

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2014 OCT 14 PM 3: 15

TRANSAMERICA BUILDING
CO., INC.

Plaintiff,

v.

OHIO SCHOOL FACILITIES
COMMISSION

Defendant.

Case No. 2013-00349

Referee Samuel Wampler

DEFENDANT OHIO SCHOOL FACILITIES COMMISSION'S
MOTION IN LIMINE

Now comes Defendant Ohio School Facilities Commission ("OSFC") and moves this Court for an order preventing Plaintiff Transamerica Building Company, Inc. ("TA") from presenting any expert testimony regarding a schedule analysis. The reasons for this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



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OHIO SCHOOL FACILITIES COMMISSION

ON COMPUTER

MEMORANDUM IN SUPPORT

At a status conference held in this case several weeks ago, Plaintiff indicated that it would be presenting a schedule analysis from its expert. Plaintiff's expert reports in this case were due on January 17, 2014. If Plaintiff was to provide an expert schedule analysis, it should have been done by then. There is no excuse for it being nine months late. Plaintiff has also indicated that it intends to provide a report from James Luckino on roof remediation being done on the Project. Defendant has requested the Luckino report but has not received it.

Therefore, Defendant moves *in limine* to prevent Plaintiff from putting on any expert schedule analysis. Alternatively, Plaintiff should be ordered immediately to produce a written report of this schedule analysis, and produce its experts for deposition at no cost to the Defendant. Further, Plaintiff should be ordered to pay any cost incurred by Defendant's expert in responding to this untimely schedule analysis. Defendant should also be ordered to procure its roofing report from Mr. Luckino and produce Mr. Luckino for deposition.

Finally, Defendant advises that it may need to continue the trial date depending on this Court's rulings and Plaintiff's responsiveness.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant's Motion *in Limine* was sent by electronic mail, this 17th day of October, 2014 to:

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