

FILED
COURT OF CLAIMS
OF OHIO

ORIGINAL

IN THE COURT OF CLAIMS OF OHIO

2013 OCT 17 PM 3:19

LYNDSEY HOWELL

Plaintiffs

v.

OHIO UNIVERSITY POLICE
DEPARTMENT

Defendants

CASE NO. 2013-00001

MAGISTRATE HOLLY T. SHAVER

**DEFENDANT'S RESPONSE TO PLAINTIFF'S
MOTION TO COMPEL**

Defendant Ohio University respectfully asks this Court to deny Plaintiff's Motion to Compel as moot because the requested discovery has been served. The discovery responses sought in the Motion to Compel were served on Plaintiff's counsel just as the Motion was served. As a result, the Motion is moot.

The Motion also seeks to revisit matters that have already been decided by this Court. As this Court is aware, the initial delay in responding to this litigation was the result of medical issues the week that the initial Answer to the Complaint was due, and this court found it to be excusable neglect. It was not, as Plaintiff claims, the result of counsel's alleged disregard of the rules governing this action.

Furthermore, the trial of this matter is not until the end of March, 2014, and Plaintiff will still have time to conduct ample discovery in this uncomplicated matter. There has been no prejudice in this case.

Accordingly, the Motion should be denied.

ON COMPUTER

Respectfully submitted,

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CERTIFICATE OF SERVICE

On October 17, 2013, a copy of this document was served via regular mail on the following:

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