RETURN OF SERVICE

IN THE COURT OF CLAIMS OF OHIO

CHRISTOPHER D. BELL Plaintiff v. OHIO DEPARTMENT OF REHABILITATION AND CORRECTION Defendant	Case No. 2015-00287 Magistrate Robert Van Schoyck

To: C.O. Cody Wrightmier
Toledo Correctional Institution
2001 East Central Avenue
Toledo, Ohio 43608
Lucas County

RECEIVED
2016 JAN 13 AM 11: 28
LUCAS COUNTY
JOHN THARP

YOU ARE HEREBY COMMANDED TO:

Attend and give testimony at a trial/hearing on the date, time and at

Date: February 11, 2016 Time: 10:00 a.m.
Place: Toledo Correctional Institution, Toledo, Ohio

DESCRIPTION OF ITEMS TO BE PRODUCED: NONE

THE STATE OF OHIO
County, ss
To the Sheriff of Lucas County, Ohio Greetings:

FILED
COURT OF CLAIMS
OF OHIO
2016 JAN 20 AM 10: 39

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 11th DAY OF January, 2016
CLERK OF THE COURT OF CLAIMS OF OHIO.

BY: _____
Assistant Clerk

REQUESTING PARTY INFORMATION: Richard F. Swope, attorney for plaintiff, Telephone Number (614) 866-1492

NOTE: READ ALL INFORMATION ON THE REVERSE SIDE OF 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), (iii), (iv). (v), or (vi) 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), (iii), (iv), (v), or (vi) 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)(5),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 labeled to correspond with the categories in the subpoena. A person producing documents or electronically stored information 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) If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information is ordinarily maintained if that form is reasonably useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.

(3) A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ.R.26(B)(4) when determining if good cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for the discovery of the electronically stored information.

(4) 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.

(5) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim of privilege or of protection as trial preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

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.

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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 COMPETE SERVICE FOR THE FOLLOWING REASON:

_____

_____

Sheriff's Fees

_____
(Signature of Serving Party)

Service _____
Mileage _____ (Number of miles____)
Copy _____
Total _____

Circle One: Deputy Sheriff, Process Server, Other _____, Attorney, Deputy Clerk

Lucas County Sheriff's Office
Sheriff's Return

Date Issued: **01/13/2016**
Service: **OUT OF COUNTY PAPERS**
Service #: **104979**
Case #: **2015-00287**
Person Served: **CODY WRIGHTMIER, C.O.**
2001 EAST CENTRAL AVENUE
TCI
TOLEDO, OH 43608

SEAL
A TRUE COPY
JOHN THARP, Sheriff
By KW Deputy

Process Service Results:
01/14/2016 - RESIDENTIAL SERVICE Deputy(s):DAN HANNON
COMMENTS: LEFT AT FRONT DESK WITH OFFICER SIMON

Details:
01/14/2016 - RESIDENTIAL SERVICE
01/14/2016 - MILEAGE COSTS FOR ZONE C.....$4.00
01/13/2016 - OUT OF COUNTY PAPERS RECEIVED.....$6.00

Total Costs for Service: **$10.00**
Total Paid for Service: **$0.00**
Balance: **$10.00**

JOHN THARP
SHERIFF

K.W.
DEPUTY SHERIFF

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Remit payment to: SHERIFF OF LUCAS COUNTY
CIVIL DIVISION - COURTHOUSE
700 ADAMS STREET
TOLEDO, OH 43604-5330

SHFN208

JOHN THARP, SHERIFF LUCAS COUNTY
CIVIL DIVISION
INVOICE

DATE: **01/15/2016**

TO: **THE COURT OF CLAIMS OF OHIO**

RE: **THE COURT OF CLAIMS OF OHIO, PLAINTIFF**

LT COPLEY, ET AL, DEFENDANT

2015-00287, CASE NUMBER

SEAL
A TRUE COPY
JOHN THARP, Sheriff
By KW Deputy

WE HAVE COMPLETED/ATTEMPTED SERVICE ON THE WITHIN DOCUMENT AND OUR RETURN ACCOMPANIES IT.

THE FEE FOR THE SERVICE IS: **$10.00**

PLEASE REMIT PAYMENT FOR THE AMOUNT DUE TO THE:

LUCAS COUNTY SHERIFF OFFICE
CIVIL PROCESS DIVISION
700 ADAMS STREET
TOLEDO, OHIO 43624
(419) 213-4741

YOUR PAYMENT IS DUE UPON RECEIPT OF THIS NOTICE. **NO PERSONAL CHECKS WILL BE ACCEPTED.**

PLEASE RETURN THIS INVOICE WITH YOUR PAYMENT.

THANK YOU.

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SHFN210