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Motion of State of Ohio to Compel Production of Robert Parks' Medical Records & Court Order

William D. Mason
Cuyahoga County Prosecutor

Marilyn B. Cassidy
Cuyahoga County Assistant Prosecutor

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FILED

1999 SEP 21 P 4: 03

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON
CUYAHOGA COUNTY, OHIO
CIVIL DIVISION

ALAN DAVIS)	CASE NO. 312322
Plaintiff,)	JUDGE RONALD SUSTER
vs.)	<u>MOTION OF STATE OF OHIO TO</u>
STATE OF OHIO)	<u>COMPEL PRODUCTION OF ROBERT</u>
Defendants.)	<u>PARKS' MEDICAL RECORDS</u>

State of Ohio, by and through counsel, William D. Mason, Cuyahoga County Prosecutor, Marilyn B. Cassidy, and Dean Boland Assistant Prosecuting Attorneys, hereby moves this Honorable Court for an order compelling production of documents sought by the State in its subpoena served upon the Custodian of Records, Orient Correctional Institution, a copy of which is attached hereto and is expressly incorporated herein by reference. Plaintiff's counsel does not oppose this Motion. Robert Parks is being served with this motion.

The grounds for this Motion are that probative value of the information contained in the records sought is far outweighed by ny possible privilege. Specifically, inter alea, Robert Parks asserts that he suffered a jaw fracture while at Orient Correctional Institutional Institution. Defendant seeks to substantiate or refute that fact. Moreover, the parties have agreed that the contents of the records will be kept confidential unless and until a time of trial when a final determination by the Court may be made.


Respectfully submitted,

WILLIAM D. MASON
CUYAHOGA COUNTY PROSECUTOR

BY: 
MARILYN B. CASSIDY
Assistant Prosecuting Attorney
Justice Center 8th Floor
1200 Ontario
Cleveland, Ohio 44113
(216) 443-7785

CERTIFICATE OF SERVICE

I hereby certify that a copy of the herein filed Motion to Compel was served upon Terry H. Gilbert, Esq., and to George Carr, Esq. Standard Building, 1370 Ontario, Suite 1700, Cleveland, Ohio 44113, and to Robert Parks, Noble Correctional Institution, 15708 SR 78, Caldwell, Ohi 43727, by ordinary U.S. mail, postage pre-paid, this 21 day of September, 1999.


MARILYN B. CASSIDY
Assistant Prosecuting Attorney

IN THE COURT OF COMMON PLEAS

SUBPOENA CIVIL RULE 45

FEE
3
TAXED

THE STATE OF OHIO

FILED

ss.

Cuyahoga County

1999 AUG 10 P 3:09

AUG 11 1999

Alan Davis, Executor for the Estate of J. E. FUERST

Dr. Samuel Sheppard
vs.

Plaintiff OF COURTS No. 312322

State of Ohio

Judge Ronald Suster

Defendant

To Orient Correctional Institution

P O Box 511

11781 State Route 762

Orient OH 43146

☐ YOU ARE COMMANDED to appear in the Court of Common Pleas to testify as witness on behalf of the (PLAINTIFF/DEFENDANT) in the above entitled case and not depart the Court without leave. Fail not under penalty of the law. Your appearance is required on the _____ of _____ 19 _____ at _____ o'clock _____ .M. in Courtroom No. _____ of the:

☐ Justice Center-Courts Tower
1200 Ontario Street
Cleveland, Ohio 44113

☐ Cuyahoga County Courthouse
One Lakeside Avenue
Cleveland, Ohio 44113

YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of deposition in the above case.

PLACE OF DEPOSITION

DATE

TIME

☒ YOU ARE COMMANDED to produce and permit inspection, copying, testing or sampling of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all medical records of inmate Robert Parks. Please forward records to Cuyahoga County Prosecutor's Office, 1200 Ontario St, 9th Fl, Cleveland OH 44113.

PLACE

DATE 08/20/99

TIME 9:00

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE

TIME

To insure taxation of their fees, witnesses must report each attendance to the Clerk of Court of Common Pleas on the first floor of the Justice Center-Courts Tower.

Section 2335.06 of the Ohio Revised Code provides that witnesses are entitled to receive \$12.00 for each full day's attendance and \$6.00 for each half day's attendance, plus ten cents per mile traveled to and from his place of residence outside of the City of Cleveland proper. Such fees are taxed as costs and mailed to the witness upon payment of the costs.

Dean Boland
ATTORNEY NAME (216) 443-7876

1200 Ontario St, 9th Fl, Cleveland, Ohio 44113
ADDRESS

State of Ohio

August 10, 1999

SIGNATURE

REPRESENTING

DATE

Ronald Suster
Judge

by *D.R. Bydosh* GERALD E. FUERST, Clerk of Courts
Deputy Clerk

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CIVIL DIVISION

ALAN DAVIS, et al

) CASE NO. 312322

Plaintiffs

) JUDGE RONALD SUSTER

vs.

)

STATE OF OHIO

)

**ORDER COMPELLING PRODUCTION OF
RECORDS, PROTECTIVE ORDER**

Defendants

)

This cause came before the Court on Motion of the defendant to require the Custodian of Records, Orient Correctional Institutional (OCI) to produce, pursuant to subpoena served upon him by the State of Ohio, the records sought, specifically: **all medical records of Robert Parks, Inmate No. 355733.**

IT IS FURTHER ORDERED, that the records produced are to be maintained in a confidential manner until the time of the trial of this matter, when a full determination as to privilege and/or admissibility may be made by the Court.

IT IS SO ORDERED.

DATED: _____

RONALD SUSTER, JUDGE
COMMON PLEAS COURT