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Motion in Limine to Exclude Testimony of Colleen Lentz

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 COURT REPORTER
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 GERALD E. FUERST
 CLERK OF COURTS
 CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
 CUYAHOGA COUNTY, OHIO

2/5/00

ALAN J. DAVIS, Special Administrator)	Judge Ronald Suster
of the Estate of)	
SAMUEL H. SHEPPARD)	Case No. 312322
)	
Plaintiff)	
)	<u>MOTION IN LIMINE</u>
vs.)	<u>TO EXCLUDE</u>
)	<u>TESTIMONY OF</u>
STATE OF OHIO)	<u>COLLEEN LENTZ</u>
)	
Defendant)	
)	

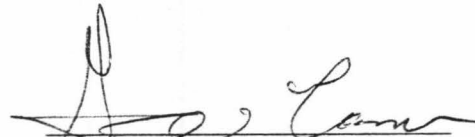
Plaintiff hereby moves this Court for an Order preventing the State from offering any testimony from Colleen Lentz. The reasons for granting this motion are as follows.

For some time, the State has listed Colleen Strickland as a witness, regarding the character of Plaintiff's decedent. However, the State listed no address or other contact information for Ms. Strickland, and indicated that she was unavailable for deposition, as the State's investigators had not been able to locate her. Recently, the State listed Ms. Strickland as Colleen Strickland Lentz, with a Coilumbus-area address. As soon as this information was provided, Plaintiff subpoenaed Ms. Lentz for deposition.

However, Ms. Lentz could not be located at her listed address, and service of the subpoena failed. Thus, Plaintiff has been deprived of any opportunity to depose Ms. Lentz, as specifically required by Ohio R.Civ. P. 30 and Local Rule 21.1.

Therefore, Plaintiff moves for an Order from this Court prohibiting the State from offering Ms. Lentz's testimony until such time as Plaintiff has been afforded an opportunity to depose Ms. Lentz.

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)

1700 Standard Building

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Cleveland, OH 44113

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Attorneys for Plaintiff

Certificate of Service

The undersigned certifies that the foregoing Motion *in limine* to Exclude
Testimony of Colleen Lentz has been served on William Mason, Prosecuting Attorney, Justice
Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113 on this 5th day of February,
2000.


George H. Carr (0069372)
Attorney for Plaintiff