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April 30, 2001

**VIA TELECOPY**

Mary Lynn Readey, Esq.  
Assistant Attorney General  
Chief, Education Section  
30 East Broad Street  
16th Floor  
Columbus, Ohio 43215-3428

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

Dear Ms. Readey:

On April 19, 2001, your office was served with a request for production of documents in the above-referenced matter. In my cover letter to you I requested that the State let us know by the following Monday, April 23, whether or not it even plans to participate in discovery. By follow-up telephone conversation you advised that you were "considering" our request. To date we have received no response. On April 25, 2001, Dr. William L. Phillis, on behalf of our client, the Ohio Coalition for Equity & Adequacy of School Funding, delivered a public records request pursuant to R.C. 149.43 to various State offices, copies of which were also provided to you. To date Dr. Phillis has received no response to his request.

On July 24, 2000, we served you with interrogatories styled "Plaintiffs' First Set of Post *DeRolph II* Interrogatories to Defendants-Appellants." To date we have received no response to that request except for a letter indicating that your office did not consider such discovery to be appropriate at that time. Your lack of response to the most recent requests combined with your refusal to respond to the prior request gives cause for concern that the State is undertaking a calculated effort to put off discovery as long as possible in order to impair plaintiffs' ability to review and process the information relevant to the legislation that has been and is being developed in response to the Supreme Court's decision in *DeRolph II*.

Accordingly, please be advised that if we do not receive written confirmation from your office by 5:00 p.m. today that the State fully intends to fully comply with all outstanding requests, we will be issuing subpoenas tomorrow morning to a number of state

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officials and officeholders for depositions beginning this Friday and continuing thereafter. Full compliance includes each of the following: (1) answers to each of the interrogatories served upon the State on July 24, 2000 received by the close of business Thursday, May 10, 2001, (2) production of each of the documents requested in Dr. Phillis' public records requests by the close of business Thursday, May 10, 2001 and, (3) production of the records requested in the April 19, 2001 request for production of documents within the time provided by the Civil Rules, May 17, 2001.

Very truly yours,

Nicholas A. Pittner

/jk

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bcc: John F. Birath  
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