



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

Subpoena

RETURN OF SERVICE
COURT'S COPY

Steven Liss

Plaintiff

V.

Case Number: 2013-00139

Cleveland State University

Defendant

Judge: Holly T. Shaver

To: Dr. James Michael Drnek

9343 Chesapeake Drive

North Royalton, Ohio 44133

FILED
COURT OF CLAIMS
OF OHIO
2013 AUG 23 AM 11:19

YOU ARE HEREBY COMMANDED TO:

- Attend and give testimony at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
- Attend to testify and produce documents and/or tangible things at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
- Produce and permit inspection and copying, on the date and at the time and place specified below, of any designated documents that are in your possession custody or control.
- Produce and permit inspection and copying, testing or sampling, on the date and at the time and place specified below, of any tangible things that are in your possession, custody or control.
- Permit entry upon the following described land or other property, for the purposes described in civil 34(a)(3), on the date and at the time and place specified below.

Description of land or other premises:

DATE: September 25, 2013 TIME: 10:00 A.M. PLACE: Thorman Petrov Griffin Co., LPA
3100 Terminal Tower, 50 Public Square
Cleveland, Ohio, 44113

DESCRIPTION OF ITEMS TO BE PRODUCED:

Please see attached Duces Tecum

2013 SEP 12 AM 11:03

ON COMPUTER

FILED
COURT OF CLAIMS
OF OHIO

THE STATE OF OHIO

County, ss

To the Sheriff of _____ County, Ohio, Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.

WITNESS MY HAND AND SEAL OF SAID COURT THIS _____ DAY OF _____, 20____,
CLERK OF THE COURT OF CLAIMS OF OHIO.

BY: _____
Assistant Clerk

REQUESTING PARTY INFORMATION:

NAME: Mark D. Griffin, Esq.

(ATTORNEY FOR;) Steven Liss

TELEPHONE NUMBER 216-621-3500

NOTE: READ ALL INFORMATION ON THIS SUBPOENA.

Civil Rule 45 (C) Protection of persons subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii),(iii),(iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

Civil Rule 45 (D) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labelled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R.26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Civil Rule 45 (E) Sanctions.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. A subpoenaed person or that person's attorney who frivolously resists discovery under this rule may be required by the court to pay the reasonable expenses, including reasonable attorney's fees, of the party seeking the discovery. The court from which a subpoena was issued may impose upon a party or attorney in breach of the duty imposed by division (C)(1) of this rule an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.

RETURN OF SERVICE

I RECEIVED THIS SUBPOENA ON 8/16/2013, AND SERVED THE PARTY NAMED ON THE REVERSE

HEREOF BY PERSONAL SERVICE ON 8/16/2013 @ 2:45 p.m.

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

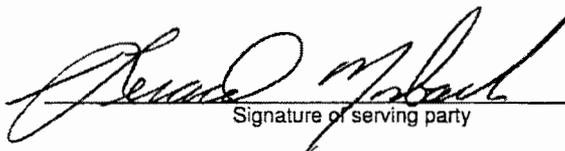
Sheriff's Fees

Service _____

Mileage _____

Copy _____

Total _____


Signature of serving party

Circle one: Deputy Sheriff Attorney

Process Server Deputy Clerk

Other _____

EXHIBIT A

Duces Tecum

Please produce and permit inspection and copying of the following documents at Thorman Petrov Griffin Co., L.P.A., 3100 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113 at 10:00 am on September 25, 2013.

For purposes of this Exhibit A, the word "documents" shall mean the **original** (and all copies not identical in all respects to the original) of any printed, written, graphic, digital or electronic matter(s) upon which intelligence of any kind may be stored, recorded, perceived and/or retrieved, with or without detection or retrieval devices (including, without limitation, papers, memoranda, correspondence, affidavits, declarations, notes, journals, diaries, appointment books, agreements, invoices, receipts, books of account, working papers, data compilations, databases, spreadsheets, presentations, photographs, recordings, cassettes, tapes, film reels, optical media, digital recordings, computer disks, hard drives, removable drives, media cards and flash drives).

If any such documents are available in electronic form, then Plaintiff requests that such documents be produced with all information contained in such file (including all metadata) in the original format if it is in one of the following formats: Rich Text Format, Lotus 123, AmiPro or WordPro, Outlook Express, Microsoft Word, WordPerfect, Excel, WAV, MP3, PDF or text. Otherwise, Plaintiff asks that it be converted to such formats by any method that provides all metadata contained in the file. If respondent cannot, then Plaintiff asks that the document, including all metadata, be provided in a PDF format that permits the selection and copying of individual words contained in the document.

1. Please produce for inspection and copying all written or electronic notes, memoranda, agendas, announcements, emails, criteria, lists, spreadsheets, minutes, correspondence, reports, organizational charts, and any other documents related to any reorganization at Cleveland State University in the Department of Student Life from 2005 to present;

2. Please produce for inspection and copying all written or electronic notes, memoranda, agendas, emails, criteria, lists, spreadsheets, minutes, correspondence, reports, organizational charts, consultant reports and any other documents considered or relied upon in creating or eliminating any positions from Cleveland State University in the Department of Student Life from 2005 to the present;

3. Please produce for inspection and copying all written or electronic notes, memoranda, agendas, emails, minutes, correspondence, reports, and any other documents reflecting or related to any meetings in which you were involved and in which hiring employees to or terminating employees from Cleveland State University in the Department of Student Life from 2005 to the present;

4. Please produce for inspection and copying all written or electronic notes, memoranda, agendas, emails, minutes, correspondence, reports, and any other documents

reflecting or related to any meetings in which you were involved and in which reorganizing the Department of Student Life at Cleveland State University was discussed;

5. Please produce for inspection and copying all job descriptions, requisition forms, job announcements, emails, interview notes, lists, spreadsheets, organizational charts, and any other documents related to or reflecting any open positions at Cleveland State University in the Department of Student Life from 2005 to the present;

6. Please produce for inspection and copying all written or electronic correspondence, emails, notes, memoranda, or reports to or from you concerning William Russell during the period of January 1, 2005 to the present;

7. Please produce for inspection and copying all written or electronic correspondence, emails, notes, memoranda, or reports to and from you concerning Steven Liss during the period of January 1, 2005 to the present;

8. Please produce for inspection and copying all written or electronic correspondence, emails, notes, memoranda, or reports to and from you concerning Dr. Willie Banks during the period of January 1, 2005 to the present;

9. Please produce for inspection and copying all written or electronic correspondence, emails, notes, memoranda, or reports to and from you concerning Dr. T.W. Cauthens, III during the period of January 1, 2005 to the present;

10. Please produce for inspection and copying all written or electronic correspondence, emails, notes, memoranda, or reports to and from you concerning Jill Courson during the period of January 1, 2005 to the present;

11. Please produce for inspection and copying all written or electronic correspondence, emails, notes, memoranda, or reports to and from you concerning Steve Vartorella during the period of January 1, 2005 to the present;

12. Please produce for inspection and copying all written or electronic correspondence, emails, notes, memoranda, letters or reports to or from you concerning any applicants or candidates for open positions at Cleveland State University in the Department of Student Life during the period of January 1, 2005 to the present, including but not limited to Jill Courson, Robert Bergmann and Jamie Johnston;

13. Please produce for inspection and copying all job descriptions, job applications, resumes, qualifications, curriculum vitae, cover letters, offer letters, rejection letters, or hiring announcements sent to or from any candidate or applicant for an open position at Cleveland State University in the Department of Student Life during the period of January 1, 2005 to the present;

14. Please produce for inspection and copying all documents that you considered or relied upon when evaluating candidates or applicants for the positions of Director, Student Involvement, Greek Coordinator, Assistant Dean for Student Engagement, Assistant Dean of Students for Student Organizations, Coordinator for Student Center Programs and Commuter Affairs, and Assistant Dean of Students for Student Activities and Events;

15. Please produce for inspection and copying all documents related to or created in the course of any consultant report regarding the Department of Student Life at Cleveland State University during the period of January 1, 2005 to the present;

16. Please produce for inspection and copying all documents in your possession or control which relate in any way to William Russell and Steven Liss, including documents which relate in any way to any consideration of them for open positions with or of their termination from Department of Student Life at Cleveland State University;

17. Please produce for inspection and copying all documents in your possession or control which relate in any way to Dr. Willie Banks, including documents which relate in any way to any consideration of William Russell and Steven Liss for open positions with or of their termination from Department of Student Life at Cleveland State University;

18. Please produce for inspection and copying all documents within your possession or control sent to or received from anyone concerning William Russell, Steven Liss, Dr. Willie Banks, Dr. T.W. Cauthens, III, Jill Courson and Steve Varotella; and

19. Please produce for inspection and copying all other documents of any sort otherwise related to William Russell, Steven Liss, Dr. Willie Banks, Dr. T.W. Cauthens, III, Jill Courson and Steve Varotella.

TPG

THORMAN PETROV GRIFFIN

September 9, 2013

Via U.S. Mail

The Ohio Judicial Center
Court of Claims of Ohio
65 South Front Street
Third Floor
Columbus, OH 43215

FILED
COURT OF CLAIMS
OF OHIO
2013 SEP 12 AM 11:03

Re: *Liss v. Cleveland State University-Case No.: 2013-00139*

Dear Sir/Madam:

Per your request, I have enclosed the copy of *Subpoena for Dr. James Michael Drnek* that was erroneously returned to us.

Please do not hesitate to call me should you have any questions.

Sincerely,



Laura Greene
Client Services Manager
lgreene@tpgfirm.com

Enclosure