

ORIGINAL

IN THE SUPREME COURT OF OHIO

Original action in mandamus; case no. 2010-2029

STATE ex rel. DATA TRACE INFORMATION SERVICES, LLC, et al.,

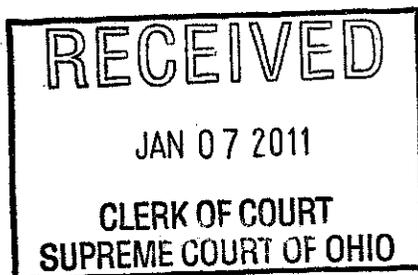
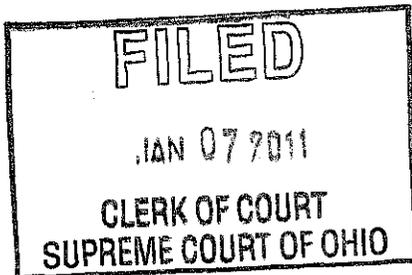
Relators,

-v-

RECORDER OF CUYAHOGA COUNTY, OHIO,

Respondent.

Notice of Rule 30(B)(5) Deposition of Recorder of Cuyahoga County, Ohio



David Marburger (0025747)
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Attorneys for Relators

PLEASE TAKE NOTICE that, in accordance with Rule 30(B)(5) of the Ohio Rules of Civil Procedure, Relators will take the deposition, upon oral examination, of Respondent Recorder of Cuyahoga County, Ohio. The deposition will occur on Friday, January 14, 2011, at 3:00 p.m. or at such other date and time upon which the relators, the respondent, and the witness can agree.

The deposition will occur at the offices of Baker & Hostetler LLP, Suite 3200, PNC Center, 1900 East 9th St., Cleveland, Ohio 44114. The deposition will take place before a person authorized to administer oaths, will be recorded stenographically, and will be used for all purposes permitted under the Ohio Rules of Civil Procedure. The deposition will proceed by cross-examination and continue from day-to-day until completed.

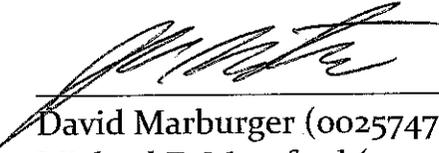
Rule 30(B)(5) requires Respondent to designate one or more of its employees, officers, agents, or other duly-authorized persons, who is most knowledgeable about the following subjects, to testify on its behalf as to those subjects:

1. The purchase of blank compact discs (CDs) for use in the office of the Recorder of Cuyahoga County, Ohio.

The ground for this notice as reasonable is at least as follows:

- State ex rel. Citizens for Open Responsive & Accountable Gov't v. Register, 116 Ohio St.3d 88, 91-93, 2007-Ohio-5542, 876 N.E.2d 913, 917-919, ¶s 12-14, 20-22 (four days notice where two of those days were Saturday and Sunday).

- Ayad v. Gereby, 2010 WL 1254359 at *7, 2010-Ohio-1415, ¶s 57-60 (trial court allowing three days notice did not abuse discretion).



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Certificate of Service

The foregoing Notice to Depose Recorder of Cuyahoga County, Ohio in accordance with Rule 30(B)(5) of the Ohio Rules of Civil Procedure was hand delivered on this 6th day of January, 2011 to:

David T. Movius, Esq.
McDonald Hopkins
600 Superior Avenue, East
Suite 2100
Cleveland, OH 44114

Counsel to Respondent



Counsel for Relators