

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

2014 OCT -1 AM 10:42

IN THE COURT OF CLAIMS OF OHIO

GRAND VALLEY LOCAL SCHOOL)
DISTRICT BOARD OF EDUCATION,)
ET AL.)

Plaintiffs)

v.)

BUEHRER GROUP ARCHITECTURAL)
ENGINEERING, INC., ET AL.)

Defendants)

CASE NO.: 2014-00469-PR

JUDGE PATRICK M. McGRATH

ANSWER OF THIRD PARTY
DEFENDANT BOAK & SONS, INC.
TO THE COUNTERCLAIM OF
FOURTH PARTY DEFENDANT
HIRSCHMANN CONSTRUCTION
SERVICES, INC.

[JURY DEMAND]

Now comes Defendant Boak & Sons, Inc. ("Boak") and states as its Answer to the Counterclaim filed by Fourth Party Defendant Hirschmann Construction Services, Inc:

1. This answering Defendant admits the allegations of Paragraph 11 of the Counterclaim.

2. This answering Defendant denies for lack of knowledge the truth of the allegations of Paragraph 10 of the Counterclaim.

3. This answering Defendant denies the allegations of Paragraphs 12, 13, 14, and 16 of the Counterclaim.

4. This answering Defendant denies each allegation of the Counterclaim not specifically admitted herein.

ON COMPUTER

FIRST DEFENSE

5. The Counterclaim fails to state a claim upon which relief may be granted.

SECOND DEFENSE

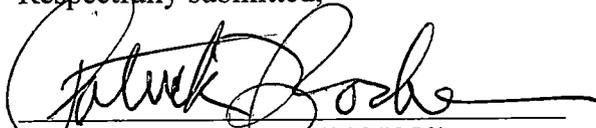
6. The Counterclaimant was comparatively negligent

THIRD DEFENSE

7. This answering Defendant reserves the right add or amend defenses as appropriate as discovery proceeds.

WHEREFORE, having fully answered, Boak prays that the Counterclaim filed against it be dismissed with prejudice at the cost of Hirschmann Construction Services, Inc.

Respectfully submitted,



PATRICK F. ROCHE (0025959)

DAVIS & YOUNG

1200 Fifth Third Center

600 Superior Avenue East

Cleveland, Ohio 44114

Phone (216) 348-1700

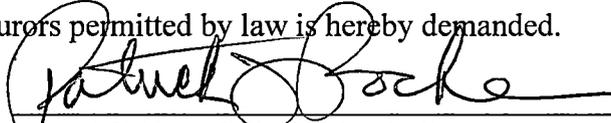
Fax (216) 621-0602

Email proche@davisyoung.com

Attorney for Third Party Defendant Boak & Sons,
Inc.

JURY DEMAND

A trial by the maximum number of jurors permitted by law is hereby demanded.

A handwritten signature in black ink, appearing to read "Patrick Roche", written over a horizontal line.

PATRICK F. ROCHE (0025959)

DAVIS & YOUNG

Attorney for Third Party Defendant Boak & Sons,
Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent this 7th day of September, 2014 to:

David A. Beals
Jerry K. Kasat
Assistant Attorneys General
Court of Claims Defense
150 E. Gay St., 18th Floor
Columbus, OH 43215

Attorneys for Plaintiffs
Grand Valley Local School District
Ohio Schools Facility Commission,
And State of Ohio

Brian C. Lee
REMINGER CO LPA
101 West Prospect Ave W, #1400
Cleveland, OH 44115-1093

Attorney for Buehrer Group

Brian Buzby
PORTER WRIGHT MORRISON ARTHUR
LLP
41 S. High St.
Columbus, OH 43215

Attorney for Hartford Fire Insurance Co.

Joseph A. Gerling
Scott A. Fenton
LANE ALTON & HORST, LLC
2 Miranova Place, Suite 500
Columbus, OH 43215
Attorneys for Jack Gibson Construction Co.

Jay William Pustelak
Dba Pustelak, Inc.
9070 Peach St.
Waterford, PA 16441

Defendant

Velotta Asphalt Paving Co., Inc.
c/o Carter Donohoe
3414 E. Monmouth Rd.
Cleveland Hts. OH 44118

Defendant

Robert C. Kokor
48 West Liberty St.
Hubbard, OH 44425

Attorney for Defendant Hirschmann
Construction Services, Inc.

McMillan Construction Ltd
c/o David O. McMillan
26457 State Route 58
Wellington, OH 44090

Defendant



PATRICK F. ROCHE (0025959)
DAVIS & YOUNG
Attorney for Third Party Defendant Boak & Sons,
Inc.



DAVIS & YOUNG

A Legal Professional Association

1200 Fifth Third Center • 600 Superior Avenue, East
Cleveland, Ohio 44114-2654
T 216-348-1700 • F 216-621-0602
<http://www.davisyoung.com>

Patrick F. Roche
proche@davisyoung.com

FILED
COURT OF CLAIMS
OF OHIO
2014 OCT -1 AM 10:42

September 26, 2014

The Ohio Judicial Center
65 South Front Street,
Third Floor
Columbus, OH 43215

RE: Grand Valley Local School District, et al. v. Buehrer Grup, et al.
Court of Claims Case No.: 2014-00469-PR

Dear Madam or Sir:

Enclosed herewith please find an original and one (1) copy of:

1. Answer of Third Party Defendant Boak & Sons, Inc. to Counterclaim of Hirschmann Construction;
2. Answer of Third party Defendant Boak and Sons, Inc. to Counterclaim of Joseph Hirschmann

Please file in your usual manner and time-stamp and return to me the copy in the self-addressed stamped envelope I have provided for your convenience.

Thank you for your cooperation in this matter.

Very truly yours,

Patrick F. Roche

Enc.
PFR/mtl

Cc: David Beals, Esq.
Jerry Kasat, Esq.
Brian Lee, Esq.
Brian Buzby, Esq.
Stephen P. Withee, Esq.
Joseph A. Gerling, Esq.
Scott A. Fenton, Esq.
Jay William Pustelak
Velotta Asphalt Paving Co., Inc.

AKRON
One Cascade Plaza
Suite 800
Akron, Ohio 44308
T 330-376-1717 • F 330-376-1797

YOUNGSTOWN/WARREN
Gibson Governor Insurance Building, Suite G
P.O. Box 740 • 972 Youngstown-Kingsville Road
Vienna, Ohio 44473
T 330-539-6111 • F 330-539-6303