

**ORIGINAL**

FILED  
COURT OF CLAIMS  
OF OHIO

IN THE OHIO COURT OF CLAIMS

2016 JUL -8 PM 2: 54

WILLIAM RUSSELL  
Plaintiff

v.

CLEVELAND STATE UNIVERSITY  
Defendant

And

STEVEN LISS  
Plaintiff

v.

CLEVELAND STATE UNIVERSITY  
Defendant

Case Nos. 2013-00138 and  
2013-00139

Judge Patrick M. McGrath  
Magistrate Holly T. Shaver

**CLEVELAND STATE UNIVERSITY'S  
MOTION TO TAX TRANSCRIPT  
EXPENSES AS COSTS PURSUANT  
TO RULE 54(D) OF THE OHIO RULES  
OF CIVIL PROCEDURE**

**I. Overview**

Cleveland State prevailed on some of William Russell's and Steven Liss's claims on summary judgment, and it prevailed on the rest of their claims after a lengthy trial and two rounds of post-trial briefing. But the cost to CSU was high because, among other things, it was forced to order transcripts of thirteen witnesses' depositions and an eight-volume transcript of the trial in order to rebut Mr. Russell's and Mr. Liss's repeated mischaracterizations of the evidence and in order to respond to their needlessly lengthy—and equally misleading—briefs and objections to the magistrate's decision. Their post-trial brief and reply together clocked in at 145 pages, and their objections consumed 65 pages more; yet, as the Court's May 10, 2016 Decision documents, the bulk of their arguments rested on nothing more than outright misrepresentations of the evidence. As one example, the so-called "statistics" they manufactured to suggest that CSU's reorganization was a "cover up" designed only to target older employees focused on just five out of hundreds of

employees in the Department of Student Life. And even then those “statistics” ignored the facts that three of those five older workers remained employed and that Mr. Russell would have remained employed too if he had not declined to exercise his “bumping rights.” (Decision at 5.) As another example, the list of employees’ ages that they peddled over and over again as a smoking gun evidencing discrimination was nothing of the sort; it was instead an “informational tool used by human resources professionals and the office of general counsel at CSU to evaluate the reorganization.” *Id.* at 7. Likewise, Mr. Russell’s contention that CSU interfered with his FMLA rights by rejecting his request for leave to have shoulder surgery was always frivolous; CSU rejected that request solely because Mr. Russell never obtained a medical certification authorizing that surgery. *Id.* at 14-15. And, as the Court noted in dispensing with Mr. Russell’s effort to transmogrify an innocent phrase into something approaching its opposite, Dr. Banks’s “statements that [Mr. Russell] should ‘go back to his office and get healthy’ [did] not mean, as [Mr. Russell] argue[ed], that Banks told Russell that he should not take medical leave.” *Id.* at 16.

As a prevailing defendant, CSU cannot recover any award for the exorbitant amount of time its attorneys were forced to spend on these cases, which should never have been filed in the first place. CSU can, though, recover its expenses in ordering the transcripts it needed to defend them. The total cost of those transcripts and the fees associated with them is \$19,012.29, of which CSU seeks \$12,970.84,<sup>1</sup> to which it is indisputably entitled. The Court has broad discretion to tax those

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<sup>1</sup> See invoices appended to the Affidavit of Kelly M. King. CSU asks only for the cost of transcripts that were used in the case. It is not asking for court reporters’ attendance fees, fees for “rough drafts” of transcripts, fees for copying exhibits or any other miscellaneous fees. Nor is it asking for any videographer’s fees or its costs in obtaining DVDs of Dr. Cauthen’s and Dr. Drnek’s videotaped depositions. It is not asking for any costs related to Dr. Burke’s deposition or the fee he demanded for appearing at that deposition. Finally, it is not asking for any costs related to Dr. Whyte’s deposition because that deposition was not used in CSU’s summary judgment motion.

expenses as costs under Rule 54(D); and, given Mr. Russell's and Mr. Liss's conduct in this case, CSU asks that the Court exercise that discretion liberally.

**II. Rule 54(D) allows trial courts to award prevailing parties the expenses they incurred in ordering transcripts when a statute or rule authorizes those expenses.**

Rule 54(D) states that “[e]xcept when express provision therefor is made either in a statute or in these rules, costs shall be awarded to the prevailing party unless the court otherwise directs.” (Emphasis added.) The “categories of litigation expenses comprising ‘costs’ are, however, limited” to those expenses that are authorized “to be taxed and included in the judgment.” *Williamson v Ameritech Corp.*, 81 Ohio St.3d 342, 343 (1998). In deciding Rule 54(D) motions,<sup>2</sup> courts have primarily considered R.C. 2319.27, R.C. 2303.21, Sup.R. 13(A) and (D) and various rules of courts. *See, e.g., Brodess v Bagent*, 2005-Ohio-20, ¶¶ 11-16 (10<sup>th</sup> Dist.) In this motion, CSU relies on those two statutes and Civ.R. 53(D)(3)(b)(iii). R.C. 2303.21 states this:

**When it is necessary in an appeal, or other civil action to procure a transcript of a judgment or proceeding, or exemplification of a record, as evidence in such action or for any other purpose, the expense of procuring such transcript or exemplification shall be taxed in the bill of costs and recovered as in other cases.**

(Emphasis added.) And Civ.R. 53(D)(3)(b)(iii) states that objections to a magistrate's decision— like Mr. Russell's and Mr. Liss's— must “be supported by a transcript of all the evidence submitted to the magistrate.” Trials are plainly “proceedings,” and depositions are also “proceedings.” *See, e.g., Brodess*, 2005-Ohio-20, ¶¶12-13, citing *Raab v Werrich*, 2002-Ohio-936 (2d Dist.).

A transcript is “necessary” within the meaning of R.C. 2303.21 if, for example, “the trial court used it.” *Brodess*, 2005-Ohio-20, ¶13 (awarding the costs of a deposition transcript that the trial court used “in ruling on objections”). Mr. Russell's and Mr. Liss's 65-page-long objections required

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<sup>2</sup> There is no specific time period in which a Rule 54(D) motion must be filed, and courts have held that it is “reasonable” to file one within one month after the losing party's “time for appeal had run.” *Bookatz v Kupps*, 39 Ohio App.3d 36, 38 (8<sup>th</sup> Dist. 1987). Mr. Russell's and Mr. Liss's time for appeal ran on June 9, 2016.

them to order the trial transcript, and they required CSU to order it as well in order to rebut their numerous mischaracterizations of the evidence. And the trial court plainly used that transcript in ruling on those objections. *See, e.g.*, Decision at 7 (citing Mr. Vartorella's testimony), 8 (citing Dr. Banks's testimony), 10 (citing Ms. McCafferty's testimony), 12 (citing Mr. Russell's testimony). CSU's \$6,002.44 cost of ordering that transcript was, therefore, "necessary" and recoverable under Rule 54(D). The transcripts of Dr. Drnek and Dr. Cauthen were marked and admitted into evidence at trial, which means that the trial court "used" them and that their cost of \$1,165 is also recoverable under Rule 54(D). The citation of a deposition transcript in a summary judgment motion also demonstrates that a trial court "used" it. *See, e.g., Boomershine v Lifetime Capital, Inc.*, 2009-Ohio-2736, ¶13 (2d Dist.). CSU's motion for summary judgment cited the depositions of Mr. Vartorella (Motion at 3, 5, 6), Mr. Russell (Motion at 3, 5, 8), Ms. Courson (Motion at 4), Dr. Banks (Motion at 5, 7), Mr. Liss (Motion at 6), which means that CSU's \$4,521.40 cost of ordering those transcripts was recoverable under Rule 54(D). Finally, Mr. Russell and Mr. Liss filed the transcripts of Mr. Bergmann, Dr. Walker, Ms. Johnston, and Ms. McCafferty in support of their memorandum opposing summary judgment. *See* October 15, 2014 notices. As *Haller v Borrer*, 107 Ohio App.3d 432, 441 (10<sup>th</sup> Dist. 1995) put it, "If appellant believed that the deponents' testimony was relevant to winning his case, it is reasonable to assume that appellee needed a transcript of that testimony to defend the case." As such, CSU's \$1,282 cost of ordering those transcripts was recoverable under Rule 54(D).

### III. Conclusion

CSU will never recover even a fraction of the costs it incurred in defending these cases, but it is plainly entitled to recover the \$12,970.84 it spent on the transcripts for which it seeks reimbursement in this motion.

Respectfully submitted,

**MICHAEL DE WINE**

*Ohio Attorney General*



**RANDALL W. KNUTTI (0022388)**

**EMILY M. SIMMONS (0082519)**

**AMY S. BROWN (0079650)**

*Assistant Attorneys General*

Ohio Attorney General's Office

Court of Claims Defense Section

150 East Gay Street, Floor 18

Columbus, OH 43215

T: (614) 466-7447 | F: (614) 644-9185

[Randall.Knutti@OhioAttorneyGeneral.gov](mailto:Randall.Knutti@OhioAttorneyGeneral.gov)

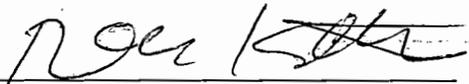
[Emily.Simmons@OhioAttorneyGeneral.gov](mailto:Emily.Simmons@OhioAttorneyGeneral.gov)

[Amy.Brown@OhioAttorneyGeneral.gov](mailto:Amy.Brown@OhioAttorneyGeneral.gov)

**COUNSEL FOR DEFENDANT,  
CLEVELAND STATE UNIVERSITY**

**CERTIFICATE OF SERVICE**

On July 8, 2016, I sent a copy of this document via electronic mail to Plaintiff's Counsel  
**Christopher Thorman** ([cthorman@tpgfirm.com](mailto:cthorman@tpgfirm.com)) and **Daniel Petrov** ([dpetrov@tpgfirm.com](mailto:dpetrov@tpgfirm.com)).

  
RANDALL W. KNUTTI (0022388)  
Principal Assistant Attorney General

IN THE OHIO COURT OF CLAIMS

WILLIAM RUSSELL  
Plaintiff

v.

CLEVELAND STATE UNIVERSITY  
Defendant

and

STEVEN LISS  
Plaintiff

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CLEVELAND STATE UNIVERSITY  
Defendant

Case Nos. 2013-00138 and 2013-00139

Judge Patrick M. McGrath  
Magistrate Holly T. Shaver

**AFFIDAVIT OF KELLY M. KING**

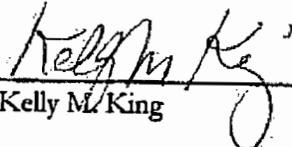
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STATE OF OHIO            )  
                                  ) SS:  
COUNTY OF CUYAHOGA    )

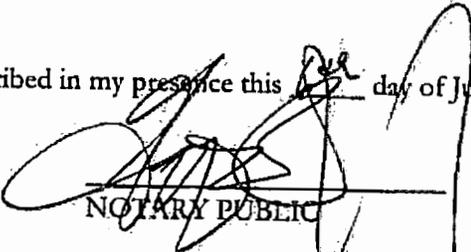
Kelly M. King, having first been cautioned and sworn, states as follows:

1. I am an Associate General Counsel for Cleveland State University, and this affidavit is based on my personal knowledge.
2. I have been the primary in-house attorney assigned to these cases. In that role, I reviewed all invoices for fees and costs related to the deposition transcripts, videotapes of depositions and trial transcripts that the University and its defense counsel ordered. I made certain that that the University paid those invoices in full.
3. Attached to this affidavit is a collection of true and accurate invoices that the University received and paid in these cases.

FURTHER AFFLANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Kelly M. King

Sworn to before me and subscribed in my presence this 22 day of July 2016.

  
\_\_\_\_\_  
NOTARY PUBLIC

**GEORGE E. HAMM, Jr., Attorney**  
**NOTARY PUBLIC-STATE OF OHIO**  
**My commission has no expiration date.**  
**Section 149.02 R.C.**

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Kelly King Esq.	<b>Invoice Date:</b> 07/10/2014
2121 Euclid Avenue, Ac 327	<b>Reporter:</b> Aimee Szinte
Cleveland, Ohio 44115	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> N/A

**STEVEN LISS VS. CLEVELAND STATE UNIVERSITY / WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY**

<b>Date</b>	<b>Description</b>	
06/11/2014	DEPOSITION(S) OF: Steve Vartorella	
	To copy of transcript(s)	\$800.10
	To copy of exhibit(s)	\$20.70
	To DepoLaunch CD w/PDF file(s)	\$30.00

Case No. 2013-00139 / 2013-00138

Interest will be added to invoices over 30 days @ 1.5% per month

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Randall W Knutti Esq.	<b>Invoice Date:</b> 10/15/2014
150 East Gay Street, 18th Floor	<b>Reporter:</b> Irma Blank
Columbus, Ohio 43215	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> na

**WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY / STEVEN LISS VS. CLEVELAND STATE UNIVERSITY**

<b>Date</b>	<b>Description</b>	
09/22/2014	DEPOSITION(S) OF: John Burke	
	To attendance of reporter	\$120.00
	To original transcript(s)	\$382.50
	To copy of exhibit(s)	\$42.60
	To copy of transcript(s) - deposition of Jean McCafferty	\$531.20
	To copy of exhibit(s)	\$58.20
	To 10% Professional Discount	\$-91.37

Case Nos. 2013-00138 / 2013-00139

Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice	<b>Sub Total:</b> 1043.13
We accept MasterCard & VISA payment	<b>Paid:</b> 1404.96
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<b>Bill To:</b>	<b>Invoice No.:</b> 5933
Kelly King Esq.	<b>Invoice Date:</b> 10/13/2014
2121 Euclid Avenue, Ac 327	<b>Reporter:</b> Michele Ray
Cleveland, Ohio 44115	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> na

**WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY / STEVEN LISS VS. CLEVELAND STATE UNIVERSITY**

<b>Date</b>	<b>Description</b>	
09/02/2014	DEPOSITION(S) OF: Robert Bergmann	
	To copy of transcript(s)	\$419.15
	To copy of exhibit(s)	\$6.00
	To 10% Professional Discount	\$-41.92

Case Nos. 2013-00138 / 2013-00139  
 Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice We accept MasterCard & VISA payment We look to the attorney for payment of all charges, not their clients	<b>Sub Total:</b> 383.23
	<b>Paid:</b> 383.23
	<b>Balance Due:</b> PAID



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<b>Bill To:</b>	<b>Invoice No.:</b> 4892
Kelly King Esq.	<b>Invoice Date:</b> 07/10/2014
2121 Euclid Avenue, Ac 327	<b>Reporter:</b> Aimee Szinte
Cleveland, Ohio 44115	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> N/A

STEVEN LISS VS. CLEVELAND STATE UNIVERSITY / WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY

Date	Description	
06/16/2014	DEPOSITION(S) OF: Donna Whyte	
	To copy of transcript(s)	\$333.90
	To copy of exhibit(s)	\$7.50

Case Nos. 2013-00139 / 2013-00138  
Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice We accept MasterCard & VISA payment We look to the attorney for payment of all charges, not their clients	<b>Sub Total:</b> 341.40
	<b>Paid:</b> 341.40
	<b>Balance Due:</b> PAID



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<b>Bill To:</b>	<b>Invoice No.:</b> 5539
Kelly M King / Cleveland State University	<b>Invoice Date:</b> 09/03/2014
2121 Euclid Avenue, Ac 327	<b>Reporter:</b> Aimee Szinte
Cleveland, Ohio 44115	<b>Salesperson:</b> N/A
Phone: () -	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> N/A

STEVEN LISS VS. CLEVELAND STATE UNIVERSITY / WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY

Date	Description	
06/12/2014	DEPOSITION(S) OF: Jill Courson	
	To original transcript(s)	\$488.75
	To DepoLaunch CD w/PDF file(s)	\$30.00
	To Read & Sign letter(s)	\$35.00

Case Nos. 2013-00139 / 2013-00138

Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice	<b>Sub Total:</b> 553.75
We accept MasterCard & VISA payment	<b>Paid:</b> 553.75
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<b>Bill To:</b>	<b>Invoice No.:</b> 5062
Kelly King Esq.	<b>Invoice Date:</b> 07/23/2014
2121 Euclid Avenue, Ac 327	<b>Reporter:</b> Aimee Szinte
Cleveland, Ohio 44115	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> N/A

**WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY / STEVEN LISS VS. CLEVELAND STATE UNIVERSITY**

<b>Date</b>	<b>Description</b>	
07/07/2014	DEPOSITION(S) OF: Steven Liss	
	To attendance of reporter	\$450.00
	To original transcript(s) - 312 pgs	\$1326.00
	To copy of exhibit(s)	\$60.00
	To DepoLaunch CD w/PDF file(s)	\$30.00
	To Read & Sign letter(s)	\$35.00

Case Nos. 2013-00138 / 2013-00139

Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice We accept MasterCard & VISA payment We look to the attorney for payment of all charges, not their clients	<b>Sub Total:</b> 1901.00
	<b>Paid:</b> 1901.00
	<b>Balance Due:</b> PAID



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<b>Bill To:</b>	<b>Invoice No.:</b> 5155
Kelly King Esq.	<b>Invoice Date:</b> 07/31/2014
2121 Euclid Avenue, Ac 327	<b>Reporter:</b> Aimee Szinte
Cleveland, Ohio 44115	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> N/A

**WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY / STEVEN LISS VS. CLEVELAND STATE UNIVERSITY**

<b>Date</b>	<b>Description</b>	
07/08/2014	DEPOSITION(S) OF: William Russell	
	To attendance of reporter	\$360.00
	To original transcript(s)	\$1049.75
	To copy of exhibit(s)	\$5.10
	To DepoLaunch CD w/PDF file(s)	\$30.00
	To Read & Sign letter(s)	\$35.00

Case Nos. 2013-00138 / 2013-00139

Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice We accept MasterCard & VISA payment We look to the attorney for payment of all charges, not their clients	<b>Sub Total:</b> 1479.85
	<b>Paid:</b> 1479.85
	<b>Balance Due:</b> PAID



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<b>Bill To:</b>	<b>Invoice No.:</b> 4868
Kelly King Esq.	<b>Invoice Date:</b> 07/07/2014
2121 Euclid Avenue, Ac 327	<b>Reporter:</b> Aimee Szinte
Cleveland, Ohio 44115	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> N/A

**WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY / STEVEN LISS VS. CLEVELAND STATE UNIVERSITY**

<b>Date</b>	<b>Description</b>	
06/10/2014	DEPOSITION(S) OF: Dr. Willie Banks	
	To copy of transcript(s)	\$856.80
	To copy of exhibit(s)	\$46.80
	To DepoLaunch CD w/PDF file(s)	\$30.00

Case No. 2013-00138 / 2013-00139

Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice We accept MasterCard & VISA payment We look to the attorney for payment of all charges, not their clients	<b>Sub Total:</b> 933.60
	<b>Paid:</b> 933.60
	<b>Balance Due:</b> PAID



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<b>Bill To:</b>	<b>Invoice No.:</b> 5954
Randall W Knutti Esq.	<b>Invoice Date:</b> 10/15/2014
150 East Gay Street, 18th Floor	<b>Reporter:</b> Kristin Wegryn
Columbus, Ohio 43215	<b>Salesperson:</b> N/A
Phone: (614) 466-7447	<b>Tax ID#:</b> 34-1883789
	<b>ID#:</b> N/A

WILLIAM RUSSELL VS. CLEVELAND STATE UNIVERSITY / STEVEN LISS VS. CLEVELAND STATE UNIVERSITY

<b>Date</b>	<b>Description</b>	
08/26/2014	DEPOSITION(S) OF: George Walker and Jamie Johnston	
	To copy of transcript(s)	\$516.60
	To copy of exhibit(s)	\$24.60
	To 10% Professional Discount	\$-51.66

Case Nos. 2013-00138 / 2013-00139 \*\*\*REVISED

Interest will be added to invoices over 30 days @ 1.5% per month

Terms: Net 30 days from date of invoice We accept MasterCard & VISA payment We look to the attorney for payment of all charges, not their clients	<b>Sub Total:</b> 489.54
	<b>Paid:</b> 504.33
	<b>Balance Due:</b> -14.79

# INVOICE



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Cleveland, OH 44115

Invoice No.	Invoice Date	Job No.
34854	10/6/2014	24791
Job Date	Case No.	
9/25/2014	2013-00139 & 2013-00138	
Case Name		
Liss vs. Cleveland State University		
Payment Terms		
Net 30		

1 CERTIFIED COPY OF TRANSCRIPT OF:

James Michael Drnek	274.00	Pages	@	2.50	685.00
Exhibits (Black/White - Scanned)	229.00	Pages	@	0.55	125.95
Exhibits (Color - Scanned)	2.00	Pages	@	1.38	2.76
Exhibits OCR'd	231.00	Pages	@	0.30	69.30
Tabbing	3.00	Pages	@	0.58	1.74
Rough	274.00	Pages	@	1.35	369.90
Handling				20.00	20.00
Telephonic Conference				0.00	66.00
Shipping				27.50	27.50

**TOTAL DUE >>> \$1,368.15**

Ordered By : Ms. Emily M. Simmons  
Ohio Attorney General  
Court of Claims Defense  
150 East Gay Street  
18th Floor  
Columbus, OH 43215

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Invoice No. : 34854  
Invoice Date : 10/6/2014  
**Total Due : \$ 0.00**

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BU ID : 1-Main  
Case No. : 2013-00139 & 2013-00138  
Case Name : Liss vs. Cleveland State University

# INVOICE



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Invoice No.	Invoice Date	Job No.
34854	10/6/2014	24791
Job Date	Case No.	
9/25/2014	2013-00139 & 2013-00138	
Case Name		
Liss vs. Cleveland State University		
Payment Terms		
Net 30		

1.2% Finance Charge assessed on accounts 30 days past due.

(-) Payments/Credits:	1,368.15
(+) Finance Charges/Debits:	0.00
<b>(=) New Balance:</b>	<b>\$0.00</b>

Tax ID: 77-0034815

Phone: Fax:

*Please detach bottom portion and return with payment.*

Ms. Kelly King  
Cleveland State University  
2121 Euclid Avenue  
Cleveland, OH 44115

Invoice No. : 34854  
Invoice Date : 10/6/2014  
**Total Due : \$ 0.00**

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**900 Truxtun Avenue, Suite 320**  
**Bakersfield, CA 93301**

Job No. : 24791  
BU ID : 1-Main  
Case No. : 2013-00139 & 2013-00138  
Case Name : Liss vs. Cleveland State University

**Athens-Oconee Court Reporting, LLC**

345 W. Hancock Avenue  
 Athens, GA 30601 US  
 (770) 225-7663



**Invoice**

<b>BILL TO</b>
Kelly King General Counsel Cleveland State University 2121 Euclid Avenue Cleveland, Ohio 44115

INVOICE NO.	DATE	TERMS	DUE DATE	TOTAL DUE	ENCLOSED
2994	09/24/2014	Net 15		\$633.40	

DATE	ACTIVITY	QTY	RATE	AMOUNT
09/24/2014	IN THE OHIO COURT OF CLAIMS Steven Liss, Plaintiff, vs. Cleveland State University, Defendant. Civil Action File No. 2013-00139  William Russell, Plaintiff, vs. Cleveland State University, Defendant. Civil Action File No. 2013-00138			
09/24/2014	Videotaped deposition of Thomas W. Cauthen, III, Ph.D. taken on September 12, 2014			
09/24/2014	Transcript: Copy	192	2.50	480.00
09/24/2014	Exhibits: 428	428	0.30	128.40
09/24/2014	Postage & Handling	1	25.00	25.00
09/24/2014	(Transcript sent to Attorney Emily Simmons)			

We appreciate your business.  
 EIN# 26-1694183

**BALANCE DUE**

**\$633.40**

**Athens-Oconee Court Reporting, LLC**

345 W. Hancock Avenue  
Athens, GA 30601 US  
(770) 225-7663



**Invoice**

<b>BILL TO</b> Kelly King General Counsel Cleveland State University 2121 Euclid Avenue Cleveland, Ohio 44115
------------------------------------------------------------------------------------------------------------------------------

INVOICE NO.	DATE	TERMS	DUE DATE	TOTAL DUE	ENCLOSED
2998	10/03/2014	Due on receipt		\$396.00	

DATE	ACTIVITY	QTY	RATE	AMOUNT
10/03/2014	IN THE OHIO COURT OF CLAIMS  Steven Liss, Plaintiff,  v.  Cleveland State University, Defendant.  ----- William Russell, Plaintiff,  v.  Cleveland State University, Defendant.			
10/03/2014	Deposition of Thomas W. Cauthen, III, Ph.D. taken 9/12/14			
10/03/2014	Videoconferencing	4	99.00	396.00

We appreciate your business.  
EIN# 26-1694183

**BALANCE DUE**

**\$396.00**

**LEGAL VIDEO SERVICES, INC.**

**THE PINNACLE, SUITE 500  
3455 PEACHTREE ROAD, NE  
ATLANTA, GEORGIA 30326  
770.640.5050  
www.atlantalegalvideo.com**

DATE	INVOICE NO.
9/12/14	30560

**BILL TO**

**RE:**

CSU  
ATTENTION KELLY KING  
2121 EUCLID AVE  
CLEVELAND, OHIO 44115

LISS, ET AL.  
V  
CLEVELAND STATE UNIVERSITY

<b>TERMS</b>
Net 30

DATE	DESCRIPTION	AMOUNT
9/12/14	VIDEO DVD COPY OF DR. T.W. CAUTHEN, III ORDERED BY EMILY SIMMONS, ESQ. WITH OHIO ATTORNEY GENERALS OFFICE	150.00

Payment is not contingent upon client reimbursement.  
Minimum service fee of \$5 or 1.5% per month added to past due accounts  
TAX ID NO. 58-2206602

**Total** \$150.00

**BURKE, ROSEN & ASSOCIATES**  
**2800 Euclid Ave., Suite 300**  
**Cleveland, OH 44115**  
**(216) 566-9300**

**Federal I.D. #34-1124188**

---

**BILLED TO DEFENSE COUNSEL:**

Cleveland State University  
Attn: Kelly King, Assistant General Counsel  
2121 Euclid Ave.  
AC 327  
Cleveland, OH 44115

**PLANTIFF COUNSEL:**

Mark Griffin, Esq.  
Thorman Petrov Griffin  
3100 Terminal Tower  
50 Public Square  
Cleveland, OH 44113

**FOR PROFESSIONAL SERVICES RENDERED BY:**

John F. Burke Jr., Ph.D.

Case Name: Steven Liss  
File Name: Griffin, Mark / Liss, Steven  
Date Billed: 7/7/16

<u>DATE</u>	<u>TRANSACTION</u>	<u>BALANCE DUE</u>
9/22/14	DEPOSITION (0-2HRS)	\$1,200.00

**DEPOSITION LOCATION:**

Thorman Petrov Griffin  
3100 Terminal Tower  
50 Public Square  
Cleveland, OH 44113

**DUE AND PAYABLE PRIOR TO DEPOSITION**

\*PLEASE MAKE CHECK OUT TO BURKE, ROSEN & ASSOCIATES.  
\*PLEASE RETURN A COPY OF THIS INVOICE WITH YOUR PAYMENT.  
\*MINIMUM FEE OF \$1200 COVERS ZERO TO TWO HOURS.  
\*ADDITIONAL TIME IS BILLED AT \$425 PER HOUR:  
PORTAL TO PORTAL.

**BURKE, ROSEN & ASSOCIATES**  
2800 Euclid Ave., Suite 300  
Cleveland, OH 44115  
(216) 566-9300

**Federal I.D. #34-1124188**

---

**BILLED TO DEFENSE COUNSEL:**

Cleveland State University  
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2121 Euclid Ave.  
AC 327  
Cleveland, OH 44115

**PLANTIFF COUNSEL:**

Mark Griffin, Esq.  
Thorman Petrov Griffin  
3100 Terminal Tower  
50 Public Square  
Cleveland, OH 44113

**FOR PROFESSIONAL SERVICES RENDERED BY:**

John F. Burke Jr., Ph.D.

Case Name: William Russell  
File Name: Griffin, Mark / Russell, William  
Date Billed: 7/7/16

<u>DATE</u>	<u>TRANSACTION</u>	<u>BALANCE DUE</u>
9/22/14	DEPOSITION (0-2HRS)	\$1,200.00

**DEPOSITION LOCATION:**

Thorman Petrov Griffin  
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50 Public Square  
Cleveland, OH 44113

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\*ADDITIONAL TIME IS BILLED AT \$425 PER HOUR:  
PORTAL TO PORTAL.

**INVOICE****SPECTRUM  REPORTING LLC**

P.O. Box 30984  
Columbus, OH 43230-0984  
www.spectrumreporting.com

614-444-1000  
1-800-635-9071  
Fax: 614-444-3340

**RECEIVED**  
*By Finance at 4:38 pm, Jan 06, 2015*

Randall W. Knutti, Esq.  
Attorney General's Office, Court of Claims Defense  
150 East Gay Street, 18th Fl.  
Columbus, OH 43215

Invoice No.	Invoice Date	Job No.
41680	1/6/2015	17297
Job Date	Case No.	
12/8/2014	2013-00138/2013-00139	
Case Name		
William Russell v Cleveland State Univ. / Steven Liss v Cleveland State Univ.		
Payment Terms		
Net 30 days; 1.5% per month thereafter		

## Court Reporting Services at the Trial of:

## Trial, Volume 1 (12/08/2014)

Original transcript	128.50	Pages	@	3.55	456.18
Copy of transcript	128.50	Pages	@	2.55	327.68
Email-only delivery of transcripts	1.00		@	0.00	0.00

## Court Reporting Services at the Trial of:

## Trial, Volume 2 (12/09/2014)

Original transcript	162.50	Pages	@	3.55	576.88
Copy of transcript	162.50	Pages	@	2.55	414.38
Email-only delivery of transcripts	1.00		@	0.00	0.00

**TOTAL DUE >>>****\$1,775.12**

Total pages Volume 1 - 257

Total pages Volume 2 - 325

As requested, all transcript costs split evenly between Randall W. Knutti, Esq. and Mark Griffin, Esq.

Thank you. We appreciate your business!

**INVOICE****SPECTRUM  REPORTING LLC**

P.O. Box 30984  
Columbus, OH 43230-0984  
www.spectrumreporting.com

614-444-1000  
1-800-635-9071  
Fax: 614-444-3340

**RECEIVED**  
By Finance at 4:39 pm, Jan 06, 2015

Randall W. Knutti, Esq.  
Attorney General's Office, Court of Claims Defense  
150 East Gay Street, 18th Fl.  
Columbus, OH 43215

Invoice No.	Invoice Date	Job No.
41659	1/6/2015	17299
Job Date	Case No.	
12/10/2014	2013-00138/2013-00139	
Case Name		
William Russell v Cleveland State Univ. / Steven Liss v Cleveland State Univ.		
Payment Terms		
Net 30 days; 1.5% per month thereafter		

## Court Reporting Services at the Trial of:

## Trial, Volume 3 (12/10/2014)

Original transcript	94.00	Pages	@	3.55	333.70
Copy of transcript	94.00	Pages	@	2.55	239.70
Email-only delivery of transcripts	1.00		@	0.00	0.00

## Court Reporting Services at the Trial of:

## Trial, Volume 4 (12/11/2014)

Original transcript	164.00	Pages	@	3.55	582.20
Copy of transcript	164.00	Pages	@	2.55	418.20
Email-only delivery of transcripts	1.00		@	0.00	0.00

## Court Reporting Services at the Trial of:

## Trial, Volume 5 (12/12/2014)

Original transcript	92.50	Pages	@	3.55	328.38
Copy of transcript	92.50	Pages	@	2.55	235.88
Email-only delivery of transcripts	1.00		@	0.00	0.00

**TOTAL DUE >>>****\$2,138.06**

Total pages Volume 3 - 188

Total pages Volume 4 - 328

Total pages Volume 5 - 185

As requested, all transcript costs split evenly between Randall W. Knutti, Esq. and Mark Griffin, Esq.

Thank you. We appreciate your business!

**RECEIVED**

By Finance at 10:37 am, Feb 18, 2015

**SPECTRUM**  **REPORTING LLC**P.O. Box 30984  
Columbus, OH 43230-0984  
www.spectrumreporting.com614-444-1000  
1-800-635-9071  
Fax: 614-444-3340Randall W. Knutti, Esq.  
Attorney General's Office, Court of Claims Defense  
150 East Gay Street, 18th Fl.  
Columbus, OH 43215**INVOICE**

Invoice No.	Invoice Date	Job No.
42018	2/18/2015	17634
Job Date	Case No.	
1/20/2015	2013-00138/2013-00139	
Case Name		
William Russell v Cleveland State Univ. / Steven Liss v Cleveland State Univ.		
Payment Terms		
Net 30 days; 1.5% per month thereafter		

## Court Reporting Services at the Trial of:

## Trial, Volume 6 (01/20/2015)

Rough draft requested	86.00	@	1.00	86.00
Original transcript	114.00	Pages @	3.55	404.70
Copy of transcript	114.00	Pages @	2.55	290.70
Email-only delivery of transcripts	1.00	@	0.00	0.00

## Court Reporting Services at the Trial of:

## Trial, Volume 7 (01/21/2015)

Original transcript	104.00	Pages @	3.55	369.20
Copy of transcript	104.00	Pages @	2.55	265.20
Email-only delivery of transcripts	1.00	@	0.00	0.00

## Court Reporting Services at the Trial of:

## Trial, Volume 8 (01/22/2015)

Original transcript	124.50	Pages @	3.55	441.98
Copy of transcript	124.50	Pages @	2.55	317.48
Email-only delivery of transcripts	1.00	@	0.00	0.00

**TOTAL DUE >>>****\$2,175.26**

All costs split evenly between Randall W. Knutti, Esq. and Mark Griffin, Esq.

Trial, Volume 6 (Rough draft of Steve Vartorella testimony - 172 pages / Split evenly at 86 pages each)

Trial, Volume 6 - 228 pages (Split evenly at 114 pages each)

Trial, Volume 7 - 208 pages (Split evenly at 104 pages each)

Trial, Volume 8 - 249 pages (Split evenly at 124.5 pages each)

Thank you. We appreciate your business!