



18 Pelham Road
Salem, NH 03079

telephone 603 894 0500
fax 603 894 0535

National Grid
PO Box 960
Northborough, MA 01532-0960

September 29, 2011

RE: Judith Thompson

DOB: [REDACTED]

Account: [REDACTED]

To whom it may concern:

Please note that Ms. Thompson has a chronic medical condition which requires continued electricity. This is a formal request to extend her protection from termination.

Sincerely,

A handwritten signature in cursive script that reads 'Peggy Dwyer'.

Peggy Dwyer APRN

PD/lt

A

June 29, 2013

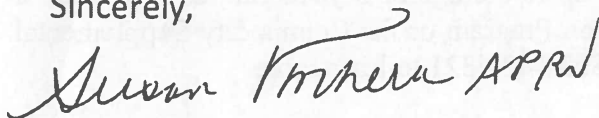
Liberty Utilities
POB 960
Northborough, MA 01532-0960

Re: Judith Tompson
Acct # [REDACTED]

To Whom It May Concern:

Please note that Ms. Tompson, who resides at 9 Lancelot Ct, Apt. 8 M/H5 in Salem, NH, has a chronic medical condition which requires continuous electricity. This is a formal request to extend her protection from termination.

Sincerely,



Susan Fichera, APRN

SF/chc

B

Southern NH Services, Inc. / Rockingham Community Action

Southern NH Services, Inc. / Rockingham Community Action

P.O. Box 5040

Manchester, NH 03108-5040

11/2/2015

Judith Tompson
9 Lancelot Ct Apt 8
Salem, NH 03079-3542

**New Hampshire Fuel Assistance Program Benefit Notification
PLEASE READ CAREFULLY**

Dear Judith Tompson,

Case Number: [REDACTED]

Based on the information you provided regarding income and energy costs, your household has been determined eligible to receive a 2016 Fuel Assistance Program benefit. As requested by you, your assistance will come in the form of :

A Credit to: Liberty Utilities - Granite State Elect in the amount of \$675.00.

Liberty Utilities - Granite State Elect has received notification of the credit.

All Fuel Assistance Program benefits are subject to availability of federal funds.

All unused Fuel Assistance Program credits will expire on April 30, 2016.

Please notify this agency of any change of address. Failure to do so may result in the cancellation of benefits.

SAVE THIS LETTER!

You may need it to apply for assistance with other social service programs such as Food Stamps or electric utility assistance programs. If you are pregnant or have children up to the age of 5 years old, or if you are a senior 60 years or older, you may be eligible for the WIC Nutrition Program or the Commodity Supplemental Food Program. WIC and CSFP offer free nutritious foods. Call 1-800-942-4321 to learn more.

If you have any questions, please feel free to contact us at:

Southern NH Services, Inc. / Rockingham Community Action

P.O. Box 5040

Manchester, NH 03108-5040

Tel: 800-322-1073

Fax: 603-645-6734

C



Liberty Utilities

15 Buttrick Road
Londonderry, NH 03053

January 3, 2017

Past Due \$ Amount: \$US\$5,008.36

JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079

Past Due Notice

Dear JUDITH TOMPSON,

According to our records, your account is past due in the amount indicated above. If payment, or a payment arrangement, has been recently made, please accept our thanks and disregard this notice.

If payment has not been made, we've included details about convenient options to pay your past due amount with this letter. If you are having difficulty paying your past due amount, please contact us to arrange a payment plan.

The PUC 1205.01 & 1205.02 Medical Emergency Rules—Provision of a medical emergency certification, in conjunction with a payment and or/ payment arrangement for any past due balances in accordance with PUC 1203.7, shall be sufficient to protect a customer's account from disconnection of service so long as the customer complies with the terms of the payment and/or arrangement.

To make a payment, inquire about your account, or make a payment arrangement for gas services, please call 1-800-833-4200 and electric services, please call 1-800-375-7413 or visit us at libertyutilities.com. You have the right to seek review of your bill by contacting the Public Utilities Commission's Consumer Division at 1-800-852-3793.

PAYMENT OPTIONS

Liberty Utilities has a variety of payment options available:

- Electronic bank drafts from your account or credit card payments can be made at www.libertyutilities.com.
- Credit card payments can also be made by calling the Liberty Utilities Customer Service Center at 1-800-833-4200. You can use the automated system 24/7 or speak with a Customer Service Representative Monday through Friday 7am to 5pm.
- Authorized Payment Centers are listed on our website. If you'd like to make an in person payment with cash, or checks at select locations, please take along your payment stub. Payments at *unauthorized* payment centers may cause delays in payment processing.

D

HARMON LAW OFFICES, P.C.

150 CALIFORNIA STREET

NEWTON, MASSACHUSETTS 02458

TEL (617) 558-0500

FAX (617) 244-7304

Business Hours: Monday-Friday 8:00 AM-to 5:30 PM

SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND

EVICTON NOTICE

TO: Judith Tompson, and all other occupants,
9 Lancelot Court, Building #9, Unit #8,
Salem, Rockingham County, NH 03079-3542

Pursuant to the provisions of RSA 540:2, you are hereby given an eviction notice and notice to vacate within thirty (30) days after service of this notice, the premises and appurtenances known as 9 Lancelot Court, Building #9, Unit #8, Salem, Rockingham County, NH 03079-3542 owned by Federal National Mortgage Association which premises are now occupied by you.

The reason for this eviction notice is:

For other good cause pursuant to RSA 540:2 II (e) and RSA 540:2 V being the following legitimate business and economic reasons: the owner of the premises following a foreclosure desires to market, sell and/or convey the property in a vacant condition.

IMPORTANT NOTICE TO SERVICEMEMBERS AND THEIR DEPENDENTS: PROTECTIONS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT

Servicemembers on "active duty" or "active service," or a dependent of such a servicemember may be entitled to certain legal protections, including eviction protection, pursuant to the Servicemembers Civil Relief Act (50 USC App. §§ 501-596), as amended, (the "SCRA") and, possibly, certain related state statutes.

Who may be entitled to Legal Protections under the SCRA:

- Active duty members of the Army, Navy, Air Force, Marine Corps, Coast Guard and active service National Guard;
- Active service members of the commissioned corps of the National Oceanic and Atmospheric Administration;
- Active service members of the commissioned corps of the Public Health Service;
- United States citizens servicing with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action; and
- Their spouses.

Servicemembers and dependents with questions about the SCRA should contact their unit's Judge Advocate, or their installation's Legal Assistance Officer. A military legal assistance office locator for all branches of the Armed Forces is available at <http://legalassistance.law.af.mil/content/locator.php>.

"Military OneSource" is the U.S. Department of Defense's information resource. If you are listed as entitled to legal protections under the SCRA, please go to www.militaryonesource.com/scra or call 1-800-342-9647 (toll free from the United States) to find out more information. Dialing instructions for areas outside the United States are provided on the website.

If you are such a servicemember, or a dependent of such a servicemember, you should contact Sarah A Billeri, Esquire at 617-558-0500 to discuss your status under the SCRA.

Federal National Mortgage Association
By its attorneys
Harmon Law Offices, P. C.

By: *Sarah A. Billeri*
Sarah A Billeri, Esquire

PLEASE BE ADVISED THAT THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Dated: 7.27.17

PROOF OF SERVICE

I certify that on the 1 day of August, 2017, Chason GIBLO, gave in hand to/left at the abode of the within-named Judith Tompson, and all other occupants, a true copy of the foregoing Notice.

Chason GIBLO
Printed Name: Chason GIBLO

~~Deputy Sheriff~~/Process Server

Southern NH Services, Inc. / Rockingham Community Action

Southern NH Services, Inc. / Rockingham Community Action

P.O. Box 5040

Manchester, NH 03108-5040

2/8/2018

Judith Tompson
9 Lancelot Ct Apt 8
Salem, NH 03079-3542

**New Hampshire Fuel Assistance Program
Supplemental Benefit Notification**

Dear Judith Tompson,
Case Number: [REDACTED]

Based on the information you provided, your household has been determined to be eligible for a Supplemental benefit in ADDITION to your original 2018 Fuel Assistance Program benefit. The additional assistance will come in the form of:

A Supplemental to: Liberty Utilities-Granite State Electric Corp in the amount of \$270.00 .

Liberty Utilities-Granite State Electric Corp will also receive notification of the Supplemental benefit.

All unused Fuel Assistance Program credits will expire on April 30, 2018.

This is an automatic benefit. You do not need to contact us for approval. Vendors will be notified directly.

All Fuel Assistance Program benefits are subject to availability of federal funds.

PLEASE SAVE THIS LETTER!

If you have any questions, please feel free to contact us at:

Southern NH Services, Inc. / Rockingham Community Action

P.O. Box 5040

Manchester, NH 03108-5040

Tel: 800-322-1073

Fax: 603-645-6734

F

EVICTIION NOTICE

118

TO: Judith Tompson (Current Occupant)

9 Lancelot court Unit # 8,

Salem, NH 03079

Pursuant to the provisions of RSA 540:2, you are hereby given an eviction notice and notice to vacate, on or before May, 30th 2018, the premises and appurtenances owned by Madhu Estates, LLC of the City of Nashua in the County of Hillsborough, New Hampshire, which premises are now occupied by you.

The reason for this eviction notice is:

/XXX/ For other good cause pursuant to RSA 540:2 II (e), RSA 540:2 III, RSA 540:2 IV, or RSA 540:2 V as follows: The Previous Owner, Judith Tompson, of my newly acquired property of 9 Lancelot court, Unit # 8, Salem, NH 03079, has not vacated the property and after mailing a request to contact me to make civil arrangements has not responded. This eviction notice is to give Judith Tompson notice to vacate the property by May 30th, 2018.

Dated: May 1, 2018

Madhu Estates, LLC

58 Buttrick Lane

Carlisle, MA - 01741

C. Madh
(Signature)

I hereby certify that on the 1st day of May, 2018 at 11:30 AM/PM I gave in hand to/left at the abode of Judith Tompson (Current Occupant) - 9 Lancelot court, Unit # 8, Salem, NH 03079. Above named, a true copy of the above original notice.

C. Madh
(Signature)

9

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Martin P. Honigberg

COMMISSIONERS
Kathryn M. Bailey
Michael S. Giaimo

EXECUTIVE DIRECTOR
Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

FAX (603) 271-3878

Website:
www.puc.nh.gov

May 16, 2018

Judith Tompson
9 Lancelot Ct Apt 8
Salem, NH 03079

Re: Request for Permission to Disconnect Electric Service

Dear Ms. Tompson:

Liberty Utilities (Liberty) has requested permission from the New Hampshire Public Utilities Commission (Commission) to disconnect your electric service, which has been coded as a medical necessity. Your account balance at the time of the request was \$5,290.00.

The Commission and Liberty have reached out to you multiple times since the disconnection request was filed, by telephone and mail, to help you set up and abide by the terms of a payment arrangement. In spite of that outreach, you have not set up a payment arrangement or you have not complied with a payment arrangement that you set up. **Consequently, even with a valid medical emergency certificate, you are not protected from disconnection of your electric service.**

As described in N.H. Code of Administrative Rules, Chapter Puc 1200, Part Puc 1205, Puc 1205.02, a medical emergency certification, in conjunction with a payment arrangement for any past due balances, shall protect a customer's account from disconnection of service so long as the customer complies with the terms of the payment arrangement. **Since you do not have a payment arrangement, Liberty's request for permission to disconnect your electric service has been submitted to the Director of the Consumer Services and External Affairs Division for review and determination.**

It is important that you contact Liberty at 1-800-375-7413 or the Commission at 1-800-852-3793 to set up a payment arrangement as soon as possible. If you believe you cannot afford the payment arrangement terms offered by the utility, please contact your local welfare office to apply for financial assistance and a determination of how much you can afford to pay Liberty each month based on your financial circumstances. **Failure to make a payment arrangement may result in the disconnection of your electric service.**

Sincerely,

A handwritten signature in cursive script that reads "Eileen Hadley".

Eileen Hadley
Consumer Services and External Affairs Division

H

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

SALEM 10th CIRCUIT DISTRICT COURT

ROCKINGHAM COUNTY

CASE NO. 473-2018-LT-59

RECEIVED
NH CIRCUIT COURT
10TH CIRCUIT SALEM
JUN 25 P 12:21

Madhu Gaddam d/b/a Madhu Estates

v.

Judith Tompson

MOTION TO ORDER CONTINUED ELECTRICITY ON PROPERTY

PROPERTY:

9 Lancelot Court, Unit #8, in Salem, New Hampshire 03079

Defendant is disabled. **Electricity is necessary for safety while Defendant lives at 9 Lancelot Court in Unit 8.** Electricity is a necessity. Disconnection of electric service is a hardship; which includes, but is not limited to: an inoperable unit fire alarm, a disconnected building fire alarm system, a disconnected fire station fire alarm system, an inability to refrigerate food, an inability to prepare food, an inability to store food, an inability to see and safely get to the bathroom, an inability to decrease accumulated heat in the brick building, an inability to regulate the poor air quality in the unit, an inability to remove water from the air in my damp basement unit, loss of my landline telephone and telephone service, an inability to call 911, an inability to call medical providers, and/or a high probability of physical injury due diminished sight as a result of the loss of needed electricity.

There is no prejudice to plaintiff. In fact, granting this motion will not affect the plaintiff in any way. However, a denial of this motion will negatively affect Defendant and may deprive her of a necessary utility; which affects a sustainable existence, health, and safety. Defendant implores this Honorable Court to grant this motion.

CONCLUSION

Wherefore, Defendant prays this Honorable Court:


1. Order continued and/or ongoing electricity on the property; and
2. Grant any other relief deemed fair, equitable, and just.

ATTACHED: Notarized Electricity Hardship Affidavit

Signed this 25th day of June 2018.

Granter
7.12.18
Robert S. Stephen

Respectfully Submitted,


Judith Tompson, pro se
9 Lancelot Court #8
Salem, NH 03079

CERTIFICATION OF SERVICE

I certify a copy of the Motion was sent, via postage prepaid first-class mail, to Madhu Gaddam at 58 Buttrick Lane in Carlisle, MA 01741.

Signed this 25th day of June 2018.

Respectfully Submitted,


Judith Tompson, pro se

A True Copy Attest:

I

AFFIDAVIT**I, Judith Thompson, on Oath depose and state the following:**

On 08/01/2017, at 9 Lancelot Court, Unit #8, in Salem, NH, was posted on my door an Eviction Notice dated 08/01/2017. Three (3) days later, Liberty Utilities sought to disconnect electric service.

On 05/01/2018, at 9 Lancelot Court, Unit #8, in Salem, NH, was posted on my door an Eviction Notice dated 05/01/2018. Fifteen (15) days later, Liberty Utilities sought to disconnect electric service.

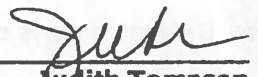
I have resided at 9 Lancelot Court, Unit #8, in Salem, NH for eighteen (18) years. Only twice, in those eighteen years, has any electric utility company ever sought to disconnect electric service; which is Liberty Utilities immediately after receiving Notice of an Eviction. I have a chronic, debilitating physiological medical condition. I live solely on unearned income; which consists of monthly federal social security disability payments.

On 05/22/2018, I spoke with the Salem Town Manager's Office employee; whom informed me that Liberty Utilities is the only exclusively authorized electric service distributor in the entire Town of Salem. This fact was verified and validated when I contacted the New Hampshire Public Utilities Commission. Due to the connected unit and building alarm system; which is connected directly to the fire station, electricity is necessary for the safety of others in case of fire.

Electricity is a necessity. Disconnection of my electric service is a hardship; which includes, but is not limited to: an inoperable unit fire alarm, a disconnected building fire alarm system, a disconnected fire station fire alarm system, an inability to refrigerate food, an inability to prepare food, an inability to store food, an inability to see and safely get to the bathroom, an inability to decrease accumulated heat in the brick building, an inability to regulate the poor air quality in the unit, an inability to remove water from the air in my damp basement unit, loss of my landline telephone and telephone service, an inability to call 911, an inability to call medical providers, and/or a high probability of physical injury due diminished sight as a result of the loss of needed electricity.

I am a disabled. Electricity is necessary for my safety while I reside at 9 Lancelot Court, Unit 8, in Salem, NH.

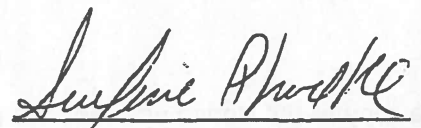
Signed and Sealed under the pains and penalties of perjury this 25th day of June 2018.


Judith Thompson

**STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY**

Be it known, that Judith Thompson personally appeared before me, this date, and swears the foregoing to be her free act and deed. Judith Thompson swears upon pain and penalty of perjury that the foregoing is factually accurate. Judith Thompson swears the aforementioned disclosures are true to the best of her understanding, personal knowledge, and belief.

Signed this 25 day of June 2018.


Notary Public



J



Liberty Utilities

JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079

6/27/2018

Bill Account No: [REDACTED]
Service Address: 9 LANCELOT CT APT 8
SALEM, NH 03079

RE: MEDICAL CERTIFICATE CONFIRMATION

This is an important notice. Please have it translated.

Este é um aviso importante. Queira mandá-lo traduzir.
Este es un aviso importante. Sírvase mandarlo traducir.
Avis important. Veuillez traduire immédiatement.

ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG
XIN VUI LÒNG CHỈ DỊCH LẠI THÔNG CÁO NÀY
Questa è un'informazione importante,
si prega di tradurla.

Это очень важное сообщение.
Пожалуйста, попросите чтобы
вам его перевели.

Dear JUDITH TOMPSON,

We have received the completed form from your Medical Professional certifying the existence of a medical emergency in your household. Therefore, we have placed a temporary protection status on your account which will protect your account from collection activity, including termination, until 6/26/18. It is your responsibility to renew any medical certification on a timely basis to ensure continued service.

Although you qualify for temporary medical protection, this does not relieve you of your obligation to pay your bill. In compliance with the New Hampshire Public Utilities Commission, you must enter into and comply with a payment agreement for any past due amount as a condition of the medical certification. Failure to make arrangements or comply with any payment agreement on your past due balance will result in disconnection of service.

Currently, your account has an overdue balance of \$5,267.00. The last payment that we received was on 5/30/2018. To discuss payment arrangements, please contact our Credit Department at (800) 375-7413 Monday thru Friday 7:00am – 5:00pm.

If you use medical equipment, we recommend that you plan for any power outages that may occur.

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(800) 852-3793

Sincerely,

Liberty Utilities

K



Liberty Utilities

Liberty Utilities
P.O. Box 1380
Londonderry, NH 03053-1380
Visit our website at www.libertyutilities.com

FOR QUESTIONS REGARDING YOUR BILL CALL (800) 375-7413
FOR EMERGENCIES CALL (855) 349-9455



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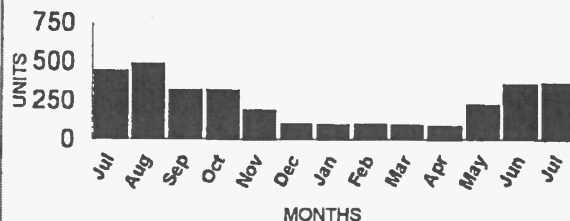
JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079-3542

Statement

ACCOUNT INFO	
Account Number:	
Statement #:	7728899
Bill Date:	07/18/2018
Due Date:	08/15/2018
Next Meter Read:	08/13/2018

Service Address: 9 LANCELOT CT APT 8
SALEM NH 03079

MONTHLY CONSUMPTION CHART



Meter Number	Type of Service	Rate Code	Read # of Type Days	Service Dates	(Current - Previous) x	Multiplier	= Usage	Demand	KVA/ KVAR
	Energy	D	A 29	06/14/18-07/13/18	64744 - 64371	1	373		

For electric emergencies or to report power outages call 1-855-349-9455.

ACCOUNT ACTIVITY

Voltage Delivery Level	0 - 2.2 kv
Previous Balance:	5,325.05
Payments Received:	0.00
Balance Forward:	5,325.05
Current Charges:	
Customer Chg	14.02
Consumption Tax 373.00 units @ 0.00055	0.21
Distribution Chg 123.00 units @ 0.04883	6.01
Distribution Chg 250.00 units @ 0.04299	10.75
Energy Service 373.00 units @ 0.08931	33.31
Stranded Cost Chg 373.00 units @ -0.00095	0.35 CR
Sys Benefits Chg 373.00 units @ 0.00457	1.70
Transmission Chg 373.00 units @ 0.03460	12.91
EAP Discount 22%	17.24 CR
Miscellaneous Charges/Credits:	

SPECIAL MESSAGE

Effective June 1st, a number of charges were changed, including the Distribution Charge, Transmission Charge, and Stranded Cost Charge. Effective July 1st, as usual, a new monthly rate for Energy Service for large commercial and industrial customers will begin. The change in the Energy Service rate does not apply to customers taking Electricity Supply from a third party. Please refer to our website at www.libertyutilities.com for all of our current rates.

KEEP THIS PORTION FOR YOUR RECORDS

Please include your account number on your check
Make checks payable to Liberty Utilities

DETACH AND RETURN THIS REMITTANCE PORTION OF THE BILL WITH YOUR PAYMENT

Payment Coupon

Please check box and see reverse for: ☐ Update phone/address

Service Address: 9 LANCELOT CT APT 8 SALEM NH 03079

JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079-3542

BALANCE FORWARD	CURRENT CHARGES	AMOUNT DUE	ENCLOSED AMOUNT
5,325.05	61.32	5,386.37	

Account Number: [REDACTED]
Statement #: 7728899
Bill Date: 07/18/2018
Due Date: 08/15/2018

Liberty Utilities - NH
75 Remittance Drive, Suite 1032
Chicago, IL 60675-1032

074465279944347152500000006132000000538637

L



JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079-3542

MONTHS	UNITS
Jul	500
Aug	320
Sep	320
Oct	180
Nov	80
Dec	80
Jan	80
Feb	80
Mar	80
Apr	220
May	350
Jun	350
Jul	50



B. Federal Question Jurisdiction

Tompson's filings suggest that she may seek to invoke this court's federal question jurisdiction under 28 U.S.C. § 1331. Under the well-pleaded complaint rule, however, the "'plaintiff is master of his complaint,'" and "'a case cannot be removed if the complaint's allegations are premised only on local law.'" López-Muñoz v. Triple-S Salud, Inc., 754 F.3d 1, 4 (1st Cir. 2014) (citation omitted); see also Vaden v. Discover Bank, 556 U.S. 49, 54 (2009) (federal court jurisdiction "cannot be invoked on the basis of a defense or counterclaim"); Caterpillar, Inc. v. Williams, 482 U.S. 386, 392-93 (1987) (case cannot be removed to federal court on basis of federal defense). This case, filed initially in Salem District Court, is an eviction proceeding, arising under state law. There is no federal claim in the landlord tenant petition that could provide grounds for exercising federal question jurisdiction over this matter. See Fannie Mae II, 2018 WL 2426638, at *3, 2018 U.S. Dist. LEXIS 86086, at *6-*7. Accordingly, the district judge should remand this action for lack of jurisdiction, and deny as moot Madhu Estates LLC's motion seeking a remand (Doc. No. 10).

II. Tompson's Motions (Doc. Nos. 6, 7)

Tompson seeks injunctive relief in her motion to continue electricity (Doc. No. 7), and she seeks to dismiss the

underlying eviction proceeding in Document No. 6. “‘A [party] seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.’” Glossip v. Gross, 135 S. Ct. 2726, 2736 (2015) (citation omitted). Irreparable harm and the likelihood of success weigh most heavily in the analysis. Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 22 (2008); Voice of the Arab World, Inc. v. MDTV Med. News Now, Inc., 645 F.3d 26, 32 (1st Cir. 2011). The burden of proof is on the movant. See Esso Std. Oil Co. v. Monroig-Zayas, 445 F.3d 13, 18 (1st Cir. 2006).

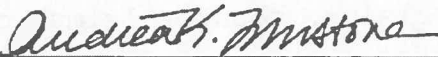
Because this action should be remanded, Thompson has not demonstrated, and cannot demonstrate, any likelihood that she would succeed on the merits of her claims in this action. Therefore, without expressing any opinion on the underlying merits of any claims, counterclaims, or defenses in the eviction proceeding, the district judge should deny the motion to continue electricity (Doc. No. 7), without prejudice to Thompson’s ability to seek such relief in the state court after remand.² Similarly, this court should deny Thompson’s motion to

²The Salem District Court appears to have granted Thompson’s motion to continue electricity on the property. See Madhu

dismiss the underlying eviction proceeding (Doc. No. 6) without prejudice to her ability to seek such relief in the state court.

Conclusion

For the foregoing reasons, the district judge should remand this action for lack of subject matter jurisdiction, deny the pending motion for remand as moot (Doc. No. 10), and deny without prejudice to refiling in state court Thompson's motions to dismiss and to continue electricity (Doc. Nos. 6, 7). Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen-day period may be extended upon motion. Failure to file specific written objections to the Report and Recommendation within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).



Andrea K. Johnstone
United States Magistrate Judge

August 7, 2018

cc: Judith Thompson, pro se
Michael J. Scott, Esq.

Estates LLC v. Thompson, No. 473-2018-LT-00059 (N.H. Cir. Ct., 10th Cir., Dist. Div., Salem July 12, 2018). This court expresses no opinion on whether that state court order should be revisited, upon remand. See generally 28 U.S.C. § 1446(d).

*Ms. Judith Tompson
Nine Lancelot Court, Unit Eight
Salem, New Hampshire 03079*

20 August 2018

VIA REGULAR MAIL AND FAX (603) 386-6280

Liberty Utilities
P.O. Box 1380
Londonderry, NH 03053

To whom it may concern:

On 08/17/2018, I received a FINAL BILL in the amount of \$9.43 current charges on my account with Liberty Utilities ("Liberty"). On 08/17/2018 I paid the charges in full, via telephone; which included a \$3.75 surcharge. My confirmation code, for payment, is [REDACTED]. On 08/17/2018, as per the automated system directive, I called 1-855-541-3939 to confirm payment and disclose the code. I was transferred to the collections department. On 08/17/2018, I spoke with "Jen" [refused to give her last name] from collections. Jen informed me that my account is scheduled for disconnection on Wednesday, August 28, 2018. I have received no disconnection notices from Liberty. Further, Jen stated that my Liberty account has been transferred to the "new owner" of the property where I reside. No notice of account transfer was mailed to me. It is my understanding that if the account has been transferred, any alleged arrears on the account transfers to the new owner. I live at 9 Lancelot Court, Unit 8, in Salem, NH. My account number is/was [REDACTED]. I am disabled. A medical certificate exists on my account; which has not been mailed to me by Liberty. On 08/17/2018, I asked Jen for a copy of the medical letter acknowledging my condition to be mailed to me. This is a third request to Liberty. Additionally, Jen claims a lawyer mailed information, regarding me, to Liberty. At this time, I request all documentation between any third parties and Liberty regarding me and/or my Liberty account and/or any issues related to the electricity provided by Liberty. It is unclear why, or how, Liberty had the authority to "change" my account to another person without my knowledge, since I continue to reside on the property. I have lived at Lancelot Court for eighteen (18) years. It is unclear how Liberty is authorized to disconnect electricity on the property, after changing the names on the account, in order to leave the person living on the property without electric power because a new owner's name is on the account. This is unconscionable. I have disputed alleged arrears on this account many times in the past, to no avail with Liberty staff in Londonderry. Twice, Liberty has sought disconnection as a direct result of eviction notices. I remain on the property. I have been unfortunate in my phone conversations with the Londonderry, New Hampshire office staff. In fact, Jen threatened to "shut off" my electricity if I did not immediately pay a sum certain on 08/17/2018.

I have a chronic, disabling medical condition; which necessitates electricity. As of 08/17/2018, My current Liberty charges are a \$0.00 balance. Due to the account transfer, any alleged arrears are attached to the new owner; which transferred, without my knowledge, to a third party. The electricity is a necessity; which is stated on the Salem 10th Circuit Court Order and, by fax receipt, was successfully received by Liberty via fax weeks ago. Upon a second call to Liberty, Jen "found" the court order she previously claimed did not exist; which directs that electricity is to continue on the property. The termination of service scheduled for 08/29/2018 must be withdrawn. I hope the only way to remedy this situation is not through the courts. However, if this discrimination and harassment continues, I am prepared to file a complaint in the United States District Court for violations of the FDCPA, RSA 358, negligence, and any other applicable and appropriate remedies available at law. The Londonderry staff have been punitive and inflexible. It is my hope the Principle will direct the Agent to immediately remedy this situation to both sides mutual satisfaction and agreement. The termination of service scheduled for 08/29/2018 must be stopped and/or withdrawn. Any alleged arrears must be removed from my account, as Liberty transferred the account into another's name, without my knowledge or consent. I live at 9 Lancelot Court, Unit 8, in Salem, NH. Electricity is a necessity.

Sincerely,


Judith Tompson

CC:

Algonquin Power & utilities Corp.
ATTN: Katy Cook
354 Davis Road
Canada L6J 2X1
Fax: 905-465-4514

0

TRANSMISSION VERIFICATION REPORT

TIME : 08/20/2018 15:05
NAME : STAPLES 0047
FAX :
TEL :
SER.# : U63314K3J532720

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

08/20 15:05
6033866280
00:00:52
01
OK
STANDARD

*Ms. Judith Tompson
Nine Lancelot Court, Unit Eight
Salem, New Hampshire 03079*

20 August 2018

Algonquin Power & Utilities Corp.
ATTN: Katy Cook
354 Davis Road
Canada L6J 2X1

VIA REGULAR MAIL AND FAX (905) 465-4514

Dear Ms. Katy Cook,

On 08/17/2018, I received a FINAL BILL in the amount of \$9.43 current charges on my account with Liberty Utilities ("Liberty"). On 08/17/2018 I paid the charges in full, via telephone; which included a \$3.75 surcharge. My confirmation code, for payment, is [REDACTED]. On 08/17/2018, as per the automated system directive, I called 1-855-541-3939 to confirm payment and disclose the code. I was transferred to the collections department. On 08/17/2018, I spoke with "Jen" [refused to give her last name] from collections. Jen informed me that my account is scheduled for disconnection on Wednesday, August 28, 2018. I have received no disconnection notices from Liberty. Further, Jen stated that my Liberty account has been transferred to the "new owner" of the property where I reside. No notice of account transfer was mailed to me. It is my understanding that if the account has been transferred, any alleged arrears on the account transfers to the new owner. I live at 9 Lancelot Court, Unit 8, in Salem, NH. My account number is/was [REDACTED]. I am disabled. A medical certificate exists on my account; which has not been mailed to me by Liberty. On 08/17/2018, I asked Jen for a copy of the medical letter acknowledging my condition to be mailed to me. This is a third request to Liberty. Additionally, Jen claims a lawyer mailed information, regarding me, to Liberty. At this time, I request all documentation between any third parties and Liberty regarding me and/or my Liberty account and/or any issues related to the electricity provided by Liberty. It is unclear why, or how, Liberty had the authority to "change" my account to another person without my knowledge, since I continue to reside on the property. I have lived at Lancelot Court for eighteen (18) years. It is unclear how Liberty is authorized to disconnect electricity on the property, after changing the names on the account, in order to leave the person living on the property without electric power because a new owner's name is on the account. This is unconscionable. I have disputed alleged arrears on this account many times in the past, to no avail with Liberty staff in Londonderry. Twice, Liberty has sought disconnection as a direct result of eviction notices. I remain on the property. I have been unfortunate in my phone conversations with the Londonderry, New Hampshire office staff. In fact, Jen threatened to "shut off" my electricity if I did not immediately pay a sum certain on 08/17/2018.

I have a chronic, disabling medical condition; which necessitates electricity. As of 08/17/2018, My current Liberty charges are a \$0.00 balance. Due to the account transfer, any alleged arrears are attached to the new owner; which transferred, without my knowledge, to a third party. The electricity is a necessity; which is stated on the Salem 10th Circuit Court Order and, by fax receipt, was successfully received by Liberty via fax weeks ago. Upon a second call to Liberty, Jen "found" the court order she previously claimed did not exist; which directs that electricity is to continue on the property. The termination of service scheduled for 08/29/2018 must be withdrawn. I hope the only way to remedy this situation is not through the courts. However, if this discrimination and harassment continues, I am prepared to file a complaint in the United States District Court for violations of the FDCPA, RSA 358, negligence, and any other applicable and appropriate remedies available at law. The Londonderry staff have been punitive and inflexible. It is my hope the Principle will direct the Agent to immediately remedy this situation to both sides' mutual satisfaction and agreement. Any alleged arrears must be removed from my account, as Liberty transferred the account into another's name, without my knowledge or consent. I live at 9 Lancelot Court, Unit 8, in Salem, NH. Electricity is a necessity. The termination of service scheduled for 08/29/2018 must be stopped and/or withdrawn.

Sincerely,


Judith Tompson

cc:

Liberty Utilities
P.O. Box 1380
Londonderry, NH 03053

P

TRANSMISSION VERIFICATION REPORT

TIME : 08/20/2018 15:04
NAME : STAPLES 0047
FAX :
TEL :
SER.# : U63314K3J532720

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

08/20 15:03
19054654514
00:00:55
01
OK
STANDARD

*Ms. Judith Thompson
Nine Lancelot Court, Unit Eight
Salem, New Hampshire 03079*

21 August 2018

Scott & Scott, P.A.
50 Nashua Road, Suite 102
Londonderry, NH 03053

RE: Madhu Estates, L.L.C. - Case No. 1:18-CV-555-PB

ATTN: Attorney Michael Scott

I am writing regarding the electric account on the property located at:

9 Lancelot Court, Unit #8
Salem, NH 03079

On 08/17/2018, I spoke with a Liberty Utilities representative. The representative stated that electricity is scheduled for termination on Wednesday, 08/29/2018, at this address. The representative further stated that my electric account has been transferred into your client's name.

I have received no written Notice of this event. I have received no disconnection Notice from Liberty. I am unaware of any transfer of electric service and/or of any request for transfer of service made.

I was further told that "a lawyer" wrote a letter and mailed information to Liberty regarding the electric account. At this time, I request any and all information your office generated and/or mailed to Liberty Utilities regarding the aforementioned property.

Any clarification, by your office, of this disturbing issue would be appreciated. I request a copy of any requests for termination of service to Liberty, from your client, and/or on behalf of your client.

Thank you in advance for your time and attention to this urgent medical matter. I look forward to your written response.

Sincerely,


Judith Thompson

Q



LAW OFFICES OF
SCOTT & SCOTT P.A.

MICHAEL J. SCOTT
MICHELLE E. SCOTT
Of Counsel:
ANDREW D. JEANS†

† ADMITTED NH / MA

August 23, 2018

Ms. Judith Tompson
Nine Lancelot Court, Unit Eight
Salem New Hampshire 03079

Re: 1:18-cv-00555-PB; Madhu Estates, LLC v. Judith Tompson; Response to August 21,
2018 Letter from Judith Tompson

Dear Ms. Tompson:

As requested in your August 21, 2018 letter, I have enclosed my e-mail communication responding to inquiry by Jennifer of Liberty Utilities.

As you will note, the e-mail forwards the order of the Federal District Court regarding electrical services to 9 Lancelot Ct., Unit 8, Salem, NH. I believe the enclosures are self-explanatory. However, you are welcome to contact me should you require clarification.

Sincerely,

Michael J. Scott

MJS/mjs
Enclosures
cc: Madhu Estates, LLC

R

[Print](#) | [Close Window](#)

Subject: [FWD: Activity in Case 1:18-cv-00555-PB Madhu Estates, LLC v. Thompson Order on Motion to Withdraw]
From: mscott@scottandscottpa.com
Date: Wed, Aug 15, 2018 4:03 pm
To: Jennifer.Hemeon@libertyutilities.com
Cc: "Madhu Gaddam" <madhugaddam@gmail.com>

Jennifer,

I am forwarding the Magistrate's Order. The Salem District Court's order requiring Madhu's company to continue electric service was not valid because the entire case was removed to Federal District Court by Judith Thompson prior to issuance of that order. Thus, the Federal District Court became authorized to rule on the electrical service issue and it held Madhu did not have to continue electric service to the property.

I noted that you requested a "paper" order, but that is not what happens now. All orders and pleadings in Federal Court are electronic. Obviously, you are welcome to confirm with the Federal District Court that the attached Order is authentic. If you require further information or have questions, please contact me. Sincerely, Mike

Michael J. Scott
SCOTT & SCOTT, P.A.
P.O. Box 1055, 50 Nashua Rd., Ste. 102
Londonderry, NH 03053
(603) 434-3426 P
(603) 437-0022 F
mscott@scottandscottpa.com

----- Original Message -----

Subject: Activity in Case 1:18-cv-00555-PB Madhu Estates, LLC v. Thompson
Order on Motion to Withdraw
From: ecf_bounce@nhd.uscourts.gov
Date: Thu, August 09, 2018 10:44 am
To: nef@nhd.uscourts.gov

**This is an automatic e-mail message generated by the CM/ECF system.
Please DO NOT RESPOND to this e-mail because the mail box is unattended.
NOTE TO PUBLIC ACCESS USERS** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court
District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 8/9/2018 at 10:44 AM EDT and filed on 8/8/2018

5



Liberty Utilities™

PO Box 1380
Londonderry, NH 03053-1380

August 29, 2018

Bill Account No: [REDACTED]

Service Address: 9 Lancelot Ct Apt 8
Salem, NH 03079

Judith Thompson
9 Lancelot Ct Apt 8
Salem, NH 03079

Dear Judith Thompson:

You have been notified by both Liberty Utilities and the Public Utilities Commission stating that your service is to be disconnected. In an attempt to negotiate payment arrangements to prevent disconnection I visited your address today, Wednesday, August 29, 2018. I was unable to make contact.

Please know that my intent is to set up arrangements to prevent your disconnection.

Your current balance is \$5,386.37, which is currently past due. In the last month, you have refused to receive both written and verbal contact with us in order to negotiate payment arrangements.

Please contact me or the Sr. Manager below, so that we can work towards a solution. After Friday, August 31, 2018 we will have no choice but to disconnect your service.

Jessica Allen
Supervisor, Collections
Office: 603-216-3581
Cell: 603-327-9114

Christine Downing
Sr. Manager, Customer Service
Office: 603-216-3588
Cell: 603-362-2709

Best Regards,

Jessica Allen
Supervisor, Collections

T



Liberty Utilities

Liberty Utilities
P.O. Box 1380
Londonberry, NH 03053-1380
Visit our website at www.libertyutilities.com

FOR QUESTIONS REGARDING YOUR BILL CALL (800) 375-7413
FOR EMERGENCIES CALL (855) 349-9455



>002943 2366632 0001 092170 10Z

JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079-3542

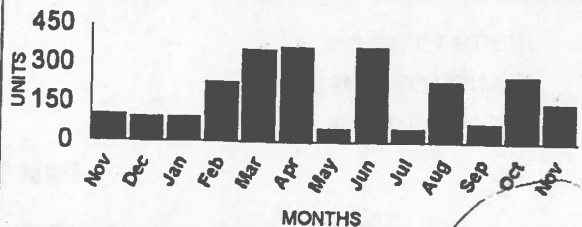
Statement

ACCOUNT INFORMATION

Account Number:	
Statement #:	8290687
Bill Date:	11/15/2018
Due Date:	12/13/2018
Next Meter Read:	12/12/2018

Service Address: 9 LANCELOT CT APT 8
SALEM NH 03079

MONTHLY CONSUMPTION CHART



Meter Number	Type of Service	Rate Code	Read Type	# of Days	Service Dates	(Current - Previous)	x Multiplier	= Usage	Demand	KVA/ KVAR
	Energy	D	A	28	10/12/18-11/09/18	65968 - 65811		157		

or electric emergencies or to report power outages call 1-855-349-9455.

ACCOUNT ACTIVITY

outage Delivery Level	0 - 2.2 kv
revious Balance:	5,481.74
ayments Received:	50.68 CR
alance Forward:	5,431.06
urrent Charges:	
Customer Chg	14.02
Consumption Tax 157.00 units @ 0.00055	0.09
Distribution Chg 157.00 units @ 0.04299	6.75
Energy Service 157.00 units @ 0.08299	13.03
Stranded Cost Chg 157.00 units @ -0.00095	0.15 CR
Sys Benefits Chg 157.00 units @ 0.00457	0.72
Transmission Chg 157.00 units @ 0.03460	5.43
EAP Discount 22%	8.76 CR
scellaneous Charges/Credits:	

SPECIAL MESSAGE

Whether you heat your home with natural gas, oil, propane, coal, or wood, your heating system can produce toxic CO if it is not working properly or vented correctly. Make sure to have your heating system, chimney, and vent pipes inspected regularly.

Change the batteries in your CO detectors and smoke detectors twice a year, like when Daylight Savings Time changes. The life expectancy of a carbon monoxide detector is 5-7 years. Replace aging CO detectors to ensure everyone's safety.

KEEP THIS PORTION FOR YOUR RECORDS

DETACH AND RETURN THIS REMITTANCE PORTION OF THE BILL WITH YOUR PAYMENT

BALANCE FORWARD	CURRENT CHARGES	AMOUNT DUE	ENCLOSED AMOUNT
5,431.06	31.13	5,462.19	

Payment Coupon

Use check box and see reverse for: ☐ Update phone/address

Service Address: 9 LANCELOT CT APT 8 SALEM NH 03079

JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079-3542

Account Number: [REDACTED]
Statement #: 8290687
Bill Date: 11/15/2018
Due Date: 12/13/2018

Liberty Utilities - NH
75 Remittance Drive, Suite 1032
Chicago, IL 60675-1032

054465279944347152800000003113700000546219

u



Liberty Utilities

15 Buttrick Road
Londonderry, NH 03053

1/3/19

Past Due: \$10708.5

JUDITH TOMPSON
9 LANCELOT CT APT 8
SALEM, NH 03079

Past Due Notice

Dear JUDITH TOMPSON,

According to our records, your account is past due in the amount indicated above. If payment, or a payment arrangement, has been recently made, please accept our thanks and disregard this notice.

If payment has not been made, we've included details about convenient options to pay your past due amount with this letter. If you are having difficulty paying your past due amount, please contact us to arrange a payment plan.

The PUC 1205.01 & 1205.02 Medical Emergency Rules—Provision of a medical emergency certification, in conjunction with a payment and or/ payment arrangement for any past due balances in accordance with PUC 1203.7, shall be sufficient to protect a customer's account from disconnection of service so long as the customer complies with the terms of the payment and/or arrangement.

To make a payment, inquire about your account, or make a payment arrangement for electric services, please call 1-800-375-7413 or visit us at libertyutilities.com. You have the right to seek review of your bill by contacting the Public Utilities Commission's Consumer Division at 1-800-852-3793.

PAYMENT OPTIONS

Liberty Utilities has a variety of payment options available:

- Electronic bank drafts from your account or credit card payments can be made at www.libertyutilities.com.
- Credit card payments can also be made by calling the Liberty Utilities Customer Service Center at 1-800-375-7413. You can use the automated system 24/7 or speak with a Customer Service Representative Monday through Friday 7am to 5pm.
- Authorized Payment Centers are listed on our website. If you'd like to make an in person payment with cash, or checks at select locations, please take along your payment stub. Payments at *unauthorized* payment centers may cause delays in payment processing.

V

AFFIDAVIT

DE 18-148

I, Judith Tompson, on Oath depose and state the following:

I have resided at 9 Lancelot Court, Unit 8, in Salem, New Hampshire for eighteen (18) years. I apply for, and receive, a medical certificate on my electric account each year due to a chronic and debilitating physiological medical condition.

On November 6, 2017, Liberty Utilities disconnected my electric service without prior written notice to me. When the power was severed, I immediately exited the unit and found an orange notice on my door stating that Liberty Utilities was here.

I saw a male Liberty worker exiting the rear of the building and followed him. We spoke; and he stated he had a "disconnect order" on my unit. I informed him that I had not received written notice of disconnection and he stated he "put it on my door."

I told the worker that I was entitled to prior notice, sent by mail, and had not received prior written notice. The worker called the Londonderry Liberty Utilities Office. The woman on the phone stated she had mailed me prior notice of disconnection.

This is false. I never received a disconnection notice from Liberty Utilities via postage prepaid first-class mail. After a heated discussion, the female staff ordered the male worker to "turn the service back on." My electric service was disconnected for approximately one (1) hour on this date.

Prior to commencing this complaint, Liberty Utilities never mailed me any fuel assistance acknowledgements or notifications. Liberty Utilities never mailed me any fuel assistance annotations of monetary assistance applications applied to my electric account. Liberty Utilities never mailed me any fuel assistance entitlement amount remaining balances not applied to my electric account.

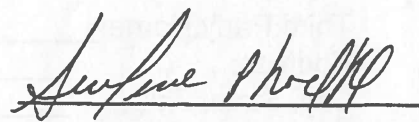
Signed and Sealed under the pains and penalties of perjury this 11th day of February 2019.


Judith Tompson

**STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY**

Be it known, that Judith Tompson personally appeared before me, this date, and swears the foregoing to be her free act and deed. Judith Tompson swears upon pain and penalty of perjury that the foregoing is factually accurate. Judith Tompson swears the aforementioned disclosures are true to the best of her understanding, personal knowledge, and belief.

Signed this 11 day of February 2019.


Notary Public

IVELISSE PHADKE
Notary Public, State of New Hampshire
My Commission Expires Oct. 25, 2022

W



Liberty Utilities

Third Party Notification

With Third Party Notification, you name a third party to be notified along with you if you receive any final termination notices. You may choose a friend, relative, neighbor, clergy member, or a community or governmental agency. While your third party is not responsible for paying the bill, he or she may be helpful in working out the problem and avoiding termination of your Liberty Utilities service.

Third Party Notification Enrollment Form

E-mail your completed form to NHMedicalLetters@Libertyutilities.com or fax it to: (603) 386-6280, or mail it in a stamped envelope to:

Liberty Utilities
Credit & Collections/Account Processing
P.O. Box 1380
Londonderry, NH 03053-1380

Customer Statement: I request that any final termination notice of my Liberty Utilities service for non-payment also be mailed to the following person or agency. In making this request, I understand that Liberty Utilities has no liability if it fails to provide the requested notice for any reason.

Customer Information:

Customer Name: _____
Address: _____
City, State, Zip: _____
Daytime Phone Number: () - _____
Liberty Utilities Account Number: _____ / _____
Customer Signature: _____
Date: _____

Third Party Information:

Third Party Name: _____
Address: _____
City, State, Zip: _____
Daytime Phone Number: () - _____
Third Party Signature: _____
Date: _____

X