



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

Clerk's Service upon Franklin County Court of Appeals

TRANSAMERICA BUILDING COMPANY, INC.

Plaintiff/Counter Defendant

V.

OHIO SCHOOL FACILITIES COMMISSION, etc.

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

Case No. 2013-00349

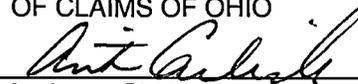
FILED
COURT OF APPEALS
FRANKLIN CO. OHIO
2015 MAY 12 PM 12:40
CLERK OF COURTS

SERVICE

I served a copy of the **certified case docket, notice of appeal with 04/17/15 and 03/24/15 entries, docketing statement, waiver of filing fee form** in this case upon the Franklin County Court of Appeals by personally serving it upon the below listed recipient.

MARK H. REED, CLERK
COURT OF CLAIMS OF OHIO

By


Assistant Clerk

FILED
COURT OF CLAIMS
OF OHIO
2015 MAY 12 PM 12:48

RECEIPT

I received the items listed above in this case on May 12, 2015, on behalf of FRANKLIN COUNTY COURT OF APPEALS.

Recipient

Title (Sec-Other)

[Print this Case](#)

23 months Pending

Case Number: **C2013-00349 REFEREE SAMUEL WAMPLER
TRANSAMERICA BUILDING COMPANY, INC. V.
OHIO SCHOOL FACILITIES COMMISSION, ETC. V.**
Caption: **LEND LEASE (US) CONSTRUCTION, INC. AND
STEED HAMMOND PAUL INC., ETC. V. BERARDI
PARTNERS, INC., ET AL.**

Filing Date: **06/14/2013**

Case Type: **CONSTRUCTION
CONTRACT**

Magistrate:
Staff Attorney: **Gary Peterson**

Designation: **Other Civil**
Prayer Amount: **\$3,824,605.42**

[Hide party and attorney details](#)

TRANSAMERICA BUILDING COMPANY, INC. PLAINTIFF/COUNTER DEFENDANT

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G. STEPHENS, INC. 4TH PTY DEF

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OHIO SCHOOL FACILITIES DEF/COUNTER PLT/THIRD-PARTY COMMISSION
PLT/COUNTER DEF

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Comments nka Ohio Facilities Construction Commission

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LEND LEASE (US) CONSTRUCTION, INC.

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

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Home Phone
Work Phone

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STEED HAMMOND PAUL 3RD PARTY DEFENDANT/FOURTH PARTY PLAINTIFF
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Comments dba SHP Leading Design

	Date	Docket Action	Description
1	06/14/2013	<u>COMPLAINT FILED</u>	By Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff Transamerica Building Company, Inc.
2	06/14/2013	<u>MOTION</u>	Requesting a referee or panel of referees; filed by Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff, with certificate of service. (GRANTED)
3	06/14/2013	<u>FILING FEE FOR COMPLAINT PAID</u>	By Kegler Brown Hill & Ritter \$25.00 Check/MO# 231440 Receipt # C46737
4	06/18/2013	<u>SUMMONS ISSUED</u>	To defendant Ohio School Facilities Commission by certified mail #7012 3050 0001 7282 5155 with motion and complaint.
5	06/18/2013	<u>DESIGNATION FORM FOR CONNECTED ACTION ISSUED</u>	To Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff, with instructions.
6	06/18/2013	<u>RETURN OF F10 SERVICE ON A.G.</u>	Summons, motion and complaint; receipt filed.
7	06/19/2013	<u>SERVICE OF CERTIFIED MAIL</u>	Receipt # 7012 3050 0001 7282 5155 for service on defendant Ohio School Facilities Commission postmarked 06/18/13.
8	06/20/2013	<u>DESIGNATION FORM</u>	No connected action pending; filed by Donald W. Gregory, attorney for plaintiff, with certificate of service
9	06/24/2013	<u>RETURN OF CERTIFIED MAIL RECEIPT</u>	# 7012 3050 0001 7282 5155 received on unknown date by signature of unreadable.
10	07/12/2013	<u>MOTION FOR EXTENSION OF TIME</u>	Agreed; to file response to complaint; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant and Donald Gregory and Michael Madigan, attorneys for plaintiffs, with certificate of service. (MOOT)

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- 11 07/17/2013 NOTICE A status conference has been scheduled for July 23, 2013 at 10:30 a.m.
- 12 07/23/2013 STATUS CONFERENCE HELD Official: Mark Reed
- 13 08/01/2013 AMENDED COMPLAINT Filed by Donald W. Gregory, attorney for plaintiff, with certificate of service
- 14 08/02/2013 SUMMONS ISSUED To defendant Ohio School Facilities Commission by certified mail #7012 3050 0001 7282 5520 with amended complaint.
- 15 08/02/2013 RETURN OF F10 SERVICE ON A.G. Summons and amended complaint; receipt filed.
- 16 08/05/2013 SERVICE OF CERTIFIED MAIL Receipt # 7012 3050 0001 7282 5520 for service on defendant Ohio School Facilities Commission postmarked 08/02/13.
- 17 08/06/2013 MOTION FOR EXTENSION OF TIME Unopposed; to file response to amended complaint; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant and Donald Gregory and Michael Madigan, attorneys for plaintiffs, with certificate of service. (GRANTED)
- 18 08/07/2013 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7012 3050 00001 7828 5520 signed by W Feastson on 08/05/13.
- 19 08/14/2013 ENTRY JOURNALIZED AND FILED It is ordered that Samuel Wampler, Esq. is appointed pursuant to R.C. 153.12 and R.C. 2743.03(C)(3) to serve as the referee in this matter concerning a public improvement contract. Copy of entry sent to Craig D. Barclay, Jerry K. Kasai, William C. Becker, Donald W. Gregory, Michael J. Madigan and Samuel Wampler.
Official: Maureen O'Connor
- 20 08/16/2013 ORDER GRANTING EXTENSION Defendant's August 6, 2013 motion for an extension of time in which to file a response to plaintiff's amended complaint is GRANTED. Defendant's July 12, 2013 motion is DENIED as moot. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Official: Samuel Wampler
- 21 08/20/2013 ANSWER To amended complaint; and counterclaim; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant/counterplaintiff, with certificate of service.
- 22 09/09/2013 ANSWER To counterclaim; filed by Donald W. Gregory, attorney for plaintiff/counter defendant with certificate of service.
- 23 09/16/2013 NOTICE OF SCHEDULING A case management conference has been set for October 10, 2013 at 10:00 a.m.; pretrial for July 10, 2014 at 10:00 a.m.; and trial for August 4-6, 2014 at 10:00 a.m. Copy sent to Craig Barclay; Jerry Kasai; William Becker assistant attorneys general; Donald Gregory; and Michael Madigan.
- 24 10/10/2013 CASE MANAGEMENT CONFERENCE Officials: Gary Peterson, Samuel Wampler
- 25 10/15/2013 ENTRY JOURNALIZED AND FILED The court's original scheduling notice is amended to set the trial for August 4-15, 2014. Plaintiff/counter defendant shall furnish defendant/counter plaintiff with the names of expert witnesses and a copy of their reports on or before January 17, 2014. Defendant/counter plaintiff shall furnish plaintiff/counter defendant with the names of expert witnesses and a copy of their reports on or before April 18, 2014. Any dispositive motions shall be filed on or before April 30, 2014. No discovery will be allowed after June 27, 2014, without leave of court. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Officials: Holly Shaver, Samuel Wampler
- 26 01/10/2014 PROPOSED ENTRY RECEIVED Non-waiver of privilege or clawback agreement received from Craig D. Barclay, William C. Becker, and Jerry Kasai, assistant attorneys general, attorneys for defendant/counter plaintiff and Donald Gregory and Michael Madigan, attorneys for plaintiff/counter defendant.
- 27 01/30/2014 ENTRY JOURNALIZED AND FILED Non-Waiver of Privilege, or Clawback Agreement. Copy sent to William Becker, Jerry Kasai and Craig Barclay, assistant attorneys general; Donald Gregory and Michael Madigan.

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I hereby certify that this page is a true copy of the original and date of filing of Claim of Ohio Clerk of the Court

- 28 01/30/2014 NOTICE TO TAKE DEPOSITION Officials: Anderson Renick, Samuel Wampler
Of Donald McCarthy on February 4, 2014, and Lee Martin on February 13, 2014; ; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant/counterplaintiff, with certificate of service.
- 29 04/07/2014 MOTION FOR PROTECTIVE ORDER And to quash subpoenas; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant/counterplaintiff, with certificate of service. (DENIED)
- 30 04/10/2014 MEMORANDUM CONTRA IN OPPOSITION To OSFC's motions to quash subpoenas and for protective order; filed by Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff/counter defendant; with certificate of service.
- 31 04/11/2014 ENTRY JOURNALIZED AND FILED Defendant/counter plaintiff's April 7, 2014 combined motion to quash subpoenas and motion for protective order is DENIED and the former executive directors shall make themselves available for depositions at a time convenient to all parties. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Officials: Anderson Renick, Samuel Wampler
- 32 04/17/2014 MOTION TO SET ASIDE MAGISTRATE ORDER Filed by William C. Becker and Craig D. Barclay, assistant attorneys general, counsel for defendant/counter plaintiff with certificate of service. (DENIED)
- 33 04/18/2014 ENTRY JOURNALIZED AND FILED Defendant/counter plaintiff's, Ohio School Facilities Commission (OSFC), April 17, 2014 motion to set aside a referee's order is DENIED. TransAmerica is reminded that abuse of discovery may result in sanctions. OSFC's request for alternative relief is DENIED. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Official: Patrick M. McGrath
- 34 04/29/2014 DEPOSITION Transcript of Joshua Wilhelm taken on November 20, 2013, by Peter C. Behrens, Notary Public.
- 35 04/29/2014 NOTICE Of filing deposition transcripts of Josh Wilhelm, Donald McCarthy and Lee Martin; filed by Jerry Kasai, William C. Becker and Craig D. Barclay assistant attorneys general, attorneys for defendant/counterplaintiff, with certificate of service.
- 36 04/29/2014 DEPOSITION Transcript of Lee Martin, AIA taken on February 13, 2104, by Connie M. Willman, RPR Inc.
- 37 04/29/2014 DEPOSITION (Copy) Transcript of Joshua Wilhelm taken on November 20, 2013 by Peter C. Behrens, Notary Public.
- 38 04/29/2014 DEPOSITION Transcript of Donal Patrick McCarthy taken on February 4, 2104, by Laurel A. Aurigema, RPR of Connie M. Willman, RPR Inc.
- 39 04/30/2014 MOTION FOR SUMMARY JUDGMENT Filed by William C. Becker, Craig Barclay and Jerry Kasai, assistant attorneys general, counsel for defendant/counter plaintiff with certificate of service. (PARTIAL)
- 40 05/01/2014 NOTICE SCHEDULING NON ORAL HEARING A non-oral hearing on defendant's motion for summary judgment is scheduled for May 28, 2014. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Daniel Kirschner and Natalie Grubb.
Official: Daniel Borchert
- 41 05/14/2014 MOTION FOR LEAVE To file brief in excess of page limitation instanter; filed by Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff/counter defendant; with certificate of service. (GRANTED)
- 42 05/14/2014 MEMORANDUM CONTRA IN OPPOSITION
Document #2
Document #3
Document #4
Document #5
Document #6
Document #7
Document #8
To motion for summary judgment; filed by Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff/counter defendant; with certificate of service.
- 43 05/15/2014 MOTION FOR LEAVE To file reply to plaintiff/counter defendant's memorandum contra; Filed by Jerry Kasai, Craig Barclay and William C. Becker, assistant attorneys

- general, counsel for defendant/counter plaintiff with certificate of service.
(GRANTED)
- 44 05/20/2014 ENTRY JOURNALIZED AND FILED Plaintiff/counter defendant's May 14, 2014 motion for "leave instanter to file brief in excess of page limitation" is GRANTED. Defendant/counter plaintiff's May 15, 2014 motion for leave to file a reply is GRANTED. Defendant/counter plaintiff shall have leave to file a reply brief on or before May 23, 2014. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Officials: Holly Shaver, Samuel Wampler
- 45 05/23/2014 DEFENDANT'S RESPONSE FILED Reply to plaintiff/counter defendant Transamerica Building Company's brief in opposition to the motion for summary judgment filed by William C. Becker, Craig Barclay and Jerry Kasai, assistant attorneys general, counsel for defendant/counter plaintiff with certificate of service.
- 46 05/27/2014 NOTICE of service of subpoena upon Spectra Contract Flooring; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, counsel for defendant/counter plaintiff with certificate of service.
- 47 05/27/2014 NOTICE of service of subpoena upon Sammie Walker Construction; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, counsel for defendant with certificate of service
- 48 05/27/2014 NOTICE of filing depositions of Madison Dowlen, Robert Grinch, Richard M. Hickman, Jr., Clayton D. Keith, Jr., Jim Smith and James A. Swartzmiller, Jr.; filed by Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff with certificate of service.
- 49 05/27/2014 DEPOSITION Transcript of Madison William Dowlen taken on April 28, 2014 by Spectrum Reporting, LLC.
- 50 05/27/2014 DEPOSITION Transcript of James A. Swartzmiller, Jr., taken on March 28, 2014 by Spectrum Reporting, LLC.
- 51 05/27/2014 DEPOSITION Transcript of Jim Smith taken on March 27, 2014 by Spectrum Reporting, LLC.
- 52 05/27/2014 DEPOSITION Transcript of Clayton D. Keith, Jr., taken on March 18, 2014 by Spectrum Reporting, LLC.
- 53 05/27/2014 DEPOSITION Transcript of Robert Grinch taken on April 14, 2014 by Spectrum Reporting, LLC.
- 54 05/27/2014 DEPOSITION Transcript of Richard M. Hickman, Jr. taken on May 12, 2014 by Spectrum Reporting, LLC.
- 55 06/20/2014 MOTION FOR CONTINUANCE Joint; Of the July 10, 2014 pre-trial conference; filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant/counter plaintiff and Donald Gregory and Michael Madigan, attorneys for plaintiff/counter defendant, with certificate of service.
(GRANTED)
- 56 06/24/2014 ORDER SCHEDULING The parties' June 20, 2014 "joint motion to continue pre-trial" is GRANTED, such that the July 10, 2014 pretrial conference is VACATED. A status conference is scheduled for June 27, 2014, at 10:30 a.m., to discuss the status of the case. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Officials: Robert Van Schoyck, Samuel Wampler
- 57 06/27/2014 STATUS CONFERENCE HELD
Officials: Gary Peterson, Samuel Wampler
- 58 07/03/2014 PRETRIAL STATEMENT Filed by William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant/counter plaintiff, with certificate of service.
- 59 07/11/2014 ENTRY JOURNALIZED AND FILED The parties agreed to report the outcome of the July 10, 2014 mediation to the court and whether it is necessary to schedule a pretrial conference. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Officials: Robert Van Schoyck, Samuel Wampler
- 60 07/23/2014 STATUS CONFERENCE HELD

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- Officials: Gary Peterson, Samuel Wampler
- 61 07/30/2014 ORDER SCHEDULING By agreement of the parties, and with the consent of the court, the August 4-15, 2014 trial is continued to December 8-24, 2014, at 9:00 a.m. A pretrial conference is scheduled for November 7, 2014, at 11:00 a.m. The parties may discuss whether a site visit would be beneficial. Plaintiff/counter defendant shall file a pretrial statement on or before September 5, 2014. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Officials: Anderson Renick, Samuel Wampler
- 62 09/05/2014 PRETRIAL STATEMENT Filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.
- 63 09/19/2014 ENTRY JOURNALIZED AND FILED At the request of counsel for plaintiff, the court conducted a status conference with the parties on September 12, 2014. The court will issue a decision on the pending motion for summary judgment forthwith. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Officials: Robert Van Schoyck, Samuel Wampler
- 64 10/01/2014 REFEREE/MAGISTRATE'S DECISION It is recommended that defendant's April 30, 2014 motion for summary judgment be GRANTED as to Counts Four, Five and Six of the Amended Complaint and be DENIED as to the remaining counts of the Amended Complaint. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.
Official: Samuel Wampler
- 65 10/14/2014 MOTION IN LIMINE Preventing plaintiff/counter defendant from presenting expert testimony regarding a schedule analysis; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service (DENIED)
- 66 10/15/2014 OBJECTION TO MAGISTRATE'S DECISION Filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service
- 67 10/15/2014 MOTION FOR LEAVE To file brief in excess of page limitation; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service. (GRANTED)
- 68 10/15/2014 OBJECTION TO MAGISTRATE'S DECISION Filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.
- 69 10/16/2014 PRETRIAL STATEMENT Amended; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 70 10/21/2014 STATUS CONFERENCE HELD
Officials: Gary Peterson, Samuel Wampler
- 71 10/24/2014 COURTS COPY OF SUBPOENA Return of service on Mr. Jim Deering by certified mail; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff.
- 72 10/24/2014 DEFENDANT'S RESPONSE FILED Defendant/counter plaintiff's response to objections to referee/magistrate decision; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 73 10/24/2014 COURTS COPY OF SUBPOENA Return of service on Mr. Bruce Bowman by certified mail; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff.
- 74 10/27/2014 ENTRY JOURNALIZED AND FILED Defendant Ohio School Facilities Commission's October 14, 2014 motion in limine is DENIED. It is ordered that counsel for plaintiff TA shall provide to counsel for defendant OSFC, a copy of any supplemental expert report of Mr. Don McCarthy, including any schedule analysis that plaintiff TA intends to submit or rely on at trial. Plaintiff TA shall make Mr. McCarthy available for deposition on any matter included in such report and any matter that may relate to previous report(s) of Mr. McCarthy to the extent inquiry into the supplemental report necessitates further inquiry into the previous report(s). Plaintiff TA shall pay the cost of Mr. McCarthy's deposition. Defendant OSFC shall have until November 17, 2014 to provide to counsel for plaintiff TA, a copy of any report in response to the supplemental expert report provided by TA. Counsel for plaintiff TA shall also deliver to counsel for defendant OSFC, a copy of any report issued by Mr. Jim Luckino related to defective roof claims asserted by defendant OSFC in its counterclaim. The current trial date of December 4, 2014 shall remain firm, subject to a motion by either

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party to continue for good cause shown. IT IS SO ORDERED. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.

Officials: Robert Van Schoyck, Samuel Wampler

- | | |
|---|---|
| <p><u>75</u> 10/27/2014 <u>PLAINTIFF RESPONSE</u></p> | <p>Plaintiff/counter defendant's response to objections to referee's decision; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.</p> |
| <p><u>76</u> 10/27/2014 <u>COURTS COPY OF SUBPOENA</u></p> | <p>Return of service on Mr. Don Ball by certified mail; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff.</p> |
| <p><u>77</u> 10/28/2014 <u>MOTION FOR CONTINUANCE OF TRIAL/HEARING</u>
<u>Document #2</u>
<u>Document #3</u>
<u>Document #4</u>
<u>Document #5</u>
<u>Document #6</u></p> | <p>Scheduled for December 8-24, 2014; filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service. (GRANTED)</p> |
| <p><u>78</u> 10/31/2014 <u>MEMORANDUM CONTRA IN OPPOSITION</u></p> | <p>To defendant/counter plaintiff's motion for continuance of trial; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.</p> |
| <p><u>79</u> 11/04/2014 <u>MOTION FOR EXTENSION OF TIME</u></p> | <p>To file response to plaintiff/counter defendant's expert report; filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service. (GRANTED)</p> |
| <p><u>80</u> 11/04/2014 <u>MOTION TO SET ASIDE MAGISTRATE ORDER</u></p> | <p>Objecting to the referee and the 10/27/14 order; filed by Richard Silk for William Becker and Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service. (DENIED)</p> |
| <p><u>81</u> 11/04/2014 <u>COURTS COPY OF SUBPOENA</u></p> | <p>Return of service on James A. Swartzmiller by certified mail; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff.</p> |
| <p><u>82</u> 11/04/2014 <u>COURTS COPY OF SUBPOENA</u></p> | <p>Return of service on Joshua Predovich by certified mail; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff.</p> |
| <p><u>83</u> 11/04/2014 <u>COURTS COPY OF SUBPOENA</u></p> | <p>Return of service on Clayton D. Keith by certified mail; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff.</p> |
| <p><u>84</u> 11/07/2014 <u>PRETRIAL CONFERENCE HELD</u></p> | <p>Officials: Gary Peterson, Samuel Wampler</p> |
| <p><u>85</u> 11/13/2014 <u>PLAINTIFF RESPONSE</u></p> | <p>To defendant/counter plaintiff's objections to referee's 10/27/14 entry; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.</p> |
| <p><u>86</u> 11/13/2014 <u>ENTRY GRANTING CONTINUANCE OF TRIAL/HEARING</u></p> | <p>Defendant/counter plaintiff's October 28, 2014 motion to continue the trial previously scheduled for December 8-24, 2014, is GRANTED such that the trial is rescheduled for May 18-June 5, 2015, commencing at 9:00 a.m. A pretrial conference is set for April 27, 2015, at 10:30 a.m. Plaintiff/counter defendant's expert witness's deposition shall be completed by December 24, 2014. Defendant/counter plaintiff's expert witness may attend the deposition and listen to the questioning but shall otherwise not be allowed to participate. Defendant/counter plaintiff's November 4, 2014 motion for an extension of time to provide its rebuttal expert report is GRANTED such that defendant/counter plaintiff shall provide plaintiff/counter defendant with a copy of its expert report on or before January 30, 2015. Defendant/counter plaintiff shall make its expert witness (Mr. Englehart) available for completion of his deposition by no later than March 31, 2015. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan.</p> <p>Officials: Robert Van Schoyck, Samuel Wampler</p> |
| <p><u>87</u> 11/17/2014 <u>NOTICE TO TAKE DEPOSITION</u></p> | <p>Of Donald McCarthy on December 11, 2014; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.</p> |
| <p><u>88</u> 11/24/2014 <u>COURTS COPY OF SUBPOENA</u></p> | <p>Return of service on Donald McCarthy by certified mail; filed by William Becker and Jerry Kasai, assistant attorneys general, attorneys for defendant/counter plaintiff.</p> |

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- 89 11/24/2014 COURTS COPY OF SUBPOENA Duces tecum return of service on Donald McCarthy by certified mail; filed by William Becker and Jerry Kasai, assistant attorneys general, attorneys for defendant/counter plaintiff.
- 90 12/02/2014 ENTRY JOURNALIZED AND FILED Defendant/counter plaintiff's, Ohio School Facilities Commission (OSFC), November 4, 2014 "objections to the referee's recommendation" are construed as a motion to set aside a referee's order pursuant to Civ.R. 53(D) (2)(b) and is DENIED. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory and Michael Madigan. Official: Patrick M. McGrath
- 91 12/03/2014 NOTICE OF APPEARANCE OF COUNSEL FILED By Peter A. Berg, as co-counsel of record for plaintiff/counter defendant, with certificate of service.
- 92 12/12/2014 NOTICE TO TAKE DEPOSITION Of Timothy Calvey on January 26, 2015; filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 93 12/19/2014 COURTS COPY OF SUBPOENA Duces tecum return of service on Tim Calvey by certified mail; filed by William Becker and Jerry Kasai, assistant attorneys general, attorneys for defendant/counter plaintiff.
- 94 12/30/2014 MOTION FOR LEAVE To file a third-party complaint instanter; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service. (GRANTED)
- 95 12/30/2014 THIRD-PARTY COMPLAINT FILED Document #2 Document #3 By Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 96 12/31/2014 PRETRIAL STATEMENT Amended; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.
- 97 01/09/2015 MEMORANDUM CONTRA IN OPPOSITION To motion for leave to file third-party complaint; filed by Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff/counter defendant; with certificate of service.
- 98 01/20/2015 MOTION FOR LEAVE To file reply instanter; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service. (GRANTED)
- 99 01/28/2015 ENTRY JOURNALIZED AND FILED Defendant's December 30, 2014 motion for leave to file a third-party complaint is GRANTED. The clerk is directed to detach the third-party complaint from the motion and process the third-party complaint in the normal course. Plaintiff's January 9, 2015 motion for a separate trial of the third-party claims is DENIED, without prejudice. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg. Officials: Gary Peterson, Samuel Wampler
- 100 01/29/2015 SUMMONS ISSUED To third-party defendants Lend Lease Construction, Inc. by certified mail #7014 1200 0001 3325 3172 and Steed Hammon Paul, Inc. by certified mail #7014 1200 0001 3325 3189 with third-party complaint.
- 101 01/30/2015 SERVICE OF CERTIFIED MAIL Receipt #7014 1200 0001 3325 3189 for service on third-party defendant Steed Hammon Paul, Inc. postmarked 1/29/15
- 102 01/30/2015 SERVICE OF CERTIFIED MAIL Receipt #7014 1200 0001 3325 3172 for service on third-party defendant Lend Lease Construction postmarked 1/29/15
- 103 02/05/2015 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7014 1200 0001 3325 3172 was received and signed for by J. Wright with no date of receipt given.
- 104 02/05/2015 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7014 1200 0001 3325 3189 was received and signed for by A. Weneck on 2/02/15.
- 105 02/10/2015 NOTICE OF APPEARANCE OF COUNSEL FILED Craig B. Paynter, James D. Abrams, Celia M. Kilgard as counsel of record for third party defendant Lend Lease US Construction, Inc., with certificate of service.
- 106 02/11/2015 ANSWER To third-party complaint; fourth-party complaint filed against Berardi Partners, Inc.; filed by David M. Rickert, attorney for third party defendant/fourth party plaintiff, with certificate of service.
- 107 02/11/2015 FILING FEE FOR COMPLAINT PAID for fourth-party complaint; Received from: Dunlevey, Mahan & Furry \$25.00 Check/MO# 83542 Receipt # C48719

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Clerk of the Court of Claims of Ohio

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- 108 02/11/2015 MOTION TO COMPEL Document #2 discovery responses from Ohio School Facilities Commission; filed by Donald W. Gregory, Michael J. Madigan and Peter A. Berg, attorneys for plaintiff/counter defendant, with certificate of service. (DENIED)
- 109 02/11/2015 MOTION Document #2 Document #3 Renewed motion to order a separate trial; filed by Donald W. Gregory, Michael J. Madigan and Peter A. Berg, attorneys for plaintiff/counter defendant, with certificate of service. (GRANTED)
- 110 02/17/2015 MOTION FOR LEAVE Instant; to file brief in excess of page limitation; filed by Donald W. Gregory, Michael J. Madigan and Peter A. Berg, attorneys for plaintiff/counter defendant, with certificate of service. (GRANTED)
- 111 02/17/2015 MOTION to separate the trial of third party plaintiff; filed by Donald W. Gregory, Michael J. Madigan and Peter A. Berg, attorneys for plaintiff/counter defendant, with certificate of service. (GRANTED)
- 112 02/18/2015 SUMMONS ISSUED To fourth party defendant Berardi Partners, Inc. by certified mail #7014 1200 0001 3325 3301 with answer/fourth-party complaint.
- 113 02/19/2015 SERVICE OF CERTIFIED MAIL Receipt #7014 1200 0001 3325 3301 for service on fourth-party defendant Berardi Partners, Inc. postmarked 2/18/15.
- 114 02/25/2015 MEMORANDUM CONTRA IN OPPOSITION To motion to compel discovery; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 115 02/25/2015 DEFENDANT'S RESPONSE FILED Defendant/counter plaintiff/third-party plaintiff's response to objection to referee's 01/28/15 entry; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff, with certificate of service.
- 116 02/26/2015 RETURN OF CERTIFIED MAIL RECEIPT Receipt #7014 1200 0001 3325 3301 was received and signed for by (illegible) on 2/20/15.
- 117 02/27/2015 FILING FEE FOR COMPLAINT PAID Received from: Taft, Stettinius & Hollister LLP \$25.00 Check/MO# 43523 Receipt # C48760
- 118 02/27/2015 PRAECIPE filed by Craig B. Paynter, James D. Abrams, Celia M. Kilgard, counsel for third party defendant/counter plaintiff/fourth-party plaintiff, with certificate of service
- 119 02/27/2015 ANSWER Counterclaim and fourth party complaint; filed by Craig B. Paynter, James D. Abrams, Celia M. Kilgard, counsel for third party defendant/counter plaintiff/fourth-party plaintiff, with certificate of service
- 120 03/02/2015 SUMMONS ISSUED To fourth party defendant G. Stephens, Inc. by certified mail #7014 1200 0001 3325 6630 with praecipe and answer/counter claim/fourth-party complaint.
- 121 03/02/2015 CERTIFICATE OF SERVICE Amended; filed by Craig B. Paynter, James D. Abrams, Celia M. Kilgard, counsel for third party defendant/counter plaintiff/fourth-party plaintiff, with certificate of service
- 122 03/03/2015 SERVICE OF CERTIFIED MAIL Receipt #7014 1200 0001 3325 6630 for service on fourth-party defendant G. Stephens, Inc. postmarked 03/02/15.
- 123 03/03/2015 MOTION FOR CONTINUANCE OF TRIAL/HEARING Scheduled for May 18 - June 5, 2015; filed by David M. Rickert, attorney for third party defendant/fourth party plaintiff, with certificate of service. (MOOT)
- 124 03/03/2015 MEMORANDUM CONTRA IN OPPOSITION Supplement regarding motion to compel discovery; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service
- 125 03/03/2015 MEMORANDUM CONTRA IN OPPOSITION To renewed motion to separate trial of defendant from third-party defendant; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service
- 126 03/04/2015 MOTION FOR CONTINUANCE OF TRIAL/HEARING Scheduled for May 18-June 5, 2015 and request for status conference; filed by Craig B. Paynter, James D. Abrams, Celia M. Kilgard, attorney for third party defendant/counter plaintiff/fourth-party plaintiff, with certificate of service. (MOOT)
- 127 03/05/2015 MOTION FOR LEAVE To file reply brief in support of renewed motion to separate; filed by Peter A. Berg, attorney for plaintiff/counter defendant, with certificate of service. (GRANTED)
- 128 03/05/2015 BRIEF Plaintiff/counter defendant's reply brief in support of renewed motion to separate; filed by Peter A. Berg, attorney for plaintiff/counter defendant, with certificate of service.

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 CERTIFICATION
 Clerk of the Court of Claims of Ohio
 Signature and date on last page
 3/12/2015

- 129 03/05/2015 MEMORANDUM CONTRA IN OPPOSITION To motion for continuance of trial; filed by Peter A. Berg, attorney for plaintiff/counter defendant, with certificate of service.
- 130 03/06/2015 NOTICE OF APPEARANCE OF COUNSEL FILED By George H. Carr and Steven G. Janik, as co-counsel of record for 4th party defendant G. Stephens, Inc., with certificate of service.
- 131 03/06/2015 CERTIFICATE OF SERVICE Amended for documents filed on 03/05/15; filed by Peter A. Berg, attorney for plaintiff/counter defendant, with certificate of service.
- 132 03/06/2015 MOTION Requesting a status conference; filed by Richard Silk on behalf of William C. Becker, Craig D. Barclay and Jerry Kasai, assistant attorneys general, attorneys for defendant/counter plaintiff, with certificate of service. (GRANTED)
- 133 03/10/2015 NOTICE OF APPEARANCE OF COUNSEL FILED By Bradley J. Barmen as counsel of record for fourth party defendant Berardi Partners, Inc., with certificate of service. (electronic signature)
- 134 03/10/2015 ENTRY JOURNALIZED AND FILED Ohio School Facilities Commission's March 6, 2015 motion requesting a telephone status conference is GRANTED such that a status conference is scheduled for March 23, 2015, at 9:30 a.m. The parties are directed to contact the court for the conference pursuant to the attached instructions. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
Officials: Gary Peterson, Samuel Wampler
- 135 03/19/2015 ANSWER To fourth party complaint; filed by Bradley J. Barmen , attorney for fourth party defendant Berardi Partners, Inc., with certificate of service. (electronic signature)
- 136 03/23/2015 STATUS CONFERENCE HELD
Officials: Gary Peterson, Samuel Wampler
- 137 03/24/2015 MEMORANDUM CONTRA IN OPPOSITION Second supplement regarding motion to compel discovery; filed by Craig Barclay, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service
- 138 03/24/2015 ENTRY JOURNALIZED AND FILED The court notes that in TransAmerica's February 11, 2015 "objection," TransAmerica provides additional evidence that was not before the referee on the original motion. Therefore, the court construes TransAmerica's "objection" to be a renewed motion to order a separate trial pursuant to Civ.R. 14(A). Inasmuch as the motion contains additional information that the referee has not yet considered, the referee shall rule on such a motion. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
Official: Patrick M. McGrath
- 139 03/24/2015 ENTRY JOURNALIZED AND FILED TransAmerica Building Company's (TA) motion to separate the trial of the third-party complaint from TA's claims against Ohio School Facilities Commission (OSFC) in the main action and OSFC's counterclaims against TA is WELL-TAKEN and is GRANTED. TA's February 11, 2015 and February 17, 2015 motions for separate trial are GRANTED. TA's February 17, 2015 motion for leave to file a brief in excess of the page limitation is GRANTED. TA's March 5, 2015 motion for leave to file a rely brief is GRANTED. The May 18-June 5, 2015 trial shall pertain to TA's claims against OSFC and OSFC's counterclaims against TA. A separate trial shall be held as to the remaining claims at a later date. The March 3, 2015 and March 5, 2015 motions to continue the trial are DENIED as moot. A case management schedule shall be issued regarding the third-party and fourth-party claims at a later date. OSFC shall file a notice regarding the status of the documents, which are the subject of the pending motion to compel, within one week of the date of this entry. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
Officials: Gary Peterson, Samuel Wampler
- 140 03/27/2015 ANSWER Amended; To fourth party complaint; filed by Bradley J. Barmen , attorney for fourth party defendant Berardi Partners, Inc., with certificate of service.

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- (electronic signature)
- 141 03/27/2015 MEMORANDUM CONTRA IN OPPOSITION Third supplement regarding motion to compel discovery; filed by Craig Barclay, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff/counter defendant,, with certificate of service
- 142 03/30/2015 ANSWER To counterclaim; filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff/counter defendant, with certificate of service
- 143 03/31/2015 MEMORANDUM Reply memorandum to Ohio School Facilities' supplements to memorandum contra to motion to compel; ; filed by Peter A. Berg, attorney for plaintiff/counter defendant Transamerica Building, with certificate of service and ndvd of exhibits.
- 144 04/02/2015 NOTICE Of filing deposition transcripts of Frederick Koehler, Josh Predovich, Michael Shoemaker, Glen Stephens and Andy Englehart; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service
- 145 04/02/2015 DEPOSITION Transcript of Rick Koehler, AIA taken on June 19, 2014, by Spectrum Reporting, LLC
- 146 04/02/2015 DEPOSITION Transcript of Joshua Predovich, Volume 1 taken on February 28, 2014, by Spectrum Reporting, LLC
- 147 04/02/2015 DEPOSITION Transcript of Joshua Predovich, Volume 2 taken on March 19, 2014, by Spectrum Reporting, LLC
- 148 04/02/2015 DEPOSITION Transcript of Glen Stephens taken on July 1, 2014, by Spectrum Reporting, LLC
- 149 04/02/2015 DEPOSITION Transcript of Michael Shoemaker taken on May 27, 2014, by Spectrum Reporting, LLC
- 150 04/02/2015 DEPOSITION Transcript of Andrew T. Englehart Volume 1 taken on May 19, 2014, by Spectrum Reporting, LLC
- 151 04/02/2015 DEPOSITION Transcript of Andrew T. Englehart Volume 2 taken on March 19, 2015, by Spectrum Reporting, LLC
- 152 04/02/2015 ANSWER Amended to counterclaim as to certificate of service only; filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff/counter defendant, with certificate of service
- 153 04/03/2015 ANSWER To complaint of third-party defendant/fourth-party plaintiff, Lend Lease (US) Construction, Inc.; filed by George H. Carr and Steven G. Janil, attorneys for fourth-party defendant G. Stephens, Inc., with certificate of service.
- 154 04/03/2015 NOTICE Of service of transmittal of drawing records to defendant/counter plaintiff/third-party plaintiff/counter defendant; filed by Craig B. Paynter, James D. Abrams, and Celia M. Kilgard, attorneys for third-party defendant/counter-plaintiff/fourth-party plaintiff, with certificate of service.
- 155 04/03/2015 MEMORANDUM CONTRA IN OPPOSITION Fourth supplement regarding motion to compel discovery; filed by Craig Barclay, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff/counter defendant,, with certificate of service
- 156 04/07/2015 MOTION TO SET ASIDE MAGISTRATE ORDER Partial; Entered on March 24, 2015 granting motion to sever; filed by Craig Barclay, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff/counter defendant, with certificate of service (*DENIED*)
- 157 04/08/2015 PLAINTIFF RESPONSE Plaintiff/counter defendant's response to Ohio School Facilities objections to order granting motion to sever; filed by Peter A. Berg, attorney for plaintiff/counter defendant, with certificate of service.
- 158 04/09/2015 ENTRY RULING ON CERTIFICATE OF PARTIAL JUDGMENT SUMMARY The court modifies the referee's October 1, 2014 decision and recommendation consistent with the decision herein. Ohio School Facilities Commission's motion for summary judgment is GRANTED, in part, as to TransAmerica's claims of fraud, fraud in the inducement, and negligent representation but DENIED, in part, as to the remaining claims. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
Official: Patrick M. McGrath
- 159 04/10/2015 MOTION FOR SUMMARY On claims filed by Ohio Facilities Construction Commission; filed by Craig B.

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JUDGMENT

- 160 04/14/2015 MOTION IN LIMINE
Document #2 Paynter, James D. Abrams and Celia Kilgard, attorneys for third-party defendant/fourth-party plaintiff, Lend Lease (US) Construction, Inc., with certificate of service.
Regarding OSFC delay damages; filed by Donald W. Gregory and Michael J. Madigan, attorneys for plaintiff/counter defendant, with certificate of service. (*DENIED*)
- 161 04/15/2015 NOTICE SCHEDULING
NON ORAL HEARING A non-oral hearing on third-party defendant/counter plaintiff/fourth-party plaintiff's motion for summary judgment is scheduled for May 8, 2015. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
Official: Mark Reed
- 162 04/17/2015 ENTRY JOURNALIZED
AND FILED The court interprets Ohio School Facilities Commission's April 7, 2015 objections as a motion to set aside the magistrate's order, pursuant to Civ.R. 53(D)(2)(b). It is the court's finding that the referee was correct in his analysis of the issues and application of the law. The motion to set aside is DENIED. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
Official: Patrick M. McGrath
- 163 04/20/2015 PRETRIAL STATEMENT filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.
- 164 04/22/2015 MOTION
Document #2
Document #3 To exclude evidence; filed by Peter Berg, attorney for plaintiff/counter defendant, with certificate of service (*DENIED*)
- 165 04/24/2015 STIPULATION For extension of time to respond to motion for summary judgment; filed by Craig B. Paynter, James D. Abrams and Celia Kilgard, attorneys for third-party defendant/fourth-party plaintiff, Lend Lease (US) Construction, Inc. and Craig Barclay, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff/counter defendant, with certificate of service. (*APPROVED*)
- 166 04/24/2015 NOTICE Of service of subpoenas on Clayton Keith, James Smith, James Swartzmiller, Joshua Predovich, Alan Starr, George Hadler, Donald Ball, Bradley Miller, Bruce Bowen, Jason Kuhn and James Deering; filed by Craig Barclay, assistant attorney general, attorney for defendant/counter plaintiff/third-party plaintiff/counter defendant, with certificate of service.
- 167 04/27/2015 PRETRIAL CONFERENCE
HELD Officials: Gary Peterson, Samuel Wampler
- 168 04/28/2015 MEMORANDUM CONTRA
IN OPPOSITION To plaintiff/counter defendant's motion in limine; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 169 04/28/2015 MOTION FOR LEAVE To file reply to memorandum contra to motion in limine; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service. (*GRANTED*)
- 170 04/29/2015 PLAINTIFF RESPONSE Plaintiff/counter defendant's reply to memorandum contra to motion in limine; filed by Michael J. Madigan, attorney for plaintiff/counter defendant, with certificate of service.
- 171 05/04/2015 ENTRY AS A RESULT OF
CERTIFICATION PRETRIAL CONFERENCE The parties are continuing to prepare for trial as scheduled for May 18-June 5, 2015. The parties' April 24, 2015 stipulation for an extension of time to respond on or before May 11, 2015, to the motion for summary judgment is APPROVED. The May 8, 2015 non-oral hearing is rescheduled for May 12, 2015. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
Officials: Gary Peterson, Samuel Wampler
- 172 05/06/2015 MEMORANDUM CONTRA To plaintiff/counter defendant's motion for leave to file reply brief; filed by

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IN OPPOSITION

- 173 05/06/2015 MEMORANDUM CONTRA IN OPPOSITION William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 174 05/06/2015 MOTION FOR CONTINUANCE plaintiff/counter defendant's spoliation of evidence motion in limine; filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 175 05/07/2015 MOTION FOR LEAVE Of the May 12, 2015 non-oral hearing; filed by Craig B. Paynter, James D. Abrams and Celia Kilgard, attorneys for third-party defendant/fourth-party plaintiff, Lend Lease (US) Construction, Inc., with certificate of service. (GRANTED)
- 176 05/07/2015 REQUEST FOR ISSUANCE OF SUBPOENA To file a reply; filed by Peter Berg, attorney for plaintiff/counter defendant, with certificate of service. (GRANTED)
- 177 05/08/2015 SUBPOENA ISSUED On Donald Ball and Jason Kuhn; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 178 05/08/2015 SUBPOENA ISSUED On Donald Ball without witness fee check sent by regular mail to Franklin County Sheriff with service instructions.
- 179 05/08/2015 REQUEST FOR ISSUANCE OF SUBPOENA On Jason Kuhn without witness fee check sent by regular mail to Franklin County Sheriff with service instructions.
- 180 05/08/2015 MOTION IN LIMINE Amended; On Donald Ball and Jason Kuhn; filed by Jerry Kasai, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 181 05/08/2015 PLAINTIFF RESPONSE Filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 182 05/08/2015 ENTRY JOURNALIZED AND FILED Plaintiff/counter defendant's response to OSFC's memorandum contra; filed by Donald W. Gregory, Michael J. Madigan and Peter A. Berg, attorneys for plaintiff, with certificate of service.
- 183 05/11/2015 MEMORANDUM CONTRA IN OPPOSITION Plaintiff TransAmerica's (TA) February 11, 2015 motion to compel is DENIED as moot; Plaintiff TA's April 14, 2015 motion in limine is NOT WELL TAKEN and is therefore DENIED; Plaintiff TA's April 22, 2015 motion to exclude is NOT WELL TAKEN and is therefore DENIED; Plaintiff TA's April 28, 2015 motion to reply is WELL TAKEN and therefore GRANTED; Third-party defendant Lend Lease Construction, Inc.'s motion to reschedule is WELL TAKEN and is therefore GRANTED; and Plaintiff TA's May 7, 2015 motion to reply is WELL TAKEN and is therefore GRANTED. The non-oral hearing pursuant to L.C.C.R. 4(D) on third-party Lend Lease's motion for summary judgment currently set for May 12, 2015, is hereby VACATED and is now set for a non-oral hearing on May 15, 2015. Copy sent to Craig Barclay, Jerry Kasai and William Becker, assistant attorneys general; Donald Gregory, Michael Madigan and Peter Berg; Celia Kilgard, Craig Paynter and James Abrams; David Rickert; George Carr and Steven Janik; Bradley Barmen.
- 184 05/11/2015 MOTION Officials: Gary Peterson, Samuel Wampler
- 185 05/11/2015 NOTICE OF APPEAL To Lend Lease's motion for summary judgment or in the alternative amend third-party complaint against Lend Lease; Filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 186 05/11/2015 NOTICE OF APPEAL FILING FEE PAID For relief from judgment/order; Filed by William Becker, assistant attorney general, attorney for defendant/counter plaintiff, with certificate of service.
- 187 05/11/2015 COURT OF APPEALS DOCKETING STATEMENT Filed by William C. Becker, Jerry K. Kasai and Craig D. Barclay, assistant attorneys general with certificate of service.
- 188 05/11/2015 PRAECIPE Received from: Attorney General of Ohio \$25.00 Check/MO# 5070 Receipt # C49094
- 189 05/11/2015 NOTICE Filed by William Becker, assistant attorney general, counsel for defendant.
- 190 05/12/2015 NOTICE Request to transmit record filed by William C. Becker, Jerry K. Kasai and Craig D. Barclay, assistant attorneys general, counsel for defendant.
- Received Waiver of Filing Fee for 10th District Court of Appeal filing fee from William C. Becker, assistant attorney general, counsel for defendant.
- Copy of notice of appeal with April 17, 2015 entry and March 24, 2015 order, docketing statement, receipt for Court of Claims filing fee, waiver of 10th District Court of Appeals filing fee, request to transmit record sent to George

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H. Carr, Steven G. Janik, Donald W. Gregory, Michael J. Madigan, Peter A. Berg, Bradley J. Barmen, David M. Rickert, Celia M. Kilgard, Craig B. Paynter and James D. Abrams.

CERTIFICATION

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Clerk of the Court of Claims of Ohio

By: *Ante Cichy*
ASSISTANT CLERK

Date: 5-12-15