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June 3, 2010

**Missouri Public Service Commission**  
**Attn: Secretary of the Commission**  
**200 Madison Street**  
**Jefferson City, MO 65101**

**FILED<sup>3</sup>**  
JUN 14 2010  
Missouri Public  
Service Commission

**RE: Murphy v. Union Electric Company, d/b/a AmerenUE**

Dear Secretary of the Commission:

Please find enclosed the original as well as eight additional copies of the Petition in this matter. I represent American Family Insurance Group which is asserting its rights as subrogee of Complainant Tawanda Murphy, whose deductible is included in the claim. I have mailed a copy of the Petition to the Registered Agent of Union Electric Company, John Cook, 1901 Chouteau, St. Louis, MO 63101. Thank you.

Sincerely,



MARK G. MCMAHON

/mbh

FILED<sup>3</sup>

JUN 14 2010

STATE OF MISSOURI )  
 ) SS.  
COUNTY OF COLE )

Missouri Public  
Service Commission

MISSOURI PUBLIC SERVICE COMMISSION

Tawanda Murphy,  
Complainant,

Cause No.

vs.

Union Electric Company  
d/b/a AmerenUE

Serve at:

Registered Agent: John Cook  
1901 Chouteau  
St. Louis, MO 63101

Respondent.

**PETITION - NEGLIGENCE RES IPSA LOQUITUR**

COMES now Complainant, by and through her attorney, and for her cause of action,  
states that:

1. The Missouri Public Service Commission has jurisdiction over the subject matter of  
this complaint pursuant to Section 386.250 RSMo.

2. At all times relevant hereto, Complainant was the owner of the real and personal  
property located at 5643 Beldon Dr., Jennings, Missouri.

3. Respondent is a corporation in good standing licensed to do business in the State of  
Missouri.

4. On or about the 10<sup>th</sup> day of March, 2009, said property was supplied by Respondent  
with electricity through equipment owned, provided and under the exclusive control of

Respondent.

5. Respondent owed a duty to maintain, inspect and repair its equipment, including the equipment supplying electricity to Complainant's said premises.

6. On or about the 10<sup>th</sup> day of March, 2009, a fire caused by resistive heating in multiple paths resulting from an energized neutral conductor, under the exclusive control of Respondent, delivered a high level of current to Complainant's said premises.

7. Said event does not ordinarily occur if Respondent had used due care in its provision of electrical service and maintenance of its equipment.

8. The fact that such fire initiated from Respondent's equipment, and the reasonable inferences therefrom, are such that the fire was directly caused by Respondent's negligence.

9. As a direct and proximate result of the negligence of Respondent, Complainant's real and personal property was damaged and depreciated in the amount of \$45,824.78.

10. Complainant's insurance provider, American Family Insurance Group, has directly contacted Respondent, as subrogee of Complainant, in an attempt to resolve this matter.

WHEREFORE, Complainant prays for judgment against the Respondent in the amount of \$45,824.78, and any further relief this Commission deems just and proper.

**LAW OFFICES OF MARK G. MCMAHON**



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**Attorney for Complainant**  
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**Clayton, MO 63105**  
**Tel. (314) 863-5200**  
**Fax (314) 863-1723**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class, postage pre-paid, on this 6 day of June, 2010 to:

John Cook, Registered Agent for Union Electric Company  
1901 Chouteau  
St. Louis, MO 63101

A handwritten signature in black ink, appearing to read "W. H. McAll", is written over a horizontal line.