

2015 SEP 18 PM 1:19

IN THE COURT OF CLAIMS OF OHIO

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

Referee Samuel Wampler

AMENDING DECISION OF THE REFEREE

On September 17, 2015 this court issued the Decision of the Referee which included Table 5 and footnote 113 on page 88.

Upon review, and pursuant to Civ.R. 60(A), the court sua sponte amends the referee's decision such that Table 5 and footnote 113 on page 88 shall read as follows:

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HS Dorms	Total Actual Costs	Adjusted Estimate	Gross Losses Per Dorm
OSSB5 (First to Start)	\$199,526.54	\$40,288.32	\$159,238.22
OSSB6	\$160,667.18	\$40,288.32	\$120,378.86
OSD7	\$153,154.75	\$40,288.32	\$112,866.43
OSD6	\$129,721.78	\$40,288.32	\$89,433.46
OSD5 (Last to Finish)	\$125,811.64	\$40,288.32	\$85,523.32
OSSB7 (Last to Start)	\$117,795.35	\$40,288.32	\$77,507.03
ES/MS Dorms			
OSSB1 (First to Start)	\$119,945.95	\$32,172.68	\$87,773.27
OSSB2	\$111,068.67	\$32,172.68	\$78,895.99
OSD3	\$108,449.13	\$32,172.68	\$76,276.45
OSSB3 (Last to Start)	\$100,859.50	\$32,172.68	\$68,686.82
OSD2 (Next to Last Finish)	\$82,950.69	\$32,172.68	\$50,778.01
OSD1 (Last to Finish)	\$80,474.40	\$32,172.68	\$48,301.72
	\$1,490,425.58	\$434,766.00	
		Unadjusted Gross Loss	\$1,055,659.58

(Table 5)¹¹³

113 This table helps to illustrate the significant impact that the problems with the drawings had on the Dorm Project. The earlier dorms were impacted the most, i.e. OSSB5 (HS) and OSSB1 (ES/MS) and incurred the greatest rough carpentry labor costs. Although not entirely linear, the numbers do support the loss of productivity claim. As the plans/drawings were developed and became more clear, the costs/losses declined.

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All other provisions of the September 17, 2015 Decision of the Referee remain in full force and effect.



SAMUEL WAMPLER
Referee

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