FILED
COURT OF CLAIMS
OF OHIO

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ORIGINAL

IN THE COURT OF CLAIMS OF OHIO

Eugene Wrinn, Jr.,	Case No. 2006-05934
Plaintiff,	Judge Alan C. Travis
v.	**PLAINTIFF'S MOTION TO SHORTEN TIME**
Ohio State Highway Patrol,	Cary R. Cooper (0013062) Jacqueline M. Boney (0013050) Sarah K. Skow (0081468) COOPER & WALINSKI, L.P.A. 900 Adams Street Toledo, Ohio 43604 Phone: (419) 241-1200 Fax: (419) 242-5675 cooper@cooperwalinski.com boney@cooperwalinski.com skow@cooperwalinski.com
Defendant.	*Counsel for Plaintiff*

Plaintiff moves the Court for an Order shortening the time within which Defendants are to produce certain documents requested to be used in the deposition of Major Kevin Teaford on Thursday, February 24, 2011, beginning at 9:00 a.m.

Dated: February 18, 2011

Respectfully submitted,

Sarah K. Skow
Counsel for Plaintiff

COOPER & WALINSKI
A LEGAL PROFESSIONAL
ASSOCIATION
900 ADAMS STREET
TOLEDO, OHIO 43604

ON COMPUTER

MEMORANDUM IN SUPPORT

Since receiving Major Kevin Teaford's expert report, Plaintiff's counsel has attempted to schedule the Major Teaford's deposition, which must be completed by February 28, 2011. Plaintiff has noticed the deposition for Thursday, February 24, 2011, and has requested that Major Teaford produce seven of the items he referred to as documents that he reviewed in connection with rendering his report. A copy of the Request for Production of Documents is attached as Attachment A.

Because Major Teaford recently reviewed the documents, they should be readily available for him or counsel to produce either before or on February 24, 2011 at the deposition.

Dated: February 18, 2011

Respectfully submitted,

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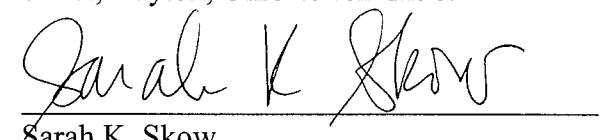
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 18th day of February, 2011, 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.



Sarah K. Skow
Counsel for Plaintiff

Ex. A

IN THE COURT OF CLAIMS OF OHIO

Eugene Wrinn, Jr.,	)	Case No. 2006-05934
	)	
Plaintiff,	)	Hon. J. Craig Wright
	)	
v.	)	**PLAINTIFF'S FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT**
Ohio State Highway Patrol,	)	
	)	
Defendant.	)	Cary Rodman Cooper (0013062)
	)	Sarah K. Skow (0081468)
	)	COOPER & WALINSKI, LPA
	)	900 Adams St.
	)	Toledo, OH 43624
	)	Phone: 419-241-1200
	)	Fax: 419-242-5675
	)	cooper@cooperwalinski.com
	)	skow@cooperwalinski.com
	)	
	)	*Counsel for Plaintiff*

Plaintiff submits the following Requests for Production of Documents under Rules 26 and 34 of the Ohio Rules of Civil Procedure to the Defendant to be answered separately, fully, in writing, and under oath, with Defendant's answers and responsive documents to be served upon Plaintiff's counsel within 28 days after service hereof.

COOPER & WALINSKI
A LEGAL PROFESSIONAL ASSOCIATION
900 ADAMS STREET
TOLEDO, OHIO 43604

DEFINITIONS AND INSTRUCTIONS

1. The term "document" is intended to be comprehensive and to include, without limitation, the original or copies of any correspondence, calendar or diary entry, memorandum, report, record, handwritten note, log, handbook, policy, picture, drawing, photograph, data stored on computer or disc, voice recordings, audio tape, or video tape, which is in the possession, custody, or control of the defendant or its agents or attorneys.

2. The terms "you" and "your" refer to the State of Ohio, the Ohio State Highway Patrol, its officers, employees, and agents.

3. The term "traffic crash" refers to the automobile crash that occurred on September 16, 2005, on Interstate 75, in Allen County, Ohio, involving Plaintiff Eugene Wrinn, Jr., and the related incident with law enforcement officers thereafter.

4. "Address" means current business address, or if current business address is unknown, last known business and residence address and the dates on which each of the addresses was known to be current.

5. "Identify," when used with reference to a natural person, means to state the full name, present or last known address and telephone number, date of birth, and employment position(s) held, if known, of such person.

6. "Person" means any natural person, any business entity regardless of form, whether a corporation, partnership, association, individual proprietorship, joint venture, firm or any other form of business enterprise, organization or arrangement, whether formal or informal.

7. Where the terms "relating to" or "pertaining to" or "in connection with" are used, they shall be interpreted as including referring to, concerning, constituting or having as its subject matter, directly or indirectly, expressly or impliedly, the subject matter of the specific request.

8. Any response to these requests shall set forth the request in full before each response. Separate responses shall be provided with respect to each request. An electronic version of Plaintiff's Third Request for Production of Documents is enclosed for Defendant's convenience.

9. You are directed to Rule 34(b) of the Ohio Rules of Civil Procedure which provides that any party who produces documents "shall produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request."

10. If any request for documents is deemed by Defendant to call for the production of privileged or work product materials and such privilege or work product is asserted, identify in writing each document so withheld. If only a portion of a document is privileged or work product, then redact and identify such portion thereof that is withheld.

    With regard to all documents or portions of documents withheld, provide the following information:

    a. the reason for withholding the document;

    b. a statement of the basis for the claim of privilege, work product or other ground of non-disclosure; and

    c. a brief description of the document.

11. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, providing as much of the following information as possible;

    a. the type of document;

    b. its date;

    c. the date or approximate date it was lost, discarded, or destroyed;

    d. the circumstances and manner in which it was lost, discarded, or destroyed;

    e. the reason or reasons for disposing of the document (if discarded or destroyed);

    f. the identity of each and every person authorizing or having knowledge of the circumstances surrounding the disposal of the documents;

    g. the identity of the person who lost, discarded, or destroyed the documents; and

    h. the identity of each and every person having knowledge of the contents thereof.

12. These Requests for Production of Documents shall be deemed continuing so as to require prompt further and supplemental production if you locate or obtain possession, custody, or control of additional responsive documents or information at any time prior to trial.

13. If any document to be identified or produced is not in your possession or subject to your control, or is no longer in existence, state whether it:

    a. is missing;

    b. has been destroyed;

    c. exists in the possession, custody or control of another person and identify such person(s);

    d. has been transferred, voluntarily or involuntarily, to others and state the identity of the person(s) to whom it has been transferred; or

    e. has been otherwise disposed of.

    In each such instance, identify the documents by date, subject matter, author, addressee, and the number of pages; explain the circumstances surrounding such disposition; state the date or approximate date thereof; and identify the person(s) with knowledge of such circumstances.

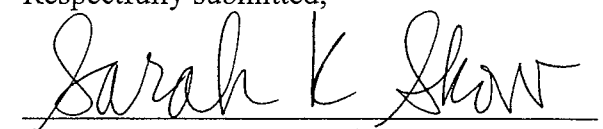
REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 67: All documents reviewed and/or referenced by Major Kevin Teaford in preparing his expert report, including, but not limited to, Response to Resistance Review Guide Administrative Investigations: #2003-2851 (Johnson); #2004-4127 (Johnson); 2004-4145 (Johnson); #2004-4669 (Johnson); #2005-6245 (Johnson); and #2005-5707 (Johnson).

RESPONSE:

Dated: February 18, 2011

Respectfully submitted,



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Counsel for Plaintiff