

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2014 FEB 20 PM 3: 25

LYNDSEY HOWELL

Plaintiffs

v.

OHIO UNIVERSITY POLICE
DEPARTMENT

Defendants

CASE NO. 2013-00001

MAGISTRATE HOLLY T. SHAVER

DEFENDANT'S PRETRIAL STATEMENT

I. APPEARANCES

1. VINCENT DEPASCALE

786 Northwest Blvd.
Grandview Heights, Ohio 43212

COUNSEL FOR PLAINTIFF

2. CHRISTOPHER P. CONOMY (0072094)

Principal Assistant Attorney General
Court of Claims Defense
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130
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COUNSEL FOR DEFENDANT

II. TRIAL INFORMATION

This matter is scheduled for a 3-day trial beginning at 10:00 a.m. on March 31, 2014.

The trial is not bifurcated.

ON COMPUTER

III. ISSUES FOR TRIAL

On January 21, 2012, Plaintiff Lyndsey Howell was arrested by Lt. Eric Hoskinson, of the Ohio University Police Department, on suspicion of driving under the influence of alcohol. During her arrest and detention, she complained of pain in her hand. It was later discovered that her thumb was fractured. She blames Lt. Hoskinson for the injury, but he did not apply force to her thumb or any other part of her body during the arrest. She was compliant when he applied the handcuffs to her and he never grabbed, pulled or bent her thumb in any manner—and certainly not with force that was sufficient to cause a fracture.

IV. LEGAL ISSUES

- A. Whether Lt. Hoskinson proximately caused any injury to the plaintiff.
- B. Whether the University Police Department is liable for any injury to the plaintiff.

V. POTENTIAL WITNESSES

Defendant may call one or more of the following witnesses to testify at trial:

- 1. Plaintiff, as on cross-examination.
- 2. Lt. Hoskinson.
- 3. Communications Officer Barbara Baker.
- 4. Andrew Sowers

Defendant reserves the right to amend this list.

VI. POTENTIAL EXHIBITS

Defendant may introduce one or more of the following exhibits at trial:

- 1. Police reports pertaining to the arrest of the plaintiff on January 21, 2012
- 2. Police reports pertaining to the arrest of the plaintiff on May 5, 2012
- 3. Statement of Andrew Sowers dated February 12, 2012.

Defendant reserves the right to amend this list.

VIII. PENDING MOTIONS

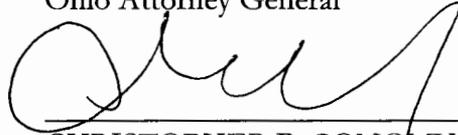
Plaintiff's objection to the Magistrate Decision regarding sanctions is still pending.

IX. SETTLEMENT

The parties have not engaged in meaningful settlement discussions.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



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CERTIFICATE OF SERVICE

On February 20, 2014, a copy of this document was served via regular mail on the following:

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Counsel for Plaintiff



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Assistant Attorney General