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IN THE FRANKLIN COUNTY MUNICIPAL COURT  
CIVIL DIVISION  
FRANKLIN COUNTY, OHIO

FILED

2015 JUL 21 PM 12:17

Veronica Wagner Covatch, et al., :

Plaintiffs :

-vs.- :

Central Ohio Sheltie Rescue, Inc., et al., :

Defendants :

FRANKLIN COUNTY  
MUNICIPAL COURT  
LORI M. TYACK  
CASE NO.: 2014-CVF-024571

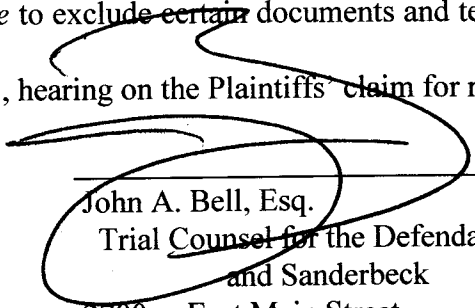
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**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR DISCOVERY  
SANCTIONS AND *IN LIMINE***

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Now come the Defendants in the above-captioned action, Central Ohio Sheltie Rescue, Inc., hereinafter referred to individually as, "Defendant COSR," and Penny Sanderbeck, hereinafter referred to individually as, "Defendant Sanderbeck," collectively hereinafter referred to as, "the Defendants," and by and through their undersigned attorney, they respectfully offer the following Supplemental Memorandum in further support of their Motion, filed and served July 2, 2015, seeking an Order to sanction the Plaintiffs for willful failure to provide responsive answers to discovery requests, and for an Order *In Limine* to exclude certain documents and testimony from evidence at the newly scheduled July 23, 2015, hearing on the Plaintiffs' claim for replevin.

Respectfully submitted,

  
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and Sanderbeck  
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## SUPPLEMENTAL MEMORANDUM IN SUPPORT

The Defendants respectfully inform the Court that despite the informal efforts to resolve the discovery dispute detailed in their July 2, 2015, Motion and attachments, and despite having nearly three (3) additional weeks to respond to the discovery requests or to respond to the July 2, 2015, Motion, the Plaintiffs have not made any further discovery responses nor have they responded to the July 2 Motion at all.


As noted in the July 2, 2015, Motion, "To date, the Plaintiffs have completely failed to respond to these Defendants' second and third sets of discovery requests, although the answer time for those requests is now long past. Further, the Plaintiffs have not amended nor supplemented their responses to the first set of discovery requests, nor replied in any way to the May 19, 2015, letter."

The Plaintiffs and their attorneys should not be heard to complain that they have not had sufficient time to respond to the discovery requests, or to the July 2, 2015, Motion. They have had months to respond to the discovery requests, and they had enough time to prepare and submit a ten-page "Motion to Strike" the Defendants' Counterclaims when those Counterclaims have not even been served as yet. The Plaintiffs and their attorneys have had ample time and it is very clear that they have no intention of providing the requested discovery, and therefore, the Court should issue the Order sought in the Defendants' Motion of July 2, 2015.

It would be outrageously unjust to allow the Plaintiffs to thumb their nose at this Court and the Rules of Civil Procedure that apply to all litigants in Ohio, and still proceed with this action.

Therefore, the Court should offer the Plaintiffs a choice: either reschedule the hearing on the request for replevin to a date at least thirty (30) days after the Plaintiffs have provided responsive answers to the Defendants' discovery requests, or dismiss the Complaint in its entirety.

Respectfully submitted,



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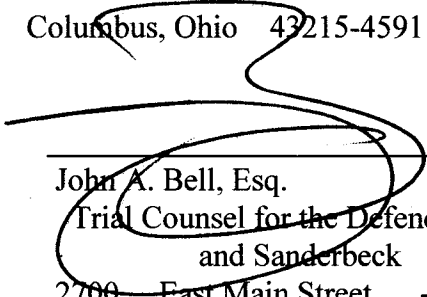
### CERTIFICATE OF SERVICE

I hereby certify that on the twenty-first (21<sup>st</sup>) day of July 2015, I have served a true copy of the foregoing SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR DISCOVERY SANCTIONS AND *IN LIMINE* upon all counsel and parties entitled to such service by placing it in regular U.S. Mail, first class postage fully prepaid, addressed to:

Mr. James H. Banks, Esq., and  
Ms. Nina M. Najjar, Esq,  
P. O. Box 40  
Dublin, Ohio 43017-0040

Mr. Scott Sheets, Esq.  
Assistant Franklin County Prosecuting  
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373 South High Street  
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Respectfully submitted,



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