

2017 AUG - 11 A 11: 23

EVANGER'S PET FOOD CO.)
)
 vs.)
)
 COMMONWEALTH EDISON COMPANY)

10-0591

CHIEF CLERK'S OFFICE

MOTION FOR LEAVE TO FILE, *INSTANTER*, THE SECOND AMENDED FORMAL COMPLAINT FOR EVANGER'S DOG AND CAT FOOD CO.

COMES Evanger's Dog and Cat Food Co, Inc. ("Evanger's"), named herein as Joel Sher for Evanger's Pet Food Co., by and through Gregory A. Bedell, of Knabe, Kroning & Bedell, and respectfully moves this honorable tribunal for leave to file, *instanter*, Evanger's Second Amended Formal Complaint. In support of this motion, Evanger's states as follows:

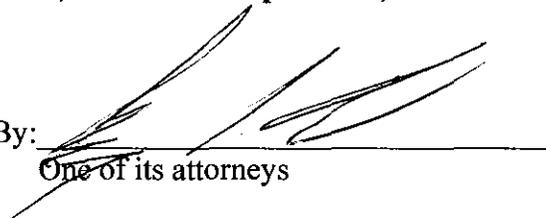
1. Evanger's filed its formal complaint against Commonwealth Edison Company ("ComEd") based on the disruptions of electric service that occurred at its Wheeling, Illinois, facility. The complaint, filed *pro se*, alleged negligence and sought damages.
2. ComEd moved to dismiss the complaint, claiming this forum lacked jurisdiction to adjudicate negligence claims.
3. Evanger's, through counsel, filed an Amended Formal Complaint which sought a finding that ComEd failed to provide or maintain adequate provision of electrical service and sought an order requiring ComEd to bring its equipment into compliance with its legal obligations.
4. ComEd filed a motion to dismiss the Amended Formal Complaint on the grounds that ComEd had replaced the equipment in question.
5. During the course of this proceeding, the Illinois Supreme Court issued its opinion in Sheffler v. Commonwealth Edison Co., 955 N.E.2d 1110 (2011), which brought some degree of clarity to the issue of ICC jurisdiction and what claims it may consider. The Court found that claims for "reparations" are appropriately brought before the ICC.

6. In light of Sheffler, the ICC has jurisdiction to order “reparations” to customers in appropriate circumstances.

7. Evanger’s seeks to file, *instanter*, its Second Amended Formal Complaint that adds as a prayer for relief a claim for reparations, as contemplated under Sheffler. A copy of the proposed pleading is attached hereto as Exhibit 1.

Wherefore, Evanger’s prays this honorable tribunal grant it leave to file its Second Amended Formal Complaint, *instanter*.

**EVANGER’S DOG AND CAT FOOD CO.,
INC., an Illinois corporation,**

By: 

One of its attorneys

Gregory A. Bedell, Esq.
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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

JOEL SHER)	
EVANGER'S PET FOOD CO.)	
)	
vs.)	10-0591
)	
COMMONWEALTH EDISON COMPANY)	

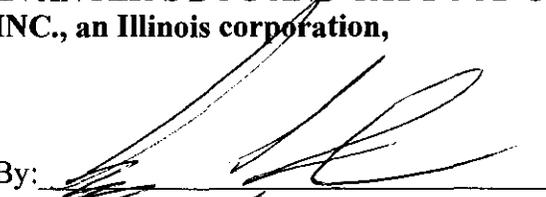
NOTICE OF FILING

To: Mark L. Goldstein
Mark L. Goldstein, P.C.
3019 Province Circle
Mundelein, Illinois 60060

Thomas S. O'Neill
Sr. Vice President & General Counsel
Commonwealth Edison Company
440 S. LaSalle Street
Chicago, Illinois 60605

Please take notice that on July 30, 2012, we caused to be filed with the Clerk of the Illinois Commerce Commission the Motion for Leave to File, *Instantly*, the Second Amended Formal Complaint, a copy of which is attached and hereby served on you.

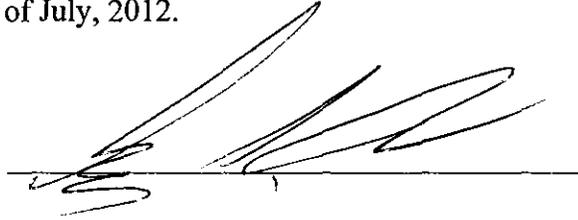
**EVANGER'S DOG AND CAT FOOD CO.,
INC., an Illinois corporation,**

By: 
One of its attorneys

Gregory A. Bedell, Esq.
Of Counsel, Knabe, Kroning & Bedell
20 South Clark Street
Suite 2301
Chicago, Illinois 60603
(312) 977.9119
19046

CERTIFICATE OF SERVICE

I, GREGORY A. BEDELL, an attorney, certify that I caused to be served a copy of the Motion for Leave to File, *Instantly*, the Second Amended Formal Complaint and this Notice of Filing and Certificate of Service to the above persons at the above addresses, by depositing same in the U.S. Mail at 20 South Clark Street, Chicago, Illinois 60603 with proper postage affixed before the hour of 5:00 p.m. on this 30th day of July, 2012.

A handwritten signature in black ink, appearing to read "Gregory A. Bedell", is written over a horizontal line. The signature is stylized and cursive.