



## FIRST DEFENSE

1. Respondent Jane Krason, Chief Executive Officer, Appalachian Behavioral Healthcare (hereinafter "Krason"), admits the allegations of paragraph 1 of the amended complaint.
2. Krason admits that respondent Holzapfel is a Common Pleas Court Judge in Ross County, Ohio. Krason denies for lack of knowledge the remaining allegations of paragraph 2 of the amended complaint.
3. Krason denies the allegations of paragraph 3 of the amended complaint.
4. Krason denies for lack of knowledge the allegations of paragraph 4 of the amended complaint.
5. Krason admits the allegation of paragraph 5 of the amended complaint.
6. In response to paragraph 6 of the amended complaint, Krason admits that by Court order on September 24, 2009, (Entry time-stamped October 2, 2009), Mr. Rohrer was committed to Twin Valley Behavioral Healthcare (TVBH) with conditional release ordered terminated. Mr. Rohrer was admitted to TVBH November 24, 2009. Mr. Rohrer was found NGRI and committed for his current case by the Court on 1/24/10 and recommitted to TVBH on September 13, 2010. On or about September 19, 2012, the Common Pleas Court extended Mr. Rohrer's commitment and ordered Mr. Rohrer transferred to Appalachian Behavioral Healthcare (ABH), a less restrictive environment. Mr. Rohrer is presently committed by Court order to ABH. Krason denies for lack of knowledge the remaining allegations of paragraph 6 of the amended complaint.
7. Krason denies for lack of knowledge the allegations of paragraph 7 of the amended complaint.
8. Krason denies for lack of knowledge the allegations of paragraph 8 of the amended complaint.

9. Krason denies for lack of knowledge the allegations of paragraph 9 of the amended complaint.
10. Krason denies for lack of knowledge the allegation of paragraph 10 of the amended complaint.
11. Krason denies for lack of knowledge the allegations of paragraph 11 of the amended complaint.
12. Krason denies for lack of knowledge the allegations of paragraph 12 of the amended complaint.
13. In response to paragraph 13 of the amended complaint, Krason states that the statutes cited by relator speak for themselves. Krason denies for lack of knowledge the remaining allegations of paragraph 13 of the amended complaint.
14. Krason denies for lack of knowledge the allegations of paragraph 14 of the amended complaint.
15. Krason denies for lack of knowledge the allegations of paragraph 15 of the amended complaint.
16. Krason denies for lack of knowledge the allegations of paragraph 16 of the amended complaint.
17. Krason denies for lack of knowledge the allegations of paragraph 17 of the amended complaint.
18. Krason denies for lack of knowledge the allegations of paragraph 18 of the amended complaint.
19. Krason denies for lack of knowledge the allegations of paragraph 19 of the amended complaint.
20. In response to paragraph 20 of the amended complaint, Krason admits that after a hearing on or about January 25, 2010, on or about January 29, 2010 (Entry time-stamped February

1, 2010), the Court found that it was shown by clear and convincing evidence that the defendant [Rohrer] is a mentally ill person who is subject to hospitalization and committed Mr. Rohrer to the Timothy B. Moritz Forensic Center, Twin Valley. Krason further admits that by Court order on or about September 16, 2012, Mr. Rohrer was transferred to ABH. Krason denies for lack of knowledge the remaining allegations of paragraph 20 of the amended complaint.

21. In response to paragraph 21 of the amended complaint, Krason admits only that after a hearing on or about March 4, 2011 (Entry time-stamped March 10, 2011), the Court issued an order finding that the “least restrictive treatment alternative for Mr. Rohrer is administration of medication set forth in Attachment A to the application authorized for psychotropic medications. The Court therefore approves the application for medical treatment and administration of medication and lab work including forced administration of psychotropic medications if needed...” Krason denies for lack of knowledge the remaining allegations of paragraph 21 of amended complaint.

22. Krason denies for lack of knowledge the allegations of paragraph 22 of the amended complaint.

23. In response to paragraph 23 of the amended complaint, Krason asserts that the transcript speaks for itself. If a further response is required, Krason denies for lack of knowledge the allegations of paragraph 23 of the amended complaint.

24. In response to paragraph 24 of the amended complaint, Krason states that on or about December 23, 2010, Dr. Mark Hurst, Chief Clinical Officer, TVBH and Dr. David F. Soehner, treating psychiatrist, submitted to the Court with a copy to Mr. Rohrer’s defense counsel an application to authorize forced psychotropic medications. Krason denies for lack of knowledge the remaining allegations of paragraph 24 of the amended complaint.

25. In response to paragraph 25 of the amended complaint, Krason admits that ABH provided a copy of Attachment A to Mr. Rohrer's mother. Krason denies the remaining allegations of paragraph 25 of the amended complaint.
26. Krason denies the allegations of paragraph 26 of the amended complaint.
27. Krason denies for lack of knowledge the allegations of paragraph 27 of the amended complaint.
28. Krason denies the allegations of paragraph 28 of the amended complaint.
29. In response to paragraph 29 of the amended complaint, Krason states that on or about September 18, 2012, a Nunc Pro Tunc Entry was filed, based upon from the hearing conducted on September 10, 2012, in which the Court found that "Mr. Rohrer remains a mentally ill person subject to hospitalization and the least restrictive treatment alternative available that is consistent with public safety and the welfare of the defendant [Rohrer] giving preference to public safety is commitment to Appalachian Behavioral Healthcare." Krason denies for lack of knowledge the remaining allegations of paragraph 29 of the amended complaint.
30. Krason denies for lack of knowledge the allegations of paragraph 30 of the amended complaint.
31. Krason denies for lack of knowledge the allegations of paragraph 31 of the amended complaint.
32. Krason denies for lack of knowledge the allegations of paragraph 32 of the amended complaint.
33. Krason denies for lack of knowledge the allegations of paragraph 33 of the amended complaint.

34. In response to paragraph 34 of the amended complaint, Krason denies that ABH has violated Mr. Rohrer's patient rights. Krason denies for lack of knowledge the remaining allegations of paragraph 34 of the amended complaint.
35. Krason denies for lack of knowledge the allegations of paragraph 35 of the amended complaint.
36. Krason denies for lack of knowledge the allegations of paragraph 36 of the amended complaint.
37. Krason denies for lack of knowledge the allegations of paragraph 37 of the amended complaint.
38. Krason denies for lack of knowledge the allegations of paragraph 38 of the amended complaint.
39. Krason denies for lack of knowledge the allegations of paragraph 39 of the amended complaint.
40. Krason denies for lack of knowledge the allegations of paragraph 40 of the amended complaint.
41. Krason denies for lack of knowledge the allegations of paragraph 41 of the amended complaint.
42. In response to paragraph 42 of the amended complaint, Krason admits that ABH did receive an entry from the Court setting a hearing for February 27, 2014, to consider Defendant Rohrer's Motions. Krason denies for lack of knowledge the remaining allegations of paragraph 42 of the amended complaint.
43. In response to paragraph 43 of the amended complaint, Krason admits that ABH did receive an entry from the Court setting a hearing for February 27, 2014, to consider Defendant Rohrer's Motions. Krason denies for lack of knowledge the remaining allegations of paragraph 43 of the amended complaint.

44. In response to paragraph 44 of the amended complaint, Krason admits that ABH did receive an entry from the Court setting a hearing for February 27, 2014, to consider Defendant Rohrer's Motions. Krason denies for lack of knowledge the remaining allegations of paragraph 44 of the amended complaint.
45. Krason denies for lack of knowledge the allegations of paragraph 45 of the amended complaint.
46. In response to paragraph 46 of the amended complaint, Krason admits that ABH is able to transport Mr. Rohrer in a police vehicle with an ABH policeman to a Court hearing in Ross County. Krason denies for lack of knowledge the remaining allegations of paragraph 46 of the amended complaint.
47. Krason denies for lack of knowledge the allegations of paragraph 47 of the amended complaint.
48. Krason denies for lack of knowledge the allegations of paragraph 48 of the amended complaint.
49. Krason denies for lack of knowledge the allegations of paragraph 49 of the amended complaint.
50. In response to paragraph 50 of the amended complaint, Krason admits that staff of ABH may have witnessed a statement prepared by Mr. Rohrer. Krason denies for lack of knowledge the remaining allegations of paragraph 50 of the amended complaint.
51. Krason denies for lack of knowledge the allegations of paragraph 51 of the amended complaint.
52. Krason denies for lack of knowledge the allegations of paragraph 52 of the amended complaint.
53. Krason denies for lack of knowledge the allegations of paragraph 53 of the amended complaint.

54. Krason denies for lack of knowledge the allegations of paragraph 54 of the amended complaint.
55. Krason denies for lack of knowledge the allegations of paragraph 55 of the amended complaint.
56. Krason denies for lack of knowledge the allegations of paragraph 56 of the amended complaint.
57. Krason denies for lack of knowledge the allegations of paragraph 57 of the amended complaint.
58. Krason denies for lack of knowledge the allegations of paragraph 58 of the amended complaint.
59. In response to paragraph 59 of the amended complaint, Krason admits that ABH brought Mr. Rohrer to the courthouse on February 21, 2014. Krason denies for lack of knowledge the remaining allegations of paragraph 59 of the amended complaint.
60. Krason denies for lack of knowledge the allegations of paragraph 60 of the amended complaint.
61. Krason denies for lack of knowledge the allegations of paragraph 61 of the amended complaint.
62. Krason denies for lack of knowledge the allegations of paragraph 62 of the amended complaint.
63. Krason denies for lack of knowledge the allegations of paragraph 63 of the amended complaint.
64. Krason denies for lack of knowledge the allegations of paragraph 64 of the amended complaint.
65. Krason denies for lack of knowledge the allegations of paragraph 65 of the amended complaint.

66. Krason denies for lack of knowledge the allegations of paragraph 66 of the amended complaint.
67. Krason denies for lack of knowledge the allegations of paragraph 67 of the amended complaint.
68. Krason denies for lack of knowledge the allegations of paragraph 68 of the amended complaint.
69. Krason denies for lack of knowledge the allegations of paragraph 69 of the amended complaint.
70. Krason denies for lack of knowledge the allegations of paragraph 70 of the amended complaint.
71. Krason denies for lack of knowledge the allegations of paragraph 71 of the amended complaint.
72. Krason denies for lack of knowledge the allegations of paragraph 72 of the amended complaint.
73. Krason denies for lack of knowledge the allegations of paragraph 73 of the amended complaint.
74. Krason denies for lack of knowledge the allegations of paragraph 74 of the amended complaint.
75. Krason denies for lack of knowledge the allegations of paragraph 75 of the amended complaint.
76. Krason denies for lack of knowledge the allegations of paragraph 76 of the amended complaint.
77. Krason denies for lack of knowledge the allegations of paragraph 77 of the amended complaint.

78. Krason denies for lack of knowledge the allegations of paragraph 78 of the amended complaint.
79. Krason denies for lack of knowledge the allegations of paragraph 79 of the amended complaint.
80. Krason denies for lack of knowledge the allegations of paragraph 80 of the amended complaint.
81. Krason denies for lack of knowledge the allegations of paragraph 81 of the amended complaint.
82. Krason denies for lack of knowledge the allegations of paragraph 82 of the amended complaint.
83. Krason denies for lack of knowledge the allegations of paragraph 83 of the amended complaint.
84. In response to paragraph 84 of the amended complaint, Krason denies that ABH has a clear legal duty to provide Mr. Rohrer with access to medical evaluations and treatments by privately retained physicians and further denies that ABH's care and treatment of Mr. Rohrer has endangered his health or life. Krason denies for lack of knowledge the remaining allegations of paragraph 84 of the amended complaint.
85. Krason denies for lack of knowledge the allegations of paragraph 85 of the amended complaint
86. Krason denies for lack of knowledge the allegations of paragraph 86 of the amended complaint.
87. Krason denies the allegations of paragraph 87 of the amended complaint.
88. In response to paragraph 88 of the amended complaint, Krason states that ABH has provided and will continue to provide Mr. Rohrer with quality medical and psychiatric

- care. Krason denies the remaining allegations of paragraph 88 of the amended complaint and specifically denies that relator is entitled to obtain a writ of prohibition or mandamus.
89. In response to paragraph 89 of the amended complaint, Krason incorporates by reference the assertions, denials and admissions of paragraph 1 through 88 of her answer.
90. In response to paragraph 90 of the amended complaint, Krason asserts that Mr. Rohrer was committed to ABH by a Court order. Krason denies the remaining allegations of paragraph 90 of the amended complaint.
91. In response to paragraph 91 of the amended complaint, Krason asserts that Mr. Rohrer was committed to ABH by a Court order. Krason denies the remaining allegations of paragraph 90 of the amended complaint.
92. In response to paragraph 92 of the amended complaint, Krason admits only that by Court order, Mr. Rohrer was committed to ABH. Krason denies the remaining allegations of paragraph 92 of the amended complaint.
93. In response to paragraph 93 of the amended complaint, Krason states the the Court's Entries speak for themselves. To the extent a further response is required, Krason denies the allegations of paragraph 93 of the amended complaint.
94. Krason denies the allegations of paragraph 94 of the amended complaint.
95. Krason denies the allegations of paragraph 95 of the amended complaint.
96. Krason denies the allegations of paragraph 96 of the amended complaint.
97. Krason denies the allegations of paragraph 97 of the amended complaint.
98. Krason denies the allegations of paragraph 98 of the amended complaint.
99. Krason denies the allegations of paragraph 99 of the amended complaint.
100. Krason denies all allegations in the complaint not specifically admitted herein.

## SECOND DEFENSE

101. Relator fails to state a claim upon which relief can be granted.

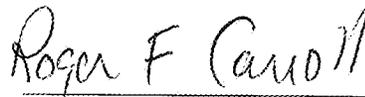
THIRD DEFENSE

102. Relator was committed to Twin Valley and then transferred to ABH by a Court order. Relator remains at ABH by order of the Court. Moreover, the Court issued an order authorizing forced medications. At all relevant times Krason and ABH have complied with the applicable law.

Wherefore, Respondent Jane Krason requests that this Court deny Relator's demands for prohibition, mandamus and habeas corpus and other relief at Relator's costs and to award Krason all further appropriate relief.

Respectfully Submitted,

**MICHAEL DEWINE**  
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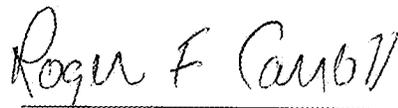
**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing *Answer of Respondent Jane Krason to Amended Complaint* has been sent by regular U.S. Mail, on March 31, 2014 to the following:

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