

**ORIGINAL**

**CASE NO. 13-0126**

**SUPREME COURT OF OHIO**

STATE OF OHIO, *ex rel.* KIM H. GRANT

Relator

v.

BOARD OF EDUCATION OF THE KINGS LOCAL SCHOOL DISTRICT

VALERIE M. BROWNING

MICHAEL MOWERY

Respondents

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**ANSWER OF RESPONDENTS BOARD OF EDUCATION OF THE KINGS  
LOCAL SCHOOL DISTRICT, VALERIE M. BROWNING AND MICHAEL MOWERY**

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**FILED**  
FEB 14 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

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**Attorneys for Respondents  
Board of Education of the Kings Local  
School District, Valerie M. Browning  
and Michael Mowery**

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vs

BOARD OF EDUCATION FOR THE  
KINGS LOCAL SCHOOL DISTRICT

VALERIE M. BROWNING

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**ANSWER OF RESPONDENTS BOARD  
OF EDUCATION OF THE KINGS  
LOCAL SCHOOL DISTRICT,  
VALERIE M. BROWNING AND  
MICHAEL MOWERY**

Respondents

Now come Respondents Board of Education of the Kings Local School District, Valerie M. Browning and Michael Mowery, and for answer to Relator's Verified Complaint, state as follows:

Respondents' admissions, denials and averments herein are premised upon the identity of Jane Doe in fact being the person named by Relator in Paragraph 42 of the Verified Complaint.

1. Respondents deny the allegations of Paragraph 1 of Relator's Verified Complaint for want of knowledge.

2. Respondents admit the allegations of Paragraph 2 of Relator's Verified Complaint.

3. Respondents deny the allegations of Paragraph 3 of Relator's Verified Complaint for want of knowledge.

4. Respondents admit the allegations of Paragraph 4 of Relator's Verified Complaint.

5. Respondents admit the allegations of Paragraph 5 of Relator's Verified

Complaint.

6. Respondents admit the allegations of Paragraph 6 of Relator's Verified

Complaint.

7. Respondents deny the allegations of Paragraph 7 of Relator's Verified Complaint for want of knowledge.

8. Respondents deny the allegations of Paragraph 8 of Relator's Verified Complaint for want of knowledge.

9. Respondents deny the allegations of Paragraph 9 of Relator's Verified Complaint for want of knowledge.

10. Respondents deny the allegations of Paragraph 10 of Relator's Verified Complaint for want of knowledge.

11. Respondents deny the allegations of Paragraph 11 of Relator's Verified Complaint for want of knowledge.

12. Respondents deny the allegations of Paragraph 12 of Relator's Verified Complaint for want of knowledge.

13. Respondents deny the allegations of Paragraph 13 of Relator's Verified Complaint for want of knowledge.

14. Respondents deny the allegations of Paragraph 14 of Relator's Verified Complaint for want of knowledge.

15. Respondents deny the allegations of Paragraph 15 of Relator's Verified Complaint for want of knowledge.

16. Respondents deny the allegations of Paragraph 16 of Relator's Verified Complaint for want of knowledge.

17. Respondents admit the allegations of Paragraph 17 including sub-sections a., b. and c. of Relator's Verified Complaint.

18. Respondents deny the allegations of Paragraph 18 of Relator's Verified Complaint for want of knowledge.

19. Respondents deny the allegations of Paragraph 19 of Relator's Verified Complaint.

20. Respondents deny the allegations of Paragraph 20 of Relator's Verified Complaint for want of knowledge.

21. Respondents deny the allegations of Paragraph 21 of Relator's Verified Complaint for want of knowledge.

22. Respondents deny the allegations of Paragraph 22 of Relator's Verified Complaint.

23. Respondents admit the allegations of Paragraph 23 of Relator's Verified Complaint.

24. Respondents admit the allegations of Paragraph 24 of Relator's Verified Complaint.

25. Respondents deny the allegations of Paragraph 25 of Relator's Verified Complaint.

26. Respondents deny the allegations of Paragraph 26 of Relator's Verified Complaint for want of knowledge.

27. Respondents admit that the depositions were not produced. Respondents deny the remaining allegations of Paragraph 27 of Relator's Verified Complaint.

28. Respondents admit that Mr. Finney sent the email identified as Exhibit F to the

Verified Complaint. Respondents deny the remaining allegations of Paragraph 28 of Relator's Verified Complaint.

29. Respondents admit that the July 31, 2012 email states, in part, what is recited in Paragraph 29 of Relator's Verified Complaint. Respondents deny the remaining allegations of Paragraph 29 of Relator's Verified Complaint.

30. Respondents deny the allegations of Paragraph 30 of Relator's Verified Complaint for want of knowledge.

31. Respondents admit that Exhibit F is the July 31, 2012 email from Mr. Finney to Mr. Deters. Respondents deny the remaining allegations of Paragraph 31 of Relator's Verified Complaint.

32. Respondents admit that on October 1, 2012, Mr. Deters wrote to Mr. Finney regarding his request for deposition transcripts. Respondents deny the remaining allegations of Paragraph 32 of Relator's Verified Complaint.

33. Respondents admit that Exhibit G is an accurate copy of Mr. Deters' October 1, 2012 letter to Mr. Finney. Respondents deny the remaining allegations of Paragraph 33 of Relator's Verified Complaint.

34. Respondents admit that the document speaks for itself. Respondents deny the remaining allegations of Paragraph 34 of Relator's Verified Complaint.

35. Respondents admit that a teacher's union representative was present at the depositions as required by the collective bargaining agreement. Respondents deny the remaining allegations of Paragraph 35 of Relator's Verified Complaint.

36. Respondents deny the allegations of Paragraph 36 of Relator's Verified Complaint.

37. Respondents deny the allegations of Paragraph 37 of Relator's Verified Complaint.
38. Respondents deny the allegations of Paragraph 38 of Relator's Verified Complaint.
39. Respondents deny the allegations of Paragraph 39 of Relator's Verified Complaint.
40. Respondents deny the allegations of Paragraph 40 of Relator's Verified Complaint.
41. Respondents deny the allegations of Paragraph 41 of Relator's Verified Complaint.
42. Respondents deny the allegations of Paragraph 42 of Relator's Verified Complaint.
43. Respondents admit that Exhibit E speaks for itself. Respondents deny the remaining allegations of Paragraph 43 of Relator's Verified Complaint.
44. Respondents deny the allegations of Paragraph 44 of Relator's Verified Complaint as written. Respondents admit that they produced all non-privileged records requested by Mr. Finney.
45. Paragraph 45 of Relator's Verified Complaint is a quotation from a statute which does not require a response from Respondents, and is therefore, denied.
46. Respondents deny the allegations of Paragraph 46 of Relator's Verified Complaint as written. Respondents admit that they produced all non-privileged records requested by Mr. Finney.
47. Respondents deny the allegations of Paragraph 47 of Relator's Verified Complaint

as written. Respondents admit that they produced all non-privileged records requested by Mr. Finney. Respondents admit that Exhibit H was included in records provided to Mr. Finney.

48. Respondents admit that Exhibit H speaks for itself. Respondents deny the remaining allegations of Paragraph 48 of Relator's Verified Complaint.

49. Paragraph 49 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

50. Paragraph 50 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

51. Respondents deny the allegations of Paragraph 51 of Relator's Verified Complaint.

52. Respondents deny the allegations of Paragraph 52 of Relator's Verified Complaint.

53. Paragraph 53 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

54. Paragraph 54 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

55. Paragraph 55 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

56. Respondents deny the allegations of Paragraph 56 of Relator's Verified Complaint.

57. Respondents deny the allegations of Paragraph 57 of Relator's Verified Complaint.

58. Paragraph 58 of Relator's Verified Complaint is an assertion of law to which no

response is required and is, therefore, denied.

59. Respondents deny the allegations of Paragraph 59 of Relator's Verified Complaint.

60. Paragraph 60 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

61. Respondents deny the allegations of Paragraph 61 of Relator's Verified Complaint for want of knowledge.

62. Respondents deny the allegations of Paragraph 62 of Relator's Verified Complaint.

63. Respondents deny the allegations of Paragraph 63 of Relator's Verified Complaint.

64. Paragraph 64 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

65. Paragraph 65 of Relator's Verified Complaint is an assertion of law to which no response is required and is, therefore, denied.

66. Respondents deny each and every remaining allegations in Relator's Verified Complaint which has not been admitted specifically herein.

#### **FIRST AFFIRMATIVE DEFENSE**

Relator's Verified Complaint fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

The materials sought by Relator are protected from disclosure by the attorney-client and/or attorney work product privilege.

**THIRD AFFIRMATIVE DEFENSE**

Relator has no right to the extraordinary relief of mandamus.

WHEREFORE, Respondents Board of Education of the Kings Local School District, Valerie M. Browning, and Michael Mowery demand that Relator's Verified Complaint be dismissed at Relator's costs.



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*Attorney for Respondents*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing document was mailed this 12 day of Feb, 2013, to:

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By

