

IN THE COURT OF COMMON PLEAS  
ADAMS COUNTY, OHIO

FILED  
ADAMS COUNTY  
CLERK OF COURTS

2024 MAR -1 PM 3:49

Shawn D. Cooley, et. al.,

Case No.: 2023-0069

PLAINTIFFS,

:

Judge Jerry McBride

v.

:

Joseph E. Foreman, et al.,

:

DEFENDANTS.

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CIV. R. 26(F) CONFERENCE REPORT AND  
JOINT PROPOSED DISCOVERY PLAN

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Now come all Parties, Plaintiffs Shawn Cooley, Justin Cooley, Michael Estep, Shawn Grooms, Brian Newland, Lisa Phillips, and Randolph Walters Jr. ("Plaintiffs"), and Defendants, Joseph E. Foreman, Hungry Hustler Records, and Medica Access, Inc. ("Defendants"), by and through their respective undersigned counsel, and hereby jointly submit this Civ. R. 26(F) Conference Report and Joint Proposed Discovery Plan pursuant to this Court's verbal instruction and Rule 26(F) of the Ohio Rules of Civil Procedure.

The Ohio Civ. R. 26(F) conference was held on **February 13, 2024 via Zoom with attorneys Robert Klingler, David "DJ" Osborne Jr., and Helen K. Sudhoff.** This matter was sent to Adam Corey Muniz on behalf of Music Access, Inc., thereafter via mail for their approval. All counsel and parties signing below represent that they engaged in a meaningful attempt to meet and confer on the matters outlined below.

- (a) **What changes should be made in the timing, form, or requirement for disclosures under Civ. R. 26(B), including a statement of when initial disclosures were made or will be made.**

The Parties stipulate to making their initial disclosures pursuant to Rule 26(B)(3) on or before **March 8, 2024**. The Parties propose no other changes to the timing, form, or requirement for disclosures under Rule 26(B).

**(b) Agreed-upon deadlines for discovery and other items that may be included in a case schedule to be issued under Civ. R. 16, any proposed modifications to a schedule already issued under Civ. R. 16, and compliance with Sup. R 39 and 42.**

The Parties propose the following case schedule:

- (i) Deadline to make initial disclosures pursuant to Civ. R. 26(B)(3) – **March 8, 2024.**
- (ii) Deadline to complete fact discovery – **September 5, 2024.**
- (iii) Deadline to request mediation – **Mid-September 2024 to Mid-October 2024.**
- (iv) Deadline to disclosure experts and expert reports – **Primary expert reports are due on or before October 1, 2024. Rebuttal expert reports will be due on or before November 1, 2024.**
- (v) Deadline to file dispositive motions – **Dispositive motions to be filed by December 1, 2024, Opposition memorandum due January 15, 2025, and Replies due January 22, 2025.**
- (vi) Further case management conferences – **As requested by the Parties and agreed upon or ordered by the Court.**
- (vii) Trial date – **To be set by the Court.**

**(c) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;**

The Parties will seek discovery relative to Plaintiffs' claims and Defendants' responses, affirmative defenses, and counterclaims, including but not limited to all claims concerning the warrant that was executed at Defendant Foreman's residence, the production of music videos and other publications of statements arising from said warrant execution, and claims relating to damages to personal property and business profitability, all as they may lead to the discovery of admissible evidence. The Parties propose completing fact discovery on or before **September 5, 2024**, and do not propose that discovery should be conducted in phases.

**(d) Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;**

Unless otherwise agreed, the Parties stipulate to the initial production of all electronically stored information by .pdf or through other reasonable methods of production; counsel will confer if native format is later requested by counsel. The Parties do not expect any further discovery issues connected with electronically stored information.

**(e) Disclosure and the exchange of documents obtained through public records requests;**

Any Party will provide the other parties responses they have received to public records requests connected with this case within 14 days of the Court's initial case management order, and within 14 days of receiving future responses to any such public records requests.

**(f) Any issues about claims of privilege or of protection as to trial-preparation materials;**

The parties intend to file a proposed protective order to protect against the third-party disclosure of Defendants banking information, and to protect the confidentiality of the confidential informant underlying the warrant at issue in this matter.

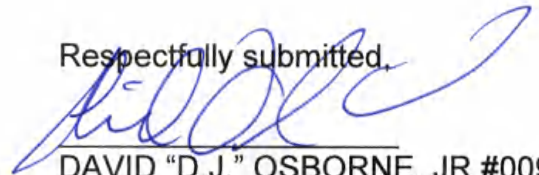
**(g) What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed;**

The Parties do not have any proposals relative to this item.

**(h) Any other orders that the Court should issue under Civ. R. 26(C) or under Civ. R. 16(B) and (C); and any modifications required or to be requested under any scheduling order issued under Civ. R. 16.**

Other than the proposals in this Joint Discovery Plan, the parties have no specific proposals at this time.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "D.J. Osborne", is written over a horizontal line.

DAVID "D.J." OSBORNE, JR #0096879  
Attorney for the Defendant's Joseph E.  
Forman and Hungry Hustler Records



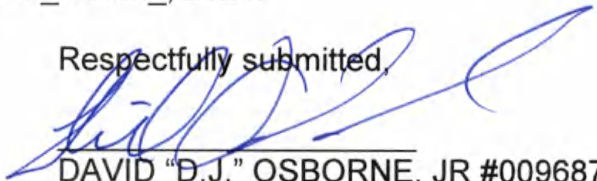
### PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served upon to following:

1. **Robert A. Klinger**, Robert A. Klinger Co., LPA, 895 Central Ave. Ste. 300, Cincinnati, Ohio 45202;
2. **Arthur West**, 120 State Ave. NE, #1497, Olympia, WA 98501;
3. **David J. Caray**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
4. **Amy R. Gilbert**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
5. **Freda J. Levenson**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
6. **Vera Eidelman**, American Civil Liberties Union Foundation, 125 Broad Street, 18<sup>th</sup> Floor, New York, NY 10004;
7. **David Moser**, Fishel Downey Albrecht and Riepenhoff, LLP, 7775 Walton Parkway, Suite 200, New Albany, Ohio 43054.

by regular U.S. mail, hand delivery, email, fax, by dropping off in the Attorney box at Adams County Court, or email this 1 day of March, 2024.

Respectfully submitted,



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