

IN THE COMMON PLEAS COURT OF FAIRFIELD COUNTY, OHIO

Pamela Boratyn, Director,	:	Case No. 2025 CV 00693
Ohio Department of Transportation	:	
	:	Judge David A. Trimmer
Plaintiff,	:	
	:	Magistrate Joshua S. Horacek
v.	:	
	:	
Jeffrey J. Gressick, Co-Trustee, et al.,	:	
	:	
Defendants.	:	

DEFENDANTS' FIRST COMBINED DISCOVERY REQUESTS

Defendants, **Jeffrey J. Gressick and Denise Gressick, Co-Trustees of the Gressick Family Trust dated May 14, 2024** ("Defendants"), pursuant to Rules 26, 33, 34, and 36 of the Ohio Rules of Civil Procedure, hereby propound the following Interrogatories, Requests for Admission and Requests for Production of Documents to Plaintiff, **Pamela Boratyn, Director, Ohio Department of Transportation** ("Plaintiff"), to be answered in writing and under oath within twenty-eight (28) days of service to Aaron E. Kenter, Esq., Goldman Braunstein Stahler Kenter, LLP, 500 S. Front Street, Columbus, Ohio 43215.

NOTICE: Pursuant to Civil Rule 26(E)(3), Defendants make a continuing request for supplementation of Plaintiff's responses herein, said request continuing until the final hearing or trial of this matter. Plaintiff is, therefore, under a legal duty to reasonably supplement its responses to the requests herein should it acquire or learn of additional information after serving its responses hereto.

INSTRUCTIONS

Each of the following requests are continuing in nature requiring supplemental or additional answers in the event Plaintiff or its attorneys learn of any changed, different or added fact, condition, or circumstance. If information is obtained which would change or enable you to provide an answer to any request in a more complete fashion, it is required that you supplement your answer to that request within thirty (30) days after such information is obtained. If objections are made to any request, please state the basis of such objection.

The knowledge, information, facts or beliefs sought by these requests include the knowledge, information, and facts of Plaintiff, as well as Plaintiff's agents and representatives, including its attorneys, unless privileged.

1. For purposes of these requests, the term “document” or “documents” shall be defined in its broadest sense to include any writing of any kind; such as, but not limited to, any and all handwritten, printed, typed, microfilm, computerized or other graphic matter, e-mails, electronic records, and all tape-recorded materials, videotapes, photographs, and other tangible objects in your possession, custody, or control, whether stored in paper format or as electronically stored information, and whether prepared by you or others unless otherwise specified, including, but not limited to, all originals and non-identical copies of drafts, correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, accounts, financial data, logs, reports, transcripts, affidavits, press releases, brochures, opinions of consultants, projections, statistical statements, contracts, books, accident reports, drawings, plans, schematics, blueprints, communications of any nature, and electronic media of any nature. The term “document” or “documents” also includes documents or copies of documents that are not exact duplicates of the original due to notations, alterations, or otherwise.

2. If requested documents are known to Plaintiff to exist, but are not in Plaintiff’s possession or control, it is requested that Plaintiff indicate and identify the name and address of the person(s) who has custody of the requested documents.

3. If any documents existed that would have been responsive to a request herein but have been lost, mutilated or destroyed, so state and identify each such document, the request(s) to which the document would have been responsive, and the date and circumstances under which it was lost, mutilated or destroyed.

4. The terms “possession” and “control” mean ownership, possession, or custody of the document or a copy thereof, or the right to access or secure the document or a copy thereof from any other person, public or private entity having physical or electronic possession thereof.

5. The terms “reflect”, “pertain to” and “refer to” are intended to have the broadest possible scope so that all documents, including drafts, are included if they in any way constitute, pertain to, or mention the indicated subject matter.

6. The term “communication” shall mean any statement or utterance, whether written or oral made by one person to another or in the presence of another, or any document delivered or sent from one person to another, including, but not limited to, letters, notes, text messages, emails, or any other type of writing obtained or transmitted through any mechanism, electronic or written, that is used for transmitting or receiving messages.

7. The term “Subject Property” refers to the real property owned by Defendants that is subject to Plaintiff’s appropriation in this lawsuit, and that is described in the Exhibit 1 attached to Plaintiff’s Petition to Appropriate filed in the above captioned matter.

8. The terms "Plaintiff," "Ohio Department of Transportation," "ODOT," "you," or "your" as used in these requests means Plaintiff, its employees, agents, members, officers, attorneys and representatives.

9. The term "Lawsuit" refers to the above captioned appropriation action filed by Plaintiff against Defendants.

10. The term "Project" refers to the improvements to State Route 158 in Fairfield County, Ohio that are described in Plaintiff's Petition to Appropriate and that is the subject of this Lawsuit.

11. The term "Complaint" refers to Plaintiff's Petition to Appropriate that was filed on or about July 14, 2025 to commence this Lawsuit.

12. The term "Individual" refers to any natural or legal person, including business entities, partnerships, trusts, public entities, and agencies.

13. The phrase "Identify the Individual" means provide the individual's full name, title, residential and business addresses, personal and business telephone numbers, email addresses, and a copy of the individual's resume or CV.

14. Wherever used herein, the singular and the plural shall be deemed to include one another; the masculine and the feminine shall be deemed to include one another; the disjunctive ("or") and the conjunctive ("and") shall be deemed to include one another; and, each of the functional words "each", "every", "any" and "all" shall be deemed to include each of the other functional words.

15. If any document or communication is withheld under a claim of privilege or work product, it is requested that Plaintiff furnish a list identifying each document for which the privilege is claimed, a statement regarding what the contents of the document or communication relate to (without revealing the privileged information), and sufficient explanation for the basis of the claim of privilege such that the merit of such claim of privilege can be evaluated by Defendants.

16. The term "Before Condition" refers to the Subject Property before Plaintiff took a portion of the Subject Property by appropriation for the Project.

17. The term "After Condition" refers to the Subject Property after Plaintiff took a portion of the Subject Property by appropriation for the Project.

REQUESTS

Interrogatory #1: Identify each individual you intend to call as a lay witness at any hearing or trial in this lawsuit.

Response:

Interrogatory #2: Identify each individual you intend to call as an expert witness at any hearing or trial in this lawsuit.

Response:

Interrogatory #3: For each individual identified in Interrogatories #1 and #2, state the subject matter upon which each individual is expected to testify.

Response:

Interrogatory #4: Identify the individual who will serve as your party representative during this lawsuit.

Response:

Interrogatory #5: Identify each individual answering or assisting in the answering of the discovery requests contained herein.

Response:

Request for Production #1: For each individual identified in Interrogatories #1, #2, #4, and #5, produce a complete and accurate copy of the individual's most recent resume or curriculum vitae (CV).

Response:

Request for Production #2: Produce a complete and accurate copy of all appraisals of the Subject Property -- or other document valuing the Subject Property such as a cost estimate, value finding, or value analysis -- that are in your possession, custody, or control; including, but not limited to, the appraisal work file, supporting data, photographs, and correspondence relating to appraisals produced pursuant to this request.

Response:

Request for Production #3: With respect to each appraisal or other document valuing the Subject Property responsive to the preceding request for production, produce a complete and accurate copy of your engagement agreement with appraiser who prepared said appraisal or other document valuing the Subject Property.

Response:

Request for Production #4: Produce a complete copy of the most recent set of project plans for the Project; including, but not limited to, engineering and construction drawings, right-of-way sheets, plan and profile sheets, property map sheets, cross section plans, construction contractor

instructions, plans showing sewer and utility locations before and after the Project, the relocation of any and all utilities as a result of the Project, and maintenance of traffic plan sheets.

Response:

Request for Production #5: Produce a complete copy of all cost estimates that were prepared in relation to right-of-way acquisition for the Project.

Response:

Request for Production #6: Produce a complete copy of all appraisals obtained by Plaintiff in relation to Plaintiff's right-of-way acquisitions for the Project excluding those obtained for the Subject Property.

Response:

Request for Production #7: Produce a complete copy of the Notice of Intent to Acquire and Good Faith Offer Plaintiff served upon Defendants in relation to the Project and the Subject Property; including, but not limited to, the plan letter attachment, colorized right-of-way plans, and any other enclosures or attachments.

Response:

Request for Production #8: Produce a complete copy of all documents referred to, relied upon, or otherwise utilized in answering the discovery requests contained herein.

Response:

Request for Production #9: Produce a complete copy of all documents, demonstratives, photographs, imagery, tangible items, or any other type of evidence that you intend to utilize as an exhibit at any hearing or the trial of this lawsuit.

Response:

Request for Production #10: Produce a complete copy of all documents referred to, relied upon, or otherwise utilized in answering the discovery requests contained herein.

Response:

Request for Production #11: Produce any and all documents, including email communications, other written communications, questions, and instructions Plaintiff sent to, or received from, any potential witness or other person relating to any facts involved in this lawsuit.

Response:

Request for Production #11: Produce any and all documents, including email communications, other written communications, questions, and instructions submitted to, or received from, any expert in relation to this case.

Response:

Request for Production #12: For all expert witnesses Plaintiff expects to call at trial, produce the following:

- a. A professional resume and/or curriculum vitae summarizing the witness' professional qualifications.
- b. Copies of all scientific and technical publications authored or co-authored by the expert.
- c. All time records, diaries and bills prepared and rendered in connection with the witness' investigation and evaluation of any issues involved in the lawsuit.
- d. A complete file of the witness in connection with their investigation, evaluation and reporting of the issues involved in the lawsuit, including, but not limited to: (1) all documents furnished to the witness by anyone; (2) all documents obtained or created by the witness; (3) all documents reviewed by the witness, referred to or relied upon in arriving at any of the witness' opinions or conclusions concerning the issues involved in the lawsuit and further including, but not limited to, all scientific and technical articles, publications, codes, standards and other literature; and (4) all models, illustrations, photographs or other exhibits or documents of any kind which the witness has created, seen, or from which the witness intends or contemplates use to explain, illustrate, or support the witness' expected trial testimony.
- e. All reports, calculations, correspondence, telephone slips and evidence of communication between the witness and Plaintiff, their attorneys, agents or investigators and/or any other expert upon whose observations, opinions or conclusions this witness may rely, in whole or in part, to form the basis of the witness' opinions.
- f. All pictures, videotapes, brochures and other documents upon which the witness may rely, in whole or in part, to substantiate the opinion the witness will express at trial.

Response:

Respectfully submitted,

Aaron E. Kenter

Aaron E. Kenter (0092264)

Goldman Braunstein Stahler Kenter LLP

500 South Front Street, Suite 1200

Columbus, Ohio 43215

(614) 229-4566 - Telephone

(614) 229-4568 - Facsimile

Kenter@GBSKLaw.com

Attorney for Defendants

Jeffrey J. Gressick and Denise Gressick, Co-

Trustees of the Gressick Family Trust dated May

14, 2024

VERIFICATION

STATE OF OHIO

COUNTY OF _____ SS:

I, _____, as authorized representative of Plaintiff, after being duly placed under oath, sworn, and further advised that my foregoing answers to the above discovery requests are considered as sworn testimony, the same as if I were testifying in a court of competent jurisdiction, do hereby state that the answers to the foregoing discovery requests are true.

Printed Name: _____

Sworn to before me, and subscribed in my presence, on this _____ day of _____, 20____.

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2025, the foregoing was served on the following via electronic mail:

Nathaniel Wilson
Assistant Attorney General
Rachel Andersen
Assistant Attorney General
Executive Agencies Section
Transportation Unit
30 East Broad Street, 26th Floor
Columbus, Ohio 43215
Nathaniel.Wilson@OhioAGO.gov
Rachel.Andersen@OhioAGO.gov
Attorneys for Plaintiff

Aaron E. Kenter

Aaron E. Kenter (0092264)
Attorney for Defendants
Jeffrey J. Gressick and Denise Gressick, Co-
Trustees of the Gressick Family Trust dated May
14, 2024