



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
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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

Judge Patrick M. McGrath
Referee Samuel Wampler

ENTRY

2015 MAY 18 PM 2:44

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On May 18, 2015, plaintiff/counter defendant, TransAmerica Building Company, Inc. ("TA"), filed a "Motion to Set Aside Referee Wampler's May 8 Order Denying TransAmerica's Motion to Exclude and Motion in Limine." Defendant/counter plaintiff/third-

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2015 MAY 18 PM 2:44

Case No. 2013-00349

- 2 -

ENTRY

party plaintiff/counter defendant, Ohio School Facilities Commission ("OSFC") has yet to file a response.

In regards to the Motion to Exclude, the court finds Referee Wampler's analysis of R.C. 153.17, as it relates to a duty of notice after the completion of the contract, to be an accurate interpretation. Further, should the matter of spoliation be addressed at all, the appropriate time for such a determination is at trial.

The court agrees with Referee Wampler's characterization of a Motion in Limine in that it is "most valuable when a jury may potentially be prejudiced by hearing testimony that is likely to be inadmissible." (Referee Wampler's Order, May 8, 2015, pg. 5). Such is not the case here.

Upon careful consideration, it is the court's finding that the referee was correct in his analysis of the issues and application of the law. Accordingly, the motion to set aside is DENIED.



PATRICK M. MCGRATH
Judge

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2015 MAY 18 PM 2:45

Case No. 2013-00349

- 3 -

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