

IN THE COURT OF CLAIMS OF OHIO

65 South Front Street, 3rd Floor
Columbus, Ohio 43215

FILED
COURT OF CLAIMS
OF OHIO

SUBPOENA

2014 NOV -4 PM 3:15

TRANSAMERICA BUILDING CO., INC.
Plaintiff

Case No. 2013-00349

v.

OHIO SCHOOL FACILITIES
COMMISSION
Defendant

Referee Wampler

COURT'S COPY
RETURN OF SERVICE

TO: Clayton D. Keith
Lend Lease Construction Inc.
250 Civic Center Drive, Suite 280
Columbus, OH 43215

YOU ARE HEREBY COMMANDED TO:

- Attend and give testimony at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
- Attend and produce documents and/or tangible things at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
- Produce and permit inspection and copying, on the date and at the time and place specified below, of any designated documents that are in your possession custody or control.
- Produce and permit inspection and copying, testing or sampling, on the date and at the time and place specified below, of any tangible things that are in your possession, custody or control.
- Permit entry upon the following described land or other property, for the purposes described in civil 34(a)(3), on the date and at the time and place specified below. *Description of land or other premises:* _____

DATE December 8, 2014 TIME 10:00 a.m.

PLACE Court of Claims, 65 S. Front Street, 3rd Floor, Columbus, Ohio.

DESCRIPTION OF ITEMS TO BE PRODUCED: None

NOTE: Please contact one of the trial paralegals (Margie Welsheimer or Damica Dawson) as the trial date approaches for specific dates and times of your testimony, at (614) 466-7447.

THE STATE OF OHIO
Franklin County, ss
To the Sheriff of Certified Mail County, Ohio Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 28th DAY OF October, 2014
CLERK OF THE COURT OF CLAIMS OF OHIO.

BY: William Becker by [Signature]
SIGNATURE OF [Attorney for Defendant]

ON COMPUTER

REQUESTING PARTY INFORMATION:
NAME: William C. Becker, 150 E. Gay St. 18th FL., Columbus, OH 43215
[(Attorney for Defendant)]

ATTORNEY CODE: 0013476 TELEPHONE NUMBER: (614) 466-7447

NOTE: READ INFORMATION ON THE REVERSE SIDE OF THIS SUBPOENA.

Civil Rule 45 (C) Protection of persons subject to subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.
(2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing or trial.
(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii),(iii),(iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production.
(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:
(a) Fails to allow reasonable time to comply;
(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
(d) Subjects a person to undue burden.
(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney.
(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

Civil Rule 45 (D) Duties in responding to subpoena.

- (1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena.
(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R. 26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Civil Rule 45 (E) Sanctions.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. A subpoenaed person or that person's attorney who frivolously resists discovery under this rule may be required by the court to pay the reasonable expenses, including reasonable attorney's fees, of the party seeking the discovery.

*** RETURN OF SERVICE ***

I RECEIVED THIS SUBPOENA ON 28 Oct 2014, AND SERVED THE PARTY NAMED ON THE REVERSE HEREOF BY Certified Mail ON 31 Oct 2014.

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

Sheriff's Fees
Service
Mileage
Copy
Total

Signature of Serving Party
Circle One: Deputy Sheriff, Process Server, Other, Attorney, Deputy Clerk

51 : 8 WD - AON 410Z

FILED
COURT OF CLAIMS
OF OHIO



Date: November 3, 2014

jeffery duvall:

The following is in response to your November 3, 2014 request for delivery information on your Certified Mail™ item number 9171999991703038501043. The delivery record shows that this item was delivered on October 31, 2014 at 11:00 am in COLUMBUS, OH 43215. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
TO	ANNE WATSON
BY	ANNE WATSON

Address of Recipient :

Y	
---	--

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service