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10 months to Decision And Judgment For Plaintiff

Case Number: C2014-00469 PR JUDGE PATRICK M. MC GRATH
GRAND VALLEY LOCAL SCHOOL DISTRICT
BOARD OF EDUCATION, ET AL. V. BUEHRER
GROUP ARCHITECTURE & ENGINEERING, INC.,
Caption: ET AL. AND JACK GIBSON CONSTRUCTION CO.
V. J. WILLIAM PUSTELAK, ET AL. AND BOAK &
SONS, INC. V. HIRSCHMANN CONSTRUCTION
SERVICES, INC., ET AL

Filing Date: 05/15/2014

Case Type: CONSTRUCTION
CONTRACT

Magistrate:
Staff Attorney: Holly Shaver

Designation: Other Civil
Prayer Amount: \$138,789.13

Hide party and attorney details

MCMILLAN CONSTRUCTION LIMITED NOT A PARTY Pro se
Address c/o David O. McMillan, 26457
State Route 58
City Wellington
State & Zip Ohio 44090-
Home Phone
Work Phone

MERCHANTS BONDING COMPANY NOT A PARTY Pro se
Address 2100 Fleur Drive,
City Des Moines
State & Zip Iowa 50321-
Home Phone
Work Phone

VELOTTA ASPHALT PAVING COMPANY, INC. 3D PTY DEF Pro se
Address c/o Carter H. Donohoe, 3413 East
Monmouth Road
City Cleveland Heights
State & Zip Ohio 44118-
Home Phone
Work Phone

JOHN DOE BUSINESS ENTITIES 1-10 DEFENDANT Pro se
Address ,
City
State & Zip -
Home Phone
Work Phone

JOHN DOE CORPORATIONS 1-10 DEFENDANT Pro se
Address ,
City

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State & Zip -
Home Phone
Work Phone

JOHN DOE INDIVIDUALS 1-50 DEFENDANT

Pro se

Address ,
City
State & Zip -
Home Phone
Work Phone

J. WILLIAM PUSTELAK

3D PTY DEF

Paul Kohl
Schneider FIRM

Address 9070 Peach Street,
City Waterford
State & Zip Pennsylvania 16441-
Home Phone
Work Phone

Business Address 1501 Euclid Avenue
Bulkley Building, 6th Floor
City Cleveland
State & Zip OH, 44115-0000
Work Phone (216) 241-5310
Work Fax (216) 241-1608
Email pkschneider@gallaghersharp.com

Comments dba Pustelak, Inc.

GRAND VALLEY LOCAL
SCHOOL DISTRICT BOARD OF
EDUCATION

PLAINTIFF/COUNTER
DEFENDANT

David Albert
Beals ASSISTANT ATTORNEY GENERAL

Address 111 Grand Valley Avenue, West
Suite A,
City Orwell
State & Zip Ohio 44076-
Home Phone
Work Phone

Business Address 150 East Gay Street, 18th Floor
City Columbus
State & Zip OH, 43215-3130
Work Phone (614) 644-7679
Work Fax (614) 644-9185
Email david.beals@ohioattorneygeneral.gov

Jerry Kenji
Kasai ASSISTANT ATTORNEY GENERAL

Business Address 150 East Gay Street, 18th Floor
City Columbus
State & Zip OH, 43215-3130
Work Phone (614) 466-7447
Work Fax (614) 644-9957
Email jerry.kasai@ohioattorneygeneral.gov

David Joseph
Riley FIRM

Business Address 24502 Cornerstone Drive
City Westlake
State & Zip OH, 44145-0000
Work Phone (440) 801-1960
Work Fax (440) 567-8741
Email

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OHIO SCHOOL FACILITIES
COMMISSIONPLAINTIFF/COUNTER
DEFENDANTAddress 30 West Spring Street, 4th Floor,
City Columbus
State & Zip Ohio 43215-
Home Phone
Work PhoneDavid Albert
Beals ASSISTANT ATTORNEY GENERALBusiness
Address 150 East Gay Street, 18th FloorCity Columbus
State & Zip OH, 43215-3130
Work Phone (614) 644-7679
Work Fax (614) 644-9185

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Work Phone (614) 466-7447
Work Fax (614) 644-9957

Email jerry.kasai@ohioattorneygeneral.gov

David Joseph
Riley FIRMBusiness
Address 24502 Cornerstone DriveCity Westlake
State & Zip OH, 44145-0000
Work Phone (440) 801-1960
Work Fax (440) 567-8741

Email

STATE OF OHIO

PLAINTIFF/COUNTER
DEFENDANTAddress 30 West Spring Street 4th Floor,
City Columbus
State & Zip Ohio 43215-
Home Phone
Work PhoneDavid Albert
Beals ASSISTANT ATTORNEY GENERALBusiness
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State & Zip OH, 43215-3130
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Jerry Kenji
Kasai ASSISTANT ATTORNEY GENERALBusiness
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State & Zip OH, 43215-3130
Work Phone (614) 466-7447**CERTIFICATION**I hereby certify that this page is a
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JACK GIBSON CONSTRUCTION CO. DEFENDANT/COUNTER PLAINTIFF/3RD PARTY PLT

Address c/o John C. Gibson, Sr., 2460 Parkman Road, NW
City Warren
State & Zip Ohio 44485-
Home Phone
Work Phone

Work Fax (614) 644-9957

Email jerry.kasai@ohioattorneygeneral.gov

Brian Lee Buzby FIRM

Business Address 41 South High Street, 30th Floor

City Columbus

State & Zip OH, 43215-6194

Work Phone (614) 227-1995

Work Fax (614) 227-2100

Email bbuzby@porterwright.com

Scott Alan Fenton FIRM

Business Address Two Miranova Place, Suite 500

City Columbus

State & Zip OH, 43215-7052

Work Phone (614) 228-6885

Work Fax (614) 228-0146

Email sfenton@lanealton.com

Joseph Anthony Gerling FIRM

Business Address Two Miranova Place, Suite 500

City Columbus

State & Zip OH, 43215-7052

Work Phone (614) 228-6885

Work Fax (614) 228-0146

Email jgerling@lanealton.com

BUEHRER GROUP ARCHITECTURE & ENGINEERING, INC.

DEFENDANT

Address c/o Fan Zhang, 7445 Airport Highway
City Holland
State & Zip Ohio 43528-
Home Phone
Work Phone

Riannon A. Ziegler FIRM

Business Address 1400 Midland Building

101 Prospect Avenue, West

City Cleveland

State & Zip OH, 44115-1093

Work Phone (216) 687-1311

Work Fax (216) 687-1841

Email rziegler@reminger.com

Jason Douglas Winter FIRM

Business Address 1400 Midland Building

101 Prospect Avenue, West

City Cleveland

State & Zip OH, 44115-1093

Work Phone (216) 687-1311

Work Fax (216) 687-1841

Email jwinter@reminger.com

Brian C. Lee FIRM

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HARTFORD FIRE INSURANCE
COMPANY

DEFENDANT

Address 10507 Timberwood Circle, Suite
208,
City Louisville
State & Zip Kentucky 40223-
Home Phone
Work Phone

JOSEPH HIRSCHMANN

4TH PARTY DEF/COUNTER PLT

Address 86222 Saddlebrook Drive,
City Hermitage
State & Zip Pennsylvania 16148-
Home Phone
Work Phone

Business Address 1400 Midland Building
101 Prospect Avenue, West
City Cleveland
State & Zip OH, 44115-1093
Work Phone (216) 687-1311
Work Fax (216) 687-1841
Email blee@reminger.com

Brian Lee Buzby FIRM

Business Address 41 South High Street, 30th Floor
City Columbus
State & Zip OH, 43215-6194
Work Phone (614) 227-1995
Work Fax (614) 227-2100
Email bbuzby@porterwright.com

Gordon Dale Arnold FIRM

Business Address One Dayton Centre, Suite 1800
1 South Main Street
City Dayton
State & Zip OH, 45202-2017
Work Phone (937) 222-2424
Work Fax (937) 222-5369
Email garnold@ffalaw.com

Robert Charles Kokor PRIVATE ATTORNEY

Business Address 48 West Liberty Street
City Hubbard
State & Zip OH, 44425-0000
Work Phone (330) 534-1901
Work Fax (330) 534-3933
Email advct@aol.com

Carl Andrew Anthony FIRM

Business Address 65 East State Street, Suite 800
City Columbus
State & Zip OH, 43215-0000
Work Phone (614) 827-7300
Work Fax (614) 827-7303
Email canthony@ffalaw.com

Robert Charles Kokor PRIVATE ATTORNEY

Business Address 48 West Liberty Street
City Hubbard
State & Zip OH, 44425-0000
Work Phone (330) 534-1901

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HIRSCHMANN CONSTRUCTION
SERVICES, INC.

4TH PARTY DEF/COUNTER PLT

Address 86222 Saddlebrook Drive,
City Hermitage
State & Zip Pennsylvania 16148-
Home Phone
Work Phone

Work Fax (330) 534-3933
 Email advct@aol.com
 Gordon Dale FIRM
 Arnold
 Business Address One Dayton Centre, Suite 1800
 1 South Main Street
 City Dayton
 State & Zip OH, 45202-2017
 Work Phone (937) 222-2424
 Work Fax (937) 222-5369
 Email garnold@ffalaw.com

Carl Andrew FIRM
 Anthony
 Business Address 65 East State Street, Suite 800
 City Columbus
 State & Zip OH, 43215-0000
 Work Phone (614) 827-7300
 Work Fax (614) 827-7303
 Email canthony@ffalaw.com

Amanda Michelle FIRM
 Leffler
 Business Address 388 South Main Street, Suite 500
 City Akron
 State & Zip OH, 44311-0000
 Work Phone (330) 535-5711
 Work Fax (330) 253-8601
 Email ALeffler@brouse.com

Patrick Francis Roche FIRM
 Business Address 1200 Fifth Third Center
 600 Superior Avenue East
 City Cleveland
 State & Zip OH, 44114-0000
 Work Phone (216) 348-1700
 Work Fax (216) 621-0602
 Email proche@davisyoung.com

David Cooper FIRM
 Comstock
 Business Address 100 Federal Plaza East, Suite 926
 City Youngstown
 State & Zip OH, 44503-1811
 Work Phone (330) 746-5643
 Work Fax (330) 746-4925
 Email dcj@csandw.com

BOAK & SONS, INC.

3RD PARTY DEF/4TH PARTY
 PLT/COUNTER DEF

Address c/o Samuel G. Boak, 75 Victoria
 Road
 City Youngstown
 State & Zip Ohio 44515-
 Home Phone
 Work Phone

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Date	Docket Action	Description
1 05/15/2014	PETITION FOR REMOVAL	

Document #2
Document #3
Document #4
Document #5

Filed by Scott A. Fenton, Joseph A. Gerling and Brian Buzby, attorneys for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with attachments.

- 2 05/15/2014 FILING FEE FOR COMPLAINT PAID By Lane Alton & Horst LLC \$25.00 Check/MO# 143449 Receipt # C47821
- 3 05/19/2014 CONFIRMATION NOTICE SENT To Scott A. Fenton and Joseph A. Gerling attorneys for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co.; Brian Buzby, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co. and defendant Hartford Fire Insurance.
- 4 05/19/2014 CONFIRMATION NOTICE SENT To defendant McMillan Construction Limited; David Beals and Jerry Kasai, assistant attorneys general, attorneys for plaintiffs/counter defendants; Brian C. Lee, Jason D. Winter and Riannon A. Ziegler, attorneys for defendant Buehrer Group, etc.; Stephen P. Withee and Ashley L. Oliker, attorneys for defendant Merchant Bonding Co.; third-party defendants; Ohio Attorney General, Court of Claims Defense Section.
- 5 05/19/2014 SUMMONS ISSUED To plaintiffs/counter defendants Grand Valley Local School District Board of Education by certified mail #7012 3460 0003 7798 5279, Ohio School Facilities Commission by certified mail #7012 3460 0003 7798 5286 and State of Ohio by certified mail #7012 3460 0003 7798 5262 with confirmation notice, petition for removal with attachments and counterclaim.
- 6 05/19/2014 SUMMONS ISSUED To third-party defendants J. William Pustelak by certified mail #7012 3460 0003 7798 5293, Velotta Asphalt Paving Company, Inc. by certified mail #7012 3460 0003 7798 5316 and Boak & Sons, Inc. by certified mail #7012 3460 0003 7798 5309 with confirmation notice, petition for removal with attachments and third-party complaint.
- 7 05/19/2014 DESIGNATION FORM FOR CONNECTED ACTION ISSUED To by Scott A. Fenton, Joseph A. Gerling and Brian Buzby, attorneys for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with instructions.
- 8 05/19/2014 RETURN OF F10 SERVICE ON A.G. Summons, confirmation notice, petition for removal with attachments, counterclaim and third-party complaint; receipt filed.
- 9 05/20/2014 SERVICE OF CERTIFIED MAIL #7012 3460 0003 7798 5286 for service on plaintiff/counter defendant Ohio School Facilities Commission postmarked May 19, 2014.
- 10 05/20/2014 SERVICE OF CERTIFIED MAIL #7012 3460 0003 7798 5262 for service on plaintiff/counter defendant State of Ohio postmarked May 19, 2014.
- 11 05/20/2014 SERVICE OF CERTIFIED MAIL #7012 3460 0003 7798 5279 for service on plaintiff/counter defendant Grand Valley Local School District Board of Education postmarked May 19, 2014.
- 12 05/20/2014 SERVICE OF CERTIFIED MAIL #7012 3460 0003 7798 5316 for service on third-party defendant Velotta Asphalt Paving Company, Inc. postmarked May 19, 2014.
- 13 05/20/2014 SERVICE OF CERTIFIED MAIL #7012 3460 0003 7798 5309 for service on third-party defendant Boak & Sons, Inc. postmarked May 19, 2014.
- 14 05/20/2014 SERVICE OF CERTIFIED MAIL #7012 3460 0003 7798 5293 for service on third-party defendant J. William Pustelak postmarked May 19, 2014.
- 15 05/22/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7798 5262 received on 5/21/14 by Mark L. Oney.
- 16 05/22/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7798 5286 received on 5/21/14 by Mark L. Oney.
- 17 05/23/2014 DESIGNATION FORM Connected actions filed in Ashtabula County Court of Common Pleas, case no. 2014CV016; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction with certificate of service.
- 18 05/23/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7798 5279 received on 5/21/14 by Arlean Kovats.
- 19 05/27/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7798 5309 received on 5/21/14 by Kathy Cook.
- 20 05/28/2014 RETURNED/UNDELIVERABLE Summons with petition for removal and third-party complaint issued to J.

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5 05/19/2014 SUMMONS ISSUED

6 05/19/2014 SUMMONS ISSUED

7 05/19/2014 DESIGNATION FORM FOR CONNECTED ACTION ISSUED

8 05/19/2014 RETURN OF F10 SERVICE ON A.G.

9 05/20/2014 SERVICE OF CERTIFIED MAIL

10 05/20/2014 SERVICE OF CERTIFIED MAIL

11 05/20/2014 SERVICE OF CERTIFIED MAIL

12 05/20/2014 SERVICE OF CERTIFIED MAIL

13 05/20/2014 SERVICE OF CERTIFIED MAIL

14 05/20/2014 SERVICE OF CERTIFIED MAIL

15 05/22/2014 RETURN OF CERTIFIED MAIL RECEIPT

16 05/22/2014 RETURN OF CERTIFIED MAIL RECEIPT

17 05/23/2014 DESIGNATION FORM

18 05/23/2014 RETURN OF CERTIFIED MAIL RECEIPT

19 05/27/2014 RETURN OF CERTIFIED MAIL RECEIPT

20 05/28/2014 RETURNED/UNDELIVERABLE

- MAIL

21 05/29/2014 NOTICE OF FAILURE OF SERVICE William Pustelak dba Pustelak, Inc. returned by postal service marked "not deliverable as address/unable to forward." Contents and envelope filed.
- 22 05/29/2014 MOTION Of summons on J. William Pustelak dba Pustelak, Inc. sent to Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co.
- 23 06/02/2014 RETURNED/UNDELIVERABLE MAIL For judgment on the pleadings; filed by Brian C. Lee, Jason D. Winter and Riannon A. Ziegler, attorneys for defendant Buehrer Group, etc., with certificate of service. (MOOT)
- 24 06/02/2014 NOTICE OF FAILURE OF SERVICE Summons with petition for removal and third-party complaint issued to Velotta Asphalt Paving Company, Inc returned by postal service marked "not deliverable as address/unable to forward." Contents and envelope filed.
- 25 06/04/2014 NOTICE OF APPEARANCE OF COUNSEL FILED Of summons on Velotta Asphalt Paving Company, Inc. sent to Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co.
- 26 06/06/2014 NOTICE By Patrick F. Roche, as attorney of record for third-party defendant Boak & Sons, with certificate of service.
- 27 06/06/2014 NOTICE Requesting original papers sent to Tami Pentek, Clerk of Courts, Ashtabula County Court of Common Pleas.
- CERTIFICATION**

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28 06/10/2014 NOTICE Of service of discovery requests on defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co.; filed by David Beals, assistant attorney general, attorney for plaintiff/counter defendant, with certificate of service.
- Clerk of the Court of Claims of Ohio

29 06/11/2014 NOTICE To counterclaim; filed by David A. Beals and Jerry K. Kasai, assistant attorneys general and David J. Riley, special counsel, attorneys for plaintiffs/counter defendants, with certificate of service.
- Signature and date on last page

30 06/12/2014 NOTICE Of service of discovery requests on defendant Buehrer Group; filed by David Beals, assistant attorney general, attorney for plaintiff/counter defendant, with certificate of service.
- 31 06/12/2014 ANSWER Of service of discovery requests on plaintiffs/counter defendants; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction with certificate of service.
- 32 06/12/2014 MISCELLANEOUS Document #2 Document #3 To third-party complaint; filed by Patrick F. Roche, attorney for third-party defendant Boak & Sons, with certificate of service
- 33 06/12/2014 PRAECIPE Fourth party complaint; filed by Patrick F. Roche, attorney for third-party defendant/fourth-party plaintiff Boak & Sons.
- 34 06/12/2014 PRAECIPE filed by Patrick F. Roche, attorney for third-party defendant/fourth-party plaintiff Boak & Sons.
- 35 06/12/2014 NOTICE Of service of discovery requests on Hartford Fire Insurance Co.; filed by David Beals, assistant attorney general, attorney for plaintiffs/counter defendants, with certificate of service.
- 36 06/12/2014 MEMORANDUM CONTRA IN OPPOSITION Document #2 Document #3 To motion for judgment on the pleadings; filed by David A. Beals and Jerry K. Kasai, assistant attorneys general and David J. Riley, special counsel, attorneys for plaintiffs/counter defendants, with certificate of service.
- 37 06/13/2014 SUMMONS ISSUED To fourth-party defendants Hirschmann Construction Services, Inc. and Joseph Hirschmann by certified mail #7012 3460 0003 7798 5743 with fourth party complaint.
- 38 06/16/2014 SERVICE OF CERTIFIED MAIL 7012 3460 0003 7798 5743 for service on fourth party defendants postmarked 6/13/14.
- 39 06/16/2014 MOTION FOR LEAVE To file amended complaint; filed by David A. Beals and Jerry K. Kasai, assistant attorneys general and David J. Riley, special counsel, attorneys for plaintiffs/counter defendants, with certificate of service. (GRANTED)
- 40 06/17/2014 MOTION FOR EXTENSION OF To respond to defendant/counter plaintiff/third party plaintiff, Jack

	<u>TIME</u>	
		Gibson Construction's discovery requests; filed by David A. Beals and Jerry K. Kasai, assistant attorneys general and David J. Riley, special counsel, attorneys for plaintiffs/counter defendants, with certificate of service. (GRANTED)
41	06/19/2014 <u>RETURN OF CERTIFIED MAIL RECEIPT</u>	Receipt #7012 3460 0003 7798 5743 received on by Marcia Hirschmann no date listed
42	06/23/2014 <u>ORIGINAL PAPERS</u> <u>Document #2</u> <u>Document #3</u> <u>Document #4</u> <u>Document #5</u> <u>Document #6</u>	received from Tami Pentek, Clerk of Courts, Ashtabula County.
43	06/23/2014 <u>MOTION FOR EXTENSION OF TIME</u>	To respond to discovery requests; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction with certificate of service. (GRANTED)
44	06/24/2014 <u>MEMORANDUM CONTRA IN OPPOSITION</u>	to plaintiffs' motion to amend complaint; filed by Brian C. Lee, Jason D. Winter, and Riannon A. Ziegler, attorneys for defendant Buehrer Group Architecture and Engineering, Inc., with certificate of service.
45	06/24/2014 <u>MOTION FOR LEAVE</u>	to file reply in support and reply in support of Civ.R. 12(C) motion for judgment on the pleadings; filed by Brian C. Lee, Jason D. Winter, Holly Marie Wilson and Riannon A. Ziegler, counsel for defendant with certificate of service. (MOOT)
46	06/24/2014 <u>PRAECIPE</u>	With new service address for third-party defendant Velotta Asphalt Paving Company, Inc.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction.
47	06/25/2014 <u>PROPOSED ENTRY RECEIVED</u>	Proposed Non-Waiver of Privilege/Clawback Stipulation; filed by David Beal and Jerry Kasai, assistant attorneys general and David Riley, special counsel, attorneys for plaintiff/counter defendants; Brian Lee, Jason Winter and Riannon Ziegler, attorneys for defendant, Buehrer Group Architecture and Engineering, Inc.; Patrick Roche, attorney for third-party defendant/fourth-party plaintiff; Stephen Withee and Ashley Oliker, attorneys for defendant, Merchants Bonding Company; Joseph Gerling and Scott Fenton, attorneys for defendant/counter plaintiff/third-party plaintiff; Brian Buzby, attorney for defendant, Hartford Fire Insurance Company.
48	06/30/2014 <u>ENTRY JOURNALIZED AND FILED</u>	Non-Waiver of Privilege/Clawback Stipulation. Copy sent to Ashley Oliker and Stephen Withee; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Beals and Jerry Kasai, assistant attorneys general; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Hirschmann Construction Services, Inc. and Joseph Hirschmann; J. William Pustelak; McMillan Construction Limited; Velotta Asphalt Paving Company, Inc. Official: Patrick M. McGrath
49	06/30/2014 <u>ORDER GRANTING EXTENSION</u>	Plaintiffs/counter defendants' June 16, 2014 motion for leave to file an amended complaint is GRANTED, such that their amended complaint shall be filed within 7 days of the date of this entry. Defendant's, Buehrer Group Architecture & Engineering, Inc., May 29, 2014 motion for judgment on the pleadings and its June 24, 2014 motion for leave to file a reply in support thereof are DENIED as moot. Plaintiffs/counter defendants' June 17, 2014 motion for an extension of time is GRANTED, such that any response to Jack Gibson Construction Co.'s (Gibson) first set of interrogatories and first request for production of documents shall be filed on or before August 8, 2014. Gibson's June 23, 2014 motion for an extension of time is GRANTED, such that any response to plaintiffs/counter defendants' first set of interrogatories and request for production of documents shall be filed on or before August 8, 2014. Copy sent to Ashley Oliker and Stephen Withee; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Beals and Jerry Kasai, assistant attorneys general; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Hirschmann Construction Services, Inc. and Joseph Hirschmann; J. William Pustelak; McMillan Construction Limited; Velotta Asphalt Paving Company, Inc. Official: Patrick M. McGrath

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 Clerk of the Court of Claims of Ohio,
 Signature and date on last page

- 50 07/02/2014 SUMMONS ISSUED Reissued to third-party defendant Velotta Asphalt Paving Company, Inc. by certified mail #7012 3460 0003 7798 5767 with petition for removal with attachments and third-party complaint.
- 51 07/02/2014 AMENDED COMPLAINT Document #2 Filed by David A. Beals and Jerry K. Kasai, assistant attorneys general and David J. Riley, special counsel, attorneys for plaintiffs/counter defendants, with certificate of service.
- 52 07/03/2014 SERVICE OF CERTIFIED MAIL Receipt #7012 3460 0003 7798 5767 for service on third-party defendant Velotta Asphalt Paving Company, Inc. postmarked 07/02/14.
- 53 07/08/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7798 5767 for service on third-party defendant Velotta Asphalt Paving Company, Inc. signed by Carter Donohue on 7/5/14.
- 54 07/09/2014 MOTION FOR EXTENSION OF TIME To respond to discovery requests; filed by Brian C. Lee, Jason D. Winter, and Riannon A. Ziegler, counsel for defendant Buehrer Group Architecture and Engineering, Inc., with certificate of service. (GRANTED)
- 55 07/11/2014 RECEIVED FAXED INFORMATION COPY OF Motion for extension to file answer from Robert C. Kokor, attorney for fourth party defendants Hirschmann Construction Services, Inc. and Joseph Hirschmann, with certificate of service and proposed entry.
- 56 07/11/2014 RETURNED/UNDELIVERABLE MAIL Copy of June 30, 2014 non-waiver of privilege/clawback stipulation sent to Velotta Asphalt Paving Company, Inc. returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope filed.
- 57 07/11/2014 RETURNED/UNDELIVERABLE MAIL Copy of June 30, 2014 entry sent to Velotta Asphalt Paving Company, Inc. returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope filed.
- 58 07/14/2014 ANSWER To amended complaint; filed by Brian Buzby, attorney for defendant Hartford Fire Insurance Co., with certificate of service.
- 59 07/14/2014 RETURNED/UNDELIVERABLE MAIL Copy of June 30, 2014 non-waiver of privilege/clawback stipulation sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.
- 60 07/14/2014 RETURNED/UNDELIVERABLE MAIL Copy of June 30, 2014 entry sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.
- 61 07/15/2014 MOTION FOR SUMMARY JUDGMENT On the counterclaim or in the alternative motion for judgment on the pleadings; filed by David A. Beals and Jerry K. Kasai, assistant attorneys general and David J. Riley, special counsel, attorneys for plaintiffs/counter defendants, with certificate of service. (GRANTED)
- 62 07/16/2014 ANSWER To amended complaint; filed by Brian C. Lee, Jason D. Winter, and Riannon A. Ziegler, counsel for defendant Buehrer Group Architecture and Engineering, Inc., with certificate of service
- 63 07/17/2014 NOTICE SCHEDULING NON ORAL HEARING A non-oral hearing on plaintiffs/counter defendants' motion for summary judgment, or in the alternative, motion for judgment on the pleadings on the counterclaim of defendant/counter plaintiff/third-party plaintiff is scheduled for August 12, 2014. Copy sent to David Beals and Jerry Kasai, assistant attorneys general; Ashley Oliker and Stephen Withee; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Robert Kokor; J. William Pustelak; McMillan Construction Limited; Velotta Asphalt Paving Company, Inc.
Official: Mark Reed
- 64 07/18/2014 RETURNED MAIL REISSUED Copy of June 30, 2014 non-waiver of privilege/clawback stipulation resent to Velotta Asphalt Paving Company, Inc. at new address.
- 65 07/18/2014 RETURNED MAIL REISSUED Copy of June 30, 2014 entry resent to Velotta Asphalt Paving Company, Inc. at new address.
- 66 07/18/2014 MOTION FOR EXTENSION OF TIME to file answer to fourth party complaint; filed by Robert C. Kokor, attorney for fourth party defendants Hirschmann Construction Services, Inc. and Joseph Hirschmann, with certificate of service and proposed entry. (GRANTED)
- 67 07/21/2014 MOTION TO INTERVENE Document #2 as a new party defendant; filed by Cari Fusco Evans, attorney for

CERTIFICATION

I hereby certify that this page is a true copy of the original.

Clerk of the Court of Claims of Ohio,

Signature and date on last page

- Document #3
Document #4
- 68 07/23/2014 MOTION FOR EXTENSION OF TIME Westfield Insurance Company, with certificate of service and proposed entry. (DENIED)
- 69 07/28/2014 RETURNED/UNDELIVERABLE MAIL Stipulated; to file response to motion for summary judgment; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction, with certificate of service. (GRANTED)
- 70 08/04/2014 NOTICE OF APPEARANCE OF COUNSEL FILED Copy of July 17, 2014 notice sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.
- 71 08/04/2014 MOTION FOR EXTENSION OF TIME By David C. Comstock, Jr., as counsel of record for third-party defendant/fourth party plaintiff Boak and Sons, Inc., with certificate of service.
- 72 08/06/2014 ORDER GRANTING EXTENSION To file response to motion to intervene; filed by David C. Comstock, Jr., attorney for third-party defendant/fourth party plaintiff Boak and Sons, Inc., with certificate of service and proposed entry. (GRANTED)
- 73 08/07/2014 ANSWER Buehrer Group Architecture & Engineering, Inc.'s (Buehrer) July 9, 2014 motion for an extension of time is GRANTED such that Buehrer shall respond to plaintiffs/counter defendants' discovery requests on or before August 11, 2014. Hirschmann Construction Services, Inc.'s July 18, 2014 motion for leave to file an answer to the fourth party complaint is GRANTED, such that any such response shall be filed on or before August 13, 2014. Jack Gibson Construction Co.'s (Gibson) July 23, 2014 motion for an extension of time is GRANTED, such that any response to plaintiffs/counter defendants' motion for summary judgment shall be filed on or before August 12, 2014. Copy sent to David Beals and Jerry Kasai, assistant attorneys general; Ashley Oliker and Stephen Withee; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Comstock Jr.; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Robert Kokor; J. William Pustelak; McMillan Construction Limited; Velotta Asphalt Paving Company, Inc.
Official: Patrick M. McGrath
- 74 08/07/2014 MOTION FOR EXTENSION OF TIME To amended complaint; filed by Scott Fenton and BrianBuzby, attorneys for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction, with certificate of service
- 75 08/08/2014 NOTICE To file response to motion for summary judgment; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction, with certificate of service (GRANTED)
- 76 08/08/2014 SETTLEMENT AGREEMENT SUBMITTED Of service of discovery responses on defendant/counter plaintiff/third party plaintiff Jack Gibson Construction; filed by David A. Beals and Jerry K. Kasai, assistant attorneys general, attorneys for plaintiffs/counter defendants, with certificate of service.
- 77 08/11/2014 ORDER GRANTING EXTENSION Partial; for claims between plaintiffs/counter defendants and defendant Merchants Bonding Company/McMillan Construction Limited; submitted by John Reichley, assistant attorney general, with release of all claims, attorney general's approval, and proposed journal entry
- 78 08/11/2014 ORDER GRANTING EXTENSION Defendant/counter plaintiff/third-party plaintiff's, Jack Gibson Construction Company, August 7, 2014 motion for an additional 50 days to file its memorandum opposing plaintiff's motion for summary judgment is GRANTED. Copy sent to David Beals and Jerry Kasai, assistant attorneys general; Ashley Oliker and Stephen Withee; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Comstock Jr.; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Robert Kokor; J. William Pustelak; McMillan Construction Limited; Velotta Asphalt Paving Company, Inc.
Official: Patrick M. McGrath

I hereby certify that this page is a true copy of the original.

Clerk of the Court of Claims of Ohio,

Signature and date on last page

79 08/12/2014 NOTICE

Company, Inc.

Official: Patrick M. McGrath

Of service of discovery responses on plaintiffs/counter defendants; filed by Brian C. Lee, Jason D. Winter and Riannon A. Ziegler, attorneys for defendant Buehrer Group, etc., with certificate of service.

80 08/13/2014 NOTICE

Of service of discovery responses on plaintiffs/counter defendants; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction, with certificate of service

81 08/14/2014 ORDER APPROVING PARTIAL SETTLEMENT CERTIFICATION

Cause DISMISSED with prejudice against Merchants Bonding Company and McMillan Construction Limited. Merchants Bonding Company and McMillan Construction Limited are no longer parties in this case. Copy sent to David Beals and Jerry Kasai, assistant attorneys general; Ashley Olikier and Stephen Withee; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Comstock Jr.; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Robert Kokor; J. William Pustelak; McMillan Construction Limited; Velotta Asphalt Paving Company, Inc.

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Clerk of the Court of Claims of Ohio,

Signature and date on last page

Official: Patrick M. McGrath

82 08/15/2014 MOTION FOR EXTENSION OF TIME

to file answer to fourth party complaint; filed by Robert C. Kokor, attorney for fourth party defendants Hirschmann Construction Services, Inc. and Joseph Hirschmann, with certificate of service and proposed entry (GRANTED)

83 08/19/2014 RETURNED/UNDELIVERABLE MAIL

Copy of August 6, 2014 entry sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.

84 08/21/2014 RETURNED/UNDELIVERABLE MAIL

Copy of August 11, 2014 entry sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.

85 08/21/2014 RETURNED/UNDELIVERABLE MAIL

Copy of August 11, 2014 entry sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.

86 08/25/2014 RETURNED/UNDELIVERABLE MAIL

Copy of August 14, 2014 entry sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.

87 08/28/2014 ORDER GRANTING EXTENSION

Fourth-party defendants' August 15, 2014 motion for extension of time to file answer to fourth-party complaint on or before September 12, 2014, is GRANTED. Copy sent to David Beals and Jerry Kasai, assistant attorneys general; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Comstock Jr.; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Robert Kokor; J. William Pustelak; Velotta Asphalt Paving Company, Inc.

Official: Patrick M. McGrath

88 09/08/2014 MOTION

for judgment on the pleadings; filed by Brian C. Lee, Jason D. Winter and Riannon A. Ziegler, attorneys for defendant Buehrer Group, etc., with certificate of service (DENIED)

89 09/10/2014 RETURNED/UNDELIVERABLE MAIL

Copy of August 28, 2014 entry sent to J. W. Pustelak returned marked "Return to sender, Not deliverable as addressed, unable to forward." Envelope and contents filed.

90 09/12/2014 PAYMENT RECEIVED/NON DEPOSIT

Received from: Robert C. Kokor Co., LPA \$25.00 Check/MO# 4768 Receipt # C48135

91 09/12/2014 PAYMENT RECEIVED/NON DEPOSIT

Received from: Robert C. kokor Co., LPA \$25.00 Check/MO# 4767 Receipt # C48136

92 09/12/2014 ANSWER

To fourth party complaint; and counterclaim against Boak & Sons; filed by Robert C. Kokor, attorney for fourth party defendant/counter plaintiff Hirschmann Construction Services, Inc., with certificate of service.

93 09/12/2014 ANSWER

To fourth party complaint; and counterclaim against Boak & Sons; filed by Robert C. Kokor, attorney for fourth party defendant/counter plaintiff Joseph Hirschmann, with certificate of service.

94 09/15/2014 NOTICE

Sent to Attorney Robert Kokor returning check numbers 4767 and 4678 in the amount of \$25.00 each; sent by certified mail #7012 3050 0001 7828 9238.

- Page 15 of 10
- 95 09/16/2014 SERVICE OF CERTIFIED MAIL #7012 3050 0001 7828 9238 for Robert C. Kokor postmarked September 15, 2014.
- 96 09/16/2014 MEMORANDUM CONTRA IN OPPOSITION To defendant Buehrer Group's motion for judgment on the pleadings; filed by Jerry K. Kasai, assistant attorney general and David J. Riley, special counsel, attorneys for plaintiffs/counter defendants, with certificate of service
- 97 09/19/2014 RETURN OF CERTIFIED MAIL RECEIPT #7012 3050 0001 7828 9238 for Robert C. Kokor signed by S. Waite, no date.
- 98 09/24/2014 MOTION FOR LEAVE To file reply in support of motion for judgment on the pleadings; filed by Brian C. Lee, Jason D. Winter and Riannon A. Ziegler, attorneys for defendant Buehrer Group, etc., with certificate of service. (GRANTED)
- 99 09/25/2014 PRAECIPE with service instructions for third-party defendants Velotta Asphalt Paving Company, Inc. and J. William Pustelak, Inc.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction.
- 100 09/29/2014 SUMMONS ISSUED To third-party defendants Velotta Asphalt Paving Co., Inc. by certified mail #7012 3460 0003 7799 0655, #7012 3460 0003 7799 0662, #7012 3460 0003 7799 0679, #7012 3460 0003 7799 0686 and J. William Pustelak by certified mail #7012 3460 0003 7799 0693, #7012 3460 0003 7799 0709, with praecipe and third-party complaint.
- 101 09/29/2014 MEMORANDUM CONTRA IN OPPOSITION To motion for summary judgment or motion for judgment on the pleadings; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction, with certificate of service.
- 102 09/30/2014 SERVICE OF CERTIFIED MAIL Receipt #7012 3460 0003 7799 0662 for service on third-party defendant Velotta Asphalt Paving Company, Inc. postmarked 9/29/14.
- 103 09/30/2014 SERVICE OF CERTIFIED MAIL Receipt #7012 3460 0003 7799 0655 for service on third-party defendant Velotta Asphalt Paving Company, Inc. postmarked 9/29/14.
- 104 09/30/2014 SERVICE OF CERTIFIED MAIL Receipt #7012 3460 0003 7799 0679 for service on third-party defendant Velotta Asphalt Paving Company, Inc. postmarked 9/29/14.
- 105 09/30/2014 SERVICE OF CERTIFIED MAIL Receipt #7012 3460 0003 7799 0686 for service on third-party defendant Velotta Asphalt Paving Company, Inc. postmarked 9/29/14.
- 106 09/30/2014 SERVICE OF CERTIFIED MAIL Receipt #7012 3460 0003 7799 0693 for service on third-party defendant J. William Pustelak postmarked 9/29/14.
- 107 09/30/2014 SERVICE OF CERTIFIED MAIL Receipt #7012 3460 0003 7799 0709 for service on third-party defendant J. William Pustelak postmarked 9/29/14.
- 108 10/01/2014 ANSWER To fourth-party defendant/counter plaintiff Joseph Hirschmann's counterclaim; filed by Patrick F. Roche, attorney for third-party defendant/fourth-party plaintiff/counter defendant Boak & Sons, with certificate of service
- 109 10/01/2014 ANSWER To fourth-party defendant/counter plaintiff Hirschmann Construction Services, Inc.'s counterclaim; filed by Patrick F. Roche, attorney for third-party defendant/fourth-party plaintiff/counter defendant Boak & Sons, with certificate of service
- 110 10/03/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7799 0709 was received and signed for by Debby S. with no delivery date given.
- 111 10/06/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7799 0655 was received by M. Velotta with no delivery date given.
- 112 10/06/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7799 0662 was received by C. Donohoe on 10/03/14.
- 113 10/08/2014 MOTION FOR LEAVE Instantly, of plaintiffs/counterclaim defendants Ohio School Facilities Commission and Grand Valley Local School District Board of Education to file a reply memorandum; filed by David A. Beals and Jerry Kasai, assistant attorneys general with certificate of service. (GRANTED)

CERTIFICATION

114 I hereby certify that this page is a true and correct copy of the original.

114 10/08/2014 MEMORANDUM

Clerk of the Court of Claims of Ohio,

Signature and date on last page

Reply of plaintiffs/counterclaim defendants Ohio School Facilities Commission and Grand Valley Local School District Board of Education to defendant Jack Gibson Construction Company's memorandum in opposition to plaintiffs' motion for summary judgment or in the alternative motion for judgment on the pleadings; filed by David A. Beals, Ricahrd

- 115 10/14/2014 RETURNED/UNDELIVERABLE MAIL Summons with praecipe and third-party complaint issued to Velotta Asphalt Paving Company, Inc. returned by postal service marked "not deliverable as address/unable to forward." Contents and envelope filed.
- 116 10/14/2014 NOTICE OF FAILURE OF SERVICE Of summons on Velotta Asphalt Paving Company, Inc. sent to Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co.
- 117 10/14/2014 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3460 0003 7799 0693 was received and signed for by G. Pustelak on 10/08/14.
- 118 10/16/2014 NOTICE OF CHANGE OF ADDRESS filed by Cari Fusco Evans, attorney for intervening defendant Westfield Insurance Company, with certificate of service. New address for attorney is 3521 Whipple Avenue, N.W., Canton, Ohio 44718. Phone number is - 330-244-0997
- 119 10/17/2014 NOTICE Of service of discovery requests on fourth-party defendant/counter plaintiff Hirschmann Construction Services, Inc.; filed by Patrick F. Roche, attorney for third-party defendant/fourth-party plaintiff/counter defendant Boak & Sons, with certificate of service
- 120 10/20/2014 NOTICE OF CHANGE OF ADDRESS filed by Cari Fusco Evans, attorney for intervening defendant Westfield Insurance Company, with certificate of service. New address for attorney is 3521 Whipple Avenue, N.W., Canton, Ohio 44718. Phone number is - 330-244-0997
- 121 10/20/2014 NOTICE OF APPEARANCE OF COUNSEL FILED By Amanda M. Leffler, as co-counsel of record for third-party defendant/fourth-party plaintiff/counter defendant Boak & Sons, Inc., with certificate of service.
- 122 10/27/2014 NOTICE Of service of joint response to discovery requests on defendant Hartford Fire Insurance Co.; filed by David A. Beals and Jerry Kasai, assistant attorneys general, attorneys for plaintiffs/counter defendants, with certificate of service.
- 123 10/31/2014 RETURNED/UNDELIVERABLE MAIL Summons with third-party complaint issued to Velotta Asphalt Paving Company, Inc. returned by postal service marked " unclaimed, unable to forward." Contents and envelope filed
- 124 10/31/2014 NOTICE OF FAILURE OF SERVICE Of summons on Velotta Asphalt Paving Company, Inc. sent to Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co.
- 125 10/31/2014 MOTION FOR EXTENSION OF TIME To file response to third-party complaint; filed by P. Kohl Schneider, attorney for third-party defendant Velotta Asphalt Paving Company, Inc., with certificate of service and proposed entry. (GRANTED)
- 126 11/26/2014 ANSWER To third-party complaint; filed by P. Kohl Schneider, attorney for third-party defendant Velotta Asphalt Paving Company, Inc., with certificate of service
- 127 11/26/2014 ENTRY JOURNALIZED AND FILED Buehrer Group Architecture & Engineering, Inc., et al.'s September 24, 2014 motion for leave to file a reply in support of their motion for judgment on the pleadings is GRANTED instanter. Grand Valley Local School District Board of Education, et al.'s October 8, 2014 motion for leave to file a reply in opposition to Jack Gibson Construction Co.'s response to Grand Valley's motion for summary judgment is GRANTED, instanter. J. William Pustelak, et al.'s October 31, 2014 motion for leave to file a response to Jack Gibson Construction Co.'s third-party complaint is GRANTED, such that any response shall be filed on or before December 1, 2014. Copy sent to Amanda Leffler; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; David Beals and Jerry Kasai, assistant attorneys general; David Comstock Jr.; David Riley; Joseph Gerling and Scott Fenton; Patrick Roche; Paul Schneider; Robert Kokor; Velotta Asphalt Paving Company, Inc.
Official: Patrick M. McGrath
- 128 02/05/2015 NOTICE Of service of a subpoena on Euclid Asphalt Paving; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service.
- 129 02/06/2015 MOTION TO INTERVENE Filed by Randy L. Taylor and Ronald A. Rispo, attorneys for intervening

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... certify that this page is a
... copy of the original.

Clerk of the Court of Claims of Ohio,
Signature and date on last page

- 130 02/06/2015 NOTICE plaintiff Erie Insurance Exchange, with certificate of service. (DENIED)
Of service of a subpoena duces tecum on Trumbull Contracting Co.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service.
- 131 02/06/2015 NOTICE Of service of a subpoena duces tecum on Hammond Construction Inc.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service.
- 132 02/06/2015 NOTICE Of service of a subpoena duces tecum on Hibbler Excavating, Inc.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service.
- 133 02/06/2015 NOTICE Of service of a subpoena duces tecum on Kirila Contractors, Inc.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service.
- 134 02/06/2015 NOTICE Of service of a subpoena duces tecum on Ohio Paving and Construction Company, Inc.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service.
- 135 02/09/2015 NOTICE Of service of third set of discovery requests on plaintiffs/counter defendants; filed by Scott Fenton, attorney for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction with certificate of service
- 136 02/12/2015 MOTION For status/scheduling conference; filed by David A. Beals, Richard Silk and Jerry Kasai, assistant attorneys general, and David J. Riley, attorneys for plaintiffs/counterclaim defendants, with certificate of service. (DENIED)
- 137 02/17/2015 NOTICE OF APPEARANCE OF COUNSEL FILED By Gordon D. Arnold and Carl A. Anthony, as co-counsel of record for Joseph Hirschmann and Hirschmann Construction Services, Inc., 4th-party defendant/counter-plaintiff, with certificate of service.
- 138 02/23/2015 NOTICE Of service of a subpoena duces tecum on Euclid Asphalt Paving; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service
- 139 02/23/2015 NOTICE Of service of a subpoena duces tecum on Professions Service Industries, Inc. and EDP Consultants, Inc.; filed by Scott Fenton, attorney for defendant/counter plaintiff/third-party plaintiff Jack Gibson Construction Co., with certificate of service
- 140 02/24/2015 PROPOSED ENTRY RECEIVED Non-waiver of privilege/clawback stipulation from David A. Beals, Richard Silk and Jerry Kasai, assistant attorneys general, and David J. Riley, attorneys for plaintiffs/counterclaim defendants, Brian C. Lee, Jason D. Winter and Riannon A. Ziegler, attorneys for defendant Buehrer Group, etc., Scott Fenton and Brian Buzby, attorneys for defendant/counter plaintiff/third party plaintiff, Jack Gibson Construction, Patrick F. Roche and David Comstock, attorneys for third-party defendant Boak & Sons, Cari Fusco Evans, attorney for intervening defendant Westfield Insurance Company, P. Kohl Schneider, attorney for third-party defendant Velotta Asphalt Paving Company, Inc. (APPROVED)
- 141 02/27/2015 ENTRY JOURNALIZED AND FILED Non-Waiver of Privilege/Clawback Stipulation. Copy sent to David Beals and Jerry Kasai, assistant attorneys general; David Riley; Brian Lee, Jason Winter and Riannon Ziegler; Patrick Roche; Joseph Gerling and Scott Fenton; Brian Buzby; David Comstock Jr.; P. Kohl Schneider; Cari Fusco Evans; Amanda Leffler; Robert Koker; Gordon Arnold; Carl Anthony; Velotta Asphalt Paving Company, Inc.
Official: Patrick M. McGrath
- 142 03/11/2015 CERTIFICATION AND JUDGMENT FOR PLAINTIFF
I hereby certify that this page is a true and correct copy of the original.
Clerk of the Court of Claims of Ohio,
Signature and date on last page
- A non-oral hearing was conducted in this case upon plaintiffs/counter defendants' motion for summary judgment on defendant/counter plaintiff/third-party plaintiff's (Gibson) counterclaim. For the reasons set forth in the decision filed concurrently herewith, plaintiffs/counter defendants' motion for summary judgment is GRANTED and judgment is rendered in favor of plaintiffs/counter defendants on Gibson's counterclaim. All other pending motions are DENIED. The court finds that it has no jurisdiction over the claim asserted in the original papers received from Ashtabula County. Pursuant to R.C. 2743.03(E)(2) this

case is REMANDED to the Ashtabula County Court of Common Pleas and the original papers shall be returned thereto. Court costs are assessed against Gibson. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal. Copy sent to Amanda Leffler; Brian Lee, Jason Winter and Riannon Ziegler; Brian Buzby; Carl Anthony; David Beals and Jerry Kasai, assistant attorneys general; David Comstock Jr.; David Riley; Gordon Arnold; Joseph Gerling and Scott Fenton; Patrick Roche; Paul Schneider; Robert Kokor; Velotta Asphalt Paving Company, Inc.

Official: Patrick M. McGrath

- 143 04/09/2015 NOTICE OF APPEAL Filed by Joseph A. Gerling, Scott A. Fenton, attorneys for Jack Gibson Construction Company and Brian Buzby, attorney for Hartford Fire Insurance Company, with certificate of service.
- 144 04/09/2015 NOTICE OF APPEAL FILING FEE PAID Received from: Lane, Alton and Horst, LLC \$25.00 Check/MO# 144929 Receipt # C48941
- 145 04/09/2015 COURT OF APPEALS DOCKETING STATEMENT Filed by Scott A. Fenton, attorney for Jack Gibson Construction Company.
- 146 04/10/2015 RETURN OF F10 SERVICE ON A.G. notice of appeal with March 11, 2015 entry, docketing statement and receipt for Court of Claims filing fee.
- 147 04/10/2015 COPY OF NOTICE OF APPEAL ISSUED TO COURT OF APPEAL To 10th District Court of Appeals, notice of appeal with March 11, 2015 entry, docketing statement, receipt for Court of Claims filing fee and certified copy of appearance docket; sent by certified mail #7014 1200 0001 3325 4018.

COMMUNICATION
I hereby certify that this page is a true copy of the original.

Clerk of the Court of Claims of Ohio

By: *Scott A. Fenton*
ASSISTANT CLERK

Date: 4-10-15