

Sterling Moody, Sterling's Market Place,)
And Sterling's Place, I)

V.)

Respondents.)

Come Now Complainants and in response to Respondent's Objections and Motion to Strike alleged hearsay contained in Direct Testimony filed by the Complainants states the following:

1. Pursuant to the revised procedural schedule, Complainants filed direct testimony of Sterling Moody, Lou Biernbaum and Brian McNamara on April 25, 2002.
2. Pursuant to the revised procedural schedule, Respondents have until May 31, 2002 to file rebuttal testimony and Complainants have until June 14, 2002 to file surrebuttal testimony.
3. As of this date, Respondent has not filed its rebuttal testimony.
4. On May 1, 2002, Respondent delivered to Complainant its objections to and motion to strike hearsay contained in affidavit direct testimony filed by the Complainants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via first class, U.S. mail on this 17th day of May, 2002 to all parties of record listed below.

CASE NO. EC-2002-112

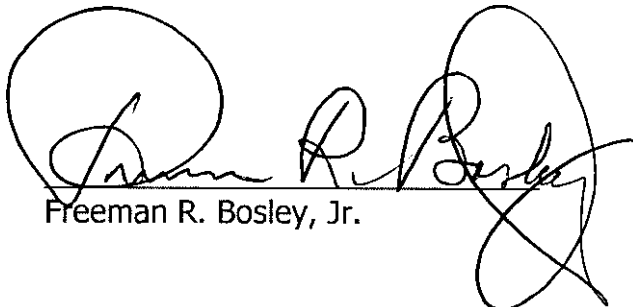
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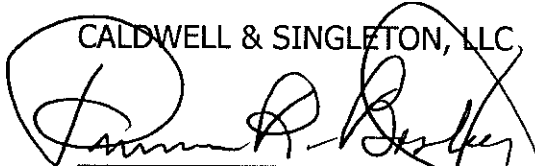
Freeman R. Bosley, Jr.


5. That the information contained in the depositions that Complainant took of Respondents Sherry Moschner, Mike Roy and Leroy Ettling corroborate, verify, and substantiate statements made by Sterling Moody, Lou Biernbaum and Brian McNamara.

6. That Respondents have not filed their rebuttal testimony and it is premature and inappropriate for the Commission to make a ruling on Respondent's objections and motion to strike hearsay contained in Complainants' direct testimony.

WHEREFORE, Complainants respectfully request that the Commission not make a ruling on this matter at this time and allow Complainants to respond in a substantive manner at the appropriate time.

Respectfully submitted,

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