

FILED  
Lorain County Common Pleas Court  
by Fax dated  
8-19-19  
Tom Orlando, Clerk of Courts

IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO

GIBSON BROS., INC., et al.,

Plaintiffs,

-vs.-

OBERLIN COLLEGE, et al.,

Defendants.

Case No.: 17CV193761

Judge: Hon. John R. Miraldi

Magistrate: Hon. Joseph Bott

ENTERED

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**SUPPLEMENT TO PLAINTIFFS' MOTION FOR PREJUDGMENT INTEREST**

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On August 14, 2019, Plaintiffs<sup>1</sup> respectfully moved this Court for prejudgment interest, an oral hearing on prejudgment interest, and limited expedited discovery related to prejudgment interest in accordance with R.C. 1343.03(C)(1). In an effort to avoid any delays, Plaintiffs have already prepared and served subpoenas and document requests to be answered by Defendants<sup>2</sup> and their counsel.<sup>3</sup>

Accordingly, Plaintiffs request this Court permit the limited discovery (See, Exs. 1-3) and order Defendants to respond to said discovery on or before September 4, 2019 to provide Plaintiffs sufficient time to present supplemental evidence related to prejudgment interest and also to expedite the prejudgment hearing process.

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<sup>1</sup> "Plaintiffs" refers to Gibson Bros., Inc. ("Gibson's Bakery"), David Gibson ("Dave"), and Allyn W. Gibson ("Allyn").

<sup>2</sup> "Defendants" refers to Defendant Oberlin College and Conservatory ("Oberlin College") and Defendant Meredith Raimondo ("Raimondo").

<sup>3</sup> True and accurate copies of the subpoenas and document requests are attached hereto as Exhibits 1-3.

DATED: August 19, 2019

Respectfully submitted,

**TZANGAS | PLAKAS | MANNOS | LTD**

/s/ Brandon W. McHugh

Lee E. Plakas (0008628)  
Brandon W. McHugh (0096348)  
Jeananne M. Ayoub (0097838)  
220 Market Avenue South  
Eighth Floor  
Canton, Ohio 44702  
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-and-

**KRUGLIAK, WILKINS, GRIFFITHS &  
DOUGHERTY CO., L.P.A.**

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-and-

**JAMES N. TAYLOR CO., L.P.A.**

James N. Taylor (0026181)  
409 East Avenue, Suite A  
Elyria, Ohio 44035  
Telephone: (440) 323-5700  
Email: taylor@jamestaylorlpa.com  
*Counsel for Plaintiffs*

**PROOF OF SERVICE**

A copy of the foregoing was served on August 19, 2019, pursuant to Civ.R. 5(B)(2)(f) by sending it by electronic means to the email addresses identified below, to:

Ronald D. Holman, II  
Julie A. Crocker  
Cary M. Snyder  
William A. Doyle  
Josh M. Mandel  
Taft Stettinius & Hollister LLP  
200 Public Square, Suite 3500  
Cleveland, OH 44114-2302  
rholman@taftlaw.com;  
jcrocker@taftlaw.com;  
csnyder@taftlaw.com;  
wdoyle@taftlaw.com;  
jmandel@taftlaw.com

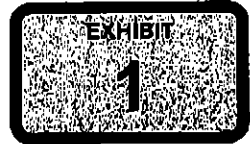
*Co-Counsel for Defendants  
Oberlin College aka Oberlin College and  
Conservatory, and Meredith Raimondo*

Richard D. Panza  
Matthew W. Nakon  
Rachelle Kuznicki Zidar  
Malorie A. Alverson  
Wilbert V. Farrell, IV  
Michael R. Nakon  
Wickens, Herzer, Panza, Cook & Batista Co.  
35765 Chester Road  
Avon, OH 44011-1262  
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MNakon@WickensLaw.com;  
RZidar@WickensLaw.com;  
MALverson@WickensLaw.com;  
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MRNakon@WickensLaw.com  
*Co-Counsel for Defendants  
Oberlin College aka Oberlin College and  
Conservatory, and Meredith Raimondo*

/s/ Brandon W. McHugh

Brandon W. McHugh  
*Counsel for Plaintiffs*

IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO



General Division - CIVIL  
Subpoena and Return

GIBSON BROS, INC., et al.  
Plaintiff,

VS.

Case No. 17CV193761

OBERLIN COLLEGE, etc., et al.  
Defendant.

Attorney: Brandon W. McHugh (0096348)  
Attorney for: Plaintiffs  
Telephone: (330) 455-6112  
E-mail (optional): bmchugh@lawlion.com

TO: (Print name and address below)  
Taft Stettinius & Hollister, LLP  
200 Public Square, Suite 3500  
Cleveland, Ohio 44114  
Attn: Ronald D. Holman, II., Esq.

If you have any questions concerning this subpoena, please contact the attorney whose name and contact information are listed above.

YOU ARE HEREBY COMMANDED TO, AT THE DATE, TIME, AND LOCATION LISTED BELOW:

- attend and give testimony at a trial, hearing, or deposition.
- produce the following documents, electronically stored information, or tangible things at a trial, hearing, or deposition:
- produce and permit inspection and copying of the following documents or electronically stored information that are in your custody, possession, or control: SEE EXHIBIT A ATTACHED HERETO
- produce and permit inspection and copying, testing, or sampling of the following tangible things that are in your custody, possession, or control:
- permit entry upon designated land or other property that is in your possession or control described as (see Civ. R. 34):

DATE: 23rd day of August, 2019 TIME: 10:00 AM o'clock a.m./p.m.  
LOCATION: 220 Market Avenue S., 8th Fl. Canton, Ohio 44702 or electronically to bmchugh@lawlion.com.

WITNESS my hand, this 23 day of August, 2019. By: Brandon W. McHugh (Counsel for Plaintiffs)

Requesting Party: Gibson Bros., Inc., et al., c/o Tzangas Plakas Mannos Ltd. 220 Market Ave. S. 8th Floor Canton, OH 44702

NOTE: READ ALL INFORMATION ON THE REVERSE SIDE OF THIS SUBPOENA

## OHIO RULES OF CIVIL PROCEDURE – PARTIAL TEXT OF RULE 45 (revised 07/17/2014)

**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.

**(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 under Civ. R. 26(B)(3) or (4), 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 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.

**IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO**

**GIBSON BROS., INC., et al.,**

Plaintiffs,

-vs.-

**OBERLIN COLLEGE, et al.,**

Defendants.

Case No.: 17CV193761

Judge: Hon. John R. Miraldi

Magistrate: Hon. Joseph Bott

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**EXHIBIT A**

**SUBPOENA DUCES TECUM PROPOUNDED UPON  
TAFT, STETTINIUS & HOLLISTER, LLP**

---

**INSTRUCTIONS AND DEFINITIONS**

1. "You" means the recipient of this Subpoena and any individual, agent, or representative acting on your behalf.
2. "Oberlin College" means Oberlin College the corporation incorporated by special legislative act and located at 173 W. Lorain St., Oberlin, OH 44074, also known as and/or referred to as Oberlin College and Conservatory, and of its agents, representatives, employees, students, or any other person acting or purporting to act on behalf of Oberlin College.
3. "Document" and "writing" used interchangeably herein, each mean any tangible thing including, but not limited to, papers, tapes, diskettes, indexes, file folders, microfiche, microfilm, or electronic storage devices upon which there has been placed handwriting, typewriting, printing, photostatic or photographic images, any other kind of graphics, or any form of recording, communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof. Any request relating to a document or writing also includes any and all nonidentical copies thereof.

4. "Communication," in its singular and plural forms, means any oral or written exchange of words, thoughts, or ideas to any person or persons, whether it be person to person, in a group, by telephone, by letter, by telex, by radio transmission, or by any other process, electronic or otherwise. All such communications and writing shall include, without limitation, printed, types, handwritten or other readable documents, correspondence, memoranda, reports, log books, minutes, notes, audio tapes, and radio transmissions.
5. "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, concerning, referring to, dealing with, generated wholly or partly in response to or because of, or in any way pertaining to.
6. "Litigation" means the case filed in the Lorain County Court of Common Pleas, number 17CV193761, before Judge John R. Miraldi.
7. "Insurance provider" means any business, organization, corporation, or individual who provided any form of insurance, including, but not limited to, liability insurance or excess insurance, to Oberlin College and/or Defendant Meredith Raimondo from January 1, 2016 to the present.
8. "Taft" means the law firm Taft Stettinius & Hollister, LLP and its agents, representatives, employees, or any other person acting or purporting to act on behalf of Taft (including, but not limited to, Attorneys Ronald D. Holman II, Julie A. Crocker, Cary M. Snyder, William A. Doyle, and Josh M. Mandel).
9. "Wickens" means the law firm Wickens Herzer Panza and its agents, representatives, employees, or any other person acting or purporting to act on behalf of Wickens (including, but not limited to, Attorneys Richard D. Panza, Matthew W. Nakon, Malorie A. Alverson, Rachelle Kuznicki Zidar, Michael R. Nakon, and Wilbert V. Farrell IV).

## **DOCUMENT REQUESTS**

### **DOCUMENT REQUEST NO. 1:**

Any and all documents that refer or relate to evaluation of risk of loss or the settlement of this Litigation.

### **DOCUMENT REQUEST NO. 2:**

All communications between you and any insurance provider, including, but not limited to, College Risk Retention Group, Lexington Insurance Company, StarStone Specialty Insurance Company, and United Educators, regarding the subject matter of this Litigation, including, but not limited to, communications that refer or relate to evaluation of the risk of loss or the settlement of this Litigation.



IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO



General Division - CIVIL  
Subpoena and Return

GIBSON BROS, INC., et al.  
Plaintiff,

VS.

Case No. 17CV193761

OBERLIN COLLEGE, etc., et al.  
Defendant.

Attorney: Brandon W. McHugh (0096348)  
Attorney for: Plaintiffs  
Telephone: (330) 455-6112  
E-mail (optional): bmchugh@lawlion.com

TO: (Print name and address below)  
Wickens Herzer Panza Co.  
35765 Chester Road  
Avon, Ohio 44011  
Attn: Matthew Nakon, Esq.

If you have any questions concerning this subpoena,  
please contact the attorney whose name and contact  
information are listed above.

YOU ARE HEREBY COMMANDED TO, AT THE DATE, TIME, AND LOCATION LISTED BELOW:

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DATE: 23rd day of August 20 19 TIME: 10:00 AM o'clock a.m./p.m.  
LOCATION: 220 Market Avenue S., 8th Fl. Canton, Ohio 44702 or electronically to bmchugh@lawlion.com.

WITNESS my hand, this 16 day of August, 2019. By: Brandon W. McHugh  
Brandon W. McHugh (Counsel for Plaintiffs)

Requesting Party: Gibson Bros., Inc., et al., c/o Tzangas Plakas Mannos Ltd. 220 Market Ave. S. 8th Floor Canton, OH 44702

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(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.

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**EXHIBIT A**

**SUBPOENA DUCES TECUM PROPOUNDED UPON  
WICKENS HERZER PANZA**

---

**INSTRUCTIONS AND DEFINITIONS**

1. "You" means the recipient of this Subpoena and any individual, agent, or representative acting on your behalf.
2. "Oberlin College" means Oberlin College the corporation incorporated by special legislative act and located at 173 W. Lorain St., Oberlin, OH 44074, also known as and/or referred to as Oberlin College and Conservatory, and of its agents, representatives, employees, students, or any other person acting or purporting to act on behalf of Oberlin College.
3. "Document" and "writing" used interchangeably herein, each mean any tangible thing including, but not limited to, papers, tapes, diskettes, indexes, file folders, microfiche, microfilm, or electronic storage devices upon which there has been placed handwriting, typewriting, printing, photostatic or photographic images, any other kind of graphics, or any form of recording, communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof. Any request relating to a document or writing also includes any and all nonidentical copies thereof.

4. "Communication," in its singular and plural forms, means any oral or written exchange of words, thoughts, or ideas to any person or persons, whether it be person to person, in a group, by telephone, by letter, by telex, by radio transmission, or by any other process, electronic or otherwise. All such communications and writing shall include, without limitation, printed, types, handwritten or other readable documents, correspondence, memoranda, reports, log books, minutes, notes, audio tapes, and radio transmissions.
5. "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, concerning, referring to, dealing with, generated wholly or partly in response to or because of, or in any way pertaining to.
6. "Litigation" means the case filed in the Lorain County Court of Common Pleas, number 17CV193761, before Judge John R. Miraldi.
7. "Insurance provider" means any business, organization, corporation, or individual who provided any form of insurance, including, but not limited to, liability insurance or excess insurance, to Oberlin College and/or Defendant Meredith Raimondo from January 1, 2016 to the present.
8. "Taft" means the law firm Taft Stettinius & Hollister, LLP and its agents, representatives, employees, or any other person acting or purporting to act on behalf of Taft (including, but not limited to, Attorneys Ronald D. Holman II, Julie A. Crocker, Cary M. Snyder, William A. Doyle, and Josh M. Mandel).
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## **DOCUMENT REQUESTS**

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Case No.: 17CV193761

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Magistrate: Hon. Joseph Bott

---

**PLAINTIFFS' FIRST SET OF POST-TRIAL REQUESTS FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO DEFENDANT OBERLIN COLLEGE**

---

**INSTRUCTIONS AND DEFINITIONS**

1. "Oberlin College" means Oberlin College the corporation incorporated by special legislative act and located at 173 W. Lorain St., Oberlin, OH 44074, also known as and/or referred to as Oberlin College and Conservatory, and of its agents, representatives, employees, students, or any other person acting or purporting to act on behalf of Oberlin College.
2. "You" means Oberlin College.
3. "Document" and "writing" used interchangeably herein, each mean any tangible thing including, but not limited to, papers, tapes, diskettes, indexes, file folders, microfiche, microfilm, or electronic storage devices upon which there has been placed handwriting, typewriting, printing, photostatic or photographic images, any other kind of graphics, or any form of recording, communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof. Any request relating to a document or writing also includes any and all nonidentical copies thereof.
4. "Communication," in its singular and plural forms, means any oral or written exchange of words, thoughts, or ideas to any person or persons, whether it be person to person, in a group,



by telephone, by letter, by telex, by radio transmission, or by any other process, electronic or otherwise. All such communications and writing shall include, without limitation, printed, types, handwritten or other readable documents, correspondence, memoranda, reports, log books, minutes, notes, audio tapes, and radio transmissions.

5. "Relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, concerning, referring to, dealing with, generated wholly or partly in response to or because of, or in any way pertaining to.
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9. "Wickens" means the law firm Wickens Herzer Panza and its agents, representatives, employees, or any other person acting or purporting to act on behalf of Wickens (including, but not limited to, Attorneys Richard D. Panza, Matthew W. Nakon, Malorie A. Alverson, Rachelle Kuznicki Zidar, Michael R. Nakon, and Wilbert V. Farrell IV).

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### **DOCUMENT REQUEST NO. 3:**

All communications between Taft and any insurance provider, including, but not limited to, College Risk Retention Group, Lexington Insurance Company, StarStone Specialty Insurance Company, and United Educators, regarding the subject matter of this Litigation, including, but not limited to, communications that refer or relate to evaluation of risk of loss or the settlement of this Litigation.

### **DOCUMENT REQUEST NO. 4:**

All communications between Wickens and any insurance provider, including, but not limited to, College Risk Retention Group, Lexington Insurance Company, StarStone Specialty Insurance Company, and United Educators, regarding the subject matter of this Litigation, including, but not



limited to, communications that refer or relate to evaluation of risk of loss or the settlement of this  
Litigation.

DATED: August 16, 2019

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**TZANGAS | PLAKAS | MANNOS | LTD**

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Fax #: (440) 328-2416  
From: Brandon W. McHugh (0096348)  
Date: August 19, 2019  
Case: *Gibson Bros., Inc., et al., v. Oberlin College, et al.*  
Case No.: 17CV193761  
Judge: Hon. John R. Miraldi  
Pages: 19 (including cover page)  
Description: Supplement to Plaintiffs' Motion for Prejudgment  
Interest

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