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COURT OF CLAIMS
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Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

EUGENE WRINN, JR. Plaintiff v. OHIO STATE HIGHWAY PATROL Defendant	Case No. 2006-05934 Judge Alan C. Travis ENTRY SCHEDULING AN EVIDENTIARY HEARING

On June 30, 2010, plaintiff filed a motion for reconsideration of the court's June 8, 2010 entry denying plaintiff's motion for an immunity hearing. On July 8, 2010, defendant filed a response. Upon review, although the court is not convinced that its prior ruling was in error, plaintiff's motion is GRANTED, in part, to the extent that an evidentiary hearing shall be scheduled to determine whether defendant's employees are entitled to immunity in any civil action arising under Ohio law. Therefore, the court hereby ORDERS the following:

1) An evidentiary hearing is scheduled for *October 6, 2010, at 10:00 a.m.*, to determine whether Daren Johnson, T.K. Manley, and K.J. Koverman are entitled to civil immunity pursuant to R.C. 2743.02(F) and 9.86;

2) The assistant attorneys general assigned to defend the state in this case are directed to personally notify Daren Johnson, T.K. Manley, and K.J. Koverman of the *October 6, 2010* evidentiary hearing and their right to participate in the immunity determination;

3) The attached "Additional Trial Requirements and Information" is hereby incorporated by reference.

ALAN C. TRAVIS
Judge

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cc:

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Additional Trial Requirements and Information

Subpoena

Any request for the issuance of a subpoena, including the issuance of a blank subpoena under Civ. R. 45(A) and any motion for an order designating a person to serve a subpoena under Civ. R. 45(C), must be filed with the clerk's office at least twenty-one days before the date of the trial. Any request for the issuance of a subpoena which is not timely filed need not be processed by the clerk's office. A sample request for the issuance of subpoena(s), request for issuance of subpoena(s) in blank, and subpoena form are enclosed. The subpoena may be filled out and used by the attorney of record. A copy of the subpoena shall be filed with the court prior to the service and again filed with the court after service has been made by the attorney, appointed process server or court reporter.

R.C. 2743.06 provides that the party at whose instance the witness appears is to pay the witness fees and mileage; such expenses are not taxed as costs and are not advanced by the Court.

Marking Exhibits

Before commencement of trial, the trial attorneys shall mark all items to be placed in evidence with the enclosed labels or substantially similar labels. The items shall be marked in the following manner:

(A) "Joint Exhibit (A, B, C, etc.)" for each item upon which counsel agree to introduce as a Joint Exhibit;

(B) "Plt. (name) Exhibit (1, 2, 3, etc.)" or "Dft. (name) Exhibit (A, B, C, etc.)" for each item which plaintiff or defendant intends to offer but which cannot be marked as a joint exhibit.

A list of the marked items shall be given to the bailiff or staff attorney before the trial or evidentiary hearing.

Videotaped Testimony and Depositions

The trial attorney who intends to offer videotaped testimony or videotaped depositions shall immediately review Sup.R. 13 of the Rules of Superintendence for Courts of Ohio.

Pretrial Statements

Pretrial statements shall be filed and served within seven days of the scheduled pretrial. The statements shall include, where appropriate, a list of exhibits which are to be introduced into evidence, copies of available opinions of expert witnesses, and the names of the witnesses expected to testify at trial.

Trial Briefs

Provided pretrial statements have been filed, trial briefs need not be submitted at any time either before or during the proceedings unless specifically requested by the assigned judge.

Motion to Convey

A motion to convey an inmate to the situs of the trial is necessary when the plaintiff and/or a witness is incarcerated at a penal institution and is to be transported from that institution to the place of the trial.

Notice

If you move or change your telephone number you must file with the court a written notice indicating a new address or telephone number.