

Robert J. Taylor
Robert Alsko

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March 7, 2014

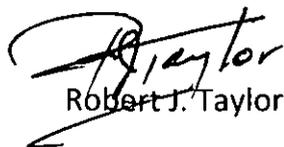
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**RE: John Ombres et. al. v. Columbia Gas of Pennsylvania
C-2012-2328601; C-2013-2385910; C-22013-2391855; C-2013-2393183;
And C-2013-2394500**

Dear Ms. Chiavetta:

Kindly file the enclosed Response to Motion for Summary Judgment on behalf of John Ombres in regards to the above-captioned matter. If you have any questions or concerns, please let me know.

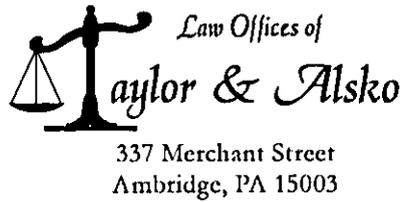
Very Truly Yours,



Robert J. Taylor, Esq.

Enclosure (Original – As Noted Above)

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Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Administrative Law Judge Mary D. Long
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222
Faxed @ 412.565.5692 and US Mail

Larry R. Crayne, PC
Attorney at Law
238 Johnston Road
Pittsburgh, PA 15241

Donna and Stephen Beck
2202 Grace Church Road
Knox, PA 16232

Ronald Sherrard
110 Farm Lane
Warren, PA 16365

David Bayard Wolf
KUSTURISS, WOLF & KUSTURISS
12 N. Jefferson Avenue
Canonsburg, PA 15317

RE: **John Ombres et. al. v. Columbia Gas of Pennsylvania**
C-2012-2328601; C-2013-2385910; C-22013-2391855; C-2013-2393183;
And C-2013-2394500

To All of the Above:

Please find enclosed, the response of John Ombres to the Motion for Summary Judgment filed on behalf of Columbia Gas of Pennsylvania, Inc. If you have any questions or concerns, please let me know.

Very Truly Yours,

Robert J. Taylor, Esq.

cm: Client (w/ enclosure)

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Before the Pennsylvania Public Utility Commission

SECRETARY'S BUREAU

In the Matter of:

Donna & Stephen Beck; Mike Kusturiss, Jr.;
Mike Kusturiss, Jr.; John Ombres; and Ronald Sherrard,

Complaint Docket
Nos. C-2012-2328601
C-2013-2385910;
C-2013-2391855;
C-2013-2393183; and
C-2013-2394500.

-vs-

Columbia Gas of Pennsylvania Inc.,

Respondent.

Response to Motion for Summary Judgment

AND NOW, comes Respondent John Ombres, by and through counsel, Robert J. Taylor, Esq. and files the following response to the Motion for Summary Judgment filed by Respondent Columbia Gas averring as follows:

1. Admitted.
2. Insofar as averment two refers to a document, it is admitted that the document stands as such.
3. Insofar as averment two refers to a document, it is admitted that the document stands as such.
4. Insofar as averment two refers to a document, it is admitted that the document stands as such.
5. Denied. The movant relies on Thomas Gaskin v. Columbia Gas of Pennsylvania, Inc. at Docket No. C-213-2367940. That decision, *inter alia* relied on testimony regarding risk as to the whether there was an awareness of odorization of leakage at the well site. There has been no such testimony given in the present case. Movant, John Ombres, indicated to undersigned on March 5, 2014 that you

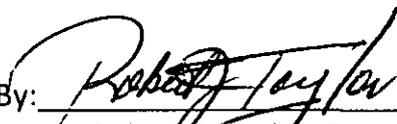
can smell the natural gas. 52 Pa Code 5.102 states that the judgment sought will only be rendered if “the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.” In the present case, the moving party has presented this honorable judge no depositions of Mr. Ombres, no interrogatories or admissions that would demonstrate any proof as to his alleged well site. Therefore there is an issue of material fact as to his particular well site. And, at the very least, there should be a period of discovery and or deposition relative to his particular case.

6. The following averment is a legal conclusion. However it is respectfully submitted that the following case would be in the public interest and that the following case does posit a genuine issue of material fact. The movant relies on Thomas Gaskin v. Columbia Gas of Pennsylvania, Inc. at Docket No. C-213-2367940. That decision, *inter alia* relied on testimony regarding risk as to the whether there was an awareness of odorization of leakage at the well site. There has been no such testimony given in the present case. Movant, John Ombres, indicated to undersigned on March 5, 2014 that you can smell the natural gas. 52 Pa Code 5.102 states that the judgment sought will only be rendered if “the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.” In the present case, the moving party has presented this honorable judge no depositions of Mr. Ombres, no interrogatories or admissions that would demonstrate any proof as to his alleged well site. Therefore there is an issue of material fact as to his particular well site. And, at the very least, there should be a period of discovery and or deposition relative to his particular case.

7. Denied. The movant relies on Thomas Gaskin v. Columbia Gas of Pennsylvania, Inc. at Docket No. C-213-2367940. That decision, *inter alia* relied on testimony regarding risk as to the whether there was an awareness of odorization of leakage at the well site. There has been no such testimony given in the present case. Movant, John Ombres, indicated to undersigned on March 5, 2014 that you can smell the natural gas. 52 Pa Code 5.102 states that the judgment sought will only be rendered if "the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law." In the present case, the moving party has presented this honorable judge no depositions of Mr. Ombres, no interrogatories or admissions that would demonstrate any proof as to his alleged well site. Therefore there is an issue of material fact as to his particular well site. And, at the very least, there should be a period of discovery and or deposition relative to his particular case.

WHEREFORE, John Ombres respectfully requests that the Motion for Summary Judgment be dismissed as it regards him as there is a genuine issue as to material fact.

Dated: March 7, 2014

By: 
Robert J Taylor, Esq.

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Donna & Stephen Beck; Mike Kusturiss, Jr.;
Mike Kusturiss, Jr.; John Ombres; and Ronald Sherrard,

-vs-

Columbia Gas of Pennsylvania Inc.,

Respondent.

Complaint Docket
Nos. C-2012-2328601
C-2013-2385910;
C-2013-2391855;
C-2013-2393183; and
C-2013-2394500.

CERTIFICATE OF SERVICE

I, Robert J. Taylor, hereby certify that on the 7th day of March, 2014, I served a within copy of the Response for Summary Judgment on the following Parties via Regular US Mail and/or Fax as indicated:

Administrative Law Judge Mary D. Long
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222
Faxed @ 412.565.5692 and Regular US Mail

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Original Pleading Sent via Regular US Mail

Larry R. Crayne, PC
Attorney at Law
238 Johnston Road
Pittsburgh, PA 15241

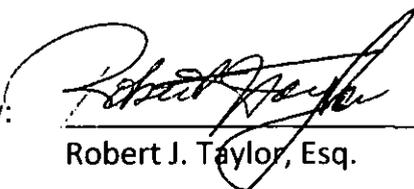
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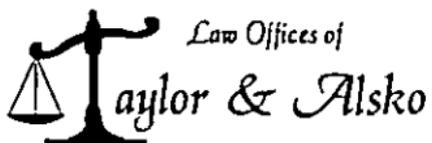
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David Bayard Wolf, Esq.
KUSTURISS, WOLF & KUSTURISS
12 N. Jefferson Avenue
Canonsburg, PA 15317

Dated: March 7, 2014

By: 
Robert J. Taylor, Esq.



337 Merchant Street
Ambridge, PA 15003



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