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MAY 20 2011

IN THE COURT OF CLAIMS OF OHIO

ATTORNEY GENERAL'S OFFICE
COURT OF CLAIMS DEFENSE

PAUL RISNER, etc.,

Plaintiffs,

Case No. 2011-03332

v.

Judge Joseph T. Clark

OHIO DEPARTMENT OF
TRANSPORTATION,

Defendant. Defendant Ohio Department of Transportation's
Responses to

**PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT OHIO DEPARTMENT OF TRANSPORTATION**

Pursuant to provision of Rules 26, 33 and 34 of the Ohio Rules of Civil Procedure,
Plaintiff propounds the following Interrogatories and Requests for Production to be answered by
Defendant Ohio Department of Transportation in writing and under oath, within twenty-eight
(28) days as provided by Rules 33 and 34 of the Ohio Rules of Civil Procedure.

INSTRUCTION: IN RESPONDING TO THESE INTERROGATORIES AND REQUESTS
FOR PRODUCTION, PLEASE INCLUDE ALL REQUESTED INFORMATION THAT IS IN
YOUR CUSTODY AND CONTROL, AND ALL REQUESTED INFORMATION THAT IS IN
THE CUSTODY AND CONTROL OF YOUR AGENTS AND/OR EMPLOYEES WHOSE
RESPONSIBILITIES INCLUDE INVESTIGATING AND/OR EVALUATING THIS
LAWSUIT.

1. Please provide the number of deaths that have occurred at the intersection of state
routes 32 and 220 in Pike County and provide the date each death occurred.

ANSWER: Objection. Overly broad and burdensome. Without waiving
that objection, there have been one other fatal accident at
that location from 01/01/2004 to 09/12/2009. That accident
occurred on 04/18/2004.

ODOT is not custodian of Ohio Traffic Crash Reports. ODOT
directs Plaintiff to contact the Ohio State Highway Patrol,
P.O. Box 182074, Columbus, OH 43223.

Ohio Department
of Public Safety

2. Please provide the number of non-fatal accidents that have occurred at the intersection of state routes 32 and 220 in Pike County and provide the date each accident occurred.

ANSWER: Objection. Overly broad and burdensome. Without waiving that objection, there have been 31 non-fatal accidents at that location from 01/01/2004 to 09/12/2009.

ODOT is not custodian of Ohio Traffic Crash Reports. Defendant directs Plaintiff to contact the Ohio State Highway Patrol, P.O. Box 182074, Columbus, OH 43223.

Ohio Department
of Public Safety

3. Please provide the name(s) of the person or people responsible for the decision to place a flashing stoplight at the intersection of state routes 32 and 220 in Pike County.

ANSWER: Pursuant to Ohio Civ.R. 33(C), See response to Request for Production No. 2.

4. Please provide the name(s) of the person or people responsible for maintaining the intersection of state routes 32 and 220 in Pike County.

ANSWER: ~~J. Troy Huff, Highway Management Administrator, Dist. 9.~~
Edward Lightle, County Manager, Dist. 9.

Remove

5. Please provide an approximation of the number of vehicles that daily uses the intersection of state routes 32 and 220 in Pike County.

ANSWER: Defendant directs Plaintiff to www.dot.state.oh.us. This information is found under Services/ traffic counts (Traffic Survey Reports), Traffic Survey Reports (Traffic Counts)/ Flow maps. Select Pike County.

6. If the Ohio Department of Transportation has conducted any investigations of the intersection of state routes 32 and 220 in Pike County, please provide the dates of these investigations.

ANSWER: Objection. The word "investigations" is overly broad. Without waiving the objection, see Request for Production No. 2.

7. State the full name, correct address, and occupation or job title of each expert witness you expect to call to testify.

ANSWER: ODOT does not yet know who it intends to call as expert witnesses. However, ODOT will supplement its response within the time limits set out in the Court's scheduling order.

8. State the subject matter of each expert witness's expected testimony.

ANSWER: See Interrogatory No. 7.

9. Please produce a copy of each expert witness's curriculum vitae.

ANSWER: See Interrogatory No. 7.

10. Please produce any documents and/or materials, including correspondence, which each expert witness reviewed in formulating his/her opinions.

ANSWER: None. See response to Interrogatory No. 7.

11. Please produce any documents and/or materials, including correspondence, which each expert witness reviewed in formulating his/her understanding of the facts.

ANSWER: None. See Interrogatory No. 7.

12. Please produce a copy of each expert's report.

ANSWER: None. See Interrogatory No. 7.

13. Please describe (or produce) each exhibit you intend to offer into evidence at the trial of this case.

ANSWER: ODOT does not yet know what exhibits it intends to utilize at the trial. However, ODOT will supplement its response within the time limits set out in the Court's scheduling order. However, pursuant to Ohio Civ.R. 33(C), enclosed are documents that ODOT may use at the trial.

14. State the full name, correct address and occupation or job title of each non-expert witness you intend to call to testify.

ANSWER: ODOT does not yet know who it intends to call as non-expert witnesses. However, ODOT will supplement its response within the time limits set out in the Court's scheduling order.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce any reports for accident investigations of the intersection of state routes 32 and 220 in Pike County Ohio for the years 1998 to the present.

None. ODOT does not investigate individual accidents.

2. Please produce any maps, reports, data or other documentation used in the decision to place a flashing stoplight at the intersection of state routes 32 and 220 in Pike County Ohio.

See attached disc (Attachments 1-6, Bates Numbers ODOT000001 - ODOT000088).

3. Please produce reports or documentation in your possession for the deaths that occurred at the intersection of state routes 32 and 220 in Pike County Ohio.

See attached disc (Attachment 7, Bates Numbers ODOT000089)

4. Please produce reports or documentation in your possession for any non-fatal collisions that occurred at the intersection of state routes 32 and 220 in Pike County Ohio.

See attached disc (Attachment 7, Bates Numbers ODOT000089).

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General

WILLIAM C. BECKER (0013476)
Principal Assistant Attorney General
AMY S. BROWN (0079650)
Associate Assistant Attorney General
Court of Claims Defense
150 East Gay Street, Floor 18
Columbus, OH 43215
(614) 466-7447 *Office*
(866) 803-9737 *Fax*
Amy.Brown@OhioAttorneyGeneral.gov

COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Defendant Ohio Department of Transportation's Responses to Plaintiffs' Interrogatories and Request for Production of Documents was served upon the following party of record via regular U.S. Mail, postage prepaid, this ____ day of _____, 2011

Douglas J. Blue
BLUE + BLUE, LLC
471 East Broad Street, Suite 1100
Columbus, Ohio 43215

WILLIAM C. BECKER (0013476)
Principal Assistant Attorney General
AMY S. BROWN (0079650)
Associate Assistant Attorney General