

ORIGINAL

IN THE COURT OF CLAIMS OF OHIO

FILED  
COURT OF CLAIMS  
OF OHIO

2014 SEP -4 PM 3:30

WILLIAM ANDREW CAMPBELL

Plaintiff,

v.

OHIO DEPARTMENT OF NATURAL  
RESOURCES

Defendant.

:  
: Case No. 2013-00502  
:  
: Judge Patrick M. McGrath  
:  
: Magistrate Anderson M. Renick  
:  
:  
:  
:

**DEFENDANT'S PRETRIAL STATEMENT**

**I. Statement of Facts:**

This case is currently set for trial on October 6, 2014.

The accident that is the subject of this lawsuit occurred on August 29, 2011 at Shawnee State Park. Plaintiff was employed there as a golf course maintenance worker. The accident occurred while plaintiff was operating a grass seeder attached to a tractor on the Shawnee State Park golf course. The cause of the accident was that plaintiff placed his hand into a moving driveshaft that controlled the grass seeder. Plaintiff failed to turn off the tractor (which powered the grass seeder) before exiting the tractor. Plaintiff further failed to turn off the power take off (PTO) which also powered the grass seeder. Lastly, despite training and prior knowledge to the contrary, plaintiff placed himself near the operating PTO and driveshaft, and he placed his hand(s) near/on a moving driveshaft.

**II. Legal Issues**

1. Whether DNR intended to or deliberately injured Mr. Campbell under R.C. 2745.01.
2. Whether DNR's conduct (or plaintiff's) was the proximate cause of plaintiff's injuries.

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**III. Witnesses:**

1. Matthew Bourne, ODNR
2. Tim Clark, ODNR
3. Patrick Brown, ODNR
4. Josh Thurman, ODNR
5. Martin McAllister, ODNR
6. Brian Copas, ODNR
7. Andrew Campbell, as on cross-examination
8. Thomas Huston, expert witness, as on cross-examination
9. Others to be identified, including plaintiff's witnesses
10. Records custodians, if needed

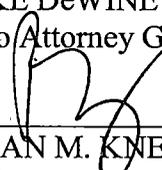
**IV. Exhibits:**

- A. Plaintiff's application for employment (3/14/96)
- B. Plaintiff's New Employee Acknowledgement Form (3/2/11)
- C. Ohio State Parks Safety Manual (February, 2010)
- D. "Tractor" training sheet (5/23/11)
- E. Operation & Safety checklist for riding movers/lawn tractors
- F. Shawnee training manuals check offs (3/18-3/29/11)
- G. Fairway mower training sheet (5/23/11)
- H. Statement of plaintiff (9/22/11)
- I. Diagram of Slit Seeder
- J. Photographs of Slit Seeder
- K. Photographs of John Deere tractor
- L. Photographs of the accident scene
- M. Photographs of plaintiff's clothing
- N. ODNR report and attachments of Patrick Brown
- O. All depositions and exhibits to depositions
- P. All exhibits identified by Plaintiff

Defendant reserves the right to amend this pretrial statement.

Respectfully submitted,

MIKE DeWINE  
Ohio Attorney General

  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Defendant's Pretrial Statement* was sent by regular U.S. Mail, postage prepaid, this 4<sup>th</sup> day of September, 2014 to:

Mark B. Weisser  
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*Counsel for Plaintiff*

  
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