

LAW OFFICES

BRICKER & ECKLER LLP

100 SOUTH THIRD STREET  
COLUMBUS, OHIO 43215-4291  
(614) 227-2300

TELEFAX: (614) 227-2390  
E-MAIL: NPITNER@BRICKER.COM

NICHOLAS A. PITTNER  
(614) 227-8815

INTERNET HOMEPAGE  
HTTP://WWW.BRICKER.COM

April 19, 2001

**VIA HAND DELIVERY**

Mary Lynn Readey, Esq.  
Assistant Attorney General  
Chief, Education Section  
30 East Broad Street  
15<sup>th</sup> Floor  
Columbus, Ohio 43215-3428

Re: Dale R. DeRolph, et al. v. State of Ohio, et al.  
Supreme Court of Ohio  
Case No. 99-0570

Dear Lynn:

Enclosed please find a request for production of documents we are serving upon the State in the above-referenced matter. As you may recall, we had served upon the State a set of interrogatories shortly after the issuance of DeRolph II. At that time, the State took the position that it was not required to respond to the interrogatories.

We would like to know by the end of Monday, April 23, whether the State continues to take the position that it will not participate in discovery and that it will not respond to these discovery requests.

While we understand that the retrieval of the information we are requesting may take a few weeks, the threshold decision as to whether the State will participate in discovery at all should be something it should be able to tell us in fairly short order. If you need a short extension of time to respond to this threshold question, we will be happy to consider it.

Otherwise, if we do not hear any response from you by the end of Monday, we will interpret that as an indication that the State does not intend to participate in discovery and we will be obligated to take this matter up with the Court.

Mary Lynn Readey, Esq.  
April 19, 2001  
Page 2

Of course, if the State is comfortable with everything it has done and has no reason to hide the information we have requested, then it should not have a problem producing the records requested. I look forward to hearing from you.

Very truly yours,

Nicholas A. Pittner

Enclosure