

## Wooldridge, John

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**From:** Wooldridge, John  
**Sent:** Wednesday, February 22, 2023 12:57 PM  
**To:** Morgan, Douglas; Gwinn, Julie  
**Cc:** Heim, Kimber  
**Subject:** RE: FAI 37-6.10 Parcels 1-SH1, 1-SH2, 1-T

Hi Doug and Julie,

We discussed possible appeals issues with AG. My brief notes are below in **\*Bold:**

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:** Thursday, February 16, 2023 4:31 PM  
**To:** Avery Young <[Avery.Young@OhioAGO.gov](mailto:Avery.Young@OhioAGO.gov)>; Allen, Justine <[Justine.Allen@OhioAGO.gov](mailto:Justine.Allen@OhioAGO.gov)>  
**Cc:** Heim, Kimber <[Kimber.Heim@dot.ohio.gov](mailto:Kimber.Heim@dot.ohio.gov)>  
**Subject:** RE: FAI 37-6.10 Parcels 1-SH1, 1-SH2, 1-T

Thanks Avery,

I discussed with Kimber. Can we please discuss early or middle of next week? A Teams meeting is fine unless you would both be at REA/RSM meeting on Tuesday in CO (I doubt that). Our Availability is T-21=3-4pm, W-22=8-10am, or T-23=8-9am, 10-1pm, or 2-5pm. We may also be open Friday 24<sup>th</sup> if needed.

When is the appeal deadline (how many days from verdict)?

**\*30 Days from verdict (about 3/17/23).**

Some of the appellate issues we want to inquire about include:

- Sustained Objection RE: Asbestos Report and Testimony.

**\*No – Witness not there to testify.**

- Overruled Objection RE: Act (Parcel 2) Appraisal and Valuation (\$85K/AC).
  - Prejudicial as evidenced by Juror discussion after trial stating that the ‘neighbor got \$85,000.00 per acre’ which was ‘persuasive.’

**\*No, it was for impeachment purposes.**

**\*AG may consider the \$85,000 # being let in.**

- Jury Instructions related to B3 Zoning Objection RE: The B3 existing, etc.

**\*NO: Allowed the information later and the ‘existing’ was not damaging.**

- Appeal or possibly Move for a Mistrial if allowable after verdict: RE Possible Perjury Testimony by Witness Eichhorn.
  - Date or time of knowledge of the take being at offer in 2021.
  - Possible misrepresentation of Annexation into Village of Baltimore.
  - Availability of Utilities, specifically Sewer.
  - Reasons and timing for removal of roof.
  - Contradiction of Insurance testimony.
  - Stories regarding renovations.

**\*NO: Missed chance for mistrial during trial. The facts were not material and not proved. Cannot bring new evidence at trial. Potentially hearsay as well. Owner testified under oath after swearing to tell truth. These issues all go to building only and not commercial value.**

We would like to discuss these before we perform additional tasks to support such claims. Depending on those discussion with you and the information obtainable, we may like to appeal the case.

**\*I would still like AG to consider appealing the allowance of the appraised \$/AC of the neighboring parcel's appraisal**  
**\*They will consider and let me know what they decide to do.**

On another note, ODOT plans to have you challenge and defend the request for attorney's fees if made based on their evidence of the separate larger parcel "A" being Commercial, not Agricultural. Thank you and have a nice evening.

**\*Not made yet. Likely eligible based on the statute. No defense of that. AG does not plan to fight it but will meet with D5 & CO if/when it is requested. Drew (discussed yesterday at REA Meeting) had the preliminary position that we should not willingly pay attorney fees due to their commercial use argument. We will discuss further if claim made.**

Respectfully,

**John R. Wooldridge**

*Real Estate Administrator*

ODOT District 5

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**From:** Avery Young <[Avery.Young@OhioAGO.gov](mailto:Avery.Young@OhioAGO.gov)>

**Sent:** Thursday, February 16, 2023 10:09 AM

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

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

**Subject:** FAI 37-6.10 Parcels 1-SH1, 1-SH2, 1-T

John,

Following the jury verdict yesterday of \$112,472.50, I need to ask if you would like to appeal the case. I am not currently aware of any appealable issues, but we can discuss if necessary. Let me know, thanks!

Avery T. Young (he/him/his)  
Assistant Attorney General - Executive Agencies  
Transportation Unit  
Office of Ohio Attorney General Dave Yost



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