

IN THE COURT OF CLAIMS OF OHIO

Eugene Wrinn, Jr.,

Plaintiff

v.

Ohio State Highway Patrol,

Defendant.

ORIGINAL

) Case No. 2006-05934

) Judge Alan C. Travis

) **MOTION TO USE THE DEPOSITION**
) **TRANSCRIPT OF BRIAN MEADER**
) **UNDER CIVIL RULE 32(A)**

) Cary R. Cooper (0013062)
) Jacqueline M. Boney (0013050)
) Sarah K. Skow (0081468)
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) *Counsel for Plaintiff*

Plaintiff Eugene Wrinn, Jr. ("Wrinn") moves the Court under Civil Rule 32(A)(3)(b) to use the May 28, 2009 deposition of Brian Meader in lieu of live testimony at the immunity hearing on December 15, 2010.¹ Brian Meader is a Michigan resident, beyond the subpoena power of this Court and he is unable to travel to Columbus for the December 15, 2010 hearing due to his work schedule. Mr. Meader's Affidavit was filed with the Court on December 8, 2010, a copy of which is attached hereto. Accordingly, Wrinn moves the Court to accept Brian Meader's May 28, 2009 deposition transcript in lieu of his live testimony at the December 15, 2010 evidentiary hearing.

¹ Brian Meader's May 28, 2009 deposition transcript was filed with the Court on November 23, 2010.

ON COMPUTER

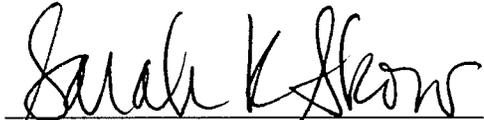
Respectfully submitted,



Cary R. Cooper
Jacqueline M. Boney
Sarah K. Skow
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 9th day of December, 2010 by ordinary U.S. mail, postage prepaid, upon: **James P. Dinsmore**, Assistant Attorney General, Court of Claims Defense Section, 150 East Gay St., 18th Floor, Columbus, Ohio 43215-3130; **Anthony Geiger**, Law Director, CITY OF LIMA, 209 N. Main St., 6th Floor, Lima, Ohio 45901; upon **Todd M. Raskin** and **Carl E. Cormany**, MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A., 100 Franklin's Row, 34305 Solon Road, Cleveland, Ohio 44139; upon **Michael S. Loughry**, MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A., 250 Civic Center Drive, Suite 400, Columbus, Ohio 43215; and upon **Jane M. Lynch** and **Jared A. Wagner**, GREEN & GREEN, LAWYERS, 800 Performance Place, 109 North Main Street, Dayton, Ohio 45402-1290.



Cary Rodman Cooper
Jacqueline M. Boney
Sarah K. Skow
Counsel for Plaintiff

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) **AFFIDAVIT OF BRIAN MEADER**

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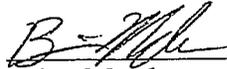
Brian Meader, being first duly sworn, deposes and states as follows:

1. Except as otherwise stated, this Affidavit is based upon my personal knowledge.
2. I was a passenger in Eugene Wrinn, Jr.'s vehicle at the time of an accident on or about September 16, 2005.
3. I was deposed in this case on or about May 28, 2009.
4. I am a resident of the State of Michigan, and my present address is 1333 West Grand River Ave., Apt. D5, Howell, Michigan 48843.
5. I am presently employed as a mechanic by NorthStar Ranch, a trucking company.

6. In my present position I work the shift from 11:00 a.m. – 9:00 p.m., six days per week.

7. Due to my work schedule, I will not be able to travel to Columbus, Ohio for the December 15, 2010 hearing.

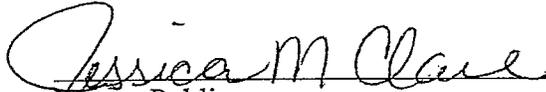
Further affiant sayeth naught.



Brian Meader

STATE OF MICHIGAN)
) ss:
COUNTY OF Livingston)

Sworn to and subscribed in my presence this 16 day of November, 2010.



Notary Public

JESSICA M. CLARE
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF LIVINGSTON
MY COMMISSION EXPIRES 02/20/2016
Acting in the County of Livingston