

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Service of Subpoena was sent by regular U.S. mail, postage prepaid, this 27 day of May, 2014 to:

Michael Madigan
Donald Gregory
Kegler Brown Hill Ritter
65 East State Street, Suite 1800
Columbus, Ohio 43215



WILLIAM C. BECKER
Assistant Attorney General

IN THE COURT OF CLAIMS OF OHIO

65 South Front Street, 3rd Floor
Columbus, Ohio 43215

SUBPOENA

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

TO: Spectra Contract Flooring
3031 International Street
Columbus, Ohio 43228

YOU ARE HEREBY COMMANDED TO:

- Attend and give testimony at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
Attend and produce documents and/or tangible things at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
X Produce and permit inspection and copying, on the date and at the time and place specified below, of any designated documents that are in your possession custody or control.
Produce and permit inspection and copying, testing or sampling, on the date and at the time and place specified below, of any tangible things that are in your possession, custody or control.
Permit entry upon the following described land or other property, for the purposes described in civil 34(a)(3), on the date and at the time and place specified below. Description of land or other premises:

DATE January 22, 2014 TIME 9:00 am

PLACE Ohio Attorney General's Office, 150 E. Gay St. 18th FL. Columbus, OH 43215.

DESCRIPTION OF ITEMS TO BE PRODUCED: All documents generated, received, and/or reviewed in relation to the Ohio School for the Blind/Ohio School for the Deaf dormitory project. IN LIEU OF APPEARANCE, please mail a CERTIFIED COPY to Jerry Kasai, Assistant Attorney General, Ohio Attorney General's Office, Court of Claims Defense Section, 150 E. Gay St., 18th FL, Columbus, OH, 43215. If preferred, an electronic copy may be sent to jerry.kasai@ohioattorneygeneral.gov

THE STATE OF OHIO
Franklin County, ss
Service by: Certified Mail Franklin County, Ohio:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 3rd DAY OF January, 2014
CLERK OF THE COURT OF CLAIMS OF OHIO.

BY: [Signature]
SIGNATURE OF [Attorney for Defendant]

REQUESTING PARTY INFORMATION:
NAME: Jerry K. Kasai, 150 E. Gay St., Columbus, OH 43215
[(Attorney for Defendant)]

ATTORNEY CODE: 0019905 TELEPHONE NUMBER: (614) 466-7447

NOTE: READ ALL INFORMATION ON THE REVERSE SIDE OF THIS SUBPOENA.

Civil Rule 45 (C) Protection of persons subject to subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.
(2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing or trial.
(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production.
(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:
(a) Fails to allow reasonable time to comply;
(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
(d) Subjects a person to undue burden.
(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney.
(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

Civil Rule 45 (D) Duties in responding to subpoena.

- (1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena.
(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R. 26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Civil Rule 45 (E) Sanctions.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. A subpoenaed person or that person's attorney who frivolously resists discovery under this rule may be required by the court to pay the reasonable expenses, including reasonable attorney's fees, of the party seeking the discovery.

**** RETURN OF SERVICE ****

I RECEIVED THIS SUBPOENA ON January 3, 2014, AND SERVED THE PARTY NAMED ON THE REVERSE HEREOF BY Certified Mail ON January 6, 2014.

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

Sheriff's Fees

Service _____
Mileage _____
Copy _____
Total _____

Signature of Serving Party
Circle One: Deputy Sheriff
Deputy Sheriff
Process Server
Other
Attorney
Deputy Clerk

Date: March 20, 2014

NANCY DUNN:

The following is in response to your March 20, 2014 request for delivery information on your Certified Mail™ item number 71999991703038961052. The delivery record shows that this item was delivered on January 6, 2014 at 12:14 pm in COLUMBUS, OH 43228. The scanned image of the recipient information is provided below.

Signature of Recipient :

no	
no	

Address of Recipient :

ny no	
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Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service