

IN THE OHIO COURT OF CLAIMS

2015 JAN 15 PM 2:07

COPY

WILLIAM RUSSELL,)	CASE NO.: 2013-00138
)	
Plaintiff,)	
)	JUDGE PATRICK M. McGRATH
vs.)	
)	MAGISTRATE HOLLY T. SHAVER
CLEVELAND STATE UNIVERSITY,)	
)	
Defendant.)	

STEVEN LISS,)	CASE NO.: 2013-00139
)	
Plaintiff,)	JUDGE PATRICK M. McGRATH
)	
vs.)	MAGISTRATE HOLLY T. SHAVER
)	
CLEVELAND STATE UNIVERSITY,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR ADMISSION OF EXHIBITS

Plaintiffs Steven Liss and William Russell (together, "Plaintiffs") respectfully seek admission of the exhibits included on the lists attached hereto as Exhibit 1 and as Exhibit 2. The listed exhibits were used during the trial of this matter that took place from December 8 through December 12, 2014. Plaintiffs anticipate seeking the admission of additional exhibits, including those used during the upcoming continuation of the trial.

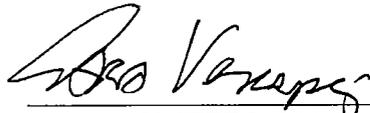
Counsel for the parties consulted regarding the admission of the exhibits included on the lists attached hereto as Exhibit 1 and as Exhibit 2. Counsel for defendant Cleveland State University ("CSU") agreed to the admission of the documents listed on Exhibit 1, **except** for objections posed to the following exhibits: Exhibits 11, 13, 14, 16, 64, 113, 191, 306, 348-349 and 364-365. CSU's counsel objected to all exhibits included on the list attached hereto as Exhibit 2 (Exhibits 6, 117, 124, 160, 218, 321 and 363) because the exhibits were not indexed as part of the trial transcript. CSU's counsel agreed to review the transcript for the exhibits

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included on the list attached hereto as Exhibit 2 and withdraw objections as it deems appropriate. Plaintiffs will review Defendant's objections to determine if an agreement can be reached.

Plaintiffs respectfully request that the Court enter an Order admitting the exhibits identified on the list attached hereto as Exhibit 1 with the exception of those identified previously as subject to Defendant's objections. In the event that agreement as to the objections cannot be reached, Plaintiffs respectfully reserve the right to seek, at a later date, the admission of the remaining exhibits, as well as additional exhibits as may be introduced during the continuation of the trial.

Respectfully submitted,



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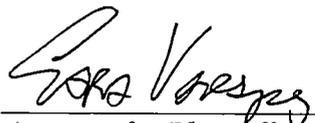
*Attorneys for Plaintiffs Steven Liss and William
Russell*

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was served via electronic mail, on this 14th day
of January 2015 to:

Randall W. Knutti, Esq.
Amy S. Brown, Esq.
Emily M. Simmons, Esq.
Ohio Attorney General's Office
Court of Claims Defense Section
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Attorneys for Defendant



*Attorney for Plaintiffs Steven Liss and William
Russell*

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
	Deposition of Dr. T.W. Cauthen with exhibits	Stipulated
	Deposition of Dr. James Drnek with exhibits	Stipulated
1.	Email from Drnek to Vartorella CC Banks RE Meet to Review Reorg Plan	Stipulated
2.	Banks Reorganizational Charts	Stipulated
3.	Email from Banks to McCafferty RE Hello	Stipulated
4.	Banks Revised Job Description for Director of Center for Student Involvement	Stipulated
5.	George Walker-James Drnek 1-1 Meeting	Stipulated
8.	Chart RE Number of Registered Student Organizations at CSU	Stipulated
9.	CSU Department of Student Life Annual Reports for 2005-2010	Stipulated
10.	Department of Student Life Leadership Consultant Report	Stipulated
11.	Defendant's Responses to Plaintiff's First Set of Interrogatories – Liss	Objected
13.	Defendant's Response to Plaintiff's Second Set of Interrogatories and Requests for Production of Documents – Liss	Objected
14.	Defendant's Responses to Plaintiff's First Set of Interrogatories – Russell	Objected
16.	Defendant's Response to Plaintiff's Second Set of Interrogatories and Requests for Production of Documents - Russell	Objected



<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
22.	Consultant Agreement for Cauthen	Stipulated
23.	Performance Reviews – Russell	Stipulated
26.	Professional Staff Job Descriptions	Stipulated
27.	Dept of Student Life Leadership Consultant Report	Stipulated
30.	Banks Greek Life Questionnaire	Stipulated
32.	Email from Liss to Banks re Confidential Draft Memos	Stipulated
34.	Email from Banks to Vartorella, Drnek re Consultant Visit	Stipulated
35.	Email from Banks to Drnek re Consultant Scope of Work	Stipulated
37.	Email from Banks to various re Consultant Visit	Stipulated
38.	Russell Responses to Greek Life Questionnaire	Stipulated
39.	Email from Banks to Drnek re Updated	Stipulated
40.	Email from Banks to Drnek fwd Email from Liss to Banks, Russell re Greek Life Information	Stipulated
42.	Email/Memo? From Banks to Drnek re Recommendations for Reorganization within Student Life	Stipulated
43.	Emails between Liss, Russell, Drnek, Banks, Myers re Written Warnings of June 18, 2012 Retraction Request	Stipulated

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
45.	Email from Banks to Drnek re Draft	Stipulated
48.	Memo to Colleagues from Drnek re Reorganization	Stipulated
50.	Coordinator of Greek Life & Commuter Programs Job Description	Stipulated
56.	2012 Liss Performance Review	Stipulated
57.	2011 Liss Performance Review	Stipulated
58.	2010 Liss Performance Review	Stipulated
59.	2010 Liss Performance Review	Stipulated
60.	2009 Liss Performance Review	Stipulated
61.	2009 Liss Performance Review	Stipulated
62.	2008 Liss Performance Review	Stipulated
63.	2008 Liss Performance Review	Stipulated
64.	2003 Liss Supervisor of the Year Award	Objected
65.	Professional Staff Reclassification Request Forms	Stipulated
72.	Email from Drnek to Various w/Formal Reorganization Announcement	Stipulated
74.	Email from Liss to Banks, Russell, Myers re Greek Relationship Agreement/Draft	Stipulated

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
78.	Liss Resumes	Stipulated
80.	Memo from Banks to Drnek re Recommendations for Reorganization within Student life	Stipulated
85.	Professional Staff Performance Evaluation for Russell	Stipulated
86.	Professional Staff Performance Evaluation for Russell	Stipulated
87.	Professional Staff Performance Evaluation for Russell	Stipulated
88.	2008 Russell Performance Review	Stipulated
89.	2007-2008 Russell Performance Review	Stipulated
97.	Liss List of Items for Review with Dr. Banks	Stipulated
98.	Termination Letter Liss	Stipulated
100.	Termination Letter Russell	Stipulated
112.	Personal Data Worksheet – Willie Banks	Stipulated
113.	Benefit Costs for Russell & Liss	Objected
114.	Position Description – Bergmann	Stipulated
121.	Email from Banks to Drnek fwd email from Liss to Russell re First Written Warning Memo	Stipulated
127.	Email from Banks to Drnek fwd email from Liss to Banks re CSI Update	Stipulated

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
130.	Email from Banks to Liss, Drnek re Recap of Meeting	Stipulated
131.	Email from Banks to Liss re Confidential Draft Memo	Stipulated
132.	Email from Banks to Drnek re Requested Materials	Stipulated
133.	Email from Banks to Drnek fwd email from Liss to Banks re Quick Update/Written Warning of June 18, 2012 Retraction Request	Stipulated
137.	Email from Banks to Drnek re bullet list	Stipulated
138.	Email from Banks to Bergmann re New Organizational Structure	Stipulated
140.	Email from Banks to Liss re Draft Retraction/Written Warning of June 18, 2012 Retraction Request	Stipulated
151.	Email from Myers to Liss, Banks, Drnek re FY12 Student Organizations Report Summary	Stipulated
152.	Email from McCafferty to Drnek, Banks, Vartorella re Job Descriptions	Stipulated
154.	Email from Drnek to Vartorella, Mutti, McCafferty, Banks re Student Life Reorganization	Stipulated
155.	Email from Drnek to Vartorella, Mutti, McCafferty, Banks re Materials Provided to Provost	Stipulated
161.	Email from Drnek to Walker, Snell, Artbauer, Zhu, Banks re Student Life Reorganization Update	Stipulated
180.	Banks 2012 Review	Stipulated
183.	Attachments to Ex 187	Stipulated

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
190.	Email from Banks to Drnek fwd email from Liss to Banks re Student Organizations & Greek Life Questionnaires/Inquiries	Stipulated
191.	New Student Affairs/Student Life Staff Responsibilities	Objected
195.	Email from Drnek to Vartorella, McCafferty, Mutti, Banks re Materials Provided to Provost	Stipulated
199.	Email string between Banks, Drnek and Vartorella re consultant visit	Stipulated
202.	Posting Preview Assistant Dean, Student Engagement	Stipulated
215.	Posting Preview Job Description Coordinator, Commuter Affairs	Stipulated
268.	Chart for Student Life made by Banks	Stipulated
280.	Memorandum from Walker to Liss re Response to Step 2 Grievance by Liss	Stipulated
287.	Email from Liss to Vartorella re Assistance with Sensitive Matter	Stipulated
303.	Emails from Lenhart and Emerick	Stipulated
304.	Email from Liss to Drnek re CONFIDENTIAL	Stipulated
306.	The History of Greek Life at CSU as Experienced by Someone Who Has Been There from the Beginning by Russell	Objected
309.	Letter from Stephanie McHenry Congratulating Russell for nomination to receive 2012 Distinguished Service Award	Stipulated

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
315.	Email string between Drnek and Russell re Smooth Transition	Stipulated
316.	Letter from Careworks to Russell re FMLA	Stipulated
317.	Letter from Careworks to Russell re FMLA	Stipulated
318.	The achievement of CSU Greek Organizations in the past 5 years	Stipulated
328.	Chart of Student Life before reorg done by Dr. Banks	Stipulated
329.	Chart of Student Life after reorg done by Dr. Banks	Stipulated
335.	Letter from Ronald Berkman re Russell grievance and uphold Whyte decision	Stipulated
336.	Email from Russell to Sonali Wilson re Complaining of Discrimination	Stipulated
337.	Letter from Ronald Berkman re Liss grievance and uphold Whyte decision	Stipulated
345.	Cauthen Production	Stipulated
348.	Expert File from Dr. Burke for Liss	Objected
349.	Expert File from Dr. Burke for Russell	Objected
350.	Liss Mitigation Document	Stipulated
351.	Resume of William Russell	Stipulated
352.	CSU Student Center Third Floor Seating Chart	Stipulated

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
355.	W-2 Russell 2009-2012	Stipulated
356.	Notice of Right to Sue Liss	Stipulated
357.	EEOC Charge of Discrimination Liss	Stipulated
358.	W-2s 2009-2013 Liss and 2013 and 2014 Year End Paystubs for University of Akron and Lorain Community College	Stipulated
362.	Email from Lenhart to Drnek RE The Department of Student Life	Stipulated
364.	Liss Updated Expert Report	Objected
365.	Russell Updated Expert Report	Objected

<u>Number</u>	<u>Description</u>	<u>Stipulated/Objected</u>
6.	Student Life Reorganization Chart by Vartorella	Objected
117.	Position Description - Lewis	Objected
124.	Email from Banks to various re Consultant Visit	Objected
160.	Email from Drnek to various re Student Life Reorganization	Objected
218.	EEO Summary re Applicants for Coordinator, Student Activities	Objected
321.	Newspaper Article re Student Life implements major changes	Objected
363.	Liss Income 2013-2014	Objected





THORMAN PETROV GRIFFIN

January 14, 2015

Via UPS Overnight Mail

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

2015 JAN 15 PM 2:07

FILED
COURT OF CLAIMS
OF OHIO

Re: *Liss v. Cleveland State University-Case No.: 2013-00139*
Russell v. Cleveland State University-Case No.: 2013-00138

Dear Sir/Madam:

I have enclosed an original and two copies of *Plaintiffs' Motion for Admission of Exhibits* for the cases referenced above. The original is for filing with the Clerk and two other copies we would like to have time-stamped. Please return the time-stamped copies to me in the enclosed self-addressed postage-prepaid envelope. *BN*

Thank you for your attention to this matter. Please do not hesitate to call me should you have any questions.

Sincerely,

Sara Verespej

Enclosures

CC via email: Randall W. Knutti, Esq.
Amy S. Brown, Esq.
Emily M. Simmons, Esq.