

Ann Marie Luyando
4 Magnolia Drive
Newtown, PA 18940
Madisoncedric166@gmail.com
267-917-5854

DATE OF DEPOSIT

MAY 31 2024

May 30, 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Via E-Mail only
The Honorable Gail M. Chiodo
Office of Administrative Law Judge
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120
gchiodo@pa.gov

Re: Ann Marie Luyando, Complainant
v.
Newtown Artesian Water Company

Dear Judge Chiodo:

Enclosed please find the Complainant, Ann Marie Luyando's Motion for Continuance in the above referenced proceeding.

Copies have been served upon the parties as evidenced by the attached Certificate of Service.

Respectfully submitted,



Ann Marie Luyando
Complainant

Enclosures:

Cc: PUC Secretary Rosemary Chiavetta (via USPS certified mail)
Certificate of Service
Thomas J. Walsh (via email only)
Certificate of Service
twalsh@twalshlaw.com

CERTIFICATE OF SERVICE

Ann Marie Luyando

Complainant

v.

Docket No. F-2022-3034600

Newtown Artesian Company

Respondent

I hereby certify that I have this day served a true copy of the following document, Ann Marie Luyando's Motion for Continuance in this proceeding in accordance with the requirements of 52 Pa. Code 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 30th day of May 2024.

DATE OF DEPOSIT

SERVICE

MAY 31 2024

**Secretary (Via Certified Mail)
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120**

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

**Thomas J. Walsh, III (Via email)
3655 Route 202 Suite 105
Doylestown, PA 18902
twalsh@twalshlaw.com**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ann Marie Luyando
Complainant

Docket No: F 2022-3034600

Newtown Artesian Water Company (NAWC)
Respondent

DATE OF DEPOSIT

MAY 31 2024

COMPLAINANT'S
MOTION FOR CONTINUANCE

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Pursuant to 52 Pa. Code 1.15 and 5.103, Ann Marie Luyando, Complainant, hereby moves that the Presiding Officer, ALJ Gail Chiodo grant a continuance of the telephonic hearing/s now scheduled in the above-captioned proceeding for June 13 and June 18, 2024 at 1 pm and represents in support thereof the following:

1. On 8/10/2022 Complainant filed a formal complaint that initiated this proceeding.
2. NAWC filed an Answer to Ms. Luyando's Complaint on 1/25/2023.
3. Complainant filed a Motion to Compel Respondent to Answer Discovery on March 27, 2024.
4. On Friday, May 3, 2024, ALJ Chiodo Answered the Motion to Compel.
5. On March 9, 2024 Complainant emailed ALJ a letter requesting an extension to the 3/10 Scheduling Order Discovery Deadline. Please see attached email and letter.
6. On 5/14/ 2024, Complainant emailed ALJ about unexpected changes in her medical condition and treatment that required immediate

attention including surgery, new medications, and treatments for a life-threatening disability. Complainant alerted ALJ of the crisis. Please see attached email.

7. On 5/14/24 the ALJ requested a telephone status conference and provided specific dates in June to Complainant to choose from. Complainant responded on 5/15/24 with her selection and requested Your Honor select the time slot available that was most convenient to her. ALJ has not yet responded. Please see attached emails.
8. On May 30, 2024, Complainant received a note from her doctor documenting her inability to participate in hearings, phone conferences, and other hearing preparations, at this time due to her medical condition for a period of no less than 180 days.
9. Due to Complainant's life threatening crisis and present medical condition, the situation has made it that Complainant is unable to attend the June 13 and June 18, 2024 hearing/s, or the June 24 phone date not yet confirmed, until such time that she has been able to recover and regain her ability to attend and prepare for hearing/s. Therefore, the Complainant hereby submits this Motion for Continuance and respectfully requests that the Presiding Officer continue the Telephonic Hearing for no less than 180 days. Complainant also requests that the ALJ consult with the parties before rescheduling the hearing. Given the personal information included in the doctor's note and in order to maintain privacy, Complainant is

only providing a copy of the letter to the Administrative Law Judge Chiodo and to Respondent's attorney and, therefore, has not attached a copy of the doctor's note to this motion.

WHEREFORE, the Complainant respectfully requests that the Administrative Law Judge grant a continuance for no less than 180 days.

Respectfully submitted,



Dated May 30, 2024

M Gmail

Ann Marie
<madisoncedric166@gmail.com>

**F-2022-3034600 Luyando/NAWC;
DISCOVERY DEADLINE MAY 10, 2024**

Ann Marie
<madisoncedric166@gmail.com>
To: "Chiodo, Gail" <gchiodo@pa.gov>
Cc: TJ Walsh <twalsh@twalshlaw.com>

Wed, May 15, 2024 at
5:23 PM

DATE OF DEPOSIT

Good evening, your Honor.

MAY 31 2024

Thank you for your email.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Due to surgery and medical appointments I am not available for the remainder of May 2024. I want to avoid committing to a date for the phone prehearing conference that I am not able to participate in, so of the dates you have emailed I will shoot for June 24, 2024 any time between 1-3 pm. Please let me know what time works best for you.

Thank you and good night.

Sincerely,

Ann Marie Luyando

Cc: Mr. Wash

On Tue, May 14, 2024 at 8:01 PM Chiodo, Gail
<gchiodo@pa.gov> wrote:

Ms. Luyando –

I am sorry to hear about your medical situation.

However, to be clear, I have not granted any extensions – either your discovery extension request (which deadline has passed) or an extension of the current litigation schedule. The purpose of the conference was to discuss the basis for your request and if necessary, the litigation schedule. I agreed to hold a telephone conference because I believed it would be more convenient for both parties rather than requiring written Motions.

However, if your situation is such that you cannot, or are unable to, participate in a brief telephone status conference either this week or next week to discuss your extension request, then I will issue a

written Order ruling on your informal motion to extend the discovery deadline. Next, going forward, any continuance Motion will need to be in writing, filed with the Secretary's Bureau, and a copy provided to me. While I have allowed to date for the convenience of the parties these informal requests via email, the record still needs to reflect each party's request, the reasons therefor, and the basis of my ruling. This could be accomplished by a telephone status conference call or, if you are not available for whatever reasons, will need to be by written Motion.

Therefore, you must respond and state ALL the dates/times you are available for a telephone status conference call from the dates/times I provided earlier, which, for your convenience are repeated below. They are:

Thursday (June 16), from 1:30 to 4:00 p.m.

Wednesday and Thursday (June 22 and 23) from 1:30 to 4:00 p.m., or

Friday, June 24, from 9:00 a.m. – 3:00 p.m.

If you are not available on any of the above dates/times, or I do not receive a response, then I will issue a written Order ruling on your request to extend the discovery deadline. This will ensure an orderly process with a sufficient record.

Thank you,

Judge Chiodo



www.puc.pa.gov



Gail M. Chiodo

Administrative Law Judge
PA Public Utility Commission

Phone: 717-787-1191

Email : gchiodo@pa.gov

Consumer Hotline:
1-800-692-7380

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From: Ann Marie
<madisoncedric166@gmail.com>
Sent: Tuesday, May 14, 2024 5:45 PM
To: Chiodo, Gail <gchiodo@pa.gov>
Cc: TJ Walsh <twalsh@twalshlaw.com>
Subject: Re: [External] Re: F-2022-3034600

**Luyando/NAWC; DISCOVERY DEADLINE MAY
10, 2024**

Your Honor,

Thank you for your email about adjusting a new hearing schedule going forward. Since my May 9, 2024 letter, I have been scheduled for unexpected surgery to address a life threatening medical crisis and requiring additional and unexpected medical appointments and further treatments (before and following surgery). My disabilities have been flaring up as well. In light of the upcoming plan prepared by multiple physicians working in unison, surgery and course of treatment I do not know exactly when I will be physically able to fully participate with our hearing preparation.

Can I give you an update by July 1, 2024 when I am free from hospitals, and established in my treatment plan so as to select firm dates for discovery and hearing dates going forward?

Please let me know.

Respectfully

Ann Marie Luyando

On Mon, May 13, 2024 at 3:06 PM Chiodo, Gail
<gchiodo@pa.gov> wrote:

Good afternoon –

Mr. Walsh – Yes --I think in light of Ms. Luyando's request to extend the discovery deadline (which was May 10) and your email, I think a brief status telephone conference would be helpful, to discuss the litigation schedule.

Mr. Walsh and Ms. Luyando – As for this week, I am available on Wednesday and Thursday (June 15 and 16), from 1:30 to 4:00 p.m. I am also available next week, if need be, on Wednesday and Thursday (June 22 and 23) from 1:30 to 4:00 p.m., and Friday, June 24, from 9:00 a.m. – 3:00 p.m.

Please respond as soon as you are able as to which dates/time above you are also available.

Thank you,
Judge Chiodo



www.puc.pa.gov



Gail M. Chiodo

Administrative Law Judge
PA Public Utility Commission

Phone: 717-787-1191

Email : gchiodo@pa.gov

Consumer Hotline:
1-800-692-7380

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From: TJ Walsh <twalsh@twalshlaw.com>
Sent: Monday, May 13, 2024 12:46 PM
To: Chiodo, Gail <gchiodo@pa.gov>
Cc: Ann Marie <madisoncedric166@gmail.com>
Subject: [External] Re: F-2022-3034600
Luyando/NAWC; DISCOVERY DEADLINE MAY
10, 2024

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Your Honor –

May I request a short status telephone conference sometime this week with the parties and Your Honor?

In light of this second request from Ms. Luyando to extend discovery deadlines, together with her indication that more written interrogatories are forthcoming, Newtown Artesian suggests it may impact the scheduled hearing dates in June.

Thank you for your consideration.

Regards,

TJ Walsh

Thomas J. Walsh III, Esq.



3655 Route 202, Suite 105

Doylestown, PA 18902

267.247.5024 tel | 267.247.5668 fax

twalsh@twalshlaw.com

From: Ann Marie <madisoncedric166@gmail.com>

Date: Thursday, May 9, 2024 at 7:27 PM

To: "Chiodo, Gail" <gchiodo@pa.gov>, TJ Walsh
<twalsh@twalshlaw.com>

Subject: F-2022-3034600 Luyando/NAWC;
DISCOVERY DEADLINE MAY 10, 2024

Good Evening Your Honor.

Please see the attached letter to the above referenced
Discovery Deadline of May 10, 2024.

I have included the Respondent in this email.

Thank you.

Best regards,

Ann Marie Luyando

madisoncedric166@gmail.com

Complainant

cc: Mr. Walsh (via email)

5.9.24 Ltr to ALJ DISC DEADLINE EXT(1).pdf

576K

Page 14

Enclosed for you are the documents...

Very truly yours,
Ann Marie Luyk

Good Evening Your Honor

I have enclosed the documents...

I have enclosed the documents...

Thank you

Best regards

Ann Marie Luyk
m.luyk@alaska.gov

cc: Mr. Walsh, et al.

gchiodo@pa.gov, twalsh@twalshlaw.com

May 9, 2024

Honorable Chiodo,

I am in receipt of your Motion to Compel Decision sent last Friday, May 3, via email. Thank you for answering on behalf of the Respondent. Your answers and explanation of decision have been very helpful as usual. Thank you so much.

I have been reviewing the information as quickly as possible in between medical appointments, medical issues and flare-ups. I was expecting more information to the interrogatories from the Respondent that was not received, and time to exchange follow up questions that arise as is expected in the process. I would like to have the opportunity to address follow up questions with NAWC now that I have received your Honor's reasoning but note the Discovery Deadline on your 3/10 Scheduling Order is tomorrow, Friday, May 10, 2024.

I would need more time than currently allowed to complete my review of the answers, to request follow up questions, and receive answers from NAWC. I am requesting an extension of the Interrogatory Deadline so that I may complete this exchange of information with the Respondent as was originally intended.

I await your decision.

Thank you.

Respectfully,



Ann Marie Luyando

Madisoncedric166@gmail.com

267-917-5854

CC: Mr. Walsh (Via Email)



CMPC

717-705-1952

To: CHIAVETA, R. PUC

Agency: PUC

Floor:

External Carrier:

6/4/2024 9:45:57 AM



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