



12-21-1999

## Plaintiff's Motion for Protective Order

Terry H. Gilbert  
*Attorney for Sheppard Estate*

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FILED

1999 DEC 21 P 1:27

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IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

ALAN J. DAVIS, Special Administrator )  
of the Estate of )  
SAMUEL H. SHEPPARD )  
Plaintiff )  
vs. )  
STATE OF OHIO )  
Defendant )

Judge Ronald Suster  
Case No. 312322

**PLAINTIFF'S**  
**MOTION FOR PROTECTIVE ORDER**

Now comes the Plaintiff, by and through his undersigned attorneys, and hereby moves this Court for a protective order pursuant to Ohio R.Civ.P. 26 (C), to terminate non-expert discovery depositions of Plaintiff's witnesses.

Plaintiff has identified all of its witnesses since April 1999, and is now preparing for trial in the above-captioned matter, currently set for January 31, 1999. Recent conversations with defense counsel reveal that the State still intends to schedule depositions for several of Plaintiff's fact witnesses before trial commences.

It is now only forty days before trial, and the State has scheduled the depositions of six (6) of Plaintiff's expert witnesses, and Plaintiff is scheduled to take the depositions of twenty (20) of the State's fact and expert witnesses. Given the burden of preparing for trial on Plaintiff's counsel, and

the fact that the State has had over seven months to depose Plaintiff's witnesses, the Defendant should now be prevented from noticing or subpoenaing any further depositions from witnesses that appeared on Plaintiff's April 1999 witness list.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Perry H. Gilbert", written over a horizontal line.

PERRY H. GILBERT (0021948)

GEORGE H. CARR (0069372)

Friedman & Gilbert

1700 Standard Building

1370 Ontario Street

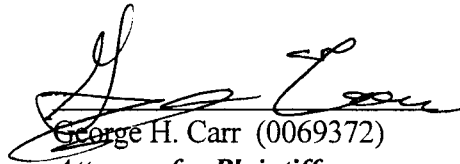
Cleveland, OH 44113

(216) 241-1430

**Attorneys for Plaintiff**

**Certificate of Service**

The undersigned certifies that the foregoing Plaintiff's Motion for Protective Order has been served on William Mason, Prosecuting Attorney, Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113 on this 21<sup>st</sup> day of December, 1999.

  
George H. Carr (0069372)  
*Attorney for Plaintiff*