do, identify that person(s).

ANSWER:

Counsel for Sunoco Pipeline L.P.

/s/ Thomas J. Sniscak

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/s/ Robert D. Fox

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June 29, 2020

VERIFICATION

I, Thomas Casey, hereby state that the facts above set forth are true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: July _____, 2019

Thomas Casey

Attachment B

Date	ItemName	Activity	User	Email	Company	IPAddress	Location	EventID
6/18/20 2:43 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/04. Noll Rebuttal Testimony.pdf	View	Mankogold Endangerschildren	kaboom@milewideblastradius.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a
6/18/20 2:43 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/04. Noll Rebuttal Testimony.pdf	View	Mankogold Endangerschildren	kaboom@milewideblastradius.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a
6/16/20 9:55 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/02. Zurcher Rebuttal Testimony.pdf	View	f k You	fred@ksunoco.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a
6/16/20 9:54 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/05. Public Version - Perez Exhibits/SPLP Exh. No. JP-5, 2019SP	View	f k You	fred@ksunoco.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a
6/16/20 9:52 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/05. Public Version - Perez Exhibits/[Public] SPLP Exh. No. JP-7,	View	f k You	fred@ksunoco.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a
6/16/20 9:52 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/14. Public Version - Field Exhibits/JF-4 ME1 and GRE Inspectio	View	f k You	fred@ksunoco.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a
6/16/20 9:47 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/06. McGinn Rebuttal Testimony.pdf	View	f k You	fred@ksunoco.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a
6/16/20 9:42 PM	/Flynn et al. - SPLP Rebuttal Testimony- Public/14. Field Rebuttal Testimony.pdf	View	f k You	fred@ksunoco.com		100.19.129.46	US, Philadelphia, Pennsylvania	sf65e441c0574477a

Attachment C

July 9, 2020

Via Electronic Filing
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Flynn et al. v. Sunoco Pipeline, L.P.
Docket No. C-2018-3006116 (consolidated)
Complainant's Objection to Request for Admissions
and Answers to Interrogatories

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission is Thomas Casey's Objection to Request for Admissions and Answers to Interrogatories in the above-mentioned Docket No. Please direct all responses and any documents via electronic format to tcaseylegal@gmail.com.

If your office has any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Thomas Casey', with a stylized flourish at the end.

Thomas Casey, *pro se*
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tcaseylegal@gmail.com

cc: Hon. Elizabeth H. Barnes

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al.	:	Docket Nos.	C-2018-3006116 (consolidated)
	:		P-2018-3006117
MELISSA DIBERNADINO	:	Docket No.	C-2018-3005025 (consolidated)
REBECCA BRITTON	:	Docket No.	C-2019-3006898 (consolidated)
LAURA OBENSKI	:	Docket No.	C-2019-3006905 (consolidated)
ANDOVER HOMEOWNER'S ASSOCIATION, INC.	:	Docket No.	C-2018-3003605 (consolidated)
	:		
	:		
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**THOMAS CASEY, *Pro Se*, LITIGANT'S OBJECTIONS TO
SUNOCO'S FIRST REQUEST FOR ADMISSIONS
AND ANSWERS TO INTERROGATORIES**

I. BACKGROUND

This proceeding against Sunoco has challenged the company's ability to build, operate, maintain, and secure the safety of the public by installing and reusing existing HVL pipelines that have the capability of causing the catastrophic loss of life and property throughout rural, densely populated suburban and urban areas throughout Pennsylvania. Sunoco's historic record in operating pipelines is one of the worst in its industry.

On or about, September 28, 2018, Melissa DiBernardino filed a Formal Complaint with the Pa PUC against Sunoco Pipeline, LP. The Complaint was accepted by the Commission via a letter from the Pa PUC Secretary and distributed to all parties. Intervenor filed his information with the Commission on December 18, 2018 for intervention status. My status as Intervenor was granted shortly thereafter by your honor.

Since this acceptance I, Thomas Casey, have remained relatively silent on my filings and input with regards to this case and have remained true to my initial position of being an Intervenor

by simply asking questions at public hearings but also reserving my right to provide evidence under the rules of this commission's guidelines.

For many years Sunoco has acted in inappropriate ways towards me, and many other people involved in this case. On or about June 2016, Sunoco's counsel, Duane Morris, LLP, had me attend an ordered Deposition where Sunoco's attorneys berated me and treated me as a criminal for almost 5 hours for simply standing against their project. I was asked questions during this deposition that were outside the bounds of their case with regards to my personal information. They accused me of being the author of some online blog that made fun of the attorneys and Sunoco, which I had nothing to do with and asserted that I had made derogatory statements about them and other Counsel at that time. This was not true, and I testified under oath at the Deposition that I had nothing to do with these statements. They even went to so far as to include my under aged children in their plethora of questions and attacks. Sunoco, nor their Counsel, have the right to information outside the bounds of this case.

I have made my position clear as to how I feel about Counsel's client in multiple filings both in the PUC, the Court of Common Pleas, and the State Appellate Court. At no time have I ever been proven to have acted in such a manner as Counsel suggests.

II. SUNOCO'S INAPPROPRIATE DISCOVERY REQUESTS

On June 19, 2020, attorney Robert Fox sent an email to counsel and parties in this proceeding that contained the following text:

I wanted to bring to your attention a disturbing and inappropriate communication we received. As you know we distributed to all parties Sunoco's rebuttal testimony and exhibits. To ensure that people received and were able to access the documents, we checked the login information. One person logged in with a username and a fake email address both of which contained profanity directed at us and Sunoco. We assume that this was not done by counsel in the case or any of the pro se litigants, but rather someone this was forwarded to. We request that you immediately ask your clients or persons you forwarded the

documents to whether they are the individual who directed this profanity and identify that individual to us. We intend to inform Judge Barnes of this incident.

Counsel states in this email that *“We assume that this was not done by counsel in the case or any of the pro se litigants,”* at which point I did not think that this was my concern. As a *Pro Se* litigant in this matter, I have only engaged in the process when necessary and on a very limited basis, so I had not seen the original email until many days later on June 20, 2020 after receiving a phone call from another litigant. As this request did not pertain to me nor was I responsible for the assertion or know who they may be looking for, I chose to ignore the request as being irrelevant to me or my position in the case.

Then Mr. Fox sent me a private email (June 22nd, 4:06pm) with the title “Closing the loop” which read:

Can you please confirm whether or not you were involved in the inappropriate communication relating to the log in for the testimony. I have only a few who have not responded.

Now I was presented with an accusation against my character and another request from Counsel which is outside the bounds of discovery for this case. My estimation was that it was a witch hunt and I was not going to respond or play games.

The issue worsened when Mr. Fox sent a knew individual email (June 23rd, 5:45pm) to me which read:

Mr. Casey:
I have asked twice for you to respond. I ask for a third time. If I do not receive a response tomorrow, I will have no choice but to serve formal discovery which will require a verification under oath

After receiving this new threatening private email from Mr. Fox, I felt compelled to respond to the entire group email so that everyone could see what many of us were having to endure in private. My response (June 24, 8:56pm) read:

Mr. Fox,

With all due respect, are you kidding me with this childish nonsense? How dare you threaten me or anyone with legal action because someone may have said a bad word to or about lawyers or your client. I received this from you yesterday:

"I have asked twice for you to respond. I ask for a third time. If I do not receive a response tomorrow, I will have no choice but to serve formal discovery which will require a verification under oath"

And I have to say I don't deserve to be spoken to or questioned like I'm some kind of criminal or delinquent. Forgive me if I chose not to respond to this lunacy in a timely manner to satisfy your concerns. You have no idea what any of us are dealing with in our daily lives to be able to respond to you. Either share with the group exactly what you're claiming occurred or drop it.

I haven't even accessed the documents in question but if this is the level of security that your client is in control of with regards to the upcoming proceedings then I think maybe the judge needs to reconsider allowing your client, the defendants I will add, from hosting or controlling the matter.

If you feel the need to file against me then please be my guest. But before you do check to see if I accessed the records. I will not be bullied by anyone.

I answered Mr. Fox's question regarding his concerns about accessing the links and files. It would appear that Counsel is not satisfied with all the assurances that were given to him by Mr. Bomstein representing Flynn, Mr. Raiders representing Andover Homeowner's Association and myself with regards to this nonsensical hunt for whomever may have sent to Counsel what they assert is part of the case before the most honorable Judge Barnes. Counsel did not request interrogatories from all the other attorneys and parties involved, yet I am being singled out because I chose not to reply nor did I believe that it was necessary to reply.

On June 29th, served upon myself, Flynn, and Andover counsels, a request for admissions together with interrogatories. I did not respond and have chosen to file my denial with the PUC and follow the process that Mr. Fox has chosen to pursue. Which in my estimation is a complete

waste of her honor's time, along with the waste of valuable resources for all attorney's and litigants involved in this matter.

Upon receipt of everyone's denial to having anything to do with his assertion, Mr. Fox's lack of decorum and the fact that he will not take no as an answer, he further questions my position with another email response (June 30th, 10:00 am) which reads:

As your email identifies, these discovery requests go directly to bias, credibility, and motivation. Bias, credibility, and motivation, especially of the parties, are always relevant. Therefore we will not withdraw the discovery requests.

To further highlight the issue, another Complainant Melissa DiBernardino sent a request for clarity to Mr. Fox on June 30, 2020 at 2:26 am. Which read in part:

"...Being that there are only letters addressed to Mr. Bomstein, Mr. Raiders and Mr. Casey (and of course, Rosemary Chiavetta), I'm not even sure if this is for everyone to file or only those you chose to address in letters.... Please clarify if I'm expected to respond to this nonsense. As I previously stated, letters not addressed to me make your targets confusing. I have already responded to the original inquiry that I had not accessed the link (AND STILL HAVE NOT) nor forwarded it to anyone else..."

Mr. Fox replied to Ms. DiBernardino with the following on June 30, 2020 at 10:03 am.:

"The requests for admissions and interrogatories are not directed to you and therefore you are not required to respond. Also, these were not filed with the Board or Judge Barnes. The letter transmitting them and the certificate of service was all that was sent to the Board as required by the rules."

After reading that Mr. Fox did not send in to the proceedings the list of questions he had served on me because that was all that was "required by the rules," I responded to everyone with a final email on July 3, 2020 at 9:28 am. which read:

"All,
I find this course of action highly suspect and unnecessary. It places a new and unfounded burden on only certain individuals that Counsel feels are somehow criminally or ethically liable. I answered Counsel's question with regards to my involvement in this

matter. However, Counsel seems to want to play a game with the system to determine who may have posted or typed something that may have hurt their feelings.

Thankfully I didn't take my wife's advice to pursue a legal career. Because if this is the level of ethics and civility within the system I would be filing ethics complaints on a weekly basis. You will get my answer in the form of Objections within a few days.”

Let me be abundantly clear, yes I am biased against their client or I would not have filed against them, yes my motivation is to make the legal process work in the favor of my position and to come out the other end of this with some form of justice. But Mr. Fox believes he can attack my credibility without any proof that I have ever lied in any case brought before the judicial system in the Commonwealth of Pennsylvania nor any of its subsidiary bodies. I am sure that if he had done this to another of the attorneys involved that the system would have sanctions against him. *Pro Se* litigants were to adhere to the same decorum as any other attorney in this matter and we were to be afforded the same level of respect. This is completely unacceptable, and I believe needs to be addressed in the form of sanctions against Counsel and their client. It is simply harassment of a *Pro Se* litigant because Mr. Fox has not filed against the other Counsels, Counties, Townships, or entities which have dozens, if not hundreds of potential avenues for discovery for his hunt.

As of the date of my filing, Mr. Fox still has not shown me a copy of the records as I requested in my response on June 24th that is the subject of his assertion.

III. OBJECTIONS

A. Requests for Admissions

Pursuant to 52 Pa. Code § 5.350, I object to Sunoco’s seven requests as follows:

1. Admit that on or after June 15, 2020 you received the ShareFile link via

Email from SPLP’s counsel that granted access to SPLP’s Rebuttal Testimony and Exhibits (public versions).

Admitted: _____

Denied: _____

Objection. Irrelevant. Outside the scope of discovery.

2. Admit that on or after June 15, 2020, you accessed the ShareFile link to view, download, or otherwise access SPLP's Rebuttal Testimony and Exhibits (public versions).

Admitted: _____ **Denied:** _____

Objection. Irrelevant. Outside the scope of discovery.

3. Admit that you used the First Name/Last Name "Fred [REDACTED] You" or the email address "fred@fksunoco.com" to access the ShareFile link to view, download, or otherwise access SPLP's Rebuttal Testimony and Exhibits (public versions).

Admitted: _____ **Denied:** _____

Objection. Irrelevant. Outside the scope of discovery.

4. Admit that you used the First Name/Last Name "Mankogold Endangerschildren" or the email address "kaboom@milewideblastradius.com" to access the ShareFile link to view, download, or otherwise access SPLP's Rebuttal Testimony and Exhibits (public versions).

Admitted: _____ **Denied:** _____

Objection. Irrelevant. Outside the scope of discovery.

5. Admit that on or after June 15, 2020, you forwarded the ShareFile link previously received via email from SPLP's counsel that granted access to SPLP's Rebuttal Testimony and Exhibits (public versions), to anyone.

Admitted: _____ **Denied:** _____

Objection. Irrelevant. Outside the scope of discovery.

6. Admit that your internet service provider is Verizon Fios.

Admitted: _____ **Denied:** _____

Objection. Irrelevant. Outside the scope of discovery.

7. Admit that your internet protocol (“IP”) address is 100.19.129.46.

Admitted: _____ **Denied:** _____

Objection. Irrelevant. Outside the scope of discovery.

Arguably, there is no possible way for any of the litigants to answer such a question since the “IP” address sought is dynamic in nature.

There are two different kinds of “IP” addresses, static and dynamic. Verizon uses both types of “IP” addresses. A static “IP” will cost more. Most residential “IP” addresses are dynamic. In other words, your “IP” address, for your router, is subject to change without notice or that it was changed at all.

One important note, every device on the Internet has two “IP” addresses: a public and a private one. In your home, your router uses your public “IP” address—assigned by your provider. Your mobile devices also have public and private “IP” addresses. But they are constantly changing, and therefore, pretty much meaningless.

If any of the litigants are to attest in the affirmative that the “IP” address belongs to them, then sometime in the future that could change, and their admittance could be viewed as lying under oath which could then challenge their credibility in these proceedings as was stated by Counsel, ***“these discovery requests go directly to bias, credibility, and motivation. Bias, credibility, and motivation, especially of the parties, are always relevant.”***

Subsequently, if any of the litigants’ attest in the negative that the “IP” address does not belong to them then a search in the future after the service provider changes the “IP” address to the litigant’s “IP” address would force them to be perceived as to have lied under oath.

A simple search of the “IP” address in question shows multiple possibilities as to the location of the “IP” addresses’ current location. (See Exhibit A & B attached) On July 3, 2020 I was able to utilize an “IP” address internet look up tool¹, as well as a global positioning tool² to determine the location of the “IP” address in question. Most of these appear to be public access dynamic “IP” addresses’ that could be accessed by thousands of people daily. It must also be noted that I do hold an Associates Degree in Information Technology and that I do have some understanding about this issue. Your Honor, it is to say that it would be next to impossible to determine who utilized a publicly available dynamic “IP” address to be able to learn who may have done what Mr. Fox alleges occurred.

B. COUNSEL’S INTERROGATORIES

1. If your answer to Request for Admission No. 2 is the affirmative, and you admitted that on or after June 15, 2020, you accessed the ShareFile link to view, download, or otherwise access SPLP’s Rebuttal Testimony and Exhibits (public versions), list the First Name, Last Name, and email address that you used to access the ShareFile link.

Answer: Irrelevant.

2. If your answer to Request for Admission No. 5 is in the affirmative, and you admitted that on or after June 15, 2020, you forwarded the ShareFile link previously received via email from SPLP’s counsel that granted access to SPLP’s Rebuttal Testimony and Exhibits (public versions), identify the person(s) to whom you forwarded the ShareFile link, including his or her First Name, Last Name, and email address.

Answer: Irrelevant.

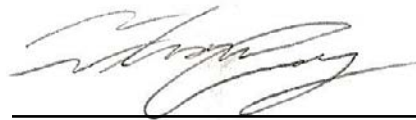
¹ Internet IP address online tool - <https://iplocation.net>

² Global positioning online tool - <https://duckduckgo.com/?q=map+39.9607+-75.6055&t=brave&ia=maps&iaxm=maps>

3. If your answer to Requests for Admission No. 3 or 4 were in the negative and you denied that you used the First Name/Last Name “F███k You,” the email address “fred@███ksunoco.com,” the First Name/Last Name “Mankogold Endangerschildren,” or the email address “kaboom@milewideblastradius.com” to access the ShareFile link to view download, or otherwise access SPLP’s Rebuttal Testimony and Exhibits (public versions), identify whether you know the person(s) who used those names or email addresses, and if you do, identify that person(s).

Answer: Irrelevant.

Respectfully submitted,



Thomas Casey, *Pro Se*
1113 Windsor Drive
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tcaseylegal@gmail.com

Dated: July 9, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the persons listed below as per the requirements of § 1.54 (relating to service by a party). The document also has been filed electronically on the Commission's electronic filing system.

See attached service list.

A handwritten signature in black ink, appearing to read 'Thomas Casey', written over a horizontal line.

Thomas Casey, *Pro Se*

Dated: July 9, 2020

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Exhibit A

Dynamic IP Geolocation Coordinates



Search homes

MY IP | HIDE IP | CHANGE IP | VPN | PROXY | GAMES | DDOS | WEB | TOOLS | BLOG | FORUMS

Where is Geolocation of an IP Address?

Follow @iplocation_net



Geolocation for IP **100.19.129.46**

[Hide IP with VPN](#)

IP Location **Finder**

IPv4, IPv6 or Domain Name

IP Lookup

Here are the results from a few Geolocation providers. Accuracy of geolocation data may vary from a provider to provider. Test drive yourself, and decide on the provider that you like.

Do you have a problem with IP location lookup?
[Report a problem.](#)

SEARCH OUR WEBSITE

Google Custom Search

Search

IP TOOLS

[TOOL](#) Trace Email Source
[TOOL](#) Verify Email Address
[TOOL](#) Proxy Check
[TOOL](#) Subnet Calculator

2020 TOP VPN PROVIDERS

Personal VPN hides your IP address, and protect your privacy and security by encrypting traffic between you and the Internet.

PIA
privateinternetaccess™
★★★★★
\$2.85/mo
Company Review
[Visit Site](#)

vyprvpn
★★★★★
\$2.50/mo
Company Review
[Visit Site](#)

ExpressVPN
★★★★★
\$8.32/mo
Company Review
[Visit Site](#)

[GUIDE](#) View full VPN Comparison.

Is the data shown below not accurate enough? Please read [geolocation accuracy](#) info to learn why.

Geolocation data from [IP2Location](#) (Product: DB6, updated on 2020-7-1)

IP Address	Country	Region	City
100.19.129.46	United States of America	Pennsylvania	West Chester
ISP	Organization	Latitude	Longitude
Verizon Communications Inc.	Not Available	39.9607	-75.6055

Geolocation data from [ipinfo.io](#) (Product: API, real-time)

IP Address	Country	Region	City
100.19.129.46	United States	Pennsylvania	West Chester
ISP	Organization	Latitude	Longitude
MCI Communications Services, Inc. d/b/a Verizon Business	MCI Communications Services, Inc. d/b/a Verizon Business (verizonbusiness.com)	39.9610	-75.6080

Geolocation data from [DB-IP](#) (Product: Full, 2020-7-1)

IP Address	Country	Region	City
100.19.129.46	United States	Pennsylvania	Philadelphia
ISP	Organization	Latitude	Longitude
MCI Communications Services, Inc. d/b/a Verizon Business	Verizon Communications	39.9526	-75.1652

Geolocation data from [ipdata.co](#) (Product: API, real-time)

IP Address	Country	Region	City
100.19.129.46	United States	Pennsylvania	West Chester
ISP	Organization	Latitude	Longitude
MCI Communications Services, Inc. d/b/a Verizon Business	Not Available	39.9444	-75.5875

DOMAIN TOOLS

[TOOL](#) Who is Hosting a Website
[TOOL](#) Alexa Traffic Rank Checker
[TOOL](#) Domain Age Checker
[TOOL](#) Reverse DNS Lookup
[TOOL](#) HTTP Server Header Check

POPULAR ARTICLES

[BLOG](#) Find IP address of a network printer?
[BLOG](#) Find IP addresses of a private network
[BLOG](#) How to wire a RJ-45 cable?
[BLOG](#) What is the difference between public and private IP address?
[BLOG](#) What is static and dynamic IP addresses?
[BLOG](#) What is IP Address?
[BLOG](#) What is Proxy Server?
[BLOG](#) My IP address is hacked. What do I do?

[CATEGORY](#) IP Address
[CATEGORY](#) Virtual Private Network
[CATEGORY](#) Distributed Denial of Service
[CATEGORY](#) Search Engine Optimization
[CATEGORY](#) Network
[CATEGORY](#) Email
[CATEGORY](#) World Wide Web
[CATEGORY](#) Security
[CATEGORY](#) Internet of Things
[CATEGORY](#) Smartphone

#1

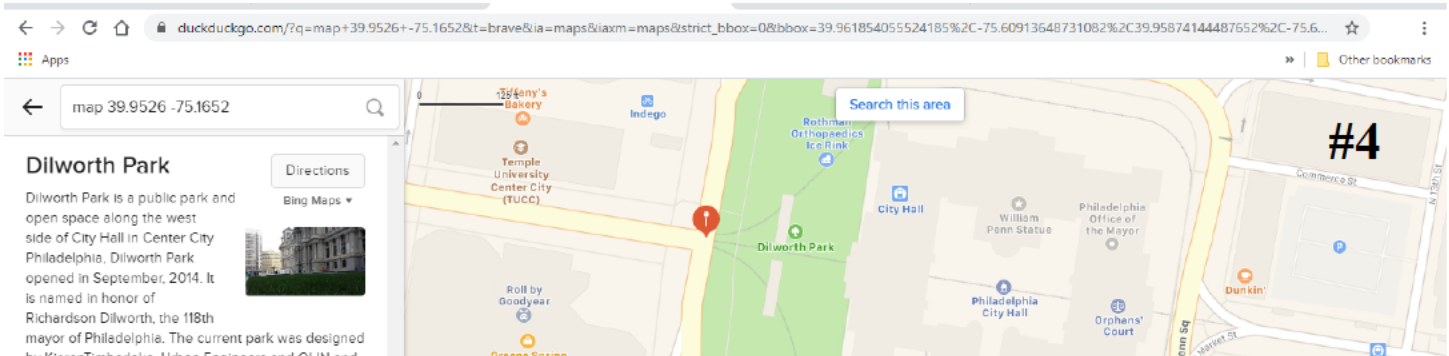
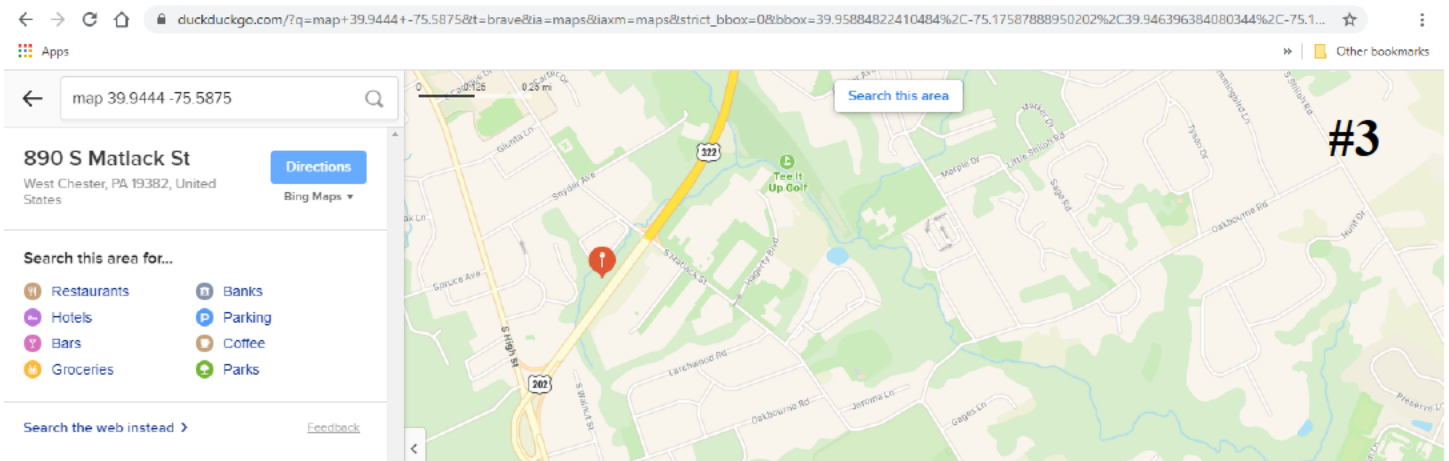
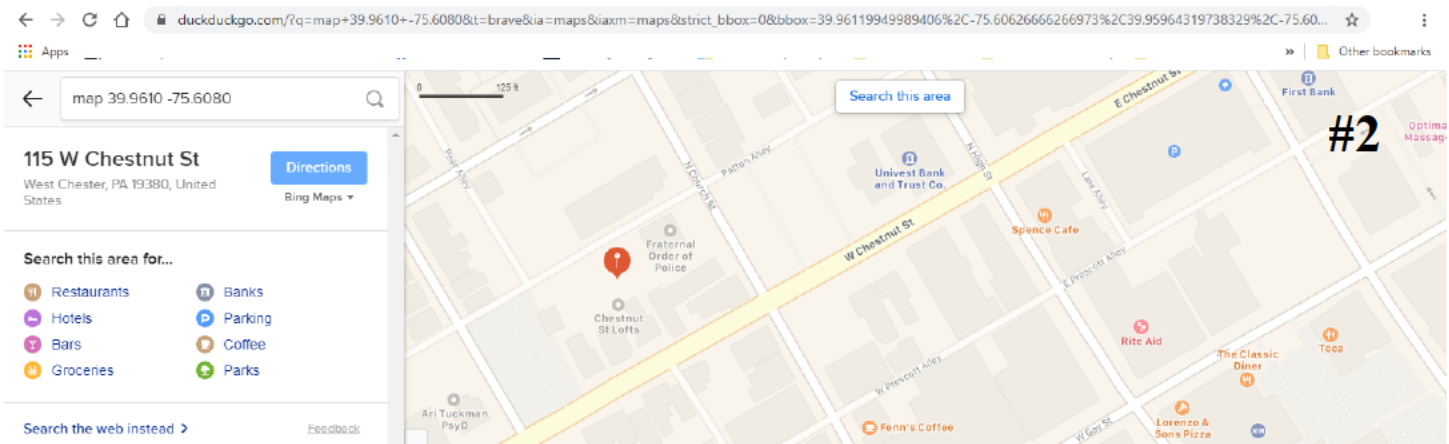
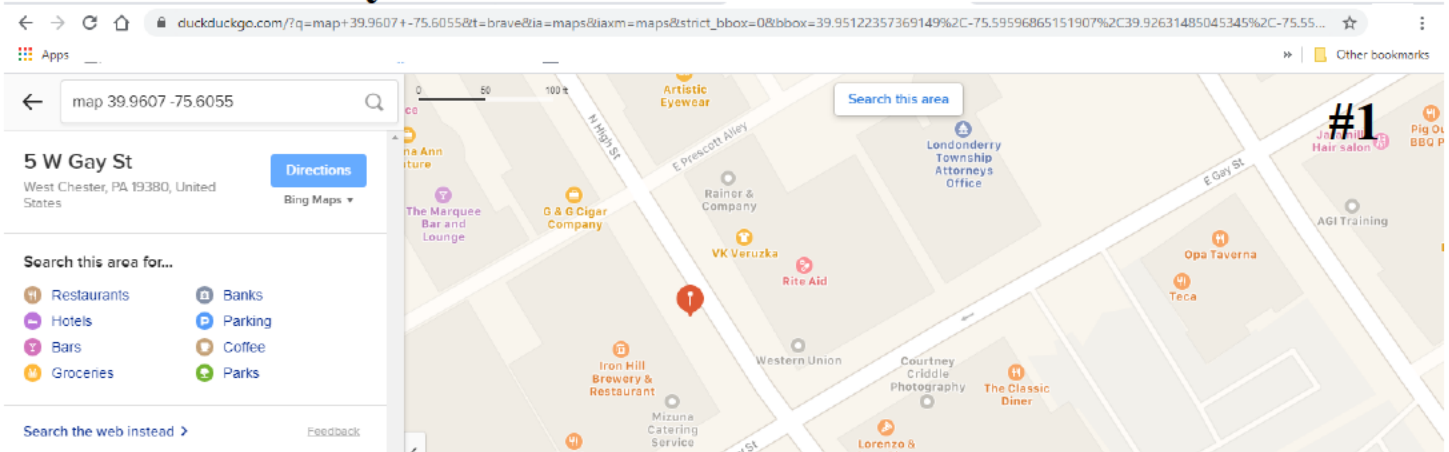
#2

#3

#4

Exhibit B

Dynamic IP Geolocation Addresses



CERTIFICATE OF SERVICE

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

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Dated: July 20, 2020