

FILED
COURT OF CLAIMS
OF OHIO
2011 MAR 25 PM 2:16

IN THE COURT OF CLAIMS OF OHIO

ORIGINAL

Eugene Wrinn, Jr.,

Plaintiff,

v.

Ohio State Highway Patrol,

Defendant.

) 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 March 29, 2011.¹ Brian Meader is a Michigan resident, beyond the subpoena power of this Court and he is unable to travel to Columbus for the March 29, 2011 hearing due to his work schedule and his wife's medical procedure. Mr. Meader's Affidavit 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 March 29, 2011 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 24th day of March, 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.



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

IN THE COURT OF CLAIMS OF OHIO

Eugene Wrinn, Jr.,) Case No. 2006-05934
)
Plaintiff,) Judge Alan C. Travis
)
v.) **AFFIDAVIT OF BRIAN MEADER**
)
Ohio State Highway Patrol,) Cary R. Cooper (0013062)
) Sarah K. Skow (0081468)
Defendant.) COOPER & WALINSKI, L.P.A.
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) *Counsel for Plaintiff*
)

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 in Michigan as a mechanic by NorthStar Ranch, a trucking company.

Sarah K. Skow
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Via Overnight Mail

March 24, 2011

Miles C. Durfey, Clerk
COURT OF CLAIMS OF OHIO
The Ohio Judicial Center
65 S. Front Street, 3rd Floor
Columbus, Ohio 43215

RE: *Eugene Wrinn, Jr. v. Ohio State Highway Patrol*
Court of Claims of Ohio Case No. 2006-05934

Dear Mr. Durfey:

I enclose an original and three copies each of Plaintiff Eugene Wrinn, Jr.'s Preliminary Supplemental Exhibit List and Motion to Use the Deposition Transcript of Brian Meader Under Civil Rule 32(A) for filing in the above-referenced matter. ²⁽²⁾

Please file same with the Court and return at least one file-stamped copy of each to our office in the enclosed self-addressed, stamped envelope. Thank you for your assistance in this matter.

Sincerely,


Sarah K. Skow

SKS/mls
Enc.

cc: James P. Dinsmore, Esq. (via email - w/enc)