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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF CONSUMER SERVICES
P.O. BOX 3265, HARRISBURG, PA 17105-3265

11/16/2018

BCS No: 3664967

DEBBIE ESOLA
2537 S 8TH STREET
PHILADELPHIA PA 19148

PGW Exhibit: 1

Page: 1 of 4

Dear DEBBIE ESOLA,

The Public Utility Commission has completed its investigation into your informal complaint. Our decision is attached. We sent a copy of this decision information to your utility company. You and the company must both follow this decision. Both parties may appeal this decision. If no one appeals, the decision will become final 20 days after the date of this letter.

If you do not agree with this decision you can appeal it by filing a formal complaint. Complete and return the attached Notification of Intent to Appeal within 20 days of the date on the form. The Commission will mail you formal complaint forms. When you complete and return the formal complaint forms, your appeal begins. The Commission will assign your complaint to the Office of Administrative Law Judge. They will contact you about your formal complaint.

You do not need a lawyer to file an appeal.

You must make all of the payments required by this decision. If you do not make these payments the utility company has the right to shut off your utility service.

Do not mail your payments to the Public Utility Commission. Mail your payments directly to your company.

If you have any questions, please call 1-800-692-7380.

Sincerely,

V. Forman
Investigator

**INFORMAL COMPLAINT DECISION
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DEBBIE ESOLA
2537 S 8TH STREET
PHILADELPHIA PA 19148

DATE: 11/16/2018

BCS: 3664967

Acct. No: [REDACTED]

V.

Philadelphia Gas Works

PGW Exhibit: 1

Page: 2 of 4

DECISION ON INFORMAL COMPLAINT BY THE PUBLIC UTILITY COMMISSION (PUC):

STATEMENT OF COMPLAINT:

We received your informal complaint on 10/31/2018. In the complaint, you state you have resided at the property for 6 years, since 2012 and you never received a gas bill. You thought the gas was included in your lease. You are requesting a PUC payment arrangement on this balance.

INVESTIGATION BY STAFF OF THE PUBLIC UTILITY COMMISSION FOUND THAT:

1. Company records show service was originally shut off at the property on 5/6/2010.
2. Company records show Debbie Esola, you, called about service on 7/9/2012. You stated you would call back to schedule a turn on.
3. BCS investigation revealed the following email communication with PGW representative:
 - On 2/21/2013, 3/10/2014 mobile walking leak surveys were completed.
 - On 5/21/2015 the company completed a walking survey.
 - On 1/22/2016 and 1/27/2017 mobile walking surveys were completed.
4. 52 Pa. Code § 59.34. Leakage surveys of customer-owned service lines. (a) *Plan*. A public utility shall establish and execute a plan by which it will periodically survey each customer-owned service line for leakage. The plan shall conform with or exceed the standards established in 49 CFR 192.723 (relating to distribution systems; leakages and procedures) as of May 1, 1986 and subsequent amendments thereto which have been ratified by the Commission under § 59.33 (relating to safety). The public utility shall file with the Commission a copy of the plan required by this subsection including statements of the type of survey it will use and of the frequency of the survey. As used in this section, the term "customer-owned service line" includes that piping serving a residential or commercial customer which is between the main, pipeline or other source of supply and whichever is the more remote of either the meter set assembly, or the wall of the residence or commercial building if the customer owns part of the piping.
5. According to 52 Pa. Code § 59.34(b), If the leakage survey prescribed by subsection (a) requires access to the premises of a customer and the customer refuses access, or if the public utility requires a customer to inform it of the location of a service line and he fails to provide the information, the public utility may shut off gas service until access is permitted or the information is provided. If subsection (a) requires a leakage survey to a meter set

assembly inside the wall of a residence or commercial building, and the public utility cannot gain access to the building because of absence of the occupants, the public utility shall leave a notice at the premises, instructing the customer to designate to the public utility a day and time during normal working hours when access may be had. The public utility may defer the leakage survey to the day and time so designated.

6. Company records show that PGW scheduled unbilled usage investigation on 3/4/2016. The company attempted to visit the property on 3/4/2016 but the property was notated as Can't Get In (CGI). No curb valve safety checks were complete because the service line did not have a curb valve.
7. Company records show unauthorized usage was found at the property on 10/31/2018 with a tampered meter bypass. The ERT head was missing from the meter and could not be found. The company noted the BTU's used in the home.
8. 52 Pa. Code §56.98 (a) A public utility may immediately terminate service for any of the following actions by the customer: (1) Unauthorized use of the service delivered on or about the affected dwelling. And, (3) Tampering with meters or other public utility equipment. (4) Violating tariff provisions on file with the Commission which endanger the safety of a person or integrity of the public utility's delivery system.
9. Company records show on 11/06/2018, you, were held liable and billed for the tampered meter bypass charges from 6/1/2012 to 10/26/2018 in the amount of \$8,982.03.
10. PUC records show you provided the PUC with a gross income of \$4,083.33 for 2 in the home.
11. Company records show to have the service restored and placed into your name, you are required to pay \$9,607.26. The amount represents the full bypass charges of \$8,982.03, a reconnection fee of \$123.23, the dig fee of \$372.00 and \$130.00 as half of the security deposit.
12. The remaining half of the security deposit will be billed in two installments of \$65.00\$65.00 in 60/90 days after restoration.
13. PGW maintains payment in full when theft of service is involved.

BASED ON THESE FINDINGS, WE CONCLUDE THAT:

1. Unauthorized usage was found at 2537 S 8th Street.
2. The company last conducted a mobile walking survey at the property on 1/27/2017.
3. The company and the PUC do not provide terms when unauthorized usage has been determined at the residence.
4. You are requested to pay \$9,607.26 to restore your service and this is for the dates of 6/1/2012 to 10/26/2018.

THEREFORE, IT IS DECIDED THAT:

1. This informal complaint is dismissed.
2. You are responsible for the unauthorized usage in the amount of \$9,607.26.

If you have questions about the terms of this decision or how to appeal this decision, please call us at 1-800-692-7380.

PGW Exhibit: 1

Page: 3 of 4

V. Forman, Investigator

**Request for Formal Complaint Forms
(Notification of Intent to Appeal)**

Notice to Customer:

If you sign and return this form, you are telling the Public Utility Commission that you want to appeal this decision. Do not return this form unless you want to appeal this decision.

If you want to appeal, you must return this form within 20 days of 11/16/2018. The Commission will send you formal complaint forms if you return this form.

You must comply with this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments or the utility company may shut off your service.

Sincerely,
Pennsylvania Public Utility Commission

Yes, I want to appeal this decision. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes)

DEBBIE ESOLA
537 S 8TH STREET
PHILADELPHIA PA 19148

(Area Code) Telephone Number
BCS: 3664967
Company: Philadelphia Gas Works

Signature
Date of Mailing: 11/16/2018

Mail this completed form to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

PGW Exhibit: 1
Page: 4 of 4



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney

Legal Department

Direct Dial: 215-684-6164

FAX: 215-684-6798

E-mail: graciela.christlieb@pgworks.com

October 7, 2024

VIA ELECTRONIC FILING

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

Re: Debbie Esola v. Philadelphia Gas Works; Docket No. C-2024-3051193

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Answer with New Matter to Formal Complaint in the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Answer with New Matter upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Debbie Esola
2537 South 8th Street
Philadelphia, PA 19148
debbiesola@yahoo.com

Date: October 7, 2024

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Esola,	:	
Complainant,	:	
v.	:	Docket No. C-2024-3051193
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

NOTICE TO PLEAD

To: Debbie Esola
2537 South 8th Street
Philadelphia, PA 19148
debbiesola@yahoo.com

Pursuant to Pa. Code § 5.63, you are hereby notified that any reply to the new matter in the enclosed Answer with New Matter of Philadelphia Gas Works must be filed within twenty (20) days of the date of service of the Answer with New Matter.

All pleadings, such as a Reply to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for PGW and, when applicable, the Administrative Law Judge presiding over the proceeding. Failure to file a timely reply to new matter may result in relevant facts stated in the new matter being deemed admitted.

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
graciela.christlieb@pgworks.com
Counsel for PGW

Date: October 7, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Esola,	:	
	:	
Complainant,	:	
v.	:	Docket No. C-2024-3051193
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**PHILADELPHIA GAS WORKS’
ANSWER WITH NEW MATTER TO FORMAL COMPLAINT**

Pursuant to 52 Pa. Code §5.61 and 52 Pa. Code §5.62, Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits this Answer with New Matter to the Formal Complaint (“Complaint”) of Debbie Esola (“Complainant”) that was served by the Secretary of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on September 16, 2024. In support of this Answer with New Matter, PGW avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted. PGW admits that it terminated the gas service at 2537 S. 8th Street, Philadelphia, PA (“Service Address”).
5. Denied. The averments contained in this paragraph are a prayer for relief to which no response is required.
6. Admitted.
7. Admitted.

NEW MATTER

8. On October 31, 2018, PGW conducted an unauthorized usage investigation at the Service Address and found evidence of theft of gas service.
9. That same day, the Complainant filed an Informal Complaint with the PUC’s Bureau of Consumer Services at Docket No. 3664967, attached hereto as attachment “A,” wherein she sought terms for restoration.
10. On November 14, 2018, BCS issued its decision at Docket No. 3664967, attached hereto as attachment “B,” wherein it stated that the Complainant was being held liable for the theft charges (“Debt”) and that payment in full was required for restoration.

11. The Complainant did not appeal the decision at Docket No. 3664967 and file a formal complaint.
12. On December 11, 2019, the Complainant filed an Informal Complaint with the PUC's Bureau of Consumer Services at Docket No. 3753313, attached hereto as attachment "C," wherein she sought terms for restoration.
13. On December 17, 2019, BCS issued its decision at Docket No. 3753313, attached hereto as attachment "D," wherein it stated that the matter had already been addressed at Docket No. 3664967 and would not be addressed again at the informal level. The decision advised the Complainant that she must file a formal complaint.
14. The Complainant did not appeal the decision at Docket No. 3753313 and file a formal complaint.
15. The gas service to the Service Address has been abandoned; there has been no gas service to the Service Address since 2018.
15. The statute of limitations at 66 Pa.C.S. § 3314 provides that no action for recovery of penalties or forfeitures, or any prosecution, may be maintained unless brought within three years from the date the liability arose.
16. The statute of limitations at 66 Pa.C.S. § 3314 divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose.
17. The instant Complaint is barred by the statute of limitations.
18. On November 24, 2018, the Complainant filed a voluntary petition under chapter 7 of the Bankruptcy Code ("Bankruptcy"). A copy of the Complainant's Bankruptcy Petition is attached hereto as attachment "E."
19. Complainant included the Debt as part of her Bankruptcy. A copy of the Complainant's Schedule of Creditors is attached hereto as attachment "F."
20. On January 16, 2019, PGW initiated an adversary proceeding seeking to have the Debt deemed nondischargeable due to it being the result of theft of service. A copy of PGW's complaint initiating the adversary proceeding is attached hereto as attachment "G."
21. On October 18, 2019, a trial was held in the United States Bankruptcy Court for the Eastern District of Pennsylvania before the Honorable Ashely M. Chan ("Judge Chan").
22. The Complainant appeared represented by counsel, Christian DiCicco.
23. PGW appeared represented by counsel, Graciela Christlieb, who was admitted pro hac vice.

24. On October 29, 2019, Judge Chan issued her Opinion and Order, both of which are attached hereto as attachment “H,” wherein she held that the Complainant “knew that she was receiving gas illegally and, nevertheless, knowingly and fraudulently continued to use the stolen gas to her benefit without paying PGW¹ and found in favor of PGW deeming the Debt nondischargeable.

25. On February 7, 2020, the Bankruptcy Court issued an Order, attached hereto as attachment “I,” discharging the Complainant’s Bankruptcy and closing the case.

26. The doctrine of collateral estoppel, also known as issue preclusion, prevents a question of law or an issue of fact that has been once litigated and adjudicated finally in a court of competent jurisdiction from being relitigated in a subsequent suit.

27. To the extent that the instant Complaint is raising issues regarding PGW’s determination of theft of service and Complainant’s responsibility for the Debt, those issues are barred by the doctrine of collateral estoppel as those issues have already been litigated.

WHEREFORE, PGW respectfully requests that the Commission deny all relief requested in the Complaint, dismiss the Complaint, and grant any other relief in favor of PGW as deemed appropriate.

Respectfully submitted,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Attorney I.D. 200760
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
Telephone: (215) 684-6164
graciela.christlieb@pgworks.com

Date: October 7, 2024

Counsel for PGW

¹ *In re Esola*, 606 B.R.647, 653 (Bankr. E.D. Pa. 2019).

PGW Exhibit: 2

Page: 7 of 115

A

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 3664967
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: DEBBIE
Customer Middle Initial:
Customer Last Name: ESOLA
Customer Account Number: [REDACTED]
Customer Home Phone w/ Area Code:
Customer Work Phone w/ Area Code:
Customer Service Class: RESIDENTIAL
Customer Mail Address 1:
Customer Mail Address 2:
Customer Mail Address City:
Customer Mail Address State:
Customer Mail Address Zip:
Customer Mail Address 4-Zip:
Customer Service Address 1: 2537 S 8TH STREET
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19148
Customer Service Address 4-Zip:
Customer Family Adults: 1
Customer Family Children: 1
Customer Family Age: 12
Gross Income

Source	Income Amount
A1 WAGES	4083.33

Date Open: 2018-10-31
Reason For Contact: APPLICANT / DEPOSITS- SERVICE IS OFF (# 64)
Term Date: 2018-10-26
Business Name:
Case Problem:
Company Position: 10/31/2018 COMPANY SAYS THEY WILL CALCULATE AND SEE HOW MUCH CUSTOMER HAS TO PAY FOR 6 YEARS OF GAS SERVICE BEFORE THEY TURN ON SERVICE IN APPLICANT'S NAME.

Related Information: APPLICANT HAS BEEN AT THE PROPERTY FOR 6 YEARS AND SHE NEVER RECEIVED A GAS BILL. APPLICANT HAS BEEN RESIDING AT HER HOME SINCE 2012 AND SHE THOUGHT THE GAS WAS INCLUDED IN HER LEASE. APPLICANT IS REQUESTING PUC PAR. THE CELL PHONE NUMBER [REDACTED]

██████████ HAS BEEN ALLOWED TO BE SHARED.
CALL ANYTIME.

Case Misc Info:
Hot Issue:
Case Origin: TELEPHONE
Prior Case Number:
Universal Service: N
Arrearage: 0
BCS Investigator First Name: BCS
BCS Investigator Last Name: CASE POOL
BCS Investigator Phone w/ Area Code: ██████████
BCSIntaker First Name: ANNA
BCSIntaker Last Name: NOVAK
Number Of Time Send: 1
Number Of Time Faxed: 0
Number Of Time Faxed: 7177876641

PGW Exhibit: 2

Page: 10 of 115

B

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 3664967
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: JOHN
Customer Middle Initial:
Customer Last Name: LEJKO
Account Number: [REDACTED]
Service Address 1: 2537 S 8TH STREET
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19148
Service Zip 4:
Decision Issue: N
Oral Written: W
Violation: ACTUAL
Chapter: 59
Section Rule: 59.33.A CO TERM SVC ON 5/6/201
Total Balance: 8982.03
Date Closed: 2018-11-14
Resolution: YOU DO NOT UNDERSTAND WHY THE COMPANY WILL NOT WORK WITH YOU. YOU WERE ADVISED THIS IS DUE TO THEFT WE CANNOT FORCE THE COMPANY TO WORK WITH HER. SHE WAS ADVISED TO CONTACT THE LANDLORD REGARDING THE AMOUNT NEEDED. SERVICE WAS ORIGINALLY SHUT OFF AT THE PROPERTY ON 5/6/2010. YOU CALLED ABOUT SERVICE ON 7/9/2012. PGW SCHEDULED UNBILLED USAGE INVESTIGATION ON 3/4/2016. CHAPTER 56.98 THERE WAS UNAUTHORIZED USAGE FOUND AT THE PROPERTY ON 10/31/2018 WITH A TAMPERED METER BYPASS. THE ERT HEAD WAS MISSING FROM THE METER AND COULD NOT BE FOUND. THE COMPANY NOTED THE BTU'S USED IN THE HOME. ON 11/06/2018, DEB ESOLA WAS HELD LIABLE AND BILLED FOR THE TAMPERED METER BYPASS CHARGES FROM 6/1/2012 TO 10/26/2018 IN THE AMOUNT OF \$8,982.03. YOU PROVIDED THE PUC WITH A GROSS INCOME OF \$4,083.33 FOR 2 IN THE HOME. TO HAVE THE SERVICE RESTORED AND PLACED INTO YOUR NAME, YOU ARE REQUIRED TO PAY \$9,607.26. THE AMOUNT REPRESENTS THE FULL BYPASS CHARGES OF \$8,982.03, A RECONNECTION FEE OF \$123.23, THE DIG FEE OF \$372.00 AND \$130.00 AS HALF OF THE SECURITY DEPOSIT. THE REMAINING HALF OF THE DEPOSIT WILL BE BILLED IN TWO INSTALLMENTS OF \$65.00\$65.00 IN 60/90 DAYS AFTER RESTORATION. PGW MAINTAINS PAYMENT IN FULL WHEN THEFT OF SERVICE IS INVOLVED.
Balance Date: 2018-11-05
Service Restored Pay: 0.00

Service Continue Amount: 0.00
Service Continue Date:
Terms:
Special Budget Amount: 0.00
Regular Budget Amount: 0.00
Arrears Payment Plus: 0.00
FinalMonthlyPayment: 0.00
CurrentMonthlyPayment: 0.00
EndMonthlyPayment: 0.00
LetterDescription:
HeadDate: 2018-11-16
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount: 0.00
BCS Investigator First Name: VICKY
BCS Investigator Last Name: FORMAN
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7177876641

PGW Exhibit: 2

Page: 13 of 115

C

PHILADELPHIA GAS WORKS

PUC

Opening XML

Case Number: 3753313
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: DEBBIE
Customer Middle Initial:
Customer Last Name: ESLOLA
Customer Account Number: [REDACTED]
Customer Home Phone w/ Area Code:
Customer Work Phone w/ Area Code:
Customer Service Class: RESIDENTIAL
Customer Mail Address 1:
Customer Mail Address 2:
Customer Mail Address City:
Customer Mail Address State:
Customer Mail Address Zip:
Customer Mail Address 4-Zip:
Customer Service Address 1: 2537 S 8TH ST
Customer Service Address 2:
Customer Service Address City: PHILADELPHIA
Customer Service Address State: PA
Customer Service Address Zip: 19148
Customer Service Address 4-Zip:
Customer Family Adults: 1
Customer Family Children: 1
Customer Family Age: 13
Gross Income

Source	Income Amount
WAGES	2080

Date Open: 2019-12-11
Reason For Contact: APPLICANT / DEPOSITS- SERVICE IS OFF (# 64)
Term Date:
Business Name: SM
Case Problem: CUSTOMER STATES SHE MOVED INTO THE PROPERTY IN 2012 UNDER THE IMPRESSION THAT THE GAS WAS INCLUDED WITH HER RENT. CUSTOMER STATES IN OCT 2018 THE COMPANY CAME TO THE PROPERTY AND SHUT SERVICE OFF STATING THEY HAD THE PROPERTY LISTED AS ABANDONED AND THEFT OF SERVICES. CUSTOMER STATES SHE HAD TO GO TO COURT TO PROVE NO THEFT OF SERVICE THE CELL PHONE NUMBER [REDACTED] HAS BEEN ALLOWED TO BE SHARED.
Company Position: COMPANY IS REQUESTING \$1800 TO RESTORE SERVICE
Related Information:

Case Misc Info:

Hot Issue:

Case Origin: TELEPHONE

Prior Case Number:

Universal Service: M

Arrearage: 0

BCS Investigator First Name: BCS

BCS Investigator Last Name: CASE POOL

BCS Investigator Phone w/ Area Code: [REDACTED]

BCSIntaker First Name: IJANAYA

BCSIntaker Last Name: YOUNG

Number Of Time Send: 1

Number Of Time Faxed: 0

Number Of Time Faxed: 7177876641

PGW Exhibit: 2

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D

PHILADELPHIA GAS WORKS

PUC

Closing XML

Case Number: 3753313
Company Name: PGW (PHILA. GAS WORKS (NGDC))
Company Code: 0766
Company Type: GAS TRANSPORTER
Customer First Name: DEBBIE
Customer Middle Initial:
Customer Last Name: ESLOLA
Account Number: [REDACTED]
Service Address 1: 2537 S 8TH ST
Service Address 2:
Service City: PHILADELPHIA
Service State: PA
Service Zip 5: 19148
Service Zip 4:
Decision Issue: N
Oral Written: W
Violation: NO
Chapter:
Section Rule:
Total Balance: 8888.00
Date Closed: 2019-12-14
Resolution: DISMISSAL LETTER: THIS COMPLAINT HAS ALREADY BEEN ADDRESS UNDER BCS 3753313. THEREFORE, WILL NOT BE ADDRESS AT THE INFORMAL LEVEL. THE CUSTOMER MUST FILE A FORMAL COMPLAINT. CASE DISMISSED.
Balance Date: 2019-12-11
Service Restored Pay: 0.00
Service Continue Amount: 0.00
Service Continue Date:
Terms:
Special Budget Amount: 0.00
Regular Budget Amount: 0.00
Arrears Payment Plus: 0.00
FinalMonthlyPayment: 0.00
CurrentMonthlyPayment: 0.00
EndMonthlyPayment: 0.00
LetterDescription: CHAPTER 14 EGW DISMISS/CONTACT COMP LETTER
HeadDate: 2019-12-18
Paragraph:
Bill Date:
Reconnect Amount: 0
Pay Amount: 0.00

PGW Exhibit: 2
Page: 18 of 115

BCS Investigator First Name: AVIS
BCS Investigator Last Name: CHISHOLM
Number Of Time Send: 1
Number Of Time Faxed: 0
PUC Fax: 7177876641

PGW Exhibit: 2

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E

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF PENNSYLVANIA

Case number (if known) _____

Chapter you are filing under:

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

Check if this an amended filing

PGW Exhibit: 2

Page: 20 of 115

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Debbie

First name

Middle name

Esola

Last name and Suffix (Sr., Jr., II, III)

First name

Middle name

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

xxx-xx-6809

Debtor 1 Debbie Esola

Case number (if known) _____

About Debtor 1:

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

I have not used any business name or EINs.

Include trade names and doing business as names

Business name(s) _____

EINs _____

About Debtor 2 (Spouse Only in a Joint Case):

I have not used any business name or EINs.

Business name(s) _____

EINs _____

5. Where you live

**2537 S. 8th Street
Philadelphia, PA 19148**

Number, Street, City, State & ZIP Code

Philadelphia
County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

If Debtor 2 lives at a different address:

Number, Street, City, State & ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason.
Explain. (See 28 U.S.C. § 1408.)

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason.
Explain. (See 28 U.S.C. § 1408.)

PGW Exhibit: 2

Page: 21 of 115

Debtor 1 Debbie Esola

Case number (if known) _____

Part 2: Tell the Court About Your Bankruptcy Case

7. **The chapter of the Bankruptcy Code you are choosing to file under** *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

8. **How you will pay the fee** **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.

I need to pay the fee in installments. If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).

I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. **Have you filed for bankruptcy within the last 8 years?** No.
 Yes.

District _____	When _____	Case number _____
District _____	When _____	Case number _____
District _____	When _____	Case number _____

10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?** No.
 Yes.

Debtor _____	Relationship to you _____
District _____	When _____
Case number, if known _____	
Debtor _____	Relationship to you _____
District _____	When _____
Case number, if known _____	

11. **Do you rent your residence?** No. Go to line 12.
 Yes. Has your landlord obtained an eviction judgment against you?

No. Go to line 12.

Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

PGW Exhibit: 2

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Debtor 1 **Debbie Esola**

Case number (if known)

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

No. Go to Part 4.

Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number, Street, City, State & ZIP Code

Check the appropriate box to describe your business:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

No. I am not filing under Chapter 11.

No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

No.

Yes. What is the hazard?

If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Number, Street, City, State & Zip Code

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Debtor 1 **Debbie Esola**

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity.
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability.
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty.
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity.
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability.
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty.
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

PGW Exhibit: 2

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Debtor 1 **Debbie Esola**

Case number (if known)

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?
- 16a. Are your debts primarily consumer debts? Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- No. Go to line 16b.
- Yes. Go to line 17.
- 16b. Are your debts primarily business debts? Business debts are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
- No. Go to line 16c.
- Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts

17. Are you filing under Chapter 7?
- No. I am not filing under Chapter 7. Go to line 18.
- Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- No
- Yes
- Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

18. How many Creditors do you estimate that you owe?
- 1-49
- 50-99
- 100-199
- 200-999
- 1,000-5,000
- 5001-10,000
- 10,001-25,000
- 25,001-50,000
- 50,001-100,000
- More than 100,000

19. How much do you estimate your assets to be worth?
- \$0 - \$50,000
- \$50,001 - \$100,000
- \$100,001 - \$500,000
- \$500,001 - \$1 million
- \$1,000,001 - \$10 million
- \$10,000,001 - \$50 million
- \$50,000,001 - \$100 million
- \$100,000,001 - \$500 million
- \$500,000,001 - \$1 billion
- \$1,000,000,001 - \$10 billion
- \$10,000,000,001 - \$50 billion
- More than \$50 billion

20. How much do you estimate your liabilities to be?
- \$0 - \$50,000
- \$50,001 - \$100,000
- \$100,001 - \$500,000
- \$500,001 - \$1 million
- \$1,000,001 - \$10 million
- \$10,000,001 - \$50 million
- \$50,000,001 - \$100 million
- \$100,000,001 - \$500 million
- \$500,000,001 - \$1 billion
- \$1,000,000,001 - \$10 billion
- \$10,000,000,001 - \$50 billion
- More than \$50 billion

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Debbie Esola

Debbie Esola
Signature of Debtor 1

Signature of Debtor 2

Executed on **November 24, 2018**
MM / DD / YYYY

Executed on _____
MM / DD / YYYY

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Debtor 1 Debbie Esola

Case number (if known) _____

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Christian A. DiCicco, Esq.
Signature of Attorney for Debtor

Date November 24, 2018
MM / DD / YYYY

Christian A. DiCicco, Esq.
Printed name

Law Offices of Christian A. DiCicco
Firm name

2008 Chestnut Street
Philadelphia, PA 19103
Number, Street, City, State & ZIP Code

Contact phone 215-564-6812

Email address cdcicco@myphillybankruptcylawyer.com

85373 PA
Bar number & State

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Cap1/dbarn
Capital One Retail Srvs/Attn: Bankruptcy
Po Box 30258
Salt Lake City, UT 84130

Cap1/Justice
Capital One Retail Srvs/Attn: Bankruptcy
Po Box 30258
Salt Lake City, UT 84130

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130

Cbna
Citi Cards Private Label Bankruptcy
Po Box 20483
Kansas City, MO 64195

Citibank/The Home Depot
Attn: Recovery/Centralized Bankruptcy
Po Box 790034
St Louis, MO 63179

City of Philadelphia
Law Dept. Tax Unit
One Parkway Bldg. - Bankruptcy Group
1515 Arch Street, 15th Floor
Philadelphia, PA 19102-1595

Comenity Bank/Torrid
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218

Comenity Bank/Victoria Secret
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 45318

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Comenity Bkl/Ultra
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218

Comenity/Fashion Bug
Attn: Bankruptcy Dept
Po Box 18215
Columbus, OH 43218

Comenitycapital/fe21cc
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218

Comenitycapital/modell
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218

Credit One Bank
Attn: Bankruptcy
Po Box 98873
Las Vegas, NV 89193

Hui Dong Cao
2625 S. Darien Street
Philadelphia, PA 19148

ollo
Attn: Bankruptcy
Po Box 9222
Old Bethpage, NY 11804

PECO
2301 Market Street, N3-1
Philadelphia, PA 19103

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PGW
800 W. Montgomery Avenue
Philadelphia, PA 19122

Synchrony Bank/ Old Navy
Attn: Bankruptcy Dept
Po Box 965060
Orlando, FL 32896

Target
Target Card Services
Mail Stop NCB-0461
Minneapolis, MN 55440

Thomas Jefferson University Hospital
Methodist Hospital
PO Box 3475
Toledo, OH 43607-0475

Todd L. Baritz, Esq.
100 S Broad Street
Suite 1205
Philadelphia, PA 19110

University of Pennsylvania PAH
BOX 757435
Philadelphia, PA 19175-7435

UPHS PAH Patient Pay
PO Box 824329
Philadelphia, PA 19182-4329

Valerie Cilone
190 Twining Ford Road
Richboro, PA 18954

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Wells Fargo Bank
Attn: Bankruptcy Dept
Po Box 6429
Greenville, SC 29606

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F

Fill in this information to identify your case:

Debtor 1 **Debbie Esola**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number **18-17737**
(if known)

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Check if this is an amended filing

Official Form 106Sum
Summary of Your Assets and Liabilities and Certain Statistical Information 12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. Schedule A/B: Property (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from Schedule A/B.....	\$ <u>0.00</u>
1b. Copy line 62, Total personal property, from Schedule A/B.....	\$ <u>14,195.00</u>
1c. Copy line 63, Total of all property on Schedule A/B.....	\$ <u>14,195.00</u>

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of Schedule D.....	\$ <u>18,526.00</u>
3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of Schedule E/F.....	\$ <u>0.00</u>
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of Schedule E/F.....	\$ <u>14,192.00</u>
Your total liabilities	\$ <u>32,718.00</u>

Part 3: Summarize Your Income and Expenses

4. Schedule I: Your Income (Official Form 106I) Copy your combined monthly income from line 12 of Schedule I.....	\$ <u>3,066.48</u>
5. Schedule J: Your Expenses (Official Form 106J) Copy your monthly expenses from line 22c of Schedule J.....	\$ <u>3,025.00</u>

Part 4: Answer These Questions for Administrative and Statistical Records

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
 No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
 Yes
7. **What kind of debt do you have?**
 Your debts are primarily consumer debts. Consumer debts are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
 Your debts are not primarily consumer debts. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

Debtor 1 Debbie Esola

Case number (if known) 18-17737

8. From the *Statement of Your Current Monthly Income*: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 4,150.00

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:

	Total claim
From Part 4 on Schedule E/F, copy the following:	
9a. Domestic support obligations (Copy line 6a.)	\$ <u>0.00</u>
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ <u>0.00</u>
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ <u>0.00</u>
9d. Student loans. (Copy line 6f.)	\$ <u>0.00</u>
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ <u>0.00</u>
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ <u>0.00</u>
9g. Total. Add lines 9a through 9f.	\$ <u>0.00</u>

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Fill in this information to identify your case and this filing:

Debtor 1 **Debbie Esola**
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number 18-17737

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Check if this is an amended filing

Official Form 106A/B
Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- No. Go to Part 2.
- Yes. Where is the property?

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

- No
- Yes

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories
Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- No
- Yes

5 Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here.....=>

\$0.00

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?
 Do not deduct secured claims or exemptions.

6. Household goods and furnishings
Examples: Major appliances, furniture, linens, china, kitchenware

- No
- Yes. Describe.....

Misc. Household Goods and Furnishings

\$3,000.00

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

- No
- Yes. Describe.....

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

Cell Phone
2 Televisions
Misc. Household Electronic Appliances

\$700.00

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

- No
- Yes. Describe.....

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

- No
- Yes. Describe.....

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10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

- No
- Yes. Describe.....

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

- No
- Yes. Describe.....

Clothing worn by Debtor and Debtor's daughter

\$1,000.00

12. Jewelry

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

- No
- Yes. Describe.....

Misc. Jewelry worn by Debtor

\$150.00

13. Non-farm animals

Examples: Dogs, cats, birds, horses

- No
- Yes. Describe.....

1 dog

\$25.00

14. Any other personal and household items you did not already list, including any health aids you did not list

- No
- Yes. Give specific information.....

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here

\$4,875.00

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following?

Current value of the portion you own? Do not deduct secured claims or exemptions.

16. Cash

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

- No

Debtor 1 Debbie Esola

Case number (if known) 18-17737

Yes.....

Cash \$20.00

17. Deposits of money

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

No

Yes.....

Institution name:

17.1. **Combined Checking/Savings** Wels Fargo Bank \$1,200.00

17.2. **Combined Checking/Savings** Wells Fargo Bank Custodian for Daughter \$400.00

18. Bonds, mutual funds, or publicly traded stocks

Examples: Bond funds, investment accounts with brokerage firms, money market accounts

No

Yes.....

Institution or issuer name:

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture

No

Yes. Give specific information about them.....

Name of entity:

% of ownership:

20. Government and corporate bonds and other negotiable and non-negotiable instruments

Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders.

Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.

No

Yes. Give specific information about them

Issuer name:

21. Retirement or pension accounts

Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

No

Yes. List each account separately.

Type of account:

Institution name:

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company

Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

No

Yes.

Institution name or individual:

Rent Eugene Rongione \$1,500.00

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)

No

Yes.....

Issuer name and description.

24. Interests in an education IRA, in an account in a qualified ABL program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

No

Yes.....

Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit

No

Yes. Give specific information about them...

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Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

26. **Patents, copyrights, trademarks, trade secrets, and other intellectual property**
Examples: Internet domain names, websites, proceeds from royalties and licensing agreements
 No
 Yes. Give specific information about them...

27. **Licenses, franchises, and other general intangibles**
Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses
 No
 Yes. Give specific information about them...

Money or property owed to you?

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Current value of the portion you own?
Do not deduct secured claims or exemptions.

28. **Tax refunds owed to you**
 No
 Yes. Give specific information about them, including whether you already filed the returns and the tax years.....

Anticipated 2018 Refund	Federal	\$5,000.00
--------------------------------	----------------	-------------------

29. **Family support**
Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement
 No
 Yes. Give specific information.....

30. **Other amounts someone owes you**
Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else
 No
 Yes. Give specific information..

31. **Interests in insurance policies**
Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance
 No
 Yes. Name the insurance company of each policy and list its value.
Company name: _____ Beneficiary: _____ Surrender or refund value: _____

32. **Any interest in property that is due you from someone who has died**
If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.
 No
 Yes. Give specific information..

33. **Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment**
Examples: Accidents, employment disputes, insurance claims, or rights to sue
 No
 Yes. Describe each claim.....

34. **Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims**
 No
 Yes. Describe each claim.....

35. **Any financial assets you did not already list**
 No
 Yes. Give specific information..

GoFundMe fundraiser account	\$1,200.00
------------------------------------	-------------------

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here.....

\$9,320.00

Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.

37. Do you own or have any legal or equitable interest in any business-related property?

- No. Go to Part 6.
- Yes. Go to line 38.

Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In. If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

- No. Go to Part 7.
- Yes. Go to line 47.

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

53. Do you have other property of any kind you did not already list?

- Examples: Season tickets, country club membership*
- No
 - Yes. Give specific information.....

54. Add the dollar value of all of your entries from Part 7. Write that number here

\$0.00

Part 8: List the Totals of Each Part of this Form

55. Part 1: Total real estate, line 2		\$0.00	
56. Part 2: Total vehicles, line 5	<u>\$0.00</u>		
57. Part 3: Total personal and household items, line 15	<u>\$4,875.00</u>		
58. Part 4: Total financial assets, line 36	<u>\$9,320.00</u>		
59. Part 5: Total business-related property, line 45	<u>\$0.00</u>		
60. Part 6: Total farm- and fishing-related property, line 52	<u>\$0.00</u>		
61. Part 7: Total other property not listed, line 54	<u>\$0.00</u>	+	
62. Total personal property. Add lines 56 through 61...	<u>\$14,195.00</u>		Copy personal property total <u>\$14,195.00</u>
63. Total of all property on Schedule A/B. Add line 55 + line 62			\$14,195.00

PGW Exhibit: 2

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Fill in this information to identify your case:

Debtor 1 **Debbie Esola**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number **18-17737**
(if known)

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Check if this is an amended filing

Official Form 106C

Schedule C: The Property You Claim as Exempt

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own <small>Copy the value from <i>Schedule A/B</i></small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
Misc. Household Goods and Furnishings <small>Line from <i>Schedule A/B</i>: 6.1</small>	\$3,000.00	<input checked="" type="checkbox"/> \$3,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
Cell Phone 2 Televisions Misc. Household Electronic Appliances <small>Line from <i>Schedule A/B</i>: 7.1</small>	\$700.00	<input checked="" type="checkbox"/> \$700.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
Clothing worn by Debtor and Debtor's daughter <small>Line from <i>Schedule A/B</i>: 11.1</small>	\$1,000.00	<input checked="" type="checkbox"/> \$1,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
Misc. Jewelry worn by Debtor <small>Line from <i>Schedule A/B</i>: 12.1</small>	\$150.00	<input checked="" type="checkbox"/> \$150.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(4)
1 dog <small>Line from <i>Schedule A/B</i>: 13.1</small>	\$25.00	<input checked="" type="checkbox"/> \$25.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own <small>Copy the value from Schedule A/B</small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
Cash Line from Schedule A/B: 16.1	<u>\$20.00</u>	<input checked="" type="checkbox"/> <u>\$20.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Combined Checking/Savings: Wells Fargo Bank Line from Schedule A/B: 17.1	<u>\$1,200.00</u>	<input checked="" type="checkbox"/> <u>\$1,200.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Combined Checking/Savings: Wells Fargo Bank Custodian for Daughter Line from Schedule A/B: 17.2	<u>\$400.00</u>	<input checked="" type="checkbox"/> <u>\$400.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Rent: Eugene Rongione Line from Schedule A/B: 22.1	<u>\$1,500.00</u>	<input checked="" type="checkbox"/> <u>\$1,500.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Federal: Anticipated 2018 Refund Line from Schedule A/B: 28.1	<u>\$5,000.00</u>	<input checked="" type="checkbox"/> <u>\$5,000.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
GoFundMe fundraiser account Line from Schedule A/B: 35.1	<u>\$1,200.00</u>	<input checked="" type="checkbox"/> <u>\$1,200.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)

3. **Are you claiming a homestead exemption of more than \$160,375?**
(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)
- No
- Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
- No
- Yes

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Fill in this information to identify your case:

Debtor 1 **Debbie Esola**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number **18-17737**
(if known)

Check if this is an amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

1. Do any creditors have claims secured by your property?

- No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- Yes. Fill in all of the information below.

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

	Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	Column C Unsecured portion if any	
<p>2.1 Valerie Cilone <small>Creditor's Name</small></p> <p>190 Twining Ford Road Richboro, PA 18954 <small>Number, Street, City, State & Zip Code</small></p> <p>Who owes the debt? Check one. <input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred <u>12/6/12</u> Last 4 digits of account number _____</p>	<p>Describe the property that secures the claim: Personal Property</p> <p>As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed</p> <p>Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input checked="" type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____</p>	<p>\$18,526.00</p>	<p>\$0.00</p>	<p>\$18,526.00</p>

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Add the dollar value of your entries in Column A on this page. Write that number here: **\$18,526.00**
 If this is the last page of your form, add the dollar value totals from all pages. Write that number here: **\$18,526.00**

Part 2: List Others to Be Notified for a Debt That You Already Listed

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

Name, Number, Street, City, State & Zip Code
Todd L. Baritz, Esq.
100 S Broad Street
Suite 1205
Philadelphia, PA 19110

On which line in Part 1 did you enter the creditor? 2.1
 Last 4 digits of account number _____

Fill in this information to identify your case:

Debtor 1 **Debbie Esola**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number **18-17737**
(if known)

Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?
- No. Go to Part 2.
- Yes.

Part 2: List All of Your NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?
- No. You have nothing to report in this part. Submit this form to the court with your other schedules.
- Yes.
4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

4.1	<p>Cap1/dbarn Nonpriority Creditor's Name Capital One Retail Srvs/Attn: Bankruptcy Po Box 30258 Salt Lake City, UT 84130 Number Street City State Zip Code</p> <p>Who incurred the debt? Check one.</p> <p><input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<p>Last 4 digits of account number 7677</p> <p>When was the debt incurred? Opened 06/15 Last Active 11/01/18</p> <p>As of the date you file, the claim is: Check all that apply</p> <p><input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify Charge Account</p>	<p>Total claim</p> <p>\$219.00</p>
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Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.2

Cap1/Justice

Nonpriority Creditor's Name
**Capital One Retail Srvs/Attn:
 Bankruptcy
 Po Box 30258
 Salt Lake City, UT 84130**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

Last 4 digits of account number **6056**

\$0.00

When was the debt incurred? **Opened 8/01/15 Last Active 3/13/17**

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

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4.3

Capital One

Nonpriority Creditor's Name
**Attn: Bankruptcy
 Po Box 30285
 Salt Lake City, UT 84130**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

Last 4 digits of account number **8787**

\$1,155.00

When was the debt incurred? **Opened 11/14 Last Active 10/27/18**

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Credit Card**

4.4

Capital One

Nonpriority Creditor's Name
**Attn: Bankruptcy
 Po Box 30285
 Salt Lake City, UT 84130**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

Last 4 digits of account number **4155**

\$731.00

When was the debt incurred? **Opened 11/15 Last Active 11/07/18**

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Credit Card**

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.5

Capital One

Nonpriority Creditor's Name
**Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number **0453**

\$249.00

Opened **11/15** Last Active

When was the debt incurred? **7/07/18**

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Credit Card**

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4.6

Cbna

Nonpriority Creditor's Name
**Citi Cards Private Label Bankruptcy
Po Box 20483
Kansas City, MO 64195**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number **6253**

\$0.00

Opened **6/18/12** Last Active

When was the debt incurred? **1/22/15**

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

4.7

Citibank/The Home Depot

Nonpriority Creditor's Name
**Attn: Recovery/Centralized
Bankruptcy
Po Box 790034
St Louis, MO 63179**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number **9812**

\$177.00

Opened **05/16** Last Active

When was the debt incurred? **4/11/18**

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

Debtor 1 Debbie Esola

Case number (if known) 18-17737

4.8

City of Philadelphia
Nonpriority Creditor's Name
Law Dept. Tax Unit
One Parkway Bldg. - Bankruptcy Group
1515 Arch Street, 15th Floor
Philadelphia, PA 19102-1595

Last 4 digits of account number _____ **\$0.00**

When was the debt incurred? _____

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

PGW Exhibit: 2

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

Is the claim subject to offset?

- No
- Yes

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify _____

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4.9

Comenity Bank/Torrid
Nonpriority Creditor's Name
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218

Last 4 digits of account number 3758 **\$158.00**

Opened 11/16 Last Active

When was the debt incurred? 10/11/18

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

Is the claim subject to offset?

- No
- Yes

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Charge Account

4.10

Comenity Bank/Victoria Secret
Nonpriority Creditor's Name
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 45318

Last 4 digits of account number 4938 **\$0.00**

Opened 05/12 Last Active

When was the debt incurred? 8/29/14

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

Is the claim subject to offset?

- No
- Yes

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Charge Account

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.1
1

Comenity Bkl/Ulta

Last 4 digits of account number **1988** **\$0.00**

Nonpriority Creditor's Name

**Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218**

When was the debt incurred? **Opened 12/17 Last Active
10/20/18**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Charge Account**

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4.1
2

Comenity/Fashion Bug

Last 4 digits of account number **7217** **\$0.00**

Nonpriority Creditor's Name

**Attn: Bankruptcy Dept
Po Box 18215
Columbus, OH 43218**

When was the debt incurred? **Opened 06/12 Last Active
9/13/13**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Charge Account**

4.1
3

Comenitycapital/fe21cc

Last 4 digits of account number **1388** **\$154.00**

Nonpriority Creditor's Name

**Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218**

When was the debt incurred? **Opened 07/18 Last Active
8/26/18**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Charge Account**

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.1
4

Comenitycapital/modell

Last 4 digits of account number **3881** **\$0.00**

Nonpriority Creditor's Name
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218

When was the debt incurred? **Opened 08/16 Last Active 10/25/16**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Charge Account**

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4.1
5

Credit One Bank

Last 4 digits of account number **9200** **\$0.00**

Nonpriority Creditor's Name
Attn: Bankruptcy
Po Box 98873
Las Vegas, NV 89193

When was the debt incurred? **Opened 5/11/16 Last Active 7/23/17**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Credit Card**

4.1
6

Hui Dong Cao

Last 4 digits of account number **Unknown**

Nonpriority Creditor's Name
2625 S. Darien Street
Philadelphia, PA 19148

When was the debt incurred?

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify _____

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.1
7

ollo
Nonpriority Creditor's Name
Attn: Bankruptcy
Po Box 9222
Old Bethpage, NY 11804

Last 4 digits of account number **4572** **\$1,357.00**

When was the debt incurred? **Opened 07/18 Last Active 10/22/18**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Credit Card**

PGW Exhibit: 2
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4.1
8

PECO
Nonpriority Creditor's Name
2301 Market Street, N3-1
Philadelphia, PA 19103

Last 4 digits of account number _____ **\$0.00**

When was the debt incurred? _____

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify _____

4.1
9

PGW
Nonpriority Creditor's Name
800 W. Montgomery Avenue
Philadelphia, PA 19122

Last 4 digits of account number **3801** **\$8,982.00**

When was the debt incurred? _____

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify _____

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.2
0

Synchrony Bank/ Old Navy

Last 4 digits of account number **2994** **\$0.00**

Nonpriority Creditor's Name
**Attn: Bankruptcy Dept
Po Box 965060
Orlando, FL 32896**

When was the debt incurred? **Opened 8/02/15 Last Active 1/03/17**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Charge Account**

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4.2
1

Target

Last 4 digits of account number **8059** **\$198.00**

Nonpriority Creditor's Name
**Target Card Services
Mail Stop NCB-0461
Minneapolis, MN 55440**

When was the debt incurred? **Opened 03/17 Last Active 6/07/18**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Credit Card**

4.2
2

Thomas Jefferson University Hospital

Last 4 digits of account number **Unknown**

Nonpriority Creditor's Name
**Methodist Hospital
PO Box 3475
Toledo, OH 43607-0475**

When was the debt incurred?

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.2
3

University of Pennsylvania PAH

Last 4 digits of account number _____ **\$0.00**

Nonpriority Creditor's Name
BOX 757435
Philadelphia, PA 19175-7435

When was the debt incurred? _____

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify _____

PGW Exhibit: 2
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4.2
4

UPHS PAH Patient Pay

Last 4 digits of account number _____ **Unknown**

Nonpriority Creditor's Name
PO Box 824329
Philadelphia, PA 19182-4329

When was the debt incurred? _____

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify _____

4.2
5

Wells Fargo Bank

Last 4 digits of account number **2505** **\$812.00**

Nonpriority Creditor's Name
Attn: Bankruptcy Dept
Po Box 6429
Greenville, SC 29606

When was the debt incurred? **Opened 01/12 Last Active 11/06/18**

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No
- Yes

Other. Specify **Credit Card**

Part 3: List Others to Be Notified About a Debt That You Already Listed

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

Part 4: Add the Amounts for Each Type of Unsecured Claim

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

Total claims from Part 1	6a. Domestic support obligations	6a.	\$	Total Claim <u>0.00</u>
	6b. Taxes and certain other debts you owe the government	6b.	\$	<u>0.00</u>
	6c. Claims for death or personal injury while you were intoxicated	6c.	\$	<u>0.00</u>
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d.	\$	<u>0.00</u>
	6e. Total Priority. Add lines 6a through 6d.	6e.	\$	<u>0.00</u>
Total claims from Part 2	6f. Student loans	6f.	\$	Total Claim <u>0.00</u>
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g.	\$	<u>0.00</u>
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h.	\$	<u>0.00</u>
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i.	\$	<u>14,192.00</u>
	6j. Total Nonpriority. Add lines 6f through 6i.	6j.	\$	<u>14,192.00</u>

PGW Exhibit: 2

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Fill in this information to identify your case:

Debtor 1	Debbie Esola		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	EASTERN DISTRICT OF PENNSYLVANIA		
Case number (if known)	18-17737		

Check if this is an amended filing

Official Form 106G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

- Do you have any executory contracts or unexpired leases?
 - No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
 - Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Property* (Official Form 106 A/B).
- List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease	State what the contract or lease is for
Name, Number, Street, City, State and ZIP Code	

2.1 **Eugene Rongione**
1032 Mercy Street
Philadelphia, PA 19148

Lease for Debtor's Residence

PGW Exhibit: 2
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Fill in this information to identify your case:

Debtor 1	Debbie Esola		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	EASTERN DISTRICT OF PENNSYLVANIA		
Case number (if known)	18-17737		

Check if this is an amended filing

Official Form 106H Schedule H: Your Codebtors

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

- No
 Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- No. Go to line 3.
 Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor
Name, Number, Street, City, State and ZIP Code

Column 2: The creditor to whom you owe the debt
Check all schedules that apply:

3.1

Name _____
Number Street State ZIP Code
City

- Schedule D, line _____
 Schedule E/F, line _____
 Schedule G, line _____

3.2

Name _____
Number Street State ZIP Code
City

- Schedule D, line _____
 Schedule E/F, line _____
 Schedule G, line _____

PGW Exhibit: 2

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Fill in this information to identify your case:

Debtor 1 Debbie Esola

Debtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number 18-17737
(If known)

Check if this is:

- An amended filing
- A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

How long employed there?

Debtor 1

- Employed
- Not employed

PetSmart

2360 Oregon Ave.
Philadelphia, PA 19145

10 yrs

Debtor 2 or non-filing spouse

- Employed
- Not employed

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ 3,981.08	\$ N/A
3. Estimate and list monthly overtime pay.	+\$ 0.00	+\$ N/A
4. Calculate gross income. Add line 2 + line 3.	\$ 3,981.08	\$ N/A

PGW Exhibit: 2

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Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

	For Debtor 1	For Debtor 2 or non-filing spouse
4. Copy line 4 here	\$ 3,981.08	\$ N/A
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	\$ 812.37	\$ N/A
5b. Mandatory contributions for retirement plans	\$ 0.00	\$ N/A
5c. Voluntary contributions for retirement plans	\$ 0.00	\$ N/A
5d. Required repayments of retirement fund loans	\$ 0.00	\$ N/A
5e. Insurance	\$ 497.90	\$ N/A
5f. Domestic support obligations	\$ 0.00	\$ N/A
5g. Union dues	\$ 0.00	\$ N/A
5h. Other deductions. Specify: <u>Charitable Deductions</u>	\$ 4.33	\$ N/A
6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	\$ 1,314.60	\$ N/A
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	\$ 2,666.48	\$ N/A
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	\$ 0.00	\$ N/A
8b. Interest and dividends	\$ 0.00	\$ N/A
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	\$ 0.00	\$ N/A
8d. Unemployment compensation	\$ 0.00	\$ N/A
8e. Social Security	\$ 400.00	\$ N/A
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify:	\$ 0.00	\$ N/A
8g. Pension or retirement income	\$ 0.00	\$ N/A
8h. Other monthly income. Specify:	\$ 0.00	\$ N/A
9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	\$ 400.00	\$ N/A
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	\$ 3,066.48 + \$ N/A	= \$ 3,066.48
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify:		11. +\$ 0.00
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data, if it applies		12. \$ 3,066.48 Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____		

PGW Exhibit: 2
Page: 55 of 115

Fill in this information to identify your case:

Debtor 1 Debbie Esola

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number 18-17737
(If known)

Check if this is:

An amended filing

A supplement showing postpetition chapter 13 expenses as of the following date: _____
MM / DD / YYYY

PGW Exhibit: 2

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Official Form 106J
Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?
- No. Go to line 2.
- Yes. Does Debtor 2 live in a separate household?
- No
- Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents? No

Do not list Debtor 1 and Debtor 2. Do not state the dependents names.	<input type="checkbox"/> Yes. Fill out this information for each dependent.....	Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
				<input type="checkbox"/> No <input type="checkbox"/> Yes
				<input type="checkbox"/> No <input type="checkbox"/> Yes
				<input type="checkbox"/> No <input type="checkbox"/> Yes
				<input type="checkbox"/> No <input type="checkbox"/> Yes

3. Do your expenses include expenses of people other than yourself and your dependents? No Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.	4. \$	<u>750.00</u>
If not included in line 4:		
4a. Real estate taxes	4a. \$	<u>0.00</u>
4b. Property, homeowner's, or renter's insurance	4b. \$	<u>0.00</u>
4c. Home maintenance, repair, and upkeep expenses	4c. \$	<u>15.00</u>
4d. Homeowner's association or condominium dues	4d. \$	<u>0.00</u>
5. Additional mortgage payments for your residence, such as home equity loans	5. \$	<u>0.00</u>

Debtor 1 Debbie Esola

Case number (if known) 18-17737

6. Utilities:		
6a. Electricity, heat, natural gas	6a. \$	250.00
6b. Water, sewer, garbage collection	6b. \$	0.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	165.00
6d. Other. Specify: _____	6d. \$	0.00
7. Food and housekeeping supplies		7. \$ <u>750.00</u>
8. Childcare and children's education costs		8. \$ <u>300.00</u>
9. Clothing, laundry, and dry cleaning		9. \$ <u>100.00</u>
10. Personal care products and services		10. \$ <u>80.00</u>
11. Medical and dental expenses		11. \$ <u>200.00</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.		12. \$ <u>400.00</u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books		13. \$ <u>10.00</u>
14. Charitable contributions and religious donations		14. \$ <u>5.00</u>
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a. \$	0.00
15b. Health insurance	15b. \$	0.00
15c. Vehicle insurance	15c. \$	0.00
15d. Other insurance. Specify: _____	15d. \$	0.00
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____		16. \$ <u>0.00</u>
17. Installment or lease payments:		
17a. Car payments for Vehicle 1	17a. \$	0.00
17b. Car payments for Vehicle 2	17b. \$	0.00
17c. Other. Specify: _____	17c. \$	0.00
17d. Other. Specify: _____	17d. \$	0.00
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).		18. \$ <u>0.00</u>
19. Other payments you make to support others who do not live with you. Specify: _____		19. \$ <u>0.00</u>
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.		
20a. Mortgages on other property	20a. \$	0.00
20b. Real estate taxes	20b. \$	0.00
20c. Property, homeowner's, or renter's insurance	20c. \$	0.00
20d. Maintenance, repair, and upkeep expenses	20d. \$	0.00
20e. Homeowner's association or condominium dues	20e. \$	0.00
21. Other: Specify: _____	21. +\$	0.00
22. Calculate your monthly expenses		
22a. Add lines 4 through 21.	\$	<u>3,025.00</u>
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$	
22c. Add line 22a and 22b. The result is your monthly expenses.	\$	<u>3,025.00</u>
23. Calculate your monthly net income.		
23a. Copy line 12 (your combined monthly income) from Schedule I.	23a. \$	<u>3,066.48</u>
23b. Copy your monthly expenses from line 22c above.	23b. -\$	<u>3,025.00</u>
23c. Subtract your monthly expenses from your monthly income. The result is your monthly net income.	23c. \$	<u>41.48</u>
24. Do you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes. Explain here: _____		

PGW Exhibit: 2

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Fill in this information to identify your case:

Debtor 1	Debbie Esola		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	EASTERN DISTRICT OF PENNSYLVANIA		
Case number (if known)	18-17737		

Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

No

Yes. Name of person _____ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Debbie Esola
Debbie Esola
Signature of Debtor 1

X _____
Signature of Debtor 2

Date December 6, 2018

Date _____

PGW Exhibit: 2
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Fill in this information to identify your case:

Debtor 1 **Debbie Esola**
 First Name Middle Name Last Name

Debtor 2
 (Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number **18-17737**
 (if known)

Check if this is an amended filing

Official Form 107
Statement of Financial Affairs for Individuals Filing for Bankruptcy

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Give Details About Your Marital Status and Where You Lived Before

1. What is your current marital status?

- Married
 Not married

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2. During the last 3 years, have you lived anywhere other than where you live now?

- No
 Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

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Debtor 1 Prior Address:

Dates Debtor 1 lived there

Debtor 2 Prior Address:

Dates Debtor 2 lived there

3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington and Wisconsin.)

- No
 Yes. Make sure you fill out *Schedule H: Your Codebtors* (Official Form 106H).

Part 2 Explain the Sources of Your Income

4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities. If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- No
 Yes. Fill in the details.

	Debtor 1	Debtor 2
	Sources of income Check all that apply.	Sources of income Check all that apply.
	Gross income (before deductions and exclusions)	Gross income (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	<input checked="" type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
	\$46,000.00	

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

	Debtor 1		Debtor 2	
	Sources of income Check all that apply.	Gross income (before deductions and exclusions)	Sources of income Check all that apply.	Gross income (before deductions and exclusions)
For last calendar year: (January 1 to December 31, 2017)	<input checked="" type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	\$42,450.49	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	
For the calendar year before that: (January 1 to December 31, 2016)	<input checked="" type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	\$41,000.00	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	

5. **Did you receive any other income during this year or the two previous calendar years?**
 Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security, unemployment, and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

- No
- Yes. Fill in the details.

Debtor 1	Debtor 2
Sources of income Describe below.	Sources of income Describe below.
Gross income from each source (before deductions and exclusions)	Gross income (before deductions and exclusions)

Part 3: List Certain Payments You Made Before You Filed for Bankruptcy

6. **Are either Debtor 1's or Debtor 2's debts primarily consumer debts?**
 No. **Neither Debtor 1 nor Debtor 2 has primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,425* or more?

- No. Go to line 7.
- Yes. List below each creditor to whom you paid a total of \$6,425* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

* Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.

Yes. **Debtor 1 or Debtor 2 or both have primarily consumer debts.**

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

- No. Go to line 7.
- Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

Creditor's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Was this payment for ...
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Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

7. **Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?**
Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- No
- Yes. List all payments to an insider.

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
----------------------------	------------------	-------------------	----------------------	-------------------------

8. **Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?**
 Include payments on debts guaranteed or cosigned by an insider.

- No
- Yes. List all payments to an insider

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
----------------------------	------------------	-------------------	----------------------	--

Part 4: Identify Legal Actions, Repossessions, and Foreclosures

9. **Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?**
 List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

- No
- Yes. Fill in the details.

Case title Case number	Nature of the case	Court or agency	Status of the case
Cilone Valerie vs DEBBIE ESOLA 1210266369	Landlord/Tenant	Philadelphia Municipal Court 1339 Chestnut Street 10th, Floor Philadelphia, PA 19107	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input checked="" type="checkbox"/> Concluded - 19,979.00

10. **Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied?**
 Check all that apply and fill in the details below.

- No. Go to line 11.
- Yes. Fill in the information below.

Creditor Name and Address	Describe the Property Explain what happened	Date	Value of the property
---------------------------	--	------	-----------------------

11. **Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?**

- No
- Yes. Fill in the details.

Creditor Name and Address	Describe the action the creditor took	Date action was taken	Amount
---------------------------	---------------------------------------	-----------------------	--------

12. **Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?**

- No
- Yes

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Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- No
- Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift and Address:			

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- No
- Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities that total more than \$600 Charity's Name Address (Number, Street, City, State and ZIP Code)	Describe what you contributed	Dates you contributed	Value
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Part 6: List Certain Losses

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

- No
- Yes. Fill in the details.

Describe the property you lost and how the loss occurred	Describe any insurance coverage for the loss Include the amount that insurance has paid. List pending insurance claims on line 33 of Schedule A/B: Property.	Date of your loss	Value of property lost
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Part 7: List Certain Payments or Transfers

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- No
- Yes. Fill in the details.

Person Who Was Paid Address Email or website address Person Who Made the Payment, if Not You	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Law Offices of Christian A. DiCicco 2008 Chestnut Street Philadelphia, PA 19103 cdcicco@myphillybankruptcylawyer.com	\$335 Filing Fee \$45 Credit Counseling \$39 Credit Reports	12/12/18	\$419.00

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?

Do not include any payment or transfer that you listed on line 16.

- No
- Yes. Fill in the details.

Person Who Was Paid Address	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
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Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs? Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

- No
- Yes. Fill in the details.

Person Who Received Transfer Address	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Person's relationship to you			

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- No
- Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date Transfer was made
---------------	---	------------------------

Part 8: List of Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred? Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, mutual funds, cooperatives, associations, and other financial institutions.

- No
- Yes. Fill in the details.

Name of Financial Institution and Address (Number, Street, City, State and ZIP Code)	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
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21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- No
- Yes. Fill in the details.

Name of Financial Institution Address (Number, Street, City, State and ZIP Code)	Who else had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
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22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- No
- Yes. Fill in the details.

Name of Storage Facility Address (Number, Street, City, State and ZIP Code)	Who else has or had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
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Part 9: Identify Property You Hold or Control for Someone Else

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

- No
- Yes. Fill in the details.

Owner's Name Address (Number, Street, City, State and ZIP Code)	Where is the property? (Number, Street, City, State and ZIP Code)	Describe the property	Value
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Part 10: Give Details About Environmental Information

For the purpose of Part 10, the following definitions apply:

Environmental law means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.

- Site means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.**
- Hazardous material means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.**

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

- No
- Yes. Fill in the details.

Name of site Address (Number, Street, City, State and ZIP Code)	Governmental unit Address (Number, Street, City, State and ZIP Code)	Environmental law, if you know it	Date of notice
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25. Have you notified any governmental unit of any release of hazardous material?

- No
- Yes. Fill in the details.

Name of site Address (Number, Street, City, State and ZIP Code)	Governmental unit Address (Number, Street, City, State and ZIP Code)	Environmental law, if you know it	Date of notice
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26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- No
- Yes. Fill in the details.

Case Title Case Number	Court or agency Name Address (Number, Street, City, State and ZIP Code)	Nature of the case	Status of the case
---------------------------	--	--------------------	-----------------------

Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- A member of a limited liability company (LLC) or limited liability partnership (LLP)
- A partner in a partnership
- An officer, director, or managing executive of a corporation
- An owner of at least 5% of the voting or equity securities of a corporation

- No. None of the above applies. Go to Part 12.
- Yes. Check all that apply above and fill in the details below for each business.

Business Name Address (Number, Street, City, State and ZIP Code)	Describe the nature of the business Name of accountant or bookkeeper	Employer identification number Do not include Social Security number or ITIN. Dates business existed
--	---	--

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28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

- No
- Yes. Fill in the details below.

Name Address (Number, Street, City, State and ZIP Code)	Date issued
---	-------------

Part 12: Sign Below

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers

Debtor 1 Debbie Esola

Case number (if known) 18-17737

are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Debbie Esola

Debbie Esola
Signature of Debtor 1

Signature of Debtor 2

Date December 6, 2018

Date

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?

- No
- Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

- No
- Yes. Name of Person _____. Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

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Fill in this information to identify your case:

Debtor 1 **Debbie Esola**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number 18-17737
(if known)

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Check if this is an amended filing

Official Form 108 Statement of Intention for Individuals Filing Under Chapter 7

12/15

If you are an individual filing under chapter 7, you must fill out this form if:

- creditors have claims secured by your property, or
- you have leased personal property and the lease has not expired.

You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also send copies to the creditors and lessors you list on the form

If two married people are filing together in a joint case, both are equally responsible for supplying correct information. Both debtors must sign and date the form.

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

Part 1: List Your Creditors Who Have Secured Claims

1. For any creditors that you listed in Part 1 of Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D), fill in the information below.

Identify the creditor and the property that is collateral	What do you intend to do with the property that secures a debt?	Did you claim the property as exempt on Schedule C?
Creditor's name: Description of property securing debt:	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]:	<input type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: Description of property securing debt:	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]:	<input type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: Description of property securing debt:	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]:	<input type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name:	<input type="checkbox"/> Surrender the property.	<input type="checkbox"/> No

Debtor 1 Debbie Esola Case number (if known) 18-17737

name: Retain the property and redeem it. Yes
Description of property: Retain the property and enter into a Reaffirmation Agreement.
securing debt: Retain the property and [explain]: _____

Part 2: List Your Unexpired Personal Property Leases

For any unexpired personal property lease that you listed in Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G), fill in the information below. Do not list real estate leases. Unexpired leases are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

Describe your unexpired personal property leases **Will the lease be assumed?**

Lessor's name: Eugene Rongione No
 Yes

Description of leased Property: Lease for Debtor's Residence

Part 3: Sign Below

Under penalty of perjury, I declare that I have indicated my intention about any property of my estate that secures a debt and any personal property that is subject to an unexpired lease.

X /s/ Debbie Esola X _____
Debbie Esola Signature of Debtor 2
Signature of Debtor 1
Date December 6, 2018 Date _____

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Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

You are an individual filing for bankruptcy, and

Your debts are primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of Bankruptcy Code:

Chapter 7 - Liquidation

Chapter 11 - Reorganization

Chapter 12 - Voluntary repayment plan for family farmers or fishermen

Chapter 13 - Voluntary repayment plan for individuals with regular income

You should have an attorney review your decision to file for bankruptcy and the choice of chapter.

Chapter 7: Liquidation

\$245	filing fee
\$75	administrative fee
<u>+ \$15</u>	<u>trustee surcharge</u>
\$335	total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their nonexempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

most taxes;

most student loans;

domestic support and property settlement obligations;

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most fines, penalties, forfeitures, and criminal restitution obligations; and

certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

fraud or theft;

fraud or defalcation while acting in breach of fiduciary capacity;

intentional injuries that you inflicted; and

death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form— sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

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Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:
http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Bankruptcy crimes have serious consequences

If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.

All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:
http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html

In Alabama and North Carolina, go to:
<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

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B2030 (Form 2030) (12/15)

United States Bankruptcy Court Eastern District of Pennsylvania

In re Debbie Esola

Debtor(s)

Case No. 18-17737

Chapter 7

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

Table with 2 columns: Description of compensation and Amount. Rows include: For legal services, I have agreed to accept (\$ 0.00), Prior to the filing of this statement I have received (\$ 0.00), Balance Due (\$ 0.00).

2. \$ 335.00 of the filing fee has been paid.

3. The source of the compensation paid to me was:

Debtor (checked) Other (specify):

4. The source of compensation to be paid to me is:

Debtor (checked) Other (specify):

5. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
d. [Other provisions as needed]

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

December 6, 2018

Date

/s/ Christian A. DiCicco, Esq.

Christian A. DiCicco, Esq.

Signature of Attorney

Law Offices of Christian A. DiCicco

2008 Chestnut Street

Philadelphia, PA 19103

215-564-6812 Fax: 215-564-6814

cdcicco@myphillybankruptcyllc.com

Name of law firm

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**United States Bankruptcy Court
Eastern District of Pennsylvania**

In re Debbie Esola Debtor(s) Case No. 18-17737
Chapter 7

VERIFICATION OF CREDITOR MATRIX

The above-named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date: December 6, 2018

/s/ Debbie Esola
Debbie Esola
Signature of Debtor

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PGW Exhibit: 2

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G

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	DEBBIE ESOLA	:	CHAPTER 7
		:	
	Debtor.	:	Bankruptcy Case No. 18-17737-amc
<hr/>			
	Philadelphia Gas Works	:	
		:	
	Creditor/Plaintiff	:	
		:	Adversary No. _____
		:	
	v.	:	
	Debbie Esola	:	
		:	
	Debtor/Defendant	:	
<hr/>			

**COMPLAINT PURSUANT TO 11 U.S.C. §523(a)(2)(A) and §523(a)(6) and §523(a)(4)
EXCEPTIONS TO DISCHARGE DUE TO FALSE PRETENSES, A FALSE
REPRESENTATION, WILLFUL INJURY OR ACTUAL FRAUD OR LARCENY**

Plaintiff-Creditor, Philadelphia Gas Works (hereinafter "PGW") as and for its Complaint against Defendant-Debtor, Debbie Esola (hereinafter the "Debtor" or "Esola"), respectfully alleges the following:

JURISDICTION

1. On November 24, 2018, the Debtor filed a voluntary petition (the "Petition") for relief under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Eastern District of Pennsylvania ("the Court").
2. A meeting of the creditors pursuant to Section 341(a) of the Bankruptcy Code is scheduled for January 17, 2019.
3. This Complaint to object to the Debtor's discharge or to determine the dischargeability of a debt is timely pursuant to Rule 4004 (a).

PGW Exhibit: 2

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4. This is an adversary proceeding in which PGW is objecting to the Debtor's discharge and is seeking a determination as to the dischargeability of the debt owed by the Debtor to PGW pursuant to Bankruptcy Code §§523 (a)(2)(A), (a)(4) and (a)(6).

5. As set forth at length herein, this action is brought by Plaintiff to object to the discharge of pre-petition debt of the Debtor, Debbie Esola, primarily because the pre-petition debt is on account of the theft of gas services at the property, 2537 S. 8th Street, Philadelphia, PA.

6. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334 and Bankruptcy Code §§523.

7. This matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(I).

8. In the alternative, Plaintiff consents to final orders being entered if the Court finds this matter not to be a core proceeding.

PARTIES

9. Plaintiff is a creditor in the above captioned voluntary Chapter 7 proceeding.

10. Plaintiff is a municipality owned utility provider of gas services in Philadelphia.

11. Defendant is the Debtor in the above-captioned case and at all relevant times has resided at 2537 S. 8th Street, Philadelphia, PA.

12. Debtor listed a debt owed to PGW in the amount of \$8,982.00 on her Schedule E/F, which she filed with this Court. See a true and correct copy of Schedule E/F which is attached hereto as Exhibit "A."

13. Gas service was shut off at 2537 South 8th Street ("service address") in May of 2010 under a customer who was not the present debtor.

PGW Exhibit: 2

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14. Pursuant to PGW's Active Service/Inactive Account Program, if gas service remains connected to the gas main, but has had no active accounts, the service is to be abandoned pursuant to State Regulations.

15. On October 26, 2018, in accordance with State Regulations, PGW abandoned the gas service at 2537 South 8th Street.

16. When PGW abandons gas service, PGW disconnects the gas service line from the gas main.

17. To abandon gas service, PGW must dig/excavate in the street to reach the gas main.

18. PGW abandons gas service for safety reasons and to prevent gas theft and tampering.

19. While PGW was abandoning service on October 26, 2018, Ms. Esola called PGW to request gas service for 2537 South 8th Street.

20. In that call, Ms. Esola, represented to PGW that her lease at 2537 South 8th Street began October 2018.

21. Shortly thereafter, PGW ran a credit check through Experian and discovered that Ms. Esola had been linked to the property at 2537 South 8th Street since June 2012, and not since October 2018, as Ms. Esola had stated.

22. According to PGW procedures, when a customer applies for gas service at an address where PGW believes theft of gas services has occurred, prior to reconnecting the service, a safety check and unbilled usage investigation occurs.

PGW Exhibit: 2

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23. After following up on Ms. Esola's October 26, 2018 phone call to PGW and having determined that her representations were inaccurate, PGW's Revenue Protection Unit was alerted via email.

24. Thereafter, on October 29, 2018, PGW's Revenue Protection Unit scheduled a safety check at 2537 South 8th Street for October 31, 2018.

25. On October 31, 2018, a field service technician from PGW went to 2537 South 8th Street and determined that someone other than PGW had turned the gas on.

26. On October 31, 2018, PGW determined that Ms. Esola's meters had been tampered (through a process sometimes known as a "tampered meter bypass") to the point where PGW was unable to detect the gas.

27. On October 31, 2018, PGW removed the gas meter from 2537 South 8th Street.

28. PGW's Revenue Protection's investigation determined that although Ms. Esola requested service from PGW on July 29, 2012, Ms. Esola did not follow up with PGW to schedule her reconnection on that date.

29. PGW, at the PUC's instruction, uses the historical consumption method to bill for the unauthorized gas usage when a meter has been tampered with at the service address.

30. Here, PGW calculated the amount to be billed based on the historical consumption at 2537 South 8th Street for over 6 years.

31. The actual gas theft amount due to PGW is \$8,982.03.

32. On October 31, 2018, Ms. Esola was informed that because of the gas theft, she would need to pay PGW the gas theft charges in full in order to restore gas.

PGW Exhibit: 2

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33. Instead of paying PGW for the gas theft, Ms. Esola filed a complaint with the Bureau of Consumer Services at the Pennsylvania Public Utility Commission (“PUC”) on October 31, 2018 disputing the gas charges.

34. In Ms. Esola’s PUC’s complaint, she stated that she has been residing at 2537 South 8th Street for the past 6 years and never received a gas bill. She also stated she believed her gas bill was included in her lease (it was not) and requested PGW give her a payment agreement.

35. The PUC conducted an independent investigation of Ms. Esola’s complaint.

36. On November 16, 2018, the PUC issued a decision stating that, since there had been theft, the PUC could not compel PGW to work with Ms. Esola. See the true and correct copy of PUC decision dated November 16, 2018, attached hereto as Exhibit “B.”

37. The PUC’s decision confirmed that unauthorized gas usage had occurred at 2537 S. 8th Street property and that the Debtor was responsible for the unauthorized usage in the amount of \$9,607.26 to PGW. See Exhibit “A.”

38. Ms. Esola filed on November 19, 2018 a complaint with Customer Protection at the Office of the Pennsylvania Attorney General stating the same facts and requesting the same relief as in her PUC complaint.

39. Ms. Esola filed for bankruptcy with this Court on November 24, 2018.

40. On December 13, 2018, Debtor filed her Emergency Motion for Sanctions and Damages against Plaintiff for violation of the Automatic Stay.

41. On December 14, 2018, an emergency hearing was held in this Court for the Emergency Motion.

PGW Exhibit: 2

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42. At the conclusion of the hearing, the Court denied the Emergency Motion finding that PGW did not violate the stay under section 366(a) because the Debtor tampered with the gas meter and stole gas.

43. Debtor's debt of \$8,982.03 is a debt owed to PGW due to her unauthorized gas tampering and unauthorized and unpaid gas services that Debtor benefitted from.

44. Although this debt is pre-petition, it is not dischargeable.

COUNT I- NON-DISCHARGEABILITY OF PLAINTIFF'S PRE-PETITION DEBT UNDER §523 (a)(2)(A) OF THE BANKRUPTCY CODE

45. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 44 of this Complaint as if set forth at length herein.

46. Bankruptcy Code §523 (a)(2)(A) provides, in relevant part, that:

(a) A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt—

(2) for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by—

(A) false pretenses, a false misrepresentation or actual fraud...

47. Debtor benefitted from gas usage and obtained this through tampering and unauthorized gas services.

48. The entire debt owed to Plaintiff is non-dischargeable as it is among other things, a debt for money, property, services, or an extension, renewal or refinancing of credit, that was obtained by false pretenses, a false representation, or actual fraud within the meaning of Bankruptcy Code §§523 (a)(2)(A).

PGW Exhibit: 2

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COUNT II-NON-DISCHARGEABILITY OF PLAINTIFF'S PRE-PETITION DEBT UNDER SECTION 523(a)(6) OF THE BANKRUPTCY CODE

49. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 48 of this Complaint as if set forth at length herein.

50. Bankruptcy Code §523(a)(6) provides in relevant part, that:

(b) A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt-

...

(6) or willful and malicious injury by the debtor to another entity or to the property of another entity...

51. All or part of the debt owed to PGW, is non-dischargeable as it is a debt for willful and malicious injury caused by the Debtor within the meaning of Bankruptcy Code §523(a)(6) as evidenced by the PUC decision letter dated November 16, 2018. See Exhibit "B."

52. The debt to PGW arose from a willful or malicious injury by the Debtor to PGW and its property.

COUNT III-NON-DISCHARGEABILITY OF PLAINTIFF'S PRE-PETITION DEBT UNDER SECTION 523(a)(4) OF THE BANKRUPTCY CODE

53. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 52 of this Complaint as if set forth at length herein.

54. Bankruptcy Code §523 (a)(4) provides, in relevant part, that:

(a) A discharge under section 727, 1171, 1228(a), 1228(b) or 1328 (b) of this title does not discharge an individual debtor from any debt-

...

(4) for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny...

PGW Exhibit: 2

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55. All the debt owed to Plaintiff, as evidenced by the PUC decision letter dated November 16, 2018 against the Debtor, is non-dischargeable as it is a debt for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny within the meaning of Bankruptcy Code §523(a)(4). See Exhibit "B."

CONCLUSION

56. Debtor has resided at the address 2537 South 8th Street, Philadelphia, PA since 2012. This address is listed in her Petition.

57. Debtor has resided at 2537 South 8th Street since 2012.

58. From the facts above, Debtor stole gas from PGW.

59. Debtor has avoided paying PGW any of the gas theft charges.

60. Unauthorized gas usage and meter tampering occurred at Debtor's residence, 2537 South 8th Street.

61. The PUC confirmed Debtor was responsible for the unauthorized gas usage.

62. The PUC requested Debtor pay PGW. See Exhibit "B."

63. By virtue of the foregoing, the Debtor's discharge should be denied under the Bankruptcy Code.

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment in favor of Plaintiff against the Debtor that the debt of \$8,982.03 is non-dischargeable under Bankruptcy Code §§523 and granting Plaintiff such other and further relief as this Court may deem just and proper.

DATED: January 16, 2019

Respectfully submitted:

/s/ Pearl Pham

PGW Exhibit: 2

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Pearl Pham, Esquire
Attorney for Plaintiff
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6227
pearl.pham@pgworks.com

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EXHIBIT

“A”

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Fill in this information to identify your case:

Debtor 1 **Debbie Esola**
 First Name Middle Name Last Name

Debtor 2
 (Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF PENNSYLVANIA

Case number **18-17737**
 (if known)

Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

- No. Go to Part 2.
- Yes.

Part 2: List All of Your NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?

- No. You have nothing to report in this part. Submit this form to the court with your other schedules.
- Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

4.1	Cap1/dbarn	Last 4 digits of account number 7677	Total claim \$219.00
	Nonpriority Creditor's Name Capital One Retail Svcs/Attn: Bankruptcy Po Box 30258 Salt Lake City, UT 84130	When was the debt incurred? Opened 06/15 Last Active 11/01/18	
	Number Street City State Zip Code Salt Lake City, UT 84130	As of the date you file, the claim is: Check all that apply	
	Who incurred the debt? Check one.	<input type="checkbox"/> Contingent	
	<input checked="" type="checkbox"/> Debtor 1 only	<input type="checkbox"/> Unliquidated	
	<input type="checkbox"/> Debtor 2 only	<input type="checkbox"/> Disputed	
	<input type="checkbox"/> Debtor 1 and Debtor 2 only	Type of NONPRIORITY unsecured claim:	
	<input type="checkbox"/> At least one of the debtors and another	<input type="checkbox"/> Student loans	
	<input type="checkbox"/> Check if this claim is for a community debt	<input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims	
	Is the claim subject to offset?	<input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts	
	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Other. Specify Charge Account	
	<input type="checkbox"/> Yes		

PGW Exhibit: 2

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Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.2

Cap1/Justice

Last 4 digits of account number **6056**

\$0.00

Nonpriority Creditor's Name
**Capital One Retail Svcs/Attn:
Bankruptcy
Po Box 30258
Salt Lake City, UT 84130**

When was the debt incurred? **Opened 8/01/15 Last Active
3/13/17**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

PGW Exhibit: 2
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4.3

Capital One

Last 4 digits of account number **8787**

\$1,155.00

Nonpriority Creditor's Name
**Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130**

When was the debt incurred? **Opened 11/14 Last Active
10/27/18**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Credit Card**

4.4

Capital One

Last 4 digits of account number **4155**

\$731.00

Nonpriority Creditor's Name
**Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130**

When was the debt incurred? **Opened 11/15 Last Active
11/07/18**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Credit Card**

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.5

Capital One

Last 4 digits of account number **0453**

\$249.00

Nonpriority Creditor's Name
**Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130**

When was the debt incurred? **Opened 11/15 Last Active
7/07/18**

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify **Credit Card**

PGW Exhibit: 2
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4.6

Cbna

Last 4 digits of account number **6253**

\$0.00

Nonpriority Creditor's Name
**Citi Cards Private Label Bankruptcy
Po Box 20483
Kansas City, MO 64195**

When was the debt incurred? **Opened 6/18/12 Last Active
1/22/15**

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify **Charge Account**

4.7

Citibank/The Home Depot

Last 4 digits of account number **9812**

\$177.00

Nonpriority Creditor's Name
**Attn: Recovery/Centralized
Bankruptcy
Po Box 790034
St Louis, MO 63179**

When was the debt incurred? **Opened 05/16 Last Active
4/11/18**

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify **Charge Account**

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.8

City of Philadelphia
Nonpriority Creditor's Name
Law Dept. Tax Unit
One Parkway Bldg. - Bankruptcy Group
1515 Arch Street, 15th Floor
Philadelphia, PA 19102-1595

Last 4 digits of account number _____ **\$0.00**

When was the debt incurred? _____

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt
- Is the claim subject to offset?
- No
 - Yes

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify _____

PGW Exhibit: 2

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4.9

Comenity Bank/Torrid
Nonpriority Creditor's Name
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218

Last 4 digits of account number **3758** **\$158.00**

When was the debt incurred? **Opened 11/16 Last Active 10/11/16**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt
- Is the claim subject to offset?
- No
 - Yes

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

4.10

Comenity Bank/Victoria Secret
Nonpriority Creditor's Name
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 45318

Last 4 digits of account number **4938** **\$0.00**

When was the debt incurred? **Opened 05/12 Last Active 8/29/14**

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt
- Is the claim subject to offset?
- No
 - Yes

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.1
1

Comenity Bki/Ulta

Last 4 digits of account number **1988**

\$0.00

Nonpriority Creditor's Name
**Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218**

When was the debt incurred? **Opened 12/17 Last Active
10/20/18**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

PGW Exhibit: 2
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4.1
2

Comenity/Fashion Bug

Last 4 digits of account number **7217**

\$0.00

Nonpriority Creditor's Name
**Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218**

When was the debt incurred? **Opened 06/12 Last Active
9/13/13**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

4.1
3

Comenitycapital/fe21cc

Last 4 digits of account number **1388**

\$154.00

Nonpriority Creditor's Name
**Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218**

When was the debt incurred? **Opened 07/18 Last Active
8/26/18**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Charge Account**

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.1
4

Comenitycapital/modell

Last 4 digits of account number **3881**

\$0.00

Nonpriority Creditor's Name
**Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218**

When was the debt incurred? **Opened 08/16 Last Active
10/25/16**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

Is the claim subject to offset?

- No
- Yes

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Other. Specify **Charge Account**

PGW Exhibit: 2

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4.1
5

Credit One Bank

Last 4 digits of account number **9200**

\$0.00

Nonpriority Creditor's Name
**Attn: Bankruptcy
Po Box 98873
Las Vegas, NV 89193**

When was the debt incurred? **Opened 5/11/16 Last Active
7/23/17**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

Is the claim subject to offset?

- No
- Yes

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Other. Specify **Credit Card**

4.1
6

Hui Dong Cao

Last 4 digits of account number

Unknown

Nonpriority Creditor's Name
**2625 S. Darien Street
Philadelphia, PA 19148**

When was the debt incurred?

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

Is the claim subject to offset?

- No
- Yes

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts

Other. Specify

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.1
7

ollo

Last 4 digits of account number **4572**

\$1,357.00

Nonpriority Creditor's Name

Attn: Bankruptcy

Po Box 9222

Old Bethpage, NY 11804

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

When was the debt incurred? **Opened 07/18 Last Active 10/22/18**

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Credit Card**

PGW Exhibit: 2

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4.1
8

PECO

Last 4 digits of account number

\$0.00

Nonpriority Creditor's Name

2301 Market Street, N3-1

Philadelphia, PA 19103

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

When was the debt incurred?

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify

4.1
9

PGW

Last 4 digits of account number **3801**

\$8,982.00

Nonpriority Creditor's Name

800 W. Montgomery Avenue

Philadelphia, PA 19122

Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

When was the debt incurred?

As of the date you file, the claim is: Check all that apply

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.2
0

Synchrony Bank/ Old Navy

Last 4 digits of account number **2994** **\$0.00**

Nonpriority Creditor's Name
**Attn: Bankruptcy Dept
Po Box 965060
Orlando, FL 32896**

When was the debt incurred? **Opened 8/02/15 Last Active
1/03/17**

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify **Charge Account**

PGW Exhibit: 2
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4.2
1

Target

Last 4 digits of account number **8059** **\$198.00**

Nonpriority Creditor's Name
**Target Card Services
Mail Stop NCB-0481
Minneapolis, MN 55440**

When was the debt incurred? **Opened 03/17 Last Active
8/07/18**

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify **Credit Card**

4.2
2

**Thomas Jefferson University
Hospital**

Last 4 digits of account number **Unknown**

Nonpriority Creditor's Name
**Methodist Hospital
PO Box 3475
Toledo, OH 43607-0475**

When was the debt incurred?

Number Street City State Zip Code
Who incurred the debt? Check one.

As of the date you file, the claim is: Check all that apply

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this claim is for a community debt
- Is the claim subject to offset?
 - No
 - Yes

- Contingent
- Unliquidated
- Disputed
- Type of NONPRIORITY unsecured claim:
 - Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify

Debtor 1 **Debbie Esola**

Case number (if known) **18-17737**

4.2
3

University of Pennsylvania PAH

Nonpriority Creditor's Name
BOX 757435
Philadelphia, PA 19175-7435
Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt
- Is the claim subject to offset?
- No
 - Yes

Last 4 digits of account number _____ **\$0.00**

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify _____

PGW Exhibit: 2

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4.2
4

UPHS PAH Patient Pay

Nonpriority Creditor's Name
PO Box 824329
Philadelphia, PA 19182-4329
Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt
- Is the claim subject to offset?
- No
 - Yes

Last 4 digits of account number _____ **Unknown**

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify _____

4.2
5

Wells Fargo Bank

Nonpriority Creditor's Name
Attn: Bankruptcy Dept
Po Box 6429
Greenville, SC 29606
Number Street City State Zip Code

Who incurred the debt? Check one.

- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt
- Is the claim subject to offset?
- No
 - Yes

Last 4 digits of account number **2505** **\$812.00**

When was the debt incurred? **Opened 01/12 Last Active 11/06/18**

As of the date you file, the claim is: Check all that apply

- Contingent
 - Unliquidated
 - Disputed
- Type of NONPRIORITY unsecured claim:
- Student loans
 - Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 - Debts to pension or profit-sharing plans, and other similar debts
 - Other. Specify **Credit Card**

Part 3: List Others to Be Notified About a Debt That You Already Listed

6. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Debtor 1 Debbie Esola

Case number (if known) 18-17737

Part 4: Add the Amounts for Each Type of Unsecured Claim

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

		Total Claim	
Total claims from Part 1	6a. Domestic support obligations	6a. \$	0.00
	6b. Taxes and certain other debts you owe the government	6b. \$	0.00
	6c. Claims for death or personal injury while you were intoxicated	6c. \$	0.00
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d. \$	0.00
6e. Total Priority. Add lines 6a through 6d.		6e. \$	0.00
		Total Claim	
Total claims from Part 2	6f. Student loans	6f. \$	0.00
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g. \$	0.00
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h. \$	0.00
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i. \$	14,192.00
	6j. Total Nonpriority. Add lines 6f through 6i.	6j. \$	14,192.00

PGW Exhibit: 2

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EXHIBIT

“B”

PGW Exhibit: 2
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**INFORMAL COMPLAINT DECISION
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DEBBIE ESOLA
2537 S 8TH STREET
PHILADELPHIA PA 19148

DATE: 11/16/2018

V.

BCS: 3664967

Acct. [REDACTED]

Philadelphia Gas Works

PGW Exhibit: 2
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DECISION ON INFORMAL COMPLAINT BY THE PUBLIC UTILITY COMMISSION (PUC):

STATEMENT OF COMPLAINT:

We received your informal complaint on 10/31/2018. In the complaint, you state you have resided at the property for 6 years, since 2012 and you never received a gas bill. You thought the gas was included in your lease. You are requesting a PUC payment arrangement on this balance.

INVESTIGATION BY STAFF OF THE PUBLIC UTILITY COMMISSION FOUND THAT:

1. Company records show service was originally shut off at the property on 5/6/2010.
2. Company records show Debbie Esola, you, called about service on 7/9/2012. You stated you would call back to schedule a turn on.
3. BCS investigation revealed the following email communication with PGW representative:
 - On 2/21/2013, 3/10/2014 mobile walking leak surveys were completed.
 - On 5/21/2015 the company completed a walking survey.
 - On 1/22/2016 and 1/27/2017 mobile walking surveys were completed.
4. 52 Pa. Code § 59.34. Leakage surveys of customer-owned service lines. (a) *Plan*. A public utility shall establish and execute a plan by which it will periodically survey each customer-owned service line for leakage. The plan shall conform with or exceed the standards established in 49 CFR 192.723 (relating to distribution systems; leakages and procedures) as of May 1, 1986 and subsequent amendments thereto which have been ratified by the Commission under § 59.33 (relating to safety). The public utility shall file with the Commission a copy of the plan required by this subsection including statements of the type of survey it will use and of the frequency of the survey. As used in this section, the term "customer-owned service line" includes that piping serving a residential or commercial customer which is between the main, pipeline or other source of supply and whichever is the more remote of either the meter set assembly, or the wall of the residence or commercial building if the customer owns part of the piping.
5. According to 52 Pa. Code § 59.34(b), If the leakage survey prescribed by subsection (a) requires access to the premises of a customer and the customer refuses access, or if the public utility requires a customer to inform it of the location of a service line and he fails to provide the information, the public utility may shut off gas service until access is permitted or the information is provided. If subsection (a) requires a leakage survey to a meter set

assembly inside the wall of a residence or commercial building, and the public utility cannot gain access to the building because of absence of the occupants, the public utility shall leave a notice at the premises, instructing the customer to designate to the public utility a day and time during normal working hours when access may be had. The public utility may defer the leakage survey to the day and time so designated.

6. Company records show that PGW scheduled unbilled usage investigation on 3/4/2016. The company attempted to visit the property on 3/4/2016 but the property was notated as Can't Get In (CGI). No curb valve safety checks were complete because the service line did not have a curb valve.
7. Company records show unauthorized usage was found at the property on 10/31/2018 with a tampered meter bypass. The ERT head was missing from the meter and could not be found. The company noted the BTU's used in the home.
8. 52 Pa. Code §56.98 (a) A public utility may immediately terminate service for any of the following actions by the customer: (1) Unauthorized use of the service delivered on or about the affected dwelling. And, (3) Tampering with meters or other public utility equipment. (4) Violating tariff provisions on file with the Commission which endanger the safety of a person or integrity of the public utility's delivery system.
9. Company records show on 11/06/2018, you, were held liable and billed for the tampered meter bypass charges from 6/1/2012 to 10/26/2018 in the amount of \$8,982.03.
10. PUC records show you provided the PUC with a gross income of \$4,083.33 for 2 in the home.
11. Company records show to have the service restored and placed into your name, you are required to pay \$9,607.26. The amount represents the full bypass charges of \$8,982.03, a reconnection fee of \$123.23, the dig fee of \$372.00 and \$130.00 as half of the security deposit.
12. The remaining half of the security deposit will be billed in two installments of \$65.00\$65.00 in 60/90 days after restoration.
13. PGW maintains payment in full when theft of service is involved.

BASED ON THESE FINDINGS, WE CONCLUDE THAT:

1. Unauthorized usage was found at 2537 S 8th Street.
2. The company last conducted a mobile walking survey at the property on 1/27/2017.
3. The company and the PUC do not provide terms when unauthorized usage has been determined at the residence.
4. You are requested to pay \$9,607.26 to restore your service and this is for the dates of 6/1/2012 to 10/26/2018.

THEREFORE, IT IS DECIDED THAT:

1. This informal complaint is dismissed.
2. You are responsible for the unauthorized usage in the amount of \$9,607.26.

If you have questions about the terms of this decision or how to appeal this decision, please call us at 1-800-692-7380.

PGW Exhibit: 2

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V. Forman, Investigator

**Request for Formal Complaint Forms
(Notification of Intent to Appeal)**

Notice to Customer:

If you sign and return this form, you are telling the Public Utility Commission that you want to appeal this decision. Do not return this form unless you want to appeal this decision.

If you want to appeal, you must return this form within 20 days of 11/16/2018. The Commission will send you formal complaint forms if you return this form.

You must comply with this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments or the utility company may shut off your service.

Sincerely,
Pennsylvania Public Utility Commission

Yes, I want to appeal this decision. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes)

DEBBIE ESOLA
537 S 8TH STREET
PHILADELPHIA PA 19148

(Area Code) Telephone Number
BCS: 3664967
Company: Philadelphia Gas Works

Signature
Date of Mailing: 11/16/2018

Mail this completed form to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

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PGW Exhibit: 2

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H

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE	:	Chapter 7
	:	
DEBBIE ESOLA,	:	
	:	Bankruptcy No. 18-17737-AMC
DEBTOR	:	
_____	:	
	:	
PHILADELPHIA GAS WORKS,	:	
	:	
PLAINTIFF	:	
	:	Adv. Proc. No. 19-00015-AMC
v.	:	
	:	
DEBBIE ESOLA,	:	
	:	
DEFENDANT	:	
_____	:	

Ashely M. Chan, United States Bankruptcy Judge

PGW Exhibit: 2
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OPINION

I. INTRODUCTION

In this adversary proceeding, Philadelphia Gas Works (“PGW”), a municipally owned gas utility in Philadelphia, seeks to have this Court determine that the \$8,982.03 unsecured obligation owed to PGW by Debbie Esola (“Debtor”), on account of unbilled gas usage at her residence, is nondischargeable pursuant to 11 U.S.C. §§ 523(a)(2), 523(a)(4), or 523(a)(6). Because the Court finds that the Debtor fraudulently intended to misappropriate gas from PGW that was worth \$8,982.03, the Court concludes that such debt arose from larceny and, therefore, is nondischargeable pursuant to § 523(a)(4).

II. FACTUAL FINDINGS AND PROCEDURAL HISTORY

Upon consideration of the testimony and evidence presented at trial, the Court makes the following findings of fact. Prior to filing for bankruptcy, the Debtor had rented a property at 2625 S. Darien Street, Philadelphia, Pennsylvania (“Darien Street Property”) where, initially, gas payments were included in her rent. PGW Ex. 14; Trial Tr. 93:16-17, 96:24-97:2, 98:14-17, Oct. 18, 2019 (“Trial Tr.”). Because gas payments were included in her rent, she did not receive any gas bills directly. Trial Tr. 94:20-95:3. At some point during her tenancy at the Darien Street Property, the landlord informed her that her rent would no longer include gas. *Id.* at 95:1-3, 98:18-20. At that point, she called PGW to have gas service put into her name and began receiving PGW bills. *Id.* at 95:1-3, 98:21-99:3.

Before the Debtor entered into a lease at 2537 S. 8th Street, Philadelphia, Pennsylvania (“Property”), the Property was occupied by tenant John Lejko (“Tenant”). PGW Ex. 10; Trial Tr. 90:14-22. On May 6, 2010, PGW terminated gas service at the Property on account of Tenant’s non-payment. Pre-Trial St. ¶ 8; PGW Ex. 4, 5; Trial Tr. 32:22-33:4, 112:8-12. Terminating gas service involves a PGW technician shutting off the gas meter valve and locking the valve in the off position with a “bike lock.” Trial Tr. 26:4-6, 32:18-34:1.

Separately, on November 1, 2011, the Philadelphia Department of Licenses and Inspections issued a violation against the Property finding that the Tenant had been stealing electric service, creating a hazard for the entire block. Ex. D-1; Trial Tr. 60:2-14. The Property’s owner had the electrical hazard fixed. Ex. D-1; Trial Tr. 61:2-6. Ultimately, the Tenant was evicted in 2011. Trial Tr. 90:14-22.

In February 2012, the Debtor entered into a residential lease for the Property with a rental term beginning April 1, 2012. PGW Ex. 11 p. 1. She had to initial every page of the lease, which

clearly states on page three that she is responsible for paying for gas and electric service. *Id.* at p. 3.

Although the Debtor's lease term for the Property began in April 2012, the lease states that she would not move in until May 15, 2012. *Id.* She was unable to take immediate possession of the Property because the Tenant had stolen pipes and damaged the Property, rendering repairs necessary before she could begin her occupancy. Trial Tr. 87:4-12. After the repairs were completed, the Debtor spent the spring and summer of 2012 moving her belongings into the Property. *Id.* at 87:15-17, 108:10-21. At the time she began moving her belongings into the Property, the gas service at the Property was already turned on, despite PGW's 2010 termination. *Id.* at 87:23-24.

At some point after the Debtor began moving her belongings into the Property, the Debtor called PECO to set up an account for electrical service in her name. *Id.* at 88:4-6. On July 9, 2012, the Debtor also called PGW to set up an account in her name. PGW Ex. 6; Pre-Trial St. ¶ 21. Because PGW's records indicated gas service had been terminated at the Property in 2010, PGW would require a technician to come out to the Property to restore gas service. PGW Ex. 5, 6; Trial Tr. 50:5-51:7. The PGW customer contact record from that call reflects that the Debtor told the PGW customer service representative that she would call back later to schedule the service appointment. PGW Ex. 6. However, the Debtor never called back to make this appointment. Pre-Trial St. ¶ 21. Around October 2012, the Debtor began residing in the Property full time. Trial Tr. 87:4-6, 96:1-5, 97:19-23.

Later, on March 4, 2016, after the Debtor had resided continuously at the Property for almost four years, a PGW technician visited the Property in response to an unbilled usage tip. *Id.* at 5:24-6:1, 55:18-56:2; PGW Ex. 7. The technician was unable to gain access and posted a

“Meter Access Notice” to the Property which provides a phone number for the occupant to call to schedule a time for PGW to return. Trial Tr. 56:4-17; PGW Ex. 7. The Debtor never responded to the Meter Access Notice. Trial Tr. 56:24-57:1.

Ultimately, on October 26, 2018, PGW went to the Property to “abandon” gas service. PGW Ex. 8; Pre-Trial St. ¶¶ 9, 11. The abandonment process involves PGW technicians digging down to the gas main and disconnecting the gas pipe leading to the property from the gas main. Pre-Trial St. ¶ 10. While PGW was in the process of abandoning gas service, the Debtor ran out of the Property to ask what was going on. Trial Tr. 96:8-12, 113:12-13, 115:3-5, 120:8-9. She was told that gas service at the Property was being abandoned and that she needed to call PGW to restore service. *Id.* at 96:11-16, 113:12-13, 115:5-6, 120:9. The Debtor thereafter called PGW to set up an account in her name and restore service. PGW Ex. 3, 15; Pre-Trial St. ¶ 12.

Notably, the Debtor never called her landlord to ask about the abandonment of gas service, nor did she ever challenge the abandonment of service while on the call with PGW. Ex. 15; Trial Tr. 114:6-115:3, 115:10-116:2, 117:13-16. Instead, the Debtor simply asked for service to be restored. *See* PGW Ex. 15. In response to questioning by the PGW customer service representative for a required credit check, the Debtor stated that she had not had an account with PGW for years, she was a tenant at the Property, and her lease had started on “October 1.” *Id.* However, the Experian credit check flagged that the Debtor had been “linked” to the Property since June 2012, not October of 2018. PGW Ex. 3, 14, 15; Pre-Trial St. ¶ 13. During the call, the customer service representative also told the Debtor that PGW had been conducting an unbilled usage investigation of the Property. PGW Ex. 15; Trial Tr. 14:18-21.

As a result of the call, PGW’s Revenue Protection Unit (“RPU”) was alerted to the Debtor’s request for service and the possibility of gas theft at the Property. Pre-Trial St. ¶ 14;

Trial Tr. 32:3-9. In response, the RPU scheduled a safety check/unbilled usage investigation for October 31, 2018. Pre-Trial St. ¶ 16.

On October 31, 2018, a PGW field service technician visited the Property and discovered that (1) the bike lock used to lock the meter valve in the closed position in 2010 was missing; (2) the meter valve was turned to the “on” position; (3) there was a significant amount of natural gas in the fuel line, indicating that gas usage had occurred recently; and (4) the Electronic Reading and Transmitting (“ERT”) device, known as the “ERT head,” which actually tracks gas usage, had been removed, causing it to cease recording and transmitting gas usage.¹ PGW Ex. 1, 2; Pre-Trial St. ¶ 17; Trial Tr. 24:8-20, 25:13-17, 26:4-17, 29:3-8, 37:15-39:8.

In fact, during numerous remote checks on the Property’s ERT device by PGW between the time that the gas was shut off in 2010 and the technician’s visit, the ERT device never reflected any change in gas usage at the Property. PGW Ex. 5, 13; Trial Tr. 41:20-45:4. Thus, PGW did not know until the technician’s visit that gas was actually being illegally consumed at the Property. Pre-Trial St. ¶ 20; PGW Ex. 1, 2; Trial Tr. 40:8-15. Illegal gas usage not only damages PGW, but it presents a safety hazard to everyone living in that vicinity. Trial Tr. 61:16-23, 157:5-21; Pre-Trial St. ¶ 11. All of the foregoing led PGW to conclude that, after PGW had terminated service in 2010, someone broke the bike lock, turned on the gas, and simultaneously removed the ERT head so that PGW could not detect that gas was being used at the Property. PGW Ex. 1, 2; Pre-Trial St. ¶ 19. PGW also concluded that the Debtor had consumed PGW’s gas without authorization or payment since 2012. Pre-Trial St. ¶ 17; PGW Ex. 2; Trial Tr. 31:3-7.

¹ One of PGW’s RPU field supervisors testified at trial that bike locks are routinely and easily broken using tools like wrenches, grinders, screwdrivers, and bolt cutters. Trial Tr. 37:11-14, 39:5-15, 49:13-20. He further explained that there are videos and phone applications showing people how to restore gas service undetected. *Id.* at 48:18-49:12.

Based upon the foregoing, PGW removed the gas meter the same day as the unbilled usage/safety check visit. Pre-Trial St. ¶ 18.

As a result of PGW's discovery of Debtor's consumption of unauthorized and unmetered gas, PGW informed the Debtor on November 6, 2018 that, in order to restore gas service to the Property, she would have to pay \$8,982.03 on account of the amount of gas consumed from June 2012-October 2018, calculated based on historical gas usage at the Property.² Pre-Trial St. ¶¶ 22, 23, 24; PGW Ex. 9, 12. Shortly thereafter, on November 24, 2018, the Debtor filed a voluntary petition under chapter 7 of the Bankruptcy Code. Pre-Trial St. ¶ 6.

On January 16, 2019, PGW initiated this adversary proceeding seeking to have the \$8,982.03 ("Debt") deemed nondischargeable. Compl. ¶ 4. Trial was held and concluded on October 18, 2019. At trial, the Debtor testified that she did not remember calling PGW in 2012 to initially set up service but did not doubt that she had done so. Trial Tr. 87:25-88:2, 100:10-12. She also testified that she did not remember why she did not call PGW back to schedule an appointment to have the gas service turned back on. *Id.* at 94:2-3, 100:16-18.

The Debtor testified that, at the time she began moving into the Property in 2012, there was gas service at the Property and that she thought that gas service was included in her rent and that her landlord had been paying the gas bills for the Property. *Id.* at 87:18-24, 93:11-16. However, the Debtor admitted that she never contacted her landlord in connection with PGW's abandonment of gas service at the Property. *Id.* at 117:13-16. In addition, during her call to PGW on October 26, 2018, she never questioned why the gas service to the Property was being

² The Debtor stipulates that she has resided continuously at the Property from 2012 to the present and does not contest that the \$8,928.03 amount charged on account of her unauthorized usage is correct. Trial Tr. 5:24-6:1, 75:5-8.

abandoned or express that she thought her landlord was responsible for paying for her gas service. *Id.* at 114:7-24, 115:13-116:2; Ex. 15.

Although there was some question initially about whether the Debtor was the person responsible for breaking the bike lock, turning the gas service on, and removing the ERT head, the Debtor credibly testified that gas service was already turned on at the Property when she began moving in and that she does not own or know how to use the tools that would be necessary to modify the gas meter. Trial Tr. 87:18-24, 90:23-91:21. In addition, based upon the evidence submitted about the prior Tenant, it appears far more likely that the Tenant initially tampered with the gas meter, not the Debtor. *See* Ex. D-1; Trial Tr. 32:22-33:4, 60:2-14, 90:14-22, 112:8-9.

After the presentation of testimony and evidence by both parties, the matter was taken under advisement and is now ripe for decision.

III. DISCUSSION

PGW argues that, because the Debt to PGW was incurred as a result of fraudulent gas usage, it is nondischargeable pursuant to §§ 523(a)(2), 523(a)(4), or 523(a)(6). The Debtor, on the other hand, argues that, because she was unaware that her gas usage was unauthorized, the Debt is dischargeable.

Ultimately, the Court concludes that, although it does not appear that the Debtor initially tampered with the gas meter, she knowingly used PGW's gas without its authorization for six years and, by doing so, fraudulently intended to deprive PGW of its gas without payment. Therefore, the Court finds the Debt owed to PGW arose from larceny and is nondischargeable pursuant to § 523(a)(4).

A. 11 U.S.C. § 523(a)(4)

Pursuant to § 523(a)(4), “[a] discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt--for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny.” The plaintiff-creditor objecting to discharge bears the burden of demonstrating the debt is nondischargeable by a preponderance of the evidence. *Gaussa v. Crawford (In re Crawford)*, 476 B.R. 890, 894-95 (Bankr. W.D. Pa. 2012). PGW’s complaint is based, *inter alia*, upon the larceny prong of 11 U.S.C. § 523(a)(4). Pre-Trial Memo Pt. II(2).

A finding of nondischargeability based on larceny does not require proof of a fiduciary relationship between the debtor and the creditor. *NWI Orthodontics, P.C. v. Bell (In re Bell)*, 498 B.R. 463, 477 (Bankr. E.D. Pa. 2013). It simply requires proof that the debtor committed larceny as that term is defined under federal common law. *Id.* Under federal common law, larceny is defined as “the unlawful taking and carrying away of someone else’s property with the intent to deprive the possessor of it permanently.” *DirectTV, Inc. v. Figler (In re Figler)*, 407 B.R. 181, 193 (Bankr. W.D. Pa. 2009). Accordingly, to establish a debt is nondischargeable for larceny under 11 U.S.C. § 523(a)(4), the plaintiff must show that (1) the debtor misappropriated services for his or her own benefit and (2) that he or she did so with fraudulent intent. *Id.* Fraudulent intent can be inferred from the circumstances. *Id.*

B. The Debtor Misappropriated Gas Service for Her Benefit Intending to Deprive PGW of Compensation.

Based upon the testimony and evidence presented at trial, PGW has satisfied its burden to show that the Debtor fraudulently intended to misappropriate gas services for her own benefit. Although the Court finds that the prior Tenant initially tampered with the gas meter, it is clear that the Debtor understood by July 2012 that her gas usage was unauthorized and nevertheless

continued using PGW's gas without paying for it for six years, thereby misappropriating the gas services for her own purposes. The Court easily infers that she did so with fraudulent intent.

First, the Court finds that the Debtor knew that she was responsible for gas service when she called PGW in July 2012. During her previous rental at the Darien Street Property, gas initially was included in the Debtor's rent and she only called PGW later to get an account in her name *after* the landlord informed her that rent would no longer cover gas. Thus, the Debtor knew that, if she was responsible for gas service, she had to call PGW to get gas service in her name. At trial, the Debtor failed to explain why she would have called PGW in July 2012 to set up an account in her name, if she truly believed that gas was included in her rent. Furthermore, the section of her lease stating that she is responsible for electrical service is the same section stating that she is responsible for gas service. The fact that the Debtor called both PECO and PGW to set up service in her own name demonstrates that she knew that she was responsible for these services.

In addition, the Debtor must have immediately realized that her gas usage was unauthorized when she called PGW in July 2012, because PGW would have told her that the gas service needed to be turned on at the Property and that she had to schedule an appointment to restore gas service. At that point, despite the fact that PGW's records indicated that gas service had been shut off at the Property, the Debtor knew that gas service was not actually turned off at the Property and that she was receiving gas that was undetected by PGW. Rather than disclose to PGW that its records were incorrect and that her gas was already on, the Debtor said nothing to PGW, declined to make a service appointment, and never followed up with PGW to make a service appointment. The Court finds that, at that point, the Debtor knew that she was misappropriating PGW's gas and, by failing to say something to PGW and not following up with

PGW to make a service appointment, the Debtor fraudulently intended to misappropriate PGW's gas so that she would not have to pay for the gas that she was illegally using.

Moreover, at trial, the Debtor failed to offer any explanation, let alone a plausible one, for her failure to follow up with PGW to schedule a service appointment after she initially called in July 2012. The Court similarly infers fraudulent intent from the fact that the Debtor never contacted PGW in response to the Meter Access Notice posted to the Property in 2016. Rather than call PGW to allow inspection of the meter, she ignored the notice in the hope that her illegal gas usage would not be discovered.

Finally, the Debtor's conduct in connection with PGW's abandonment of gas service at the Property in October 2018 further demonstrates that she fraudulently intended to misappropriate PGW's gas. Although the Debtor testified that she thought her landlord was responsible for paying for gas at the Property, the Debtor admitted at trial that, after she discovered that PGW was abandoning gas service at the Property on October 26, 2018, she never reached out to her landlord for an explanation. She also failed to mention on her October 2018 call to PGW that she thought that her landlord was responsible for paying the gas bills at the Property. Nor did she ever ask PGW during the call why it was abandoning gas service at the Property or challenge PGW's abandonment of gas service. Instead, she did not appear to be surprised at all that gas service was being abandoned at the Property, presumably because she knew that she had been misappropriating gas for six years without paying for it. Moreover, during the call, the Debtor gave the customer service representative the false impression that her lease had just started at the beginning of October when, of course, she had resided at the Property for six years. This evasion further confirms that the Debtor fraudulently intended to misappropriate PGW's gas by trying to mislead PGW from discovering how long she had

actually lived at the Property in order to avoid paying for all the unauthorized gas she had consumed over the years.

Based upon the foregoing, the Court concludes that, by July 2012, the Debtor knew that she was receiving gas illegally and, nevertheless, knowingly and fraudulently continued to use the stolen gas to her benefit without paying PGW. As a result, the Court finds that the Debt arose from larceny and, therefore, is nondischargeable pursuant to § 523(a)(4).

IV. CONCLUSION

For all the reasons stated, the Court holds that the Debt owed to PGW in the amount of \$8,982.03 is nondischargeable³ under 11 U.S.C. § 523(a)(4).

Date: October 29, 2019



Honorable Ashely M. Chan
United States Bankruptcy Judge

PGW Exhibit: 2

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³ The Debtor did not contest that \$8,982.03 is the correct amount attributable to her unauthorized gas usage nor did she ever argue that less than the full amount of the Debt would be nondischargeable in the event the Court concluded that grounds for nondischargeability existed under § 523. *See* Trial Tr. 75:5-8.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE	:	Chapter 7
	:	
DEBBIE ESOLA,	:	
	:	Bankruptcy No. 18-17737-AMC
DEBTOR	:	
_____	:	
	:	
PHILADELPHIA GAS WORKS,	:	
	:	
PLAINTIFF	:	
	:	Adv. Proc. No. 19-00015-AMC
V.	:	
	:	
DEBBIE ESOLA,	:	
	:	
DEFENDANT	:	
_____	:	

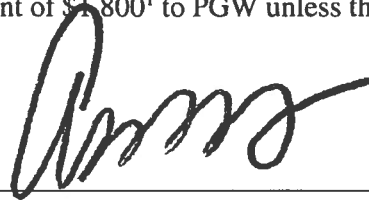
ORDER

AND NOW, this 29th day of October 2019, for the reasons given in the accompanying Opinion, it is hereby ORDERED that:

1. Judgment is entered in favor of the plaintiff, Philadelphia Gas Works (“PGW”), against the debtor, Debbie Esola (“Debtor”), in connection with its nondischargeability claim against the Debtor under 11 U.S.C. § 523(a)(4) in the amount of \$8,982.03; and

PGW Exhibit: 2
Page: 111 of 115

2. Before PGW is required to restore gas service to the Debtor going forward, the Debtor must make an adequate assurance of payment of \$1,800¹ to PGW unless the parties agree otherwise.²



Honorable Ashely M. Chan
United States Bankruptcy Judge

PGW Exhibit: 2
Page: 112 of 115

¹ See Trial Tr. 135:18-24 (PGW representing that if Debtor made a down payment of \$1,800 to PGW, her gas service would be restored), 144:9-15 (PGW describing the \$1,800 down payment as adequate assurance of payment), 154:14-17 (describing proposed arrangement for restoration of service as a down payment of \$1,800 and payment of the remainder of the \$8,982.03 in a payment plan over time), 155:22-25 (Court explaining to Debtor the \$1,800 down payment would be her adequate protection payment), 161:19-162:1 (PGW explaining it would accept \$1,800 as a down payment to restore gas service and have Debtor pay the remainder of the \$8,982.03 through a payment plan).

² The Court had hoped that it may have some discretion to modify PGW's \$1,800 adequate assurance of payment demand under § 366(b) to restore Debtor's gas service, given that the Debtor has a young, autistic daughter and cannot afford to pay the \$1,800 deposit in a lump sum. See Trial Tr. 118:11, 138:10-139:20. However, upon further research, it is clear that, given the public welfare and safety concerns involved with utility theft and unauthorized usage, courts have uniformly determined that unauthorized utility usage and theft constitute valid grounds for refusal to restore service or to condition restoration of service upon payment of restitution and that § 366(b), which ordinarily gives the Court discretion to modify adequate assurance demands, does not apply in cases of unauthorized utility usage and theft. *Memphis Light, Gas & Water Div. v. Farley*, 135 B.R. 292, 294 (W.D. Tenn. 1991); *Hendrickson v. Philadelphia Gas Works*, 672 F. Supp. 823, 834 (E.D. Pa. 1987); *In re Morris*, 66 B.R. 28, 29 (E.D. Mich. 1986); *In re Searce*, 2005 WL 4030139, at *1 (Bankr. S.D. Ohio 2005); *In re Broadnax*, 37 B.R. 909, 911 (Bankr. E.D. Pa. 1984); *Webb v. Philadelphia Gas Works (In re Webb)*, 38 B.R. 541, 544-45 (Bankr. E.D. Pa. 1984). Ultimately, a utility has the discretion to refuse service for any reason which would validly constitute a ground for refusal if the debtor were not in bankruptcy, with a single exception for nonpayment of past services. E.g., *Memphis Light, Gas & Water*, 135 B.R. at 294; *In re Morris*, 66 B.R. at 29; *In re Webb*, 38 B.R. at 544. As stated in the seminal case on this issue, *Webb v. PGW*, "we consider safety to be the paramount issue in this case and we do not believe the bankruptcy court should order a public utility to restore service in cases of tampering when that utility is under a duty to maintain public safety and welfare." *In re Webb*, 38 B.R. at 545. Unfortunately, in light of the foregoing, the Court does not have discretion to modify PGW's demand for adequate assurance of payment in the amount of \$1,800 before restoring gas service to the Debtor.

I

PGW Exhibit: 2

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 7

Debbie Esola : Case No. 18-17737-amc
Debtor(s)

ORDER

AND NOW, this day, February 7, 2020, it appearing that the trustee in the above entitled matter has filed his report and that the trustee has performed all other duties required in the administration of the debtor(s) estate, it is

ORDERED that the trustee be discharged and relieved of any trust; and this case be, and the same hereby is, closed.

By The Court

Ashely M. Chan
Judge, United States Bankruptcy Court

PGW Exhibit: 2

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VERIFICATION

I, Graciela Christlieb, hereby state that I am counsel for the Philadelphia Gas Works, that the facts set forth in the foregoing Answer with New Matter are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: October 7, 2024

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

PGW Exhibit: 2

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PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney
Legal Department
Direct Dial: 215-684-6164
FAX: 215-684-6798
E-mail: graciela.christlieb@pgworks.com

October 7, 2024

VIA ELECTRONIC FILING

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

PGW Exhibit: 3

Page: 1 of 6

Re: Debbie Esola v. Philadelphia Gas Works; Docket No. C-2024-3051193

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Preliminary Objections to the Formal Complaint in the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Preliminary Objection upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Debbie Esola
2537 South 8th Street
Philadelphia, PA 19148
debbiesola@yahoo.com

Date: October 7, 2024

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

PGW Exhibit: 3
Page: 2 of 6

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Esola,	:	
Complainant,	:	
v.	:	Docket No. C-2024-3051193
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

NOTICE TO PLEAD

To: Debbie Esola
2537 South 8th Street
Philadelphia, PA 19148
debbiesola@yahoo.com

Pursuant to Pa. Code § 5.101, you are hereby notified that any answer to the enclosed Preliminary Objections of Philadelphia Gas Works must be filed within ten (10) days of the date of service of the Preliminary Objection.

All pleadings, such as an Answer to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for PGW and, when applicable, the Administrative Law Judge or Special Agent presiding over the proceeding.

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
graciela.christlieb@pgworks.com
Counsel for PGW

Date: October 7, 2024

PGW Exhibit: 3
Page: 3 of 6

- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action;
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution; and
- (7) Standing of a party to participate in the proceeding.

3. The moving party may not rely on its own factual assertions but must accept for the purposes of disposition of the preliminary objection all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts.³ However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion.⁴

4. In deciding the preliminary objections, the Commission must determine whether, based on the well-pleaded factual averments of the party, recovery or relief is possible.⁵

III. PRELIMINARY OBJECTIONS BY PGW

5. PGW's responses to Paragraphs 1 to 7 of the Complaint are incorporated herein by reference. In addition, PGW's New Matter to the Complaint is also incorporated herein by reference as well as any exhibits attached thereto.

A. Dismissal Based on Lack of Commission Jurisdiction

6. Section 5.101(a)(1) of the Commission's regulations permits a party to file a preliminary objection based on the lack of Commission jurisdiction. To act on the Complaint, the Commission must have jurisdiction. The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. The Commission must act within, and cannot exceed, its jurisdiction. Jurisdiction may not be conferred by the parties where none exists. Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy.

7. The statute of limitations at 66 Pa.C.S. § 3314 is a jurisdictional issue. It requires that any complaint seeking relief under the Public Utility Code be brought within three years from the date at which the liability therefor arose. As a jurisdictional issue, the statute of limitations and the Commission's lack of jurisdiction may be raised at any time. *See, e.g., Application of*

³ County of Allegheny v. Cmwlth. of Pa., 490 A.2d 402 (Pa. 1985).

⁴ Stanton-Negley Drug Co. v. Dep't of Pub. Welfare, 927 A.2d 671, 673 (Pa. Cmwlth. 2007).

⁵ Department of Auditor General, et al. v. SERS, et al., 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); P.J.S. v. Pa. State Ethics Commission, 669 A.2d 1105 (Pa. Cmwlth. 1996).

Laurel Pipe Line Company, Docket No. A-2016-2575829 (Order entered July 12, 2018) and *Hasty v. Philadelphia Gas Works*, Docket No. C-2014-2419203 (Final Order entered January 27, 2015).

8. The Complainant filed informal complaints with the Commission’s Bureau of Consumer Services (“BCS”) on these issues in 2018 and 2019 and failed to appeal either decision dismissing those complaints by filing a formal complaint despite the BCS decision issued in 2019 explicitly instructing her to do so.

9. The gas service to the Service Address has been abandoned; there has been no gas service to the Service Address since 2018.

10. The Complainant filed the instant Complaint on August 29, 2024.

11. Any issues regarding the Complainant’s gas service prior to August 29, 2021 fall outside the applicable statutory period of limitation and is barred under 66 Pa.C.S. § 3314.

IV. CONCLUSION

WHEREFORE, PGW respectfully requests that this Commission grant PGW’s Preliminary Objection, dismiss issues raised in the Complaint regarding the balance transfer as beyond the statute of limitations, and grant any other relief to PGW that is deemed to be reasonable and appropriate.

Respectfully submitted,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
graciela.christlieb@pgworks.com

Date: October 7, 2024

Counsel for PGW