

## Wooldridge, John

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**From:** Wooldridge, John  
**Sent:** Wednesday, January 18, 2023 3:01 PM  
**To:** Heim, Kimber; Allen, Justine  
**Cc:** Morgan, Douglas  
**Subject:** RE: FAI-37-6.10, PID 110412, Pcl. 1-SH1 (Eichhorn Limited Partnership) - Counter Offer - Confidential Attorney Client

Hello Again Justine,

I appreciate your explanations of the risks regarding fees. District does not wish to offer an additional counteroffer today. We are prepared to go to trial. We will consider an owner's demand if they wish to make a meaningful demand.

Kimber and I both have some ideas that we are willing to share. They relate to both exhibits and facts/questions. We would be happy to discuss if you like. Thank you.

Respectfully,

**John R. Wooldridge**

*Real Estate Administrator*

ODOT District 5

9600 Jacksontown Road, Jacksontown, OH 43030

740.323.5427

[transportation.ohio.gov](http://transportation.ohio.gov)



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**From:** Wooldridge, John  
**Sent:** Wednesday, January 11, 2023 2:36 PM  
**To:** Heim, Kimber <Kimber.Heim@dot.ohio.gov>; Allen, Justine <Justine.Allen@OhioAGO.gov>  
**Subject:** RE: FAI-37-6.10, PID 110412, Pcl. 1-SH1 (Eichhorn Limited Partnership) - Counter Offer - Confidential Attorney Client

Hello Justine,

Attached is the asbestos report if needed. It was likely already provided, but I thought you may want to see it.

D5 is willing to negotiate a settlement. I believe they need to come down much more for us to reasonably expect this to settle. None the less; I would like your advice on the settlement proposal.

D5 only wants to counter offer additional moneys if it serves to reduce our risk of paying attorney fees. Based on Plaintiff's comments at mediation, we are too late. Please verify the law as it relates to that issue and let us know if a settlement counteroffer changes the best offer used for the 150% issue that the mediator discussed. This includes the calculations (based on facts and law) and the applicability of the CAUV, and H&BU issues discussed.

If a counteroffer lowers the risk of attorney fees being paid; please advise the amount necessary to accomplish that goal.

Thanks Justine.

Respectfully,

**John R. Wooldridge**

*Real Estate Administrator*

ODOT District 5

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**From:** Heim, Kimber <[Kimber.Heim@dot.ohio.gov](mailto:Kimber.Heim@dot.ohio.gov)>

**Sent:** Wednesday, January 11, 2023 10:02 AM

**To:** Allen, Justine <[Justine.Allen@OhioAGO.gov](mailto:Justine.Allen@OhioAGO.gov)>; Wooldridge, John <[John.Wooldridge@dot.ohio.gov](mailto:John.Wooldridge@dot.ohio.gov)>

**Subject:** RE: FAI-37-6.10, PID 110412, Pcl. 1-SH1 (Eichhorn Limited Partnership) - Counter Offer - Confidential Attorney Client

Yes, there was asbestos in the building, had to be disposed of in an asbestos-accepting refuse location. There were no problems with the removal of the building. About the counter offer, John will be the lead.

Best regards and hope your holidays were fabulous!

*Kimber L. Heim*

Realty Specialist Manager

ODOT – District 5

9600 Jacksontown Road

Jacksontown, OH 43030

Ph: 740-323-5422 (direct) Cell: 740-814-0708

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**From:** Justine Allen <[Justine.Allen@OhioAGO.gov](mailto:Justine.Allen@OhioAGO.gov)>

**Sent:** Wednesday, January 11, 2023 9:53 AM

**To:** Wooldridge, John <[John.Wooldridge@dot.ohio.gov](mailto:John.Wooldridge@dot.ohio.gov)>

**Cc:** Heim, Kimber <[Kimber.Heim@dot.ohio.gov](mailto:Kimber.Heim@dot.ohio.gov)>

**Subject:** RE: FAI-37-6.10, PID 110412, Pcl. 1-SH1 (Eichhorn Limited Partnership) - Counter Offer - Confidential Attorney Client

Hi John,

We are scheduled for a final pretrial tomorrow for this case. Despite our unsuccessful mediation I want to make a second attempt to resolve this matter to try to limit the districts liability at trial. I was able to speak to opposing counsel and they are still willing to try to resolve this matter.

Please let me know if you are willing to make another offer. The negotiation history is below.

ODOT: \$14, 870  
Landowner: \$131,432.50  
ODOT: \$24,000  
Landowner: \$130,000  
ODOT: \$38,978  
Landowner:\$124,930

ODOT:

Also I believe we talked about this at mediation. Was there a problem with the removal of the building? Was there asbestos in the building?

Thanks,  
-Justine

**Justine A. Allen**

Assistant Attorney General – Executive Agencies Section  
Transportation Unit  
Office of Ohio Attorney General Dave Yost  
Office number:(614)466-5829  
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[Justine.Allen@OhioAGO.gov](mailto:Justine.Allen@OhioAGO.gov)

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**From:** [John.Wooldridge@dot.ohio.gov](mailto:John.Wooldridge@dot.ohio.gov) <[John.Wooldridge@dot.ohio.gov](mailto:John.Wooldridge@dot.ohio.gov)>  
**Sent:** Tuesday, November 22, 2022 8:50 AM  
**To:** Justine Allen <[Justine.Allen@OhioAGO.gov](mailto:Justine.Allen@OhioAGO.gov)>  
**Cc:** [Kimber.Heim@dot.ohio.gov](mailto:Kimber.Heim@dot.ohio.gov)  
**Subject:** RE: FAI-37-6.10, PID 110412, Pcl. 1-SH1 (Eichhorn Limited Partnership) - Mediation Availability

Thanks Justine,

I can make myself available for this any date as I can change the currently conflicting meetings. I am fully available on the 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> but can do the other dates too if that works better for all others. Can you let me know the location of the meeting or if by Teams.

Hope you have a Happy Thanksgiving.

Respectfully,

**John R. Wooldridge**

*Real Estate Administrator*  
ODOT District 5  
9600 Jacksontown Road, Jacksontown, OH 43030  
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**From:** Justine Allen <[Justine.Allen@OhioAGO.gov](mailto:Justine.Allen@OhioAGO.gov)>  
**Sent:** Tuesday, November 22, 2022 8:17 AM  
**To:** Wooldridge, John <[John.Wooldridge@dot.ohio.gov](mailto:John.Wooldridge@dot.ohio.gov)>  
**Cc:** Heim, Kimber <[Kimber.Heim@dot.ohio.gov](mailto:Kimber.Heim@dot.ohio.gov)>  
**Subject:** FAI-37-6.10, PID 110412, Pcl. 1-SH1 (Eichhorn Limited Partnership) - Mediation Availability

Hi John,

We are attempting to schedule mediation for the remaining parcel. Let me know your availability for the following dates.

December 7th, 8th, and 9th in the afternoons.  
The week of December 12<sup>th</sup>

Thanks,  
-Justine



**Justine A. Allen**

Assistant Attorney General – Executive Agencies Section  
Transportation Unit  
Office of Ohio Attorney General Dave Yost  
Office number: (614) 466-5829  
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*\* Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience.*

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