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March 28, 2016

Re: EMS Southwest, Inc.
Docket No. C-2016-2528321
Our File 5851-1

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

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CERTIFICATE OF MAILING FORM 3817

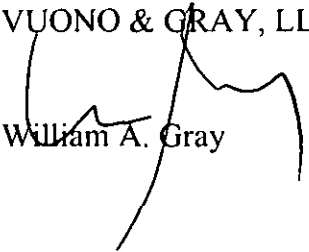
Dear Ms. Chiavetta:

We enclose for filing on behalf of EMS Southwest, Inc. Respondent's Objections to Interrogatories and Request for Production of Documents directed to Respondent in connection with the above-captioned proceeding.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC


William A. Gray

as/161806

Enclosure

cc: Ryan C. Siney, Esq. (w/enc.)
EMS Southwest, Inc. (w/enc.)

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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TRI-CONN ALTERNATIVE
SERVICES, INC.

Complainant

v.

EMS SOUTHWEST, INC.

Respondent

Complaint Docket

Docket No. C-2016-2528321

OBJECTIONS TO COMPLAINANT'S
INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS TO RESPONDENT

Respondent, EMS Southwest, Inc., by its attorneys, William A. Gray, Esq. and Vuono & Gray, LLC, hereby submits these Objections to Complainant's Interrogatories and Request for Production of Documents to Respondent (hereinafter "Interrogatories"). In support of these Objections, the Respondent submits as follows:

1. On March 18, 2016, the undersigned counsel for the Respondent received Complainant's Interrogatories consisting of twenty-four (24) specific questions set forth on seventeen (17) pages, many questions consisting of multiple parts. A true and correct copy of the Interrogatories is attached hereto as Appendix 1 and incorporated herein by reference.
2. Interrogatory No. 4 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith,

would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning the identity of Respondent's employees and information concerning those employees, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

3. Interrogatory No. 5 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning service exempt from the Commission's jurisdiction pursuant to 52 Pa. Code §41.11, including ambulance service, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

4. Interrogatory No. 6 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information

concerning Respondent's vehicles and information concerning those vehicles, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

5. Interrogatory No. 7 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning Respondent's vehicles, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

6. Interrogatory No. 8 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning Respondent's vehicles, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

7. Interrogatory No. 9 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would

require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning Respondent's vehicles and employees assigned to those vehicles, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

8. Interrogatory No. 12 set forth in Appendix 1, which is incorporated herein by reference, is objected to on the basis that the information requested involving written agreements between Respondent and other named parties is proprietary and confidential and is irrelevant and sought in bad faith by the Complainant and providing that information to the Complainant would enable the Complainant to solicit these accounts to Respondent's detriment.

9. Interrogatory No. 15 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning exempt service provided by Respondent under 52 Pa. Code §41.11, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

10. Interrogatory No. 16 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning the number of trips that Respondent has handled for the two named accounts, which would include ambulance trips and trips exempt under 52 Pa. Code §41.11, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

11. Interrogatory No. 17 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning service exempt from the Commission's jurisdiction pursuant to 52 Pa. Code §41.11, including ambulance service, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

12. Interrogatory No. 18 set forth in Appendix 1, which is incorporated herein by reference, is objected to on the basis that the information requested involving written or oral contracts entered into by Respondent (other than the two named accounts set forth

in Interrogatory No. 12), is proprietary and confidential and is irrelevant and sought in bad faith by the Complainant and providing that information to the Complainant would enable the Complainant to solicit these accounts to Respondent's detriment.

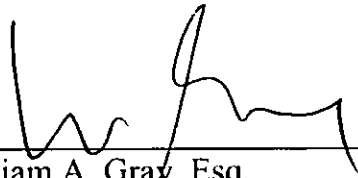
13. Interrogatory No. 19 set forth in Appendix 1, which is incorporated herein by reference, is objected to since the information is irrelevant and is sought in bad faith, would cause unreasonable oppression, burden or expense to the Respondent, and would require the making of an unreasonable investigation by the Respondent, all in violation of 52 Pa. Code §5.361. The only issue involved in this proceeding is whether the Respondent provided unlawful service and this Interrogatory, which seeks information concerning assets purchased from Flores, Inc. d/b/a American Ambulance or its affiliates, has no relevance to that issue and cannot lead to the discovery of information relevant to the issue.

14. Interrogatory No. 21 set forth in Appendix 1, which is incorporated herein by reference, is objected to on the basis that the information sought is overly broad and would require making an unreasonable investigation in violation of 52 Pa. Code §5.361.

WHEREFORE, the applicant hereby requests that it not be required to answer Interrogatory Nos. 4, 5, 6, 7, 8, 9, 12, 15, 16, 17, 18, 19 and 21.

Dated: March 28, 2016

By: _____


William A. Gray, Esq.
VUONO & GRAY, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219
Attorney for EMS Southwest, Inc.

/161805

liability company, the Commonwealth of Pennsylvania, its agencies or political subdivisions, any court or any other governmental entity.

2. “You” or “Respondent” means EMS Southwest, Inc. and any agents, employees, representatives or other persons or entities acting on its behalf.

3. The terms “document” or “documents” include all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form. A “document” also includes electronically stored information, including but not be limited to: digital communications (*e.g.* e-mail, voice mail, instant messaging), word processing documents (*e.g.* Word or WordPerfect documents and drafts), spreadsheets and tables (*e.g.* Excel or Lotus 123 worksheets), accounting application data (*e.g.* QuickBooks, Money, Peachtree data files), image and facsimile files (*e.g.* PDF, TIFF, JPG, and GIF images), sound recordings (*e.g.* WAV and MP3 files), video and animations (*e.g.* AVI and MOV files), databases (*e.g.* Access, Oracle, SQL Server data, SAP), contact and relationship management data (*e.g.* Outlook, ACT!), calendar and diary application data (*e.g.* Outlook PST, Yahoo, blog tools), online access data (*e.g.* temporary internet files, history, cookies); presentations (*e.g.* PowerPoint, Corel Presentations), network access and activity logs, project management application data, computer aided design/drawing files and backup and archival files (*e.g.* Zip, GHO).

4. As used herein, “involving,” “in connection with,” “concerning,” “relating” or “relates to” means any fact, information, event, transaction or occurrence or document that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any way

pertinent to that subject, including, without limitation, documents concerning the preparation of other documents.

5. The terms “identify,” “identity” or “identification,” when used in reference to a natural person, require you to state that person’s full name, last known address, home and business telephone numbers and present business affiliation. When used in reference to a person other than a natural person, the terms “identify,” “identity” or “identification” require you to describe the nature of such person (that is, whether it is a corporation, partnership, etc., under the definition of “person” above) and to state that person’s last known address, telephone number, and principal place of business. Once any person has been identified properly, it is sufficient thereafter when identifying that same person to state the name only.

6. The terms “identify,” “identity” or “identification,” when used in reference to a document, require you to state the date, the author (and, if different, the signor or signors), the addressee and the type of document (*e.g.*, letter, memoranda, telegram, chart, etc.). If any such document was, but is no longer, in your possession or subject to your control, state what disposition was made of it and the reason for such disposition.

7. The terms “identify,” “identity” or “identification,” when used in reference to an oral communication, require you to state the communications medium (*i.e.*, in person, telephonic, etc.), the place and date of each such communication, the name and current business and residence address of those who were present at each communication and the substance and nature of each such communication.

8. As used herein, “and” as well as “or” are construed either conjunctively or disjunctively so as to bring within the scope of the request any information that might otherwise be construed to be outside its scope.

9. As used herein, “each” and “any” are construed broadly so as to bring within the scope of the request all information that might otherwise be construed to be outside its scope.

10. The terms “contend” or “contention” mean any position, allegation or argument you have made or asserted concerning the subject matter of the request or that you intend to make or assert.

11. Where the singular is used with reference to any person, document or item, it includes the plural. Where the plural is used with respect to any person, document or items, it includes the singular.

12. The term “action” means the above-captioned action, along with any allegations, defenses, matters, claims and pleadings filed therein.

13. Each and every request herein, unless otherwise stated, covers the period from January 1, 2014 through and including the date of your response.

14. If you object to producing any document on the basis of privilege (or for any other reason), you must provide the following information in the form of a privilege log:

- a. the nature of the privilege claimed (including work product);
- b. if the privilege is asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- c. the date of the document or oral communication;
- d. if the privilege is asserted with respect to a document, its type (correspondence, memorandum, facsimile, etc.), custodian, location and such other information sufficient to identify the document for a subpoena duces tecum or a document request, including, where appropriate, the author, the addressee and, if not apparent, the relationship between the author and addressee;

e. if the privilege is asserted with respect to an oral communication, the place where it was made, the names of the persons present while it was made and, if not apparent, the relationship of the persons present to the declarant; and

f. the general subject matter of the document, oral communication or other information.

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Identify each incorporator, organizer, director, officer and shareholder of Respondent.

RESPONSE:

2. Provide copies of Respondent's articles of incorporation, certificate of organization or equivalent formation document, along with any amendments thereto, and Respondent's bylaws, operating agreement or equivalent corporate governance document.

RESPONSE: See attached.

3. Do any of Respondent's officers, directors or shareholders have any affiliation (for example, an ownership interest or position as an officer or director) with another motor carrier or paratransit service provider regulated or authorized by the Pennsylvania Public Utility Commission? If yes, identify, specify and describe such affiliation.

RESPONSE: No.

4. Identify all employees currently employed by Respondent and their job titles and specify which employees regularly participate or engage in the rendering of paratransit services, ambulance service, wheelchair van services, the transportation of ill or injured persons or other services described in the Complaint or Answer in this action.

RESPONSE: Objected to.

5. Identify and describe with specificity each of paratransit services, ambulance service, wheelchair van services, the transportation of ill or injured persons currently offered by Respondent. For each type of service identified, state the first date on which the service was offered by Respondent.

RESPONSE: Objected to.

6. Identify all vehicles currently owned by or leased to Respondent that are used to provide paratransit services, wheelchair van service, ambulance service in Pennsylvania, including the make, model and year of each such vehicle and the type of service that each such vehicle is used to provide.

RESPONSE: Objected to.

7. With respect to all of the vehicles identified in response to No. 6 above, state which vehicles are capable of transporting passengers on stretchers.

RESPONSE: Objected to.

8. With respect to all of the vehicles identified in response to No. 6 above, identify with specificity the medical and safety equipment expected to be carried in each vehicle during the rendering of paratransit services.

RESPONSE: Objected to.

9. With respect to all of the vehicles identified in response to No. 6 above, state the number of employees assigned to each vehicle while that vehicle is engaged in the rendering of services. If the number of employees assigned to each vehicle varies by vehicle type or by the type of service rendered, state the number of employees assigned to each vehicle type and/or the number of employees assigned for specific services.

RESPONSE: Objected to.

10. Identify each and every formal and/or informal complaint against Respondent filed by or with the Pennsylvania Public Utility Commission. For each such complaint, state the date of the complaint, nature of the complaint, the law, regulation, policy or rule alleged to have been violated, origin and destination of any trips relevant to the complaint and the resolution of the complaint. Please attach copies of each formal and/or informal complaint with your response.

RESPONSE: See attached. Relevant information is set forth in the complaint.

11. State and describe the nature and type of services provided by Respondent to Laurel Ridge Center and Lafayette Manor, as referenced in Paragraph 14 of your Answer, and state the date on which such services were first rendered.

RESPONSE: All of the service provided was exempt transportation under 52 Pa. Code §41.11, since it was all transportation of persons from these nursing homes using specialized equipment. Service was first provided to Rural Ridge Center on _____; service was first provided to Lafayette Manor on _____.

12. Provide copies of any and all written agreements between Respondent and Laurel Ridge Center and Lafayette Manor, as referenced in Paragraph 14 of your Answer.

RESPONSE: Objected to.

13. State and describe with specificity all facts that support your contention that the services rendered by Respondent are “exempt under 52 Pa. Code §41.11” as stated in Paragraph 14 of your Answer.

RESPONSE: All service being provided utilizes specialized equipment to transport residents of nursing homes who are injured or ill to medical locations.

14. State and describe with specificity all facts that support your denial of the allegation that EMS Southwest has violated 66 Pa.C.S. §1101, as stated in Paragraph 18 of your Answer.

RESPONSE: See answer to Interrogatory No. 13.

15. State and describe all services rendered by Respondent that you contend are “exempt under 52 Pa. Code §41.11” as stated in Paragraph 14 of your Answer, and identify the vehicles used to provide such services, the employees who regularly participate in rendering such services and all medical or nursing facilities from which such services have originated.

RESPONSE: Objected to.

16. Identify the number of trips that Respondent has completed to or from Laurel Ridge Center and Lafayette Manor using any vehicle while providing any type of service.

RESPONSE: Objected to.

17. Identify each address within Fayette County, Pennsylvania that has been a point of origination or destination for any service provided by Respondent using any vehicle.

RESPONSE: Objected to.

18. State whether Respondent has entered into any agreements, written or oral, to provide any type of service to any medical or nursing facility located in Fayette County, Pennsylvania (other than Laurel Ridge Center and Lafayette Manor). With respect to any written agreement, please provide a copy of all such agreements. With respect to any oral agreement, state the parties to and the materials terms of such agreement.

RESPONSE: Objected to.

19. State whether you purchased, acquired or obtained any assets, licenses or other tangible or intangible property, including but not limited to any approvals or authority granted by the Pennsylvania Public Utility Commission, from Flores, Inc. d/b/a American Ambulance or any of that entity's shareholders, affiliates, parent entities or subsidiaries, and, if so, identify each item, the date of transfer to you and the purchase price.

RESPONSE: Objected to.

20. Identify each person (other than your attorneys) who assisted in the preparation of or contributed information used in your responses to the foregoing interrogatories and requests. For each person, specify which responses that person assisted in preparing or to which each contributed information, and identify the specific knowledge or information contributed by each such person.

RESPONSE: Robert Bowman and David Derner. Both of these individuals assisted in preparing all of the answers based upon their general knowledge of the facts.

21. Provide copies of all documents that relate to or concern any allegation or defense contained in the Complaint or Answer in this action or that you believe supports, confirms, contradicts or refutes any allegation or defense contained in the Complaint or Answer in this action.

RESPONSE: Objected to.

22. Provide copies of all documents that you intend or expect to introduce in any hearing or trial in this matter or that you intend to rely on to support, confirm, contradict or refute any allegation or defense relevant to this action.

RESPONSE: Respondent has not yet decided what documents it intends to introduce or rely upon at the hearing.

23. Identify each person who you believe may possess documents or information relevant to any claim or defense relevant to this action. For each such person, describe the documents or information that you believe such person possesses.

RESPONSE: None except for the individuals identified in response to Interrogatory No. 20.

24. Identify each witness, including expert witnesses, that you intend or expect to call at any trial or hearing in this action. For each such witness, state the purpose or basis of calling such person as a witness and describe the testimony that you believe each such person will provide.

RESPONSE: Respondent has not yet decided what witnesses it intends to call to the hearing, although it is likely that the witnesses identified in answer to Interrogatory No. 20 will be called.

Date: March 16, 2016

TUCKER ARENSBERG, P.C.

By: 

Ryan P. Siney, ID #209190
2 Lemoyne Drive, Suite 200
Lemoyne, PA 17043
Phone: (717) 234-4121
Fax: (717) 221-6802
Email: rsiney@tuckerlaw.com
*Attorneys for Complainant,
Tri-Conn Alternative Services, Inc.*

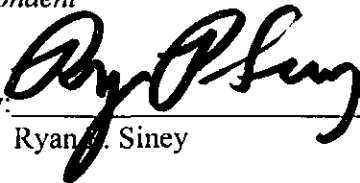
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Interrogatories and Requests for Production of Documents to Respondent in accordance with the requirements of 52 Pa. Code §1.54 via first class mail, postage prepaid, as follows:

William A. Gray, Esquire
VUONO & GRAY, LLC
310 Grant Street
Suite 2310 Grant Building
Pittsburgh, PA 15219
Attorneys for Respondent

Dated: March 16, 2016

By: 
Ryan Siney

HBGDB:156523-1 027503-154183

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CERTIFICATE OF SERVICE

William A. Gray, attorney for the Respondent, hereby certifies that on the 28th day of March, 2016, he did serve a true and correct copy of the foregoing Objections to Interrogatories and Request for Production of Documents Directed to Respondent upon the following counsel of record, by first class mail, postage prepaid, as follows:

Ryan P. Siney
Tucker Arensberg, P.C.
2 Lemoyne Drive, Suite 200
Lemoyne, PA 17043

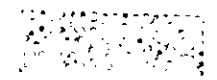


William A. Gray

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<p>Law Offices VUONO & GRAY, LLC 310 Grant Street, Suite 2310 Pittsburgh, PA 15219-2383</p>
<p>TO: Ms. Rosemary Chiavetta Secretary Pennsylvania Public Utility Commission P. O. Box 3265 Harrisburg, PA 17105-3265</p>

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