

IN THE COURT OF CLAIMS OF OHIO

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

COURT OF CLAIMS OF OHIO

SUBPOENA

2014 JUN -5 PM 3:07

STEVEN LISS

Plaintiff

v.

CLEVELAND STATE UNIVERSITY

Defendant

Case No. 2013-00139
Judge Patrick M. McGrath
Magistrate Holly T. Shaver

COURT'S COPY

RETURN OF SERVICE

TO: John F. Burke
Burke, Rosen, & Associates
2800 Euclid Avenue, Suite 300
Cleveland, Ohio 44115

YOU ARE HEREBY COMMANDED TO:

- Attend and give testimony at a (trial) (hearing) on the date, time and at the place specified below.
X Attend and give testimony at a deposition in the county where the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.
Produce documents, electronically stored information, or tangible things at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
Produce and permit inspection and copying of any designated documents or electronically stored information prior to the date and at the time and place specified below that are in your possession custody or control.
X 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 June 25, 2014 TIME 2:00 p.m.

PLACE Cleveland State University, 2300 Euclid Avenue, AC 327, Cleveland, Ohio 44115

DESCRIPTION OF ITEMS TO BE PRODUCED: Any and all documents reviewed and/or considered to prepare your expert report in this case.

THE STATE OF OHIO

Cuyahoga County, ss

To the Sheriff of Certified Mail County, Ohio Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 29 DAY OF May, 2014.

CLERK OF THE COURT OF CLAIMS OF OHIO.

BY: [Signature]

SIGNATURE OF [Deputy Clerk/Attorney for (Plaintiff) (Defendant)]

REQUESTING PARTY INFORMATION:

NAME: Emily Simmons, Assistant Attorney General, 150 E. Gay St. 18th FL., Columbus, OH 43215

[(Attorney for (Plaintiff) (Defendant)]

ATTORNEY CODE: 0082519 TELEPHONE NUMBER: (614) 466-7447

ON COMPUTER

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) If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information is ordinarily maintained if that form is reasonably useable, or in any form that is reasonably useable.
(3) A person need not provide discovery of electronically stored information when the production imposes undue burden or expense.
(4) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, 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.
(5) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it.

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.

Civil Rule 45 (F) Privileges

Nothing in this rule shall be construed to authorize a party to obtain information protected by any privilege recognized by law, or to authorize any person to disclose such information.

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

I RECEIVED THIS SUBPOENA ON May 29, 2014, AND SERVED THE PARTY NAMED ON THE REVERSE HEREOF BY Certified Mail ON June 4th, 2014

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

Sheriff's Fees
Service _____
Mileage _____
Copy _____
Total _____

Emily Simmons by Randal Kuttis
(Signature of Serving Party)
Circle One: Deputy Sheriff (Attorney)
Process Server Deputy Clerk
Other

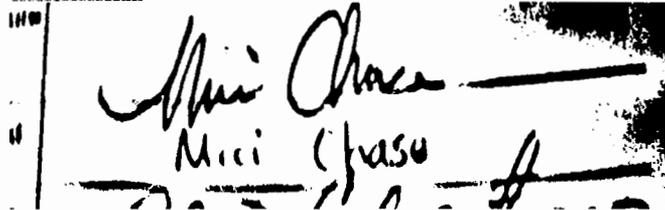


Date: June 4, 2014

Beth Smith:

The following is in response to your June 4, 2014 request for delivery information on your Certified Mail™ item number 9171999991703038989001. The delivery record shows that this item was delivered on June 4, 2014 at 1:44 pm in CLEVELAND, OH 44115. The scanned image of the recipient information is provided below.

Signature of Recipient :

A scanned image of a handwritten signature. The signature is written in cursive and reads "Mici Chaso". Below the signature, the name "Mici Chaso" is printed in a standard font. There are horizontal lines above and below the signature.

Address of Recipient :

A scanned image of a handwritten address. The address is written in cursive and reads "2810 Ed # 300". There are horizontal lines above and below the address.

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