



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

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Charles Paul Varvayanis,  
  
Complainant,  
  
vs.  
  
Odd Fellows Sierra Recreation  
Association,  
  
Defendant.

CASE (C.) 16-10-005  
(Filed October 6, 2016)

**DEFENDANT ODD FELLOWS SIERRA RECREATION ASSOCIATION'S  
FURTHER RESPONSE TO EMAIL RULING RE EVIDENCE**

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**January 25, 2017**

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Charles Paul Varvayanis,  
  
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vs.  
  
Odd Fellows Sierra Recreation  
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Pursuant to the Administrative Law Judge’s Email Ruling re Evidence dated January 12, 2017 from ALJ Eric Wildgrube of the California Public Utilities Commission (“Commission”), Defendant Odd Fellows Sierra Recreation Association, a California corporation (“Odd Fellows”), files this Further Response to Email Ruling re Evidence in connection with the Complaint filed by Complainant Charles Paul Varvayanis (“Complainant”) in the above-referenced matter:

**I. COMPLAINANT’S FAILURE TO COMPLY WITH EMAIL RULING**

1. The Email Ruling re Evidence dated January 12, 2017 from ALJ Eric Wildgrube (the “Email Ruling”) to Complainant and Odd Fellows was served on January 12, 2017. The Email Ruling directed to Complainant and Odd Fellows ruled as follows:

*Therefore, IT IS RULED that:*

*On or before January 20, 2017 each party shall file and serve:*

1. *All additional documentary evidence upon which the party intends to rely in this proceeding and moves into evidence, including documentary evidence identified in the body of this ruling which is not presently part of the record of the proceeding, The additional evidence shall be identified sequentially using the above format (e.g. the first additional exhibit proposed by Complainant shall be “CV-19”; the first exhibit proposed by Defendant shall be “OF-1”*

*(as identified above) and any additional exhibit proposed by Defendant shall be "OF-9"; the first additional exhibit proposed for official notice shall be "ALJ-2".*

2. *All objections to admission into evidence any of the documents identified in the body of this ruling including the propriety of taking judicial notice of ALJ-1.*
3. *A statement specifying each of the documents identified in the body of this ruling to which the party has no objection or agrees should be admitted into evidence in this proceeding.*
4. *A list of witnesses, summary of anticipated testimony from each, and time estimates for direct testimony of a party's own witnesses and for cross-examination of an opposing party's or other witnesses.*

Odd Fellows filed its Response to Email Ruling on January 20, 2017. Complainant did not (and has not as of the date hereof) filed any response to the Email Ruling as required by ALJ Eric Wildgrube.

2 As Complainant did not identify by January 20, 2017 any additional documentary evidence which Complainant intended to rely on pursuant to the Email Ruling and has subsequently failed to identify any additional documents, **Odd Fellows therefore requests that Complainant be barred from the introduction of any documents other than CV-1 to CV-18 identified in the Email Ruling at the hearing (if Complainant is even allowed to testify at the hearing).**

3. As Complainant did not object to the propriety of taking judicial notice of ALJ-1, **Odd Fellows therefore requests that such objection be deemed waived.**

4. As Complainant did not list any witnesses, summarize the testimony of any witnesses or provide any time estimates of any witnesses as required by the Email Ruling, **Odd Fellows therefore requests that Complainant be barred from the introduction of any witnesses at the hearing. If the Commission is not willing to bar the introduction of any witnesses by Complainant, Odd Fellows requests that Complainant only be allowed to testify and that his testimony be limited to 20 minutes (the same time proposed by Odd Fellows for the testimony of Del Wallis).**

**II. OBJECTIONS OF DEFENDANT OF ADMISSION INTO EVIDENCE**

1. As Complainant failed to comply with the Email Ruling and has failed to identify any additional documentary evidence which Complainant intends to rely on at the hearing, there are no additional documents which Odd Fellows can object to at this time.

**III. STATEMENT/AGREEMENT OF DEFENDANT OF ADMISSION INTO EVIDENCE**

1. As Complainant failed to comply with the Email Ruling and has failed to identify any additional documentary evidence which Complainant intends to rely on at the hearing, there are no additional documents which Odd Fellows can agree be admitted into evidence in this proceeding.

**IV. REVISION TO WITNESSES OF DEFENDANT AT HEARING**

1. Odd Fellows noted that it intended to call Ron Hawke as a witness in this proceeding in its January 20, 2017 Response to Email Ruling filed in this proceeding. As a result of the failure of Complainant to comply with the Email Ruling and thus the anticipated shortened nature of the hearing, Odd Fellows informs the Commission that it no longer intends to call Ron Hawke as a witness in this proceeding.

Respectfully submitted,

DAMBACHER, TRUJILLO & ASSOCIATES, a professional  
law corporation

By: /s/ Timothy T. Trujillo  
TIMOTHY T. TRUJILLO, ESQ.

Attorneys for Defendant Odd Fellows Sierra Recreation  
Association