

ORIGINAL

IN THE COURT OF CLAIMS OF OHIO

TRANSAMERICA BUILDING COMPANY, :
INC., :

Case No. 2013-00349

Plaintiff/Counter Defendant :

Judge McGrath

v. :

Referee Wampler

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

Defendant/Counter Plaintiff/ :
Third-Party Plaintiff/Counter :
Defendant :

v. :

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

Third-Party Defendant/Counter :
Plaintiff/Fourth-Party Plaintiff :

and :

STEED HAMMOND PAUL INC., etc., :

Third-Party Defendant/Fourth- :
Party Plaintiff :

v. :

BERARDI PARTNERS, INC., et al., :

Fourth-Party Defendants. :

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COURT OF CLAIMS
OF OHIO
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PLAINTIFF TRANSAMERICA BUILDING COMPANY, INC.'S
MOTION FOR LEAVE TO FILE A REPLY

Plaintiff TransAmerica Building Company, Inc. ("TransAmerica") respectfully moves the Court, pursuant to Ohio Court of Claims Local Rule 4(C), for an order granting TransAmerica

ON COMPUTER

leave to file a Reply to the "State of Ohio's Memorandum Contra Plaintiff's Spoliation of Evidence Motion in *Limine*" filed by the OSFC. As discussed at the April 27, 2015 Pretrial Conference, TransAmerica seeks to file a brief reply to the OSFC's Memorandum Contra, which the OSFC filed yesterday afternoon. When asked during the Pretrial Conference how long it would take for TransAmerica to file its Reply to the OSFC's Memorandum Contra, TransAmerica responded that it would take no longer than a few days. Neither the Referee nor the OSFC had any objection. TransAmerica's reply would be filed no later than May 8, 2015 (tomorrow) and will address, among other things, the OSFC's mischaracterization of TransAmerica's Motion to Exclude Evidence as a claim of spoliation (a tort claim) as well as the OSFC's failure to comply with R.C. 153.17. Additionally, TransAmerica's reply will note that the OSFC has failed to provide any evidence that it either complied with the "protocol outlined in the State's expert report" or that it even attempted to comply with R.C. 153.17.

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 was sent via e-mail and by regular U.S. mail, postage prepaid, this 7th day of May, 2015 to:

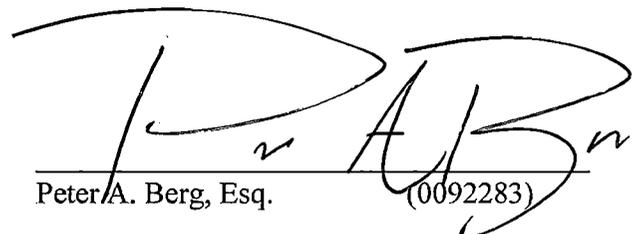
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