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Motion of James Neff to Quash Subpoenas or Protective Order

David L. Marburger
Counsel for James Neff

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Counsel for James Neff

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALAN DAVIS, Executor for the) CASE NO. 312322
Estate of Dr. Samuel Sheppard.,)
Plaintiffs,) JUDGE RONALD SUSTER
v.)
STATE OF OHIO)
Defendants.) Motion Of James Neff To Quash Subpoenas Or
) Protective Order

Nonparty James Neff hereby moves this Court to quash subpoenas served upon him by both parties to testify in this matter, or, alternatively, to issue a protective order barring all examination of Neff about the unpublished work product of his journalistic investigation of the Sheppard case, or, alternatively, requiring the parties to fairly compensate him for his expertise. The grounds for this motion are described in the supporting memorandum submitted herewith and incorporated by reference herein.



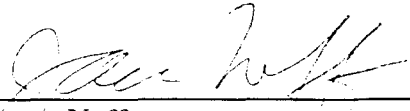
David L. Marburger, Esq. (0025745)
Christina N. Smith (0068730)
BAKER & HOSTETLER LLP
3200 National City Center
1900 East 9th Street
Cleveland, Ohio 44114-3485
216/621-0200
216/696-0740 (telecopier)
Attorneys for James Neff

STATE OF OHIO)
CUYAHOGA COUNTY) SS: AFFIDAVIT OF JAMES NEFF

James Neff, being duly sworn, states as follows:

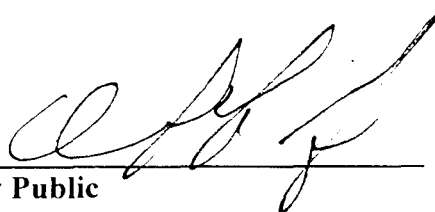
1. James Neff is a self-employed investigative journalist and the author of nonfiction books and magazine articles that examine issues of current interest about controversial subjects. A copy of his resume is attached.
2. In 1989, Atlantic Monthly Press published Neff's book Mobbed Up: Jackie Presser's High-Wire Life In The Teamsters, the Mafia and the FBI (Atlantic Monthly Press), which examined the activities of the late Teamsters boss Jackie Presser.
3. In 1995, Pocket Books published Neff's book Unfinished Murder, which examined the police investigation and apprehension of the so-called "Westside Rapist" of the Cleveland area.
4. James Neff is currently finishing a book tentatively titled Chasing The Fugitive, which is a journalistic investigation of the Dr. Sam Sheppard murder case. Random House is the publisher.
5. James Neff began his investigation of the Sheppard case in 1989 and has spent the last 10 years researching various aspects of the case. He has spent hundreds of hours examining and comparing volumes of documents, organizing and cataloging information, and interviewing various individuals. This research was done on his own time, using his own resources. Neff anticipates his compensation for this effort to be in royalties from the successful sale of Chasing The Fugitive, which will be published in 2001.
6. James Neff was born in 1953.
7. James Neff's personal knowledge about the Sheppard case is solely that which he developed doing investigative journalistic research for the purpose of publishing to the public what he learned.

8. James Neff has a commercial interest in the fruits of his journalistic investigation of the Sheppard case and desires to control the timing of any release to the public of what he has learned. Compelling Neff to prematurely release to the public what he has learned about the case would interfere with, and likely injure, his livelihood as a self-employed investigative journalist as such release could reduce the value of his to-be-published work or enable others to unfairly reap the benefits of his journalistic labors.



James Neff

SWORN TO and subscribed before me on this 3rd day of March,
2000.



Notary Public

DAVID L. MACDONALD, Attorney
NOTARY PUBLIC - STATE OF OHIO
My Commission Expires 12/31/2002
My Notary Public No. 12345678

JAMES NEFF

PROFESSIONAL EXPERIENCE

- Director, The Kiplinger Reporting Program, The Ohio State University: Trained mid-career journalists in investigative reporting and project writing, 1994-1999
- Senior Editor, *Cleveland Magazine*, 1989-1991
- Staff writer, *The Cleveland Plain Dealer*, 1979-1987: investigative reporter, local columnist, general assignment beat, feature writer.
- Reporter, *The Austin American-Statesman*, 1978: education beat
- Senior editor, *Country Style Magazine* (Chicago), 1976-1977

BOOKS

- *Chasing the Fugitive* (Random House, 2001)
- *Unfinished Murder* (Pocket Books Hardcover, 1995)
- *Mobbed Up: Jackie Presser's Highwire Life in the Teamsters, the Mafia, and the FBI* (Atlantic Monthly Press 1989)
- *City Beat: Stories from the Heart of Cleveland* (John T. Zubal, 1984)

ELECTRONIC

Consulting producer, "The Science of Murder," one hour NOVA documentary, 1999.
Consultant, *The Sheppard Murder Case*, a documentary for The Learning Channel, 1997.
Contributing writer and consultant for the HBO movie "Teamster Boss," 1991.
Reporter and writer, "City Beat," WVIZ-TV, Cleveland, 1985.
Field producer for ABC 20/20 segment on unethical banking practices, 1983.
Twice-weekly commentator, WHK Radio 1420-AM, Cleveland, 1982-1983.

NEW MEDIA

Labor Archives Project: http://128.146.11.120/benjamin/Teamster%20files/teamster_homepage.htm
Take the Money and Win--The Big Picture: www.crp.org/ohio/big2.htm
Ohio Public Access Project: www.crp.org/ohio/index.html

ARTICLES AND REPORTS

"Jackie Presser: Changing of the Guard." *Cleveland*, December 1997.
"Take the Money and Win," with Laura Yeomans, Ohio Policy Center, November 1997.
"The Future of Crime," *George*, February 1997.
"Is Justice, Blind?" *George*, October 1996.
"Take the Money and Run," with Laura Yeomans, Ohio Policy Center, September 1996

"Unfinished Murder," *Cleveland*, April 1995.
 "Investigating Rape," *The IRE Journal*, March-April 1995.
 "'The Secret Life of Jackie Presser,'" *Regardie's*, July 1990.
 "Private Cops Who Kill," *Cleveland*, June 1990.
 "Safe-cracker," *Cleveland*, April 1990.
 "Stalking the West Park Rapist," *Cleveland*, February 1990.
 "Harry Figgie Jr.: What Makes 'This Tough Boss' Tick?" *Cleveland*, March 1990.
 "The Private Life of Mike White," *Cleveland*, January 1990.
 "How the Mob Edited Your Morning Paper," *Cleveland*, November 1989.
 "Will Voters Buy a New George Forbes?" *Cleveland*, October 1989.
 "Running Scared: Behind the Tragedy of Kevin Mack," *Cleveland*, September 1989.
 "Can the Mafia Make a Comeback?" *Cleveland*, August 1989.

AWARDS

Edgar Award, finalist, non-fiction book, 1995.
 The Thomas Reiner Prize, Investigative Reporters & Editors, 1990.
 Ohio Associated Press 1988, First Place, Series.
 National Association for Retarded Citizens, First Place, Public Service, 1986.
 Ohio Association for Retarded Citizens, First Place, Public Service, 1986.
 Heywood Brown Award 1996, Honorable Mention.
 Robert F. Kennedy Award 1986, Finalist.
 Ohio Associated Press 1986, First Place Community Service.
 Northeast Ohio Press Club 1985, Honorable Mention, Community Service.
 National Society of Newspaper Columnists 1984, Honorable Mention, Local Column Writing.
 Ohio Associated Press 1984, Second Place, Column Writing.
 Ohio Associated Press 1982, Third Place, Column Writing.
 Molly Parris Livingston Award 1981, Finalist.
 Northeast Ohio Press Club 1980, Certificate of Merit, Business Reporting.
 Northeast Ohio Press Club, 1980, Certificate of Merit, Human Interest Reporting.
 Northeast Ohio Press Club 1979, First Place, Human Interest Reporting.
 Fellowship, National Endowment for the Humanities, University of California, Berkeley, 1979.

PRESENTATIONS

"Finding Gold in Government Archives," IRE National Conference, New Orleans, June 1998.
 "The Writing, Focus and Organization of Projects," IRE National Conference, New Orleans, June 1998.
 "Making Projects Better," IRE National Conference, Phoenix, Arizona, June 1997.
 "Investigating the Mafia," IRE National Conference, Phoenix Arizona, June 1997.
 "Computer-Assisted Reporting," Ohio Newspaper Association, Columbus, Ohio, November 1996.
 "Negotiating for Computerized Public Records Data," Associated Press/NICAR conference, Columbus, Ohio, September 1996.
 "Gunshoe Tactics That Will Work for You," IRE National Conference, Providence, RI, June 1996.
 "Becoming a Literary Journalist," convocation speaker, Fifth Annual Festival of Regional Writers, Hiram College, Hiram, Ohio, February 1996.
 "Story Structure: Making an Issue Story a Must-Read," IRE Regional Conference, University of Maryland, January 1996.
 "Uncovering the News," SPJ Advanced Writing Workshop, Dayton, Ohio, July 1995.

"Cutting Edge Crime Lab Techniques: How Reliable?" IRE National Conference, Miami, June 1995.
 "Backgrounding a Politician in the Hurry," National Press Club/SPJ/IRE Conference, February 1995.
 "Mining Government Archives," National Press Club/SPJ/IRE Conference, February 1995.
 "Backgrounding a Person, Business or Politician in a Hurry," the Unity Conference, Atlanta, July 1994.
 "Investigating Rape," IRE National Conference, New York, 1993.
 "How to Uncover Labor Racketeering," IRE National Conference, New York, 1993.
 "Checking out an Individual or Business on Deadline," IRE Regional Conference, Los Angeles, 1993.
 "Writing the screenplay: Form and Structure," Cleveland International Film Festival, annual retreat, 1993.
 "Organizing and Writing Your Investigation," IRE Regional Conference, Cleveland, Ohio, 1992.
 "Getting Print Projects on TV and into Books," IRE Regional Conference, Cleveland, Ohio, 1992.
 "The Art of Detection: Putting the Puzzle Together," IRE National Conference, Portland, 1992.
 "Developing Sources: Finding Them, Keeping Them," IRE National Conference, Portland, 1992.
 "Resources for Business Investigations," IRE Regional Conference, Atlanta, 1992.
 "Wired: Checking Out Your Local Cable TV Company," IRE National Conference, San Francisco, 1991.
 "Investigating the Mob," IRE National Conference, Chicago, 1991.
 "How to Turn Your Project into a Book," IRE National Conference, Chicago, 1991.
 "Uncovering 'Ghost Tenants' and Other Housing Program Rip-offs," US Department of HUD, Inspector General's national conference, Denver, 1991.
 "Backgrounding an Individual," IRE Regional Conference, Boston, 1991.
 "Finding Investigative Nuggets in Government Archives," IRE National Conference, Charlotte, NC, 1990.

PROFESSIONAL MEMBERSHIPS

- Investigative Reporters & Editors (Board member, 1991-1998; vice president 1996-1998)
- National Writers Union
- Society of Professional Journalists

GRANTS

The Pope Foundation, Jimmy Hoffa-Robert F. Kennedy project, 2000.
 Open Society Institute, labor archives project, 1998.
 The Florence and John Schumann Foundation, labor archives project, 1998.
 The Stern Family Fund, labor archives project, 1998.
 The Fund for Investigative Reporting, labor archives project, 1998.
 Gund Foundation/Ohio Policy Center, campaign finance project, 1997.
 Joyce Foundation, campaign finance project, 1997.
 Dick Goldensohn Foundation, support for *Unfinished Murder*, 1991.
 John F. Kennedy Library Foundation, support for *Mobbed Up*, 1989.

EDUCATION

- M.A. with honors, American Civilization, 1976, University of Texas at Austin.
- B.A. with honors, American Studies, 1974, University of Notre Dame.

REFERENCES

Upon request