

IN THE COURT OF CLAIMS OF OHIO

JAMES DANIEL HUGHES, et al. )  
)  
Plaintiffs, )  
)  
v )  
)  
THE OHIO STATE UNIVERSITY )  
)  
Defendant. )

2013 DEC 23 PM 3:47

Case No.: 2012-09059

Judge: Patrick M. McGrath

**ORIGINAL**

**DEFENDANT THE OHIO STATE UNIVERSITY'S  
MEMORANDUM IN OPPOSITION TO PLAINTIFFS'  
MOTION FOR LEAVE TO FILE ADDITIONAL DISCOVERY REQUESTS**

Plaintiffs seek permission to file an additional 40 interrogatories. They do not, however, disclose the topics on which they believe they need more interrogatories or why they should be permitted to serve double the number of interrogatories permitted by Civil Rule 33. They also did not confer with defendant The Ohio State University ("Ohio State") before serving their Motion. Standing alone, these deficiencies require that plaintiffs' Motion be denied for failing to demonstrate good cause. See Civil Rules 33(A); 37(E).

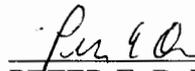
Plaintiffs' Motion should be denied for other reasons. Plaintiffs have already served three sets of interrogatories, three sets of requests for the production of documents and one set of requests for admissions. Without counting subparts, plaintiffs have already served 45 interrogatories. If subparts are counted, as required by Rule 33, plaintiffs have served many more than that. While preserving its objections to plaintiffs' excess interrogatories, Ohio State has provided responsive information to *all* of the interrogatories in an effort to be cooperative and avoid unnecessary motion practice. Ohio State also answered based on plaintiffs' representation that if Ohio State answered, plaintiffs anticipated no additional interrogatories would be forthcoming.

**ON COMPUTER**

In summary, Ohio State has responded to plaintiffs' discovery requests and cooperated in discovery, including providing information responsive to interrogatories well in excess of the 40 plaintiffs were permitted. Plaintiffs have failed to explain why they need to serve 40 additional interrogatories, let alone demonstrated good cause exists for the Court to grant their Motion. See Civil Rule 33(A). For these reasons, plaintiffs' Motion should be denied. At a minimum, plaintiffs should be required to describe to Ohio State the topics on which they claim to need an additional 40 interrogatories so that Ohio State can evaluate their request and possibly avoid unnecessary motion practice and use of judicial resources.

Respectfully submitted,

MICHAEL DeWINE  
Attorney General of Ohio



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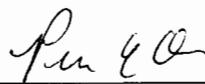
Attorneys for Defendant  
The Ohio State University

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Defendant The Ohio State University's Memorandum in Opposition To Plaintiff's Motion for Leave to File Additional Discovery Requests was served this 23 day of December, 2013 by regular U.S. Mail on:

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