



ANDREA F. ROCCO
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
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By: JAMIE R. LEBOVITZ 0025000

Confirmation Nbr. 230614

AFSHIN PISHEVAR, ADMINISTRATOR OF THE
ESTATE

CV 14 832483

VTS.

Judge:

T&G FLYING CLUB, INC, ET AL.

HOLLIE L. GALLAGHER

Pages Filed: 18

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

AFSHIN PISHEVAR, Administrator of : CASE NO:
the Estate of Abraham Pishevar II, deceased :
226 N. Adams Street
Rockville, MD 20850 : JUDGE:

Petitioner, :

-vs- :

PETITION FOR DISCOVERY
PURSUANT TO CIV. R. 34(D)

T&G FLYING CLUB, INC. :
c/o statutory agent :
Gerald Kurland, Esquire :
1 Bratenahl Place - Suite 704 :
Bratenahl, Ohio 44108 :

and :

ZETA BETA TAU, LAMBDA CHAPTER :
AT CASE WESTERN RESERVE :
UNIVERSITY :
11120 Magnolia Drive :
Cleveland, Ohio 44106 :

and :

ZETA BETA TAU FOUNDATION, INC. :
3909 Vincennes Road, Suite 100 :
Indianapolis, Indiana 46268 :

and :

LAURENCE E. ROHL :
34890 Crossbrook Avenue :
Willoughby, Ohio 44094 :

Respondents. :

Now comes Petitioner, Afshin Pishevar, Administrator of the Estate of Abraham Pishevar
II, deceased, by and through his attorneys, and for his Petition for Discovery pursuant to Civ. R.

34(D) states as follows:

1. Petitioner, Afshin Pischevar, Administrator of the Estate of Abraham Pischevar II, is and was at all times pertinent hereto a resident and citizen of the City of Rockville, County of Montgomery, State of Maryland.

2. Petitioner's decedent, Abraham Pischevar II, was at all times pertinent hereto a first year student at Case Western Reserve University located in the City of Cleveland, County of Cuyahoga, State of Ohio.

3. On or about August 25, 2014, Petitioner's decedent, Abraham Pischevar II, was one of three passengers in a Cessna 172R Airplane, bearing tail number N4207P, when it crashed shortly after takeoff from Cuyahoga County Airport (CGF). All individuals on board the aforementioned airplane perished.

4. The aforementioned airplane was piloted by Michael Felton, club member of Respondent, T & G Flying Club, Inc. (hereinafter "T&G"). Upon information and belief, Mr. Felton, as a member of T&G's flying club, rented the aforementioned airplane through Respondent, T&G.

5. Upon information and belief, Mr. Felton was a member/brother of Respondent Zeta Beta Tau, Lambda Chapter at Case Western Reserve University (hereinafter "ZBT Local") and was operating/conducting the aforementioned fatal flight for fraternity recruitment and/or rush purposes.

6. Petitioner expects the above-captioned Respondents to be adverse parties in the potential civil action.

FIRST REQUEST FOR DISCOVERY
T&G Flying Club, Inc.

7. Petitioner incorporates all facts, statements, and allegations contained in Paragraphs 1 through 6 as though expressly rewritten and restated herein.

8. Respondent, T&G, is and was at all times pertinent hereto a corporation doing business in the State of Ohio, and providing aviation training courses, airplane rentals, sightseeing tours, aviation club memberships, and other flight training and rental programs to Ohio residents.

9. Petitioner does not know the identity of Respondent, T&G's, flight training instructors, corporation officers, maintenance employees/agents, or any other potential adverse party to a civil action requiring the instant discovery action.

10. Further information is necessary for Petitioner to formulate his potential civil action against the Respondent and is peculiarly within the exclusive possession of Respondent, T&G. Information including, but not limited to, Mr. Felton's training, experience, qualifications, and background as known and completed by Respondent, T&G, Mr. Felton's club payment history, membership history, credit card and other payment processing history for airplane rentals, and the identity of T&G's maintenance, control, and inspection personnel responsible for the aforementioned Cessna airplane prior to this fatal flight, and is critical for Petitioner to formulate his Complaint against Respondent. In order to gain this information, documents must be produced.

11. Attached hereto as **Exhibit 1** is Petitioner's First Request for Production directed to Respondent T&G Flying Club, Inc.

WHEREFORE, Petitioner, Afshin Pishevar, Administrator of the Estate of Abraham Pishevar II, deceased, requests an order requiring Respondent, T&G Flying Club, Inc., to produce any and all documents, records, or things Requested as part of Petitioner's First Request for Production, and any and all other equitable relief that this Honorable Court deems just and equitable.

SECOND REQUEST FOR DISCOVERY

Zeta Beta Tau - Lambda Chapter - Case Western Reserve University

12. Petitioner incorporates all facts, statements, and allegations contained in Paragraphs

1-11 as though expressly rewritten and restated herein.

13. Upon information and belief, Respondent Zeta Beta Tau, Lambda Chapter at Case Western Reserve University (hereinafter "ZBT Local") is an unincorporated fraternal association existing at Case Western Reserve University in the City of Cleveland, County of Cuyahoga, State of Ohio since May 15, 1909.

14. Upon information and belief, the pilot of the aforementioned airplane, Mr. Felton, along with another passenger of the airplane, were members/brothers of Respondent ZBT Local.

15. Upon information and belief, the flight piloted by Mr. Felton was conducted as part of Respondent ZBT Local's fraternity rush to recruit new members such as Petitioner's decedent, Abraham Pishevar II.

16. Petitioner does not know the identity of potential adverse parties including, but not limited to, Respondent ZBT Local's fraternity rush chairman, President, and Treasurer responsible for organizing and conducting the aforementioned fatal flight.

17. Further information is necessary for Petitioner to formulate his potential civil action against the Respondent and is peculiarly within the exclusive possession of Respondent, ZBT Local. Information including, but not limited to, airplane rental payment records, recruitment protocols, recruitment candidate lists, fraternity rush pamphlets, fraternity memorandums, and telephone, text, and/or social media records of fraternity members/brothers regarding recruitment, rush, and the aforementioned airplane flight is critical for Petitioner to formulate his complaint against Respondent, ZBT Local. In order to gain this information, documents must be produced.

18. Attached hereto as **Exhibit 2** is Petitioner's First Request for Production directed to Respondent Zeta Beta Tau, Lambda Chapter at Case Western Reserve University.

WHEREFORE, Petitioner, Afshin Pishevar, Administrator of the Estate of Abraham Pishevar

II, deceased, requests an order requiring Respondent, Zeta Beta Tau, Lambda Chapter at Case Western Reserve University, to produce any and all documents, records, or things Requested as part of Petitioner's First Request for Production, and any and all other equitable relief that this Honorable Court deems just and equitable.

THIRD REQUEST FOR DISCOVERY

Zeta Beta Tau Foundation, Inc.

19. Petitioner incorporates all facts, statements, and allegations contained in Paragraphs 1-19 as though expressly rewritten and restated herein.

20. Upon information and belief, Respondent Zeta Beta Tau Foundation, Inc. (hereinafter ZBT National) is a non-profit corporation organized under the laws of the State of Indiana doing business in the State of Ohio including, but not limited to, owning real property, managing real property, fund-raising for the foundation, recruiting residents to join its local chapters, and collecting membership dues from its Ohio members. Further, Respondent ZBT National's minimum contacts with the State of Ohio is sufficient for this Court to find jurisdiction where Respondent's contacts caused tortious conduct in Cuyahoga County, State of Ohio.

21. Petitioner does not know the identity of potential adverse parties including, but not limited to, Respondent's agent/employee/brother/member who organized, sponsored, encouraged, and/or paid for the aforementioned fatal flight.

22. Further information is necessary for Petitioner to formulate his potential civil action against the Respondent and is peculiarly within the exclusive possession of Respondent, ZBT National. Information including, but not limited to, Respondent, ZBT Local's dues and fees payment history, Respondent ZBT Local's communication with Respondent ZBT National regarding recruitment and rush, recruitment budget documents and information, membership lists, and

recruitment strategies and risk management manuals. In order to gain this information, documents must be produced.

23. Attached hereto as **Exhibit 3** is Petitioner's First Request for Production directed to Respondent Zeta Beta Tau Foundation, Inc.

WHEREFORE, Petitioner, Afshin Pishevar, Administrator of the Estate of Abraham Pishevar II, deceased, requests an order requiring Respondent, Zeta Beta Tau Foundation, Inc., to produce any and all documents, records, or things Requested as part of Petitioner's First Request for Production, and any and all other equitable relief that this Honorable Court deems just and equitable.

FOURTH REQUEST FOR DISCOVERY

Laurence E. Rohl

24. Petitioner incorporates all facts, statements, and allegations contained in Paragraphs 1-23 as though expressly rewritten and restated herein.

25. Respondent, Laurence E. Rohl (hereinafter "Rohl"), is and was at all times pertinent hereto a resident of the City of Willoughby, County of Lake, State of Ohio.

26. Upon information and belief, Respondent, Rohl, is the registered owner of the Cessna bearing tail number N4207P.

27. Upon information and belief, Respondent, Rohl, is a member of Respondent, T&G Flying Club, Inc. where he would make available the aforementioned Cessna for rent by club members.

28. Petitioner does not know the identity of potential adverse parties including, but not limited to, agents/employees of Respondent Rohl and maintenance, storage, and cleaning contractors or personnel hired by Respondent Rohl, Further, Petitioner does not know the relationship between Respondent, Rohl, and the other named Respondents in this action.

29. Further information is necessary for Petitioner to formulate his potential civil action against the Respondent and is peculiarly within the exclusive possession of Respondent, Rohl. Information including, but not limited to, flight manuals, inspection records, data modules, storage information, rental and lease documents, ownership records, flight maintenance records, and/or other documents sufficient to describe the operation, maintenance, and storage of the aforementioned Cessna.

30. Attached hereto as **Exhibit 4** is Petitioner's First Request for Production directed to Respondent Laurence E. Rohl.

WHEREFORE, Petitioner, Afshin Pishevar, Administrator of the Estate of Abraham Pishevar II, deceased, requests an order requiring Respondent, Laurence E. Rohl, to produce any and all documents, records, or things Requested as part of Petitioner's First Request for Production, and any and all other equitable relief that this Honorable Court deems just and equitable.

Respectfully submitted,

/s/ Jamie R. Lebovitz

Jamie R. Lebovitz, Esq. (0025000)

Jordan D. Lebovitz, Esq (0091247)

NUREMBERG, PARIS, HELLER
& McCARTHY CO., L.P.A.

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JordanLebovitz@nphm.com

Attorneys for Petitioner

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

AFSHIN PISHEVAR, Administrator of	:	CASE NO:
the Estate of Abraham Pischevar II, deceased	:	
226 N. Adams Street	:	
Rockville, MD 20850	:	JUDGE:
	:	
Petitioner,	:	<u>PETITIONER'S FIRST REQUEST</u>
	:	<u>FOR PRODUCTION DIRECTED TO</u>
-VS-	:	<u>RESPONDENT, T&G FLYING CLUB,</u>
	:	<u>INC.</u>
	:	
T&G FLYING CLUB, INC., et al.	:	
	:	
Respondents.	:	

REQUESTS FOR PRODUCTION OF DOCUMENTS

Petitioner, Afshin Pischevar, Administrator of the Estate of Abraham Pischevar II, deceased, respectfully requests Respondent, T&G Flying Club, Inc., to produce the following documents, records and things at the offices of:

NURENBERG, PARIS, HELLER
& McCARTHY CO., L.P.A.
1370 Ontario Street - Suite 100
Cleveland, Ohio 44113

within twenty-eight (28) days of service hereof, pursuant to Ohio Rule of Civil Procedure 34.

Pursuant to Ohio Rule of Civil Procedure 26(e), these requests are continuing. The Respondent is therefore requested to supplement these requests with any additional items which are uncovered after these have been produced.

1. Each and every insurance policy issued to Respondent, T&G Flying Club, Inc.;
2. Any and all documents, records, or things sufficient to describe Respondent's flight training instructors;
3. Any and all documents, records, or things sufficient to describe Respondent's corporate officers, agents, and employees.

EXHIBIT 1

4. A copy of T&G Flying Club, Inc.'s By-Laws;
5. Any and all documents, records, or things sufficient to describe the operations of Respondent's flight training academy and/or flight training school;
6. A copy of T&G Flying Club, Inc.'s flight training school certificate issued by the FAA;
7. Any and all documents, records, or things sufficient to describe the rental/lease protocol for members of Respondent's club;
8. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s Standard Operating Procedures or flying club Operations Manual;
9. A copy of T&G Flying Club, Inc.'s accident aircraft's Pilot Operating Handbook and aircraft checklists;
10. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s safety policy;
11. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s risk management policy;
12. A copy of T&G Flying Club, Inc.'s drug and alcohol policy;
13. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s aircraft dispatch procedures;
14. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s pilot currency requirements for aircraft rental;
15. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s Safety Seminars lists of participants;
16. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s Committee/Board meetings and meeting minutes;
17. Copies of T&G Flying Club, Inc.'s monthly newsletters for the last 2 years;
18. Copies of T&G Flying Club, Inc.'s e-mail communications with members related to standard operating procedures, local flying procedures, flight safety or ground safety;
19. Any documents, records, or things sufficient to describe any FAA enforcement action against T&G Flying Club, Inc., results of FAA ramp inspections, or visits from T&G Flying Club, Inc.'s FAA assigned Principle Operations Inspection (POEI), or any other FAA representative;

20. Any documents, records, or things sufficient to describe T&G Flying Club, Inc.'s aircraft accidents or incidents that have occurred in the last 5 years;
21. Any and all documents, records, memorandum, notes, or the like, sufficient to describe the communications between pilot Mr. Felton and Respondent, T&G Flying Club, Inc.;
22. Any and all documents, records, or things sufficient to describe pilot/member Mr. Felton's training, background, experience, certification, and/or awards to include copies of all Mr. Felton's written exams, and documentation concerning T&G Flying Club, Inc.'s check flights;
23. A list of all day flights conducted by Mr. Felton with T&G Flying Club, Inc. within the last 2 years;
24. A list of all night flights conducted by Mr. Felton with T&G Flying Club, Inc. within the last 2 years;
25. Any maintenance manuals or records regarding the Cessna bearing tail number N4207P to include, but not limited to, the aircraft's airframe, engine and propeller logbooks, all 100-hour and annual inspections, and all Form FAA 337 Major Repair & Alteration documents;
26. A copy of N4207P's current Weight and Balance at the time of the accident;
27. Copies of N4207P's refueling receipts for the last 30 days prior to the accident;
28. A copy of N4207P's Airworthiness Certificate;
29. Any documents, records, or things sufficient to describe audits or inspections conducted within the last 3 years by T&G Flying Club, Inc., the FAA, or any other 3rd party concerning T&G Flying Club, Inc.'s flight or maintenance operations;
30. Any documents, records, or things sufficient to describe the payment history for Cessna bearing tail number N4207P;
31. Any and all insurance policies issued for the Cessna bearing tail number N4207P;
32. Any and all inspection records for the aforementioned Cessna;

Respectfully submitted,

/s/ Jamie R. Lebovitz

Jamie R. Lebovitz, Esq. (0025000)

Jordan D. Lebovitz, Esq (0091247)

NURENBERG, PARIS, HELLER

& McCARTHY CO., L.P.A.

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Attorneys for Petitioner

IN THE COURT OF COMMON PLEAS
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226 N. Adams Street	:	
Rockville, MD 20850	:	JUDGE:
	:	
Petitioner,	:	<u>PETITIONER'S FIRST REQUEST</u>
	:	<u>FOR PRODUCTION DIRECTED TO</u>
-vs-	:	<u>RESPONDENT, ZETA BETA TAU,</u>
	:	<u>LAMBDA CHAPTER AT CASE</u>
T&G FLYING CLUB, INC. et al.	:	<u>WESTERN RESERVE UNIVERSITY</u>

Respondents.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Petitioner, Afshin Pischevar, Administrator of the Estate of Abraham Pischevar II, deceased, respectfully requests Respondent, Zeta Beta Tau, Lambda Chapter at Case Western Reserve University, to produce the following documents, records and things at the offices of:

NURENBERG, PARIS, HELLER
& McCARTHY CO., L.P.A.
1370 Ontario Street - Suite 100
Cleveland, Ohio 44113

within twenty-eight (28) days of service hereof, pursuant to Ohio Rule of Civil Procedure 34.

Pursuant to Ohio Rule of Civil Procedure 26(e), these requests are continuing. The Respondent is therefore requested to supplement these requests with any additional items which are uncovered after these have been produced.

1. Each and every insurance policy issued to Respondent.;
2. Any and all documents, records, or things sufficient to describe the protocol, operations, activities, or the like, for recruitment and/or rush;
3. Any and all documents, records, or things sufficient to describe each and every member/brother of Respondent;

~~EXHIBIT~~ 2

4. Any and all documents, records, or things sufficient to describe any and all communications between the pilot Mr. Felton and the members/brothers of Respondent;
5. Any and all documents, records, or things sufficient to describe the hazing process involved in recruitment/rush;
6. Any and all documents, records, or things sufficient to describe the recruitment and rush events this Respondent participated in on campus;
7. Copies of each and every social media account for members/brothers of Respondent including, but not limited to, Facebook, Twitter, Instagram, Snapchat, MySpace, Reddit, Google Plus, or the like.
8. Any and all documents, records, or things sufficient to describe the fraternity hierarchy of brothers/members;
9. Any and all documents, records, or things sufficient to describe any and all guidelines or restrictions on rush/recruitment events for new prospective members/brothers/pledges.

Respectfully submitted,

/s/ Jamie R. Lebovitz
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	:	<u>FOUNDATION, INC.</u>
T&G FLYING CLUB, INC. et al.	:	
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Respondents.	:	

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within twenty-eight (28) days of service hereof, pursuant to Ohio Rule of Civil Procedure 34.

Pursuant to Ohio Rule of Civil Procedure 26(e), these requests are continuing. The Respondent is therefore requested to supplement these requests with any additional items which are uncovered after these have been produced.

1. Each and every insurance policy issued to Respondent active on or before August 25, 2014;
2. Any and all documents, records, or things sufficient to describe the protocol, operations, activities, or the like, for recruitment and/or rush;
3. Any and all documents, records, or things sufficient to describe each and every

EXHIBIT 3

member/brother of Respondent, Zeta Beta Tau, Lambda Chapter at Case Western Reserve University;

4. Any and all documents, records, or things sufficient to describe any and all communications between this Respondent and its local chapter/colony Respondent Zeta Beta Tau, Lambda Chapter at Case Western Reserve University;
5. Any and all documents, records, or things sufficient to describe any and all communications between this Respondent and its local chapter/colony Respondent Zeta Beta Tau, Lambda Chapter at Case Western Reserve University regarding the fatal airplane crash that occurred on or about August 25, 2014;
6. Any and all documents, records, or things sufficient to describe the hazing process involved in recruitment/rush;
7. Any and all documents, records, or things sufficient to describe the recruitment and rush events Respondent Zeta Beta Tau, Lambda Chapter at Case Western Reserve University participated in on campus;
8. Copies of each and every social media account for members/brothers of this Respondent who commented, linked to, or discussed the aforementioned plane crash including, but not limited to, Facebook, Twitter, Instagram, Snapchat, MySpace, Reddit, Google Plus, or the like.
9. Any and all documents, records, or things sufficient to describe the fraternity hierarchy of brothers/members at the campus and national level;
10. Any and all documents, records, or things sufficient to describe any and all guidelines or restrictions on rush/recruitment events for new prospective members/brothers/pledges;
11. Any and all documents, records, or things sufficient to describe the payment of dues, recruitment fees, recruitment budget, total budget, or the like, for Respondent Zeta Beta Tau, Lambda Chapter at Case Western Reserve University;
12. Any and all risk management documents or manuals;
13. Any and all documents, including Microsoft Excel Spreadsheets, Powerpoints, or the like, sufficient to describe the dues and payment structure for this Respondent through its local/campus affiliates.

Respectfully submitted,

/s/ Jamie R. Lebovitz

Jamie R. Lebovitz, Esq. (0025000)

Jordan D. Lebovitz, Esq (0091247)

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& McCARTHY CO., L.P.A.

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Attorneys for Petitioner

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within twenty-eight (28) days of service hereof, pursuant to Ohio Rule of Civil Procedure 34.

Pursuant to Ohio Rule of Civil Procedure 26(e), these requests are continuing. The Respondent is therefore requested to supplement these requests with any additional items which are uncovered after these have been produced.

1. Each and every insurance policy issued to Respondent, Laurence E. Rohl;
2. Any and all documents, records, or things sufficient to describe any agents/employees/contractors hired by Respondent Rohl to maintain, inspect, clean, or operate the Cessna bearing tail number N4207P;
3. Any and all documents, records, or things sufficient to describe the ownership of the

EXHIBIT 4

Cessna bearing tail number N4207P;

4. Any and all documents, records, or things sufficient to describe the rental/lease agreements entered into by this Respondent and Mr. Felton;
5. Any and all documents, records, memorandum, notes, or the like, sufficient to describe the communications between pilot Mr. Felton and Respondent, Laurence E. Rohl;
6. Any and all documents, records, or things sufficient to describe pilot/member Mr. Felton's training, background, experience, or certification in this Respondent's possession;
7. Any maintenance manuals or records regarding the Cessna bearing tail number N4207P;
8. Any documents, records, or things sufficient to describe the payment history for Cessna bearing tail number N4207P;
9. Any and all insurance policies issued for the Cessna bearing tail number N4207P;
10. Any and all inspection records for the aforementioned Cessna;
11. Any and all documents, records, or things, to describe the maintenance history of the aforementioned Cessna;

Respectfully submitted,

/s/ Jamie R. Lebovitz

Jamie R. Lebovitz, Esq. (0025000)

Jordan D. Lebovitz, Esq (0091247)

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Attorneys for Petitioner