

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2013 APR -3 AM 11:49

LYNDSEY HOWELL

Plaintiff

-v-

THE OHIO UNIVERSITY
POLICE DEPARTMENT

Defendant

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Case Number: 2013-00001

Judge: McGrath

Magistrate: Shaver

REPLY MEMORANDUM

Plaintiff's pleading were most specific in delineating the indigestion with Defendant's Answer, and no mention was made of any of the allegations, Defenses, or areas where Defendant has the right to fairly deny Plaintiff's allegations in her complaint.

Certainly Plaintiff's pleading did not even hint at requiring the Court to accept the allegations in her Complaint as unchallengeable.

The Memorandum filed by Defendant's Counsel is an example of what Plaintiff complains. Defendants take a position that their "best case" is the only true version and that is just not correct. The fact they do some things right does not justify the balance.

A procedure exists and is in place when a Party desires to admit a portion of a paragraph which is clearly true and to deny other portions, when the claim is made that the allegation is mostly true but not completely so. Defendant has not done that.

ON COMPUTER

What Defendant has done is attempt to misdirect the import and impact of Plaintiff's Motion by failing to address the specific requests in Plaintiff's pleading such as the fact that although the records of the incident have been in the exclusive care, custody, management, and control of the Defendant since the date of the incident Defendant frivolously claims that Plaintiff blew the 2 year Statue of limitations by filing in 11 months. While other examples exist there is no benefit in belaboring the point.

Further such conduct can be addressed as it occurs.

RESPECTFULLY SUBMITTED,



VINCENT DePASCALE, Trial Attorney
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ATTORNEY FOR LINDSEY HOWELL

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the forgoing upon Christopher Conomy, Assistant Attorney General as attorney for Defendant, this 2nd day of April, 2013, by regular U.S. Mail.



VINCENT DEPASCALE
ATTORNEY FOR LYNDSEY HOWEL

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2 APRIL 2013

CLERK
COURT OF CLAIMS OF OHIO
THE OHIO JUDICIAL CENTER
65 SOUTH FRONT STREET, THIRD FLOOR
COLUMBUS OH 43215

Re: Howell v Ohio University Police
Department
2013-00001

Dear Clerk:

Enclosed is the original and a copy of the pleadings that I am filing in response to the Memorandum filed by the Attorney General.

Please file the original, and send me a time stamped copy in the enclosed *cc*
SASE.

Thanx.


Vincent DePascale

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