

IN THE OHIO COURT OF CLAIMS

TERRI GARKO,

Plaintiff

V.

OHIO DEPARTMENT OF REHABILITATION AND
CORRECTION,

Defendant.

Case No. 2020-00369JD

Magistrate Holly True Shaver

AFFIDAVIT OF LAUREN EMERY

STATE OF OHIO)

COUNTY OF FRANKLIN)

SS:

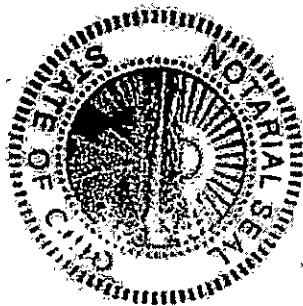
The affiant, Lauren Emery, being duly sworn, deposes and says as follows:

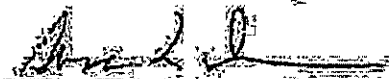
1. I am a licensed attorney in the State of Ohio, and am employed as an Associate Assistant Attorney General in the Court of Claims Defense Section of the Ohio Attorney General's Office.
2. I am co-counsel of record for the Ohio Department of Rehabilitation and Correction in the Court of Claims case captioned *Terri Garko v. Ohio Dept. of Rehab. & Corr.*, 2020-00369JD.
3. On November 2, 2020, Plaintiff's counsel was served by email with Defendant's Response to Plaintiff's First Set of Interrogatories. The discovery request is attached as Exhibit A and is a true and accurate copy. The email serving the discovery request upon Plaintiff's counsel is attached as Exhibit B and is a true and accurate copy.
4. Defense counsel reached out to Plaintiff's counsel by email on three separate occasions—December 7, 2020; January 15, 2021, and February 8, 2021—inquiring about its overdue discovery responses. These email correspondences are attached as Exhibit C and are true and accurate copies.
5. To date, Plaintiff's counsel has not served any answers to Defendant's First Set of Interrogatories.

6. Further, Affiant sayeth naught.


LAUREN D. EMERY

Sworn to and subscribed in my presence this 20th day of February, 2021.




Notary Public Susan L. Darr
Atty. No Exp.

From: Lauren Emery
To: sbuchanan@slaterzurz.com
Cc: Jeanna Jacobus
Subject: RE: Garko v. ODRC Defendant's Interrogatories
Date: Monday, February 8, 2021 8:46:49 AM
Attachments: [image001.png](#)
[image002.png](#)

Counsel,

The Ohio Department of Rehabilitation and Correction served its first set of interrogatories upon Plaintiff, Terri Garko on November 2, 2020. Accordingly, your responses were due on November 30, 2020. We have spoken with you on several occasions, including via email (see below) to inquire about the status of your tardy responses. This is our final inquiry regarding the status of your discovery responses. If we do not hear from you, we will be forced to seek the Court's intervention through a motion to compel. Thank you.

Lauren Durr Emery
Associate Assistant Attorney General- Court of Claims Defense Section
Office of Ohio Attorney General Dave Yost
Office number: 614-644-7660
Fax number: 844-237-3564
Lauren.Emery@OhioAttorneyGeneral.gov

**Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience.*

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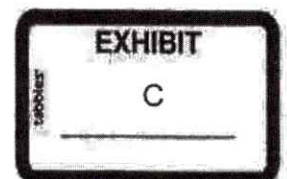
From: Jeanna Jacobus <Jeanna.Jacobus@ohioattorneygeneral.gov>
Sent: Friday, January 15, 2021 5:39 AM
To: sbuchanan@slaterzurz.com
Cc: Lauren Emery <Lauren.Emery@ohioattorneygeneral.gov>
Subject: RE: Garko v. ODRC Defendant's Interrogatories

Counsel

Another reminder that your responses to our discovery requests are overdue. These are over a month overdue now. Please respond by the end of the month or we will have to file a Motion to Compel to keep this case moving. Thanks.

Jeanna

Jeanna V. Jacobus
Principal Assistant Attorney General in Court of Claims
Office of Ohio Attorney General Dave Yost

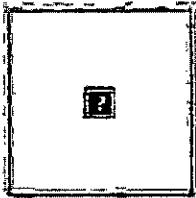


From: Andrea Dent
To: rbuchanan@slaterzurz.com
Cc: Jeanna Jacobus; Lauren Emery
Subject: Garko v. ODRC Defendant's Interrogatories
Date: Monday, November 2, 2020 3:50:30 PM
Attachments: [Image001.png](#)
[Garko Term ODRC ROGS to Plaintiff.DOCX](#)
[Garko Term ODRC ROGS to Plaintiff.pdf](#)

Mr. Buchanan,

Attached, please find Defendant ODRC's interrogatories to plaintiff.

Very Truly Yours,



Andrea K. Dent
Paralegal II - Court of Claims Defense
Office of Ohio Attorney General Dave Yost
150 E. Gay St., 18th Floor
Columbus, OH 43215
Office number: 614-752-6373
Andrea.Dent@OhioAttorneyGeneral.gov

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150 East Gay Street, 18th Floor
Columbus, OH 43215
Office number: 614-387-4256
Cell number: 614-584-4111
Fax number: 866-498-3902
Jeanna.Jacobus@OhioAttorneyGeneral.gov

** Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience*

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From: Jeanna Jacobus
Sent: Monday, December 07, 2020 8:28 AM
To: 'sbuchanan@slaterzurz.com' <sbuchanan@slaterzurz.com>
Cc: 'Lauren Emery' <Lauren.Emery@ohioattorneygeneral.gov>; 'Andrea Dent' <Andrea.Dent@ohioattorneygeneral.gov>
Subject: RE: Garko v. ODRC Defendant's Interrogatories

Counsel

Your responses to our discovery requests are overdue. When should we expect your response?

Thanks
Jeanna



Jeanna V. Jacobus
Principal Assistant Attorney General in Court of Claims
Office of Ohio Attorney General Dave Yost
150 East Gay Street, 18th Floor
Columbus, OH 43215
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Cell number: 614-584-4111
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Jeanna.Jacobus@OhioAttorneyGeneral.gov

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From: Andrea Dent <Andrea.Dent@ohioattorneygeneral.gov>
Sent: Monday, November 02, 2020 3:50 PM
To: sbuchanan@slaterzurz.com
Cc: Jeanna Jacobus <jeanna.jacobus@ohioattorneygeneral.gov>; Lauren Emery <Lauren.Emery@ohioattorneygeneral.gov>
Subject: Garko v. ODRC Defendant's Interrogatories

Mr. Buchanan,

Attached, please find Defendant ODRC's interrogatories to plaintiff.

Very Truly Yours,



Andrea K. Dent
Paralegal II – Court of Claims Defense
Office of Ohio Attorney General Dave Yost
150 E. Gay St., 18th Floor
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Andrea.Dent@OhioAttorneyGeneral.gov

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Defendant

Case No. 2020-00369JD

Magistrate Holly True Shaver

DEFENDANT'S MOTION TO COMPEL

Pursuant to Civ.R. 37(A)(2), Defendant, the Ohio Department of Rehabilitation and Correction, respectfully requests this Honorable Court to issue an order compelling Plaintiff to provide responses to its interrogatories. The outstanding requests are attached to this motion.

Respectfully submitted,

DAVE YOST

Ohio Attorney General

/s/ Lauren D. Emery; Jeanna V. Jacobus

JEANNA V. JACOBUS (0085320)

LAUREN D. EMERY (0095955)

Assistant Attorneys General

Ohio Attorney General's Office

Court of Claims Defense Section

30 E. Broad Street, 16th Floor

Columbus, Ohio 43215

(614) 466-7447

Jeanna.Jacobus@OhioAttorneyGeneral.gov

Lauren.Emery@OhioAttorneyGeneral.gov

Attorneys for Defendant

MEMORANDUM IN SUPPORT

More than three months after receiving Defendant's first set of interrogatories, Plaintiff has failed to provide any response. Counsel for Defendant has made multiple attempts to amicably address Plaintiff's lack of response, but the efforts failed to yield an answer.

On November 2, 2020, Defendant emailed Plaintiff's counsel a copy of Defendant Ohio Department of Rehabilitation and Correction's First Set Interrogatories. (Affidavit of Lauren Emery, ¶3.) After having not received a response, defense counsel emailed Plaintiff's counsel on December 7, 2020, asking when it should expect Plaintiff's responses. (*Id.* at ¶4.) Having received no response, defense counsel again emailed on January 15, 2021 inquiring about the overdue responses and indicating that if they were not received by the end of the month, it would file a motion to compel. (*Id.*) Finally, on February 8, 2021, having received no response or request for extension from Plaintiff's counsel, defense counsel sent one final email inquiring about the status of the overdue discovery responses. (*Id.*) To date, Plaintiff has not responded to defense counsel's emails or its discovery requests. (*Id.* at ¶5.)

Defendant has satisfied the notice requirement of Civ.R. 37(A) prior to seeking this Court's intervention. Based upon the foregoing and pursuant to Civ.R. 37(A)(2), Defendant respectfully requests this Honorable Court to issue an order compelling Plaintiff to provide responses to the previous discovery requests sent on November 2, 2020.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Lauren D. Emery; Jeanna V. Jacobus

JEANNA V. JACOBUS (0085320)
LAUREN D. EMERY (0095955)