

**ORIGINAL**

IN THE COURT OF CLAIMS OF OHIO  
FRANKLIN COUNTY, OHIO

FILED  
COURT OF CLAIMS  
OF OHIO

2014 APR -3 PM 3:49

GARY DUNN

Plaintiff,

vs.

DEPARTMENT OF REHABILITATION  
AND CORRECTION

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Case No. 2013-00142

Judge Patrick M. McGrath

Magistrate Robert Van Schoyck

PLAINTIFF'S UNOPPOSED MOTION FOR A CONTINUANCE OF PRE-TRIAL & TRIAL

Plaintiff Gary Dunn, by and through his undersigned counsel, hereby moves this Court for a continuance of the pretrial scheduled for Thursday, April 10, 2014 and the trial, scheduled for Tuesday, May 13, 2014. Opposing counsel has been consulted and has no opposition to Plaintiff's Motion. In support of Plaintiff's Motion, Plaintiff states:

1. The complexity of Plaintiff's current medical condition and medical condition/history prior to the incident that forms the basis of Plaintiff's complaint will require additional time to analyze recently obtained written discovery materials than previously contemplated;
2. There remains at least one additional witness to be deposed who could not be deposed recently based that witness' recent hospitalization;
3. To date, written discovery has progressed and is complete;
4. A much more meaningful pretrial may be conducted upon a continuance;
5. The continuance of the pretrial and trial date is not being sought for any improper purpose, but merely to facilitate the time necessary to adequately prepare this matter for trial.

**ON COMPUTER**

6. Accordingly, after consultation with opposing counsel and comparing calendars, Plaintiff requests a six-month continuance of the pretrial and trial dates in this matter, to dates in September and November, respectively, if possible.

WHEREFORE, the Plaintiff, Gary Dunn, through his attorney and without opposing from Defendant respectfully requests that this Court continue the pretrial and trial date for six months in this case and enter the Order attached as Exhibit 1.

Respectfully submitted,



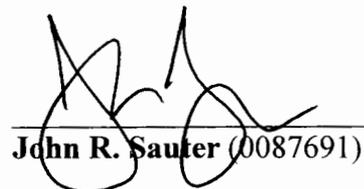
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**CERTIFICATE OF SERVICE**

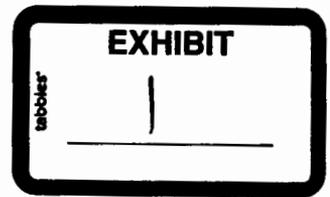
I hereby certify that a true and exact copy of the foregoing Plaintiff's Unopposed Motion to Continue was sent via email, 3<sup>rd</sup> day of April, 2014, to the Defendant, by and through counsel:

**Peter E. DeMarco**  
Ohio Attorney General's Office  
Court of Claims Section  
150 E. Gay Street, 18th Flr.  
Columbus, OH 43215  
Peter.DeMarco@ohioattorneygeneral.gov  
*Counsel for Defendant Ohio DRC*



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**John R. Sauter (0087691)**



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FRANKLIN COUNTY, OHIO

GARY DUNN :  
 :  
 Plaintiff, : Case No. 2013-00142  
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 vs. : Judge Patrick M. McGrath  
 :  
 : Magistrate Robert Van Schoyck  
 DEPARTMENT OF REHABILITATION :  
 AND CORRECTION :  
 : **ORDER**

THIS CAUSE coming to be heard on the unopposed motion of the Plaintiff to continue the pretrial date and trial date, due notice having been given and the Court having been fully advised in the matter;

IT IS HEREBY ORDERED:

The Unopposed Motion for a Continuance of Pre-Trial, Trial is GRANTED and the pretrial conference date of April 10, 2014 and the trial date of May 13, 2014 are vacated;

A telephonic pretrial conference is set to proceed on \_\_\_\_\_, 2014 at \_\_\_\_\_. Trial is set to proceed at Pickaway Correctional Institution on \_\_\_\_\_, 2014 at \_\_\_\_\_.

\_\_\_\_\_  
Magistrate Robert Van Schoyck