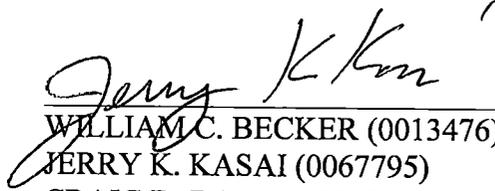


Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



WILLIAM C. BECKER (0013476)

JERRY K. KASAI (0067795)

CRAIG D. BARCLAY (0023041)

Assistant Attorneys General

Court of Claims Defense Section

150 East Gay Street, 18th Floor

Columbus, Ohio 43215

Tel: (614) 466-7447/Fax: (866) 346-3290

william.becker@ohioattorneygeneral.gov

jerry.kasai@ohioattorneygeneral.gov

craig.barclay@ohioattorneygeneral.gov

Counsel for Defendant/Counter Plaintiff OSFC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing *Praecipe* was served upon via electronic and regular U.S. Mail, postage pre-paid, this 6th day of May, 2015 upon the following.

Donald W. Gregory (0021791)
Michael J. Madigan (0079377)
Peter A. Berg (0092283)
Kegler Brown Hill & Ritter Co., LPA
65 East State Street, Suite 1800
Columbus, Ohio 43215
Tel: (614) 462-5400/Fax: (614) 464-2634
dgregory@keglerbrown.com
mmadigan@keglerbrown.com
pberg@keglerbrown.com
*Counsel for Plaintiff/Counter Defendant
TransAmerica Building Company, Inc.*

Craig B. Paynter (0023419)
James D. Abrams (0075968)
Celia M. Kilgard (0085207)
Taft, Stettinius & Hollister LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
Tel: (614) 221-2838/Fax: (614) 221-2007
cpaynter@taftlaw.com
jabrams@taftlaw.com
ckilgard@taftlaw.com
*Counsel for Third-Party Defendant/Plaintiff
Lend Lease (US) Construction, Inc.*

David M. Rickert (0010483)
Dunlevey, Mahan & Furry
110 North Main Street, Suite 1000
Dayton, Ohio 45402
Tel: (937) 223-6003/Fax: (937) 223-8550
dmr@dmfdayton.com
*Counsel for Third-Party
Defendant/Plaintiff
Steed Hammond Paul, Inc. dba SHP
Leading Design*

Steven G. Janik (0021934)
George H. Carr (0069372)
Janik LLP
9200 South Hills Boulevard, Suite 300
Cleveland, Ohio 44147
Tel: (440) 838-7600/Fax: (440) 838-7601
steven.janik@janiklaw.com
george.carr@janiklaw.com
*Counsel for Fourth-Party Defendant
G. Stephens, Inc.*

Bradley J. Barmen (0076515)
Mannion & Gray Co., LPA
1375 E. 9th Street, 16th Floor
Cleveland, Ohio 44114
Tel: (216) 344-9422/Fax: (216) 344-9421
bbarmen@mansiongray.com
*Counsel for Fourth-Party Defendant
Berardi Partners, Inc.*


WILLIAM C. BECKER (0013476)
JERRY K. KASAI (0067795)
CRAIG D. BARCLAY (0023041)

COURT OF CLAIMS OF OHIO

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614. 387.9800 or 1.800.824.8263

Request For Issuance Of Subpoena

TRANSAMERICA BUILDING COMPANY, INC.

Plaintiff

V.

OHIO SCHOOL FACILITIES COMMISSION

Defendant

2013-00349

Case Number:

JUDGE PATRICK M. MCGRATH
REFEREE SAMUEL WAMPLER

Judge:

I request that the clerk issue a subpoena to:

DONALD BALL

Witness name

4630 ORACLE LANE

Witness street address

HILLIARD OH 43026

Witness city

state

zip

FRANKLIN

County

directing the witness to appear at the Court of Claims of Ohio, Ohio Judicial Center, 65 South Front Street, Third Floor, Columbus, Ohio 43215, to testify in the above captioned case, on:

MONDAY, MAY 18 20 **15**, at **09:00** am

Complete the following only if the witness is to bring evidence with him/her. List the items separately and with specificity. If necessary, use a continuation page.

Witness is to bring the following listed items with him/her:

Date: **5/4/2015**



Requesting Party / Attorney Signature

150 E. GAY STREET, 18TH FLOOR

Street address

COLUMBUS FRANKLIN OHIO 43215

city

county

state

zip

614-466-7447

Telephone



COURT OF CLAIMS OF OHIO

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614. 387.9800 or 1.800.824.8263
www.cco.state.oh.us

Subpoena

TRANSAMERICA BUILDING COMPANY, INC.

Plaintiff

v.

Case Number: 2013-00349

OHIO SCHOOL FACILITIES COMMISSION

Defendant

Judge: JUDGE PATRICK M. MCGRATH
REFEREE SAMUEL WAMPLER

To: DONALD BALL

4630 ORACLE LANE

HILLIARD, OHIO 43026

YOU ARE HEREBY COMMANDED TO:

- Attend and give testimony at a trial on the date, time and at the place specified below.**
- Attend to testify and produce documents and/or tangible things at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
- Produce and permit inspection and copying, on the date and at the time and place specified below, of any designated documents that are in your possession custody or control.
- Produce and permit inspection and copying, testing or sampling, on the date and at the time and place specified below, of any tangible things that are in your possession, custody or control.
- Permit entry upon the following described land or other property, for the purposes described in civil 34(a)(3), on the date and at the time and place specified below.

Description of land or other premises:

n/a

MONDAY,	Court of Claims of Ohio
DATE: <u>MAY 18, 2015</u>	<u>65 South Front Street, 3rd Fl</u>
TIME: <u>09:00 AM</u>	PLACE: <u>Columbus, Ohio 43215</u>

DESCRIPTION OF ITEMS TO BE PRODUCED:

n/a

THE STATE OF OHIO
Franklin County, ss
To CERTIFIED MAIL of

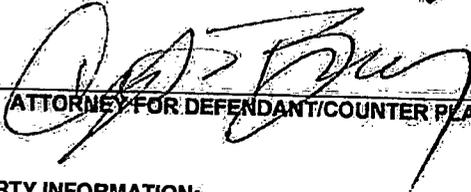
FRANKLIN

County, OHIO, Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.

WITNESS MY HAND AND SEAL OF SAID COURT THIS
CLERK OF THE COURT OF CLAIMS OF OHIO.

24th DAY OF APRIL, 2015.

BY: 

ATTORNEY FOR DEFENDANT/COUNTER PLAINTIFF

REQUESTING PARTY INFORMATION:

NAME: William C. Becker (0013476), Jerry K. Kasai (0067795),

(ATTORNEY FOR:) Ohio School Facilities Commission

TELEPHONE NUMBER (614) 752-6373, **Please contact Damica Dawson, Paralegal for additional scheduling information**

NOTE: READ ALL INFORMATION ON THIS SUBPOENA.

Civil Rule 45 (C) Protection of persons subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

Civil Rule 45 (D) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labelled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R. 26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Civil Rule 45 (E) Sanctions.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. A subpoenaed person or that person's attorney who frivolously resists discovery under this rule may be required by the court to pay the reasonable expenses, including reasonable attorney's fees, of the party seeking the discovery. The court from which a subpoena was issued may impose upon a party or attorney in breach of the duty imposed by division (C)(1) of this rule an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.

RETURN OF SERVICE

I RECEIVED THIS SUBPOENA ON _____, AND SERVED THE PARTY
NAMED ON THE REVERSE

HEREOF BY _____ ON _____

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

Sheriff's Fees

Service _____

Mileage _____

Copy _____

Total _____

Signature of serving party

Circle one:

Deputy Sheriff

Attorney

Process Server

Deputy Clerk

Other _____

COURT OF CLAIMS OF OHIO

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614. 387.9800 or 1.800.824.8263

Request For Issuance Of Subpoena

TRANSAMERICA BUILDING COMPANY, INC.

Plaintiff

V.

OHIO SCHOOL FACILITIES COMMISSION

Defendant

Case Number: 2013-00349

Case Number:

JUDGE PATRICK M. MCGRATH
REFEREE SAMUEL WAMPLER

Judge:

I request that the clerk issue a subpoena to:

JASON KUHN

Witness name

1158 WATERFORD POINTE CIR

Witness street address

COLUMBUS OH 43228

Witness city state zip

FRANKLIN

County

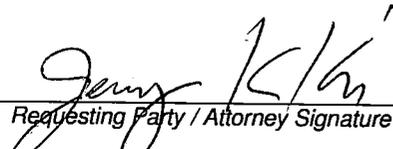
directing the witness to appear at the Court of Claims of Ohio, Ohio Judicial Center, 65 South Front Street, Third Floor, Columbus, Ohio 43215, to testify in the above captioned case, on:

MONDAY, MAY 18 20 15 , at **09:00** am

Complete the following only if the witness is to bring evidence with him/her. List the items separately and with specificity. If necessary, use a continuation page.

Witness is to bring the following listed items with him/her:

Date: 5/4/2015


Requesting Party / Attorney Signature

150 E. GAY STREET, 18TH FLOOR

Street address

COLUMBUS FRANKLIN OHIO 43215

city county state zip

614-466-7447

Telephone



COURT OF CLAIMS OF OHIO

The Ohio Judicial Center
65 South Front Street, Third Floor
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www.cco.state.oh.us

Subpoena

TRANSAMERICA BUILDING COMPANY, INC.

Plaintiff

V.

Case Number: 2013-00349

OHIO SCHOOL FACILITIES COMMISSION

Defendant

JUDGE PATRICK M. MCGRATH
Judge: REFEREE SAMUEL WAMPLER

To: JASON KUHN

1158 WATERFORD POINTE CIRCLE

COLUMBUS, OHIO 43228

YOU ARE HEREBY COMMANDED TO:

- Attend and give testimony at a trial on the date, time and at the place specified below.
- Attend to testify and produce documents and/or tangible things at a (trial) (hearing) (deposition) on the date, time and at the place specified below.
- Produce and permit inspection and copying, on the date and at the time and place specified below, of any designated documents that are in your possession custody or control.
- Produce and permit inspection and copying, testing or sampling, on the date and at the time and place specified below, of any tangible things that are in your possession, custody or control.
- Permit entry upon the following described land or other property, for the purposes described in civil 34(a)(3), on the date and at the time and place specified below.

Description of land or other premises:

n/a

DATE: MONDAY, MAY 18, 2015

TIME: 09:00 AM

PLACE: Court of Claims of Ohio
65 South Front Street, 3rd Fl
Columbus, Ohio 43215

DESCRIPTION OF ITEMS TO BE PRODUCED:

n/a

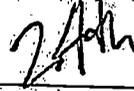
THE STATE OF OHIO
Franklin County, ss
To CERTIFIED MAIL of

FRANKLIN

County, OHIO, Greetings:

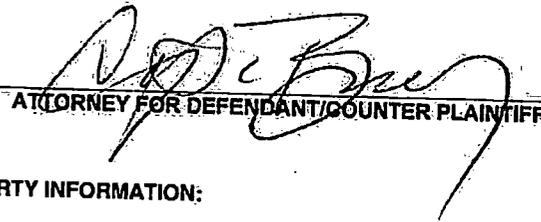
YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.

WITNESS MY HAND AND SEAL OF SAID COURT THIS
CLERK OF THE COURT OF CLAIMS OF OHIO.



DAY OF APRIL, 2015.

BY:



ATTORNEY FOR DEFENDANT/COUNTER PLAINTIFF

REQUESTING PARTY INFORMATION:

NAME: William C. Becker (0013476), Jerry K. Kasai (0067795),

(ATTORNEY FOR:) Ohio School Facilities Commission

TELEPHONE NUMBER (614) 752-6373; **Please contact Damica Dawson, Paralegal for additional scheduling information**

NOTE: READ ALL INFORMATION ON THIS SUBPOENA.

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(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

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RETURN OF SERVICE

I RECEIVED THIS SUBPOENA ON _____, AND SERVED THE PARTY
NAMED ON THE REVERSE

HEREOF BY _____ ON _____

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON:

Sheriff's Fees

Service _____

Mileage _____

Copy _____

Total _____

Signature of serving party

Circle one:

Deputy Sheriff

Attorney

Process Server

Deputy Clerk

Other _____