

IN THE COURT OF CLAIMS OF OHIO

FILED
COURT OF OHIO
2016 JAN 25 PM 1:25

DAVID A. BENTKOWSKI

Plaintiff

v.

OHIO LOTTERY COMMISSION

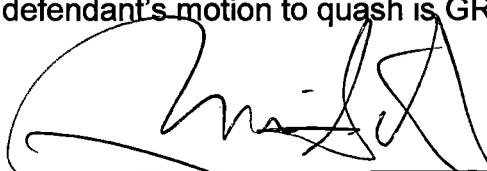
Defendant

Case No. 2014-00651

Judge Patrick M. McGrath

ENTRY

On January 22, 2016, defendant filed a motion to quash the subpoena of Lawrence Miltner. Defendant states that the subpoena was improperly served at his place of employment and given to another Ohio Lottery Commission employee, Traci Konesky. In support of its motion, defendant provides an affidavit from Ms. Konesky stating that she was served the subpoena. Civ.R. 45(B) permits service of a subpoena by (1) delivery in person; (2) reading it to the person; (3) leaving it at a person's place of residence; or (4) sending it certified mail return receipt requested. Therefore, because plaintiff failed to comply with Civ.R 45(B), defendant's motion to quash is GRANTED.



PATRICK M. MCGRATH
Judge

cc:

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