



Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
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TRANSAMERICA BUILDING
COMPANY, INC.

Plaintiff/Counter Defendant

v.

OHIO SCHOOL FACILITIES
COMMISSION, etc.

Defendant/Counter Plaintiff

Case No. 2013-00349

Referee Samuel Wampler

ORDER OF THE REFEREE

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On October 14, 2014, defendant Ohio Schools Facilities Commission ("OSFC") filed a Motion in Limine seeking an order to prevent plaintiff TransAmerica Building Company, Inc. ("TA") from presenting any expert testimony regarding schedule analysis at the trial of this action. At the referee's request the parties participated in a telephonic hearing on the motion on October 21, 2014, at 9:30 a.m. Donald Gregory appeared telephonically and spoke on behalf of plaintiff. William Becker appeared telephonically and spoke on behalf of defendant. Following a discussion of the motion and the issues presented, the parties waived further briefing on the motion and submitted the motion for a decision by the referee. For the following reasons, OSFC's motion is DENIED.

Good cause appearing, it is ordered that counsel for plaintiff TA shall provide to counsel for defendant OSFC, a copy of any supplemental expert report of Mr. Don McCarthy, including any schedule analysis that plaintiff TA intends to submit or rely on at trial. Plaintiff TA shall make Mr. McCarthy available for deposition on any matter included in such report and any matter that may relate to previous report(s) of Mr. McCarthy to the extent inquiry into the supplemental report necessitates further inquiry into the previous report(s). Plaintiff TA shall pay the cost (reporter and transcript) of Mr. McCarthy's deposition. Defendant OSFC shall have until November 17, 2014 to provide to counsel for plaintiff TA, a copy of any report in response to the supplemental expert report provided by TA. Counsel for plaintiff TA shall also deliver to counsel for defendant OSFC, a copy

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of any report issued by Mr. Jim Luckino related to defective roof claims asserted by defendant OSFC in its counterclaim. The current trial date of December 4, 2014 shall remain firm, subject to a motion by either party to continue for good cause shown.

IT IS SO ORDERED.

for Robert C. Von Schoyck
SAMUEL WAMPLER
Referee

cc:

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