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ORIGINAL

IN THE COURT OF CLAIMS OF OHIO

LAURA A. MARTIN, ETC., et al.	:	Case No. 2013-00432
	:	
Plaintiffs,	:	Judge Patrick M. McGrath
	:	
v.	:	
	:	<u>NOTICE OF DEPOSITIONS DIRECTED</u>
OHIO DEPARTMENT OF	:	<u>TO DEFENDANT OHIO DEPARTMENT</u>
TRANSPORTATION	:	<u>OF TRANSPORTATION WITH DUCES</u>
	:	<u>TECUM ATTACHED</u>
Defendant.	:	

Defendants will take notice that Plaintiff, pursuant to the Ohio Rules of Civil Procedure, will take the depositions of the following Ohio Department of Transportation employees with regard to the crash of December 27, 2012 on the following days and times, before a Notary Public or other person authorized to administer oaths, and said depositions will continue from day to day until completed. A subpoena is not being issued to the deponent to secure their attendance at the time of the depositions, since they are employees of a party to the instant litigation and in view of the fact that defense counsel has agreed to produce these witnesses. These depositions will be held in a Conference Room at the following office on the dates and times indicated below:

Ohio Department of Transportation - District 9
650 Eastern Avenue
Chillicothe, Ohio 45601
Phone: 740-773-2691 or 888-819-8501

ON COMPUTER

<u>DEPONENT</u>	<u>DATE</u>	<u>TIME</u>
Sammy Smith	February 3, 2014	9:00 a.m.
James Roach	February 3, 2014	11:00 a.m (or immediately after prior deponent)
Ronald Wade Humphreys	February 3, 2014	1:00 p.m (or immediately after prior deponent)
David Walton	February 4, 2014	9:00 a.m. (Or immediately after prior deponent)
Vaughn Wilson	February 4, 2014	11:00 a.m. (Or immediately after prior deponent)
Jay Troy Huff	February 4, 2014	1:00 p.m. (Or immediately after prior deponent)

The deponents listed above are each directed to produce the following documents, records and materials on or before January 20, 2014 at the offices of Jamie R. Lebovitz, Esquire, Nurenberg, Paris, Heller & McCarthy Co., L.P.A., 1370 Ontario Street, Suite 100, Cleveland, Ohio 44113:

1. Any and all ODOT documents which fully and completely describe the duties and responsibilities of the position that each of the aforementioned witnesses currently holds and/or held previously with ODOT.
2. Any and all documents which each of the aforementioned witnesses reviewed in connection with the investigation of the crash of December 27, 2012 as described in Plaintiffs'

Complaint.

3. Any and all documents which were generated by and/or received by each of the foregoing witnesses during the course of any and all investigations of the accident on December 27, 2012 as described in Plaintiffs' Complaint.

4. Any and all documents, including e-mails, notes, memos, and all other writings reviewed, generated and/or received by each of the aforementioned witnesses regarding the December 27, 2012 crash as described in Plaintiffs' Complaint.

5. Any and all documents contained in the files kept by each of the aforementioned witnesses regarding the December 27, 2012 crash as described in Plaintiffs' Complaint.

6. All documents that were reviewed in preparation for the deposition;

7. All documents which pertain to the subject matter of the deposition;

8. All documents that the witness generated with respect to the subject accident of December 27, 2012 as described in Plaintiffs' Complaint;

9. All documents that the witness received in connection with the subject accident of December 27, 2012 as described in Plaintiffs' Complaint;

10. All audio tapes and audio recordings of communications by, among and/or between ODOT personnel in connection with the work being performed on the highway where the subject accident occurred and on the date thereof.

11. All audio tapes and audio recordings of communications by, among and/or between ODOT personnel in connection with or pertaining to the the work being performed on the highway where the subject accident occurred and the aftermath.

12. All video recordings and photos made of the vehicles involved in the subject

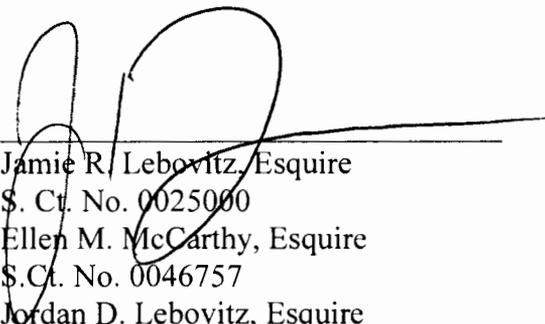
ODOT accident at the accident scene.

13. All documents which refer or pertain to collisions by motorists with ODOT vehicles for the period of the last five (5) years.

14. All documents which refer or pertain to claims and civil actions brought against ODOT as a result of collisions by motorists with ODOT vehicles.

These depositions are continuing in nature from the date and time set forth above until completion. You are invited to attend to examine the witnesses if you so desire.

Respectfully submitted,



Jamie R. Lebovitz, Esquire
S. Ct. No. 0025000
Ellen M. McCarthy, Esquire
S.Ct. No. 0046757
Jordan D. Lebovitz, Esquire
S. Ct. No. 0091247

NURENBERG, PARIS, HELLER
& McCARTHY CO. L.P.A.
1370 Ontario Street - Suite 100
Cleveland, Ohio 44113
(216) 621-2300
(216) 771-2242 - Facsimile
Jlebovitz@nphm.com
Emccarthy@nphm.com
JordanLebovitz@nphm.com

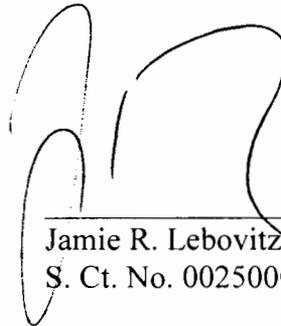
Attorney for Plaintiffs

SERVICE

A copy of the foregoing Plaintiff's Notice of Deposition Directed to The Ohio Department of Transportation with Duces Tecum Attached ~~has~~ been sent electronically and by ordinary U.S. mail, postage prepaid to the following this 6 day of January, 2014:

PETER E. DeMARCO (0002684)
STACY HANNAN
Assistant Attorneys General
Court of Claims Defense
150 East Gay Street, 18th Floor
Columbus, Ohio 43215

Counsel for Defendant, Ohio
Department of Transportation



Jamie R. Lebovitz, Esquire
S. Ct. No. 0025000

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Attorney for Plaintiffs

NURENBERG PARIS

— NURENBERG PARIS HELLER & McCARTHY —

FILED
COURT OF CLAIMS
OF OHIO

2014 JAN 14 AM 10:49

Jamie R. Lebovitz, Esq.
(216) 694-5220
email: JLebovitz@nphm.com

January 8, 2014

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

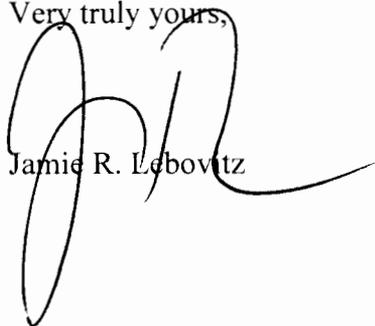
Re: Laura A Martin, Guardian of Sarah E. Martin, et al. v. Ohio Department
of Transportation
Court of Claims of Ohio, Case Number: 2013-00432
Our File Number: 76976

Dear Sir or Madam:

Enclosed herein please find the original and one copy of Plaintiffs' Notice of Depositions Directed to Defendant Ohio Department of Transportation with Duces Tecum Attached, which we would appreciate your filing in connection with the above captioned matter. Please time stamp the extra copy and return to us in the self-addressed envelope provided. 

Thank you for your attention and should you have any questions, please feel free to contact the undersigned.

Very truly yours,


Jamie R. Lebovitz

JRL:dms
Enclosures

cc: Peter E. DeMarco, Esq.
Stacy Hannan, Esq.
(With enclosure)