

for whatever reason he deems b beneficial to his case. If such a Rule exists Counsel herein would be most appreciative if the Court would point him to it and educate him on that point.

Lawyers get discovery responses every day that they “do not like”. Whether or not counsel will be happy with a discovery response is not the criteria; whether the responses comport with the Ohio Civil Rules and the Cannons of Ethics is the criteria.

In this case the former responses of Mr Conomy do not comply with the requirements of law as is clearly shown by the Exhibit attached to the Motion.

Certainly a Defendant is entitled to its defenses so long as they are supported by facts or a reasonable interpretation of the facts, and are founded in a good faith basis for a legal and legitimate defense.

Defendant is entitled to claim that Hoskinson did not break Ms Howell’s hand. However, Mr Conomy is not entitled to subvert the discovery process in an attempt to keep the Plaintiff from proving otherwise.

All of Plaintiff’s Motions must be sustained.

RESPECTFULLY SUBMITTED,



VINCENT DePASCALE, Trial Attorney
786 NORTHWEST BOULEVARD
GRANDVIEW HEIGHTS, OH 43212
(614) 298-8200 S.C. # 0013227
ATTORNEY FOR LYNDSEY 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 December, 2013, by regular U.S. Mail.


VINCENT DEPASCALE
ATTORNEY FOR LYNDSEY HOWEL

Vincent DePascale

Attorney and Counselor at Law

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19 NOVEMBER 2013

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No Fax & No E-Mail

CHRISTOPHER CONOMY, ESQ.
COURT OF CLAIMS DEFENSE SECTION
150 EAST GAY STREET, 18TH FLOOR
COLUMBUS OH 43215-3130

Re: Howell v O U Police
2013-00001

Dear Mr Conomy:

This letter is a request that you provide me with available dates in mid to late December, 2013, on which I can depose LT Hoskinson and CO Baker. I will also probably want to depose the 2 EMS personnel but I will not know that for certain until I get the records from Athens County EMS. I will set those for the same day.

Since you have not provided me with proper discovery I have no knowledge as to whether there are any other members of the Ohio University Police who have knowledge of this incident and should be deposed. If the depositions of the personnel named above disclose other persons with knowledge, and you have not properly identified them to me prior to the deposition, I shall be very displeased. If such persons exist identify them now.

Due to your history of ignoring requests and obligations with which you disagree, you have 3 days from receipt of this letter to put your available dates in the mail to me. Failing that I will pick dates, issue subpoenas, and proceed from there. The State of Ohio is your client and not Hoskinson and Baker.

Today is Tuesday, 19 NOV 13. I expect that you will reasonably receive this letter on Thursday, 21 NOV 13, and even with mail delays by Friday 22 NOV 13. As a consequence I expect that your response will be mailed before or by close of business on Wednesday 27 NOV 13; and should be delivered to my office on Friday 29 NOV 13.

Vincent DePascale

Vincent DePascale

Attorney and Counselor at Law

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2 DECEMBER 2013

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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

2013 DEC -3 AM 11:07

FILED
COURT OF CLAIMS
OF OHIO

Dear Clerk:

Enclosed is the original of the pleadings that I am filing.

Please file the original.

Please return a time stamped copy to me in the enclosed SASE

I have sent a courtesy copy to Magistrate Shaver and served Mr Conomy directly.

Thanx.


Vincent DePascale

Vincent DePascale

Attorney and Counselor at Law

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2 DECEMBER 2013

HON. HOLLY SHAVER, MAGISTRATE
COURT OF CLAIMS OF OHIO
THE OHIO JUDICIAL CENTER
65 SOUTH FRONT STREET, THIRD FLOOR
COLUMBUS OH 43215

FILED
COURT OF CLAIMS
OF OHIO
2013 DEC -3 AM 11:07

Re: Howell v Ohio University Police
Department
2013-00001

Magistrate Shaver:

Enclosed is a courtesy copy of the pleading that I have this day sent to the Clerk for filing.


Vincent DePascale