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**Samuel F. Reynolds, Jr.**  
Counsel - Litigation

March 26, 2020

**Via Electronic Filing Only**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re:** *Municipality of Penn Hills co Scott Andrejchak v Union Railroad Company et al.*  
Docket No. **C-2019-3013809**

Dear Secretary Chiavetta:

Attached for electronic filing in the above-referenced proceeding is Union Railroad Company's Motion to Compel or, Alternatively, Motion to Schedule a Telephonic Status Conference to Consider Suspending or Resetting Deadlines, which I have served via email on Judge Dunderdale and all counsel.

Sincerely,

*/s/ Samuel F. Reynolds, Jr.*

Samuel F. Reynolds, Jr.

cc w/encl, via email:  
Hon. Katrina L. Dunderdale  
Craig H. Alexander, Esquire  
Kayla L. Rost, Esquire, BIE



Date: March 26, 2020

Respectfully submitted,

/s/ Samuel F. Reynolds, Jr.  
SAMUEL F. REYNOLDS, JR., PA ID # 42215  
Counsel-Litigation  
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600 Grant St., Suite 1500  
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*Attorney for Union Railroad Company*

## Reynolds Jr, Samuel F

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**From:** Reynolds Jr, Samuel F  
**Sent:** Monday, February 24, 2020 5:41 PM  
**To:** Craig H Alexander (CAlexander@dicelaw.com)  
**Cc:** Rost, Kayla  
**Subject:** Penn Hills v. Union Railroad Company  
**Attachments:** DOCS-#534196-v1-Discovery\_to\_Penn\_Hills.pdf; DOCS-#534196-v1-Discovery\_to\_Penn\_Hills.docx

Dear Craig,

Served herewith in PDF and Word format is the URR's discovery to your client Penn Hills.

Please answer within the time permitted by the PA Rules of Civil Procedure.

Sam



**Samuel F. Reynolds, Jr.**  
Counsel – Litigation

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Municipality of Penn Hills c/o Scott Andrejchak	:	
	:	
v.	:	
	:	Docket No. C-2019-3013809
Union Railroad Company	:	
	:	

**UNION RAILROAD COMPANY’S  
INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND  
REQUEST FOR ADMISSIONS TO MUNICIPALITY OF PENN HILLS**

Union Railroad Company (the “URR”), through undersigned counsel, propounds the following Interrogatories, Request for Production of Documents and Request for Admission to the Municipality of Penn Hills, to be answered within the time required by the Pennsylvania Rules of Civil Procedure:

**INTERROGATORIES**

1. Does the Municipality of Penn Hills (“Penn Hills”) own Parcel 633-F-295? If Penn Hills owns Parcel 633-F-295, please state when you acquired it, describe how you acquired it, and identify the person from whom you acquired it.

**Answer:**

2. Does Penn Hills occupy Parcel 633-F-295? If Penn Hills occupies Parcel 633-F-295, please state when you first occupied it and how long you have occupied it and describe the circumstances under which you came to occupy and continue to occupy it.

**Answer:**

3. Is the buried storm water inlet (the “storm water inlet”) about which Penn Hills complains located on Parcel 633-F-295?

**Answer:**

4. Is the allegedly abandoned and dangerous building about which Penn Hills complains located on a parcel that the URR owns or occupies?

**Answer:**

5. If you contend that the URR is responsible for clearing the buried storm water inlet on Parcel 633-F-295, state the facts upon which you base that contention.

**Answer:**

6. If you contend that the URR is responsible for maintaining the storm water inlet on Parcel 633-F-295, state the facts upon which you base that contention.

**Answer:**

7. If you contend that the URR is responsible for securing, maintaining, demolishing or taking any other action with respect to the allegedly abandoned and dangerous building about which Penn Hills complains, state the facts upon which you base that contention.

**Answer:**

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

1. If Penn Hills owns Parcel 633-F-295, please produce a copy of the deed and other document(s) by which Penn Hills acquired Parcel 633-F-295.

**Response:**

2. If Penn Hills occupies Parcel 633-F-295 in any capacity other than as owner (e.g., as lessee), please produce copies of all documents by which Penn Hills occupies Parcel 633-F-295.

**Response:**

3. Please produce copies of all documents that identify the owner of the storm water inlet on Parcel 633-F-295.

**Response:**

4. Please produce copies of all documents that identify the person(s) who installed the storm water inlet on Parcel 633-F-295.

**Response:**

5. Please produce copies of all documents that identify the person(s) who have maintained or repaired the storm water inlet on Parcel 633-F-295 in the ten years preceding the formal complaint in this matter.

**Response:**

6. Please produce copies of all minutes, resolutions, written consents or other writings prepared by or for or passed by Penn Hills Council, Mayor, Building Inspector or Borough Manager that pertain to the purchase, dedication, possession or development of Parcel 633-F-295.

**Response:**

7. Please produce copies of all minutes, resolutions, written consents or other writings prepared by or for or passed by Penn Hills Council, Mayor, Building Inspector or Borough Manager that pertain to the installation and/or maintenance of the storm water inlet on Parcel 633-F-295.

**Response:**

8. If you contend that the URR is responsible for securing, maintaining, demolishing or taking any other action with respect to the allegedly abandoned and dangerous building about which Penn Hills complains, please produce copies of all documents that support your contention.

**Response:**

9. Please produce all other maps, drawings, deeds, leases and other agreements or writings that show or tend to show the rights and obligations of Penn Hills and the URR to clear or maintain the storm water inlet.

**Response:**

**REQUEST FOR ADMISSIONS**

1. Penn Hills owns Parcel 633-F-295.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

2. Penn Hills occupies Parcel 633-F-295.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

3. The storm water inlet about which Penn Hills complains is located on Parcel 633-F-295.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

4. Penn Hills is unaware of any deeds, leases, agreements or other writings by which the URR undertook or pursuant to which the URR is obligated to repair, maintain or clear the storm water inlet.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

5. The allegedly abandoned and dangerous building about which Penn Hills complains is located on Parcel 633-B-390.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

6. The Bessemer & Lake Erie Railroad owns Parcels 633-B-390.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

7. The BLE is owned by the Canadian National Railway (“CN”).

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

8. The URR is not owned by or affiliated with the BLE.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

9. The URR is not owned by or affiliated with the CN.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

10. Penn Hills is unaware of any deeds, leases, agreements or other writings by which the URR undertook or pursuant to which the URR is obligated to repair, maintain, secure or demolish the allegedly abandoned and dangerous building on Parcel 633-B-390.

Admitted \_\_\_\_\_ Denied \_\_\_\_\_

Date: February 24, 2020

/s/ Samuel F. Reynolds, Jr.  
SAMUEL F. REYNOLDS, JR., PA ID # 42215  
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*Attorney for Union Railroad Company*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on this 24<sup>th</sup> day of February 2020, via email, upon:

Craig H. Alexander, Esquire  
Bruce E. Dice & Associates P.C.  
787 Pine Valley Drive, Suite E  
Pittsburgh, PA 15239  
[CAlexander@dicelaw.com](mailto:CAlexander@dicelaw.com)  
*Counsel for the Municipality of Penn Hill*

Kayla L. Rost, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[karost@pa.gov](mailto:karost@pa.gov)

*/s/ Samuel F. Reynolds, Jr.*  
\_\_\_\_\_  
SAMUEL F. REYNOLDS, JR.  
*Attorney for Union Railroad Company*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on this 26<sup>th</sup> day of  
March 2020, via email, upon:

Craig H. Alexander, Esquire  
Bruce E. Dice & Associates P.C.  
787 Pine Valley Drive, Suite E  
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*Counsel for the Municipality of Penn Hill*

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Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
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*/s/ Samuel F. Reynolds, Jr.*  
\_\_\_\_\_  
SAMUEL F. REYNOLDS, JR.  
*Attorney for Union Railroad Company*