

**ORIGINAL**

FILED  
COURT OF CLAIMS  
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2015 MAR -5 PM 3: 22

TRANSAMERICA BUILDING COMPANY, :  
INC., :

Case No. 2013-00349

Plaintiff, :

Judge McGrath

v. :

Referee Wampler

OHIO SCHOOL FACILITIES :  
COMMISSION, nka Ohio Facilities :  
Construction Commission, :

Defendant. :

**PLAINTIFF TRANSAMERICA BUILDING COMPANY, INC.'S**  
**MOTION FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT OF ITS RENEWED**  
**MOTION TO SEPARATE**

Pursuant to L.C.C.R. Rule 4(C), Plaintiff TransAmerica Building Company, Inc. (“TransAmerica”) hereby moves for leave to file a short Reply Brief in support of its Renewed Motion to Separate. A reply is necessary for two reasons. First, TransAmerica has not yet had an opportunity to address arguments the Ohio School Facilities Commission (“OSFC”) now asserts are dispositive of TransAmerica’s Renewed Motion to Separate. Because the OSFC’s arguments are inaccurate, TransAmerica finds it is both important and necessary to reply. Second, recent developments in the case are worthy of the Court’s attention. As TransAmerica predicted, both third-party defendants have already moved to continue the trial date. Both third-parties have also brought in two additional parties as fourth-party defendants—further complicating this case and potentially prejudicing TransAmerica.

If the potential for prejudice to TransAmerica was at one point too speculative, unless TransAmerica’s Renewed Motion to Separate is granted, these recent developments have made that prejudice concrete. TransAmerica therefore respectfully requests leave to file its Reply Brief in support of its Motion to Separate.

**ON COMPUTER**

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing PLAINTIFF TRANSAMERICA BUILDING COMPANY, INC.'S MOTION FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT OF ITS RENEWED MOTION TO SEPARATE was sent via e-mail and by regular U.S. mail, postage prepaid, this 5<sup>th</sup> day of March, 2015 to:

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A handwritten signature in black ink, appearing to read 'P. A. Berg', written over a horizontal line.

Peter A. Berg

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