

**ORIGINAL**

COURT OF CLAIMS  
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2014 MAY 15 PM 3: 12

TRANSAMERICA BUILDING	)	
COMPANY, INC.,	)	
	)	
Plaintiff,	)	Case No. 2013-00349
	)	
v.	)	Judge McGrath
	)	
OHIO SCHOOL FACILITIES	)	Referee Wampler
COMMISSION,	)	
	)	
Defendant.	)	

**DEFENDANT OHIO SCHOOL FACILITIES COMMISSION'S MOTION FOR LEAVE TO FILE A REPLY**

Defendant the Ohio School Facilities Commission ("OSFC") respectfully moves the Court, pursuant to Ohio Court of Claims Rule 4(C), for an order granting OSFC leave to file by May 23, 2014, a Reply to Plaintiff's Memorandum in Opposition to OSFC's Motion for Summary Judgment. The reasons supporting this Motion are fully explained in the accompanying Memorandum in Support.

Respectfully submitted,

MIKE DeWINE  
Ohio Attorney General




---

WILLIAM C. BECKER (0013476)  
 CRAIG BARCLAY (0023041)  
 JERRY KASAI (0019905)  
 Assistant Attorneys General  
 Court of Claims Defense  
 150 East Gay Street, 18th Floor  
 Columbus, OH 43215-3130  
 Telephone: (614) 466-7447  
 Facsimile: (614) 644-9185  
 Email: [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)  
[Craig.barclay@ohioattorneygeneral.gov](mailto:Craig.barclay@ohioattorneygeneral.gov)  
[Jerry.kasai@ohioattorneygeneral.gov](mailto:Jerry.kasai@ohioattorneygeneral.gov)  
 Attorneys for Defendant OSFC

**ON COMPUTER**

## MEMORANDUM IN SUPPORT

On April 30, 2014, Defendant OSFC filed a Motion for Summary Judgment with this Court. Defendant's Motion was 15 pages. Plaintiff Transamerica Building Company ("Transamerica") filed its Memorandum in Opposition to the Summary Judgment on April 14, 2014. Plaintiff's Memorandum in Opposition was 42 pages in length. Concurrent with its Memorandum in Opposition, Plaintiff filed a Motion for Leave to file a brief in excess of the fifteen page limit.

Due to the length of Plaintiff's Memorandum in Opposition, it is necessary for Defendant OSFC to file a Reply to a few of the arguments being made by Plaintiff. Defendant will only respond to the arguments of Plaintiff that need a response and the Reply will be less than ten pages. There is no prejudice to any of the parties and granting leave to Defendant to file a Reply will permit the Court to be fully advised on the arguments before it in the Motion for Summary Judgment.

Obviously, Defendant does not oppose Plaintiff's Motion for Leave to File a Brief in Excess of the Page Limits if this Motion is granted. However, if the Court is disinclined to grant this Motion to file a Reply, Defendant would request that this Motion be construed to be a Memorandum in Opposition to the Motion for Leave to File a Brief in Excess of the Page Limitations.

For the above stated reasons, Defendant OSFC respectfully requests that the Court grant that it be given leave until May 23, 2014, to file a Reply to Plaintiff's Memorandum in Opposition to Defendant's 42 page Motion for Summary Judgment.

Respectfully submitted,

MIKE DeWINE  
Ohio Attorney General



WILLIAM C. BECKER (0013476)  
CRAIG BARCLAY (0023041)  
JERRY KASAI (0019905)  
Assistant Attorneys General  
Court of Claims Defense  
150 East Gay Street, 18th Floor  
Columbus, OH 43215-3130  
Telephone: (614) 466-7447  
Facsimile: (614) 644-9185  
Email: [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)  
[William.becker@ohioattorneygeneral.gov](mailto:William.becker@ohioattorneygeneral.gov)  
[Craig.barclay@ohioattorneygeneral.gov](mailto:Craig.barclay@ohioattorneygeneral.gov)  
[Jerry.kasai@ohioattorneygeneral.gov](mailto:Jerry.kasai@ohioattorneygeneral.gov)

Attorneys for Defendant OSFC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Leave was sent by regular U.S. mail, postage prepaid, and email this 15th day of May 2014 to:

Donald W. Gregory  
Michael Madigan  
Kegler, Brown Hill & Ritter  
64 East State St., 18<sup>th</sup> Fl.  
Columbus, OH 43215



Jerry Kasai  
Assistant Attorney General (0019905)