

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: Sammie Walker Construction
c/o Statutory Agent Smith-Evans & Associates, LLC
5222 Winchester Crossing Ct.
Canal Winchester, OH 43110

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 11/19/13 TIME 9 a.m.

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 (either in paper or electronic format) to William C. Becker, Assistant Attorney General, Ohio Attorney General's Office, Court of Claims Defense Section, 150 E. Gay St., 18th FL, Columbus, OH, 43215.

THE STATE OF OHIO
Franklin County, ss
To the Sheriff of Certified Mail Service County, Ohio Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 7 DAY OF Nov, 20 13
CLERK OF THE COURT OF CLAIMS OF OHIO.

BY: wlBecker
SIGNATURE OF [Attorney for Defendant]

REQUESTING PARTY INFORMATION:
NAME: William C. Becker, 150 E. Gay St. 18th FL., Columbus, OH 43215
[(Attorney for Defendant)]

ATTORNEY CODE: 0013476 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. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(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. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(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. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(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. The court from which a subpoena was issued may impose upon a party or attorney in breach of the duty imposed by division (C)(1) of this rule an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.

***** RETURN OF SERVICE *****

I RECEIVED THIS SUBPOENA ON November 7, 2013, AND SERVED THE PARTY NAMED ON THE REVERSE
HEREOF BY Certified Mail ON November 7, 2013

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

Sheriff's Fees

Service _____
Mileage _____
Copy _____
Total _____

W.C. Beck

(Signature of Serving Party)

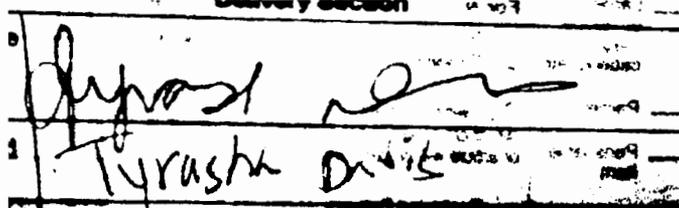
Circle One: Deputy Sheriff **Attorney**
Process Server Deputy Clerk
Other

Date: March 19, 2014

margie welsheimer:

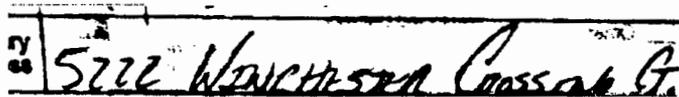
The following is in response to your March 19, 2014 request for delivery information on your Certified Mail™ item number 71999991703039004284. The delivery record shows that this item was delivered on November 8, 2013 at 3:32 pm in CANAL WINCHESTER, OH 43110. The scanned image of the recipient information is provided below.

Signature of Recipient :



A scanned image of a signature on a delivery record form. The signature is written in black ink and appears to read "Tyrasha Davis". The signature is written over a horizontal line on the form. To the left of the signature, there are some faint markings and numbers, possibly "1" and "2".

Address of Recipient :



A scanned image of a recipient address on a delivery record form. The address is written in black ink and reads "5222 Winchester Crossway Ct.". The address is written over a horizontal line on the form. To the left of the address, there are some faint markings and numbers, possibly "1" and "2".

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