

2015 MAR -4 PM 2: 33

IN THE COURT OF CLAIMS OF OHIO

TRANSAMERICA BUILDING COMPANY, :
INC., :

Plaintiff, :

v. :

OHIO SCHOOL FACILITIES :
COMMISSION, :

Defendant/Third-Party :
Plaintiff, :

v. :

STEED HAMMOND PAUL, INC. dba :
SHP LEADING DESIGN, :

Third-Party Defendant, :

and :

LEND LEASE (US) CONSTRUCTION, :
INC., :

Third-Party Defendant/Third :
(Fourth) Party Plaintiff, :

v. :

G. STEPHENS, INC., :

Third-Party (Fourth-Party) :
Defendant. :

Case No. 2013-00349

Referee Wampler

ORIGINAL

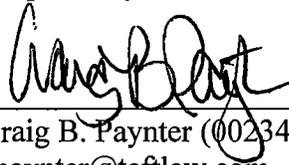
ON COMPUTER

**MOTION FOR NEW TRIAL DATE AND REQUEST FOR STATUS AND
SCHEDULING CONFERENCE OF THIRD-PARTY DEFENDANT/THIRD-PARTY
(FOURTH-PARTY) PLAINTIFF LEND LEASE (US) CONSTRUCTION, INC.**

Now comes Third-Party Defendant/Third-Party (Fourth-Party) Plaintiff, Lend Lease (US) Construction, Inc. ("Lend Lease"), and requests that the Court: vacate the current trial date of

May 18, 2015; and notice and convene a status conference for purposes of scheduling this case moving forward. Lend Lease submits that the current case schedule, if not adjusted, would lead to prejudice to Lend Lease in that it would not permit sufficient time for Lend Lease to develop an adequate defense and adequate development of its claims on an evidentiary basis. Lend Lease submits that a status conference, for purposes of scheduling this matter moving forward, is in the best interests of all the parties who have been recently joined, as well as all the parties who have been previously involved in this litigation.

Respectfully submitted,



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*Attorneys for Third-Party Defendant/Third (Fourth)
Party Plaintiff Lend Lease (US) Construction, Inc.*

MEMORANDUM IN SUPPORT

Lend Lease has been added to this litigation as a party at the 12th hour. As the Court docket reflects, the Motion for Leave to File the Third-Party Complaint joining Lend Lease was granted January 28, 2015. Lend Lease timely filed its Answer, Counterclaim, and its own Third-Party Claim on Friday, February 27, 2015. It is likely the pleadings resulting from this late joinder will not be concluded until late March, or even early April.

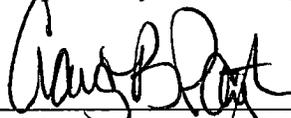
This case has been pending since June of 2013. The core parties have had over 18 months to conduct discovery, develop facts and expert opinions, and polish those expert opinions. Yet, several Motions have recently been filed, including a Motion by one of the parties to compel more discovery. Evidently, 18 months has not allowed enough time for the original parties to conduct discovery.

Clearly, the case involves complex issues and extensive facts. Lend Lease has been tangentially involved in the matter through depositions of its witnesses and participation in the most recent mediation. But defending depositions is activity which is altogether different from defending claims or, for that matter, prosecuting claims. Certainly, Lend Lease should be afforded an opportunity to fully investigate its claims. It would be inequitable to deny Lend Lease that opportunity in a case where the original parties have been exploring the evidence for over 18 months, and have not yet completed that investigation.

Lend Lease wants to be clear with the Court that it is not asking that the claims between OSFC and Lend Lease be severed from the core parties' claims; rather, Lend Lease is simply asking the Court to reschedule the entire case to a date which will afford Lend Lease a reasonable opportunity to properly defend and prosecute its claims. A status conference to

collaboratively arrange such a schedule might facilitate such an effort, and for the Court to avoid prejudice to Lend Lease.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Motion for New Trial Date and Request for Status and Scheduling Conference of Third-Party Defendant/Third-Party (Fourth-Party) Plaintiff Lend Lease (US) Construction, Inc.* was served by regular U.S. Mail, postage prepaid, this 4th day of March 2015, upon the following:

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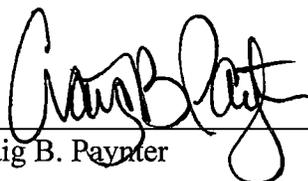
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