

2014 AUG 20 PM 3:19

**ORIGINAL**

IN THE COURT OF CLAIMS OF OHIO

LUEDELLA DICKENS, ADMR.,

Plaintiff,

v.

THE OHIO STATE UNIVERSITY  
MEDICAL CENTER,

Defendant.

Case No. 2013-00204

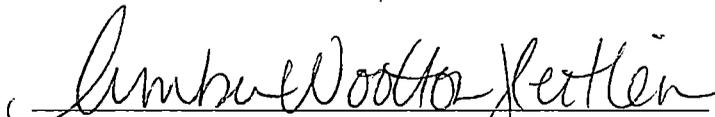
Judge Dale A. Crawford

**SUPPLEMENT TO**  
**DEFENDANT'S MOTION FOR SUBPOENA SIGNED BY JUDGE**

Defendant, The Ohio State University Medical Center, filed a motion with this Court on August 8, 2014, requesting a subpoena signed by a judge to obtain the military records of the decedent's son. On or about August 18, 2014, Defendant received the attached letter, which again states the necessity of a subpoena signed by a judge. The letter is accompanied by an affidavit from Jeffery Duvall, the recipient of the letter.

Respectfully submitted,

MICHAEL DEWINE  
Ohio Attorney General



JEFFREY L. MALOON (0007003)

AMBER WOOTTON HERTLEIN (0083858)  
Assistant Attorneys General  
Court of Claims Defense Section  
150 East Gay Street  
18th Floor  
Columbus, Ohio 43215  
T: 614.466.7447 | F: 614.644.9185

**ON COMPUTER**

Jeffrey.Maloon@OhioAttorneyGeneral.gov  
Amber.Hertlein@OhioAttorneyGeneral.gov  
*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served via regular U.S. Mail, postage prepaid, this *20* day of August, 2014, upon the following:

**Mark E. Defossez, Esquire  
The Donahey Law Firm  
495 South High Street  
Suite 300  
Columbus, Ohio 43215**

and

**Andrew W. Cecil, Esquire  
Cecil & Geiser, L.L.P.  
495 South High Street  
Suite 400  
Columbus, Ohio 43215  
Attorneys for Plaintiff**

  
**AMBER WOOTTON HERTLEIN (0083858)**  
Assistant Attorney General

IN THE COURT OF CLAIMS OF OHIO

LUEDELLA DICKENS, ADMR.

Plaintiff

vs.

OHIO STATE UNIVERSITY  
MEDICAL CENTER

Defendant

Case No. 2013-00204

Judge Dale A. Crawford

AFFIDAVIT OF JEFFERY DALLAS DUVALL

I, Jeffery Duvall, having been duly sworn and pursuant to the penalties of perjury, state as follows:

1. I am of the age of majority and can testify to the following facts from personal knowledge.
2. On or about August 18, 2014, I received a letter from the National Personnel Records Center regarding my request for military records related to this case.

Exhibit 1 is a true and accurate copy of this letter.

FURTHER AFFIANT SAYETH NAUGHT.

  
Jeffery Dallas Duvall

Sworn to before me and signed in my presence, a Notary Public in and for said State and County, on this 19<sup>th</sup> day of August, 2014.



MICHELE ATHEY  
Notary Public, State of Ohio  
My Commission Expires  
December 2, 2012

12-10-17

  
NOTARY PUBLIC

# EXHIBIT 1

NATIONAL PERSONNEL RECORDS CENTER

1 ARCHIVES DRIVE ST LOUIS, MO 63138-1002

www.archives.gov



August 11, 2014

INVESTIGATOR JEFFERY DUVALL  
150 E GAY ST 18TH FLOOR  
COLUMBUS, OH 43215

RECEIVED

AUG 18 2014

ST. LOUIS COUNTY COURT

RE: Veteran's Name: ~~WHITEHEAD~~, Shaun T  
SSN/SN: \*\*\*\*\*  
Request Number: 2-11823585633

Dear Recipient:

Thank you for contacting the National Personnel Records Center. Unfortunately, your request must be returned without action because it did not include the signed consent of the individual whose records are involved and your court order/subpoena does not meet the requirements as outlined below.

Access to military or civilian personnel and medical records on file at the National Personnel Records Center, St. Louis, Missouri, may be gained pursuant "to the order of a court of competent jurisdiction." Valid court orders should be addressed to this Center. Subpoenas qualify as orders of a court of competent jurisdiction only if they have been signed by a judge. To be valid, court orders must also be signed by a judge. Authority for these requirements is 5 U.S.C. 552a(b)(11), as interpreted by Doe vs. DiGenova, 779 F. 2d 74 (D.C. Cir. 1985), and Stiles vs. Atlanta Gas and Light Company, 453 F. Supp. 798 (N.D. Ga. 1978).

Please furnish the address of the clerk of the court so that photocopies may be furnished in the form of a certificate under seal to the clerk of the court issuing the order. Or, the photocopies may be sent to a recipient other than the clerk of the court as long as the order of the court names another recipient and gives the appropriate address. Under applicable Federal law, photocopies so certified shall be admitted into evidence as original records 44 U.S.C. Sec. 2116(b). It is also helpful to furnish the names and addresses of attorneys involved.

The court order must describe the records and information desired in sufficient detail to identify them with accuracy. A minimum of detail would include as many of the following as possible: the complete name, service number, social security number, date of birth, branch of service or Federal agency by which employed, and dates of military service (active, reserve, or retired) or of Federal employment. If clinical treatment records are needed, include also the dates, places, and type(s) of treatment given.

The court order should be addressed and sent by mail to either of the following addresses, as appropriate:

Director  
National Personnel Records Center, NARA  
(Military Personnel Records)  
1 Archives Drive  
St. Louis, MO 63138-1002

Director  
National Personnel Records Center  
(Civilian Personnel Records)  
1411 Boulder Boulevard  
Valmeyer, IL 62295-2603

**As an alternative to obtaining a court order, you may obtain certified copies of military or civilian personnel and medical records by providing the signed and dated release authorization of the subject of the record.** The Privacy Act of 1974 provides for the release of information only with the written consent (signature) of the individual to whom the records pertain. While the Privacy Act does not apply to the records of deceased individuals, Department of Defense instructions indicate that in such cases we must have the written consent of the next of kin. For purpose of release, the next of kin is defined as any of the following: unremarried widow or widower, son, daughter, father, mother, brother or sister. The release authorization must be dated within the last year and must state specifically that the documents may be released to you.

Please return your documentation in the envelope provided. This will ensure your information will be routed to me for special handling. Be sure to place proper postage on our envelope to prevent any delays in processing. Your case will remain open for 30 days. If a reply is not received within this time, your case will automatically be closed in our system.

If you have questions or comments regarding this response, you may contact us at 314-801-0800 or by mail at the address shown in the letterhead above. If you contact us, please reference the Request Number listed above. If you are a veteran, or a deceased veteran's next of kin, please consider submitting your future requests online by visiting us at <http://vetrecs.archives.gov>.

Sincerely,

  
MIGUEL BARRERA  
Archives Technician (AFN-MC3A)

Enclosure(s)

