

ORIGINAL

IN THE OHIO COURT OF CLAIMS

FILED
COURT OF CLAIMS
OF OHIO

STEVEN LISS

Plaintiff

v.

CLEVELAND STATE UNIVERSITY

Defendant

Case No. 2013-00139

Judge Patrick M. McGrath
Magistrate Holly T. Shaver

DEFENDANT'S
MOTION TO COMPEL

2014 SEP 25 PM 3:07

During his deposition on July 7, 2014, Steven Liss testified that he “start[ed] keeping a log of incidents” related to his interactions with various employees of Cleveland State University, including Dr. James Drnek and Dr. Willie Banks. Although the incident logs are responsive to Defendant’s first set of requests for the production of documents that were served on April 3, 2013, Ms. Liss did not produce them. (Ex. A, expert from Steven Liss’s deposition in this matter.) Upon learning of the existence of the incident logs, defense counsel requested that they be produced. *Id.* Defense counsel emailed Mr. Liss’s counsel on July 10, 2014, and again requested that the incident logs be produced. (Ex. B, emails between defense and plaintiff’s counsel.) Defense counsel followed up with additional emails to Mr. Liss’s counsel on July 28th and August 6th. *Id.* On August 18th, Mr. Liss’s counsel sent defense counsel an email stating that “Liss is not in possession of the log of incidents referenced in his deposition.” *Id.* That same day, defense counsel sent two additional emails to Mr. Liss’s counsel inquiring about the incident logs. *Id.* To date, Plaintiff’s counsel has not provided any additional information about the incident logs. Therefore, pursuant to Civ. R. 37(A), Defendant moves this Court for an order compelling to produce a copy of the incident logs or to explain what happened to them.

ON COMPUTER

Respectfully submitted,

MICHAEL DE WINE

Ohio Attorney General



RANDALL W. KNUTTI (0022388)

AMY S. BROWN (0079650)

EMILY M. SIMMONS (0082519)

Assistant Attorneys General

Ohio Attorney General's Office

Court of Claims Defense Section

150 East Gay Street, Floor 18

Columbus, OH 43215

T: (614) 466-7447 | F: (614) 644-9185

Randall.Knutti@OhioAttorneyGeneral.gov

Amy.Brown@OhioAttorneyGeneral.gov

Emily.Simmons@OhioAttorneyGeneral.gov

COUNSEL FOR DEFENDANT,

CLEVELAND STATE UNIVERSITY

CERTIFICATE OF SERVICE

On September 25th, 2014, I sent a copy of this document via electronic mail to Plaintiff's

Counsel: **Mark Griffin** (mgriffin@tpgfirm.com) and **Sara Verespej** (SVerespej@tpgfirm.com).



EMILY M. SIMMONS (0082519)

Assistant Attorney General

Page 114

1 Q Did anybody else hear this?
 2 MR. GRIFFIN: Objection. Vague.
 3 Foundation.
 4 Q And I'm referring to the incident where you're
 5 contending that your subordinate said he feared
 6 for his physical safety.
 7 A Possibly. I could give you three names, if
 8 that would be helpful. I know that all three
 9 of these people at different times told me that
 10 they heard things, but I can't remember if they
 11 heard that specific one.
 12 Our office manager, Olga Lee, L E E. Our
 13 receptionist, Kelly Sparks. And then our
 14 budget manager at the time, she's since
 15 retired, Marilyn Werner, W E R N E R. They
 16 were all people who at different times told me
 17 that they heard him yelling at me or us.
 18 Q Generally speaking, if you or a staff member
 19 feared for their physical safety, what is the
 20 appropriate protocol? What is your
 21 understanding of what the protocol was?
 22 MR. GRIFFIN: Objection. Vague.
 23 You can answer.
 24 A I guess if I think -- my sense is that if it's
 25 happening in the moment and somebody is fearing

Page 115

1 for their safety, then calling the campus
 2 police would have been the act to take. If it
 3 was in retrospect, then I wasn't sure and I was
 4 expecting that, perhaps, I would be sent to the
 5 police by the Affirmative Action process, but I
 6 wasn't sure.
 7 Q You didn't actually meet with -- or did you
 8 bring this up with Donna Whyte?
 9 A No. Because we didn't -- the meeting was
 10 scheduled for after I was terminated.
 11 Q So you didn't bring this up with Donna?
 12 A I didn't have a chance to.
 13 Q Why didn't have you the chance to?
 14 A Because I asked her for a meeting and she was
 15 going on vacation that day and she scheduled it
 16 with me for after she came back and I was
 17 terminated in between.
 18 Q Did you bring this up to anyone else at
 19 Cleveland State?
 20 A I can think of one person who I think I may
 21 have shared this with. I mentioned Marilyn
 22 Werner. After one of the incidents where Dr.
 23 Banks was very, very angry, she pulled me in
 24 her office and said, "Are you okay?" And that
 25 might have been one of the very first

Page 116

1 incidents. It was, actually, I think in April,
 2 early April, if I remember correctly,
 3 because --
 4 Q This is the yelling or the screaming?
 5 A Yeah. Yeah. She actually recommended that I
 6 start keeping a log of incidents.
 7 Q Did you?
 8 A I did.
 9 Q Did you turn that over in discovery?
 10 A I don't know.
 11 MS. SIMMONS: I don't believe I
 12 recall seeing that.
 13 MR. GRIFFIN: I'll take a look at
 14 that. If we've gotten it, we would have turned
 15 it over. But I can look again.
 16 Q What did it look like?
 17 A It was a document where I would just put in the
 18 date and a little description if something
 19 happened.
 20 Q Was it typed or handwritten?
 21 A It was typed.
 22 Q Do you recall how many listings or was it in
 23 like an Excel spreadsheet?
 24 A No. It was just kind of a Word document.
 25 Q Do you recall the font?

Page 117

1 A Absolutely not.
 2 Well, I mentioned Marilyn because she
 3 sort of became a person who I could talk to and
 4 just kind of let her know what was happening
 5 and she was sort of a friendly ear. She's
 6 somebody I worked with all the way back to
 7 1993.
 8 Q How many pages was this document?
 9 A I really don't remember.
 10 Q Like two?
 11 A Probably longer than that. But I don't
 12 remember for sure.
 13 Q Ten?
 14 A I'm not sure. I know that as an example, I
 15 included the notes from my meeting with Jim
 16 Drnek in June. I included just about every
 17 interaction that I had with Dr. Banks that
 18 seemed to cause me concern. But it was
 19 primarily for my own sort of sense of sanity to
 20 kind of write it down. And, you know, it took
 21 until that incident in August for me to go to
 22 Affirmative Action.
 23 MS. SIMMONS: It's about noon. I
 24 don't believe we've gotten that, Mark. Do you
 25 think maybe you could reach out to your



Page 118

1 paralegal and see if --
2 MR. GRIFFIN: You know, I will
3 make a call.
4 MS. SIMMONS: What I'm getting at
5 is maybe we can do it on lunch.
6 MR. GRIFFIN: Yeah. First of
7 all, is there a specific document request that
8 you think it's responsive to?
9 MS. SIMMONS: Well, I mean, our
10 requests were quite inclusive. I can't
11 imagine --
12 MR. GRIFFIN: Sure. And I'm
13 happy to ask for it. I just want to know what
14 document request.
15 MS. SIMMONS: When documents were
16 provided, they weren't designated, "This is in
17 response to 1." They weren't Bates stamped.
18 There was no designation, which is fine. But I
19 just --
20 MR. GRIFFIN: But you're telling
21 me that you have requested this document and my
22 question to you is, tell me what document
23 request you requested it under and I'll find
24 out whether we responded.
25 MS. SIMMONS: Well, and bigger

Page 119

1 picture, if we didn't, I'm requesting it now.
2 MR. GRIFFIN: Great.
3 MS. SIMMONS: And so from the
4 standpoint of we're in the deposition, if we
5 can get it, that would probably save time big
6 picture-wise.
7 MR. GRIFFIN: Now, if it was on a
8 CSU computer, he may not have had access to
9 that.
10 MS. SIMMONS: Well, he's
11 indicated he turned it over to you.
12 MR. GRIFFIN: I didn't hear it
13 quite that way. But I will try to make some
14 calls, but it would help me if you could
15 reference a document request.
16 MS. SIMMONS: And, again, when
17 they were produced to us, there was not a
18 designation. It was just one pdf of documents.
19 It didn't say, "This is responsive to request
20 for production 1. This is responsive to 2."
21 Which if fine. I mean, that's fine. But I'm
22 just saying and again bigger picture-wise, even
23 if it's not in here, I'm requesting it now.
24 MR. GRIFFIN: I understand.
25 MS. SIMMONS: Well, number 2

Page 120

1 specifically says, "All documents, exhibits and
2 evidence you claim support the allegations in
3 the Complaint." I would certainly think that
4 this would be something that you claim supports
5 the allegations.
6 MR. GRIFFIN: I don't know that
7 we are claiming that.
8 MS. SIMMONS: One more point.
9 Number 8, "Produce a copy of any reports in
10 your possession or control that were generated
11 as a result of the allegations in the
12 Complaint."
13 Number 4, "Produce all electronically
14 stored information that is related to the
15 subject matter of the Complaint."
16 "Produce all documents that reflect
17 evidence or reference any conversations that
18 you had with anyone regarding the allegations
19 set forth in the Complaint."
20 MR. GRIFFIN: Okay. Let me talk
21 with my paralegal and see whether that has been
22 provided already.
23 MS. SIMMONS: And if it was, what
24 page number of the pdf it was.
25 MS. BROWN: There aren't page

Page 121

1 numbers?
2 MS. SIMMONS: There are page
3 numbers, just on the pdf.
4 MS. BROWN: On the pdf itself,
5 yeah.
6 MR. GRIFFIN: I don't believe
7 that we are withholding anything on any basis
8 of privilege. It's my understanding that
9 everything we've gotten, we have provided to
10 you. But I will check and find out.
11 MS. SIMMONS: Well, and even if
12 it was inadvertent, you know, things happen. I
13 just want it.
14 MR. GRIFFIN: I hear your
15 request.
16 MS. SIMMONS: Is this a good time
17 to break for lunch?
18 MR. GRIFFIN: Sure. It's noon.
19 You want to take an hour?
20 MS. SIMMONS: Actually, let me
21 just ask a couple more while we're still on the
22 topic.
23 Q Other than what we've discussed, as you sit
24 here today, can you recall anything else that,
25 you know, as to why you're bringing this claim?

Amy S. Brown

From: Emily Simmons
Sent: Thursday, September 25, 2014 10:41 AM
To: Amy S. Brown
Subject: FW: Russell/Liss v. CSU

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Emily Simmons
Sent: Wednesday, August 06, 2014 8:10 AM
To: mgriffin@tpgfir.com
Cc: Lesa Liston (lleston@tpgfir.com); Randall W. Knutti; Amy S. Brown
Subject: RE: Russell/Liss v. CSU

Counsel:

We wrote to you on July 10th and then again on July 28th to request that you produce documents/information that came to light during your clients' deposition that was not produced in response to our discovery requests. You have not responded in any way to either of my emails. If the information is not received by Friday, August 8, 2014, we will be forced to file a motion to compel.

Thanks,

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov



Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Emily Simmons
Sent: Monday, July 28, 2014 12:55 PM
To: mgriffin@tpgfirm.com
Cc: Lesa Liston (liston@tpgfirm.com); Randall W. Knutti; Amy S. Brown
Subject: RE: Russell/Liss v. CSU

Counsel:

I am writing to follow up on the below email that was originally sent on July 10th – I haven't received any response from you regarding the not yet produced documents/information specifically outlined below that came to light during your clients' depositions. Should we have received it? Scanning and sending the information electronically is fine. Or, is it your position that we aren't entitled to this information?

Thanks,

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Emily Simmons
Sent: Thursday, July 10, 2014 10:13 AM
To: mgriffin@tpgfirm.com
Cc: Lesa Liston (liston@tpgfirm.com); Randall W. Knutti; Amy S. Brown
Subject: Russell/Liss v. CSU

Mark,

During Mr. Liss's deposition, he stated that he kept a list of the incidents/inappropriate conduct he was allegedly subjected to while at CSU per one of his colleague's recommendation. In reviewing the discovery responses provided by your client, I don't believe we received a copy of this. Could you please send this to us? No calendars were provided as well – could you please confirm with Mr. Liss as well as Mr. Russell that they do not have any calendars from that time period? If they have any, could you please provide them?

Also, Mr. Liss testified he did not recall checking his Facebook/MySpace/etc. accounts for any posts or account information that may be relevant or responsive to our discovery requests. Would you please have your client review this material and provide any information that that is responsive to our requests? If he has no responsive information, please confirm this.

Also, in the deposition, Mr. Liss claimed he sought treatment through University of Akron's Employee Assistance Program as a result of CSU's actions. Thus, please provide the name and address of any counselor/physician/etc. who Mr. Liss saw as well as have him sign the attached release so that we may subpoena the records relating to this treatment.

Thanks,

Emily M. Simmons



Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Amy S. Brown

From: Emily Simmons
Sent: Thursday, September 25, 2014 10:31 AM
To: Amy S. Brown
Subject: FW: Liss/CSU

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Emily Simmons
Sent: Monday, August 18, 2014 4:27 PM
To: 'Sara Verespej'
Cc: Mark Griffin; Lesa Liston
Subject: RE: Liss/CSU

Counsel:

Why is your client not in possession of his incidents log? If not in his possession, where is it?

Thanks,

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Sara Verespej [mailto:sverespej@tpgfirm.com]
Sent: Monday, August 18, 2014 1:03 PM
To: Emily Simmons
Cc: Mark Griffin; Lesa Liston
Subject: Liss/CSU

Emily,

Per our conversation today, we will proceed with Walker's deposition on August 26 at 10:00 am and with Bergman's deposition on September 2 at 10:00 am. You will check availability for: Drnek's deposition (in Los Angeles) on September 4 or 5, Cauthen's deposition (in Atlanta) on August 29 or September 12, Emerick's deposition on August 26, and Johnston's deposition on September 2.

We will be producing calendars for Liss tomorrow. Liss is not in possession of the log of incidents referenced in his deposition. We will not be providing a medical release; as discussed, Liss only claims garden variety damages and separately, Rule 34 does not require a party's signature on a release form.

I look forward to hearing from you regarding the proposed deposition dates.

Best regards,

Sara W. Verespej
Tel: 216.621.3500 | Fax: 216.621.3422
sverespej@tpgfirm.com
www.tpgfirm.com



Thorman Petrov Griffin Co., LPA
3100 Terminal Tower
50 Public Square
Cleveland, OH 44113

This e-mail message (and any attachments) is for the exclusive use of the intended addressee(s). This message may contain confidential, privileged, and/or proprietary information, and unauthorized review, use, or distribution by persons other than the intended addressee(s) is prohibited and may be unlawful. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege or of any claim to confidentiality. If you have received this e-mail in error, please contact me immediately at 216.621.3500 and destroy all electronic, paper, and other versions of this message.

Amy S. Brown

From: Emily Simmons
Sent: Thursday, September 25, 2014 10:31 AM
To: Amy S. Brown
Subject: FW: Russell/Liss - deposition dates

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Emily Simmons
Sent: Monday, August 18, 2014 12:52 PM
To: 'Sara Verespej'
Cc: Lesa Liston; Randall W. Knuttj; Amy S. Brown
Subject: RE: Russell/Liss - deposition dates

Thank you. We'll get back to you with dates for Drnek and check availability for either the 29th or Sept 12th for Cauthen. Also, I look forward to receiving the plaintiffs' calendars which you stated would be sent by tomorrow and your written response regarding the other issues we discussed, including the status of Mr. Liss's incident log that he testified about during his deposition.

Thanks,

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Sara Verespej [mailto:sverespej@tpgfirm.com]
Sent: Monday, August 18, 2014 12:06 PM
To: Emily Simmons
Cc: Lesa Liston
Subject: FW: Russell/Liss - deposition dates

Forwarding per your request.

Best regards,

Sara W. Verespej
Tel: 216.621.3500 | Fax: 216.621.3422
sverespej@tpgfirm.com
www.tpgfirm.com



Thorman Petrov Griffin Co., LPA
3100 Terminal Tower
50 Public Square
Cleveland, OH 44113

This e-mail message (and any attachments) is for the exclusive use of the intended addressee(s). This message may contain confidential, privileged, and/or proprietary information, and unauthorized review, use, or distribution by persons other than the intended addressee(s) is prohibited and may be unlawful. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege or of any claim to confidentiality. If you have received this e-mail in error, please contact me immediately at 216.621.3500 and destroy all electronic, paper, and other versions of this message.

From: Mark Griffin Gmail **On Behalf Of** Mark Griffin
Sent: Monday, August 18, 2014 11:35 AM
To: Emily Simmons
Cc: Randall W. Knutti; Amy S. Brown; Lesa Liston; Sara Verespej
Subject: Re: Russell/Liss - deposition dates

Emily,

We are not planning to do any depositions by video conference. Both Cauthen's and Drnek's depositions would be in person.

Do you have dates for Drnek's deposition?

-Mark

On Mon, Aug 18, 2014 at 10:54 AM, Emily Simmons <emily.simmons@ohioattorneygeneral.gov> wrote:

Okay, we'll see about rescheduling Johnston. Are you planning to do T.W.'s deposition via video conference? Here is a proposed schedule for the others:

George Walker – August 26, 2014 10:00AM

Bob Bergman – September 2, 2014 at 10:00AM

Jim Dmek – via video conference 9AM-noon and then again 2:00PM-5:00PM Pacific Time which is noon to 3:00PM and 5:00PM-8:00PM EST.

Also, please send dates for Burke.

Thanks,

Emily M. Simmons

Emily M. Simmons

Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Fax number: 614-644-9185
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: mark.d.griffin@gmail.com [mailto:mark.d.griffin@gmail.com] **On Behalf Of** Mark Griffin
Sent: Monday, August 18, 2014 10:31 AM
To: Emily Simmons
Cc: Randall W. Knutti; Amy S. Brown; Iliston; Sara Verespej
Subject: Re: Russell/Liss - deposition dates

Emily,

We can't do a depo tomorrow. Can we have other dates?

-Mark

On Fri, Aug 15, 2014 at 2:21 PM, Emily Simmons <emily.simmons@ohioattorneygeneral.gov> wrote:

Mark:

How does next Tuesday, August 19th look for you? Jamie Johnston could be available at 1:00PM and then Sandra Emerick at 5:00PM?

Emily M. Simmons

Emily M. Simmons
Assistant Chief - Court of Claims Defense
Office of Ohio Attorney General Mike DeWine
Office number: [614-466-7447](tel:614-466-7447)
Fax number: [614-644-9185](tel:614-644-9185)
Emily.Simmons@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Thorman Petrov Griffin Co., LPA
3100 Terminal Tower
50 Public Square
Cleveland, OH 44113
216-621-3500

This e-mail message (and any attachments) is for the exclusive use of the intended addressee(s). This message may contain confidential, privileged, and/or proprietary information, and unauthorized review, use, or distribution by persons other than the intended addressee(s) is prohibited and may be unlawful. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege or of any claim to confidentiality. If you have received this e-mail in error, please contact me immediately at 216.621.3500 and destroy all electronic, paper, and other versions of this message.

--
The logo consists of the letters 'TPG' in a bold, white, sans-serif font, enclosed within a black square border.

THORMAN PETROV GRIFFIN

Thorman Petrov Griffin Co., LPA
3100 Terminal Tower
50 Public Square
Cleveland, OH 44113
216-621-3500

This e-mail message (and any attachments) is for the exclusive use of the intended addressee(s). This message may contain confidential, privileged, and/or proprietary information, and unauthorized review, use, or distribution by persons other than the intended addressee(s) is prohibited and may be unlawful. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege or of any claim to confidentiality. If you have received this e-mail in error, please contact me immediately at 216.621.3500 and destroy all electronic, paper, and other versions of this message.