

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

<b>ARTHUR P. DUECK, et al.,</b>	)	<b>CASE NO.: 2012ADV179424</b>
	)	
<b>Plaintiffs,</b>	)	<b>JUDGE ANTHONY RUSSO</b>
	)	
<b>v.</b>	)	
	)	
<b>THE CLIFTON CLUB COMPANY, et</b>	)	<b>COMBINED RESPONSES TO THE</b>
<b>al.,</b>	)	<b>CLIFTON CLUB CO.'S FIRST SET</b>
	)	<b>OF FIRST REQUEST FOR</b>
<b>Defendants.</b>	)	<b>PRODUCTION OF DOCUMENTS</b>
	)	<b>PROPOUNDED UPON PLAINTIFFS</b>
	)	

Pursuant to Rules 26 and 34 of the Ohio Rules of Civil Procedure, Plaintiffs Nancy Binder, Arthur Dueck, Todd Gilmore, William Keller, Rhonda Loje, and Jeff Mansell provide the following combined responses and objections to Defendant The Clifton Club Company's First Set of Requests For Production of Documents.

**General Objections**

The following General Objections are incorporated into each and every one of the below responses.

A. Plaintiffs object to these discovery requests to the extent they seek information that is subject to the Attorney/Client Privilege, that evidences or constitutes attorney Work Product, that evidences or constitutes material prepared in anticipation of litigation or for trial, or that is otherwise not discoverable under the Ohio Rules of Civil Procedure.

B. Plaintiffs object to these discovery requests to the extent that they attempt to impose obligations which are greater than the obligations set forth by the Ohio Rules of Civil Procedure and the Local Rules.

C. By answering any request or producing any information, Plaintiffs do not hereby concede the relevance, materiality, or admissibility of the information sought or produced, and do not waive, but rather expressly reserve any and all objections to or with respect to the relevance, materiality, necessity, or admissibility of such information.

**RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce any and all correspondence by and between you and the following individuals: Nancy Binder, Todd Gilmore, Arthur P. Dueck, William Keller, Dennis Butler, Rhonda Loje, Michael Polito, John Rupert, Jeffrey Mansell and/or Connie Mansell.

**RESPONSE:**

Documents responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product or any other immunity will be made available for inspection at a mutually agreeable place and time.

2. Please produce any and all photographs taken and/or obtained and/or transferred and/or circulated by and between you, Todd Gilmore, Arthur P. Dueck, William Keller, Dennis Butler, Rhonda Loje, Michael Polito, John Rupert, Jeffrey Mansell and/or Connie Mansell.

**RESPONSE:**

Documents responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

3. Please produce any and all documents that relate or pertain to CliftonParkPreservation.com including, but not limited to, correspondence, organizational documents, photographs, posts, website management, memos,

notes, and finances.

**RESPONSE:**

Documents responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

4. Please produce any and all documents that relate or pertain to the use of the beach, the beach house, and/or the picnic tables.

**RESPONSE:**

Documents responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

5. Please produce any and all documents that relate or pertain to the parcel of real estate you own within the Clifton Park Allotment, including marketing materials, real estate disclosures, title work, offers, and/or acceptances, and/or completed contracts, good faith estimates, communications with realtors, and/or policies of title insurance.

**RESPONSE:**

Documents, if any can be identified, responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

6. Please produce any and all documents that relate or pertain to and/or depict and/or describe the complaints, if any, concerning the use of the beach, including, but not limited to, overcrowding and/or use by Club Members.

**RESPONSE:**

Documents responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

7. Please produce any and all documents that relate or pertain to any and all entities and/or groups, whether formally formed or created or otherwise that serve the purpose of raising money for improvements to the beach, including, but not limited to, meeting minutes, records of donation, organizational records, past and present officers.

**RESPONSE:**

Request For Production No. 7 is not reasonably calculated to lead to the discovery of admissible evidence and seeks information not related to any claim or defense at issue in this civil action. On that objection, no documents specifically responsive to Request No. 7 will be produced at this time.

8. Please produce any and all minutes, logs, correspondence, handwritten notes or other memos that were prepared in relation to any meeting had between you and/or any persons associated with the Clifton Park Allotment or this lawsuit concerning the use of the beach, complaints surrounding beach access, and any attempt to resolve use of the beach.

**RESPONSE:**

Documents, if any can be identified, responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

9. Please produce any and all documents that relate or pertain to the Clifton Beach Improvement Association and/or cliftonbeach.com, including, but not limited to, correspondences, meeting minutes, organizational documents, photographs, posts, website management, memos, notes, and finances.

**RESPONSE:**

Request For Production No. 9 is not reasonably calculated to lead to the discovery of admissible evidence and seeks information not related to any claim or defense at issue in this civil action. On that objection, no documents specifically responsive to Request No. 9 will be produced at this time.

10. Please produce any and all bills, statements, and/or other reports issued to you or in your possession that relates or pertains to allocations of cost of beach management, improvements and/or assessments.

**RESPONSE:**

Documents responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

11. Please produce any and all agreements reached between Nancy Binder and/or Rhonda Loje and/or Dennis Butler and/or John Rupert and/or Michael Polito and/or Jeffrey Mansell and/or Connie Mansell concerning the strategies or other

matters concerning the presentation of claims and/or defenses and/or the issuance of discovery in the instant lawsuit.

**RESPONSE:**

Request For Production No. 11 facially seeks the production of documents which are subject to claims of attorney-client privilege, work product immunity, and common interest exception and no documents specifically relating to that request will be produced on that basis.

12. Please produce any and all documents that relate to the title work, divisions, subdivisions and/or transfer of land within the Clifton Park Allotment and/or by the Clifton Park Land & Improvement Company.

**RESPONSE:**

Documents, if any can be identified in this responding party's possession, custody, or control responsive to this request which are discoverable in this civil action and which are not otherwise subject to a claim of attorney-client privilege or work product immunity will be made available for inspection at a mutually agreeable place and time.

As to Objections,  
**Ross M. Babbitt Co., LPA**

/s/ Ross M. Babbitt  
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**Attorney for Plaintiffs Arthur P.  
Dueck, Todd Gilmore, Nancy Binder,  
and William R. Keller and for  
putative plaintiffs Rhonda Loje and  
Jeffrey Mansell**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Plaintiffs' Combined Responses to the Clifton Club Company's First Set Of Requests For Production of Documents was served by email this 20<sup>th</sup> day of December, 2013 on:

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/s/ Ross M. Babbitt  
One of the Attorneys for Plaintiffs