

1 IN THE COURT OF COMMON PLEAS  
2 FRANKLIN COUNTY, OHIO

3 JAMES DANIEL HUGHES,  
4 et al.,

5 Plaintiffs,

6 vs.

CASE NO. 13 CV 004435

7 CT CORPORATION, et al.,

8 Defendants.

9 \* \* \*

10 IN THE COURT OF CLAIMS OF OHIO

11 JAMES DANIEL HUGHES,  
12 et al.,

13 Plaintiffs,

14 vs.

CASE NO. 2012-09059

15 THE OHIO STATE UNIVERSITY,

16 Defendant.

17 \* \* \*

18 Videotaped deposition of BRETT MEYER,  
19 Witness herein, called by the Plaintiffs for  
20 cross-examination pursuant to the Rules of Civil  
21 Procedure, taken before me, Beverly W. Dillman, a  
22 Notary Public in and for the State of Ohio, at  
23 The Ohio State University Office of Legal  
24 Affairs, 1590 North High Street, Columbus, Ohio,  
25 on Friday, May 10, 2013, at 8:59 o'clock a.m.

\* \* \*

EXHIBIT  
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1 Q. At what point in time was he -- was  
2 Pat involved in that; in the development stage?

3 A. Development stage, yeah, we  
4 typically do a safety kick-off meeting with our  
5 team. Pat leads that discussion and helps us  
6 develop the safety plan for the specific project.

7 Q. Okay. Yesterday I had a chance to  
8 talk to Faye Bodyke on the record. I want to  
9 represent something that I think she said and ask  
10 you your opinion on it. She told us yesterday  
11 that as it pertains to the construction safety  
12 both inside the fence and outside the fence, that  
13 Gilbane was 100-percent responsible for that. Do  
14 you agree or disagree with that?

15 MR. BRICKER: Object to the form.

16 THE WITNESS: We were responsible  
17 for safety within the construction limits.

18 BY MR. CRANDALL:

19 Q. What do you mean by construction  
20 limits; where's that go?

21 A. In my opinion, that's within the  
22 fence.

23 Q. Let's talk about a truck coming onto  
24 the work site from Woodruff, taking a right-hand  
25 turn into the construction site. Let's take the

1 dump truck at issue here on September 5th.

2 A. Okay.

3 Q. You know which one I'm talking  
4 about; correct?

5 A. Yes.

6 Q. Is that -- is the safety of that  
7 truck entering the construction site 100 percent  
8 within Gilbane's responsibility in this case?

9 MR. VALENTINE: Objection.

10 THE WITNESS: 100 percent, no.

11 BY MR. CRANDALL:

12 Q. Okay. What percentage then? Let's  
13 start there.

14 A. I don't know that I can calculate a  
15 percentage.

16 Q. Who else, then, was responsible --  
17 let me take a step back. You're saying not a  
18 hundred percent. You're acknowledging that  
19 Gilbane was at least in part responsible for the  
20 safety of that dump truck coming into the site;  
21 correct?

22 MR. VALENTINE: Objection.

23 Go ahead.

24 THE WITNESS: Yes.

25 BY MR. CRANDALL:

1 Q. Who else?

2 A. Our subcontractors. In this case it  
3 would be Baker Concrete.

4 Q. Anyone else?

5 A. The trucking company, Monesi.

6 Q. Anyone else?

7 A. The Ohio State University.

8 Q. Anyone else?

9 A. The driver himself.

10 Q. Okay. I appreciate that. Just a  
11 couple people I want to make sure are not on that  
12 list.

13 A. Okay.

14 Q. You don't believe the City of  
15 Columbus in any way, in terms of any architect or  
16 engineer or person who accepted permits, was in  
17 any way responsible for the safety of that truck  
18 pulling onto the site; correct?

19 A. I wouldn't think so, but I don't  
20 know specifically what the City's responsibility  
21 would be.

22 Q. But in terms of your purview as  
23 Gilbane's project manager, you don't believe that  
24 they were responsible for providing or evaluating  
25 safety for that truck pulling on the site;

1 that would reopen on July 9th?

2 A. Not that I'm aware of.

3 Q. Was your understanding that this was  
4 going to be closed until further notice, so to  
5 speak?

6 A. It was my understanding that the  
7 sidewalk was to remain closed throughout  
8 construction.

9 Q. There was an e-mail that I saw  
10 from -- well, let me just find it.

11 MR. CRANDALL: Did I mark it  
12 yesterday?

13 (Thereupon, an off-the-record  
14 discussion was held.)

15 BY MR. CRANDALL:

16 Q. Plaintiff's Exhibit 7 is from whom?

17 A. That's from myself.

18 Q. To?

19 A. Faye Bodyke.

20 Q. And Steve -- is it Jarrells?

21 A. Steve Jarrells is copied.

22 Q. Jarrells. Look under six, if you  
23 could.

24 MR. WEBER: Can you have the witness  
25 identify, just so I know what we are looking at?

1 A. Can you read the six things again?

2 Q. Let's go one at a time. We are  
3 gonna come from High Street and you're gonna take  
4 a left.

5 MR. VALENTINE: You can look at the  
6 exhibit, you don't have to listen to him read it  
7 to you.

8 THE WITNESS: Oh, these six things  
9 or the six things you're --

10 BY MR. CRANDALL:

11 Q. Well, there's the six things on  
12 my -- on my sheet.

13 MR. VALENTINE: All right. I don't  
14 know. I thought you were working off the six  
15 things on that sheet (indicating).

16 BY MR. CRANDALL:

17 Q. So I was gonna take them one at a  
18 time so it would make it easy on us.

19 A. Okay.

20 Q. Did coming from High Street and  
21 taking a left, we know that changed; taking a  
22 left into the construction site, that changed?

23 A. Yes.

24 Q. When did it change?

25 A. I'm gonna say roughly about a week

1 or so after July 9th, mid-July.

2 Q. And why did it change?

3 A. I believe there was a discussion  
4 between Steve Jarrells and Major Bissett, I think  
5 it was just before we started the mass  
6 excavation, which had considerable truck traffic,  
7 and we were asked to change the routing.

8 Q. Did you come up with that idea?

9 A. No.

10 Q. Were you in favor of that idea?

11 A. No.

12 Q. Do you believe it enhanced safety  
13 for everyone on the site or decreased safety for  
14 everyone on the site?

15 MR. BRICKER: Object to the form.

16 MR. VALENTINE: Objection. You can  
17 answer.

18 THE WITNESS: I don't believe it  
19 enhanced safety.

20 BY MR. CRANDALL:

21 Q. And why not?

22 A. Trucks were now turning right into  
23 the site, as opposed to left, where they have a  
24 clear view of the entrance.

25 Q. And in that regard, can't we agree

1 that it not only didn't enhance safety, but it  
2 actually decreased safety for those in and around  
3 the site?

4 MR. BRICKER: Object to the form.

5 MR. VALENTINE: Objection.

6 THE WITNESS: It did not enhance  
7 safety.

8 BY MR. CRANDALL:

9 Q. But you don't want to say that it  
10 decreased safety?

11 MR. BRICKER: Object to the form.

12 BY MR. CRANDALL:

13 Q. I mean, I think by your answer --  
14 and I'll retract my last question, just for  
15 clarity sake -- you just said to me that taking a  
16 left has higher visibility for that trucker than  
17 taking a right; correct?

18 A. In my opinion, yes. I'm not a truck  
19 driver, but that would be my opinion.

20 Q. And so when you decrease the  
21 visibility of someone driving a truck that heavy,  
22 can we agree that that would make it less safe  
23 than it was on July 9th?

24 MR. VALENTINE: Objection.

25 MR. BRICKER: Object to the form.

1                   THE WITNESS: I don't know that  
2 weight has anything to do with it, but from a  
3 visibility standpoint, I would agree.

4 BY MR. CRANDALL:

5                   Q.    Okay. Did you dis -- did you  
6 discuss amongst yourselves at Gilbane what Major  
7 Bissett had come up with?

8                   A.    I don't recall a specific  
9 discussion. It -- it may have been said, I'm not  
10 sure.

11                  Q.    Did it -- at any point in time was  
12 there a discussion about the fact that -- that a  
13 security officer at Ohio State University was  
14 telling you guys at Gilbane how to handle  
15 construction safety -- or I'm sorry --  
16 construction traffic patterns?

17                  A.    I recall some discussions where  
18 Steve Jarrells told me he and Major Bissett had  
19 talked and we were asked to do certain things.

20                  Q.    Were you aware of Major Bissett's  
21 construction or safety professional experience or  
22 background?

23                  A.    I have worked with him for ten  
24 years. I'm sure I have heard comments. I'm not  
25 sure exactly what his background is. I think he