

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2014 APR -7 PM 3: 21

TRANSAMERICA BUILDING
CO., INC.

Plaintiff,

v.

OHIO SCHOOL FACILITIES
COMMISSION

Defendant.

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Case No. 2013-00349

Judge Patrick McGrath

**DEFENDANT'S MOTION TO QUASH SUBPOENAS AND
MOTION FOR PROTECTIVE ORDER**

Defendant, Ohio School Facilities Commission, has been provided with notice that Plaintiff has subpoenaed its two former Executive Directors.¹ Neither one of these Executive Directors have been involved in analyzing or making any decisions with regard to Plaintiff's claim.

The Plaintiff is entitled to discover that which is relevant and not privileged. See Ohio Civ.R. 26. When asked what these two former executive directors know that is relevant to Plaintiff's claim, Plaintiff's counsel responded by referring to the attached email. Certainly an off-hand comment made in an email by one of these two former executive directors, that has no relevance to Plaintiff's claim, does not entitle the Plaintiff to a deposition.

For the foregoing reasons, Defendant moves to quash these subpoenas and for a protective order against any deposition of these two former Executive Directors.

¹ Defendant hasn't been served with the subpoenas.

ON COMPUTER

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



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COUNSEL FOR DEFENDANT
OHIO SCHOOL FACILITIES COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant's Motion to Quash Subpoenas and Motion for Protective Order was sent by electronic mail and regular U.S. Mail, postage prepaid, this 7th day of April, 2014, to:

Donald W. Gregory
Michael J. Madigan
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dgregory@keglerbrown.com
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Counsel for Plaintiff TransAmerica



William C. Becker (0013476)
Assistant Attorney General

Joshua L. Predovich

From: Keith, Clayton <Clayton.Keith@lendlease.com>
Sent: Thursday, April 05, 2012 10:31 AM
To: 'jpredovich@shpinc.com'
Subject: Fw: Happy 5th Anniversary

Clayton Keith
Sr. Project Manager
Bovis Lend Lease

----- Original Message -----

From: LeMar, Lisa
Sent: Thursday, April 05, 2012 10:30 AM
To: Keith, Clayton; Swartzmiller, Jim; Smith, Jr., Jim; Kirlangitis, Karin
Subject: RE: Happy 5th Anniversary

This calls for tequila shots!!
Just don't miss your mouth if you fire before you aim.
(Ready Aim Fire / Lick It Slam It Suck It)

-----Original Message-----

From: Keith, Clayton
Sent: Thursday, April 05, 2012 10:20 AM
To: Swartzmiller, Jim; LeMar, Lisa; Smith, Jr., Jim; Kirlangitis, Karin; 'jpredovich@shpinc.com'; 'amaletz@shpinc.com'
Subject: Happy 5th Anniversary

I just wanted to take a minute to wish everyone a happy anniversary.
Five years ago today we had our first meeting for the fast paced OSD/OSSB project.
I still remember Mike Shoemaker's quote " we do not want to do the Ready, Fire, Aim. We want to be Ready, Aim Fire.
Clayton Keith
Sr. Project Manager
Bovis Lend Lease