

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

216 JAMAICA AVENUE, LLC,)	Case No. 1:06CV1288
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
S & R PLAYHOUSE REALTY CO.,)	DEFENDANT'S RULE 26(a)(1)
)	INITIAL DISCLOSURES
Defendant.)	

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant S & R Playhouse Realty Co. provides the following initial disclosures to Plaintiff 216 Jamaica Avenue, LLC.

- A. The following individuals are likely to have discoverable information that S & R Playhouse Realty Co. ("S & R") may use to support its defenses:
1. The individual who likely had the most relevant information concerning the Assignment at issue, Perry Tenenbaum, is deceased. S & R is in the process of attempting to locate his file for the Assignment.
 2. Individuals, to date unknown, involved in the daily management of the leasehold premises, payment of rent, and related matters.
 3. David LaRue, President of the Commercial Group, has knowledge regarding management of the leasehold premises, payment of rent, and related matters.
- B. The following documents and categories of documents may be used by Defendant to support its defense as to the claims asserted by Plaintiff and are available for review at a mutually convenient date and time in the offices of Thompson Hine LLP:
1. Schedule of rental payments for ground leases for downtown Cleveland properties, dated Sept. 18, 1996.
 2. All documents referred to in Plaintiff's Complaint.

3. Assignment and Assumption, dated May 21, 1982, between The Halle Brothers Company and S & R Playhouse Realty Company, for premises at original two acre lots No. 156 and 157. (775293)
4. Modification of Covenants and Extension of Term of Lease, dated July 6, 1925, between The Cleveland Trust Company and The Halle Brothers Company.
5. Amendment, dated December 1, 1992, to Open-End Mortgage and Security Agreement between the City of Cleveland and S & R Playhouse Realty Company.
6. First Amendment, dated December 1, 1992, to Urban Development Action Grant Development Contract between The City of Cleveland and S & R Playhouse Realty Company (UDAG Grant Agreement No. B-82-AA-39-0153).
7. United States Department of Housing and Urban Development Amendment/Revised UDAG Grant Agreement (Grant No. B-82-AA-39-0153 Halle Building), executed August 15/30, 1984; in the amount of \$7,100,000.
8. Urban Development Action Grant Development Contract, dated October 3, 1984, between the City of Cleveland and S & R Playhouse Realty Company.
9. Promissory Note, dated October 3, 1984, executed by S & R Playhouse Realty Company, as maker, to the City of Cleveland, as promisee, in the amount of \$3,500,000, pursuant to UDAG Development Contract.
10. Mortgage, Security Agreement and Assignment of Rents from S & R Playhouse Realty Co. to Marine Midland Bank, dated November 25, 1997.
11. Resolution of Halle Office Building Partnership, dated December 17, 1992, regarding extension of Wells Fargo Letter of Credit relating to loan in the amount of \$10,000,000.
12. Certificate of Limited Partnership of Halle Office Building Limited Partnership, dated September 18, 1984.
13. Loan and Trust Agreement, dated October 1, 1984, by and among Cuyahoga County, Halle Office Building Limited Partnership and Ameritrust Company National Association, in the amount of \$7,000,000, relating to Industrial Development Revenue Bonds.

14. S & R Playhouse Realty Company Amended and Restated General Partnership Certificate, dated September 17, 1984.
 15. Confidential Placement Memorandum.
 16. Letter, dated December 28, 1988, from Perry Tenenbaum to Joan Krogalecki, forwarding estoppel certificates and releases of mechanic's liens.
 17. Tenant Estoppel Certificates of various dates.
 18. Management Agreement, dated May 21, 1982, between S & R Playhouse Realty Company and Forest City Management, Inc.
 19. Various files of S & R relating to the leasehold premises that are in the possession of S & R.
 20. S & R is attempting to locate additional files and documents.
- C. It does not appear that there is any applicable insurance agreement that provides coverage to satisfy all or any part of a judgment that may be entered in this action.

The disclosures made herein are based upon the information reasonably available at the time of these disclosures. S & R reserves the right to amend and supplement these disclosures as required by Federal and Local Rules, or order of the Court, as discovery in this matter proceeds.

Respectfully submitted,

/s/Gary L. Walters
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system and served electronically this 7th day of August, 2006. Parties will receive notice through the Court's electronic filing system.

/s/Gary L. Walters _____
One of the Attorneys for Defendant
S & R Playhouse Realty Co.