

IN THE COURT OF CLAIMS OF OHIO

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

FILED  
COURT OF CLAIMS  
OF OHIO

SUBPOENA

2014 DEC 19 PM 3:03

TRANSAMERICA BUILDING CO., INC.  
Plaintiff

Case No. 2013-00349

v.

Judge McGrath

OHIO SCHOOL FACILITIES  
COMMISSION  
Defendant

Referee Samuel Wampler

COURT'S COPY

RETURN OF SERVICE

TO: Tim Calvey  
Calvey Consulting  
8473 Settlers Passage  
Cleveland, Ohio 44141

YOU ARE HEREBY COMMANDED TO:

- Attend and give testimony at a 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 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:* \_\_\_\_\_

**DEPOSITION:**      **DATE:** January 26, 2015      **TIME:** 10:00 a.m.  
**PLACE:** Law Offices of Meyers, Roman, Friedberg & Lewis

**DESCRIPTION OF ITEMS TO BE PRODUCED IN ADVANCE OF DEPOSITION:**

All documents you generated, received and/or reviewed for TransAmerica's claim on the Ohio School for the Blind/Deaf Project. Produce documents by JANUARY 5, 2015, to William Becker, Office of the Attorney General, 150 E. Gay Street, 18th Floor, Columbus, Ohio 43215.

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THE STATE OF OHIO  
Franklin County, ss  
Service by: Certified Mail      Franklin County, Ohio:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.  
WITNESS MY HAND AND SEAL OF SAID COURT THIS 12th DAY OF Dec, 2014  
CLERK OF THE COURT OF CLAIMS OF OHIO.

BY W.C. Becker  
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 ALL 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. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(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. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(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. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(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. The court from which a subpoena was issued may impose upon a party or attorney in breach of the duty imposed by division (C)(1) of this rule an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.

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**RETURN OF SERVICE**

I RECEIVED THIS SUBPOENA ON December 12, 2014, AND SERVED THE PARTY NAMED ON THE REVERSE HEREOF BY Certified Mail ON December 18, 2014

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

\_\_\_\_\_

**Sheriff's Fees**

Service \_\_\_\_\_  
Mileage \_\_\_\_\_  
Copy \_\_\_\_\_  
Total \_\_\_\_\_

*William Becker by Jay Klein*  
(Signature of Serving Party)

Circle One: Deputy Sheriff Attorney  
Process Server Deputy Clerk  
Other \_\_\_\_\_

2014 DEC 19 PM 8:08

FILED  
COURT OF CLAIMS  
OF OHIO



Date: December 19, 2014

jeffery duvall:

The following is in response to your December 19, 2014 request for delivery information on your Certified Mail™ item number 9171999991703038671630. The delivery record shows that this item was delivered on December 18, 2014 at 4:57 pm in BRECKSVILLE, OH 44141. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
re	
d	Jeffery Duvall

Address of Recipient :

37	2413 Settlers Pass Rd
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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