

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.*,
Betty S. Miles, Individually and as
Administrator of the
Estate of Jerry D. Miles
175 State Route 220
Piketon, Ohio 45661

State of Ohio *ex rel.*,
Bill S. Miles
175 State Route 220
Piketon, Ohio 45661

State of Ohio *ex rel.*,
Joshua Miles
119 State Route 220
Piketon, Ohio 45661

Relators,

-v-

Village of Piketon, Ohio,
c/o Village of Piketon, Ohio Solicitor,
Bruce R. Dailey, Esq.
229 East North Street
Waverly, Ohio 45690

Bill Spencer, Mayor
Village of Piketon
P.O. Box 562
Piketon, Ohio 45661-0562

Linda Nelson, Clerk-Treasurer
109 East 3rd Street
Piketon, Ohio 45661

James Nelson, Chief of Police
Village of Piketon
109 East 3rd Street
Piketon, Ohio 45661

Respondents.

Case No. _____

Original Action in Mandamus

**VERIFIED COMPLAINT FOR ALTERNATIVE AND/OR
PEREMPTORY WRITS OF MANDAMUS**

This is a mandamus action for a writ compelling Respondents Village of Piketon, Ohio (“VOP”), the Mayor of the VOP, the Clerk-Treasurer of the VOP, and the Chief of Police of the VOP (together hereinafter collectively referred to as “Respondents”) to pay Relators Betty S. Miles, both individually and in her capacity as Administrator of the Estate of Jerry D. Miles, Bill S. Miles, and Joshua Miles (together hereinafter collectively referred to as “Relators”) all money necessary to satisfy in full the principal amount of the judgment granted to Relators against Respondents totaling \$837,518.22, plus judgment interest from January 2, 2003 to the date the judgment is paid. Relators were granted the judgment against the VOP through its Chief of Police after Jerry D. Miles and another individual were murdered. The VOP Police Department’s acts or omissions in the murder investigation, under the direction of the Chief of Police, were conducted in a reckless manner, and reflected a reckless indifference to Relators’ rights.

Relators are entitled to the requested writ of mandamus because: (i) Relators have a clear legal right to satisfaction of the judgment plus judgment interest; (ii) Respondents have a clear legal duty to pay the judgment plus judgment interest; and (iii) Relators have no plain and adequate legal remedy in the ordinary course of the law to enforce the judgment and judgment interest. *See State ex rel. Shimola v. City of Cleveland* (1994), 70 Ohio St. 3d 110, 112; *See also* Ohio Rev. Code § 2731.05.

Jurisdiction

1. This Court has jurisdiction over this action pursuant to Article IV, Section 2(B)(1)(b) of the Ohio Constitution.

Parties

2. Respondent VOP is a municipal corporation in the State of Ohio.
3. Respondent Bill Spencer is the Mayor of the VOP.
4. Respondent Linda Nelson is the Clerk-Treasurer of the VOP.
5. Respondent James Nelson is the current Chief of Police of the VOP.
6. Relators are the Plaintiffs in Case No. 519-CIV-01 of the Pike County, Ohio Court of Common Pleas. Relators were granted a judgment against the VOP through its Chief of Police on January 2, 2003 in the principle amount of \$837,518.22, plus judgment interest (the “Judgment”). (Relators’ Affs. attached as Exs. D, E, and F.) A copy of the Judgment is attached as Ex. A.

Writ of Mandamus Generally

7. Relators are entitled to the requested writ of mandamus because: (i) Relators have a clear legal right to satisfaction of the Judgment, including judgment interest; (ii) Respondents have a clear legal duty to pay the Judgment, including judgment interest; and (iii) Relators have no plain and adequate legal remedy in the ordinary course of the law to enforce the Judgment and judgment interest. *See State ex rel. Shimola v. City of Cleveland* (1994), 70 Ohio St. 3d 110, 112; *See also* Ohio Rev. Code § 2731.05.
8. In *State ex rel. Shimola*, an Ohio Supreme Court case that is factually and procedurally parallel to the case at bar, an individual who had previously been awarded three judgments against the City of Cleveland made demands on the city for payment of the three judgments, to no avail. Thereafter, the individual filed a complaint requesting a writ of mandamus ordering the city and its finance director to pay all three judgments, plus accrued post-judgment interest. This Court, in granting the writ of mandamus ordering the city to pay the three judgments, plus post-judgment interest pursuant to Ohio Rev. Code §§ 1343.03(A) and 1343.03(B), held the following: (i) the individual relator had a clear legal right to the amount of the three judgments, plus post-judgment interest; (2) the city had a clear legal duty to pay relator such amounts; and (3) pursuant to Ohio Rev. Code § 2744.06(A), the individual relator had no adequate legal remedy to enforce the judgments, plus post-judgment interest. (1994), 70 Ohio St. 3d 110.

Relators Have a Clear Legal Right to Satisfaction of the Judgment, Including Judgment Interest

9. On February 6, 2008, counsel for Relators mailed, by registered and regular U.S. mail, a demand upon Respondents that they pay the Judgment in full, including judgment interest, or that arrangements for payment be made, by close of business on February 22, 2008. (Relators' Affs. attached as Fxs. D, E, and F.) A copy of the demand is attached as Ex. B.
10. Respondents have failed and/or refused to pay the Judgment in full, including judgment interest, and have failed and/or refused to make arrangements for payment to Relators. (Relators' Affs. attached as Exs. D, E, and F.)
11. The Judgment expressly provides for post-judgment interest.
12. Ohio Rev. Code § 1343.03(B) states that "interest on a judgment . . . **shall** be computed from the date the judgment . . . is rendered to the date on which money is paid" (Emphasis added).
13. Relators have a clear legal right to satisfaction of the Judgment in the principle amount of \$837,518.22, including judgment interest from January 2, 2003, which is the date the Judgment was rendered, to the date the Judgment is paid.

**Respondents Have a Clear Legal Duty to
Pay the Judgment, Including Judgment Interest**

14. When a judgment is rendered against an officer of a municipal corporation in his official capacity, in matters to which he is entitled to represent it, the judgment is binding against the municipal corporation, or another officer representing the municipal corporation. *State, ex rel. Gill v. Winters*, (1990), 68 Ohio App. 3d 497, 504; *Ohio Fuel Gas Co. v. City of Mt. Vernon* (1930), 37 Ohio App. 159, 169.
15. Ohio Rev. Code §§ 733.23 states that “[t]he executive power of villages **shall** be vested in a mayor, clerk, treasurer, **marshal**, [and] street commissioner” (Emphasis added).
16. Ohio Rev. Code § 737.15 states that “[e]ach village shall have a **marshal**, designated **chief of police**” (Emphasis added).
17. The Judgment was rendered against Nathaniel Todd Booth individually, and in his capacity as Chief of Police of the VOP.
18. The Judgment Entry relative to liability, which is attached hereto as Ex. C, states that “the Court finds that while [the Chief of Police of the VOP] was acting within the course and scope of his employment, [the Chief of Police’s] acts or omissions in the investigation of this matter were conducted in a reckless manner, and reflected a reckless indifference to the rights of the families involved.”
19. The Judgment was rendered against the Chief of Police of the VOP based upon matters to which the Chief of Police was entitled to represent the VOP.
20. The Judgment is binding against the VOP.
21. Respondents have a clear legal duty to pay the Judgment, including judgment interest.

**Relators Have No Plain and Adequate Legal Remedy in the
Ordinary Course of the Law to
Enforce the Judgment and Judgment Interest**

22. Ohio Rev. Code § 2744.06(A) states that “[r]eal or personal property, and moneys, accounts, deposits, or investments of a political subdivision are not subject to execution, judicial sale, garnishment, or attachment to satisfy a judgment rendered against a political subdivision in a civil action to recover damages for injury, death, or loss to person or property caused by an act or omission of the political subdivision or any of its employees in connection with a governmental or proprietary function. **Those judgments shall be paid from funds of the political subdivisions** that have been appropriated for that purpose, but, if sufficient funds are not currently appropriated for the payment of judgments, the fiscal officer of a political subdivision shall certify the

amount of any unpaid judgments to the taxing authority of the political subdivision for inclusion in the next succeeding budget and annual appropriation measure and payment in the next succeeding fiscal year”

23. Ohio Rev. Code § 2744.01(F) states that “[p]olitical subdivision’ . . . means a municipal corporation”
24. Pursuant to Ohio Rev. Code § 2744.06(A), Relators have no plain and adequate legal remedy in the ordinary course of the law to enforce the Judgment and judgment interest.

Relators Have a Right to a Writ of Mandamus

25. Consistent with this Court’s holding in *State ex rel. Shimola*, Relators have established their right to a writ of mandamus, as Relators have established that (i) Relators have a clear legal right to satisfaction of the Judgment, including judgment interest; (ii) Respondents have a clear legal duty to pay the Judgment, including judgment interest; and (iii) Relators have no plain and adequate legal remedy in the ordinary course of the law to enforce the Judgment and judgment interest.
26. Relators’ affidavits are attached as Exs. D, E, and F.

WHEREFORE, Relators respectfully request that this Court:

- A. Issue an alternative and/or peremptory writ of mandamus directing Respondents to pay all money necessary to satisfy in full the principal amount of the Judgment totaling \$837,518.22, plus judgment interest from January 2, 2003 to the date the Judgment is paid.
- B. Issue an alternative and/or peremptory writ of mandamus directing that, if Respondents do not have sufficient funds currently appropriated for the payment of the Judgment, including judgment interest, then Respondent Linda Nelson, as Clerk-Treasurer for the VOP, shall certify the amount of the Judgment totaling \$837,518.22, plus judgment interest from January 2, 2003 to the date the Judgment is paid, to the VOP legislative authority for inclusion in the next succeeding budget and annual appropriation measure and payment in the next succeeding fiscal year as provided by Ohio Rev. Code § 5705.08, or that Respondent Linda Nelson, as Clerk-Treasurer of the VOP, direct the VOP legislative authority to issue bonds pursuant to Ohio Rev. Code § 133.14 for the purpose of paying the Judgment, including judgment interest, and that Respondent Linda Nelson place all moneys raised for payment of the Judgment, including judgment interest in the judgment fund and disperse such moneys according to law, and consistent with the Judgment.
- C. Grant the costs of this action to Relators; and

- D. Grant Relators any other relief as may be just and proper, including, but not limited to, reasonable attorneys' fees.



Philip M. Collins (0001354)

Allison K. Tracey (0079079)

PHILIP M. COLLINS & ASSOCIATES

21 East State Street, Suite 930

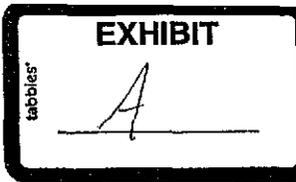
Columbus, Ohio 43215-4228

Phone: 614-228-1144

Fax: 614-228-7619

Counsel for Relators

*see
d
miles*



IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

**BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles,
Bill S. Miles, and
Joshua R. Miles
Plaintiffs**

CASE NO. 519-CIV-01

JUDGE BOLT-MEREDITH

JUDGMENT ENTRY

vs

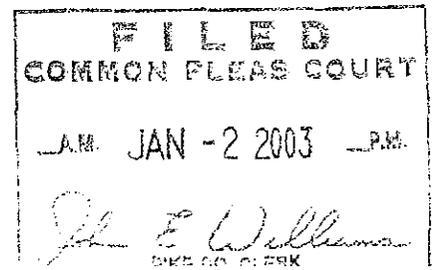
**NATHANIEL TODD BOOTH,
Individually and in his
capacity as Chief of Police of
the Village of Piketon, Ohio
Defendant**

This matter came before the Court this 18th day of December, 2002, for a hearing to determine the damages suffered by Plaintiffs in the judgment rendered against the Defendant. A copy of said judgment is attached as Exhibit A and is incorporated herein by reference thereto. Present in the court room were the Plaintiffs, represented by Mr. Pat Apel, and the Defendant who represented himself. The Defendant indicated that he had tried again to contact Mr. Moraleja, the Village's attorney, to discuss with him representation by the Village but received no response from Mr. Moraleja or any representative of the Village of Piketon.

The defendant having offered no evidence to the contrary, the Court hereby finds, based upon the pleadings, the judgment rendered against the Defendant, the evidence before the Court, statements of Plaintiffs' counsel and the Defendant, that the Defendant is liable to the Plaintiffs for all the damages they sustained as alleged in the Complaint and Judgment Entry filed herein.

Therefore, the Court further finds that the Defendant is liable to the Plaintiffs and should pay to them forthwith, the amount of \$837,518.22, awarded as follows:

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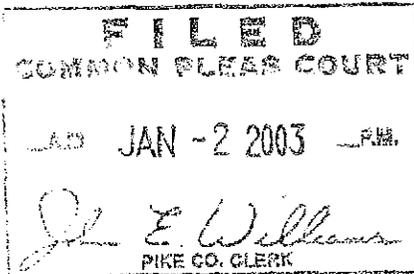


To the Estate of Jerry D. Miles	\$237,518.22.
To Betty S. Miles	\$200,000.00
To Bill S. Miles	\$200,000.00
To Joshua R. Miles	\$200,000.00

There being no just cause for delay, it is hereby ORDERED, ADJUDGED and DECREED that Judgment be rendered accordingly and the Defendant pay the same to the Plaintiffs, plus interest at the rate of ten percent (10%) per annum.

The Clerk of Courts is hereby ordered to serve upon all parties notice of the judgment and its date of entry upon the journal in a manner prescribed by Civil Rule 5(B). The Clerk is further ordered to note said service in the appearance docket, all in accordance with Civil Rule 58.

Costs to the Defendant.



C. Bolt-Meredith
 CASSANDRA S. BOLT-MEREDITH
 JUDGE

Submitted by:

Pat Apel
 PAT APEL, #0067805
 MARGARET APEL MILLER, #0041912
 Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH

I certify that this is a true and correct copy of the original filed in my Office on 1-2-03
 JOHN E. WILLIAMS, CLERK
 BY: *H. Helmer*
 Deputy Clerk
 DATE: 1-2-03

4-22-08

VOL 133PG0718

PHILIP M. COLLINS & ASSOCIATES

ATTORNEYS AT LAW
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FACSIMILE (614) 228-7619
WWW.PMCALAW.COM

February 6, 2008

VIA REGISTERED AND REGULAR U.S. MAIL

Bill Spencer
Village of Piketon Mayor
P.O. Box 562
Piketon, Ohio 45661-0562

James Nelson
Village of Piketon Chief of Police
109 East 3rd Street
Piketon, Ohio 45661

Linda Nelson
Village of Piketon Clerk-Treasurer
109 East 3rd Street
Piketon, Ohio 45661

Bruce R. Dailey, Esq.
Village of Piketon Solicitor
229 East North Street
Waverly, Ohio 45690

**RE: Miles et al., v. Booth/VOP Chief of Police; Case No. 519-CIV-01
Demand for Payment of Judgment Plus Interest (\$1,264,078.25)**

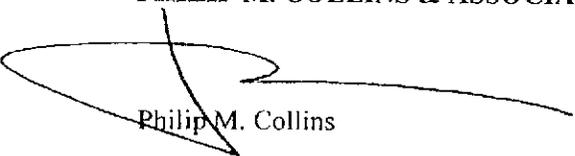
Dear Village of Piketon Officers and Representatives:

Our firm and attorney Maggie Miller represent Betty S. Miles, Bill S. Miles, Joshua Miles, and the Estate of Jerry Miles ("Miles Family"), who are the plaintiffs in the above-referenced case. The Miles Family has retained us to collect the judgment rendered in their favor and against the Village of Piketon Chief of Police. We have attached a copy of the judgment to this correspondence.

On behalf of the Miles Family, we demand that the Village of Piketon pay the judgment in full, including judgment interest. With judgment interest, the payoff amount for the judgment as of February 5, 2008 is \$1,264,078.25, and increases by approximately \$230 each day.

We require that the judgment be paid in full, or that arrangements for payment be made, by close of business on February 22, 2008. In the event the Village of Piketon has not made payment in full by then, or it has not made arrangements for payment by then, we have been authorized to file suit.

PHILIP M. COLLINS & ASSOCIATES



Philip M. Collins

PMC/

Enclosure

cc: Betty S. Miles
Maggie Miller, Esq.
Ehren W. Slagle, Esq.
Allison K. Tracey, Esq.

IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles,
Bill S. Miles, and
Joshua R. Miles
Plaintiffs

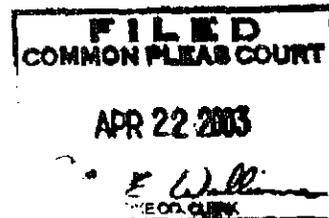
CASE NO. 519-CIV-01

JUDGE BOLT-MEREDITH

JUDGMENT ENTRY

vs

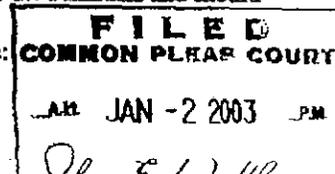
NATHANIEL TODD BOOTH,
Individually and in his
capacity as Chief of Police of
the Village of Piketon, Ohio
Defendant



This matter came before the Court this 18th day of December, 2002, for a hearing to determine the damages suffered by Plaintiffs in the judgment rendered against the Defendant. A copy of said judgment is attached as Exhibit A and is incorporated herein by reference thereto. Present in the court room were the Plaintiffs, represented by Mr. Pat Apel, and the Defendant who represented himself. The Defendant indicated that he had tried again to contact Mr. Moraleja, the Village's attorney, to discuss with him representation by the Village but received no response from Mr. Moraleja or any representative of the Village of Piketon.

The defendant having offered no evidence to the contrary, the Court hereby finds, based upon the pleadings, the judgment rendered against the Defendant, the evidence before the Court, statements of Plaintiffs' counsel and the Defendant, that the Defendant is liable to the Plaintiffs for all the damages they sustained as alleged in the Complaint and Judgment Entry filed herein.

Therefore, the Court further finds that the Defendant is liable to the Plaintiffs and should pay to them forthwith, the amount of \$837,518.22, awarded as follows:



To the Estate of Jerry D. Miles	\$237,518.22.
To Betty S. Miles	\$200,000.00
To Bill S. Miles	\$200,000.00
To Joshua R. Miles	\$200,000.00

There being no just cause for delay, it is hereby ORDERED, ADJUDGED and DECREED that Judgment be rendered accordingly and the Defendant pay the same to the Plaintiffs, plus interest at the rate of ten percent (10%) per annum.

The Clerk of Courts is hereby ordered to serve upon all parties notice of the judgment and its date of entry upon the journal in a manner prescribed by Civil Rule 5(B). The Clerk is further ordered to note said service in the appearance docket, all in accordance with Civil Rule 58.

Costs to the Defendant.

Cassandra S. Bolt-Meredith
 CASSANDRA S. BOLT-MEREDITH
 JUDGE

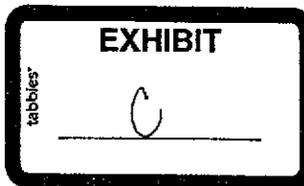
Submitted by:

FILED
 COMMON PLEAS COURT
 JAN -2 2003
Pat A. Miller
 PRO. CLERK

PAT APEL, #0067805
 MARGARET APEL MILLER, #0041912
 Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH

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 COMMON PLEAS COURT
 APR 22 2003
Pat A. Miller
 PRO. CLERK



IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

**BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles, et al.**

CASE NO. 519-CIV-01

JUDGE BOLT-MEREDITH

Plaintiffs

JUDGMENT ENTRY

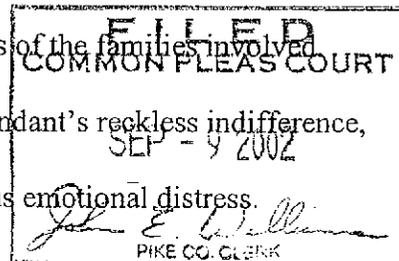
vs

**NATHANIEL TODD BOOTH,
Individually and in his
capacity as Chief of Police of
the Village of Piketon, Ohio
Defendant**

This matter came before the Court on plaintiffs' motion for summary judgment filed on the 8th day of July, 2002. Defendant was given an opportunity to respond to said motion but failed to do so.

Having construed the evidence submitted most strongly in favor of defendant, reasonable minds can come to but one conclusion and that conclusion is adverse to defendant. Thus, the Court hereby finds that there is no genuine issue as to any material fact and that plaintiffs are entitled to judgment as a matter of law as to the issue of liability against Nathaniel Todd Booth, both individually and in his capacity as the Chief of Police of the Village of Piketon, Ohio.

Specifically, the Court finds that while he was acting within the course and scope of his employment, defendant's acts or omissions in the investigation of this matter were conducted in a reckless manner, and reflected a reckless indifference to the rights of the families involved R.C. 2744.03(A)(6). The Court further finds that as a result of defendant's reckless indifference, plaintiffs have suffered damages, including but not limited to serious emotional distress.



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Thus, plaintiffs' motion for summary judgment is well-taken and is hereby **GRANTED**. Pursuant to Civil Rule 56(D), the Court finds that the damages proximately caused by defendants actions and/or omissions are in controversy and that this matter shall be set for trial on the issue of what damages were proximately caused by said acts or omissions on Counts One through Four of Plaintiffs' Complaint.



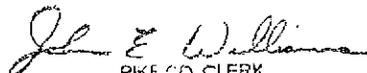
JUDGE CASSANDRA S. BOLT-MEREDITH



PAT APEL, #0067805
MARGARET APEL MILLER, #0041912
Attorneys for Defendant

cc: NATHANIEL TODD BOOTH

I certify that this is a true and correct copy of the original filed in my Office on 9-9-02
JOHN E. WILLIAMS, CLERK
BY: H. Holbrook
Deputy Clerk
DATE: 4-21-08

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COMMON PLEAS COURT
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PIKE CO. CLERK

VOL 131660318

Further Affiant sayeth naught.

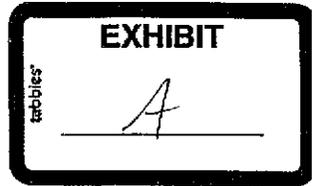
Betty S. Miles
Betty S. Miles, Individually and as
Executor of the Estate of Jerry D. Miles

Sworn to before me and subscribed in my presence this 21st day of Apr.

2008.

Ch. R. Smith
NOTARY PUBLIC
Smith

with
& merged



IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles,
Bill S. Miles, and
Joshua R. Miles
Plaintiffs

CASE NO. 519-CIV-01

JUDGE BOLT-MEREDITH

JUDGMENT ENTRY

vs

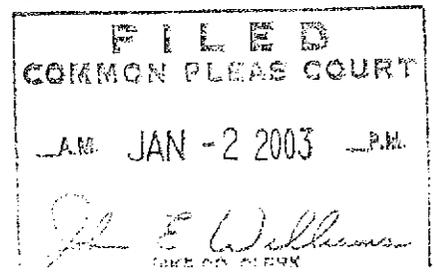
NATHANIEL TODD BOOTH,
Individually and in his
capacity as Chief of Police of
the Village of Piketon, Ohio
Defendant

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The defendant having offered no evidence to the contrary, the Court hereby finds, based upon the pleadings, the judgment rendered against the Defendant, the evidence before the Court, statements of Plaintiffs' counsel and the Defendant, that the Defendant is liable to the Plaintiffs for all the damages they sustained as alleged in the Complaint and Judgment Entry filed herein.

Therefore, the Court further finds that the Defendant is liable to the Plaintiffs and should pay to them forthwith, the amount of \$837,518.22, awarded as follows:

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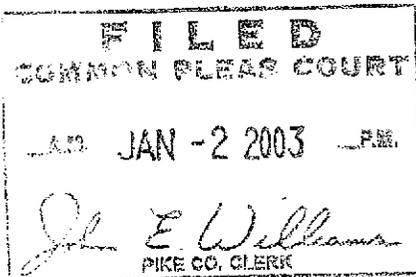


To the Estate of Jerry D. Miles	\$237,518.22.
To Betty S. Miles	\$200,000.00
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There being no just cause for delay, it is hereby ORDERED, ADJUDGED and DECREED that Judgment be rendered accordingly and the Defendant pay the same to the Plaintiffs, plus interest at the rate of ten percent (10%) per annum.

The Clerk of Courts is hereby ordered to serve upon all parties notice of the judgment and its date of entry upon the journal in a manner prescribed by Civil Rule 5(B). The Clerk is further ordered to note said service in the appearance docket, all in accordance with Civil Rule 58.

Costs to the Defendant.



C. Bolt-Meredith

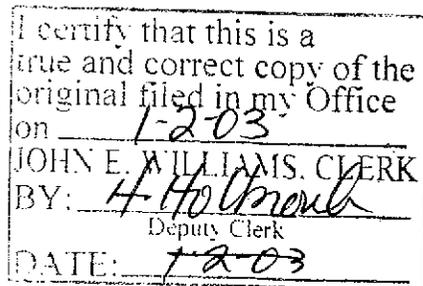
 CASSANDRA S. BOLT-MEREDITH
 JUDGE

Submitted by:

Pat Apel

 PAT APEL, #0067805
 MARGARET APEL MILLER, #0041912
 Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH



4-21-08

VOL 133 PG 0718

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WWW.PMCALAW.COM

February 6, 2008

VIA REGISTERED AND REGULAR U.S. MAIL

Bill Spencer
Village of Piketon Mayor
P.O. Box 562
Piketon, Ohio 45661-0562

James Nelson
Village of Piketon Chief of Police
109 East 3rd Street
Piketon, Ohio 45661

Linda Nelson
Village of Piketon Clerk-Treasurer
109 East 3rd Street
Piketon, Ohio 45661

Bruce R. Dailey, Esq.
Village of Piketon Solicitor
229 East North Street
Waverly, Ohio 45690

**RE: Miles et al., v. Booth/VOP Chief of Police; Case No. 519-CIV-01
Demand for Payment of Judgment Plus Interest (\$1,264,078.25)**

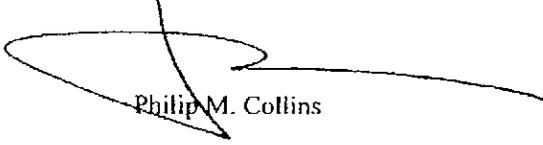
Dear Village of Piketon Officers and Representatives:

Our firm and attorney Maggie Miller represent Betty S. Miles, Bill S. Miles, Joshua Miles, and the Estate of Jerry Miles ("Miles Family"), who are the plaintiffs in the above-referenced case. The Miles Family has retained us to collect the judgment rendered in their favor and against the Village of Piketon Chief of Police. We have attached a copy of the judgment to this correspondence.

On behalf of the Miles Family, we demand that the Village of Piketon pay the judgment in full, including judgment interest. With judgment interest, the payoff amount for the judgment as of February 5, 2008 is \$1,264,078.25, and increases by approximately \$230 each day.

We require that the judgment be paid in full, or that arrangements for payment be made, by close of business on February 22, 2008. In the event the Village of Piketon has not made payment in full by then, or it has not made arrangements for payment by then, we have been authorized to file suit.

PHILIP M. COLLINS & ASSOCIATES



Philip M. Collins

PMC/

Enclosure

cc: Betty S. Miles
Maggie Miller, Esq.
Ehren W. Slagle, Esq.
Allison K. Tracey, Esq.

IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles,
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Plaintiffs

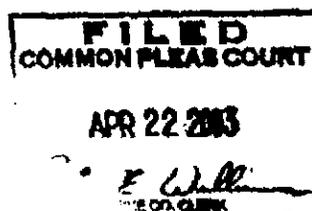
CASE NO. 519-CIV-91

JUDGE BOLT-MEREDITH

JUDGMENT ENTRY

vs

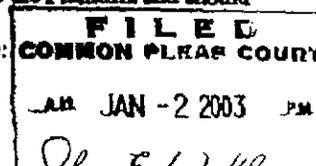
NATHANIEL TODD BOOTH,
Individually and in his
capacity as Chief of Police of
the Village of Piqueton, Ohio
Defendant



This matter came before the Court this 18th day of December, 2002, for a hearing to determine the damages suffered by Plaintiffs in the judgment rendered against the Defendant. A copy of said judgment is attached as Exhibit A and is incorporated herein by reference thereto. Present in the court room were the Plaintiffs, represented by Mr. Pat Apol, and the Defendant who represented himself. The Defendant indicated that he had tried again to contact Mr. Moraleja, the Village's attorney, to discuss with him representation by the Village but received no response from Mr. Moraleja or any representative of the Village of Piqueton.

The defendant having offered no evidence to the contrary, the Court hereby finds, based upon the pleadings, the judgment rendered against the Defendant, the evidence before the Court, statements of Plaintiffs' counsel and the Defendant, that the Defendant is liable to the Plaintiffs for all the damages they sustained as alleged in the Complaint and Judgment Entry filed herein.

Therefore, the Court further finds that the Defendant is liable to the Plaintiffs and should pay to them forthwith, the amount of \$837,518.22, awarded as follows:



To the Estate of Jerry D. Miles	\$237,518.22.
To Betty S. Miles	\$200,000.00
To Bill S. Miles	\$200,000.00
To Joshua R. Miles	\$200,000.00

There being no just cause for delay, it is hereby ORDERED, ADJUDGED and DECREED that Judgment be rendered accordingly and the Defendant pay the same to the Plaintiffs, plus interest at the rate of ten percent (10%) per annum.

The Clerk of Courts is hereby ordered to serve upon all parties notice of the judgment and its date of entry upon the journal in a manner prescribed by Civil Rule 5(B). The Clerk is further ordered to note said service in the appearance docket, all in accordance with Civil Rule 58.

Costs to the Defendant.

J CASSANDRA S. BOLT-MEREDITH
 CASSANDRA S. BOLT-MEREDITH
 JUDGE

Submitted by:

FILED
COMMON PLEAS COURT
 -AM JAN -2 2003 -PM
Pat Apel *J. E. Williams*
 PRO. CO. CLERK

PAT APEL, #0067805
 MARGARET APEL MILLER, #0041912
 Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH

FILED
COMMON PLEAS COURT
 APR 22 2003
J. E. Williams
 PRO. CO. CLERK

Further Affiant sayeth naught.

Bill S. Miles

Bill S. Miles

Sworn to before me and subscribed in my presence this 20th day of April.

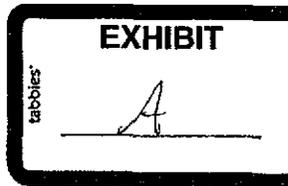
2008.

Sherry K. Holbrook

NOTARY PUBLIC

*My commission expires
Sept. 23, 2009.*

2/20
a
mended



IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

**BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles,
Bill S. Miles, and
Joshua R. Miles
Plaintiffs**

CASE NO. 519-CIV-01

JUDGE BOLT-MEREDITH

JUDGMENT ENTRY

vs

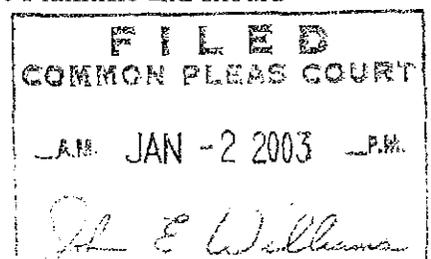
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Individually and in his
capacity as Chief of Police of
the Village of Piketon, Ohio
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Therefore, the Court further finds that the Defendant is liable to the Plaintiffs and should pay to them forthwith, the amount of \$837,518.22, awarded as follows:

100-133PG0717

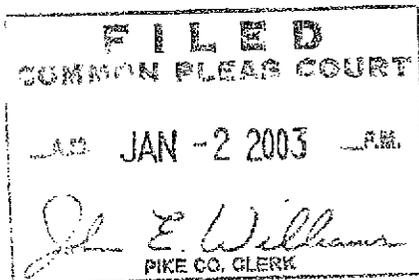


To the Estate of Jerry D. Miles	\$237,518.22.
To Betty S. Miles	\$200,000.00
To Bill S. Miles	\$200,000.00
To Joshua R. Miles	\$200,000.00

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The Clerk of Courts is hereby ordered to serve upon all parties notice of the judgment and its date of entry upon the journal in a manner prescribed by Civil Rule 5(B). The Clerk is further ordered to note said service in the appearance docket, all in accordance with Civil Rule 58.

Costs to the Defendant.



C. Bolt-Meredith

 CASSANDRA S. BOLT-MEREDITH
 JUDGE

Submitted by:

Pat Apel

 PAT APEL, #0067805
 MARGARET APEL MILLER, #0041912
 Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH

I certify that this is a true and correct copy of the original filed in my Office on 1-2-03
 JOHN E. WILLIAMS, CLERK
 BY: *H. Holmuth*
 Deputy Clerk
 DATE: 1-2-03
 4-21-08

FILED 103 PG 0718



PHILIP M. COLLINS & ASSOCIATES

ATTORNEYS AT LAW
21 EAST STATE STREET, SUITE 930
COLUMBUS, OHIO 43215-4228

PHILIP M. COLLINS
EHREN W. SLAGLE
KATHRYN L. GRAY
ALLISON K. TRACEY

TELEPHONE (614) 228-1144
FACSIMILE (614) 228-7619
WWW.PMCALAW.COM

February 6, 2008

VIA REGISTERED AND REGULAR U.S. MAIL

Bill Spencer
Village of Piketon Mayor
P.O. Box 562
Piketon, Ohio 45661-0562

James Nelson
Village of Piketon Chief of Police
109 East 3rd Street
Piketon, Ohio 45661

Linda Nelson
Village of Piketon Clerk-Treasurer
109 East 3rd Street
Piketon, Ohio 45661

Bruce R. Dailey, Esq.
Village of Piketon Solicitor
229 East North Street
Waverly, Ohio 45690

**RE: Miles et al., v. Booth/VOP Chief of Police; Case No. 519-CIV-01
Demand for Payment of Judgment Plus Interest (\$1,264,078.25)**

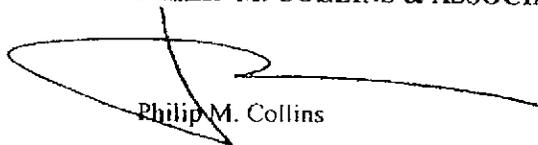
Dear Village of Piketon Officers and Representatives:

Our firm and attorney Maggie Miller represent Betty S. Miles, Bill S. Miles, Joshua Miles, and the Estate of Jerry Miles ("Miles Family"), who are the plaintiffs in the above-referenced case. The Miles Family has retained us to collect the judgment rendered in their favor and against the Village of Piketon Chief of Police. We have attached a copy of the judgment to this correspondence.

On behalf of the Miles Family, we demand that the Village of Piketon pay the judgment in full, including judgment interest. With judgment interest, the payoff amount for the judgment as of February 5, 2008 is \$1,264,078.25, and increases by approximately \$230 each day.

We require that the judgment be paid in full, or that arrangements for payment be made, by close of business on February 22, 2008. In the event the Village of Piketon has not made payment in full by then, or it has not made arrangements for payment by then, we have been authorized to file suit.

PHILIP M. COLLINS & ASSOCIATES



Philip M. Collins

PMC/

Enclosure

cc: Betty S. Miles
Maggie Miller, Esq.
Ehren W. Slagle, Esq.
Allison K. Tracey, Esq.

IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles,
BRI S. Miles, and
Joshua R. Miles
Plaintiffs

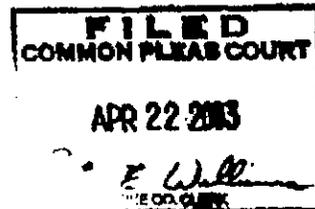
CASE NO. 519-CIV-01

JUDGE BOLT-MERKIDITH

JUDGMENT ENTRY

vs

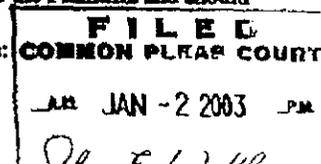
NATHANIEL TODD BOOTH,
Individually and in his
capacity as Chief of Police of
the Village of Piketon, Ohio
Defendant



This matter came before the Court this 18th day of December, 2002, for a hearing to determine the damages suffered by Plaintiffs in the judgment rendered against the Defendant. A copy of said judgment is attached as Exhibit A and is incorporated herein by reference thereto. Present in the court room were the Plaintiffs, represented by Mr. Pat Apel, and the Defendant who represented himself. The Defendant indicated that he had tried again to contact Mr. Moraleja, the Village's attorney, to discuss with him representation by the Village but received no response from Mr. Moraleja or any representative of the Village of Piketon.

The defendant having offered no evidence to the contrary, the Court hereby finds, based upon the pleadings, the judgment rendered against the Defendant, the evidence before the Court, statements of Plaintiffs' counsel and the Defendant, that the Defendant is liable to the Plaintiffs for all the damages they sustained as alleged in the Complaint and Judgment Entry filed herein.

Therefore, the Court further finds that the Defendant is liable to the Plaintiffs and should pay to them forthwith, the amount of \$837,518.22, awarded as follows:



To the Estate of Jerry D. Miles	\$237,518.22.
To Betty S. Miles	\$200,000.00
To Bill S. Miles	\$200,000.00
To Joshua R. Miles	\$200,000.00

There being no just cause for delay, it is hereby ORDERED, ADJUDGED and DECREED that Judgment be rendered accordingly and the Defendant pay the same to the Plaintiffs, plus interest at the rate of ten percent (10%) per annum.

The Clerk of Courts is hereby ordered to serve upon all parties notice of the judgment and its date of entry upon the journal in a manner prescribed by Civil Rule 5(B). The Clerk is further ordered to note said service in the appearance docket, all in accordance with Civil Rule 58.

Costs to the Defendant .

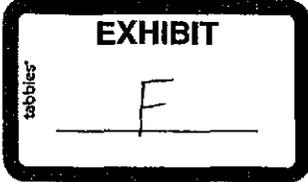
Cassandra S. Bolt-Meredith
 CASSANDRA S. BOLT-MEREDITH
 JUDGE

Submitted by:

FILED
 COMMON PLEAS COURT
 JAN -2 2003
Pat Apel
 PAT APEL #0067803
 MARGARET APEL MILLER, #0041912
 Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH

FILED
 COMMON PLEAS COURT
 APR 22 2003
Pat Apel
 PAT APEL



IN THE SUPREME COURT OF OHIO

State of Ohio <i>ex rel.</i> ,	:	
Estate of Miles, <i>et al.</i> ,	:	
	:	
Relators,	:	Case No. _____
-v-	:	
	:	Original Action in Mandamus
Village of Piketon, Ohio <i>et al.</i>	:	
	:	
Respondents.	:	

AFFIDAVIT OF RELATOR, STATE OF OHIO EX REL., JOSHUA MILES

STATE OF OHIO)
) SS:
 COUNTY OF PIKE)

Affiant, Joshua Miles, after being duly cautioned and sworn, and affirming that he is competent to testify to the matters stated herein, states from his personal knowledge that:

1. I am one of the Relators in the above-captioned matter.
2. I am one of the Plaintiffs in Case No. 519-CIV-01 in the Pike County, Ohio Court of Common Pleas. The Plaintiffs in Case No. 519-CIV-01 were granted a judgment against the Village of Piketon, Ohio ("VOP") through its Chief of Police on January 2, 2003 in the principle amount of \$837,518.22, plus judgment interest. A certified copy of the judgment is attached as Ex. A, and incorporated herein by reference ("the Judgment").
3. On February 6, 2008, I and the other Relators mailed by registered and regular U.S. mail, through our counsel, a demand upon Respondents VOP, Bill Spencer, Linda Nelson, and James Nelson, ("Respondents") that the VOP pay the Judgment in full, including judgment interest, or that arrangements for payment be made, by close of business on February 22, 2008. A copy of the demand is attached as Ex. B, and incorporated herein by reference.
4. Respondents have failed and/or refused to pay the Judgment in full, including judgment interest, or make arrangements for payment with myself or any other Relator in the above-captioned matter.

Further Affiant sayeth naught.

Joshua Miles
Joshua Miles

Sworn to before me and subscribed in my presence this 20th day of April.

2008.

Sherry K Hollenbeck
NOTARY PUBLIC
My commission expires
Sept. 23, 2009.

tabbies
& meredith



IN THE COURT OF COMMON PLEAS
PIKE COUNTY, OHIO

**BETTY S. MILES, Individually
and as Administrator of the
Estate of Jerry D. Miles,
Bill S. Miles, and
Joshua R. Miles
Plaintiffs**

CASE NO. 519-CIV-01

JUDGE BOLT-MEREDITH

JUDGMENT ENTRY

vs

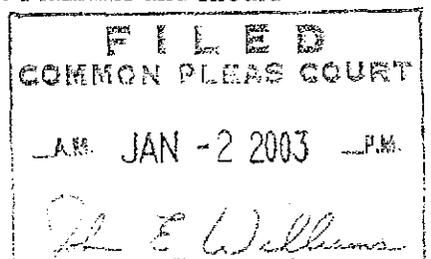
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Individually and in his
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Defendant**

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001133pg0717

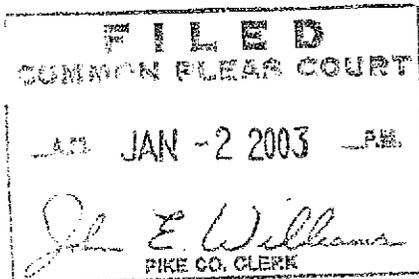


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Costs to the Defendant.



C. Bolt-Meredith

 CASSANDRA S. BOLT-MEREDITH
 JUDGE

Submitted by:

Pat Apel

 PAT APEL, #0067805
 MARGARET APEL MILLER, #0041912
 Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH

I certify that this is a true and correct copy of the original filed in my Office on 1-2-03
 JOHN E. WILLIAMS, CLERK
 BY: *H. Holbrook*
 Deputy Clerk
 DATE: 4-21-08

VOL 183 PG 0718



PHILIP M. COLLINS & ASSOCIATES

ATTORNEYS AT LAW
21 EAST STATE STREET, SUITE 930
COLUMBUS, OHIO 43215-4228

PHILIP M. COLLINS
EHREN W. SLAGLE
KATHRYN L. GRAY
ALLISON K. TRACEY

TELEPHONE (614) 228-1144
FACSIMILE (614) 228-7619
WWW.PMCALAW.COM

February 6, 2008

VIA REGISTERED AND REGULAR U.S. MAIL

Bill Spencer
Village of Piketon Mayor
P.O. Box 562
Piketon, Ohio 45661-0562

James Nelson
Village of Piketon Chief of Police
109 East 3rd Street
Piketon, Ohio 45661

Linda Nelson
Village of Piketon Clerk-Treasurer
109 East 3rd Street
Piketon, Ohio 45661

Bruce R. Dailey, Esq.
Village of Piketon Solicitor
229 East North Street
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**RE: Miles et al., v. Booth/VOP Chief of Police; Case No. 519-CIV-01
Demand for Payment of Judgment Plus Interest (\$1,264,078.25)**

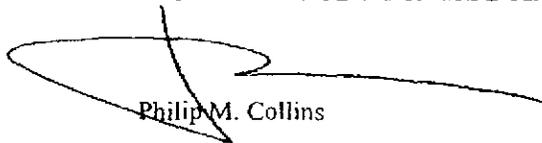
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Philip M. Collins

PMC/
Enclosure

cc: Betty S. Miles
Maggie Miller, Esq.
Ehren W. Slagle, Esq.
Allison K. Tracey, Esq.

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PIKE COUNTY, OHIO

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Bill S. Miles, and
Joshua R. Miles
Plaintiffs

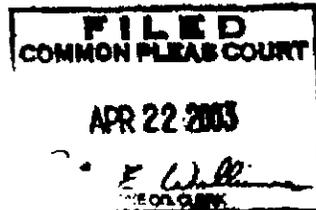
CASE NO. 519-CIV-01

JUDGE BOLT-MEREDITH

JUDGMENT ENTRY

vs

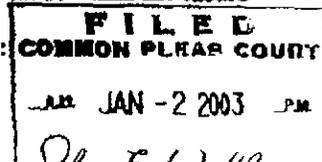
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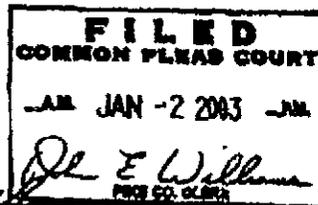
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Costs to the Defendant .

Cassandra S. Bolt-Meredith
CASSANDRA S. BOLT-MEREDITH
JUDGE

Submitted by:



PAT APEL, #0067805
MARGARET APEL MILLER, #0041912
Attorneys for Plaintiffs

cc: NATHANIEL TODD BOOTH

