

ORIGINAL

IN THE SUPREME COURT OF OHIO

State ex. rel Kokosing Construction
Company, Inc.,

Case No: 2011-2100

Relator,

Original Action in Mandamus

vs.

City of Zanesville, Ohio, et al.,

Respondents.

AFFIDAVIT OF DOUGLAS A. JACKSON

Jack R. Rosati, Jr. (0042735)
(COUNSEL OF RECORD)
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Counsel for Respondent,
CH2M Hill

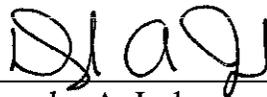
FILED
MAR 19 2012
CLERK OF COURT
SUPREME COURT OF OHIO

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

Now comes Douglas A. Jackson, having first been duly cautioned and sworn, states as follows:

1. My name is Douglas A. Jackson. I make this affidavit on the basis of my personal knowledge. At all relevant times, I have been employed as Lead Project Engineer for Kokosing Construction Company, Inc.
2. On September 9, 2011, I made a request for records via a letter to The City of Zanesville's, Engineer, CH2M Hill. A true and accurate copy of my request for production of public records is attached hereto as Exhibit A.
3. The City of Zanesville claims that the requests are overbroad, in violation of Ohio's Public Records Act and the City of Zanesville's Public Records Policy, and further, The City of Zanesville has redacted much of the correspondence between the City of Zanesville's counsel and the City of Zanesville's third-party engineer.

FURTHER AFFIANT SAYETH NAUGHT.



Douglas A. Jackson

Sworn to before me and subscribed in my presence this 10th day of March, 2012, by Douglas A. Jackson.



Notary Public



RHONDA G. VAN ARSDALE
Notary Public, State of Ohio
My Commission Expires July 4, 2014



GENERAL CONTRACTORS
6235 Westerville Road, Suite 200,
Westerville, OH 43081-4074
Phone 614-212-5700 Fax 614-212-5711

September 9, 2011

Gary Long, P.E.
CH2M Hill
1130 Schrock Road, Suite 400
Columbus, OH 43229

RE: Zanesville Water Treatment Plant
Claim No. 003 - Re-submittal –Rework of Filter Support walls and
Claim No. 007- Additional Supervision Costs
Claim No. 008 – Pump Monitors
Claim No. 009 – Low Service and High Service Meter Vault

Dear Gary:

As you are aware your office has, on behalf of the City of Zanesville, requested that Kokosing make certain documents available to it to assist in the evaluation of the claims that have been submitted on this project. In order that Kokosing may properly evaluate and substantiate its claims we request that the following information from the City of Zanesville be made available to us for our review:

- 1) All design files produced by CH2M Hill related to the design of the project
- 2) All correspondence (including email) between the City of Zanesville and CH2M Hill related to the design of the project.
- 3) All correspondence (including email) between the City of Zanesville and CH2M Hill related to the construction of the project.
- 4) All minutes of meetings attended by any representative of the City relating in any way to the design or the construction of the project.
- 5) All documents relating in any way to the funding for the project.
- 6) All payment applications from CH2M Hill relating to the project
- 7) All contracts between the City and CH2M Hill relating to the project, including any amendments thereto.
- 8) All documents relating to any contingencies established for the project.

In addition, we request that CH2M Hill make the following records available for our review:

- 1) All design files produced by CH2M Hill related to the design of the project
- 2) All correspondence (including email) between the City of Zanesville and CH2M Hill related to the design of the project.

- 3) All correspondence (including email) between the City of Zanesville and CH2M Hill related to the construction of the project.
- 4) All minutes of meetings attended by any representative of the CH2M Hill relating in any way to the design or the construction of the project.
- 5) All documents relating in any way to the funding for the project.
- 6) All payment applications from CH2M Hill relating to the project.
- 7) All contracts between the City and CH2M Hill relating to the project, including any amendments thereto.
- 8) All documents relating to any contingencies established for the project.
- 9) All correspondence (including email) between CH2M Hill and the City of Zanesville's counsel regarding the project.
- 10) All internal memoranda (including email) relating in any way to the project.
- 11) All reports or analyses relating in any way to the project.
- 12) All budgets established for the design services for the project.
- 13) All periodic cost reports relating to the design services for the project.
- 14) All time sheets generated for design services relating to the project.
- 15) All records of telephone conversations relating to the project.
- 16) All insurance policies applicable to the design services provided for the project.

Obviously CH2M Hill and the City each felt that ten days was an adequate time within which to respond to a request for such documents. Accordingly, we request that you make all requested files available to Kokosing for our review within ten (10) days from the date of this letter.

Sincerely,

Douglas A. Jackson

Douglas A. Jackson
Kokosing Construction Co. Inc.

CERTIFICATE OF SERVICE

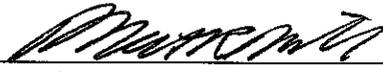
This is to certify that a true copy of the foregoing document has been served upon the following by regular U.S. Mail, postage prepaid, this 19th day of March, 2012:

Jack R. Rosati, Jr., Esq.
Mark E. Evans, Esq.
Benjamin B. Hyden, Esq.
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Matthew R. Wushinske