

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
CUYAHOGA COUNTY, OHIO**

ARTHUR P. DUECK, et al.)	CASE NO. 2012 ADV179424
)	
Plaintiffs,)	JUDGE ANTHONY J. RUSSO
)	
v)	DEFENDANT RHONDA LOJE'S
)	FIRST SET OF COMBINED
The Clifton Club Company, et al.,)	DISCOVERY REQUESTS
)	UPON JOHN S. PYKE, JR.,
)	CLIFTON PARK TRUSTEE
)	
Defendants.)	
)	

To John S. Pyke, Jr., Clifton Park Trustee.

The following Interrogatories are to be answered in writing and under oath within thirty (30) days in accordance with Rule 33 (A) of the of the Ohio Rules of Civil Procedure and in the form prescribed by Civil Rule 33 (D).

INSTRUCTIONS

1. The space for your answer following each Interrogatory is not intended to limit your response in any way or to suggest the length of the answer that is desired. Full and complete answers are requested. If you require additional space to complete any answer, use continuation sheets and attach them at the end of these Interrogatories and indicate on the continuation sheets the number of the Interrogatory you are answering.

2. If you refuse to answer any Interrogatory in whole or in part describe the basis for your refusal to answer, including any claim to adjudicate the validity of your refusal, and identify each document and oral communication for which a privilege is claimed.

3. Pursuant to Ohio Civil Rule 26 (E) (3), defendant herein requests that you supplement all answers to these Interrogatories. You are, accordingly, under a continuing duty to reasonably supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity of each person, if any, expected to be called as a witness at trial, the identity of each person, if any expected to be called as an expert witness at trial and the subject matter on which he or she is expected to testify, and the identity and location of documents relating to the subject matter on which he or she is expected to testify, and the identity and location of documents relating to the subject matter of the instant lawsuit. Furthermore, you are under a similar duty to correct any incorrect response immediately upon learning the error.

GENERAL DEFINITIONS AND INSTRUCTIONS

1. "Trust" "it" or "Your" means the Deed of Trust dated 3/25/1912 and recorded in the Cuyahoga County Records, Cleveland, Ohio on 3.27/1912.
2. "Beach" means real property owned and held in trust as referred to in Paragraph 1 above.
3. "Residential sub lot owners" means all owners of sub lots having one family residence and their household members in the Clifton Park Allotment.
4. "Sub lot" means a sub lot in the Clifton Park Allotment.
5. "Clifton Club" means The Clifton Club Company and owner of four sub lots incorporated in 1902 in the Clifton Park Allotment per deed dated 7/1/1912.
6. "Clifton Park Allotment" means real property as the same is recorded in Cuyahoga County Map Records, Volume 29, Page 11, in Cleveland, Ohio.

7. "Trustee" or "Trustees" means those persons (past and present) holding title to and maintaining the "Beach" herein.
8. "Club Members" means persons who are dues paying members of the Clifton Club Company, Incorporated, and shareholders of same, none of whom are sub lot owners of land in the Clifton Park Allotment.
9. The term "document" means any original written, typewritten, printed or recorded material, as well as all tapes, discs, electronic copies, non-duplicate copies and transcripts thereof, now or at any time in your possession, custody, or control. Without limiting the generality of the foregoing definition, but for the purposes of illustration, only, "document" includes notes, correspondence, memoranda, business records, diaries, calendars, e-mails, address and telephone records, audio and video tape recordings, financial statements and records.
10. The term "family" means parents, grandparents, great grandparents, all aunts, uncles, cousins, nieces and nephews, children and great grandchildren.
11. The term "access" means approaching, entering, exiting, making use of, the ability or right to approach, enter, exit and make use of, availability to.
12. The term "procedure" means a series of steps taken to accomplish an end, a set of established forms or methods for conducting affairs of an organized body such as a business, club or government.
13. The term "improvement" means something that enhances value or excellence, makes better.
14. The term "Riverfront" property means the property located along the Rocky River adjacent to the Lagoon Trust property that is held in trust by the Clifton Park Trustees. This property was part of litigation from 2000 to 2003.

INTERROGATORIES

Interrogatory No. 1: Do you have in your possession or do you have access to any documents pertaining to the relationship of the Clifton Park Trust and the Clifton Club and/or its members' use of the Beach, which are not stored or managed as part of the general Trust records?

Interrogatory No. 2: Identify all documents in your possession or which you have access to, which show the extent of Beach use by Clifton Club members between the years 1902 and 1950.

Interrogatory No. 3: Outline the process the Clifton Park Trustees used during the 2010 and 2011 to determine the contribution of the Clifton Club to the Clifton Park Trust for 2011.

Interrogatory No 4: Outline in detail the process the Clifton Park Trustees used during 1996 and 1997 to establish the contribution of the Clifton Club to the Clifton Park Trust for 1997.

Interrogatory No 5: Outline the process the Clifton Park Trustees used during 1947 and 1948 to determine the contribution of the Clifton Club to the Clifton Park Trust in 1948.

Interrogatory No. 6: Outline the procedure the Clifton Park Trustees used in 1939 and 1940 to determine the contribution of the Clifton Club to the Clifton Park Trust in 1940.

Interrogatory No. 7: Outline the procedure the Clifton Park Trustees used in 1929 and 1930 to determine the contribution of the Clifton Club to the Clifton Park Trust in 1930.

Interrogatory No. 8: Outline the procedure the Clifton Park Trustees used in 1919 and 1920 to determine the contribution of the Clifton Club to the Clifton Park Trust in 1920.

Interrogatory No. 9: Please list the yearly contributions of the Clifton Club to the Clifton Park Trustees from the first date received until 1960.

Interrogatory No. 10: List the occurrences by date when the Clifton Club ever failed to pay the contribution requested from the Clifton Park Trustees by the due date.

Interrogatory No. 11: What were the consequences to the Clifton Club for non-compliance of payment of its contribution to the Clifton Park Trustees? Please list by date.

Interrogatory No. 12: What were the consequences to the “Club Members” for non-compliance of payment by the Clifton Club for its contribution to the Clifton Park Trustees?

Interrogatory No. 13: Have the Trustees ever withheld beach access for the Club's members for non-payment or late payment by the Club?

Interrogatory No. 14: Do you as a Trustee believe that the "Club Members" also have access rights to the common properties known as the following: "Banks Park", "Shady Lane" and all other land maintained by the Trustees?

Interrogatory No.15: According to the Trust, can "Club Members" initiate improvements to common property held in Trust by the Clifton Park Trustees above and beyond the one voice that the Club would have as a lot owner?

Interrogatory No. 16: What is the legal basis for the 60% (Residential Sub lot owners) /40% (Clifton Club members) Trustee limitation in picnic table reservation policy?

Interrogatory No. 17: Please list all officially recognized “improvements”(excluding maintenance of any sort) to trust property and the cost of those “improvements”, separately indicating the funds provided by Clifton Park lot owners, the Clifton Club and the “Club members”?

Interrogatory No. 18: If the “Club Members” are not beneficiaries of the Trust but yet have a right to use the Beach, do the Trustees have the authority to control the specific number of Club members allowed to use the Beach?

Interrogatory No. 19: If the answer to question number 18 is yes, by what authority do the Trustees believe they can control the number of “Club Members” allowed on the Beach.

Interrogatory No. 20: Have the Clifton Park Trustees entered into any legal agreements with the Clifton Club?

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Interrogatory No. 21: How long have you been a Clifton Park Sub lot Owner?

Interrogatory No. 22: During what years are or have you ever been a member of the Clifton Club Company?

Interrogatory No. 23: Please list the years of membership in the Clifton Club Company of any of your family members.

Interrogatory No. 24: Have you or any of your family members ever had any financial interest in the Clifton Club Company or its property or been a shareholder thereof?

Interrogatory No. 25: Please outline any financial interest that any of your family members have or have had in the Clifton Club Company and/or its property.

Interrogatory No. 26: Please list all legal actions the Clifton Park Trustees have been involved in as Trustees.

Interrogatory No. 27: In the litigation the Trustees engaged in during the years 2000 to 2003 to sell the “Riverfront” property to the Lagoon Trustees, did the Clifton Park Trustees obtain consent from Clifton Club members individually to sell the “Riverfront” property?

Interrogatory No. 28: Does the Trust authorize the Trustees to enter agreements which bind future Trustees without 100 % agreement of the Lot Owners of Clifton Park?

Interrogatory No. 29: Have the Trustees entered into any agreements with the Club which they believe bind future Trustees?

Interrogatory No. 30: Have the Trustees entered into any confidentiality agreements with the Clifton Club?

DOCUMENT REQUEST INSTRUCTIONS

Defendant hereby requests that you produce and permit him/her to inspect, view, transcribe and/or view all documents, notes, writings, recordings, photographs, slides, reports, reports and memoranda concerning or relating to this matter listed in the following Request for Production of Documents. The production should be made to Rhonda Loje, 18159 Clifton Road, Lakewood Ohio 44107, on or before 30 days from the date of receipt of this discovery request.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce all documents, which you have in your possession or have access to, which relate to the Clifton Park Trust and the Clifton Club and/or its members, use of the beach which are not stored or managed as part of the general Trust records.
2. Produce all documents, which you have in your possession or have access to, which contain information regarding any agreements between the Clifton Park Trustees and the Clifton Club from the years 1902 to 1955.
3. Produce all documents relating to the answer to Interrogatory No. 2.
4. Provide copies of all correspondence during the years 1996 and 1997 between the Club and the Trustees regarding the Club's contribution to the Trustees for the year 1997.

5. Produce all documents relating to the answer to Interrogatory No. 16.
6. Produce all documents relating to the answer to Interrogatory No. 17.
7. Produce all documents relating to the answer to Interrogatory No. 19.
8. Produce all copies of all legal agreements between the Trustees and the Clifton Club relating to the answer to Interrogatory No. 20.
9. Produce all documents relating to the answer to Interrogatory No. 26.
10. Produce all documents relating to the answer to Interrogatory No. 27.
11. Produce all documents relating to the answer of Interrogatory No. 29.
12. Produce all documents relating to the answer of Interrogatory No. 30.

Respectfully submitted,

Rhonda O. Loje
18159 Clifton Road
Lakewood, Ohio 44107
(216) 337-4245

CERTIFICATE OF SERVICE

A copy of the attached Defendant's Request for Production of Documents upon John S. Pyke, Jr., a Clifton Park Trustee, was served on the following by ordinary U.S. mail this _____ day of _____, 2013:

John S. Pyke, Jr.
17808 Lake Road
Clifton Park Trustees,
Lakewood, Ohio 44107

Harold Reader, Esq.
Ulmer & Berne LLP
1660 West 2nd Street, Suite 1100
Cleveland Ohio 44113

Adam M. Fried, Esq.
Reminger & Reminger
1400 Midland Bldg.
101 Prospect Avenue West
Cleveland, Ohio 44115

Dennis P. Rose, Esq.
Hahn, Loeser and Parks
200 Public Square, Suite 2800
Cleveland, Ohio 44114