

Relators The Cincinnati Enquirer, a division of Gannett GP Media, Inc., Scripps Media, Inc. d/b/a WCPO-TV, The Associated Press, Raycom Media d/b/a WXIX-TV, Hearst Corporation d/b/a WLWT-TV, and Sinclair Media III, Inc. d/b/a WKRC-TV (“Relators”) respectfully move this Court pursuant to Sup.Ct.Prac.R. 12.01(A)(2)(b) and Civ.R. 37(A)(2) for an order compelling Respondent Joseph T. Deters, Hamilton County Prosecuting Attorney, to respond to discovery requests Relators propounded on July 27, 2015. Respondent has flatly refused to respond to Relators’ requests, and twice yesterday informed Relators that they would need to file a motion to compel to resolve this dispute.

Given the straightforward issue involved, and the looming evidence submission deadline of January 19, Relators request expedited resolution of this motion under Sup.Ct. Prac.R. 4.01(C). Likewise, Relators request that the Court order Respondent to respond to Relators’ Discovery Requests on or before January 15, or in the alternative, order a brief extension of the current evidence submission and briefing deadlines in this action.

Finally, Relators request that the Court award Relators’ their reasonable expenses, including attorney’s fees, caused by Respondent’s failure to respond to Relators’ discovery requests pursuant to Civ.R. 37(D).

A memorandum in support is attached.

Respectfully submitted,

Of Counsel:

GRAYDON HEAD & RITCHEY LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, OH 45202-3157
Phone: (513) 621-6464
Fax: (513) 651-3836

/s/ John C. Greiner
John C. Greiner (0005551)
Darren W. Ford (0086449)
GRAYDON HEAD & RITCHEY LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, OH 45202-3157
Phone: (513) 629-2734
Fax: (513) 651-3836
E-mail: jgreiner@graydon.com
Counsel for Relators

BACKGROUND

Relators filed their Complaint against Respondent under the Ohio Public Records Act on July 27, 2015. That same day, counsel for Relators served interrogatories and requests for production on Respondent (“Discovery Requests”), seeking information relating to the UC body cam video recording that is the subject of this action. (See Exhibit 1, Affidavit of Darren W. Ford, Ex. A, *Relators’ Interrogatories and Requests for Production of Documents Propounded upon Respondent Joseph T. Deters.*) Respondent’s responses to the Discovery Requests were due on August 27, 2015.

On August 28, 2015, Respondent answered Relators’ Complaint, and simultaneously filed a motion for judgment on the pleadings and a motion to stay discovery. By the latter motion, Respondent requested that the Court “stay all discovery in the present case for reasons set out in the attached memorandum.” (Resp. Motion to Stay Discovery at 1.) In his memorandum, Respondent asked only that the Court stay discovery proceedings “until the outstanding Motion for Judgment on the Pleadings has been resolved,” arguing that the Court would not abuse its discretion by staying discovery “pending resolution of a dispositive motion.”

(*Id.* at 2.) Relators filed a brief in opposition to Respondent's Motion for Judgment on the Pleadings, but did not oppose his Motion to Stay Discovery.

On December 30, the Court denied Respondent's Motion for Judgment on the Pleadings, and granted the unopposed Motion to Stay Discovery. By the same Order, the Court set Relators' evidence submission deadline as January 19.

Having not received any responses to the outstanding discovery in the week following the Court's December 30 Order, counsel for Relators sent an email to Respondent's attorneys requesting responses by January 13. Respondent's counsel responded as follows:

Mr. Ford: I am in receipt of your email. I have always found it to be a good policy to read the entire entry of a Court. My copy says, in part, that:

"On motion to stay discovery of respondent. Motion granted."

If you disagree, I suggest you file a motion to compel.

(Exhibit 1, Ford Aff., Ex. B.)

In response to this email, Relators' counsel noted that Respondent had not requested an indefinite stay of discovery in his Motion to Stay Discovery, and requested an explanation for why Respondent interpreted the Court's December 30 Order as having granted relief beyond what he requested in the motion. (*Id.*) Respondent's counsel wrote:

I know what our motion said. No explanation is needed. Read the Order. If you would just think about it, the Court's order makes perfect sense. If you get discovery, so would we. It is obvious the Court wants to decide this issue as we, Respondents, invited the Court to do. I believe they want no more delay. If that displeases you, file your motion. It will just be something else we have to respond to. Thank you.

(*Id.*)

Having reached impasse, and in light of the looming evidence submission deadline, Relators now move this Court for an order compelling Respondent to comply with its discovery obligations under Civ.R. 33 and 34. Given the straightforward issue involved, and pending

deadlines in this case, Relators request that the Court resolve this Motion on an expedited basis, as permitted by Sup.Ct. Prac.R. 4.01(C). Relators also request that the Court order Respondent to serve responses to Relators' Discovery Requests by noon January 15, 2016, or in the alternative, order a brief extension of the current evidence submission and briefing deadlines in this action.

ARGUMENT

Respondent sought a stay of discovery until the Court disposed of his motion for judgment on the pleadings. The Court denied that motion on December 30. There is no basis for concluding that the Court—by granting the unopposed motion to stay discovery—granted relief beyond that requested by Respondent. Accordingly, there is no order of this Court that presently relieves Respondent of his obligation to respond to Relators' Discovery Requests.

The Ohio Rules of Civil Procedure apply to all original actions, “unless clearly inapplicable.” S.Ct.Prac.R. 12.01(A)(2)(b). The discovery rules, and specifically Rules 33, 34, and 37, are not clearly inapplicable to an original action seeking to enforce R.C. 149.43. Accordingly, the Rules apply with full force and effect in this action.

Civil Rules 33 and 34 require that a party serve written responses to interrogatories and requests for production within twenty-eight days of service. Respondent has flatly refused to serve responses to the Discovery Requests. Accordingly, under Civ.R. 37, Relators are entitled to an order compelling Respondent to respond.

Additionally, Respondent's unjustified refusal to respond, and indefensible refusal to cooperate with Relators to resolve this dispute, entitle Relators to an award of their reasonable expenses. Civil Rule 37(D) provides that if a party fails to serve answers to interrogatories or requests for inspection, the Court

shall require the party failing to act or the attorney advising him or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court expressly finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

Respondent not only failed to respond to Relators' Discovery Requests, he flatly refused to respond on the ground that the Court ordered a stay he never requested. The type of obstinacy and unjustified behavior Respondent has demonstrated is precisely the type of behavior Civil Rule 37(D) should deter, and which triggers the mandatory award of expenses.

CONCLUSION

For the reasons set forth, Relators respectfully request that the Court grant their Motion to Compel Discovery.

Respectfully submitted,

Of Counsel:

GRAYDON HEAD & RITCHEY LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, OH 45202-3157
Phone: (513) 621-6464
Fax: (513) 651-3836

/s/ John C. Greiner
John C. Greiner (0005551)
Counsel for Relators
Darren W. Ford
GRAYDON HEAD & RITCHEY LLP
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511 Walnut Street
Cincinnati, OH 45202-3157
Phone: (513) 629-2734
Fax: (513) 651-3836
E-mail: jgreiner@graydon.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing *Relators' Motion to Compel Discovery* was served upon all counsel of record via email pursuant to Ohio R. Civ. P. 5(B)(2)(f), on this 12th day of January, 2016.

Joseph T. Deters, Esq.
Prosecuting Attorney, Hamilton County, Ohio
Andy Douglas
Roger E. Friedmann
Christian J. Schaefer
Michael J. Friedmann
230 East Ninth Street, Suite 4000
Cincinnati, OH 45202
andy.douglas@hcpros.org
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chris.schaefer@hcpros.org
michael.friedmann@hcpros.org

/s/ John C. Greiner

John C. Greiner (0005551)

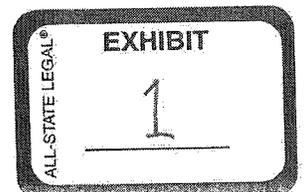
**In the
Supreme Court of Ohio**

STATE OF OHIO, <i>ex rel.</i>	:	Case No. 2015-1222
THE CINCINNATI ENQUIRER, et al.	:	
	:	Original Action in Mandamus
Relators,	:	
	:	
vs.	:	
	:	
JOSEPH T. DETERS, HAMILTON COUNTY PROSECUTING ATTORNEY,	:	
	:	
Respondent.	:	

AFFIDAVIT OF DARREN W. FORD

Darren W. Ford, being duly cautioned and sworn, states upon his personal knowledge:

1. I am an attorney admitted to practice law in Ohio and Kentucky.
2. Attached to my affidavit as Exhibit A is a true and accurate copy of *Relators' Interrogatories and Requests for Production of Documents Propounded upon Respondent Joseph T. Deters.*
3. Attached to my affidavit as Exhibit B is a true and accurate printout of January 11, 2016 email correspondence between Hon. Andrew Douglas and me.
4. As evidenced by Exhibit B, on January 11, 2016 I contacted opposing counsel and requested responses to Relators' discovery requests by January 13 in an effort to resolve the instant dispute in accordance with Civ.R. 37(E).



In the
Supreme Court of Ohio

STATE OF OHIO, *ex rel.*
THE CINCINNATI ENQUIRER, *et al.*

Relators,

vs.

JOSEPH T. DETERS
HAMILTON COUNTY
PROSECUTING ATTORNEY
230 E. Ninth Street, Suite 4000
Cincinnati, Ohio 45202

Respondent.

Case No. 2015- 1222.

Original Action in Mandamus

RELATORS' INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED UPON RESPONDENT JOSEPH T. DETERS

JOHN C. GREINER (0005551)*

**Counsel of Record*

GRAYDON HEAD & RITCHEY LLP

1900 Fifth Third Center

511 Walnut Street

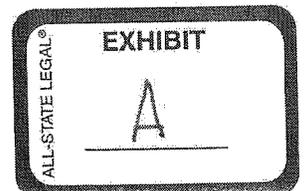
Cincinnati, OH 45202-3157

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COUNSEL FOR RELATORS



DISCOVERY REQUESTS

Relators, by and through counsel, requests that Respondent Joseph T. Deters ("Deters") serve answers, under oath, to each of the Interrogatories in accordance with Ohio R. Civ. P. 33 and respond to each of the following Requests for Production of Documents and produce the requested documents, in accordance with accordance with Ohio R. Civ. P. 34 (collectively, "Requests"). These Requests shall continue in force until after the completion of all hearings or trial in this matter, pursuant to Ohio R. Civ. P. 26(E).

I. GENERAL PROVISIONS

1. These Requests are directed to Respondent Deters, and seek information known personally to him and his agents and information in the possession, custody or control of him or his counsel or representatives.

2. These Requests shall be deemed continuing so as to require additional answers and responses if further information or documents are obtained between the time the answers and responses are served and the time of all hearings or trial. Such additional answers and responses shall be served from time to time, but no later than twenty-eight (28) days after such additional information or documents are received.

3. In answer and response to these Requests, you are requested to furnish all information that is available to you or your attorneys, including but not limited to, information in the possession of any attorneys, agents, investigators, representatives, or anyone acting in cooperation or concert with the case to be presented by you.

4. If any Request cannot be answered or responded to in full, after exercising due diligence to secure the information to do so, please state and answer or respond to the Request, stating whatever information or knowledge presently is available concerning the portion of said Request that assertedly could not be answered or responded to.

5. If you object to the whole or any part of any Request, for any reason, separately state the grounds for the objection.

6. If you claim any form of privilege, whether based on a statute or otherwise, as a ground for not answering a Request or any portion thereof, set forth in complete detail each and every fact upon which the privilege is based, including sufficient facts for the Court to make a full determination whether the claim of privilege is valid.

7. If you claim any form of privilege, whether based on a statute or otherwise, as a ground for not describing a requested oral communication, state the following with respect to each such communication;

- a. The date thereof;
- b. The name, present or last known home and business addresses and telephone numbers, title (or position) and occupation of each of the participants in the oral communication;
- c. The name, present or last known home and business addresses and telephone numbers, title (or position) and occupation of each person present during all or any part of the oral communication;
- d. A description of the oral communication which is sufficient to identify the particular communication without revealing the information for which a privilege is claimed; and
- e. With sufficient specificity to permit the Court to make a full determination whether the claim of privilege is valid, state each and every fact or basis on which you claim any such privilege.

8. Where Request calls for the description of a writing as to which you would claim a privilege, whether based on a statute or otherwise, as a ground for non-production, you shall set forth with respect to the writing, in addition to any other information requested, its:

- a. Date;
- b. Author;
- c. Addresses, if any;
- d. Title;
- e. Type of tangible thing (i.e., letter, memorandum, telegram, chart, report, recording disc);
- f. Subject matter (without revealing the information as to which privilege is claimed); and
- g. With sufficient specificity to permit the Court to make a full determination whether the claim of privilege is valid, each and every fact or basis on which you claim such privilege.

9. In lieu of identifying any document where requested by these Requests, you may attach a legible, complete copy of such document.

10. If any document cannot be produced because it is no longer in your possession or control or in existence, then for each such document, state whether it is missing or lost, has been destroyed, has been transferred to others, or has otherwise been disposed of, and in each instance, explain the circumstances surrounding the disposition thereof and state the approximate date of such disposition.

11. In construing these discovery requests, the singular shall include the plural, and the plural shall include the singular. A masculine, feminine, or neuter pronoun shall include all genders.

II. DEFINITIONS

1. The words "you" or "your" mean Respondent Joseph T. Deters ("Deters"), and each agent or representative, including attorneys and all other persons acting or purporting to act on behalf of Deters.

2. The words "document" or "documents" as used herein shall be deemed to include any written, printed, typed or other graphic matter of any kind or nature, drafts and copies bearing notations or marks not found on the original, including reports, notes, letters, envelopes, telegrams, messages (including references), studies, analyses, comparisons, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes of all other communications of any type, including inter- and intra-office communications, purchase orders, questionnaires and surveys, charts, graphs, photographs, microfilms, phonograph, tape or other recordings, punch cards, magnetic tapes, discs, data cells, drums, printouts, and other data compilations from which information can be obtained.

3. The words "identify," "identity" or "identification":

- a. When used herein in reference to a natural person, shall require you to state (1) his/her full name and the present or last known address of his/her residence, (2) his/her present or last known business affiliation and position therewith, and (3) each of his/her business affiliations and positions in respect thereto;
- b. When used in reference to an entity other than an individual, shall require you to state (1) its full name, (2) nature of organization including the name of the state under which same was organized, (3) each of its business affiliations and positions in respect thereto;
- c. When used in reference to a document, shall require you to state (1) its date, (2) its author, (3) the type of document (e.g., letter, memorandum, receipt, invoice, schedule, report, telegraph, chart, photograph, sound reproduction, note), (4) its source, (i.e., from whom it was obtained), and (5) its present location and the name of the present custodian or each custodian if there is more than one copy thereof. If any such document was, but is no longer in

the possession of Deters or subject to his control, or it is no longer in existence, state whether it is (1) missing or lost, (2) destroyed, (3) transmitted or transferred, voluntarily or involuntarily to others, identifying such others or (4) otherwise disposed of, and in each instance, explain the circumstances surrounding and authorization for such disposition and state the date or approximate date thereof.

4. The word "person" or "persons" as used herein shall be deemed to include natural persons, firms, partnerships, associations, joint ventures, trustees, and corporations.

5. "Relating to" or "regarding" shall mean directly or indirectly mentioning or describing; pertaining to, connected with, or reflecting upon a matter identified in the Requests.

6. As used herein "all facts" or "any facts" means each and every event, act, omission, incident, condition, or circumstance related to the subject matter of the Request where used (collectively "the event"), including the dates of the event, the identification of all persons who witnessed the event, and the identification of all persons who, although not a witness to the event, have personal knowledge of the event or some aspect of the event.

7. The word "or" appearing in a Request should not be read so as to eliminate any part of the Request but, whenever applicable, it should have the same meaning as the word "and."

8. The word "any" shall be construed to include the word "all" and "all" shall be construed to include the word "any" as necessary to bring within the scope of a Request all answers or responses which might otherwise be construed to be outside its scope.

9. The term "between" shall be construed to include the word "among" and "among" shall be construed to include the word "between" as necessary to bring within the scope of a Request all answers or responses which might otherwise be construed to be outside its scope.

10. Definitions provided herein apply to any grammatical variant of the term or phrase definition.

INTERROGATORIES

INTERROGATORY NO. 1. Who created the "body cam video" withheld from public disclosure, as identified in Exhibit 4 of the Affidavit of Rebecca Butts (hereinafter the "Body Camera Video") filed in this action?

ANSWER:

INTERROGATORY NO. 2. What entities maintain the Body Camera Video and similar body camera videos created by University of Cincinnati Police Department ("UCPD") officers?

ANSWER:

INTERROGATORY NO. 3. Did you and/or the Hamilton County Prosecuting Attorney's Office ("HCPRO") possess either the original version of the Body Camera Video or a copy on July 21, 2015, and/or July 22, 2015?

ANSWER:

INTERROGATORY NO. 4. Does the HCPRO maintain a policy or procedure regarding the use, recording, or custody of body camera videos? If so, please describe and produce such policy.

ANSWER:

INTERROGATORY NO. 5. Does the UCPD maintain a policy or procedure regarding the use, recording, or custody of body camera videos? If so, please describe and produce such policy.

ANSWER:

INTERROGATORY NO. 6. Please describe all training employees of the HCPRO and/or the UCPD receive with regard to the creation, maintenance, use, and custody of body camera videos similar to the Body Camera Video identified in Exhibit 4 of the Affidavit of Rebecca Butts.

ANSWER:

INTERROGATORY NO. 7. Please identify all evidence in your possession as of July 22, 2015, that supports your contention that the release of the Body Camera Video could jeopardize a possible future fair trial, as alleged in Exhibit 4 of the Affidavit of Rebecca Butts filed in this action.

ANSWER:

INTERROGATORY NO. 8. Please identify all evidence in your possession as of July 22, 2015, that supports a finding that reasonable alternatives to non-release of the Body Camera Video could not have been utilized to prevent an unfair trial related to the incident depicted on the Body Camera Video footage.

ANSWER:

INTERROGATORY NO. 9. Please describe how each reasonable alternative identified in your response to Interrogatory No. 8 could not prevent an unfair trial related to the incident depicted on the Body Camera Video footage.

ANSWER:

INTERROGATORY NO. 10. Please identify and describe in general terms any specific investigatory work product contained in the Body Camera Video.

ANSWER:

INTERROGATORY NO. 11. Does the UCPD provide training to its officers regarding the proper procedure for conducting a motor vehicle stop and approach?

ANSWER:

INTERROGATORY NO. 12. With respect to the training described in Interrogatory No. 11, describe all efforts undertaken by the UCPD to maintain the confidentiality of that training.

ANSWER:

INTERROGATORY NO. 13. Please identify all evidence detailing any training UCPD officers receive concerning suspect vehicle stops and approaches.

ANSWER:

INTERROGATORY NO. 14. With respect to the training described in Interrogatory No. 13, describe all efforts undertaken by the UCPD to maintain the confidentiality of that training.

ANSWER:

INTERROGATORY NO. 15. Please identify all communications between you, or any employee or representative of the HCPRO, and the University of Cincinnati and/or UCPD regarding production of the Body Camera Video pursuant to any public records request seeking its production.

ANSWER:

INTERROGATORY NO. 16. Please identify all communications between you, or any employee or representative of the HCPRO, and the Cincinnati Police Department regarding production of the Body Camera Video pursuant to any public records request seeking its production.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST NO. 1. Please produce all documents referenced in or used to support the Interrogatory answers.

RESPONSE:

REQUEST NO. 2. Please produce all training materials with regard to UCPD officer training for the creation, maintenance, and custody of body camera videos.

RESPONSE:

REQUEST NO. 3. Please produce any policies or procedures used to determine whether the Confidential Law Enforcement Investigatory Records exemption applies to particular body camera videos.

RESPONSE:

REQUEST NO. 4. Please produce any materials created or maintained by the UCPD and/or HCPRO that describe the proper procedures for conducting suspect vehicle stops and approaches and all other documents identified in response to Interrogatory No. 13.

RESPONSE:

REQUEST NO. 5. Please produce copies of any communications between you, or any employee or representative of the HCPRO, and the Cincinnati Police Department regarding production of the Body Camera Video pursuant to any public records request seeking its production.

RESPONSE:

REQUEST NO. 6. Please produce copies of any communications between you, or any employee or representative of the HCPRO, and the University of Cincinnati and/or UCPD regarding production of the Body Camera Video pursuant to any public records request seeking its production.

RESPONSE:

Respectfully submitted,

Of Counsel:

GRAYDON HEAD & RITCHEY LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, OH 45202-3157
Phone: (513) 621-6464
Fax: (513) 651-3836



John C. Greiner (0005551)
Attorney for Relators
GRAYDON HEAD & RITCHEY LLP
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Cincinnati, OH 45202-3157
Phone: (513) 629-2734
Fax: (513) 651-3836
Email: jgreiner@graydon.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing *Relator's Interrogatories and Requests for Production of Documents Propounded upon Respondent Joseph T. Deters* was sent by regular U.S. Mail, postage prepaid, and electronic mail, pursuant to Ohio R. Civ. P. 5(B)(2)(c) and 5(B)(2)(f), this 27th day of July, 2015, upon the following:

Joseph T. Deters
Hamilton County Prosecuting Attorney
230 E. Ninth Street, Suite 4000
Cincinnati, OH 45202



John C. Greiner (0005551)

5784785.1

AS TO THE ANSWERS TO THE INTERROGATORIES:

STATE OF OHIO)
) ss.
COUNTY OF HAMILTON)

VERIFICATION

I hereby acknowledge that the foregoing Answers to Interrogatories are true to the best of my knowledge and belief.

JOSEPH T. DETERS

The foregoing Answers to Interrogatories were acknowledged before me this ____ day of _____, 2015, by _____.

Notary Public

My Commission Expires

Ford, Darren W.

From: Andy Douglas <adouglas555@aol.com>
Sent: Monday, January 11, 2016 5:29 PM
To: Ford, Darren W.
Cc: sapohlman@aol.com; Missy Goodyear; Chris Schaefer; Roger Friedmann; Michael Friedmann; adouglas555@aol.com.; Greiner, John C.
Subject: Re: State ex rel. Cincinnati Enquirer, et al. v. Deters - Ohio Sup. Ct. Case No. 2015-1222 [IWOV-CN.FID419573]

Mr. Ford: I know what our motion said. No explanation is needed. Read the Order. If you would just think about it, the Court's order makes perfect sense. If you get discovery, so would we. It is obvious the Court wants to decide this issue as we, Respondents, invited the Court to do. I believe they want no more delay. If that displeases you, file your motion. It will just be something else we have to respond to. Thank you.

Andy Douglas
Crabbe, Brown & James LLP
500 S. Front Street
Suite 1200
Columbus, Ohio 43215
(614) 506-8050

On Jan 11, 2016, at 4:58 PM, Ford, Darren W. <DFord@Graydon.com> wrote:

Mr. Douglas,

The opening line of your memorandum in support of your motion to stay reads as follows:

"The Respondent respectfully requests that this Court stay all discovery proceedings until the outstanding Motion for Judgment on the Pleadings has been resolved."

You then argue that "it is not an abuse of discretion for a court to grant a motion to stay discovery pending resolution of a dispositive motion." (Motion to Stay, Memorandum at 2.)

Is it your position now that you asked the court to stay discovery entirely in this case? If so, please provide an explanation.

Thank you.

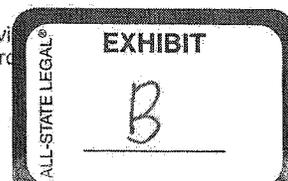
GRAYDON HEAD
LEGAL COUNSEL | SINCE 1871

Darren W. Ford
Attorney

2400 Chamber Center Drive | 859.578.7263 Direct
Suite 300 | 859.578.3073 Fax
Ft. Mitchell, KY 41017 | dford@graydon.com

Web Bio V-Card

The preceding information is from the law firm of Graydon Head & Ritchey LLP and may be protected by attorney/client privilege. If you believe it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and delete the message. Do not retain a copy. Thank you.



From: Andy Douglas [mailto:adouglas555@aol.com]
Sent: Monday, January 11, 2016 4:43 PM
To: Ford, Darren W.
Cc: sapohlman@aol.com; Missy Goodyear; Chris Schaefer; Roger Friedmann; Michael Friedmann; adouglas555@aol.com.
Subject: Re: State ex rel. Cincinnati Enquirer, et al. v. Deters - Ohio Sup. Ct. Case No. 2015-1222 [IWOV-CN.FID419573]

Mr. Ford: I am in receipt of your e-mail. I have always found it to be a good policy to read the entire entry of a Court. My copy says, in part, that:

"On motion to stay discovery of respondent. Motion granted."
If you disagree, I suggest you file a motion to compel.

Andy Douglas
Crabbe, Brown & James LLP
500 S. Front Street
Suite 1200
Columbus, Ohio 43215
(614) 506-8050

On Jan 11, 2016, at 3:17 PM, Melissa Goodyear <Melissa.Goodyear@hcpros.org> wrote:

Forwarding the email below to you.

Melissa A. Goodyear
Executive Assistant
Hamilton County Prosecutor's Office
230 E. Ninth Street, Suite 4000
Cincinnati, Ohio 45202
DDN: (513) 946-3279
Melissa.Goodyear@HCPROS.org

From: Andrew Douglas
Sent: Monday, January 11, 2016 2:46 PM
To: Melissa Goodyear
Subject: FW: State ex rel. Cincinnati Enquirer, et al. v. Deters - Ohio Sup. Ct. Case No. 2015-1222 [IWOV-CN.FID419573]

From: Ford, Darren W. [SMTP:DFORD@GRAYDON.COM]
Sent: Monday, January 11, 2016 2:45:55 PM
To: Andrew Douglas; Roger Friedmann; Chris Schaefer; Michael Friedmann
Cc: Greiner, John C.
Subject: State ex rel. Cincinnati Enquirer, et al. v. Deters - Ohio Sup. Ct. Case No. 2015-1222 [IWOV-CN.FID419573]
Auto forwarded by a Rule

Gentlemen:

On July 27 of last year, we propounded the attached discovery in connection with the above-referenced Supreme Court action. The Court stayed all discovery until disposition of your motion for judgment on the pleadings. The Court denied that motion on December 30, reinstating your obligation to respond.

In light of our evidence submission deadline of January 19, we request that you serve your responses to our discovery requests no later than close of business Wednesday, January 13. If a response by Wednesday is not feasible, please let us know today.

Thank you.

Sincerely,

Darren W. Ford

<image001.gif>

Darren W. Ford

Attorney

2400 Chamber Center Drive | 859.578.7263 Direct
Suite 300 | 859.578.3073 Fax
Ft. Mitchell, KY 41017 | dford@graydon.com

Web Bio V-Card

The preceding information is from the law firm of Graydon Head & Ritchey LLP and may be protected by attorney/client privilege. If you believe it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then delete the message. Do not retain a copy. Thank you.

<ENQ_Deters - 1st Disco Reqs (as sent).docx>

<ENQ_Deters - 1st Disco Reqs (as sent).pdf>

<Motion to Stay.pdf>