

**JIMMIE E. SMALL  
606 WEST HWY # 2  
Milton, Iowa, 52570**

**25, January 2013**

**Sarah E. Giboney  
Attorney at Law  
P.O. Box 918  
City Centre  
111 South Ninth Street  
Suite 200  
Columbia Missouri, 65201-4891**

**FILED**

**JAN 29 2013**

**Missouri Public  
Service Commission**

**RE: Pre-Hearing Conference No: EC 2012-0050; Deposition dates; AMENDED Complaint after UE.AM.MO. filed its November 28-29, 2012 Answer/Response to Small's Amended Complaint allegations.**

**Dear Ms. Giboney;**

Thank you and staff for your prompt response communication by facsimile dated January 24, 2013 and your expressed interest in moving the PSC proceedings forward No: EC 2012-0050.

**FIRST POINT OF OBJECTION**

Your assertion on 01/24/2013 that my delivery of an original Blue Computer Print-out of Ameren Service Order provided by Ms Sweat of the Kirksville, Utility service office was somehow inappropriate conduct or behavior is denied as being preposterous, factually erroneous and injected into MPSC proceeding to cast CP Small in bad light before the commission. More on Am. Mo. Rules, regulations, and retaliatory treatment of CP Small, during MPSC proceeding later on by amended complaints, New MHRC Charges etc. [ **New Charges as of January 22, 2013 after S. Giboney filed Respondent's November 29, 2013 Response/Answer No. EC;2012-0050.**]

### **MUTUAL AGREEMENT AND STIPULATION**

The undersigned CP Small does agree and stipulates to taking the in-personam deposition [ Not by telephone communication] of Ms. Sweat Utility Manager, of the Green Hills Region, Kirksville, Missouri Service Area Office of Lot # 23, 23067 Potter Trail, Kirksville, Missouri.

The in-personam deposition of Am. Employee Michael Horn, Supervisor Credit Collections, 1901 Choateau, St Louis, Mo. Plus the In-personam deposition of the female Utility employee who caused to be filed her affidavit in response to the April 19, 2011 Subpoena Duces Tecum filed with the MPSC Data Center, shall also be taken.

### **MUTUALLY AGREED LOCATION FOR IN-PERSONAM DEPOSITION[S] OF UTILITY EMPLOYEES**

The mutually agreed LOCATION for in-personam depositions as per the January 24, 2013 fax communication by S. G. Counsel of record, shall be conducted in the Conference Room suggested by Counsel Giboney, Conference room, MPSC office, within the Wainwright State Office Building, 7<sup>th</sup> Street, Saint Louis [ exact same conference room location we participated in mediation proceedings , agreeable with CP Small.

### **PARTIES MUTUALLY AGREED AND STIPULATED DATES FOR TAKING IN-PERSONAM DEPOSITIONS**

The parties mutually agree and do stipulate that the in-personam deposition of Respondent Utility employees,[ mentioned above] shall by agreement taken without need for MPSC or other subpoenas [process]. The agreed date for said in-personam deposition is agreed to as February 11, 2013 as per Counsel S. G. January 24, 2013 telefax communication.

### **PRE-HEARING CONFERENCE REQUEST BY CP SMALL**

Yes, Counsel Giboney; The undersigned CP Small shall make a **formal request for a pre-hearing conference on** (a) discovery violation matters (b) File for leave to Amend his Complaint claims upon completion and filing of deposition content, (c) file an amended complaint as necessary to address material violations by Utility employees well after Respondent filed its answer/response to Small's amended complaint on or about November 29, 2013 time period.

**DEPOSITION BY MUTUAL AGREEMENT OF CCM OFFICIALS**  
**MARYLAND HEIGHTS, MISSOURI [ Utility COLLECTION AGENTS]**

By Mutual agreement the IN-PERSONAM deposition of Consumer Collection Management agents shall be taken with the last week of January, if possible, at the LOCATION of 2333 GRISSOM DR, Maryland Heights, Missouri.

Sources close to CCM have advised that a subpoena for CCM present will not be necessary.

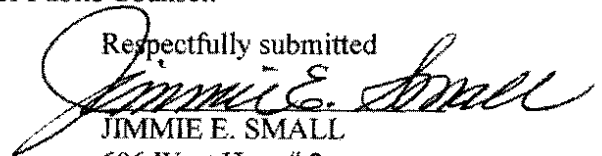
Union Electric Company d/b/ Ameren Missouri, its Counsel, Agents, Assigns, Therapist, are freely invited to attend the in-personam depositions of CCM employees, where Respondent Utility agent Horn has made [ 01/22/2013] threats against CCM employees to refrain communication, assistance with the undersigned CP Small. E-Mail communication telecommunication contact shall confirm the same.

[ Under Oath].

Ms. Sarah, your office shall be notified by fax or telecom, of the specific time and date and LOCATION for in-personam deposition of CCM officials, having personal knowledge of alleged debt due your Client Respondent a 25-25 Billion Dollar Utility Corporation.

For purposes of clarity, and moving this case proceeding forward I have filed a copy for publication of the above with the Data Center, MPSC and Mr. Mills, office of Public Counsel.

Respectfully submitted

  
JIMMIE E. SMALL  
606 West Hwy # 2.  
Milton, Iowa, 52570

**SMITH LEWIS, LLP**  
**ATTORNEYS AT LAW**

BRUCE H. BECKETT  
WILLIAM JAY POWELL  
JOHN L. ROARK  
COLLY J. DURLEY  
JAMES B. LOWERY  
MICHAEL R. TRIPP  
PHEBE LA MAR  
SARAH E. GIBONEY  
RAYMOND C. LEWIS, JR. (1926-2004)

P.O. BOX 918  
COLUMBIA, MISSOURI 65205-0918  
...  
CITY CENTRE  
111 SOUTH NINTH STREET, SUITE 200  
COLUMBIA, MISSOURI 65201-4891  
(573) 443-3141 • Fax (573) 442-6686

AMANDA ALLEN MILLER  
DANIEL G. BECKETT  
BETHANY R. FINDLEY

OF COUNSEL  
ROBERT C. SMITH

PARALEGAL  
CHERYL L. LOBB

**FAX COVER SHEET**

Date: January 24, 2013

To: Motel 6  
Fax No.: 314-291-5603

Re: Jimmie Small, Room 144

From: Sarah Giboney

Operator:

Transmitting 3 page(s) including this cover sheet.

**COMMENTS:**

Dear Front Desk Staff:

Please deliver this fax to Mr. Jimmie Small, who I understand is a guest in Room 144.

Would you please fax back to me (573-442-6686) a brief note confirming that you delivered the fax to Mr. Small? Thank you very much.

--Sarah Giboney

**CONFIDENTIALITY NOTE**

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS TRANSMISSION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL TRANSMISSION TO US AT THE ADDRESS ABOVE VIA U.S. MAIL. THANK YOU.

④

**SMITH LEWIS, LLP**  
**ATTORNEYS AT LAW**P.O. BOX 918  
COLUMBIA, MISSOURI 65205-0918CITY CENTRE  
111 SOUTH NINTH STREET, SUITE 200  
COLUMBIA, MISSOURI 65201-4891

(573) 443-3141 • Fax (573) 442-6686

AMANDA ALLEN MILLER  
DANIEL G. BECKETT  
BETHANY R. FINDLEYOF COUNSEL  
ROBERT C. SMITHPARALEGAL  
CHERYL L. LOBBBRUCE H. BECKETT  
WILLIAM JAY POWELL  
JOHN L. ROARK  
COLLY J. DURLEY  
JAMES B. LOWERY  
MICHAEL R. TRIPP  
PHEBE LA MAR  
SARAH E. GIBONEY

RAYMOND C. LEWIS, JR. (1526-2004)

January 24, 2013

Jimmie E. Small  
606 W. Highway #2  
Milton, IA 52570Via U.S. Mail and facsimile  
c/o Motel 6: 314-291-5603 attn: Rm 144

RE: Small v. Union Electric Company, EC-2012-0050

Dear Mr. Small:

At your request I am faxing this letter to you at the St. Louis arca Motel 6 where you are currently a guest.

Yesterday afternoon you requested available dates to depose Cathy Hart, Breeze Benton, and an unnamed, female Ameren Missouri employee in Kirksville. I advised you that Breeze Benton no longer works for Ameren Missouri. If you will provide the name of the Kirksville employee I can check into available dates for her. I have spoken to Cathy Hart and I can produce her for deposition at 10 a.m. on any of the following dates: January 30<sup>th</sup>, January 31<sup>st</sup>, and February 11<sup>th</sup>. Because of your recent behavior towards Ms. Hart when you met with her in person in the lobby of her office building, our preference is that you depose her via telephone. If that is agreeable, I will have her at my office (address above) on whichever of the above dates you select. If you insist on deposing Ms. Hart in person, we request that you contact the Missouri Public Service Commission to see if the parties could use a conference room at the PSC's office in the Wainwright Building in St. Louis (where we participated in mediation).

Today when I called you to offer the above deposition dates, you suggested that it might, "narrow down the issues," particularly questions and concerns you have about discovery, if the parties met for a "sit down" with the judge. I asked if what you mean is that you would like to request a pre-hearing conference with Judge Bushmann on discovery matters. You said yes. You said you want that conference to occur before taking any depositions. As you know, the evidentiary hearing in this complaint is set for March 12, 2013. To keep this matter moving, I suggested requesting a conference a week from today, January 31<sup>st</sup>. You stated emphatically, "I have a conflict, because I'm not ready." You insisted you would not be ready for such a discovery conference until February 10<sup>th</sup> or 15<sup>th</sup>. Based on our conversation, I anticipate that you will formally request a pre-hearing conference on discovery matters. I ask that you make that request to Judge Bushmann as soon as possible, for as early a date as possible. As for my availability, I am scheduled to be out of the office February 4<sup>th</sup> through the 8<sup>th</sup>, but will otherwise work to make myself available for the pre-hearing conference at your and Judge Bushmann's convenience.

(5)

Jimmie E. Small  
January 24, 2013  
Page 2

As for Ms. Hart's deposition, I do not see why the discovery conference needs to occur prior to deposing Ms. Hart, and you did not provide any explanation. So, I will leave the offered dates open. Please let me know as soon as possible whether you are agreeable to a telephone deposition, and which of those dates, if any, works for you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah E. Giboney", written in a cursive style.

Sarah E. Giboney

described note and deed of trust or mortgage. However, if you do not cure the default, the undersigned is entitled to proceed with initiating a foreclosure action or procedure with respect to your note and deed of trust or mortgage.

We recommend that you seek the advice of your attorney on this matter.

Yours truly,

\_\_\_\_\_  
[Name of lender]

**§ 17:7 Fair Debt Collection Practices Act notice pursuant to 15 U. S. C. § 1692g**

To: [name of addressee]

Re: [description of subject]

This is to let you know that your loan file has been referred to our office for collection. Section 1692g of the Fair Debt Collection Practices Act requires us to communicate certain information to you at this time.

(1) We understand that the balance of the above-described note is now \$[dollar amount of balance sum].

(2) The above debt is owed to [name of lender].

(3) Unless you, within 30 days after receipt of this notice, dispute the validity of the debt, or any portion thereof, the debt will be assumed by us to be valid.

(4) If you notify us in writing within the 30-day period following your receipt of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt and a copy of such verification will be mailed to you by us.

(5) Upon your written request within the 30-day period following your receipt of this notice, we will provide you with the name and address of the original creditor to whom this debt was owed, if different than the current creditor.

Finally, we wish to remind you that this is an attempt to collect a debt, and any information you provide will be used for that purpose.

Yours truly,

\_\_\_\_\_  
[Name of officer]  
[Title of officer]

(7)



# SmithMarco, P.C.

A T T O R N E Y S   A T   L A W

Larry P. Smith, Esq.

Direct Dial: 312-324-3532

Toll Free: 888-822-1777 (x811)

Facsimile: 888-418-1277

E-Mail: lsmith@smithmarco.com

Licensed to practice in the State of Illinois and admitted in the U.S. Court of Appeals for the Seventh Circuit and the Eighth Circuit and the U.S. District Courts in Arkansas, Colorado, Illinois, Indiana, Michigan, Nebraska, Oklahoma, Wisconsin, and the Eastern District of Missouri.

November 14, 2012

Mr. Jimmie Small  
606 W. Highway #2  
Milton, IA 52570

**RE: Your Consumer Statement about Amerin Missouri and Consumer Collection Management**

Dear Mr. Small:

You sent in a consumer statement to our office regarding your dealings with the above companies harassing you for an alleged debt. However, you did not provide a phone number with which to call you. I would like to help you, but without being able to speak with you or communicate in some way other than the regular mail, that would be difficult.

My contact information appears above on this letterhead. Please feel free to call me at your convenience to discuss this matter.

Sincerely,

Larry P. Smith  
Attorney at Law



P.  
8 of 8