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Motion to Require Amended Pretrial Statement

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GERALD E. FUERST
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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

MOTION TO REQUIRE
AMENDED PRETRIAL
STATEMENT

Plaintiff hereby moves this Court for an Order requiring the State to submit an amended Pretrial Statement. The reasons for granting this motion are as follows.

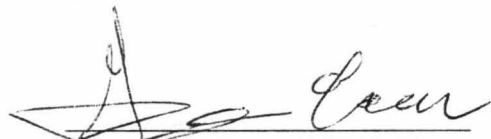
On January 27, 2000, counsel for Plaintiff were provided with the State's Tenth Amended Witness List, which added two new witnesses to their list: Paul Gerhardt and Art Pagel. However, the State has not summarized these witnesses' testimony, as required by Local Rule 21, Part III(E). Thus, Plaintiff is unable to determine the testimony each witness is likely to give, and determine whether pretrial deposition is necessary to investigate the veracity of these statements.

Similarly, the State has now provided an address for Colleen Strickland Lentz, and indicated its intention to call her as a trial witness. In order to determine whether pretrial deposition and

investigation are necessary, Plaintiff must be supplied with more information about Ms. Lentz's testimony than the two words provided in their Pretrial Statement: "Sam's character."

Therefore, Plaintiff asks this Court to enter an order requiring the State to file an updated Pretrial Statement which reflects the summarized testimony of these three witnesses, pursuant to Local Rule 21.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terry H. Gilbert", written over a horizontal line.

Terry H. Gilbert (0021948)

George H. Carr (0069372)

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Attorneys for Plaintiff

Certificate of Service

The undersigned certifies that the foregoing Motion to Require Amended Pretrial Statement has been served on William Mason, Prosecuting Attorney, Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113 on this 28th day of January, 2000.



George H. Carr (0069372)

Attorney for Plaintiff