

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TODD ELLIOTT KOGER, SR., AND  
ELLIOTT-TODD PARKER KOGER  
COMPLAINANT(S)

V.

C-2024-3049627 and  
C-2025-3054190

DUQUESNE LIGHT COMPANY  
RESPONDENT

**COMPLAINANT(S)' MOTION IN LIMINE  
TO EXCLUDE UNDISCLOSED EVIDENCE AND EXPERT TESTIMONY**

Both Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., Complainants, and respectfully moves this Honorable Commission, pursuant to **52 Pa. Code §§ 5.371, 5.243(e), and Pa.R.C.P. 4003.5**, for an order in Limine precluding Respondents from introducing any evidence, documents, or expert testimony not disclosed during discovery.

**1. Legal Basis**

- **52 Pa. Code § 5.371** authorizes motions to regulate the course of proceedings.
- **52 Pa. Code § 5.243(e)** requires that expert testimony be accompanied by a written report exchanged in advance.
- **Pa.R.C.P. 4003.5** mandates disclosure of expert identity and opinions during discovery.
- Failure to disclose constitutes grounds for exclusion. See *Parr v. Ford Motor Co.*, 109 A.3d 682 (Pa. Super. 2014).

**2. Application**

- Respondent has not produced certain evidence or identified any expert witness during discovery.
- Admission of such undisclosed evidence would cause unfair surprise and prejudice.
- A pre-hearing ruling is necessary to ensure fairness and efficiency.

### **3. Relief Requested**

Complainant respectfully requests that this Honorable Commission enter an order:

1. Prohibiting Respondents from introducing any evidence not produced during discovery.
2. Prohibiting Respondent from offering the name, report, or testimony of any expert witness not disclosed in accordance with **52 Pa. Code § 5.243(e)** and **Pa.R.C.P. 4003.5**.

Respectfully submitted,

**/s/ Todd Elliott Koger, Sr.,** Complainant, Pro Se

**/s Elliott-Todd Parker Koger,** Complainant, Pro Se

Dated: October 25, 2025

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TODD ELLIOTT KOGER, SR., AND  
ELLIOTT-TODD PARKER KOGER  
COMPLAINANT(S)

V.

C-2024-3049627 and  
C-2025-3054190

DUQUESNE LIGHT COMPANY  
RESPONDENT

PROPOSED ORDER

**AND NOW**, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2025, this matter, upon consideration of Complainant's Motion in Limine to Exclude Undisclosed Evidence and Expert Testimony, it is hereby **ORDERED** as follows:

1. The Motion is **GRANTED**.
2. Respondent, Duquesne Light Company, is prohibited from introducing into evidence at the hearings scheduled for December 8 and 10, 2025, any documents, exhibits, or testimony not previously disclosed during discovery.
3. Respondents are further prohibited from offering the name, report, or testimony of any expert witness not identified and disclosed in accordance with **52 Pa. Code § 5.243(e)** and **Pa.R.C.P. 4003.5**.
4. This Order is entered to ensure fairness, prevent undue surprise, and promote the efficient administration of justice in these proceedings.

**BY THE COMMISSION:**

\_\_\_\_\_ J.

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

**/s/ Elliott-Todd Parker Koger**

**/s/ Todd Elliott Koger**

**PROOF OF SERVICE**

Both Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., certify that on this the 25th day of October 2025, served the following on:

Megan E. Rulli, 17th North Second Street 12th Floor, Harrisburg, PA 17101

**/s/ Elliott-Todd Parker Koger**

**/s/ Todd Elliott Koger**

**(412) 758-4510**