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July 20, 2021

Via Electronic Filing

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

RE: Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; Docket No. C-2020-3023129;
**SUNOCO PIPELINE L.P.’S STIPULATION ON AUTHENTICITY AND
COMPLETENESS OF GRS COUNSEL-OF-RECORD’S EMAILS
OFFERED INTO EVIDENCE AND MOTION IN LIMINE ON
UNRESOLVED HEARING OBJECTIONS**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P.’S Stipulation on Authenticity and Completeness of GRS Counsel-of-record’s Emails Offered Into Evidence and Motion In Limine On Unresolved Hearing Objections in the above-referenced proceeding. Copies have been served in accordance with the attached Certificate of Service.

This notice is served electronically pursuant to the COVID-19 Suspension Emergency Order dated March 20, 2020 and ratified March 26, 2020.

If you have any questions, please feel free to contact the undersigned counsel.

Respectfully submitted,

/s/ Thomas J. Sniscak

Thomas J. Sniscak
Whitney E. Snyder
Kevin J. McKeon
Bryce R. Beard
Counsel for Sunoco Pipeline L.P.

BRB/das

Enclosures

cc: Honorable Joel Cheskis (via email jcheskis@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.103(c), you are hereby notified that, if you do not file a written response to the enclosed Stipulation on Authenticity and Completeness of GRS Counsel-of-record's emails offered into evidence and Motion in Limine on Unresolved Hearing Objections by July 23, 2021 as ordered by Administrative Law Judge Joel Cheskis, a decision may be rendered against you. Any response to the Motion in Limine must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Sunoco Pipeline, L.P., and where applicable, the Administrative Law Judge presiding over the issue.

File with:

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**SUNOCO PIPELINE L.P.’S STIPULATION ON AUTHENTICITY AND
COMPLETENESS OF GRS COUNSEL-OF-RECORD’S EMAILS OFFERED INTO
EVIDENCE AND MOTION IN LIMINE ON UNRESOLVED HEARING OBJECTIONS**

In accordance with Your Honor’s on-the-record order regarding evidentiary objections on July 13, 2021, and pursuant to 52 Pa. Code § 5.103, Sunoco Pipeline L.P. (“SPLP”), by its undersigned counsel, provides the following agreed to stipulations regarding authenticity and completeness of Glen Riddle Station, L.P.’s (“GRS”) counsel-of-record’s emails offered into evidence, jointly motions with GRS for admission of supplemental, full context exhibits GRS-111, GRS-120, and GRS-126, and presents the unresolved evidentiary objections to Your Honor for resolution. SPLP has incorporated as Attachment A to this Motion the written hearing objections provided to Your Honor and GRS during the hearing on July 13, 2021, that SPLP provided to expedite the proceeding with the noted redaction regarding the stipulation to the authenticity of GRS counsel-of-record’s email exhibits.

I. STIPULATION ON AUTHENTICITY AND COMPLETENESS OF GRS COUNSEL-OF-RECORD’S EMAILS OFFERED INTO EVIDENCE AND JOINT MOTION FOR ADMISSION OF SUPPLEMENTAL, FULL CONTEXT EXHIBITS GRS-111, GRS-120, AND GRS-126.

At Your Honor’s direction, the Parties worked together and agreed to the authenticity including completeness of GRS counsel-of-record’s emails offered into evidence through their

witness Mr. Stephen Iacobucci and Mr. Raymond Iacobucci¹ with mutually agreed to additions to certain exhibits, described below, to provide full context where there was no prior evidence of record on certain exhibits' completeness. SPLP hereby stipulates to the authenticity and completeness with the mutually agreed to additions as specified below of GRS counsel-of-record's email exhibits between SPLP and GRS as referenced in Attachment A, Page 4, subject to the outstanding hearsay objection presented therein and discussed below.

In working to stipulate on authenticity and completeness, GRS and SPLP agreed to supplement GRS-111, GRS-120, and GRS-126 in order to provide complete records of all parts of these correspondences. In doing so, GRS and SPLP hereby move for Your Honor to admit the full context stipulation exhibits contained in Attachment B, including updated GRS-111, GRS-120, and GRS-126 into the record.

II. MOTION IN LIMINE ON UNRESOLVED EVIDENTIARY OBJECTIONS

As discussed on-the-record, SPLP maintains the remainder of the unresolved objections² discussed in Attachment A including the motion to strike portions of Stephen Iacobucci's testimony as including improper lay opinion testimony, hearsay statements in the form of GRS counsel-of-record's email correspondence, and legal conclusions as identified at the hearing as well as the objections to Stephen Iacobucci's exhibits³ including hearsay, relevance, and authentication of substance. SPLP will address these objections categorically as identified in

¹ SPLP notes Counsel made oral objections during the offer of the testimony and exhibits for Mr. Raymond Iacobucci which included objections to the authenticity of exhibits referenced on Page 3 and 4 of GRS St. No. 2 (GRS 158-161, 166). SPLP's objections of record on the hearsay nature of these documents, as discussed below, are not subject to this stipulation.

² See Attachment A including objections for lay opinion testimony (page 1), hearsay testimony (page 2), legal conclusions (page 3), hearsay exhibits (page 4), relevance of exhibits (page 4), and authentication of substance of exhibits (page 4).

³ See f.n. 1 (regarding identical exhibits referenced by Raymond Iacobucci and orally objected to at hearing)

Attachment A rather than each testimonial statement citation or exhibit.

- a. **Objection 1 - Stephen Iacobucci's Improper Lay Opinion Testimony on scientific, technical, or specialized matters must be excluded and cannot be given any evidentiary weight.**

First, SPLP objects and moves to strike the portions of Stephen Iacobucci's direct and surrebuttal testimony as identified in Attachment A at pages 1-2. As provided in Attachment A, the case law is clear that unqualified, lay opinion testimony must be excluded and cannot be given any evidentiary weight:

Lay opinions on matters requiring scientific, technical or specialized knowledge are not competent evidence to support a finding of fact. Pa. R.E 701(c) ("If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is ... not based on scientific, technical, or other specialized knowledge within the scope of Rule 702."). Accordingly, **the Commission has consistently found that a lay witness is not qualified to testify or offer exhibits related to any issues outside of direct personal knowledge.** *Lamagna v. Pa. Elec. Co.*, C-2017-2608014, 2018 WL 6124353, at *20 (Oct. 30, 2018) (lay witness was "not qualified to testify or offer exhibits related to health and safety issues outside of her direct personal knowledge."). Moreover, **to the extent a lay witness offers references to reports or conclusions of others, these may not be considered as substantial evidence because a lay witness cannot rely on such information in reaching a conclusion** – rather, that is the role of a qualified expert witness. *Compare* Pa. R.E. 701 *with* Pa. R.E. 703.

While a fact finder may weigh the opinion testimony of a qualified expert, any such testimony of an unqualified lay witness must be excluded and should not be given any evidentiary weight. *Gibson v. W.C.A.B.*, 861 A.2d 938, 947 (Pa. 2004); *Miller v. Brass Rail Tavern, Inc.*, 664 A.2d 525, 528 (Pa. 1995). Accordingly, **the Commission has consistently found that lay witness testimony on technical issues such as health, safety, and the probability of structural failure as these necessarily "require expert evidence to be persuasive enough to support the proposing party's burden of proof."** *Application of PPL Elec. Utilities Corp.*, A-2009-2082652, 2010 WL 637063, at *11 (Jan. 14, 2010) (emphasis added); *Pickford v. Pub. Util. Comm'n*, 4 A.3d 707, 715 (Pa. Cmwlth. 2010) (**ALJ "properly disregarded" testimony from 13**

lay witnesses related to concerns and personal opinions about damage to pipes, lead leaching, toxicity to fish and home filtration expenses because “the nature of these opinions ... was scientific and required an expert.”; *Lamagna v. Pa. Elec. Co.*, C-2017-2608014, 2018 WL 6124353, at *20 (Oct. 30, 2018) (finding that **lay witness testimony and exhibits regarding technical health and safety issues “carry no evidentiary weight and ... were properly objected to and excluded.”**).

See Attachment A at Page 1.

Therefore, Stephen Iacobucci’s lay opinion testimony regarding technical issues as identified in Attachment A including safety allegations, fire hazards, geotechnical testing, noise level impacts, parking safety, pedestrian safety, allegations on hazardous leaks, allegations of the dangers of chemicals or compounds, and/or hydrology concerns can be given no evidentiary weight. Lay testimony must be limited to topics of direct personal knowledge and the testimony of Stephen Iacobucci identified in Attachment A at the hearing falls outside that requirement and must be stricken.

b. Objection 2 - Stephen Iacobucci’s Hearsay Testimony.

In both direct and surrebuttal testimony, Stephen Iacobucci’s testimony provides or relies on hearsay, that is out-of-court statements made by a declarant other than who is sworn or testifying and subject to cross examination that is offered to prove the truth of the matter asserted,⁴ which does not fall within any of the exceptions under the Pennsylvania Rules of Evidence.⁵ SPLP objects to the testimonial hearsay statements identified on pages 2-3 of Attachment A for which the objection states:

Hearsay – Unsworn allegations or facts from out of court statement in emails or statements by a declarant who is counsel of record or other unknown individuals and who is not a witness under oath

⁴ See Pa.R.E. 801

⁵ See Pa.R.E, 801, 802, 803, 803.1, 804

cannot be accepted for the truth of the matter asserted or proof thereof.

Each portion of testimony identified on pages 2-3 of Attachment A must be excluded as they all regard out-of-court statements now offered for the truth of the matter asserted for the basis stated therein. SPLP moves to strike that testimony as identified in Attachment A at page 2-3.

c. Objection 3 – Stephen Iacobucci’s Legal Conclusions and Opinions.

In both direct and surrebuttal testimony, Stephen Iacobucci’s testimony offers and provides legal conclusions and opinions regarding communication requirements under the Public Utility Code, environmental laws, conclusions on illegal trespass, opinions on township ordinances, and general references to items being “illegal.” See Attachment A at 3. A lay witness cannot make legal conclusions as to what laws may or may not apply to the topics of the complaint, whether such laws were violated, and what the implications of those laws are on the instant proceeding. Therefore, SPLP moves to strike the legal conclusions of Stephen Iacobucci as identified in Attachment A at 3.

d. Objection 4 – Objection to Hearsay Exhibits of Stephen Iacobucci.⁶

Regarding the exhibits of Stephen Iacobucci, SPLP objects to the admission of the hearsay exhibits which contain the emails of GRS counsel-of-record to SPLP. As provided in Attachment A, SPLP objects on the following basis:

Hearsay – Unsworn allegations or facts stated in emails by a declarant who is counsel of record and who is not a witness under oath cannot be accepted for the truth of the matter asserted or proof thereof. These email or letter statements of Counsel also contain hearsay within hearsay as to opinions or observations of unknown GRS personnel or consultants. Even if it were admissible, which it is not, and without waiver of objection, these emails by counsel of record should be limited to the fact communication occurred or

⁶ See f.n. 1 (regarding identical exhibits referenced by Raymond Iacobucci and orally objected to at hearing)

contentions were made, and not the truth of allegations or matter asserted by declarant counsel of record.

Attachment A at 4.

While SPLP has stipulated to the authenticity and necessary completeness/foundations of the exhibits of GRS counsel-of-record's emails to SPLP, these statements all contain unsworn hearsay allegations by GRS's counsel-of-record which cannot be accepted for the truth of the matters asserted in those statement or as any proof of the contentions thereof. It is without contest that GRS chose the vehicle for this manner of communication and could have, but did not, offer the declarant counsel-of-record as a witness under oath. This self-induced evidentiary infirmity cannot be excused and is a fundamental evidentiary failure and confuses GRS' allegations if not attorney's views, hyperbole and accusations as an excuse for facts and proper swearing and evidence. At most, these secondhand hearsay exhibits must be limited to the fact that the communication occurred or that GRS's contentions were made to SPLP but not for the truth of the allegations made by declarant counsel-of-record in this proceeding on behalf of GRS. Therefore, SPLP moves to strike the hearsay emails from GRS's counsel of record, or alternatively, seeks a limitation that they cannot be considered for the truth of the allegations and contentions made but only that such communications occurred for the limited and essentially untrue purpose not of fact but of simple allegations or conjecture that they have at their core.

e. Objection 5 – Relevance of exhibits to the instant proceeding.

As provided at page 4 of Attachment A, SPLP objects to the relevance of various exhibits offered by Stephen Iacobucci that have no bearing on the instant proceeding, related to the scope of easements, related to Township ordinances and zoning, related to noise recordings outside the commission's jurisdiction and related to an alleged leak and clean up at a completely separate property not owned by Complainant GRS. Under PA.R.E. 401, evidence is relevant if (a) it has

any tendency to make a fact more or less probably than it would without the evidence; and (b) the fact is of consequence in determining the action. None of the exhibits identified on page 4 of Attachment A meet this test and each must be excluded. In sum, these exhibits amount to an exhibition to swamp the record with a huge wave of vague and unauthenticated exhibits in a hope to substitute quality of evidence for quantity of incomplete, second-hand, and foundation bereft documents all in an attempt to exaggerate and conflate facts.

f. Objection 6 – Authentication of substance of exhibits.

Finally, as provided on page 5 of Attachment A, SPLP objects to the exhibits identified therein for the lack of authentication of the *substance and foundation* of the exhibits, which include photos and videos. Pursuant to Rule 901 of the Pennsylvania Rules of Evidence, parties to a hearing are required to satisfy the requirement of authenticating or identifying an item of evidence. To do so, “the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.” Pa.R.E. 901. Stephen Iacobucci’s direct, surrebuttal, cross examination, or redirect testimony did not address the fundamental questions for these exhibits to be admitted including who took the pictures, when they were taken, how they were taken, the location and context of the picture, or any other details to support or corroborate that these exhibits are what GRS claims them to be. Therefore, SPLP moves to strike these exhibits as not properly authenticated as lacking basic identifiers as to time, place, context, etc. to allow them to be given any evidentiary weight.

III. CONCLUSION

For the foregoing reasons, SPLP respectfully submits the above stipulation to the authenticity and completeness of GRS counsel-of-record's emails, jointly moves for the admission of the supplemental additions described in Attachment B to GRS-111, GRS-120, and GRS-126, and requests Your Honor grant SPLP's unresolved objections as identified above and at the hearing through Attachment A, and requests that Your Honor consider such objections stated herein as objections of record as previously ordered at the close of the July 13, 2021 evidentiary hearing in this matter.

Respectfully submitted,

/s/ Thomas J. Sniscak

Thomas J. Sniscak, Esq. (PA ID No. 33891)
Whitney E. Snyder, Esq. (PA ID No. 316625)
Kevin J. McKeon, Esq. (PA ID No. 30428)
Bryce R. Beard, Esq. (PA ID No. 325837)
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Date: July 20, 2021

Attachment A

**SPLP's on-the-record objections to the
testimony and exhibits of GRS Witness
Stephen Iacobucci**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P. :
 :
 v. : Docket Nos. C-2020-3023129
 :
 :
 SUNOCO PIPELINE L.P. :

Sunoco Pipeline L.P. Objections to portions of Glen Riddle Station L.P.’ witness Stephen Iacobucci testimony and exhibits

Objections in support of striking or restricting portions of the Direct and Surrebuttal testimony of Stephen Iacobucci

Testimony No.	Objection(s)	Basis for Objection(s)
<p>S. Iacobucci Direct:</p> <p>P 2:13-3:3 (summary of lay opinions on “dangerous” “unsafe” or other alleged “hazards”)</p> <p>P. 4:1-2 (lay opinion on fire hazard)</p> <p>P 4:11 (lay opinion on “destructive” testing)</p> <p>P 6:1-2, 5 (lay opinions on risk and safe noise levels)</p> <p>P 7:2-3 (Lay opinions on structural issues)</p> <p>P 8:23 (Lay opinions on parking safety)</p> <p>P 10:7-9, 21-22 (Lay opinions on pedestrian safety and signage)</p> <p>P 12:16-17 (lay opinion on alleged hazardous leaks)</p> <p>P 13:8 – 14:10 (Lay opinions on fire hazards and sound walls)</p>	<p>Lay Opinion testimony not allowed</p>	<p>Lay opinions on matters requiring scientific, technical or specialized knowledge are not competent evidence to support a finding of fact. Pa. R.E 701(c) (“If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is ... not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.”). Accordingly, <u>the Commission has consistently found that a lay witness is not qualified to testify or offer exhibits related to any issues outside of direct personal knowledge.</u> <i>Lamagna v. Pa. Elec. Co.</i>, C-2017-2608014, 2018 WL 6124353, at *20 (Oct. 30, 2018) (lay witness was “not qualified to testify or offer exhibits related to health and safety issues outside of her direct personal knowledge.”). Moreover, <u>to the extent a lay witness offers references to reports or conclusions of others, these may not be considered as substantial evidence because a lay witness cannot rely on such information in reaching a conclusion</u> – rather, that is the role of a qualified expert witness. <i>Compare</i> Pa. R.E. 701 <i>with</i> Pa. R.E. 703.</p> <p>While a fact finder may weigh the opinion testimony of a qualified expert, any such testimony of an unqualified lay witness must be excluded and should not be given any evidentiary weight. <i>Gibson v. W.C.A.B.</i>, 861 A.2d 938, 947 (Pa. 2004); <i>Miller v. Brass Rail Tavern, Inc.</i>, 664 A.2d 525, 528 (Pa. 1995). Accordingly, <u>the Commission has consistently found that lay witness testimony on technical issues such as health, safety, and the probability of structural failure as these necessarily “require expert evidence to be persuasive enough to support the proposing party's burden of proof.”</u> <i>Application of PPL Elec. Utilities Corp.</i>, A-2009-2082652, 2010 WL 637063, at *11 (Jan. 14, 2010) (emphasis added); <i>Pickford v. Pub. Util. Comm'n</i>, 4 A.3d 707, 715 (Pa. Cmwlth. 2010) (<u>ALJ “properly disregarded” testimony from 13 lay witnesses related to concerns and personal opinions about damage to pipes, lead leaching, toxicity to fish and home filtration expenses because “the nature of these opinions ... was scientific and required an expert.”</u>); <i>Lamagna v. Pa. Elec. Co.</i>, C-2017-2608014, 2018 WL 6124353, at *20 (Oct. 30, 2018) (finding that <u>lay witness testimony and exhibits regarding technical health and safety issues “carry no evidentiary weight and ... were properly objected to and excluded.</u>).</p>

Testimony No.	Objection(s)	Basis for Objection(s)
<p>S. Iacobucci Surrebuttal:</p> <p>P 6:3-4 (Lay opinion on dangerous vehicles)</p> <p>P 13:3-8 (Lay opinion on various danger concerns)</p> <p>P 17:9-17 (Lay opinions on emergency access)</p> <p>P 19:11 (lay opinions on unsafe work)</p> <p>P 26:1-7, 14-18 (lay opinions on hydrology)</p> <p>P 32:4-11 (lay opinions on dangers of calciment)</p> <p>P 34:18-19 (lay opinions on dangers)</p>		
<p>S. Iacobucci Direct:</p> <p>P 4:3; 5:3-6; 5:13-17; 9:3-10; 9:20-23 (referencing counsel emails)</p> <p>P 6:12-18; 7:12-21; 8:21-23; 9:16-19; 10:14-15; 14:14-16 (referencing statements made by residents)</p> <p>P 7:9-8 (referencing Tunbridge communications)</p> <p>S. Iacobucci Surrebuttal:</p> <p>P 14:1-10; 14:17-19 (residents expressing concerns, hotline issues)</p> <p>P 16:5-6 (residents difficulty navigating)</p>	<p>Hearsay</p>	<p>Hearsay – Unsworn allegations or facts from out of court statement in emails or statements by a declarant who is counsel of record or other unknown individuals and who is not a witness under oath cannot be accepted for the truth of the matter asserted or proof thereof.</p>

Testimony No.	Objection(s)	Basis for Objection(s)
<p>P 17:3-5 (residents claiming vibration and damage)</p> <p>P 23:19-20 (GRS security opinions on traffic)</p> <p>P 30:2-18 (testifying on statements of counsel)</p> <p>P 36:7-8 (resident concerns)</p> <p>P 37:9-11 (testifying for counsel statements)</p>		
<p>S. Iacobucci Direct:</p> <p>P 5:18-20 (legal opinions and legal conclusion on communication requirements of Public Utility Code)</p> <p>P 11:9-16 (legal opinions of environmental laws)</p> <p>S. Iacobucci Surrebuttal:</p> <p>P 5:18-22 (trespass conclusions)</p> <p>P 26:17-18 (legal opinions on Twp. ordinance)</p> <p>P 34:18-19 (referencing “illegal” conclusions)</p>	<p>Legal Conclusions</p>	<p>Lay witnesses cannot make legal conclusions of what laws apply, whether such laws were violated, and what the implications of laws are.</p>

Objections to Exhibits cited in direct and surrebuttal testimony of Stephen Iacobucci

** exhibits identified in the order referenced in Stephen Iacobucci’s direct and surrebuttal.*



Exhibit No.	Objection(s)	Basis for Objection(s)
GRS-7 GRS-101 GRS-102 GRS-103 GRS-104 GRS-105 GRS-107 GRS-109 GRS-111 GRS-112 GRS-113 GRS-6 GRS-110 GRS-11 GRS-108 GRS-106 GRS-158-161 GRS-166 GRS-151 GRS-126 GRS-128 GRS-160 GRS-158 GRS-159 GRS-162-165 GRS-133 GRS-135 GRS-139 GRS-150	Hearsay 	<p>Hearsay – Unsworn allegations or facts stated in emails by a declarant who is counsel of record and who is not a witness under oath cannot be accepted for the truth of the matter asserted or proof thereof. These email or letter statements of Counsel also contain hearsay within hearsay as to opinions or observations of unknown GRS personnel or consultants. Even if it were admissible, which it is not, and without waiver of objection, these emails by counsel of record should be limited to the fact communication occurred or contentions were made, and not the truth of allegations or matter asserted by declarant counsel of record.</p> 
GRS-101 GRS-104 GRS-33, 5, 6 GRS-154	Relevance	<p>GRS-101 - Discussing tree removal within the scope of the temporary easement outside the jurisdiction of the commission.</p> <p>GRS 104 – Discussing zoning matters, Middletown Township ordinances related to parking space requirements outside the jurisdiction of the commission.</p> <p>GRS-33, 5, 6 – Noise recordings and related matters outside the jurisdiction of the commission.</p> <p>GRS-154 – Alleged leak and cleanup that occurred at Tunbridge complex unrelated to GRS property or complaint</p>

Exhibit No.	Objection(s)	Basis for Objection(s)
<p>GRS-9 GRS-12 GRS-156 GRS-116 + 138 GRS-122 GRS-125</p>	<p>Authentication of substance</p>	<p>GRS-9 - Alleged illustration of cracking in building at property with no date, time, location or other details identified in testimony regarding exhibit.</p> <p>GRS-12 – Alleged illustration of school bus access issues with no date, time, location or other details identified in testimony regarding exhibit.</p> <p>GRS-156 – Alleged illustration of SPLP workers not wearing PPE with no time, location or other details identified in testimony regarding exhibit.</p> <p>GRS-116 + 138 – Alleged illustrations of SPLP truck traffic with no time, date, or other details identified in testimony regarding exhibit.</p> <p>GRS 122 – Alleged illustrations of “damage” which fail to include before and after images of the locations and include no time, date, or other details identified in testimony regarding exhibit.</p> <p>GRS-125 – Alleged GRS posting signage to prevent trespass including no time, date, or other details identified in testimony regarding exhibit.</p>

Attachment B

Stipulated GRS-111, GRS-120, and GRS-126 full context supplements

**Stipulated GRS-111 full context
supplement**

Amerikaner, David B.

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Monday, December 21, 2020 6:29 PM
To: Amerikaner, David B.
Cc: Stambaugh, Curtis N; Kroculick, George J.; Chernesky, Jean C.; Kuebler, Tara L.; Beach, Ashley L.; O'Neil, Kelsey M.
Subject: RE: Glen Riddle v. Sunoco

David,

When is this “plan” going to be prepared? How can Sunoco continue to proceed with work under a non-existent “plan” that obviously has not been approved by anyone – especially considering that Sunoco’s past two plans have been deemed unsafe, resulting in this alleged third “plan” that apparently does not even exist?

Please ask your client to advise immediately on this.

Thank you.

Sam

Samuel Cortes

Partner

Fox Rothschild LLP

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

(610) 458-4966 - direct

(610) 458-7337- fax

SCortes@foxrothschild.com

www.foxrothschild.com

From: Amerikaner, David B.
Sent: Saturday, December 19, 2020 11:21 AM
To: Cortes, Samuel W.
Cc: Stambaugh, Curtis N ; Kroculick, George J. ; Chernesky, Jean C. ; Kuebler, Tara L. ; Beach, Ashley L. ; O'Neil, Kelsey M.
Subject: [EXT] RE: Glen Riddle v. Sunoco

Sam,
In response to your request that Sunoco Pipeline provide you with a copy of a revised plan for the workspace perimeter and fire truck access to the upper parking lot, please know that we are continuing to refine this plan and will share it with you when it is ready. Please also note that no sound walls have been installed along the roadway on the eastern boundary of the workspace in the upper parking lot; only easily movable temporary barriers are currently in this location.

You also asked for the identities of the people we would propose to bring to a meeting with your client's engineer. We would propose to bring Bill Kelly, senior manager for emergency services; Matt Burns, safety manager; Ron Cummings, project manager; and Jayme Fye, Michels construction supervisor; as well as an attorney, either George or myself. Please provide some options for dates and times for this meeting.

We will respond separately to your email about settlement negotiations.

David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Friday, December 18, 2020 2:50 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: RE: Glen Riddle v. Sunoco

David – We haven't heard from you on the meeting. Is Sunoco interested in meeting?

From: Cortes, Samuel W.
Sent: Thursday, December 17, 2020 8:40 PM
To: 'Amerikaner, David B.' <DBAmerikaner@duanemorris.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: RE: Glen Riddle v. Sunoco

David,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We still await details on Sunoco Plan No. 3 or are we going to have to get the PUC to enter an emergency order requiring Sunoco to follow its SOPs? Please advise on this no later than 11 am tomorrow.

As to the meeting, please get back to me tomorrow morning so we can get that scheduled. Thank you.

Sam

Samuel Cortes

Partner

Fox Rothschild LLP

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

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(610) 458-7337- fax

SCortes@foxrothschild.com

www.foxrothschild.com

From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>

Sent: Thursday, December 17, 2020 4:40 PM

To: Cortes, Samuel W. <SCortes@foxrothschild.com>

Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>

Subject: [EXT] RE: Glen Riddle v. Sunoco

Sam,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And we will get back to you on who we would have attend the meeting.

Thank you,
David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Thursday, December 17, 2020 1:27 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: RE: Glen Riddle v. Sunoco

David: Let me know who you plan to have attend the meeting on your end please.

[REDACTED]

Sam

Samuel Cortes
Partner
Fox Rothschild LLP
Eagleview Corporate Center
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Exton, PA 19341
(610) 458-4966 - direct
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From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Sent: Thursday, December 17, 2020 8:06 AM
To: Cortes, Samuel W. <SCortes@foxrothschild.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: [EXT] RE: Glen Riddle v. Sunoco

Sam,
This email is in response to your emails of Dec. 16.

First, the construction crews will not be on site today, Thursday, Dec. 17, because of the snow as well as road conditions in the area. Therefore, all work at the site will be paused for the day. Contractor representatives and the environmental inspection team will venture out to construction sites across the project when road conditions improve, and if they discover a condition that requires immediate attention, will mobilize a crew to address it. But crews will not be on-site to remove snow. Your client's regular snow removal contractor should proceed with planned snow removal at the property, except for the permanent easement area and temporary workspace area, which are enclosed with either sound walls or temporary barriers. Sunoco Pipeline will reimburse your client for the reasonable costs of clearing snow from the temporary access roads, which are a shared use area.

Second, we have offered to hold an in-person (it could also be virtual, given the pandemic) meeting with your client's engineer to discuss the work at the property, as you requested. Please propose a date and time for that meeting.

We will respond separately regarding settlement negotiations.

David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Wednesday, December 16, 2020 8:07 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculich, George J. <GJKroculich@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: RE: Glen Riddle v. Sunoco

Samuel Cortes

Partner

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From: Cortes, Samuel W.
Sent: Wednesday, December 16, 2020 2:37 PM
To: 'Amerikaner, David B.' <DBAmerikaner@duanemorris.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculich, George J. <GJKroculich@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: RE: Glen Riddle v. Sunoco

David,

[Redacted]

[Redacted]

[Redacted]

Sam

Samuel Cortes

Partner

Fox Rothschild LLP

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Exton, PA 19341

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(610) 458-7337- fax

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kuebler, Tara L.

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Wednesday, December 16, 2020 1:36 PM
To: Amerikaner, David B.
Cc: Stambaugh, Curtis N; Kroculick, George J.; Chernesky, Jean C.; Kuebler, Tara L.; Beach, Ashley L.; O'Neil, Kelsey M.
Subject: RE: Glen Riddle v. Sunoco

David,

Your email is disappointing. We are also disappointed by what appears to be an ongoing dialogue between the Township and Sunoco apparently designed to thwart my client's efforts to make the worksite safe. How does Sunoco know whether I "threatened legal action" against the Township? I made no reference to any litigation involving the Township in any communication involving your firm or your client.

A serious safety hazard, created by Sunoco, continues to exist at the property according to our engineer. We have asked that Sunoco stop work, only briefly (48 hours?), to allow for these issues to be vetted and solved. Sunoco has refused, repeatedly, causing extraordinary costs for my client simply to attempt to force Sunoco to make the worksite safe. Our engineer has done further testing today and is writing up the safety issues that continue to plague the project. None of this rush and none of these extraordinary costs incurred by my client would be necessary if Sunoco would simply slow down, follow its SOPs approved by the PUC, and communicate about safety before rushing forward with unsafe work.

Below, you mention that Sunoco, in its haste, has once again changed its plan unilaterally. You don't identify the new plan in any respect. What's the new plan? Does Sunoco plan to communicate it to those affected by it before implementing it? Isn't that what Sunoco promised the PUC it would do? Or does Sunoco intend to require us to continue monitoring its every step? By failing to stop the work and sit down and communicate, Sunoco is causing my client extraordinary costs just in an effort to make Sunoco follow protocols that put human life before its work.

We are now apparently onto Sunoco plan number 3 (that we know of) since November 18th, with changes brought about entirely by my client's objections to the serious safety problems caused by Sunoco's plans nos. 1 and 2. I trust you can understand why my client is so concerned here. Had my client said nothing and not invested the substantial monies required to bring about these changes, Sunoco would still be on plan number 1 - a plan that we all now acknowledge created a fire hazard that put people's lives in jeopardy.

As to the snow, the blockade that Sunoco has erected on the property creates snow removal issues throughout the property – not just within the easement. Is Sunoco prepared to address those as well? Please advise asap on this point. Thanks.

Sam

Samuel Cortes

Partner

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Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

(610) 458-4966 - direct

(610) 458-7337- fax

SCortes@foxrothschild.com
www.foxrothschild.com

From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Sent: Tuesday, December 15, 2020 8:18 PM
To: Cortes, Samuel W. <SCortes@foxrothschild.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculich, George J. <GJKroculich@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: [EXT] RE: Glen Riddle v. Sunoco

Sam,
This email responds to your phone messages and written correspondence today, including the email below. You have demanded that Sunoco Pipeline stop its work at Glen Riddle Station Apartments and have alleged that Sunoco Pipeline's work to this point has created safety risks, specifically related to emergency access. This is simply not the case. Sunoco Pipeline's work at the property has not created any safety risks whatsoever. In fact, Sunoco Pipeline has worked collaboratively with the Township to resolve all concerns related to emergency access. Sunoco Pipeline has adjusted its work plan several times so that when staging of the site is complete, the Township has full confidence that emergency vehicles will be able to access all portions of the property in the event of an emergency.

Because of the above, Sunoco Pipeline will not stop its work at the property. However, Sunoco Pipeline has always been, and remains, willing to engage with your client, including Mr. Culp, to discuss your client's concerns. This includes an in-person meeting.

You specifically mentioned the issues raised in Mr. Culp's memorandum dated Dec. 8. Mr. Culp's memorandum alleged (i) non-compliance with Sec. 210-26-G of the Township Subdivision and Land Development Ordinance, (ii) restricted space for fire truck access during construction, (iii) insufficient space for fire trucks to turn around and exit the property after an emergency, and (iv) issues related to snow removal. As to the first three points, as you know, the Township has found that Sunoco Pipeline's current plans satisfactorily address each of these concerns, as outlined in the memoranda prepared by Mr. Drennen and Mr. Janetka, as well as the statements of those officials during the Dec. 14 Township Council meeting. We agree with the Township officials on this point.

The one exception to the above is Mr. Drennen's request that nine parking spaces in the upper parking lot be held open during construction to facilitate fire truck egress from the property after an emergency response has ended. The Township asked that your client keep these parking spaces open; your client declined. The Township announced its intention to place "no parking" signage at these parking spaces; your client threatened legal action. In addition, Sunoco Pipeline offered to compensate your client for use of the parking spaces during construction; your client has not responded to this offer. Therefore, Sunoco Pipeline will be making a further adjustment to its work plan to allow for fire truck egress from the upper parking lot without the need for any additional parking spaces. Please note that as of today, no sound walls have been installed in this part of the property; only easily removable, temporary barriers are currently located in this area. As such, your client's allegation that Sunoco Pipeline has created a safety hazard are completely unfounded. And with the adjustments to the work plan that Sunoco Pipeline has implemented, emergency access to and from all portions of the property will be safely available throughout the duration of construction.

As to the fourth point in Mr. Culp's memorandum, regarding snow removal, Sunoco Pipeline stands ready to haul away snow from its easement areas on the property, including the temporary access roads (which are a shared use area).

Again, despite the fact that Sunoco Pipeline firmly believes that there are no safety concerns whatsoever with its current work plan, we remain willing to discuss your client's concerns in good faith. In addition, Sunoco Pipeline remains willing

to negotiate over monetary compensation for use of the temporary easements during construction. We asked your client to present a specific monetary demand as a counteroffer to Sunoco Pipeline's last offer of \$525,000. We have not heard from your client on this point.

Attached to this email is a letter, with attachment, that Sunoco Pipeline sent to property owners in the area. We have attached them so your client can distribute to its tenants. Please let us know if you would like to have our client distribute them instead.

We remain available to discuss.

David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Tuesday, December 15, 2020 7:02 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; O'Neil, Kelsey M. <koneil@foxrothschild.com>
Subject: Glen Riddle v. Sunoco

David,

This follows up on our call. Please let me know by 11 am tomorrow if your client intends to stop work briefly and sit down and have the engineers meet to discuss the safety issues. Thank you.

Samuel Cortes

Partner

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**Stipulated GRS-120 full context
supplement**

Kuebler, Tara L.

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: February 23, 2021 8:34 PM
To: Amerikaner, David B.
Cc: Kroculick, George J.; Chernesky, Jean C.; Kuebler, Tara L.; Beach, Ashley L.
Subject: Re: [EXT] RE: Glen Riddle/Sunoco - Glen Town Hall

David- you were informed incorrectly as to the callers and those who tried to call and asked questions that were not answered. Sunoco's mischaracterizations of reality continue to plague this process. This "event" was not what was promised, was not conducted as you said it would be, and certainly was not a Town Hall. Please preserve all communications and materials related to this "event" and ask your client to do so as well.

Thanks.

Sent from my iPhone

On Feb 23, 2021, at 8:28 PM, Amerikaner, David B. <DBAmerikaner@duanemorris.com> wrote:

Sam,

The event that occurred this evening was a Town Hall, in full compliance with the Joint Petition to Withdraw the Petition for Interim Relief, as well as ALJ Cheskis's Order Granting the Petition to Withdraw, both attached hereto.

The temporary problem with the video feed was unfortunate, and we are looking into what happened. But the video feed was not a requirement of either the Petition to Withdraw or ALJ Cheskis's Order. Fortunately, the audio feed was functional the entire time; I had no problems with the audio feed on my end. In addition, the problem with the video feed did not occur until after all of the slides had been shown, and the video was restored later on in the event. Your characterization of the presentation at the beginning of the Town Hall is not accurate. The presentation at the beginning provided important details, including slides, regarding the construction at Glen Riddle Station, the timeline of construction, and other topics.

I've been informed that there were six callers during the Town Hall: three residents of Glen Riddle Station, and then Jeff from building management and your clients, Ray and Steve Iacobucci. Several of those callers made many repeat phone calls to the operator. All of the questions within the scope of what we agreed to cover were answered, and we answered questions that were repetitive in an effort to make sure that all residents' questions were answered. The only questions that were excluded were those outside the scope of what we agreed to cover on this Town Hall. Joe McGinn, Joe Becker, and Jayme Fye made a good faith effort to answer all of the questions within the scope that they received during the Town Hall with as accurate and complete information as they could provide.

You told me that there were people on hold when the Town Hall ended; the only people left on the line were Steve Iacobucci, who had asked numerous questions earlier and did not have a new question, and a resident named Miriam, who did not have a question to ask but had a complaint (she had already had several questions answered earlier). In addition, as you saw and heard throughout the event, Sunoco

Pipeline repeatedly provided its 24/7 hotline number and asked, over and over, that residents use it to call and ask questions going forward.

David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Tuesday, February 23, 2021 7:40 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Glen Town Hall

David – You said this was “tried and true.” It was not.

The video feed shut down less than 15 minutes into it – all we observed was a presentation on welding by union workers. The audio feed on the phone had constant feedback. Presenters presented by referencing slides no one could see. Residents asked questions about safety that were not answered and have called us to complain.

We agreed to a Town Hall. This was not a Town Hall. This was a PR show that did not answer important safety questions, did not contain the video feed we were promised so we could actually see the presentation, and left many people confused and angered. This was a disaster.

We insist on what we agreed - a Town Hall. This time, we run it. Thank you.

Sam

Samuel Cortes

Partner

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(610) 458-4966 - direct
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SCortes@foxrothschild.com
www.foxrothschild.com

From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Sent: Tuesday, February 23, 2021 7:33 PM
To: Cortes, Samuel W. <SCortes@foxrothschild.com>
Cc: Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Subject: [EXT] RE: Glen Riddle/Sunoco - Glen Town Hall

Sam,

In response to your text to me of a few minutes ago, in which you said that the Town Hall currently ongoing is "not what we agreed to," we disagree. It is unfortunate that the video feed was down for part of the Q&A period; we are looking into what happened. Fortunately, it was live and functional during the presentation portion at the beginning, when all of the slides were displayed. Also, the audio feed of the Town Hall was and is functional throughout the entirety of the event. And as you can see in the attached joint petition that you and we filed with the ALJ, we informed the ALJ that this Town Hall would occur, not that it would occur by any specific method.

As I write, our panelists are continuing in good faith to answer questions from residents and from your client.

David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Tuesday, February 23, 2021 6:26 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Glen Town Hall

2 more sign ups –

Christine Norris
Lisa Fassano

From: Cortes, Samuel W.
Sent: Tuesday, February 23, 2021 5:36 PM
To: 'Amerikaner, David B.' <DBAmerikaner@duanemorris.com>
Cc: 'Kroculick, George J.' <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Glen Town Hall

Raymond Iacobucci was inadvertently omitted from the below list. Thx.

Samuel Cortes
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www.foxrothschild.com

From: Cortes, Samuel W.
Sent: Tuesday, February 23, 2021 5:18 PM
To: 'Amerikaner, David B.' <DBAmerikaner@duanemorris.com>
Cc: 'Kroculick, George J.' <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Glen Town Hall

David,

Below is a list of the Glen Riddle residents and employees or principals who will attend tonight and have indicated that they intend to ask questions. We expect approximately 40-45 residents and employees to attend – though only the below 20+ have indicated an intent to ask questions.

If Sunoco refuses to answer the question of anyone because they are not identified below, please let us know so that we can determine their residency. I will be available and can respond immediately.

We have told all attendees that only Glen Riddle residents and representatives may ask questions so it is extremely unlikely that anyone asking a question will be something other than a Glen Riddle resident or representative.

Also, please keep a record of any questions that Sunoco refuses to answer and produce it to us when the meeting is over along with the recorded audio. We don't imagine many questions that could fall outside of the agreed upon scope here as Sunoco must answer anything concerning its work and safety.

I will call you on your cell if something occurs on my end that requires your attention.

Thanks.

Sam

Samuel Cortes

Partner

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Debbie

Formica

Luke

Bauerlein

Joan	Skurski
Susan	Sawicki
Miriam	Magobet
Steve	Iacobucci
Genie	Horsky
Ken	Norris
EDWARD	DEISHER
RAVINDRA	
PRATAP	SINGH
Ron	Smith
Marie	Medrow
Geraldine	Fitzgerald
Michael	Pitts
Katherine	Quinn
Garrett	Fox
Alexandra	Noll
Jacque	Lombardo
Dolores	Fassano
Sujoy	Abraham
Kelli	Whitaker
Geoff	Velekei

From: Cortes, Samuel W.

Sent: Tuesday, February 23, 2021 4:44 PM

To: 'Amerikaner, David B.' <DBAmerikaner@duanemorris.com>

Cc: 'Kroculick, George J.' <GJKroculick@duanemorris.com>; Chernesky, Jean C.

<JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>; Beach, Ashley L.
<abeach@foxrothschild.com>

Subject: Glen Riddle/Sunoco - Glen Town Hall

David,

In the interest of streamlining the meeting, below are subjects and questions that we expect you will address this evening:

- Explain what "danger" the signs intended to warn against;
- Please provide verification that there is no danger at all to anyone living within 100 yards of where the signs were posted;
- Explain how the mistake with the signs happened and what you've done to prevent a recurrence;
- Explain why no connection was provided between the west and east side of the property (for vehicles, including emergency vehicles);
- What is being done to identify pedestrian paths and crossings or better manage dangerous construction traffic;
- Concern about the noise levels coming from the drill and how effective the sound walls are at addressing unsafe levels of noise;
- Explain why the turnaround problem is not being addressed on the left side of the property;
- Since construction started, the bus routes have been impacted from a safety perspective. Is there a plan to establish a formal bus stop;
- There are several trucks now driving through the parking lot due to construction; can you explain or provide any plans or studies for pedestrian safety (traffic flaggers or cross-property traffic/child safety);
- Would you consider additional sound mitigation barriers especially around the drill, separation plant, and generator;
- Can you explain or provide copies of applications or requests submitted to Middletown with respect to the sound walls or grading-(e.g., requests for permits, plans, etc.);
- What decibel readings of sound does Sunoco deem 'safe'; is the sound level "safe" at the property in Sunoco's opinion;
- Please provide a pedestrian circulation plan or a temporary path from one side of the community to the other;
- Can work hours be adjusted to 9am - 5pm weekdays and 10am - 3pm Saturday;
- Timeline for the work;
- Are the walls 'safe'?
- Residents observed the walls swaying today. Has a government agency inspected the walls; and
- What level of sound do the walls control?

I will have the participant list to you by 5:30. Thanks.

Sam

Samuel Cortes

Partner

Fox Rothschild LLP

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

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(610) 458-7337- fax

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<ALJ's Order Granting Withdrawal of EO petition and encouraging settlement.pdf>

<Filing Package - Petition to Withdraw Petition with Receipt-C1.PDF>

Amerikaner, David B.

From: Amerikaner, David B.
Sent: Tuesday, February 23, 2021 3:30 PM
To: 'Cortes, Samuel W.'
Cc: Kroculick, George J.; Chernesky, Jean C.; Beach, Ashley L.; Kuebler, Tara L.
Subject: RE: Glen Riddle/Sunoco - Town Hall

Sam,
To respond to the last few questions:

- A caller with multiple questions will be able to ask one question, and then will need to call back in to ask another question. This is a matter of fairness to all callers, so that everyone gets the chance to ask at least one question.
- Please do send us the list of callers and the list of questions that you have ahead of time. We will review those questions and, if necessary, screen out those that do not pertain to the sign or the construction work at the site, consistent with the policy you and we announced for this meeting.
- A participant who clicks on the Vimeo link will hear the audio and does not need to call in separately.
- We will check with the third party vendor on when a recording will be made available. I'm not exactly sure how quickly it will be available, but we'll find out.

Thanks,
David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Tuesday, February 23, 2021 3:05 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Town Hall

Please confirm that the audio recording will be made available to us shortly after the meeting. Thank you.

Samuel Cortes
Partner
Fox Rothschild LLP
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(610) 458-7337- fax
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www.foxrothschild.com

Amerikaner, David B.

From: Amerikaner, David B.
Sent: Tuesday, February 23, 2021 11:31 AM
To: 'Cortes, Samuel W.'
Cc: Kroculick, George J.; Chernesky, Jean C.; Beach, Ashley L.; Kuebler, Tara L.
Subject: RE: Glen Riddle/Sunoco - Town Hall

Sam,

I will ask our team about your two questions below, relating to questioners with multiple questions and whether sending questions in advance would be helpful.

To answer your previous questions:

- There should not be any technological issue with the phone number that participants may call to listen in. If there is any issue with the video feed on Vimeo, which we do not expect, our vendor will fix it as soon as possible. But participants will always be able to call in using the phone number to hear the audio feed.
- The audio portion of the town hall will be recorded. I do not yet know whether the same is true of the video feed, but I will try to find out.
- Finally, our team does not think it will work to try to verify previously unverified participants during the event itself by passing communication through our team to you and then back, assuming that there is a steady stream of calls. So we cannot commit to solving any issues on the fly. For this reason, the sooner you can get us a list of participants for tonight, and the more extensive that list, the better.

Thanks,
David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Tuesday, February 23, 2021 11:22 AM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Town Hall

David – We have one more follow up questions. Some people have multiple questions. Can they identify all of them at once? Or do they need to call multiple times?

Also, we can compile a list of at least some of the questions and get that to you later today if you think that will streamline things. Please advise.

Thanks.

Samuel Cortes

Partner

Fox Rothschild LLP

Eagleview Corporate Center
747 Constitution Drive, Suite 100, PO Box 673
Exton, PA 19341

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(610) 458-7337- fax
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From: Cortes, Samuel W.
Sent: Tuesday, February 23, 2021 10:35 AM
To: 'Amerikaner, David B.' <DBAmerikaner@duanemorris.com>
Cc: 'Kroculick, George J.' <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Town Hall

David – Just following up – let us know on our questions. Thanks.

Sam

Samuel Cortes

Partner

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SCortes@foxrothschild.com
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From: Cortes, Samuel W.
Sent: Monday, February 22, 2021 5:50 PM
To: 'Amerikaner, David B.' <DBAmerikaner@duanemorris.com>
Cc: Kroculick, George J. <GJKroculick@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>
Subject: RE: Glen Riddle/Sunoco - Town Hall

David – I guess we will have to see what happens – we just want to make sure that all appropriate questions are answered.

We only have permission to share the names and unit numbers of those who RSVP so we cannot share the list you suggest. We will do our best to minimize the chances of there being last minute access by people who did not RSVP, but it is something that can be addressed in real time by an email to me if someone's name does not appear on a list.

Two additional questions:

- 1) Is there a backup plan for technological failures? If people have issues accessing the site, can you give me a number for them to call for assistance?
- 2) We have heard from some people who cannot attend but would like to review the meeting. Can you record it for this purpose?

Thanks.

Sam

Samuel Cortes

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(610) 458-7337- fax

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From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>

Sent: Monday, February 22, 2021 3:59 PM

To: Cortes, Samuel W. <SCortes@foxrothschild.com>

Cc: Kroculich, George J. <GJKroculich@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>

Subject: [EXT] RE: Glen Riddle/Sunoco - Town Hall

Sam,

A written chat feature is not possible with the format that will be used tomorrow. Please note that this format is a tried and true method of holding an event like this that is efficient and accommodating of all participants.

Instead of trying to verify questioners who did not RSVP in real time during the event, would your client consider sending us a complete roster of the names and unit numbers of all residents at Glen Riddle, so that any resident who calls in during the event can be verified by the operator (whether or not they RSVP'ed)? We would be happy to agree to destroy the list after the event, if there is a concern about providing it.

If residents who ask questions have follow-up questions, they are welcome to call back to the operator during the event to ask a second question during the event itself. There is nothing preventing them from doing so. Our operator will try to prioritize questions from residents who have not had a question answered before answering follow-ups, but this is certainly an option. Another option for resident follow-up is for residents to call Sunoco's hotline at (855)430-4491 to ask another question; I believe all the residents have received that number in the past.

Please let me know if you have questions or would like to discuss.

Thanks,
David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>

Sent: Monday, February 22, 2021 2:19 PM

To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>

Cc: Kroculich, George J. <GJKroculich@duanemorris.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Beach,

Ashley L. <abeach@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>

Subject: Glen Riddle/Sunoco - Town Hall

David,

This follows up on our call from earlier today. I just spoke with the client and we have two requests:

1. We would like a written chat feature enabled (to be reviewed by the moderator) to allow for relevant follow ups (subject to the same rules); and
2. If a question is denied, we would like real time notice of the denial sent at least to me so that we can follow up if necessary (e.g., validate that the questioner is in fact a resident).

We plan to send you a list of people tomorrow who have RSVP'd that they will be in attendance. It is possible we may get some last minute call-ins, but we are doing our best to minimize the chances of that.

We have notified everyone that this is a virtual Town Hall. Thank you.

Sam

Samuel Cortes

Partner

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Amerikaner, David B.

From: Amerikaner, David B.
Sent: Friday, February 19, 2021 4:06 PM
To: 'Cortes, Samuel W.'
Cc: Kroculick, George J.; Beach, Ashley L.; Chernesky, Jean C.; Kuebler, Tara L.
Subject: RE: [EXT] RE: Glen Riddle Station

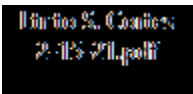
Sam,
The technical details of the town hall on Tuesday are as follows:

- Those wishing to view the video feed will click on the Vimeo link we provided.
- Those wishing to listen to an audio feed will call the phone number we provided.
- The interactive element is over the phone only; the telephonic town hall is the company's regular method to hold virtual town halls as they have found it to be the most efficient and effective. The video component is an added visual aid and is not required to participate. The reason for both components is to increase accessibility, eliminating the need for a computer and internet to participate.
- To ask a question, participants will call the phone number and key in star-3 to be connected to an operator.
- The moderator will relay the questions to the Sunoco panelists to be answered on audio and video. Questions that (i) do not relate to the sign at issue in the PUC emergency petition or (ii) do not relate to other details of the construction at GRS property will be screened out. In addition, questions from callers who are not GRS residents (verified by providing a unit number), management, employees, or agents will be screened out.

All of the above instructions will be made clear to participants at the beginning and throughout the program.

- Your client should provide the video link and the audio phone number to its residents.
-
- Your client will need to provide to us a list of its management, employees, and agents who are authorized to ask questions. It would also be helpful if your client can provide a list of GRS residents with their apartment unit numbers. This is for internal screening only.

The above arrangement is consistent with what we described in our letter to you, dated February 15, attached below.



As noted in this letter, the arrangement described above is also consistent with the procedure directed by the PUC at another location along the ME2 project where Sunoco held a video town hall, with a moderator, to respond to resident questions.

Please let us know if you have questions or would like to discuss.

Thanks,
David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Friday, February 19, 2021 12:01 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Kroculick, George J. <GJKroculick@duanemorris.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Chernesky,

Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>

Subject: RE: [EXT] RE: Glen Riddle Station

David,

Can we schedule some time on Monday for you, me, and one of my client representatives to run through the technical side of the Town Hall?

We have the following questions:

- 1) I'm assuming this is an interactive presentation? I don't understand the separate number for "Q&A" and it may just be my lack of technical knowledge. But, to be clear, this is intended to be a Town Hall meeting, which is by definition interactive.
- 2) Who is letting people into the forum and how? What do need form us, if anything, to accomplish this as we want to ensure that all of our residents who want to participate have the opportunity to do so.
- 3) We would like clear instructions in advance on how questions will be received and answered so that we can notify our residents how to proceed.

Thanks.

Sam

Samuel Cortes

Partner

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From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>

Sent: Thursday, February 18, 2021 4:04 PM

To: Cortes, Samuel W. <SCortes@foxrothschild.com>

Cc: Kroclic, George J. <GJKroclic@duanemorris.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>

Subject: RE: [EXT] RE: Glen Riddle Station

Sam,

Below please see the link for the video portion of the town hall, along the phone number residents should use if they are participating by audio only or to call in with their questions. The link and phone number will go live on Tuesday at 6:30 pm. Thanks.

Video Link: <https://vimeo.com/event/708718>

Audio Only and number for Q&A: 833-419-0134

The Q&A number will also be shared during the program by the moderator

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Wednesday, February 17, 2021 4:08 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Kroculich, George J. <GJKroculich@duanemorris.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>
Subject: RE: [EXT] RE: Glen Riddle Station

Let's go with 6:30 to give people time to get home from work if we can.

From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Sent: Wednesday, February 17, 2021 4:07 PM
To: Cortes, Samuel W. <SCortes@foxrothschild.com>
Cc: Kroculich, George J. <GJKroculich@duanemorris.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>
Subject: RE: [EXT] RE: Glen Riddle Station

Sam,
I believe we were planning on starting at 6 pm, but am working to get confirmation on that. I'll get back to you as soon as I can.

Thanks,
David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Wednesday, February 17, 2021 2:12 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Kroculich, George J. <GJKroculich@duanemorris.com>; Beach, Ashley L. <abeach@foxrothschild.com>; Chernesky, Jean C. <JChernesky@foxrothschild.com>; Kuebler, Tara L. <TKuebler@foxrothschild.com>
Subject: RE: [EXT] RE: Glen Riddle Station

David – Can we agree on 7 pm as the start time for the Town Hall? We need to get a notice out to our residents.

Thanks.

Sam

Samuel Cortes
Partner
Fox Rothschild LLP
Eagleview Corporate Center
747 Constitution Drive, Suite 100, PO Box 673
Exton, PA 19341
(610) 458-4966 - direct
(610) 458-7337- fax

SCortes@foxrothschild.com
www.foxrothschild.com

From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Sent: Tuesday, February 16, 2021 9:51 AM
To: Cortes, Samuel W. <SCortes@foxrothschild.com>
Subject: RE: [EXT] RE: Glen Riddle Station

Thank you, Sam.

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Tuesday, February 16, 2021 9:28 AM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Subject: Re: [EXT] RE: Glen Riddle Station

We will have it to you by 1030

Sent from my iPhone

On Feb 16, 2021, at 1:03 AM, Amerikaner, David B. <DBAmerikaner@duanemorris.com> wrote:

Sam,

Thanks for speaking with me earlier. I imagine that you and Ashley are working to prepare documents that can be used to resolve this, so thanks for doing that. We do have a deadline to file an answer tomorrow (Tuesday), so it would be great if we can get a stip filed with the court before the end of the day, so that we don't file an answer.

Thanks – hopefully we can touch base in the morning.

David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Monday, February 15, 2021 3:01 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; OC_TJSniscak_hmslegal.com <TJSniscak@hmslegal.com>; Whitney Snyder <WESnyder@hmslegal.com>; Sutherland, Shannon Hampton <SHSutherland@duanemorris.com>; Kroclic, George J. <GJKroclic@duanemorris.com>
Subject: RE: Glen Riddle Station

David – Thanks for your letter and your call yesterday. It appears that we have an agreement on the material terms of a settlement to resolve the emergency petition. I write to clarify a few items and propose the procedure moving forward on this.

First, and most importantly, the Town Hall must occur asap - this week - as we have too many people reaching out to us. If your client needs help scheduling or with technology, we will help to ensure that it gets done asap. It appears from our phone conversation and your confirming letter that Sunoco will have the right, qualified people on the call to answer questions regarding its work on site. This is a material term of this settlement. If a question relates to the work and, specifically, the “Danger” signs, safety, and the radius from the worksite of safety risks, then Sunoco needs to answer it accurately and professionally.

Second, Sunoco must also confirm that it will institute controls to ensure that properly warns my client and the Glen Riddle residents against dangers and to eliminate or at least substantially reduce the risk of any future similar instances. I understood from our conversation that this is likely not a problem for Sunoco but I include it as it needs to be a part of this resolution.

We will prepare a stipulation memorializing the above terms and confirming that a hearing is no longer necessary. We will ask the ALJ to hold the petition open pending confirmation of the contemplated meeting having occurred. Upon such confirmation, the ALJ can either deem the Petition withdrawn in accordance with Rule 5.94 or deny it as moot.

We will send a proposed joint stipulation of settlement to you and your co-counsel later today.

Thanks again,

Sam

Samuel Cortes

Partner

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SCortes@foxrothschild.com

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From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>

Sent: Monday, February 15, 2021 11:01 AM

To: Cortes, Samuel W. <SCortes@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>

Cc: Stambaugh, Curtis N <CURTIS.STAMBAUGH@energytransfer.com>; OC_TJSniscak_hmslegal.com <TJSniscak@hmslegal.com>; Whitney Snyder <WESnyder@hmslegal.com>; Sutherland, Shannon Hampton <SHSutherland@duanemorris.com>; Kroclic, George J. <GJKroclic@duanemorris.com>

Subject: [EXT] Glen Riddle Station

Sam, Ashley –

Please see the attached letter regarding settlement of the pending emergency petition before the PUC and the virtual town hall with GRS residents, as we discussed yesterday.

Feel free to give me a call any time today to discuss. We look forward to your response.

David Amerikaner

Special Counsel

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**Stipulated GRS-126 full context
supplement**



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SAMUEL W. CORTES
Direct No: 610.458.4966
Email: SCortes@FoxRothschild.com

April 16, 2021

VIA EMAIL

George J. Kroculick, Esquire
David B. Amerikaner, Esquire
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

Re: Glen Riddle Station, L.P. (“GRS”) /Sunoco Pipeline, L.P. (“Sunoco”)

Dear George and David:

This responds to the letter you sent yesterday accusing my client of false assertions and attempts to interfere with Sunoco’s workers in their workspace and in their operation of vehicles on the temporary workspace. GRS denies these assertions. As I have said before, Sunoco’s allegations are unfounded and, based on your most recent communication, unsubstantiated. Sunoco also demanded proof of the dangerous behavior GRS described in its most recent communication.

With respect to Sunoco’s failure to operate its vehicles safely at my client’s property, I am sending several videos depicting Sunoco trucks operating and maneuvering through the GRS parking lot and onto the road without flaggers, and at times outside of the easement. In one incident, a Sunoco truck swerved to threaten a GRS employee with imminent bodily harm and, in another, Sunoco’s trucks impede ingress and egress to and from the GRS property. These videos will be forwarded via a separate correspondence including a Kiteworks link.

Although we do not have video of GRS’s security team escorting the elderly resident through the parking lot, Stephen Iacobucci observed it personally. It is not surprising that Sunoco is not receiving reports of this dangerous driving given that it only utilizes flaggers when it is filming for theatrical purposes.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
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George J. Kroculick, Esquire
David B. Amerikaner, Esquire
April 16, 2021
Page 2

In summary, my client denies all allegations of harassment. Its representatives will continue to observe appropriately from outside of Sunoco's easement, as they have been doing, for safety purposes. What will Sunoco do to remedy its dangerous conduct?

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Samuel W. Cortes', written over a horizontal line.

Samuel W. Cortes
SWC:jcc

From: [Amerikaner, David B.](#)
To: ["Chernesky, Jean C."](#); [Kroculich, George J.](#)
Cc: [Cortes, Samuel W.](#); [Beach, Ashley L.](#)
Subject: RE: Glen Riddle Station/Sunoco
Date: Thursday, April 15, 2021 5:14:58 PM
Attachments: [Ltr to S. Cortes 4-15-21.PDF](#)

Sam,

Please see the attached letter in response to your letter of yesterday.

Thanks,

David

From: Chernesky, Jean C. <JChernesky@foxrothschild.com>
Sent: Wednesday, April 14, 2021 12:31 PM
To: Kroculich, George J. <GJKroculich@duanemorris.com>; Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Cortes, Samuel W. <SCortes@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Subject: Glen Riddle Station/Sunoco

Counsel: Please see the attached correspondence from Samuel Cortes, Esquire. Thank you.

Jean C. Chernesky

Legal Administrative Assistant to
Ronald L. Williams, Esquire
Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
Kelsey M. O'Neil, Esquire

Fox Rothschild LLP

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ALLIANCES IN MEXICO
AND SRI LANKA

April 15, 2021

VIA E-MAIL

Samuel W. Cortes, Esquire
Fox Rothschild LLP
Eagleview Corporate Center, Suite 100
747 Constitution Drive
Exton, PA 19341-0673
Email: scortes@foxrothschild.com

Re: Glen Riddle Station Apartments

Dear Sam:

This letter responds to your letter dated April 14, which contains numerous unsupported and/or outright false assertions about the conduct of Sunoco Pipeline's workers/contractors at the Glen Riddle Station Apartments property.

You allege in your letter that Sunoco Pipeline "inspectors" and "Tetra Tech" trespassed onto your client's property. We have no knowledge of any such alleged trespass, and you have provided no evidence. On the contrary, a consistent problem of late has been your client's representatives entering Sunoco Pipeline's workspace or coming too close to the workers, interfering with their ability to do their jobs safely. Your letter alleges that harassment and videotaping without consent occurred; again, it has been your client's representatives who have held phones and other devices too close to the workers and the workspace. Because of the enclosed nature of the workspace, your client's representatives end up harassing and interfering with the only workers they can approach – flaggers on the property performing an important function related to pedestrian and traffic safety. This harassment has the potential to create a safety hazard, similar to the efforts of your client's representatives in recent weeks to intentionally jump in front of trucks traveling through the property and cross into the workspace. We previously wrote to you and asked that you confirm that such behavior would stop, and you have refused to do so.

DuaneMorris

Samuel W. Cortes, Esquire
April 15, 2021
Page 2

You also allege in your letter that your client's "security team" had to "intervene to protect an elderly resident who was attempting to cross the parking lot while one of Sunoco's trucks was driving at a dangerously high speed." If this is true, why are you only informing us about it now, *six days after* the fact? A near-miss at a construction site is a serious issue. If this had happened, Sunoco Pipeline's contractor would follow standard industry practice and undergo an investigation that can include information gathering (witness interviews, evaluations of site conditions, etc.), root cause analysis, and development of corrective actions. But, we have heard no report about any such incident from our workers, our workers received no such report from your client's workers on site, and no resident reported any such concern to the hotline Sunoco Pipeline makes available for residents to report concerns.

Your letter also asserts that truck drivers at the site drive at an excessive rate of speed. As we have told you many times, driving safety, including speeding, is a regular safety topic discussed with the work crews as a matter of course. Other than bare allegations in your letters, we have received no reports of trucks driving at excessive speed: no communication from residents, no calls to the hotline, and no correspondence with our communications contact. We regularly remind drivers to operate trucks at a safe speed and will continue to do so. We have yet to see any evidence of speeding at the property. And, once again, the only safety issue on the internal roadways at the property has been caused by your client's representatives, who have intentionally jumped out in front of trucks in an apparent attempt to manufacture a safety problem or to intimidate the drivers by recording their movements with cell phones and gesturing to them in a threatening manner.

As we have now asked many times, please direct your client's representatives to stay a safe distance from the workers, to stop interfering and attempting to interfere with workers in the workspace, to stop encroaching or attempting to encroach on the work space, and to stop interfering or attempting to interfere with the safe operation of vehicles on the temporary access road easement. When we last wrote to you two weeks ago, you declined to confirm that the unsafe behavior of your clients' representatives would stop; will you do so this time?

Very truly yours,

/s/ David B. Amerikaner

David B. Amerikaner

cc: Curtis N. Stambaugh

From: Chernesky, Jean C. <JChernesky@foxrothschild.com>
Sent: Wednesday, April 14, 2021 12:31 PM
To: Kroculick, George J. <GJKroculick@duanemorris.com>; Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Cc: Cortes, Samuel W. <SCortes@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>
Subject: Glen Riddle Station/Sunoco

Counsel: Please see the attached correspondence from Samuel Cortes, Esquire. Thank you.

Jean C. Chernesky

Legal Administrative Assistant to
Ronald L. Williams, Esquire
Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
Kelsey M. O'Neil, Esquire

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SAMUEL W. CORTES
Direct No: 610.458.4966
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April 14, 2021

VIA EMAIL

George J. Kroculich, Esquire
David B. Amerikaner, Esquire
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

Re: Glen Riddle Station, L.P. (“GRS”) /Sunoco Pipeline, L.P. (“Sunoco”)

Dear George and David:

Last Thursday, Sunoco again trespassed on my client’s property and outside of the Sunoco easement. Sunoco “inspectors” and Tetra Tech trespassed onto GRS’s property and harassed a GRS employee about keeping a six foot social distance as he monitored Sunoco and Tetra Tech. GRS’s security team was on-site to protect the GRS employee against further harassment. Apparently, a heated conversation ensued. Sunoco recorded the exchange on phones and body cams on what is inarguably GRS property and outside of Sunoco’s easement. No one consented to having their conversations recorded in this fashion.

Additionally, on the same day, a Sunoco truck ran over a traffic barrel positioned on my clients’ property to prevent the dangerously fast traffic that has become a staple of Sunoco’s presence. In that same vein, GRS’s security team had to intervene to protect an elderly resident who was attempting to cross the parking lot while one of Sunoco’s trucks was driving at a dangerously high speed. Sunoco employees also came onto my client’s property to remove a Posted sign.

Please direct your client to cease and desist all trespassing immediately. Please also preserve all recordings made by your client as they are relevant to imminent legal proceedings.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



George J. Kroculick, Esquire
David B. Amerikaner, Esquire
April 14, 2021
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Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Samuel W. Cortes", written over a horizontal line.

Samuel W. Cortes
SWC:jcc

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL ONLY

Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
Fox Rothschild LLP
747 Constitution Drive, Suite 100
Exton, PA 19341
(610) 458-7500
scortes@foxrothschild.com
abeach@foxrothschild.com

/s/ Thomas J. Sniscak _____

Thomas J. Sniscak, Esq.
Whitney E. Snyder, Esq.
Kevin J. McKeon, Esq.
Bryce R. Beard, Esq.

Dated: July 20, 2021