

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

LIPSOSS CORP CONSTRUCTORS,

Complainant,

NO.: C-2019-3012350

v.

DUQUESNE LIGHT COMPANY,

Respondent.

**PETITION FOR LEAVE TO
WITHDRAW PLEADINGS**

Filed on Behalf of Complainant:
Lipsoss Corp Constructors

Counsel of Record for this Party:

BRAD N. SOMMER, ESQUIRE
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AND NOW comes Lipsoss Corp. Constructors, by and through its attorneys, and files this Petition for Leave to Withdraw Pleadings, as follows:

1. On or about August 8, 2019, Complainant, Lipsoss Corp. Constructors filed a pro-se formal Complaint through its authorized officer Anastasios Smalis (President of Lipsoss Corp.) against Respondent Duquesne Light Company with the Public Utility Commission.
2. Thereafter, Complainant filed numerous pro-se documents.
3. On September 11, 2019, Respondent filed an Answer and New Matter which was not endorsed with a Notice to Plead and Preliminary Objections.
4. On September 27, 2019, Complainant filed pro-se Petitions requesting an extension of time to obtain counsel.
5. Thereafter, Complainant filed additional pro-se pleadings including a Response to New Matter.

6. On September 30, 2019, Complainant filed numerous pro-se Petitions requesting additional time to obtain legal counsel and make new factual allegations.
7. On October 17, 2019, The Sommer Law Group, PC, Brad N. Sommer, Esquire and Craig E. Maravich, Esquire, filed an Entry of Appearance on behalf of Complainant, Lipsoss Corp. Constructors.
8. By Order dated October 29, 2019, the Administrative Law Judge denied Respondent's Preliminary Objections, and directed that "the formal Complaint of Lipsoss Corp Constructors against Duquesne Light Company at Docket No. C-2019-3012350 will proceed to an initial hearing on whether Respondent properly refused to move the pole and/or wires which allegedly overhang the service address at 4703 Liberty Avenue, Pittsburgh, PA 15224."
9. On Monday, December 16, 2019, Complainant filed a pro-se "Petition for Permission to Withdraw Complaint Without Prejudice." Complainant did not serve the pro-se filing on this office.
10. In the pro-se Petition, Complainant avers, *inter alia*, that "On December 13, 2019, I have requested Attorney Craig Maracich (sic) to withdraw complaint without prejudice. As of today I have not had reply from Mr. Maravich and no Petition to Withdraw Complaint was filed by attorney Maravich. Therefore, it is believed that Mr. Maravich is no longer representing Anastasios Smalis and Lipsoss Corp. Constructors."

11. In response to this averment, Smalis and Attorney Maravich had spoken and Smalis had instructed Attorney Maravich not to file anything further including a Motion to Withdraw as Counsel until after Smalis filed a *pro-se* Complaint in Federal Court. Contrary to the averment, Smalis never provided a copy of the filing in Federal Court and never informed Attorney Maravich that he in fact had filed the *pro-se* Complaint in Federal Court.
12. On December 16, 2019, the Administrative Law Judge sent correspondence to all parties of record indicating that Smalis had hand-delivered a *pro-se* Complainant's Petition for Permission to Withdraw Complaint Without Prejudice and that Smalis' Certificate of Service indicated he served the presiding office and attorney for Duquesne Light Company, but did not indicate that he provided a copy to the Secretary's Bureau or to Complainant's counsel.
13. In addition, the Administrative Law Judge's letter indicates that the Initial Hearing scheduled for January 15, 2020 will be cancelled in light of the Petition.
14. Pursuant to 52 Pa. Code §5.94, this office and undersigned counsel respectfully request to withdraw the Entry of Appearance filed on behalf of the Sommer Law Group, P.C., Brad N. Sommer, Esquire and Craig E. Maravich, Esquire.
15. Due to irreconcilable differences, the Sommer Law Group, P.C., Brad N. Sommer, Esquire and Craig E. Maravich, Esquire cannot represent Complainant Lipsoss.

CONCLUSION

Wherefore, it is respectfully requested this Petition be granted.

Respectfully Submitted,

SOMMER LAW GROUP, P.C.

Dated: 12/23/2019

/s/ Brad N. Sommer
BRAD N. SOMMER, ESQUIRE
PA I.D.: 87312
CRAIG E. MARAVICH, ESQUIRE
PA I.D.: 86219
6 Market Square
Pittsburgh, PA 15222
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Withdrawal of Counsel has been served via First Class Mail and/or electronic mail, upon the following the individual(s) listed below, on this 19th day of December, 2019, as follows:

Anastasios Smalis
Lipsoss Corp.
6652 Northumberland Street
Pittsburgh, PA 15217
smalisanastasios18@gmail.com

Emily M. Farah, Esquire
Duquesne Light Company
411 Seventh Avenue, 15th Floor
Pittsburgh, PA 15219
efarah@duqlight.com

Katrina L. Dunderdale
Administrative Law Judge
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222
412-565-5692

Secretary's Bureau
Pennsylvania Utility Commission
PO Box 3265
Harrisburg, PA 17105

Date: 12/23/2019

By: /s/Brad N. Sommer
BRAD N. SOMMER, ESQUIRE
PA I.D.: 87312
CRAIG E. MARAVICH, ESQUIRE
PA I.D.: 86219
Attorney for Complainant

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ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of the forgoing, it is hereby Ordered that the Petition for Leave to Withdraw Pleadings is Granted and the Praecipe for Entry of Appearance for Brad N. Sommer, Esquire, Craig E. Maravich, Esquire and Sommer Law Group, P.C. is withdrawn.

J.