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April 16, 2014

Via Fax Only: (215) 560-3133

The Honorable Angela T. Jones
Administrative Law Judge
Pa. Public Utility Commission
801 Market Street #4063
Philadelphia, PA 19107

**Re: Willow Management Corporation v. Philadelphia Gas Works
Docket No. C-2011-2273241**

Dear Judge Jones:

Enclosed for your review are Plaintiff's Expedited Discovery Application for Issuance of Subpoenas for the Attendance of Witnesses and the Notice of Deposition by Oral Examination.

Thank you for Your Honor's kind consideration in this regard.

Respectfully Submitted,

Sandra W. Morris/kth
SANDRA W. MORRIS

SWM/kth
Enclosure

cc: Laureto Farinas, Esquire (w/ enc.)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

WILLOW MANAGEMENT CORPORATION :
:
Plaintiff :
:
vs. : C-2011-2273241
:
PHILADELPHIA GAS WORKS :
:
Defendant :
:

EXPEDITED DISCOVERY APPLICATION FOR ISSUANCE OF SUBPOENAS
FOR THE ATTENDANCE OF WITNESSES
AND
NOTICE OF DEPOSITION BY ORAL EXAMINATION

**I. EXPEDITED DISCOVERY APPLICATION FOR ISSUANCE OF
SUBPOENAS FOR THE ATTENDANCE OF WITNESSES**

Pursuant to 52 Pa. Code §5.344(c), Sandra W. Morris, Esquire, attorney for Plaintiff, respectfully requests that this Honorable Court accept this expedited discovery application for issuance of subpoenas upon the witnesses listed below whom Plaintiff seeks to depose. The witnesses named below are all employees of Philadelphia Gas Works. It is believed that the individuals sought to depose have evidence that is relevant and material to the formal complaint filed against Defendant Philadelphia Gas Works for improperly assessing charges to Plaintiff Willow Management Corporation's gas bill.

The pertinent facts which form the basis of the expedited discovery request are as follows:

1. On February 27, 2014 Counsel for both parties had a telephone conference with the Honorable Judge Angela T. Jones to discuss the case. During this meeting, Counsel for Plaintiff raised the issue of a settlement conference.
2. On March 6, 2014, with Judge Jones' permission, Plaintiff's Counsel requested a mediation settlement conference.
3. On March 6, 2014, Defendant's Counsel objected to the mediation settlement conference. This was the first time Plaintiff's Counsel was notified of defendant's objection to mediation.
4. On or about March 20, 2014, Counsel for both parties held a phone conference to discuss a possible settlement.
5. On April 14, 2014, Plaintiff's Counsel received a letter indicating the Defendants now seek to move forward with the hearing. At no time prior to April 14, 2014 did Defendant's Counsel provide notice that settlement negotiations were off the table.
6. On April 15, 2014, Plaintiff's Counsel sent a list of seven (7) PGW employees whom Plaintiff seeks to depose after confirming it is Defendant's position that this case is unable to settle.
7. On April 16, 2014, Defendant's Counsel stated that the seven (7) PGW employees whom Plaintiff seeks to depose are union workers. Defendant's Counsel stated this may make it more difficult for these employees to appear at the depositions.

Thus, for the aforementioned reasons, Plaintiff prays that this Honorable Court grant this expedited discovery application because it was Defendant who failed to provide adequate notice of the decision to terminate settlement negotiations and, consequently, the intent to pursue a formal hearing.

II. NOTICE OF DEPOSITION BY ORAL EXAMINATION

In conformity with notice requirements contained in 52 Pa. Code §5.343 and 1 Pa. Code §35.146, Plaintiff seeks to depose the following individuals on April 21, 22, and 23, 2014 in an attempt to discover evidence relevant to the formal complaint filed against Defendant Philadelphia Gas Works for improperly assessing charges to Plaintiff Willow Management Corporation's gas bill.

| Deposition Notice April 21, 22, and 23, 2014 | | | |
|---|----------------------------|---|---|
| Name of Witness | Address | Subject Matter of Testimony | Time & Place |
| Raymond Welte | Not provided by Defendants | It is believed that the individuals sought to depose have evidence that is relevant and material to the formal complaint filed against Plaintiff Philadelphia Gas Works for improperly assessing charges to Defendant Willow Management Corporation's gas bill. | <ul style="list-style-type: none"> • 9:00 A.M. • Philadelphia Gas Works, 800 West Montgomery Avenue, Philadelphia, PA 19122 |
| Fran Octinger | Not provided by Defendants | | |
| Richard Jackson | Not provided by Defendants | | |
| William Jennings | Not provided by Defendants | | |
| Joseph McGarrity | Not provided by Defendants | | |
| Angelo Monaco | Not provided by Defendants | | |
| Patrick Cunningham | Not provided by Defendants | | |
| Thomas Sullivan | Not provided by Defendants | | |
| Joseph Gunkel | Not provided by Defendants | | |

LAW OFFICES OF SANDRA W. MORRIS, LLC

BY: *Sandra W. Morris*
SANDRA W. MORRIS, ESQUIRE
 Attorney for Plaintiff

DATE: April 16, 2014

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