



Respectfully submitted,



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BRENT L. ENGLISH

LAW OFFICES OF BRENT L. ENGLISH

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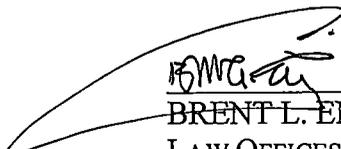
Sup. Ct. Reg. No. 0022678

[benglish@englishlaw.com](mailto:benglish@englishlaw.com)

*Attorney for Plaintiff, David Bentkowski*

### CERTIFICATE OF SERVICE

I certify that a true and complete copy of the foregoing Notice of Deposition was served by first class U.S. Mail, postage prepaid upon Randall Knutti, Esq., Assistant Attorneys General, 150 East Gay Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215 and by e-mail to [randall.knutti@OhioAttorneyGeneral.gov](mailto:randall.knutti@OhioAttorneyGeneral.gov) on this 20<sup>th</sup> day of August 2015.



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BRENT L. ENGLISH

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*Attorney for Plaintiff, David Bentkowski*

# Subpoena for Deposition

Ohio Civil Rule 45  
OHIO COURT OF CLAIMS

**DAVID BENTKOWSKI**

Case No. 201400651

Plaintiff(s)

vs.

**OHIO LOTTERY COMMISSION**

Defendant(s)

To:

**JAI CHOBRIA  
8638 RUTHERFORD ESTATES COURT  
POWELL, OH 43065**

You Are Commanded to appear at the place, date and time specified below to testify at the taking of deposition in the above case.

Place of Deposition:

**OHIO LOTTERY COMMISSION  
615 WEST SUPERIOR AVENUE  
CLEVELAND, OH 44113**

Date: **MONDAY AUGUST 31<sup>ST</sup>, 2015**

Time: **1:00PM**

You Are Commanded to produce and permit inspection, copying, testing or sampling of the following documents or objects at the place, date, and time specified above (list documents or objects):

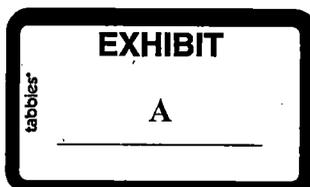
To insure taxation of their fees, witnesses must report each attendance to the Clerk of Courts for the above captioned county. Section 2335.06 of the Ohio Revised Code provides that witnesses are entitled to receive \$12.00 for each full day's attendance and \$6.00 for each half day's attendance, plus ten cents per mile traveled to and from his place of residence. Such fees are taxed as costs and mailed to the witness upon payment of costs.

Issuing Attorney:  
ENGLISH, BRENT L ESQ

**LAW OFFICES OF BRENT L. ENGLISH ESQ  
820 W. SUPERIOR AVENUE  
SUITE 900  
CLEVELAND, OH 44113-9917**

PHONE 216.781.9917

*Brent English*  
SIGNATURE



REQUEST NO. 152560

Affidavit of Service of Subpoena by Sheriff or Officer, Attorney or Private Person

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

I served this Subpoena on the within named:

as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SHERIFF'S FEES

Service on \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ Copy \_\_\_\_\_  
\_\_\_\_\_ Miles Travel \_\_\_\_\_  
\_\_\_\_\_ Return \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

By \_\_\_\_\_  
Deputy Sheriff/Attorney

Subscribed and sworn to before me, a  
\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Witness entitled to \_\_\_\_\_ miles

RULE 45. RULES OF CIVIL PROCEDURE, Parts C & D:

(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 AND PERMIT INSPECTION AND COPYING OF DESIGNATED BOOKS, PAPERS, DOCUMENTS, OR TANGIBLE THINGS, OR INSPECTION OF PREMISES, NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO APPEAR FOR DEPOSITION, HEARING OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE AND PERMIT INSPECTION AND COPYING 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 INSPECTION AND COPYING OF ANY OR ALL OF THE DESIGNATED MATERIALS OR OF THE PREMISES. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO INSPECT AND COPY THE MATERIALS OR INSPECT THE PREMISES 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 INSPECTION AND COPYING 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 AN UNRETAINED EXPERT'S OPINION OR INFORMATION NOT DESCRIBING SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTING FROM THE EXPERT'S STUDY MADE NOT 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) IN CASES 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.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR SHALL ORGANIZE AND LABEL THEM TO CORRESPOND WITH THE CATEGORIES IN THE DEMAND. 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, 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.