

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2015 MAR -3 AM 10: 58

**TRANSAMERICA BUILDING
COMPANY, INC.**

: Case No.: 2013-00349

Plaintiff,

: Referee: Samuel Wampler

v.

**OHIO SCHOOL FACILITIES
COMMISSION**

Defendant/Counter
Plaintiff/Third-Party Plaintiff

**MOTION FOR CONTINUANCE OF
TRIAL DATE**

v.

**STEED HAMMOND PAUL, INC.,
ETC. ET AL.**

Third-Party Defendants

Third-Party Defendant Steed Hammond Paul, Inc., by counsel, hereby moves this Court for an Order continuing the trial of this matter currently set for May 18, 2015. As described in the attached Memorandum, this newly-added Third-Party Defendant will not have sufficient opportunity to prepare for trial in the approximately four months between being named as a Third-Party Defendant and the currently established trial date.

Respectfully submitted,

DUNLEVEY, MAHAN & FURRY

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ON COMPUTER

MEMORANDUM

As this Court's docket will show, this litigation, involving a complex construction project consisting of multiple buildings for the Ohio Schools for the Deaf and Blind, was filed almost two years ago, on June 14, 2013. On November 13, 2014 the Referee in this action issued his Order setting a trial date of May 18, 2015. Approximately one month ago, on January 28, 2015 this Court granted Defendant leave to file a Third-Party Complaint against Steed Hammond Paul, Inc. ("SHP") and Lend Lease Construction, Inc.

Given the complexity of the issues in this case, SHP will not have sufficient time to prepare this case for trial in the approximately three months before trial. Although SHP's personnel have been deposed as fact witnesses in the pending litigation, that level of participation is a far cry from being a party required to defend itself against potential liability under the newly-brought claims against it. The prejudice to SHP is apparent when the Court considers that by comparison the original parties have had almost two years to prepare for trial. The prejudice to the fourth-party defendant, who has not even yet answered, is even more apparent.

Given the fact that such continuance will be the sole result of the Ohio School Facilities Commission's delay in bringing these known third-parties into the case, any prejudice to it by a continuance of the trial is at best self-inflicted. For the forgoing reasons, Third-Party Defendant, Steed Hammond Paul, Inc. requests that this Court issue a new scheduling order, including a continuance of the May 18, 2015 trial, reflecting the time necessary for Steed Hammond Paul, Inc. to adequately prepare a defense to the claims against it.

Respectfully submitted,

DUNLEVEY, MAHAN & FURRY

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*ATTORNEY FOR THIRD-PARTY DEFENDANT,
STEED HAMMOND PAUL, INC.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following by ordinary U.S. mail, this 2nd day of March, 2015.

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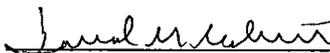
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**Dunlevey
Mahan + Furry**
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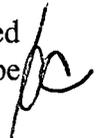
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March 2, 2015

Clerk of Courts
Ohio Court of Claims
Thomas J. Moyer
Ohio Judicial Center
65 S. Front Street, 3rd Floor
Columbus, OH 43215

RE: *TransAmerica Building Co, Inc. v. Ohio School Facilities Commission, et al.*
(Court of Claims Case No. 2013-000349)

Dear Clerk:

Enclosed please find Motion for Continuance of Trial Date to be filed by Steed Hammond Paul, Inc. Please file the original and return to me, in the business reply envelope enclosed, a time-stamped copy of same. 

If you have any questions, please contact me.

Very truly yours,



David M. Rickert

DMR/tnw

Enclosure: As Stated