

ORIGINAL

In the
Supreme Court of Ohio

THE STATE *ex rel.*
ARISTIDES JURADO, *et al.*,

Relator^s,

v.

Case No. _____

14-1225

OFFICE OF DISCIPLINARY COUNSEL, *et al.*

And

ORIGINAL ACTION IN MANDAMUS AND
PROHIBITION

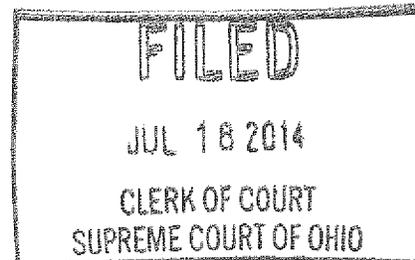
FRANKLIN COUNTY COURT OF COMMON
PLEAS, DOMESTIC RELATIONS DIVISION,
JUVENILE BRANCH, *et al.*,

Respondents.

EXHIBITS IN SUPPORT OF
VERIFIED COMPLAINT FOR WRITS OF MANDAMUS AND PROHIBITION

EXHIBITS
VOLUME III

Exhibits J3 – L4



ORIGINALS #15

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

In the Matter of:
NOAH G. JURADO

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit J3

KATHY HERNANDEZ,

CASE NO. 12 JU 11-14479

Plaintiff,

JUDGE JAMISON

v.

ARISTIDES JURADO,

MAGISTRATE TSITOURIS

Defendant.

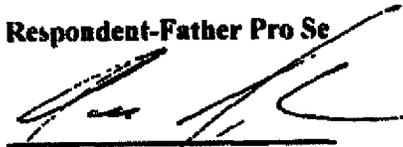
**MOTION FOR EMERGENCY REMOVAL
OF GUARDIAN AD LITEM**

Now comes Respondent-Father Aristides Jurado, acting Pro Se, and hereby moves this Honorable court for an Order immediately removing or dismissing Ms. Blythe Bethel as the appointed GAL for the child custody dispute. Given the pending motion for Emergency Custody and the fact that the GAL appointment is being questioned, it is reasonable to request that the court determines if the request for removal has merit before allowing the GAL to participate or interfere with the motion for Emergency Custody.

This Motion is supported by the attached Memorandum.

Respectfully submitted,

Respondent-Father Pro Se



ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
PH: (305) 799-12212

**RECEIVED
JAN 21 2014
ASSIGNMENT**

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FRANKLIN CO OHIO
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MEMORANDUM IN SUPPORT

Respondent-Father Aristides Jurado is petitioning this court for such unusual request given the extenuating and disturbing circumstances of the case and the role Ms. Bethel has played in it. During her tenure since appointed as GAL, Ms. Bethel has been in violation of Franklin County Domestic Rule 15, Local Juvenile Rule 27 and Sup R. 48 of the Ohio Supreme Court:

- Not representing the best interest of the child in this juvenile case
- Complete lack of independence, objectivity and fairness in and out of the courtroom
- As an officer of the court, the GAL conducted herself without respect and courtesy to the parties and attorneys
- Failed to file pleadings and motions when appropriate and necessary
- GAL appointment was in actual conflict of interest arising from close ties with a party's legal counsel
- Failed to perform the necessary investigations or appropriate inquiries given the concerns reported from parties
- In ethical and other violations of Ohio Rules of Professional Conduct for Attorneys, including deceptive conduct, creating and maintaining a high-conflict atmosphere

The damage caused by Ms. Bethel performance is no longer measurable and is in fact irreversible. Among many examples, there are two included in the Exhibits: Exhibit A4 shows how Ms. Bethel chose not to investigate or inquire about the reasons for Dr. Masterson's request to speak with the GAL. Only because this pediatrician was brought to the case by Respondent-father for a 2nd opinion and possible as an expert witness, Ms Bethel chose to dismiss any concerns either Mr. Jurado or the pediatrician were raising.

Exhibit A5 is a string of emails that demonstrate Ms. Bethel's misleading tactics even in the courtroom. During the December 20th 2013 hearing, when Judge Jamison asked whether the 9am-4pm restrictions were based on the GAL's recommendations or if that was mutually agreed upon by the parties, the GAL provided a misleading answer by stating "I really was not much involved in the negotiation of the temporary order"

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Given the sensitive and important role a GAL is entrusted with, one of officer of the court and representative of the Judge and Magistrate, the continued appointment of Ms. Bethel as GAL in this custody case will have even more devastating results.

Respondent-Father asks the court to address these concerns with the sense of urgency that it deserves, and ultimately for the benefit of the Child.

Respectfully submitted,

Respondent-Father Pro Se



ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
PH: (305) 799-12212

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COMMON PLEAS COURT
FRANKLIN CO OHIO
2014 JAN 22 PM 3:05
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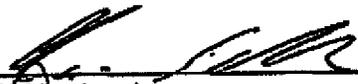
**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH**

KATHY HERNANDEZ,	:	
	:	CASE NO. 13-JU-11-14479
Plaintiff-Mother,	:	
	:	JUDGE JAMISON
-vs-	:	
	:	MAGISTRATE TSITOURIS
ARISTIDES JURADO,	:	
	:	
Defendant-Father.	:	

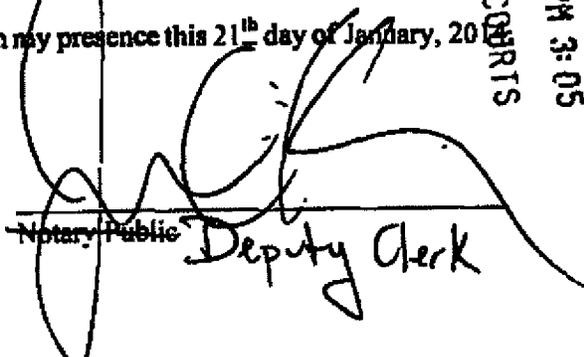
State of Ohio
County of Franklin SS.

Now comes Aristides Jurado as the Affiant herein and having been duly sworn and cautioned deposes and states that he is the Respondent in the foregoing action, that he has reviewed the foregoing motion, and that the facts and allegations stated therein are true to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT


Aristides Jurado

SWORN to before me and subscribed in my presence this 21st day of January, 2011


Notary Public
Deputy Clerk

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FRANKLIN CO. OHIO
2011 JAN 22 PM 3:05
CLERK OF COURTS

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion was served via email on this ~~21st~~ day of January, 2014, upon the following:

22nd *APR*

Erika Smitherman
Ronald R. Petroff
Petroff Law Offices, LLC
140 E. Town Street, Suite 1070
Columbus, Ohio 43215
Attorneys for Plaintiff

Blythe Bethel
Bethel Law Offices

495 S. High Street, Suite 220
Columbus, Ohio 43215
Guardian Ad Litem

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FRANKLIN CO. OHIO
2014 JAN 22 PM 3:05
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ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
PH: (305) 799-12212

2. It is a bit concerning that Noah has only gain 1 ounce in the last month



3. She cannot say that Noah is or has been doing HIS BEST

4. During the first 6 months, there was something wrong or missing Her best guess is that Noah was not getting enough breast milk

When I asked if it is possible that this is still the case (not getting enough breast milk), she said it is possible but different things will need to be tried before knowing with certainty I explained to her that most of the time, Noah cries when he is done with a bottle of breast milk (because he is still hungry)

5. She will give us a referral to a specialist in this area of research (pediatrician MD specializing in nutrition and growth).

6. With the limited information she has, it is difficult to say Noah is not being cared adequately by his pediatrician. It could boil down to her opinion vs Dr. Muresan's opinion.

When I asked if there were a panel of 5 pediatricians reviewing this case, what would be the consensus? The answer was: The consensus would be that something was definitely wrong or missing during the first 6 months (or more should have been done)

Another piece of information to share: During the last visit with Dr Muresan, Kathy stood firmly that she does not consent to the voice recording of the session (and that she wouldn't allow it).

Ms Bethel, I know that I do not need to remind you that my concerns are not about Dr. Muresan specifically, nor about Kathy vs Ari This topic is simply about Noah's well being and hopefully it can be handled without pointing fingers (which may be the perception from Kathy) Due to the nature of this challenge, I will leave it all in your hands and trust that you will use the full scope of your authority to address these concerns. I only hope that we don't have to wait until the next hearing in July in order to make any changes that you consider necessary

Please let me know what the next steps would be after communicating with Dr. Mastruserio

I look forward to hearing from you Thank you

An

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

[Jurado's profile on LinkedIn" src="cid:1.3209445914@web165005_mail.bf1.yahoo.com" width=160 height=25>](#)

FILED COURT
CLERK OF COURT
2014 JUN 22 PM 3:00
COMMISSIONER
FRANK J. O'NEILL
IN CHARGE
OHIO

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Tuesday, April 23, 2013 7:11 AM
To: ari_jurado@qualineconsulting.com
Subject: Re: Noah G. Jurado: Noah needs your intervention



Well, if she will not, I am sure that LeeAnn can help you find a physician who will serve in that capacity. blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: LeeAnn Massucci <LMM@mkfamilylaw.com>, "Eimear Bahnson @ M&K" <emb@mkfamilylaw.com>
Sent: Tuesday, April 23, 2013 6:30 AM
Subject: RE: Noah G. Jurado: Noah needs your intervention

Yes, that makes sense I will pray that she would be willing to for Noah's sake

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

Jurado's profile on LinkedIn" src="cid:2.3209445914@web165005.mail.bf1.yahoo.com" width=160 height=25>

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Tuesday, April 23, 2013 5:36 AM
To: ari_jurado@qualineconsulting.com
Cc: LeeAnn Massucci; Eimear Bahnson @ M&K
Subject: Re: Noah G. Jurado: Noah needs your intervention

Ari, I think that it is important for you to ask Dr. Mastruserio if he wants to actually be a potential witness in this case. You may find that the doctor does not want to play that role. Blythe

Sent from my iPad

On Apr 22, 2013, at 9:49 PM, ari_jurado@qualineconsulting.com wrote:

Ms Bethel,

I will follow your recommendation. In fact, I believe that for the most part I have already accomplished that with Dr. Mastruserio. What I will be doing next is setting up a follow up appointment to share the latest information regarding Noah and explicitly ask the question "Is Noah being appropriately cared for by his current pediatrician?"

Thank you for your quick response turnaround and I will keep you posted

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

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RAMON PLEAS COURT
FRANKLIN CO. OHIO
JAN 22 PM 3:05
CLERK OF COURT

Ari Jurado

From: Blythe Bethel
Sent: Monday, April 29, 2013 11 58 AM
To: an_jurado@qualineconsulting.com
Cc: Amy Warrng, LeeAnn Massucci, Eimear Bahnson
Subject: Re Noah G Jurado Noah's Health Care and Pediatrician

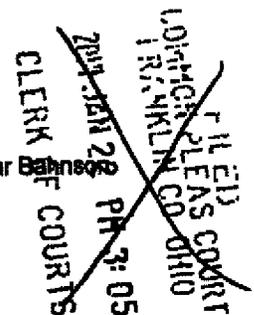


All: I just finished a telephone conference with Ari regarding primarily a couple of topics. First, with respect to having a custody psych evaluation done, I believe that Ari is of the opinion that one is necessary, and I have to say that I do not disagree. If anything, I think that a custody psych evaluation will help us identify what issues these folks need to work on possibly through parenting counseling and even if, given their personalities, they can resolve these issues. LeeAnn, if you or Eimear want to send an email to Ron regarding this, then I will chime in and say that we need to do this.

Ari and I also discussed getting a new pediatrician involved. I know that Ari wanted this to come from me, but I told him that I do not want to appear aligned with either party. The fact that Ari has a concern about the current pediatrician, and has obtained an informal second opinion that there may be some question as to the child's health care up to this point in time, would give him a colorable claim for bringing such a Motion. I believe that any such Motion to change the pediatrician needs to come from Ari

Blythe

From: "an_jurado@qualineconsulting.com" <an_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: Amy Warrng <ALW@mkfamilylaw.com>, LeeAnn Massucci <LMM@mkfamilylaw.com>, Eimear Bahnson <emb@mkfamilylaw.com>
Sent: Thursday, April 25, 2013 2 01 PM
Subject: Noah G Jurado Noah's Health Care and Pediatrician



Ms Bethel,

I had a follow up consult this morning with Dr Jennifer Mastruseno about my concerns with Noah's medical care. She is going to call you to talk to you directly, most likely tomorrow. If you would like to initiate the call, her office's number is (614) 326-1600

In summary, this is Dr. Mastruseno's take on Noah's condition and medical care:

1. Noah will benefit from the care of a new Pediatrician. She believes a new, fresh face that is more objective will help the situation overall. It is her opinion that neither Dr. Muresan nor herself are unbiased enough to care for Noah objectively as his pediatrician

When I explained that Dr. Muresan has known Kathy for over 17 years, she immediately said "that explains the reason for his comments when he called me earlier this morning". She said the Dr. Muresan called her (unsolicited) to "explain to her the situation" and that "dad's is twisting things" among other comments that she did not go into specifics. Dr. Mastruseno answered back that "this is not the impression I have from Mr Jurado"

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From: Blythe Bethel [mailto:blythebethel@yahoo.com]
 Sent: Monday, April 22, 2013 11:57 AM
 To: ari_jurado@qualineconsulting.com
 Cc: imm@mkfamilylaw.com
 Subject: Re: Noah G. Jurado: Noah needs your intervention



Ari. Thank you for your email. Here is what I think. Obviously, I am certainly not qualified to determine if the current pediatrician is doing an adequate job, and addressing your concerns about Noah's health. I do think that if you are still concerned (which you clearly are) you should go to the current pediatrician's office and obtain a copy of Noah's complete healthcare file. You should then take the file to another pediatrician, which doctor will in essence be an expert witness, and have that doctor assess whether or not Noah is being appropriately cared for by Dr. Murcsan.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
 To: Blythe Bethel <blythebethel@yahoo.com>
 Sent: Monday, April 22, 2013 11:22 AM
 Subject: Noah G. Jurado: Noah needs your intervention

Hi Ms. Bethel,

It is unfortunate that you missed our hearing last Wednesday, but I understand completely that this is how the system works. By now, you may have heard plenty about the issues with the amount of communication between Kathy and I during my time with Noah.

So, I will leave the topic of parenting visitations alone for now and would like to bring up (again) an even more important topic: Noah's health care. Specifically, Noah needs a new pediatrician. Although I have known this for a while, there is nothing I have been able to do so far.

This is a conversation I would rather have with you in person, but with your busy schedule and my intense travel schedule for the next 3 weeks, I don't want to keep postponing this topic anymore. For this purpose, I will be frank and 100% transparent with you here.

I have always had the best of intentions and planned for many years for the day I would become a parent because I would always want to give the best to my child. But even as we were expecting Noah for those 9 months, I knew I had already failed him in so many ways starting with the fact that he was born in this world as part of a broken home and with dysfunctional parents. The next blow came when I was in a desperate position in my career that I was forced to accept a job far away from home and Noah, only 3 weeks before his birth. Still these proved to be small challenges compared to what was to come next: a) Getting stripped from my parental rights and unrestricted access to my son overnight; b) My inability to be there for Noah when he needed me the most in regards to his health and safety.

Yes, there were a few incidents that raised safety concerns, but they are now in the past and don't believe it is necessary to dwell on those. However, the concerns I have had regarding his health during his first 6 months of life still need to be addressed to avoid any repeats. I believe you already have a copy of the printed paper regarding Noah's weight and growth chart I gave LeeAnn during the court hearing (included below). Dr. Mastruseno (2nd opinion pediatrician) already confirmed my fears, and what was obvious to anyone close enough to see Noah's size and weight: There was something wrong with his weight and growth during the first 6 months of life. Although Dr. Mastruseno didn't believe there was anything to be concerned in the present (as of March 2013) only prior to February, new developments with Noah's health since then could easily change that opinion. Noah persistent cold and/or viral-infection symptoms (numerous visits to the Dr. and ultimately the ER) as well as a drop in weight as of this past Friday 4/19 (9 Oz. lost).

I can't deny that Dr. Mark Muresan, Noah's current pediatrician, is a nice guy. But being a nice guy is simply not enough and I cannot trust a doctor that did not raise concerns or attempted to do more when

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Noah was continuously losing weight, in a way that most other pediatricians, like Dr. Mastroseno, wouldn't have hesitated to look further into the problem.

Noah, although a little person, was sending us many signals that he needed our help—my help, and I let him down by failing to help him. Seeing him crying of pain in his belly, day and night even while breastfeeding, seeing him not able to have a restful sleep at night, not having bowel movements for 3-4 days are just some of the cues that we noticed. Starting in January, he started to get better for sure. We were fortunate that baby food helped offset whatever he was missing before. In short, we were simply lucky—he got better even though no one intervened.

Still in the present, there are some cues that are still visible. He cries after finishing a bottle of expressed milk, because he is still hungry, his continuous cough, and stuffy nose that have persisted for 4+ months, and now his weight loss of 9 OZ. (more than ¼ pound).

What type of father I am if I can't help my son?? Up until today, I have not been able to have any saying on his health care or his diet/nutrition. I want my son to be doing his best, not just "OK".

Please tell me what you need me to do. Should I look for an expert witness? This is so important that if I need to make sacrifices and give up some of my time with him in return for peace of mind that he will be seeing by a different doctor, so be it.

Ms. Bethel, you are my only hope right now.

Sincerely,

Ari Jurado
Noah's dad

Ari Jurado

Exelon HR Merger Project - Accenture
Mobile (305) 799-2212
Anstades.Jurado@Exeloncorp.com
Anstades.Jurado@Accenture.com
ari_jurado@qualineconsulting.com

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FRANKLIN CO. OHIO
2014 JAN 22 PM 3:05
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From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Thursday, April 25, 2013 8:05 AM
To: LeeAnn Massucci; Ronald R. Petroff, Esq.
Cc: Eimear Bahnson; Amy Warrig
Subject: Re: Hernandez / Jurado - Follow Up



Counsel: I have had the opportunity to review the draft of the proposed amended T.O. from Lee Ann, and I do have some immediate comments. First, I think that it is very important that we have a strict schedule that both parents must follow, so to say that Ari will be picking the child up at the earliest time possible for day care is not acceptable to me. I am certain for a myriad of reasons that the day care, and certainly Kathy, would like to know exactly the time that Ari will be picking up the child from day care. This should be a consistent time every day. The daycare needs to know the schedule. Kathy certainly needs to know the schedule, and most importantly, a strict schedule is what is best for Noah. I also would like to have Ari's pick-up time coordinate with Noah's nap schedule. What would be ideal is for Noah to pick up the child after his mid-day nap. That way Ari could go right into having quality interaction time with Noah. It also allows for Noah to be rested and ready to be with his father. So I would expect that Kathy and Ari will communicate with each other about the child's daily schedule and figure out the best time for Ari to pick up the child from day care. But I will not agree to any Order that states "at the earliest possible time".

For the same reasons as stated above, I would like a definite time by which Ari will return the child to daycare in the morning. Again, this is not about what is best for each of the parents here. Noah needs a routine, a set schedule. Parenting and convenience do not always go hand in hand. So, again, I would expect the parents to communicate and determine, based on Noah's daily routine, what is the most appropriate time for Noah to be returned to daycare in the morning.

Finally, and to be consistent with the Local Rule, I would have Ari return Noah to Kathy at 8:00 pm.

Since I unfortunately did not get to participate in the discussions at Court regarding the rest of the schedule, I am going to wait to see what Ron's comments are. It sounds like some agreements were reached in that regard, and far be it from me, especially in this case, to interfere with any agreement that these folks may reach. If it works or them, that is great.

Blythe

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From: LeeAnn Massucci <LMM@mkfamilylaw.com>
To: "Ronald R. Petroff, Esq." <rrp@petrofflawoffices.com>, Blythe Bethel <blythebethel@yahoo.com>
Cc: Eimear Bahnson <emb@mkfamilylaw.com>, Amy Warrig <AW@mkfamilylaw.com>, LeeAnn Massucci <LMM@mkfamilylaw.com>, an_jurado@qualineconsulting.com
Sent: Thursday, April 25, 2013 1:41 AM
Subject: Hernandez / Jurado - Follow Up

Counsel-

Please find attached the draft Agreed Amended Interim Order.

I apologize -- the delay in getting this to you has been mine; consequently, I am sending this to Mr. Jurado simultaneously to avoid further delay.

Ron, please let us know at your earliest convenience if this comports with your notes as the proposed schedule is already underway.

From: LeeAnn Massucci
To: an_jurado@qualtrics.com
Cc: LeeAnn Massucci, Eimear Bahnson; Amy Warrig
Subject: FW: Hernandez / Jurado - Follow Up
Date: Thursday, April 25, 2013 2:55:41 PM
Importance: High

Please see below.
LMM



LeeAnn M. Massucci
Massucci & Kline LLC
250 Civic Center Drive
Suite 630
Columbus, OH 43215
Phone 614.484.0177
Fax 614.484.0181
www.mkfamilylaw.com

FROM THE LAW OFFICE OF MASSUCCI & KLINE LLC

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From: Ronald R. Petroff, Esq. [mailto:rrp@petrofflawoffices.com]
Sent: Thursday, April 25, 2013 2:53 PM
To: 'Blythe Bethel'; LeeAnn Massucci
Cc: Eimear Bahnson; Amy Warrig; 'Hernandez, Kathy'; 'Brooke Berkowitz'
Subject: RE: Hernandez / Jurado - Follow Up
Importance: High

Dear Counsel

It would have been easier to begin the "editing" process if you would have sent me the document in Microsoft Word format so I could have used the "Track Changes" feature and sent you back my client's redlined version, but to expedite this process, my client would like the following changes to be made to the Agreed Amended Temporary Order

- My client agrees with the GAL and would like Father's pick up time from daycare to be no sooner than 4PM (Noah typically naps from 2PM - 4PM and then drinks a bottle at 5PM),
- My client also agrees with the GAL and would like Father's drop off time at daycare to be no later than 8:30 AM, the time Noah eats breakfast and the time which my client typically drops him off at daycare,

- My client also agrees that all non-overnight parenting time should conclude at 8PM, the child's normal bedtime;
- My client believes your client should have an extra 30 minutes in paragraph 1(f) to allow Noah to finish his lunch Please change the end time to 12 30 PM, since that time would be better for Noah per the GAL's instructions,
- Also, my client believes the tentative agreement reached in court contemplated a return time on Sunday, May 12th at 3 00 PM, to allow my client to see the child for a short period of time before he has to go to bed at 8PM
- Please add specific start and end times in Paragraph Numbered Four (4) to make it consistent with the current Agreed Interim Magistrate's order which has different end times depending on the week The current order, starting May 15th in Week 1 has the Friday overnight concluding at 6 PM on Saturday and Week 2 the Saturday overnight concluding on Sunday at Noon When the parties spoke at Court the other day, it was my understanding that my client wanted to make Noah's schedule more consistent per GAL's directive Thus, my client would like this provision to read

- o Week 1 – Mon at 4PM until Tuesday at 8 30 AM AND Fridays at 4PM until Saturday at Noon,
- o Week 2 – Mon at 4PM until Tuesday at 8 30 AM AND Fridays at 4PM until Saturday at 6PM,

Additionally, this goes without saying, but this schedule does not go into effect until both parties have signed the document My client has informed me that your client is already operating under the assumption that a deal has been finalized As such, due to the delay, paragraphs 1(a) and 1(b) do not apply

Lastly, my client and I are both available for a five-way settlement conference to take place at Blythe's office on May 16th, May 30th, June 3rd, and June 5th, all days beginning at 1 30 PM I look forward to your prompt response

Very truly yours,

Ronald R. Petroff, Esq.
Managing Partner
Petroff Law Offices, LLC
 140 East Town Street, Ste. 1070
 Columbus, Ohio 43215
 Tel: 614-222-4288
 Direct 614-222-4282
 Fax 614-222-4289
 email rrp@petrofflawoffices.com
 website www.petrofflawoffices.com



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From: Blythe Bethel
 To: arj_jurado@qualineconsulting.com
 Cc: lmm@mkfamilylaw.com, emb@mkfamilylaw.com
 Subject: Re Noah's pediatrician appt UPDATE
 Date: Friday, May 17, 2013 7 51:40 AM

Ari, I think that I have made myself pretty clear about the fact that Noah's daily schedule (at least during the work week) needs to be consistent. But, it sounds like no one is going to listen to what I am saying until there is a formal agreement reached between you and Kathy. Blythe

From: "arj_jurado@qualineconsulting.com" <arj_jurado@qualineconsulting.com>
 To: Blythe Bethel <blythebethel@yahoo.com>
 Sent: Thursday, May 16, 2013 7 24 PM
 Subject: RE Noah's pediatrician appt UPDATE



Hi Blythe,

I need to know that you are ok with this, meaning that I can spend the day with Noah now that I have the rare opportunity as my project comes to an end

My intent is to develop that bond between father and son that can only be done by spending quality time as continuous as possible. I always said I wanted the same opportunity Kathy had when she spent 3 months with him at home before she went back to work. I never expect to have 3 full continuous months, but any opportunity that I could get counts.

I agree with you that a consistent schedule for Noah is more important than what is convenient for the parents. But that is not even the case here. We are not talking about me choosing times that allows me to play golf with my friends before picking up Noah or after drop offs, or times that allow me to recuperate of a hang over after partying all night. Quiet the contrary, right now Noah is all I have and all I do and whatever irregularities in the schedule may appear have only to do with work or other necessary commitments.

You have said it before that both Kathy and I are adults and should be able to take care of Noah's needs on our days. And I don't believe there are any examples where I have shown I am not capable of that or of making the right decisions for Noah.

This past Monday for example, it was in Noah's best interest to have been able to stay at home with Kathy after the doctor's appointment. However, he spent over half of the day in daycare even when Kathy did not go to work. Instead of taking him home, Kathy chose to stay home without him and just go see him several times at daycare for the remainder of the day, only to make her point that she doesn't want me to have Noah during the day. At the end, Noah is paying the price. There is no reason why Noah couldn't have stayed with Kathy all day on Monday, whether because he was sick or for any other reason.

Please let me know what you think so that I can finalize my plans and share drop offs and pick up times.

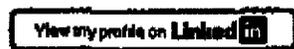
REGARDING OUR APPOINTMENT NEXT WEEK, Can we please keep it? I would like to still have a one on one meeting with you, with or without a possible final settlement agreement.

Best regards,

An

Ari Jurado
 Principal HCM Consultant, Qualine Consulting
 (305) 799-2212
 arj_jurado@qualineconsulting.com

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From: LeeAnn Massucci [mailto:LMM@mkfamilylaw.com]
Sent: Thursday, May 16, 2013 4:14 PM
To: Ronald R. Petroff, Esq.
Cc: Amy Waring; Eimear Bahnson; AJ; LeeAnn Massucci; Blythe Bethel
Subject: RE: Noah's pediatrician appt UPDATE

Ron-

Thanks very much.

I have been in meetings all day and will not be able to get our counter proposal to counsel until tomorrow.

As for the request to know the specific time in which Noah will be picked up I will check with Mr. Jurado.

However, please note that we acknowledge the current Agreed Magistrate's Temporary Order entered into January 23 contains the "as soon as Father is available" language and "until DAY morning daycare"

While I understand that GAL has suggested "specific times" be noted, we have yet to obtain agreement on ALL of the GAL's recommendations.

Consequently, I do not believe Mr. Jurado should lose the limited valuable time with Noah that was agreed upon on January 23rd.

I will get the counter proposal to you as soon as possible.

Thank you.

LMM



LeeAnn M. Massucci
Massucci & Kline LLC
250 Civic Center Drive
Suite 630
Columbus, OH 43215
Phone 614.484.0177
Fax 614.484.0181
<http://www.mkfamilylaw.com/>

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FROM THE LAW OFFICE OF MASSUCCI & KLINE LLC

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From: Ronald R. Petroff, Esq. [mailto:rrp@petrofflawoffices.com]
Sent: Thursday, May 16, 2013 12:45 PM
To: LeeAnn Massucca
Cc: Amy Waring; Eimear Bahnson; 'AJ'
Subject: RE: Noah's pediatrician appt UPDATE

LeeAnn

Please see below email from my client regarding your request

The doctor wanted a weight check after a month from his 9 month appointment rather than waiting until his next well baby at 1 year, which was the purpose of today's visit

The weight check results were 20lbs 6 oz – this puts Noah in the 51 95 percentile
Height is 28 in – this puts Noah in the 15 73 percentile
Height and weight combined puts Noah in the 77 57 percentile
His head circumference is 18 11 in – this puts Noah in the 67 38 percentile

Since tomorrow begins the new schedule and with communications completely eliminated - Please advise if I am permitted to know when Noah will be picked up and dropped off at daycare on Wed/Thur as well as picked up on Friday as the order does not stipulate any specific times

Very truly yours,

Ronald R. Petroff, Esq.
Managing Partner
Petroff Law Offices, LLC
140 East Town Street, Ste 1070
Columbus, Ohio 43215
Tel 614-222-4288
Direct 614-222-4282
Fax 614-222-4289
email: rrp@petrofflawoffices.com
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From: LeeAnn Massucca [mailto:LMM@mkfamilylaw.com]
Sent: Thursday, May 16, 2013 12:11 PM
To: Ronald R. Petroff, Esq. ; rrp@petrofflawoffices.com; AAA AAA assistant
Cc: LeeAnn Massucca; Amy Waring; Eimear Bahnson; AJ
Subject: [Norton AntiSpam]Noah's pediatrician appt UPDATE
Importance: High

Hi Ron-

For some reason I am having difficulty locating the e-mail you sent with Noah's pediatrician update information.

Would you please resend ASAP as I am currently meeting with Mr. Jurado and of course he is interested in that data.

I realize he can obtain the records, but a brief synopsis would be helpful.

Also, the child support payment was made this morning by their normal procedures -- which requires Kathy's acceptance of the payment via e-mail.

*Thanks-
LMM*



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From: Blythe Bethel
To: arl_jurado@qualineconsulting.com, LeeAnn Massucci, amb@mkfamilylaw.com
Subject: Re: Father's Day & Summer Schedule
Date: Tuesday, June 18, 2013 7:27:07 AM

An: First, I am glad to know that you had a good first Father's Day with Noah

Regarding your request for documentation, etc., that backs up my recommendation for a strict adherence to Noah's daycare schedule, let me just say that you and Kathy, and your continued inability to co-parent without continued conflict and drama are the reasons. And, I believe that you have misunderstood my position as far as when your, and for that matter, Kathy's parents are in town. I have been consistent in recommending that Noah have a strict daycare schedule, because, quite frankly, that appears right now to be the only place that is the most stress free for him, and I know that he will have the same daily schedule as far as naps, feedings, etc. That is very important for a child his age, and I believe that any child development literature would back me up.

I also have recommended that each of you should try and schedule at least one of your weeks of vacation time to coincide with your parents being here. That way you would have a full week of uninterrupted time with Noah and them. If you are not treating the time as your vacation time, then the daycare schedule should be adhered to.

An, I have been in this business for over 30 years. I have learned valuable information from the multitude of professionals that I have worked closely with over the years. I have seen what works and what doesn't work with high conflict cases. Unfortunately, this is an extremely high conflict case. Usually, as time passes the conflict will diminish, but for some reason that is not the case here. So, until I see that, I am going to continue to recommend what I have been recommending.

Blythe



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From: Blythe Bethel
To: an_jurado@qualineconsulting.com
Subject: Re: Noah Jurado & Brooksedge Daycare
Date: Wednesday, July 10, 2013 11:56:39 AM

An I spoke with Amy on the morning of our last Court hearing I was returning a voicemail left by her while I was out of town for the long holiday weekend I did not speak with Jessica on Friday, and I do not know how you got that impression I have spoken with Jessica in the past, but not last Friday

I think the whole point being made by Amy is the daycare does not want to be drawn into the middle of this litigation They are in the business of caring for children, not monitoring parents who are in a custody fight, and they do not want to have to choose sides here They love Noah, and think he is doing very well They know that you and Kathy each love Noah very, very much and that Noah loves you both very much

Amy said that your frequent visits to the daycare (sometimes as much as 2 times every day) is disruptive for Noah (he gets distressed when you leave and it takes time to calm him down), and that it makes certain of the workers feel uncomfortable She used the words "intimidating" and "aggressive" Amy stressed that they never want to tell any parent that they are not welcome to visit, because they have an "open door" policy, but even our magistrate said when she heard about the frequency of your visits that you appear to be "overly involved" Amy also said that she does not want to have to explain to other parents what you are doing at the daycare so much I have had this in other cases where a parent or grandparent goes to a child's school so much that other parents complain it makes other parents uncomfortable They do not know who you are or why you are present so much In this day and age, we have unfortunately learned to be cautious of persons that you do not know being around your children

If you want my opinion, I would really limit your visits to the daycare I would not be asking the workers there for advice I would simply let them do their job, and that is to provide care for Noah and the other children without interruption from parents

Blythe

GAL Adds New Reasons for Daycare Restrictions

EXHIBIT
A5

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From: Blythe Bethel
To: ar_jurado@qualineconsulting.com
Subject: Re: Noah Jurado & Brooksedge Daycare
Date: Thursday, July 11, 2013 11:25:48 AM

The Final recommendation from the GAL regarding stipulations for the new Temporary Order under negotiations (July 2013)

An: I cannot give you advice. But I can say that I believe the proposal is pretty darn close to my recommendation. When I place their proposed schedule on a calendar (assuming a 28 day month), you would have 11 overnights out of 28, or approximately 40% of the overnights. This time does not include the half days that they have proposed. If you want to submit affidavits, it will be some time before we get an answer out of the magistrate. I would assume the magistrate would follow my recommendation, but again you would be waiting for her to write her decision. I would recommend that Noah go to daycare everyday from 9:00 or 9:30 am to 4:00 pm just to keep his daily routine, and I would also recommend limited visits to the daycare. Not sure if you are going to hire a lawyer, but that is what I am thinking for my recommendation. Blythe

From: "ar_jurado@qualineconsulting.com" <ar_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Thursday, July 11, 2013 11:09 AM
Subject: RE: Noah Jurado & Brooksedge Daycare

Blythe,

Before responding to that proposal, my first question would be: Do you think it is in Noah's best interest? I certainly do not think what they propose is in his best interest, and based on your prior recommendations, I would think you agree. But please confirm.

An:

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ar_jurado@qualineconsulting.com



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IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS
JUVENILE BRANCH

KATHY HERNANDEZ, : 12JU-14479
PETITIONER :
VS. :
ARISTIDES JURADO, :
RESPONDENT :

TRANSCRIPT OF PROCEEDINGS HEARD
BEFORE THE HONORABLE JUDGE TERRI JAMISON
ON THE 22ND DAY OF JANUARY 2014

APPEARANCES OF COUNSEL:

RONALD PETROFF, ATTORNEY AT LAW, ON BEHALF OF
THE PETITIONER, KATHY HERNANDEZ

BLYTHE BETHEL, ATTORNEY AT LAW, AS GUARDIAN AD
LITEM FOR THE CHILD, NOAH JURADO

OTHER APPEARANCES:

Kathy Hernandez, Petitioner
Aristides Jurado, Respondent

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COURT'S WITNESS

PAGE

ARISTIDES JURADO

08

1 JUDGE JAMISON: - Noah Jurado, case number
2 12JU-14479. Counsel, please enter your appearances
3 for the record.

4 ATTORNEY PETROFF: Ron Petroff, 0081267,
5 on behalf of the petitioner, Kathy Hernandez.

6 ATTORNEY BETHEL: Blythe Bethel, Supreme
7 Court Registration Number, 0001373, Guardian Ad
8 Litem for the minor child, Noah Jurado.

9 JUDGE JAMISON: State your name -

10 MR. JURADO: Aristides Jurado, pro se,
11 respondent, father.

12 JUDGE JAMISON: Okay. I have before me
13 today a Motion for Emergency Custody filed by Mr.
14 Jurado and I have a motion filed by Mr. Petroff for
15 dismissal of this motion. Mr. Petroff, you may
16 speak in behalf to your motion.

17 ATTORNEY PETROFF: I believe Mr. Jurado
18 does not have standing before this Court pursuant to
19 a motion previously filed. I believe Civil Rule 11
20 requires - - when an attorney is present on a case
21 the attorney must sign any and all pleadings prior
22 to filing any documents. Seeing as Mr. Golden is
23 currently technically counsel of record, his
24 signature is absent from the - - from the filing and
25 therefore, I believe the document must be dismissed

FTR

1 as no standing.

2 JUDGE JAMISON: Okay. Mr. Jurado, would
3 you like to speak to that?

4 MR. JURADO: Yes, I think that rules are
5 always designed for reasons and common sense says
6 that emergencies are emergencies whether the
7 attorney of record is in transient out or he's not
8 or he's indisposed, you cannot deprive a child from
9 intervention from the Court just because a rule says
10 that an attorney needs to be here and he might be in
11 the hospital or whatever. So I'm sure that that
12 rule has exceptions, and an emergency motion should
13 be the exception.

14 JUDGE JAMISON: Mr. -

15 ATTORNEY PETROFF: Your Honor, -

16 JUDGE JAMISON: - can I - - can I ask a
17 question? Does Mr. Golden represent you?

18 MR. JURADO: No.

19 JUDGE JAMISON: And when were his services
20 terminated?

21 MR. JURADO: I sent him an email last
22 Friday.

23 JUDGE JAMISON: Friday, what day?

24 MR. JURADO: Let's see -

25 JUDGE JAMISON: Let me see.

1 ATTORNEY PETROFF: Motion wasn't filed
2 until Monday to withdraw.

3 JUDGE JAMISON: Yeah, I have a motion
4 filed for attorney withdrawl that actually made it
5 to filing on January 21, 2014.

6 ATTORNEY PETROFF: Oh wow.

7 MR. JURADO: Monday was closed -

8 ATTORNEY PETROFF: So - - so Tuesday.

9 ATTORNEY BETHEL: That's right.

10 ATTORNEY PETROFF: So it was yesterday.

11 Also -

12 JUDGE JAMISON: My prob -

13 ATTORNEY PETROFF: Sorry.

14 JUDGE JAMISON: Go ahead.

15 ATTORNEY PETROFF: No, I don't want to
16 interrupt the Court.

17 JUDGE JAMISON: Go ahead.

18 ATTORNEY PETROFF: With respect to the
19 concern of the child and for pur - - all purposes
20 going forward, I want the Court to be aware of this
21 from this case moving forward, we have a ready,
22 willing and able and active Guardian that has been
23 co - - in communication with all parties at all
24 time, has a cell phone, has email, has text
25 messaging, has never been away from this case longer

1 than 12 hours. If there is an emergency, this
2 Guardian has always stepped up to the plate and
3 which is why the Court has Guardians and eyes and
4 ears. So -

5 JUDGE JAMISON: No, I'm not speaking to
6 that now. I'm dealing with this dismissal issue.

7 ATTORNEY PETROFF: Alright, well I'm simp
8 - - okay.

9 JUDGE JAMISON: Okay.

10 ATTORNEY PETROFF: I'm just rebutting. I'm
11 rebutting the - - whatever this Court wants to do.

12 JUDGE JAMISON: Yeah, I'm speaking to this
13 dismissal entry. Mr. Petroff, I do understand your
14 argument, however, the Rule 1.16 states that "a
15 lawyer cannot represent a client once the lawyer has
16 been discharged." So even if Mr. Golden had not
17 withdrawn, which he's filed a motion with the Court
18 and I think the Court is really already signed an
19 entry, but because of the e-filing process -

20 ATTORNEY PETROFF: I was not aware of
21 that.

22 JUDGE JAMISON: - it appears that I've
23 already filed - - signed the entry but because of
24 the e-filing process -

25 ATTORNEY PETROFF: Okay.

1 JUDGE JAMISON: - we know it slows it
2 down. But the problem is the lawyer's been
3 discharged so it would be against Rule 1.16 for Mr.
4 Golden to even attempt to do anything to represent
5 Mr. Jurado so I have to decline -

6 ATTORNEY PETROFF: Okay.

7 JUDGE JAMISON: - your - - your Motion to
8 Dismiss it on that basis.

9 ATTORNEY PETROFF: Thank you, Your Honor.

10 JUDGE JAMISON: And I am glad that you and
11 the Guardian are both here to speak to his Motion
12 for Emergency Custody. So, Mr. Jurado, you may
13 speak to your Motion for Emergency Custody.

14 MR. JURADO: Yes, Your Honor, since this
15 proceeding started in October 2012, we have had a
16 series of incidents and I have concerns with my son
17 and now there's a clear pattern defined where the -
18 - the - - my son experiences whether it is weight
19 issues or injuries at daycare, they always - - they
20 always coincide with my ability to be around him or
21 to make decisions for him - - to make decisions for
22 him.

23 JUDGE JAMISON: They always coincide with
24 your ability to make dec -

25 MR. JURADO: With my inability to -

FTR

1 JUDGE JAMISON: Oh, okay.

2 MR. JURADO: - my inability to make
3 decisions for him. For example, during the three
4 months between October of 2012 and January 2013, I
5 was -

6 JUDGE JAMISON: Oh I'm sorry, would you
7 raise your right hand.

8 MR. JURADO: Sorry, yes.

9 JUDGE JAMISON: I'm sorry.

10 - - -

11 ARISTIDES JURADO
12 BEING FIRST DULY SWORN, CALLED AS A WITNESS
13 TESTIFIES AS FOLLOWS:
14 - - -

15 JUDGE JAMISON: You may continue. I'm
16 sorry. I forgot to put you under oath.

17 MR. JURADO: I was unlawf - - unlawfully
18 denied access by mom and the daycare to even visit
19 my son for five minutes at the daycare.

20 JUDGE JAMISON: Now when did this occur?

21 MR. JURADO: Between November 1st through
22 mid January?

23 JUDGE JAMISON: Of what year?

24 MR. JURADO: 2012 to 2013.

25 JUDGE JAMISON: Okay, that's not imminent

1 so I don't need any testimony about what happened
2 there.

3 MR. JURADO: I know. I was just trying to
4 establish time.

5 JUDGE JAMISON: That's not how emergency
6 custody works.

7 MR. JURADO: Okay.

8 JUDGE JAMISON: I don't - - I don't do a
9 pattern.

10 MR. JURADO: I see.

11 JUDGE JAMISON: I have to show an imminent
12 threat.

13 MR. JURADO: So - - sorry about my nerves.
14 I've never done this before. Anyway, so, however,
15 the - - the result of that condition that he had
16 sometimes requires specialists to - - to see side
17 effects that - - that can be caused by - - by that
18 condition and in April of 2013 -

19 ATTORNEY PETROFF: Objection. Please limit
20 the testimony for iminency as this Court defines
21 imenency.

22 JUDGE JAMISON: Sustained. Okay, the
23 question is what brought you down here today?

24 MR. JURADO: Yes.

25 JUDGE JAMISON: That's the question.

1 MR. JURADO: My son has behavioral and
2 developmental problems or concerns - - I don't have
3 - - I'm not a doctor but I have had concerns with my
4 son and they keep getting worse. They kept getting
5 worse and the definition of an emergency to me is
6 there's no clear line black and white, but my son
7 has been deprived from - - from specialists for
8 months now, that's number one. Number two, the fact
9 that my son has - - he's unable for - - for either
10 parent to be supervised at the daycare. I'm going
11 to refer to the open door policy that we have with
12 childcare policies. That's exactly the purpose for
13 parents to be able to make sure that the facilities
14 are adequate for their children and to participate
15 in that process.

16 JUDGE JAMISON: Has something happened to
17 your son recently?

18 MR. JURADO: As recent as October/
19 November, yes. The - - he had an incident at the
20 new daycare.

21 JUDGE JAMISON: He had an incident at - -
22 with the - - at the new care (sic).

23 MR. JURADO: At the (inaudible).

24 JUDGE JAMISON: What happened at the new
25 daycare?

1 ATTORNEY PETROFF: Your Honor, objection.
2 His own testimony said October/November; I don't
3 believe that fits the standard of an ex parte
4 emergency order under this Court's blood, bones, and
5 guts guidelines.

6 MR. JURADO: Okay. Can I refer to
7 documentation to provide a specific date?

8 ATTORNEY PETROFF: When is the new day - -
9 when did he go to the new daycare?

10 MR. JURADO: Starting October. It
11 happened the second week that he started the new - -
12 attending the daycare.

13 ATTORNEY PETROFF: October.

14 MR. JURADO: October.

15 JUDGE JAMISON: Okay.

16 MR. JURADO: Iminency.

17 JUDGE JAMISON: I'll allow it.

18 MR. JURADO: He had -

19 JUDGE JAMISON: - I'll -

20 ATTORNEY PETROFF: Thank you.

21 JUDGE JAMISON: - weigh it.

22 ATTORNEY PETROFF: Uh-huh (affirmative
23 response).

24 MR. JURADO: He had an accident with the
25 climbing equipment.

1 JUDGE JAMISON: All of these things you're
2 alleging are occurring at the daycare?

3 ATTORNEY PETROFF: Yes, they occurred that
4 the daycare.

5 JUDGE JAMISON: Okay, so how -

6 MR. JURADO: Nobody evaluated -

7 JUDGE JAMISON: - so how does changing
8 custody stop accidents at the daycare?

9 MR. JURADO: Because I'm - - I'm not
10 allowed to make decisions for my son right now by -

11 ATTORNEY PETROFF: Objection. He - - he's
12 perpetrating in front of the Court despite the
13 Guardian's repeated request - - the Court doesn't
14 know this but Mr. Jurado has enrolled the child in a
15 second daycare which is a decision that he made for
16 his own -

17 MR. JURADO: What -

18 ATTORNEY PETROFF: - own child.

19 MR. JURADO: - what does that have to do -
20 - it is irrelevant.

21 MR. PETROFF: The - - the testimony of
22 the witness just said he can't make any decisions
23 for his child.

24 ATTORNEY BETHEL: He's a shared parent.

25 ATTORNEY PETROFF: He's a shared parent.

1 The Guardian recommended it and he - - and he
2 enrolled the child in a second daycare, that's a
3 decision for his -

4 MR. JURADO: Wait, after -

5 JUDGE JAMISON: Okay. Okay. I got - - I
6 got your objection -

7 ATTORNEY PETROFF: Uh-huh (affirmative
8 response).

9 JUDGE JAMISON: - but - - I'll -

10 ATTORNEY PETROFF: Thank you.

11 JUDGE JAMISON: I'll weigh it.

12 MR. JURADO: The first decision that I've
13 been able to make to enroll my child in a second
14 daycare was after a year of trying - - making
15 attempts. And even though I make the decision it
16 still hasn't gone anywhere because Mrs. Hernandez
17 and Mrs. Bethel have done everything in their power
18 to make sure that he doesn't work in the new
19 daycare. Okay.

20 JUDGE JAMISON: You can cross on it,
21 counsel.

22 ATTORNEY PETROFF: Uh-huh (affirmative
23 response).

24 MR. JURADO: Anyway, so the - - so the
25 climbing equipment was placed against licensing

1 rules without the necessary padding around it.

2 JUDGE JAMISON: Okay. Explain to me -

3 MR. JURADO: Uh-huh (affirmative
4 response).

5 JUDGE JAMISON: - how changing custody
6 from the mother -

7 MR. JURADO: Uh-huh (affirmative response).

8 JUDGE JAMISON: - will stop these issues,
9 because this is the problem.

10 MR. JURADO: Uh-huh (affirmative
11 response).

12 JUDGE JAMISON: And - - and I - - I
13 understand that you have now fired your attorney.
14 But this is the problem -

15 MR. JURADO: Uh-huh (affirmative
16 response).

17 JUDGE JAMISON: - with your - - with your
18 pleading.

19 MR. JURADO: Okay.

20 JUDGE JAMISON: And I'm going to tell you
21 why I can't grant it.

22 MR. JURADO: Okay.

23 JUDGE JAMISON: You already have custody.

24 MR. JURADO: Uh-huh (affirmative
25 response).

1 JUDGE JAMISON: She already has custody.

2 MR. JURADO: Uh-huh (affirmative
3 response).

4 JUDGE JAMISON: There is no emergency
5 custody that can be granted because you already have
6 custody.

7 MR. JURADO: Okay.

8 JUDGE JAMISON: All of the allegations
9 that you are making -

10 MR. JURADO: Uh-huh (affirmative
11 response).

12 JUDGE JAMISON: - you're saying happened
13 at the daycare.

14 MR. JURADO: Yes.

15 JUDGE JAMISON: Which does not indicate
16 that Ms. Hernandez is unable to provide appropriate
17 care or parenting while the child is in her custody.

18 MR. JURADO: Okay, and - - but I can - -
19 yes.

20 JUDGE JAMISON: Secondly, it has now come
21 to my attention that you have him enrolled in a
22 second daycare.

23 MR. JURADO: Uh-huh (affirmative
24 response).

25 JUDGE JAMISON: If that is comfortable for

1 you and you are able to go to that daycare and
2 you're able to see that child, I think if you look
3 at your shared parenting plan it also says you have
4 equal access at the other daycare. She has equal
5 access at the other daycare. There should be no
6 reason that you cannot go to the daycare facility in
7 Hilliard, as I recall that's where the child is.
8 There's no reason. You have a shared parenting plan
9 that you can show the daycare that gives you equal
10 access.

11 MR. JURADO: But, Your Honor, neither
12 daycare will allow - - in the daycare - - the
13 daycare that I enrolled him to, on his first day, I
14 wanted to be there for his (inaudible) like any
15 other parent do, and because of the pressure -

16 JUDGE JAMISON: I don't think every other
17 parent does that.

18 MR. JURADO: If - - but -

19 JUDGE JAMISON: Mr. Jurado, I think that's
20 part of the problem. Parents don't usually go to
21 daycare. If they have the time they usually take
22 care of the child themselves. They don't usually
23 show up at the daycare on a regular basis.

24 MR. JURADO: I don't know. I have a
25 letter here from the owner of the daycare. Each

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1 parent - - it doesn't happen at all the daycares but
2 it - - if parents chooses to put their child in a
3 daycare that is close to their work they usually
4 like to be, you know, go there because that's why
5 they place them so close. But the point is the - -
6 based on the pressure -

7 JUDGE JAMISON: Did you discuss that with
8 them when you took the child and enrolled him in
9 that daycare?

10 MR. JURADO: Yes.

11 JUDGE JAMISON: And did they say we have a
12 police where parents don't come?

13 MR. JURADO: No.

14 JUDGE JAMISON: Did they allow you to
15 come?

16 MR. JURADO: They were going to allow me
17 but because Mrs. Hernandez - - so much pressure on
18 them to enforce the - - the restrictions they have
19 in her current order they said well they were going
20 to have to call the police if you make it here.

21 ATTORNEY PETROFF: So let me get this
22 straight -

23 JUDGE JAMISON: Well -

24 ATTORNEY BETHEL: They contacted -

25 ATTORNEY PETROFF: Let me get this

1 straight.

2 JUDGE JAMISON: Okay, let me see what
3 restrictions you're talking - - let me see what
4 restrictions you're talking about.

5 ATTORNEY PETROFF: I know. I know.

6 JUDGE JAMISON: This - - it's okay.

7 ATTORNEY PETROFF: I know.

8 MR. JURADO: Okay.

9 ATTORNEY PETROFF: I'm working on my
10 patience in the New Year.

11 ATTORNEY BETHEL: It - - it's an agreed
12 order.

13 ATTORNEY PETROFF: I'm working on my
14 patience this year. That's my New Year's
15 resolution.

16 ATTORNEY BETHEL: Oh, you failed.

17 JUDGE JAMISON: Did you agree - - oh, okay
18 here's the agreed entry.

19 ATTORNEY PETROFF: There's an agreed order
20 that neither party will enter the daycare.

21 ATTORNEY BETHEL: It's agreed.

22 ATTORNEY PETROFF: It's an agreed order of
23 the Court.

24 JUDGE JAMISON: Okay. You have an agreed
25 order that you will not enter the daycare facility,

FTR

1 is that correct, Mr. Jurado?

2 MR. JURADO: Yes, under duress, yes, I
3 agreed to that.

4 JUDGE JAMISON: Okay, hold on. Come back
5 up here.

6 MR. JURADO: Yes. Yes, sorry.

7 JUDGE JAMISON: Come back up here. Okay.
8 If you signed an agreement -

9 MR. JURADO: Uh-huh (affirmative
10 response).

11 JUDGE JAMISON: - that you would not go to
12 the daycare facility -

13 MR. JURADO: Uh-huh (affirmative
14 response).

15 JUDGE JAMISON: - neither parent, which I
16 would never understand why anybody would sign -

17 MR. JURADO: Uh-huh (affirmative
18 response).

19 JUDGE JAMISON: - then you have to abide
20 by that order until there's another order put on by
21 the Court. The premise of daycare -

22 MR. JURADO: Uh-huh (affirmative
23 response).

24 JUDGE JAMISON: - is to provide care for
25 the child -

1 MR. JURADO: Uh-huh (affirmative
2 response).

3 JUDGE JAMISON: - not assurances for the
4 parent necessarily that they can run in and out of
5 the door.

6 MR. JURADO: Uh-huh (affirmative
7 response).

8 JUDGE JAMISON: If you agreed not to go
9 then you're going to have to wait until there is
10 another order on that gives you the ability to go to
11 the daycare.

12 MR. JURADO: Uh-huh (affirmative
13 response).

14 JUDGE JAMISON: You're using two different
15 daycares, that's your right to do as a parent but
16 you have to trust that you made the right decision
17 about the daycare that you put him in.

18 MR. JURADO: It wasn't my decision, Your
19 Honor.

20 JUDGE JAMISON: But you did enroll him,
21 correct?

22 MR. JURADO: No, I'm talking about the
23 situation.

24 JUDGE JAMISON: No - - no - - no, I'm
25 talking about the daycare you enrolled him in -

FTR

1 MR. JURADO: Yeah.

2 JUDGE JAMISON: - was that your decision?

3 MR. JURADO: Correct.

4 JUDGE JAMISON: Okay. Then you need to
5 trust your decision that I have placed him in
6 daycare that is good.

7 MR. JURADO: Uh-huh (affirmative
8 response).

9 JUDGE JAMISON: Children do fall.
10 Children do hit their head.

11 MR. JURADO: Uh-huh (affirmative
12 response).

13 JUDGE JAMISON: Children do those things.

14 MR. JURADO: Uh-huh (affirmative
15 response).

16 JUDGE JAMISON: I understand. This might
17 be your first child; you're a little hyper-sensitive
18 maybe.

19 MR. JURADO: Uh-huh (affirmative
20 response).

21 JUDGE JAMISON: But he's toddling; he's
22 going to hit his head. If you find some abnormality
23 - - I'm sure you took a tour of the daycare, you
24 looked at where they eat, you looked at the
25 classrooms -

1 MR. JURADO: My new daycare, yes, uh-huh
2 (affirmative response).

3 JUDGE JAMISON: So your argument is you
4 didn't get to go to the old one?

5 MR. JURADO: Correct.

6 JUDGE JAMISON: Okay.

7 MR. JURADO: Or even the new - - or even
8 the new one - - only the first -

9 JUDGE JAMISON: I - - I - - I okay.

10 MR. JURADO: Yes.

11 JUDGE JAMISON: Okay. Then - - then you
12 need - - you have to abide by the current order
13 until there's another order in place. I have to also
14 deny your Motion for Emergency Custody because you
15 already have custody.

16 MR. JURADO: Okay. Alright.

17 JUDGE JAMISON: You're already a legal
18 custodian as well as Ms. Hernandez, so I have to
19 deny both his Motion to Dismiss and your Motion for
20 Emergency Custody.

21 MR. JURADO: Even though I didn't finish
22 explaining all my concerns?

23 JUDGE JAMISON: I understand you didn't
24 finish explaining but you already have custody, so I
25 can't grant something that you already have, that's

FTR

1 the problem with your motion.

2 MR. JURADO: Okay. So then I don't know
3 how this works because I have shared parenting -

4 JUDGE JAMISON: So you have custody.

5 MR. JURADO: I haven't been able to make -
6 - I can't assume - - he's about to get kicked out of
7 the new daycare.

8 JUDGE JAMISON: Which new daycare?

9 MR. JURADO: The one that I -

10 ATTORNEY PETROFF: Listen -

11 ATTORNEY BETHEL: I'm not aware of that.

12 ATTORNEY PETROFF: - we're - - we're not
13 here about this. I don't know anything about that.
14 I'd like to clean up your docket though. He's got
15 another ex parte emergency motion he's got in his
16 hand that - - that he wants to set tomorrow so Ms.
17 Bethel and I have to re-arrange our schedule if
18 you're going to hear it. I'd like to know if you're
19 going to hear it?

20 JUDGE JAMISON: What is it?

21 ATTORNEY PETROFF: It's a restraining
22 order that my client not contact any daycare
23 provider from here until 2025.

24 MR. JURADO: Your - - Your Honor, you were
25 - - last time we were here December 20 - - I -

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1 JUDGE JAMISON: Okay, I can't talk about
2 that motion because they dismissed it.

3 MR. JURADO: It's not a motion.

4 JUDGE JAMISON: Once they dismissed the
5 motion for the restraining order -

6 MR. JURADO: Uh-huh (affirmative
7 response).

8 JUDGE JAMISON: - I have no more
9 jurisdiction on that.

10 MR. JURADO: It's not a restraining order.
11 I still have to file that.

12 ATTORNEY PETROFF: He's filing another
13 one.

14 MR. JURADO: You were - - you were -

15 JUDGE JAMISON: Well I can't hear a motion
16 you haven't filed.

17 MR. JURADO: I know.

18 JUDGE JAMISON: I can't hear a motion
19 that's not filed.

20 ATTORNEY PETROFF: Are you - - my question
21 is this, he wants to approach ex parte, are you
22 going to hear it tomorrow?

23 JUDGE JAMISON: He has the right to
24 approach ex parte -

25 ATTORNEY PETROFF: So -

1 JUDGE JAMISON: - just like counsel does.

2 ATTORNEY PETROFF: - but I - - I know but I
3 need to clear my calendar for tomorrow. I have three
4 hearings.

5 JUDGE JAMISON: I don't know what he's
6 going to do. I don't have a motion.

7 ATTORNEY PETROFF: Can - - can you help me
8 out here?

9 ATTORNEY BETHEL: You - - you filed that
10 motion today, Ari (phonetic)?

11 MR. JURADO: Can - - yes. Can I - - can I
12 finish what I was trying to say (inaudible)?

13 JUDGE JAMISON: Okay.

14 MR. JURADO: I appreciate it. That you
15 were - - I sat there in that chair for three hours
16 just watching and seeing how you were deceived so
17 many times. I knew -

18 ATTORNEY BETHEL: Wait a minute I -

19 JUDGE JAMISON: Okay. Okay. I cannot talk
20 about something that was dismissed.

21 MR. JURADO: Uh-huh (affirmative
22 response).

23 JUDGE JAMISON: I can't do that.

24 MR. JURADO: I understand.

25 JUDGE JAMISON: When it was supposed to

1 come back into Court it was withdrawn, because it
2 was withdrawn I have no more jurisdiction to even
3 hear it. I don't get to consider the facts of it. I
4 don't get to consider the testimony of it at all
5 because it was withdrawn, so I don't get to consider
6 -

7 MR. JURADO: Okay, so -

8 JUDGE JAMISON: - that.

9 MR. JURADO: - okay.

10 JUDGE JAMISON: Anything that was said in
11 that hearing I don't get to consider.

12 MR. JURADO: I understand.

13 JUDGE JAMISON: Because it's withdrawn.

14 MR. JURADO: Okay.

15 JUDGE JAMISON: I'm not making any
16 findings about it; I don't get to consider it.

17 MR. JURADO: Okay. So - - he - - there is
18 my motion you are about to dismiss the fact that it
19 was - - basically the only reason why we have the
20 restriction in place for the daycare is because of
21 Mrs. Bethel.

22 JUDGE JAMISON: Okay. I don't get to speak
23 to that. As I just said, that motion was withdrawn.

24 MR. JURADA: No - - no - - not for now.

25 JUDGE JAMISON: No - - no - - no - - no -

1 - I don't have that motion in front of me.

2 MR. JURADO: No - - not the motion - - the
3 motion that was -

4 ATTORNEY BETHEL: You agreed to the order.

5 JUDGE JAMISON: But this is an em - - this
6 is a Motion for Emergency Custody -

7 MR. JURADO: Uh-huh (affirmative
8 response).

9 JUDGE JAMISON: - it has nothing to do
10 with daycare restrictions.

11 MR. JURADO: Okay.

12 JUDGE JAMISON: Nothing, okay?

13 MR. JURADO: Okay. I thought so because
14 usually when you refer to a parent that has shared
15 custody they're able to do - - your - - the
16 assumption is they're able to do certain things.

17 JUDGE JAMISON: You could have done that
18 if you had not signed an agreed entry saying that
19 you wouldn't do it.

20 MR. JURADO: I'm not sure -

21 JUDGE JAMISON: Once you signed the entry
22 saying I won't do it then you can't do it. That
23 means you can't do it; that means Ms. Hernandez
24 can't do it. Now I personally don't know why that
25 restriction is there but it's there.

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1 ATTORNEY BETHEL: Your Honor -

2 JUDGE JAMISON: And I didn't hear that
3 part so I don't know.

4 ATTORNEY PETROFF: We also have a Motion
5 to Set Aside a Magistrate's Order that's set for 11
6 (sic) -29; we're all here right now. Mr. Jurado
7 said we could go forward on that. Would you
8 entertain -

9 JUDGE JAMISON: No.

10 ATTORNEY PETROFF: - going forward on it?

11 JUDGE JAMISON: No.

12 ATTORNEY PETROFF: Okay.

13 JUDGE JAMISON: Because I haven't even
14 seen the transcript or anything to set it -

15 ATTORNEY PETROFF: There is no transcript.

16 JUDGE JAMISON: - aside.

17 ATTORNEY PETROFF: The Magistrate filed a
18 sua sponte order which is in her right to do
19 limiting the testimony of a trial that's coming up
20 in three weeks because -

21 JUDGE JAMISON: Oh, that motion.

22 ATTORNEY BETHEL: Presentation.

23 ATTORNEY PETROFF: Yes, and then they
24 filed a motion -

25 JUDGE JAMISON: I haven't actually talked

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1 to her.

2 ATTORNEY PETROFF: Well they filed a
3 Motion to Set Aside. We filed a Memo of Contra. We
4 found a case in Cleveland that allows the Magistrate
5 to limit the testimony.

6 JUDGE JAMISON: I know they can.

7 ATTORNEY PETROFF: Okay. So -

8 JUDGE JAMISON: Yeah, I already know that.

9 ATTORNEY PETROFF: - so it's set for a
10 hearing. I was wondering if we could, you know,
11 clean up your docket today so we're not all back
12 here on - - on January 29 occurring additional fees,
13 that - - that's my only request, Your Honor.

14 JUDGE JAMISON: I know she can. I haven't
15 talked to her about why it's limited the way it is.
16 There was counsel on both sides. I'm assuming since
17 it was important to file the psych (sic) that the
18 expert is going to testify?

19 ATTORNEY PETROFF: Well Mr. Golden
20 subpoenaed him. I don't -

21 JUDGE JAMISON: So if he's subpoenaed.

22 ATTORNEY PETROFF: But they can't pay him.
23 They can't pay him. They owe him \$4000.00. They owe
24 her money. You know, I - - the problem -

25 MR. JURADO: (inaudible)?

1 ATTORNEY PETROFF: Yes, sir.

2 JUDGE JAMISON: Okay. I'm not going to
3 deal with Magistrate Matthews' issue until I talk to
4 her -

5 ATTORNEY PETROFF: Okay.

6 JUDGE JAMISON: - and see what was going on
7 with that.

8 ATTORNEY PETROFF: Alright.

9 JUDGE JAMISON: How it was limited, why
10 it's limited, da - - da - - da - - da. I am aware
11 that it's out there.

12 ATTORNEY PETROFF: Alright.

13 JUDGE JAMISON: But I think really that
14 should maybe be able to be heard on February 6th.

15 ATTORNEY PETROFF: I'm - - we can - - I'm
16 in agreement on that as well.

17 MR. JURADO: Actually to lead to all these
18 points, Judge, if - - if we continue in this
19 direction I don't think there's a point of having a
20 - - a trial.

21 JUDGE JAMISON: Well the point of having
22 the trial is to allow you to be able to present
23 evidence.

24 MR. JURADO: I understand. But number one
25 -

1 JUDGE JAMISON: And you have to be able -

2 MR. JURADO: Your Honor, -

3 JUDGE JAMISON: - to bring your witnesses.
4 You have to be able to present testimony. Now, if
5 you intend to get another attorney you need to be
6 getting on that immediately because if Mr. Golden is
7 not representing you, you will be held to the same
8 standard as an attorney. So when you get up and
9 say, "Well I don't know how this works", that won't
10 work. Ignorance of the law is not an excuse. You
11 would have to be able to present your case and be
12 able to question witnesses, bring your witnesses,
13 and you're going to be held to that standard.

14 MR. JURADO: The - - the point I was
15 trying to make is there's no point in me going into
16 a trial if number one, their motion filed for
17 sanctions, so I cannot submit evidence.

18 JUDGE JAMISON: What kind of sanctions?

19 ATTORNEY PETROFF: There's been multiple
20 motions. The Guardian filed a Motion to Limit
21 Testimony. We filed. Mr. Jurado violated a case
22 management order; we filed a Motion in Limine.
23 We're - - this case is going. Ma - - Magistrate
24 Matthews said this case is going. She wants this
25 case heard.

1 JUDGE JAMISON: Okay. Whose motion is it
2 and what is the motion?

3 ATTORNEY BETHEL: I filed two motions,
4 Your Honor, as the Guardian, a Motion for Contempt
5 and a Motion to Preclude evidence. Mr. Jurado owes
6 over \$3,000.00 to my office and he said that I'm his
7 last priority.

8 ATTORNEY PETROFF: We filed a Motion in
9 Limine because there was a violation of the case
10 management order. We produced all discovery;
11 witness disclosure, that was not reciprocated, so
12 pursuant to the case - - the Magistrate's case
13 management order we filed a Motion in Limine to
14 limit testimony. So Magistrate Matthews may not
15 allow Mr. Jurado to present testimony and witnesses,
16 etcetera.

17 MR. JURADO: So - - so at trial -

18 JUDGE JAMISON: I think we had a
19 discussion when you were here last -

20 MR. JURADO: Uh-huh (affirmative
21 response).

22 JUDGE JAMISON: - about the importance of
23 the Guardian being paid.

24 MR. JURADO: I understand. Yes. But
25 there's no way that -

1 JUDGE JAMISON: You understand that
2 without a Guardian on the case, the case cannot go
3 forward because the Guardian is there for the child.

4 MR. JURADO: There are extenuating -

5 ATTORNEY BEHTEL: He's -

6 MR. JURADO: - and disturbing
7 circumstances. I was put on purpose under - - undo
8 hardship. I'm about to lose my job. I shouldn't
9 have to be in this position where Mr. Golden is not
10 representing me because I can't afford him. I
11 cannot - - I'm barely making child support payments.
12 I cannot afford to get expert witnesses. I mean
13 soon this is going to continue and I won't even - -
14 why go to trial if - - I won't have a roof on top -
15 - to have my son with me because of what they are
16 doing in this case and that's why -

17 JUDGE JAMISON: Oh okay, I thought had
18 just become employed?

19 MR. JURADO: No, I've been working for
20 like three months.

21 JUDGE JAMISON: Okay.

22 MR. JURADO: Since beginning - - I'd say
23 beginning of October and they merely require me to
24 have - - to put in more hours. And because of this
25 issue with - - with the - - with the - - with the

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1 daycare they pick the farthest daycare - - the
2 farthest. They chose a daycare in Hilliard the
3 farthest -

4 ATTORNEY PETROFF: Your Honor, are we -

5 MR. JURADO: - to - - the farthest to - -
6 so I still have to drive over and we already
7 disclosed why that wasn't going to work. And the -
8 - the second daycare is five minutes from Mrs.
9 Hernandez job which is in 270. We were asking - -
10 and that has been disclosed.

11 JUDGE JAMISON: Okay, but this is - - this
12 is -

13 MR. JURADO: I understand.

14 JUDGE JAMISON: - is the part. But the
15 problem is, Mr. Jurado -

16 MR. JURADO: Uh-huh (affirmative
17 response).

18 JUDGE JAMISON: - if you attempt to go
19 forward representing yourself, you're going to be up
20 against an attorney, an experienced attorney -

21 MR. JURADO: Uh-huh (affirmative
22 response).

23 JUDGE JAMISON: - and if you don't show up
24 then she's not going to have any choice but to grant
25 the motions.

1 MR. JURADO: Yeah, I mean -

2 JUDGE JAMISON: So -

3 MR. JURADO: - I'm going to show up but
4 I'm saying what the purpose of, you know, putting
5 more expenses with attorneys that can go into Noah's
6 fund be - - I'm going to be limited with time. I'm
7 going to be limited with time based on the
8 Magistrate and I'm not going to be able to submit
9 evidence. I won't be able to get -

10 JUDGE JAMISON: No, it's limited on both
11 of you. It's limiting them and limiting you.

12 ATTORNEY PETROFF: The Magistrate's order.

13 ATTORNEY BETHEL: We both are limited the
14 seven hour speech.

15 JUDGE JAMISON: You both are limited.

16 MR. JURADO: Oh, I - - I understand.

17 JUDGE JAMISON: You both are limited -

18 MR. JURADO: Yes.

19 JUDGE JAMISON: - to seven hours.

20 MR. JURADO: Yes, but -

21 JUDGE JAMISON: So you both have equal
22 time. You both would have to make sure that you
23 compile your - - your arguments in a concise manner
24 and - - and get your case done.

25 MR. JURADO: This - - this case have never

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1 been continued for payment for - - for both parties,
2 that's why I filed it. I -

3 JUDGE JAMISON: Oh Lord Jesus.

4 ATTORNEY BETHEL: Your Honor, he's also
5 filing - - he advised me -

6 JUDGE JAMISON: I see.

7 ATTORNEY BETHEL: - the other day he's
8 filing a -

9 MR. JURADO: This is very serious.

10 ATTORNEY BETHEL: - motion to have me
11 removed.

12 MR. JURADO: This is very serious.

13 JUDGE JAMISON: Well he's already filed
14 that. That was filed today.

15 ATTORNEY PETROFF: Can I see it? I've
16 never seen it. Can I see the history, Your Honor?

17 JUDGE JAMISON: Well he can serve you.
18 Okay - - okay. Let me - - let me do this -

19 ATTORNEY PETROFF: Can I have this copy,
20 sir?

21 - - -

22 END OF HEARING

23 - - -

24

25

CERTIFICATE

1
2 I do certify that the foregoing is a true and
3 accurate transcript of the proceedings held in this
4 matter, on January 22, 2014, which I transcribed
5 from the Court's official recording system, except
6 for certain inaudible portions, and that said
7 transcript has been compared with the official Court
8 Recording System.
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LAURIE MCPHERSON (McPh)
OFFICIAL COURT TRANSCRIPTIONIST

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit J5

KATHY HERNANDEZ,
PLAINTIFF,

}
|

CASE NO. 12 JU 14479

vs.

}
|

JUDGE JAMISON

ARISTIDES JURADO,
DEFENDANT.

}
|

MAGISTRATE MATTHEWS

ENTRY

This cause came before the Court on January 23, 2014, on the Motion of Defendant for an Emergency Custody Order and Plaintiff's Motion to Dismiss the Motion for an Emergency Custody Order. Aristides Jurado, Defendant, appeared and requested that the Order continue until further orders of the Court relative to the Motion for Custody filed November 13, 2012. Ron Petroff appeared on behalf of Plaintiff, who was not present, and Blythe Bethel, Guardian *ad litem* appeared for this proceeding. Due to the number of issues the Court was made aware of during this hearing, the Court will make additional orders herein.

The Court dealt with Plaintiff's Motion to Dismiss first as a procedural matter. The Court does not find this motion to be well-taken. Plaintiff's position is that the Motion for Emergency Custody should not be heard because Defendant was represented by counsel and therefore Defendant cannot file motions *pro se*. Counsel, Keith Golden, has filed a Motion to Withdraw and the Entry allowing withdrawal has not been processed due to e-filing. The Court finds that even though the entry has not appeared in the case file that Mr. Golden was discharged by Defendant. Based upon Rule 1.16(a) of the Ohio Rules of Professional Conduct, which states in pertinent part, "a lawyer shall not represent a client, or, where representation has commenced, shall withdraw from the representation of a client if any of the following applies: ... (3) the lawyer is discharged." The Court finds that Mr. Golden was discharged by Defendant and Defendant's filing of the Motion for Emergency Custody is allowed. Therefore, the Court **DENIES** Plaintiff's Motion to Dismiss Defendant's Motion for Emergency Custody.

Based on the sworn Affidavit and testimony of Defendant and the report of the Guardian *ad litem*, an emergency situation does not exist. Firstly, Plaintiff and Defendant have shared

parenting. Secondly, the Court will not issue the emergency custody order due to the fact that all of the injuries seemed to occur at the child's previous daycare facility. The Court reviewed Defendant's exhibits of the various injuries to the child. The Court does find that the number of injuries to the head, the black eye, and the unexplainable bruising to the child's legs troubling. However, there is no allegation that Plaintiff caused the injuries and the child has been removed from the facility where the injuries occurred.

The Guardian *ad litem* reported to the Court that the minor child has had another injury at the current daycare provider utilized by Plaintiff. Defendant has enrolled the minor child in a different daycare for care during his parenting time. The Court at first found this unreasonable but, due to the fact that the minor child has had numerous injuries that are reportedly occurring at the Plaintiff's daycare center, the Court finds it to be a viable alternative. The parties have agreed that neither of them will utilize the Open Door Policy to go to the daycare center utilized by Plaintiff unannounced. It is unreasonable to expect that a concerned parent who has a child in daycare and that child has experienced several incidents will not want to investigate the cause of the injuries. The Court opines that utilizing separate daycares will resolve the issue and allow Defendant and Plaintiff the ability to utilize the Open Door Policy at their respective daycare facilities.

The Guardian *ad litem* further informed the Court that Defendant is not current on his obligations as to her fees. The Court opines that the Guardian *ad litem* fees are not dischargeable in bankruptcy and are in the nature of child support. Defendant should begin making payment toward his outstanding obligation to the Guardian *ad litem* forthwith. Plaintiff paid the total cost to obtain the psychological custody evaluation. Defendant should begin looking for full-time employment that will enable him to reimburse Plaintiff for his half of the payment to Dr. Smalldon for the psychological custody evaluation.

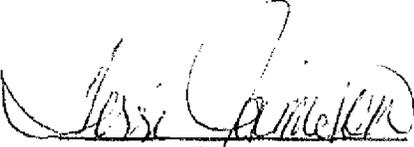
It is **THEREFORE ORDERED, ADJUDGED AND DECREED** that Aristides Jurado Motion for Emergency Custody is **DENIED**. The Court further **ORDERS** that the parties may maintain separate daycare providers. Both parties shall drop the child off at the respective parent's child care center after exercising parenting time. The party beginning parenting time shall pick the child up from their child care center. For example, if Plaintiff-Mother is beginning her time, Defendant-Father shall drop the child off in Hilliard in the morning to be picked up by Plaintiff-Mother in the evening. If Defendant-Father is beginning his time, Plaintiff-Mother shall

drop the child off at Easton in the morning to be picked up by Defendant-Father in the evening. The Court further **STRIKES** the language from the Shared Parenting Agreement that prevents the parties from contacting the daycare center or utilizing the Open Door Policy at their respective daycare centers. The Court **ORDERS** that neither party shall contact the other party's daycare center with the purpose of lodging allegations or complaints against the other parent, or to interfere with the child's placement at the center. A copy of this order should be delivered to and placed in the child's file at each individual daycare center.

The Court further **ORDERS** Defendant to begin payments to the Guardian *ad litem* immediately. The Court further **ORDERS** Defendant to make arrangements to reimburse Plaintiff for the cost of the psychological custody evaluation performed by Dr. Smalldon upon his receipt of proof that she paid and the amount that she paid.

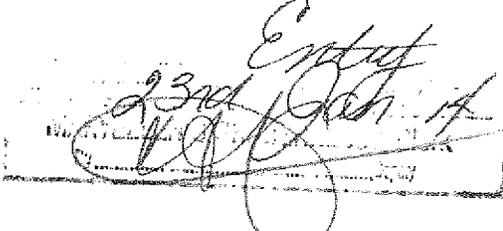
Motion for Custody is set for hearing with Magistrate Matthews on the 3rd floor of 373 S. High Street, Columbus, OH 43215 on March 26, 2014, March 28, 2014, March 31, 2014, April 1, 2014, and April 2, 2014 at 1:30 pm. Magistrate Matthews may increase the number of days if necessary to accommodate the parties and to give both parties the ability to introduce all evidence.

IT IS SO ORDERED.



JUDGE JAMISON

Copies to:
Ron Petroff, Attorney for Plaintiff
Aristides Jurado, Defendant
Blythe Bethel, Guardian *ad litem*



Entered
23rd Jan 14

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IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS
JUVENILE BRANCH

- - -

KATHY J. HERNANDEZ, :
PLAINTIFF :
VS. : CASE NO. 12JU-11-14479
ARISTIDES JURADO, :
DEFENDANT :

- - -

TRANSCRIPT OF PROCEEDINGS HEARD
BEFORE THE HONORABLE JUDGE TERRI JAMISON
HELD ON THE 13TH DAY OF MARCH, 2014

- - -

APPEARANCES:
RONALD R. PETROFF, ATTORNEY AT LAW, ON BEHALF OF
PLAINTIFF, KATHY J. HERNANDEZ
ERIKA SMITHERMAN, ATTORNEY AT LAW, ON BEHALF OF
PLAINTIFF, KATHY J. HERNANDEZ
BLYTHE M. BETHEL, ATTORNEY AT LAW AS GUARDIAN AD
LITEM ON BEHALF OF THE MINOR CHILD, NOAH G. JURADO

ALSO PRESENT:
KATHY J. HERNANDEZ, PLAINTIFF
ARISTIDES JURADO, DEFENDANT, PRO SE

1 JUDGE JAMISON: - matter of Kathy Hernandez
2 versus Aristides Jurado, case number's 12JU-14479.
3 Counsel, please enter your appearance for the record.

4 MR. PETROFF: Good afternoon, Your Honor.
5 Ronald Petroff, 0081267 on behalf of the petitioner,
6 Kathy Hernandez; who is seated to my right this
7 afternoon.

8 JUDGE JAMISON: Sir, state your name for the
9 record. State your name for the record, please.

10 MR. JURADO: Aristides Jurado, I am the
11 respondent in this case.

12 JUDGE JAMISON: Well, actually, yes, okay.
13 Counsel.

14 MS. BETHEL: Blythe Bethel, Supreme Court
15 Registration number 0001373. I am the guardian ad
16 litem on behalf of the minor child, Noah.

17 JUDGE JAMISON: Okay.

18 MS. SMITHERMAN: Your Honor, I'd like to
19 also enter my appearance on the record. Erika
20 Smitherman, 0072383 for petitioner, Kathy Hernandez as
21 co-counsel.

22 JUDGE JAMISON: Okay. We are here today on
23 a motion for a protective order, motion to expedite
24 hearing without referring for removal of guardian ad
25 litem, and an emergency motion for removal of the

1 guardian ad litem filed by Mr. Jurado. Okay. You're
2 still standing, counsel.

3 MR. PETROFF: Yes, Your Honor. If it may
4 please the Court, there are some preliminary matters
5 that I'd like to address before we entertain the
6 substance of Mr. Jurado's motion. Namely, I don't
7 believe we have standing to move forward today because
8 I don't believe Mr. Jurado's complied with current
9 court orders, specifically case management order filed
10 in this case that required certain terms and
11 conditions to be complied with, the Magistrate's Order
12 specifically trial notebooks, exchange of discovery,
13 witness lists. There's currently a motion in limine
14 pending before the Magistrate in two weeks.
15 Furthermore, the guardian has not been paid in full
16 and I don't believe that Mr. Jurado has standing to
17 move forward to file any more motions before this
18 Court, nor should this Court hear him until those two
19 motions have been heard on the motions, with respect
20 to motions in limine both of which have been filed
21 previously dealing with the fact that he has not
22 complied with current court orders shown that he has a
23 respect for the court orders and dealt with certain
24 discovery issues in this matter that has certainly
25 hamstrung our case in order to fully prepare for and

1 for this hearing and for trial set in two weeks. And
2 we believe that it is a necessity for justice to
3 prevail for us to abide by the court orders in this
4 case. And there's been a wilful continual ignoring of
5 orders that my client has spent thousands of dollars
6 in attorneys' fees complying with both the substance
7 and the timing of those orders even though she knew
8 there was absolutely no possible way that Mr. Jurado
9 had any intentions of doing the same, she still did so
10 because she respects this Court, she respects the
11 power of the Court and she respects what the Court's
12 doing.

13 I believe that what's happened here in the last
14 several weeks and months as there has been an
15 opportunity for one side without any strings attached
16 to entertain in a series of superfluous motions
17 entertained and be involved in facetious litigation
18 without any consequences whatsoever incurring
19 attorneys' fees while at the same time simultaneously
20 not complying with current court orders without any
21 ramifications whatsoever.

22 And I would like the Court today if it so pleases
23 to send a message that this will not be tolerated
24 because after all, what is the point of a Magistrate's
25 Order of a judicial decree if there is no teeth behind

1 it. Thank you.

2 JUDGE JAMISON: Thank you. Mr. Jurado?

3 MR. JURADO: Yeah. Your Honor, Mr. Petroff
4 is trying to re-schedule a -- his motions, everything
5 that he has stated, he has needed motions to the Court
6 and that has been scheduled for another day. And he's
7 just trying to have it heard to -

8 JUDGE JAMISON: Well, actually Mr. Jurado, I
9 was quite clear with you the last time you were here -

10 MR. JURADO: Uh-huh (affirmative response).

11 JUDGE JAMISON: - not to put anything else
12 on my docket till the end of the month, wasn't I?

13 MR. JURADO: Correct.

14 JUDGE JAMISON: So why are we here today?

15 MR. JURADO: I filed it after the end of the
16 month.

17 JUDGE JAMISON: No. I was quite clear that
18 you would not be on my docket until the guardian was
19 fully paid. Was I clear?

20 MR. JURADO: Ah.

21 JUDGE JAMISON: Was I clear?

22 MR. JURADO: Ah.

23 JUDGE JAMISON: Was I clear? At the last
24 hearing -

25 MR. JURADO: Uh-huh (affirmative response).

1 JUDGE JAMISON: - that the guardian must be
2 paid in full for you to proceed. I think I was quite
3 clear.

4 And Mr. Petroff, that was a wonderful
5 dissertation, but I already remembered what I said.
6 Thank you though for reiterating the fact. I think I
7 was quite clear.

8 MR. JURADO: Your Honor, the paid in full -

9 JUDGE JAMISON: You are -- you are trying to
10 obfuscate what this Court ordered you to do -

11 MR. JURADO: What was the amount that you -

12 JUDGE JAMISON: - and this Court won't
13 permit that.

14 MR. JURADO: I have made four payments to
15 the guardian ad litem.

16 JUDGE JAMISON: No, but I said the guardian
17 needed to be paid in full. We agreed, I agreed to
18 allow you two to use separate daycares so you don't
19 have to contact each other. I agreed and put in my
20 order that you two could go to your respective daycare
21 centers, use the open door policy at your respective
22 daycare centers. I put in the order that you would
23 not come back before this Court before the end of the
24 month, that you would exchange all discovery, comply
25 with all court orders, one of which was becoming

1 current on the guardian ad litem's payment.

2 The guardian ad litem is not your problem. Your
3 problem is now that you are coming up against the
4 Court, that's your problem now. She's the least of
5 your problems. This Court won't stand for that. If
6 she's not paid by the end of the month, there will be
7 no evidentiary hearing, period. She has fulfilled her
8 obligation. She has investigated every one of your
9 complaints. She has investigated her complaint. She
10 has done what this Court charged her to do.

11 MR. JURADO: Well, -

12 JUDGE JAMISON: She will not prepare a
13 report before the end -- next hearing unless every
14 dollar is paid.

15 MR. JURADO: That statement that you just
16 made, I'm not sure that you have heard, you have any
17 evidence that had shown that that's true as -- as far
18 as her performance, whether she has investigated -

19 JUDGE JAMISON: I know what she's required
20 to do by law.

21 MR. JURADO: Exactly.

22 JUDGE JAMISON: And she's not required to
23 jump when either one of you call. But she has
24 accepted e-mail. She has interviewed daycare centers.
25 She has gone to the daycare centers. She has helped

1 you and her decide what daycare center to use. She
2 has done what she is required to do by law; whether
3 that meets your specifications or not, it meets
4 Superintendent Rule 48.

5 MR. JURADO: I have attached some page --
6 I'm gonna hand you -

7 JUDGE JAMISON: I don't want to hear it.

8 MR. JURADO: Uh-huh (affirmative response).
9 Okay.

10 JUDGE JAMISON: You have not paid the
11 guardian. This hearing is over.

12 MR. JURADO: May -

13 JUDGE JAMISON: I will be continuing these
14 motions -

15 MR. JURADO: - may I -

16 MS. SMITHERMAN: Thank you, Your Honor.

17 MR. JURADO: - just one thing -

18 JUDGE JAMISON: - no, you may not. I have
19 said what I meant.

20 MR. JURADO: Okay.

21 JUDGE JAMISON: All of these motions will be
22 continued and there will not be a hearing the end of
23 this month if the guardian is not paid.

24 MR. JURADO: The Juvenile Procedure says
25 that a parent should not be affected by his financial

1 status based -

2 JUDGE JAMISON: You're not being affected by
3 your financial status, but your testimony, your
4 presentation of evidence will be limited if you do not
5 follow the Court's orders. It goes to your
6 credibility as a witness.

7 MR. JURADO: You -- you -

8 JUDGE JAMISON: When you don't comply with
9 my orders -

10 MR. JURADO: Uh-huh (affirmative response).

11 JUDGE JAMISON: - it affects your
12 credibility with this Court. I am very patient. But
13 at this point, you are trying to obfuscate the
14 proceeding and it won't work.

15 MR. JURADO: He -- he spoke for at least
16 five minutes on the matter and I have given like a few
17 seconds.

18 I have given up my life insurance. For the first
19 time in my life I don't have money to pay my rent. I
20 paid it seven days late for the first time in my life
21 so I could pay -

22 JUDGE JAMISON: Well, then you need to go to
23 work and stop coming down here.

24 MR. JURADO: I have. I have been going to
25 work. I -- I started -

1 JUDGE JAMISON: You need to go to work -

2 MR. JURADO: - a full-time job -

3 JUDGE JAMISON: - and focus on the things
4 that are important, paying your rent, being able to
5 provide for the child's daycare, doing the things that
6 you're required to do as a parent and stay out of this
7 courtroom charging people bill and increasing the
8 litigation expenses until you finish what you're
9 supposed to do.

10 MR. JURADO: But -

11 JUDGE JAMISON: Exchange in the discovery,
12 doing what you're supposed to do. You want to come
13 and tell me what they're not doing, but I'm here
14 knowing what you're not doing. You are the one that
15 had a child with this lady, you knew that you weren't
16 married, you knew you had to provide for this child -

17 MR. JURADO: I -

18 JUDGE JAMISON: - you got to pay child
19 support, you got to pay your daycare and if you come
20 in here and you want shared parenting which you're
21 under it, operating under right now, you have to pay
22 this guardian too. Those are the rules of this Court.

23 MR. JURADO: I have, Your Honor. I have
24 trying -- okay -

25 JUDGE JAMISON: No.

1 MR. JURADO: - if you -- okay. If -- if it

2 -

3 JUDGE JAMISON: When you came in here that -

4 - get straight. I have a very good memory.

5 MR. JURADO: Okay. Uh-huh (affirmative
6 response).

7 JUDGE JAMISON: You're not working full-
8 time.

9 MR. JURADO: I am. I -

10 JUDGE JAMISON: Unless you just started.

11 MR. JURADO: I started two weeks, about two
12 weeks after the last time I was here.

13 JUDGE JAMISON: Okay. Well, then -

14 MR. JURADO: Full-time with benefits.

15 JUDGE JAMISON: - then you need to focus on
16 going to work.

17 MR. JURADO: I -

18 JUDGE JAMISON: All these matters are
19 continued till you pay the guardian.

20 MR. JURADO: But even -

21 - - -

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C E R T I F I C A T E

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4 I do certify that the foregoing is a true and accurate
5 transcript of the proceedings held in this matter, on
6 the 13th day of March, 2014, which I transcribed from
7 the Court's official court recorder system, except for
8 certain inaudible portions, and that said transcript
9 has been compared with the official court recorder
10 system.
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17 _____
18 DARLENE QUILES (quill)
19 OFFICIAL COURT TRANSCRIPTIONIST
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Blythe M. Bethel, Attorney at Law

495 South High Street
Suite 220
Columbus, OH 43215

PAST DUE

Invoice submitted to:
Aristides Jurado
3963 Easton Way
Columbus, OH 43219-6086

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit K2

February 03, 2014

In Reference To: Brooksedge Lawsuit
Invoice #15164

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
1/3/2014 Reviewed copy of Amended Complaint	0.30 185.00/hr	55.50
For professional services rendered	0.30	\$55.50
Previous balance		\$805.50
Balance due		\$861.00

PAYMENT IN FULL DUE UPON RECEIPT

WE ACCEPT VISA, MASTERCARD, AND DISCOVER

Blythe M. Bethel, Attorney at Law

495 South High Street
Suite 220
Columbus, OH 43215

PAST DUE

Invoice submitted to:
Aristides Jurado
3963 Easton Way
Columbus, OH 43219

February 03, 2014

In Reference To: Guardian ad Litem
Invoice #15158

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
1/2/2014 Briefly reviewed psych custody evaluation from Dr. Smalldon; reviewed e-mail from Kathy re: expired tags; sent e-mail to Attorney Keith Golden re: expired tags.	1.10 185.00/hr	203.50
1/3/2014 Reviewing e-mails from counsel and parties re: status of looking for new daycare; removing psych report from formal Court record; sent responsive e-mail to counsel and parties re: same; telephone conference with Kathy re: status of daycare issue,	0.50 185.00/hr	92.50
1/6/2014 Reviewed Motion and proposed Entry to seal psych report; sent e-mail to counsel approving Motion and Entry; sent e-mail to Attorney Keith Golden re: payment of fees.	0.40 185.00/hr	74.00
1/7/2014 Exchanged e-mails with Attorney Keith Golden re: payment of Guardian ad Litem fees; exchanged e-mails with counsel re: dismissal of hearing on restraining order; reviewed letter from Dr. Smalldon to Attorney Golden re: use of Dr. Lowenstein to review psych report.	0.60 185.00/hr	111.00
1/8/2014 Reviewed e-mail from Dr. Lowenstein re: clarification of his role in this case; attended Status Conference before Magistrate Matthews.	0.90 185.00/hr	166.50
1/9/2014 Reviewed Magistrate's Order re: trial time; payment of Guardian ad Litem fees.	0.10 185.00/hr	18.50
1/10/2014 Reviewed e-mails from Attorney Keith Golden re: Magistrate's Order limiting trial time.	0.10 185.00/hr	18.50
1/11/2014 Reviewed e-mails from Ari and Kathy re: registering <small>Waco Redacted</small> for separate daycare; sent e-mail to counsel and parties re: same.	0.30 185.00/hr	55.50

228-7775

	<u>Hrs/Rate</u>	<u>Amount</u>
1/13/2014 Reviewed e-mails exchanged between parties re: ^{Name Redacted} condition; telephone conference with Attorney Erika Smitherman re: day care situation; exchanged e-mails with Attorney Keith Golden re: Ari's enrollment of child in separate day care; reviewed e-mail from Ari to Kathy re: dropping ^{Name Redacted} off at new day care.	0.30 185.00/hr	55.50
1/14/2014 Reviewed e-mail from Kathy Hernandez to Ari Jurado re: ^{Name Redacted} attending Hilliard daycare; payment for day care; reviewed e-mail from Kathy re: daycare costs; ^{Name Redacted} daycare attendance in Hilliard.	0.10 185.00/hr	18.50
1/15/2014 Draft and prepare Guardian ad Litem's Motion for Contempt and for Sanctions Against Respondent-Father; Motion to Reclude Evidence.	2.00 100.00/hr	200.00
1/17/2014 Exchanged e-mails with Kathy Hernandez re: how ^{Name Redacted} is doing at new daycare; speech specialist for child; exchanged e-mails with Attorney Keith Golden re: setting Motions for hearing before Judge; reviewed records from Children's Hospital re: Ari asking for speech specialist; exchanged e-mails with Kathy re: MLK Day.	0.60 185.00/hr	111.00
1/19/2014 Reviewed e-mail from Kathy to Ari re: MLK Day holiday.	0.10 185.00/hr	18.50
1/20/2014 Reviewed e-mails exchanged between parties re: MLK Day parenting time; sent e-mail to counsel and parties re: clarifying same under current Orders; exchanged e-mails with Ari Jurado re: Kathy Hernandez keeping child for MLK Day; reviewed e-mail from Kathy re: issue of ^{Name Redacted} at daycare.	0.40 185.00/hr	74.00
1/21/2014 Reviewed e-mail from Attorney Ron Petroff re: not agreeing to have Judge Jamison hear Guardian ad Litem Motions on 1/29/14; sent e-mail to Attorney Keith Golden re: same; Waiver of Service; reviewed Motion to Withdraw filed by Attorney Golden; sent e-mail to Ari re: service of Motions; reviewed e-mail from Kathy re: results of ^{Name Redacted} check-up.	0.50 185.00/hr	92.50
1/22/2014 Reviewed Emergency Motion filed by Ari Jurado; sent e-mail to counsel and Ari re: unavailable to attend hearing on 1/22/14; reviewed Memo Contra to Motion to Set Aside; attended hearing before Judge Jamison.	2.60 185.00/hr	481.00
1/24/2014 Reviewed Entry from Judge re: new trial dates; denial of emergency Motion for Custody; sent e-mail to counsel re: conflict with new trial dates; reviewed Motion to Remove Guardian ad Litem filed by Ari Jurado; reviewed multiple e-mails exchanged between parties re: ^{Name Redacted} being taken to daycare.	0.70 185.00/hr	129.50
1/28/2014 Exchanged e-mails with counsel/parties re: clarification of hearing schedule; sent lengthy e-mail to counsel/parties re: providing food for child at daycare; hearing schedule; fee payments from Ari; telephone conference with Ari Jurado re: same.	1.00 185.00/hr	185.00
1/16/2015 Reviewed Motion to Set Aside filed by Attorney Keith Golden; sent e-mail to counsel re: misleading statement in Motion to Set Aside; exchanged e-mails with Attorney Golden re: same; reviewed and revised Motion for Contempt and Motion to Preclude Evidence.	0.80 185.00/hr	148.00

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	13.10	\$2,253.50
You are responsible for 50.00% of time charges:	6.55	\$1,126.75
 Additional Charges from Primary Client		
1/17/2014 Service Fee Krukowski Legal Courier Service for e-filing Guardian ad Litem's Motion for Contempt; Motion to Preclude Evidence, and Waiver of Service by Ari Jurado.		28.50
1/31/2014 Copying costs for month of January		50.10
Total additional charges		\$78.60
You are responsible for 50.00% of expense charges:		\$39.30
 Total amount of this bill		 \$1,166.05
Previous balance		\$2,828.90
 Accounts receivable transactions		
1/24/2014 Payment - Thank You No. 4784		(\$500.00)
1/29/2014 Payment - Thank You		(\$500.00)
Total payments and adjustments		(\$1,000.00)
 Balance due		 \$2,994.95

PAYMENT IN FULL DUE UPON RECEIPT

WE ACCEPT VISA, MASTERCARD, AND DISCOVER

<u>Client</u>	<u>Split bill information</u>	<u>% Total</u>	<u>Total</u>	<u>Payments</u>
Hernandez GAL	50/50	50.00%	\$1,166.05	\$500.00
Jurado GAL	50/50	50.00%	\$1,166.05	\$1,000.00

Blythe M. Bethel, Attorney at Law

495 South High Street
Suite 220
Columbus, OH 43215

PAST DUE

Invoice submitted to:
Aristides Jurado
3963 Easton Way
Columbus, OH 43219-6086

March 03, 2014

In Reference To: Brooksedge Lawsuit

	<u>Amount</u>
Previous balance	\$861.00
Balance due	<u><u>\$861.00</u></u>

PAYMENT IN FULL DUE UPON RECEIPT

WE ACCEPT VISA, MASTERCARD, AND DISCOVER

Blythe M. Bethel, Attorney at Law

495 South High Street
Suite 220
Columbus, OH 43215

PAST DUE

Invoice submitted to:
Aristides Jurado
3963 Easton Way
Columbus, OH 43219

March 03, 2014

In Reference To: Guardian ad Litem
Invoice #15208

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
2/3/2014 Exchanged e-mails with Kathy Hernandez re: Ari Jurado dropping Name off late to both daycares.	0.10 185.00/hr	18.50
2/5/2014 Reviewed texts exchanged between parties re: dropping off Name at daycare; lunch.	0.10 185.00/hr	18.50
2/12/2014 Reviewed e-mails exchanged between parties re: Ari offering child to Kathy.	0.10 185.00/hr	18.50
2/13/2014 Reviewed trial subpoenas and Motion in Limine filed by Kathy Hernandez.	0.30 185.00/hr	55.50
2/17/2014 Telephone conference with Kathy Hernandez re: issues with scheduling; right of first refusal; sent e-mail to Ari re: same; payment on account; began drafting final pretrial recommendation.	1.80 185.00/hr	333.00
2/18/2014 Reviewed multiple motions filed by Ari Jurado re: protective order; removal of Guardian ad Litem; exchanged e-mails with Ari re: work schedule; payment of Guardian ad Litem fees.	1.20 185.00/hr	222.00
2/21/2014 Exchanged e-mails with Ari Jurado re: clarification of work schedule.	0.10 185.00/hr	18.50
For professional services rendered	3.70	\$684.50
You are responsible for 50.00% of time charges:	1.85	\$342.25
Additional Charges :		
2/28/2014 Copying costs for month of February		25.50
Total additional charges		\$25.50

228-7775

	<u>Amount</u>
Total amount of this bill	\$367.75
Previous balance	\$2,994.95
Accounts receivable transactions	
2/19/2014 Payment - Thank You	(\$250.00)
3/7/2014 Payment - Thank You	(\$750.00)
Total payments and adjustments	(\$1,000.00)
Balance due	\$2,362.70

PAYMENT IN FULL DUE UPON RECEIPT

WE ACCEPT VISA, MASTERCARD, AND DISCOVER

<u>Client/Split bill information</u>	<u>% Total</u>	<u>Total</u>	<u>Payments</u>
Hernandez GAL	50.00%	\$342.25	\$0.00
50/50			
Jurado GAL	50.00%	\$342.25	\$1,000.00
50/50			

Blythe M. Bethel, Attorney at Law
495 South High Street
Suite 220
Columbus, OH 43215

PAST DUE

Invoice submitted to:
Aristides Jurado
3963 Easton Way
Columbus, OH 43219-6086

April 04, 2014

In Reference To: Brooksedge Lawsuit

	<u>Amount</u>
Previous balance	\$861.00
Balance due	<u>\$861.00</u>

PAYMENT IN FULL DUE UPON RECEIPT

WE ACCEPT VISA, MASTERCARD, AND DISCOVER

Blythe M. Bethel, Attorney at Law495 South High Street
Suite 220
Columbus, OH 43215**PAST DUE**Invoice submitted to:
Aristides Jurado
3963 Easton Way
Columbus, OH 43219

April 04, 2014

In Reference To: Guardian ad Litem
Invoice #15275

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
3/5/2014 Reviewed Subpoena and attachments filed by Ari Jurado; sent-mail to Ari Jurado re: filing Motion to Quash; exchanged multiple e-mails with Ari Jurado re: Subpoena.	0.60 185.00/hr	111.00
3/10/2014 Organization of Guardian ad Litem case file in preparation for 3/13/14 hearing. [paralegal]	2.00 100.00/hr	200.00
3/12/2014 Reviewed e-mail from Kathy Hernandez re: Ari Jurado asking her to take ^{Name} on 3/12/14. _{Redacted}	0.10 185.00/hr	18.50
3/13/2014 To Court for hearing before Judge Jamison.	1.00 185.00/hr	185.00
Preparation of Draft of Final Pretrial Recommendation of Guardian ad Litem.	2.20 100.00/hr	220.00
3/16/2014 Reviewed e-mail from Kathy Hernandez re: status of filing Guardian ad Litem Recommendation; Ari Jurado giving up time with ^{Name} Recommendation _{Redacted} dictated.	1.60 185.00/hr	296.00
3/17/2014 Revising draft of Guardian ad Litem Recommendation.	1.10 185.00/hr	203.50
3/19/2014 Reviewed Motion for Stand-By Counsel and Motion for Continuance filed by Ari Jurado.	0.20 185.00/hr	37.00
3/26/2014 Attended hearing before Magistrate Matthews; obtained new trial date.	2.60 185.00/hr	481.00
3/28/2014 Reviewed e-mail from Kathy Hernandez re: concerns about issues to address.	0.20 185.00/hr	37.00

228-7775

	<u>Hrs/Rate</u>	<u>Amount</u>
3/31/2014 Exchanged e-mails with Kathy Hernandez re: Name having fever; going to doctor's office; reviewed e-mail from Kathy re: results of doctor's appointment; reviewed e-mail from Kathy to Ari re: notice of intended vacation dates.	0.40 185.00/hr	74.00
For professional services rendered	12.00	\$1,863.00
You are responsible for 50.00% of time charges:	6.00	\$931.50
Additional Charges from Primary Client		
3/17/2014 Service Fee Krukowski Legal Courier Service for e-filing Guardian's Final PreTrial Recommendation with Court.		8.50
3/31/2014 Copying costs for month of March		7.65
Total additional charges		\$16.15
You are responsible for 50.00% of expense charges:		\$8.07
Professional Services		
	<u>Hrs/Rate</u>	<u>Amount</u>
3/10/2014 Organization of Guardian ad Litem file in preparation for 03/13/14 hearing.	2.00 100.00/hr	200.00
For professional services rendered	2.00	\$200.00
Total amount of this bill		\$1,139.57
Previous balance		\$2,362.70
Accounts receivable transactions		
3/24/2014 Payment - Thank You		(\$300.00)
Total payments and adjustments		(\$300.00)
Balance due		\$3,202.27

PAYMENT IN FULL DUE UPON RECEIPT

WE ACCEPT VISA, MASTERCARD, AND DISCOVER

<u>Client(Split bill information)</u>	<u>% Total</u>	<u>Total</u>	<u>Payments</u>
Hernandez GAL 50/50	50.00%	\$939.58	\$500.00
Jurado GAL 50/50	50.00%	\$939.57	\$300.00

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

KATHY HERNANDEZ,

Plaintiff,

v.

ARISTIDES JURADO,

Defendant.

:
CASE NO. 12 JU 11-14479
:
JUDGE JAMISON
:
MAGISTRATE TSITOURIS
:

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit K3

EMERGENCY MOTION FOR REMOVAL OF GUARDIAN AD LITEM

Now comes Respondent-Father Aristides Jurado, acting Pro Se, and hereby moves this honorable court for an Order **immediately removing** Ms. Blythe Bethel as the appointed GAL for this child custody case. Ms. Bethel has adopted patterns of misconduct and significant bias, which have resulted in **violations** of Respondent-Father's constitutional **right to due process**, of Franklin County Domestic Rule 15, Local Juvenile Rule 27 and Sup. R. 48, as well as multiple violations of the Code of Professional Responsibility and the Rules of Professional Conduct all resulting in **intentional harm** inflicted upon Respondent-Father. Most importantly, her **willfulness of serious interference with the administration of justice** has given rise to **the detriment of the well-being of the child** in this custody case.

This Motion is supported by the affidavit and memorandum of fact and law included herein.

Respectfully submitted,

Respondent-Father Pro Se

By: 
ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

MEMORANDUM IN SUPPORT

SUMMARY

Four and a half months after the initial custody complaint was filed by Plaintiff-Mother, Ms. Blythe Bethel was appointed Guardian Ad Litem to represent the best interests of the minor child in this custody dispute and to assist the court in the determination of these best interests as regulated by Franklin County Domestic Rule 15, Local Juvenile Rule 27 and Superintendence Rule 48 of the Ohio Supreme Court.

Within weeks or even days of her appointment, Ms. Bethel started conducting herself with a biased and adversarial posture against Mr. Jurado, tantamount to a de facto advocate for Petitioner-Mother and her interests in this case.

Since then, Ms. Bethel has adopted a pattern of misconduct with the goal of favoring Ms. Hernandez, including: (1) **Failure to represent the best interest of the child;** (2) **Complete lack of independence, objectivity and fairness in and out of the courtroom;** (3) As an officer of the court, the GAL conducted herself without respect and courtesy to the parties and attorneys; (4) Failed to file pleadings and motions when appropriate and necessary; (5) GAL appointment was in actual conflict of interest arising from close ties with a party's legal counsel; (6) **Failed to perform the necessary investigations or appropriate inquiries** given the concerns reported by Respondent-Father; (7) **In ethical and other violations of Ohio Rules of Professional Conduct for Attorneys (Rules 8.4a 8.4b, 8.4c, 8.4d, and 8.4e),** including but not limited to **deceptive conduct, creating and maintaining a high-conflict atmosphere, and engaging in conduct that is prejudicial to the administration of justice.**

The instances in which Ms. Bethel demonstrated a complete lack of objectivity and bias were so numerous that her behavior has been predictable through the duration of her appointment as

GAL. From consistently favoring Petitioner-Mother during the various times the GAL inappropriately became arbiter, to censuring Respondent-Father regarding his writing style, his attempts to restore harmony, his acts of goodwill or for raising reasonable concerns, Ms. Bethel's misconduct and prejudice has been in violation of Respondent-Father's due process rights. **When a Guardian Ad Litem's bias, actions and inactions taint the custody proceeding, a parent is effectively denied due process.** *Patel v. Patel*, 347 S.C. 281, 286-287, 555 S.E.2d 386, 389 (S.C. App. 2001); *Kelley v. Kelley*, 175 P. 3d 400, 407-408, 2007 OK 100 (2007).

In support of Ms. Hernandez' interests, Ms. Bethel imposed restrictions and mandatory daycare attendance that has directly interfered with Respondent-Father's parenting time and his ability to raise his child. "A natural parent who has demonstrated sufficient commitment to his or her children is thereafter entitled to raise the children free from undue state interference". *Hodgson v. Minnesota*, 497 U.S. 417, 483, 110 S.Ct. 2926, 111 L.Ed.2d 344 (1990); *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). **These acts, in abuse of the GAL's authority** and which reach a purpose not justified by and against reason and evidence, **have deprived Respondent-Father of significant and essential parental rights protected by the constitution.** Even during the pendency of litigation, parents have the fundamental right to "make decisions concerning the care, custody, and control of their children" without undue state interference under the protection of the Fourteenth Amendment. *Troxel v. Granville*, 530 U.S. 57, 65-66, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000); *In re C.F.*, 113 Ohio St.3d 73, 2007-Ohio-1104, 862 N.E.2d 816, ¶ 28; *In re V.M.B.*, 2013-Ohio-4298, ¶37, ¶50. The interest in the care, custody and control of one's children is "one of the oldest of the fundamental liberty interests recognized in American law." *In re K.H.*, 119 Ohio St.3d 538, 2008-Ohio-4825, 895 N.E.2d 809, ¶ 39, citing *Troxel*, 530 U.S. at 65.

Rules enacted to define and govern the role and responsibilities for Guardians Ad Litem have two main purposes: to protect the parents who are the subjects of the guardian's investigation but also to ensure that the fate of a child's future does not rest in the hands of a guardian whose investigation is biased or otherwise incomplete. *Pirayesh v. Pirayesh*, 359 S.C. 284, 294, 596 S.E.2d 505 (S.C. App. 2004).

As important as the impact of the child's future are the immediate consequences of the GAL's misconduct. **The irreversible and ongoing damage** being caused by Ms. Bethel to the co-parental relationship between Petitioner-Mother and Respondent-Father, in addition to the unnecessary GAL and attorney fees incurred as a result of the frequent disputes and disagreements resulting from Ms. Bethel's **frequent parental interference**, and **the harm being inflicted** upon Respondent-Father with **Ms. Bethel's sustained harassment and instigation of a civil lawsuit** against him makes it all a time-sensitive and significant matter **requiring redress by this honorable court with a sense of urgency**.

Most importantly, Ms. Bethel's vehement advocacy for Plaintiff-Mother is such that, when combined with an utter lack of objectivity in determining the best interests, has put the **child's welfare at risk multiple times during the pendency of this litigation**. From **depriving the child** of the benefits of statutory daycare open-door policy for ensuring the **quality and safety of out-of-home care**, to acting in complicity with Petitioner-Mother to **repeatedly withhold medical care or treatment for the child** while discouraging and even preventing Respondent-Father from seeking the same, **Ms. Bethel's actions and inactions have been detrimental to the proper care and nurturing of the infant child**.

Given the extenuating and time-sensitive circumstances of the case, it is critical that Respondent-Father raises these disturbing facts for this honorable court to address and intervene in an expedited fashion.

STATEMENT OF FACTS

On November 5 2012, Petitioner-Mother filed a complaint with this court requesting for her to be named (sole) legal custodian and residential parent as to the minor child.

From October 2012 to December 2012, Respondent-Father's concerns regarding the health of the infant child gradually increased to the point that it became his top priority item to be addressed by his counsel (See Exhibit A2, pages MROG.26-27), even ahead of his lack of parenting time and rights, and the unlawful access denials by the daycare center administrators in collusion with Petitioner-Mother. (See Exhibit A1, pages MROG.13-25).

Driven mainly by their inability to reconcile their differing opinions regarding the minor child's medical care and related concerns, both parties agreed to involve a Guardian Ad Litem on February 28, 2013. (See Exhibit A3, pages MROG.28-30). On March 18 2013, both parties' counsel and magistrate selected Ms. Blythe Bethel for this appointment.

Exhibit A4, in pages MROG.31-35, demonstrates how Ms. Bethel chose to not investigate concerns regarding the child's health brought up by Respondent-Father and by Dr. Mastruserio, who in fact requested to speak with the GAL on April 25, 2013 while at the same time suggested a referral for a pediatric specialist.

A month later, when the referral from Dr. Mastruserio was processed by Nationwide Children's Hospital and a notification was sent to Petitioner-Mother, Ms. Bethel censured Respondent-Father's efforts in seeking expert medical care and discouraged him from any further pursuit as clearly communicated in her email from May 28, 2013. (See Exhibit A5, page MROG.36). Although Respondent-Father had made only one medical appointment for the child prior to this point and with Petitioner-Mother's consent, Ms. Bethel censured Respondent-Father by inferring that (1) Respondent-Father is making too many doctor appointments; (2) she believes there is no legitimate reason for taking the child to these appointments; (3) Respondent-Father's actions are not

in the best interest of the child. To be expected, these inferences were a direct reflection of Petitioner-Mother's opinion.

Ms. Bethel has also shown disregard for the court's authority, disrespect for the magistrate/judge as well as the courtroom process. Exhibits A6 (pages MROG.44-47) and A7 (pages MROG.48-49) exemplify Ms. Bethel and Petitioner-Mother's blatant disregard for Judge Jamison's opinion and order issued on December 2013. Even more disturbing is the deceptive conduct Ms. Bethel adopted throughout the December 20, 2013 hearing in front of Judge Jamison. Exhibit A8, A9 and A10 are just some of several examples of such misconduct. Exhibit A8 (pages MROG.50-59) includes a string of emails that show Ms. Bethel's misleading tactics when Judge Jamison asked whether the imposed 9am-4pm daycare restrictions were based on the GAL's recommendations or if that was mutually agreed upon by the parties. Ms. Bethel provided a misleading answer by stating "*I really was not much involved in the negotiation of the temporary order*".

This court has been deceived by Ms. Bethel whenever the topic of daycare and related issues has been brought up during proceedings. Exhibit A9 (page MROG.60) illustrates how Judge Jamison was again misled when she asked Ms. Bethel if the parties had looked at other options near 270 during the daycare selection process. Ms. Bethel deceived the court by stating "none were provided" while being well aware that the 2nd daycare proposed by Respondent-Father was near 270 and within 9 minutes of Petitioner-Mother work location. Also, Ms. Bethel failed to mention that she had decided for the geographical location of the new daycare facility to be in the Hilliard vicinity, consistent with her absolute support and advocacy of Ms. Hernandez' interests throughout the case (see Exhibit A10, page MROG.61).

On October 15, 2013, the daycare facility used for the infant child's out-of-home care filed a lawsuit against Respondent-Father after Petitioner-Mother and Ms. Bethel caused the infant child to be permanently expelled from the daycare and successfully instigated such retaliatory action. In

fact, the lawsuit explicitly includes allegations that originated from Petitioner-Mother and Ms. Bethel. A preponderance of evidence is available to support these claims. However, some of it shall only be offered for in-camera review due to the nature of the materials.

Between April 2013 and January 2014, there were numerous occurrences in which Ms. Bethel improperly took on the role of parenting mediator. In each instance, instead of helping defuse tensions and hostility, she instigated conflict when passionately advocated for Ms. Hernandez (See Exhibit A5, page MROG.36). Because it is impractical to list all the occurrences here, two examples are described herein.

On November 25, 2013, Ms. Bethel shared her disapproval of my writing style and structure of my emails when communicating with Petitioner-Mother. Not only that it is improper for an officer of the court to lack neutrality and objectivity, but her assessment of the information being communicated was inaccurate. In this instance, Petitioner-Mother was able to understand what was communicated, and it did not escalate to any problems. However, due to her lack of familiarity with the topic discussed, Ms. Bethel could not follow the flow of the information firsthand. (See Exhibit A11, page MROG.62).

On January 20, 2014, during a more recent instance of Ms. Bethel's interference and instigation of conflict, Ms. Bethel censored an email that Respondent-Father had sent to the daycare owner informing that the infant child was not attending on Martin Luther King holiday and offered an explanation of the reason why the original plan was for the child to attend daycare on this day. In her opinion, the information sent to the daycare was painting "Kathy in a negative light". Obviously, Ms. Bethel's actions are not focused on the best interest of the child, but instead on the best interest of Petitioner-Mother. (See Exhibit A12, page MROG.65).

CONCLUSION

The constant undue pressure, criticism and intimidation caused by Ms. Bethel's abusive behavior had many ramifications for Respondent-Father, including the inflation of attorney fees, interference with his work responsibilities and overall undue hardship given the obstacles created by her misconduct. The **undue financial burden deliberately inflicted on Respondent-Father** by the GAL in turn has affected his ability to maintain his child support payments, to retain expert witnesses and to be represented by legal counsel. Instead of attempting to rehabilitate her role as GAL, Ms. Bethel enforced all remedies at her disposal by filing sanctions against Mr. Jurado to preclude him from submitting evidence for trial and for contempt of court. These actions merely ratified her position that Respondent-Father does not deserve an equal and fair chance through these custody proceedings.

The behavior of the Guardian Ad Litem in this case has infringed upon the due process rights of **Respondent-Father and has ultimately placed him on unequal footing** with Petitioner-Mother during these proceedings. Furthermore, **any financial or otherwise type of harm caused to Respondent-Father indirectly affects the minor child, and further deepens the detriment of his welfare as previously stated.**

WHEREFORE, Respondent-Father respectfully requests this Court enter an Order removing Ms. Bethel as the GAL and schedule an emergency hearing for oral arguments as soon as the court calendar allows.

Respectfully submitted,

Respondent-Father Pro Se

By:



ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

CASE NO. 12 JU 11-14479 Kathy Hernandez v. Aristides Jurado

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

KATHY HERNANDEZ,

Plaintiff-Mother,

-vs-

ARISTIDES JURADO,

Defendant-Father.

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⋮

CASE NO. 12-JU-11-144 79

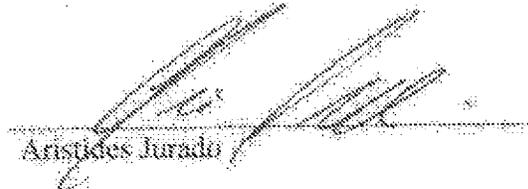
JUDGE JAMISON

MAGISTRATE TSITOURIS

State of Ohio County
of Franklin _____ SS.

Now comes Aristides Jurado as the Affiant herein and having been duly sworn and cautioned deposes and states that he is the Respondent in the foregoing action, that he has reviewed the foregoing motion, and that the facts and allegations stated therein are true to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.


Aristides Jurado

SWORN to before me and subscribed in my presence this 12th day of February, 2014.



ROGER RILL
Notary Public, State of Ohio
My Commission Expires 03-14-16


Notary Public

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CASE NO. 12 JU 11-14479 Kathy Hernandez v. Aristides Jurado

CERTIFICATE OF SERVICE

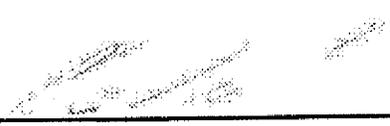
I hereby certify that a true and accurate copy of the foregoing was served via the court's electronic filing system on this 14th day of February, 2014, upon the following:

Erika Smitherman
Ronald R. Petroff
Petroff Law Offices, LLC
140 E. Town Street, Suite 1070
Columbus, Ohio 43215
Attorneys for Plaintiff

Blythe Bethel
Bethel Law Offices
495 S. High Street, Suite 220
Columbus, Ohio 43215
Guardian Ad Litem

Respondent-Father Pro Se

By:


ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

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Ohio Department of Job and Family Services
**CHILD ENROLLMENT AND HEALTH INFORMATION
 FOR CHILD CARE CENTERS AND TYPE A HOMES**

This form shall be completed prior to the child's first day of attendance and updated annually and as needed.

Child's Name CONFIDENTIAL		Date of Birth 7-10-12	First Day at Center 9-27-12
Home Address 2304 WATLBORN DR		City HILLIARD	
State OH	Zip Code 43026	Home Telephone Number 614-286-7836	
Parent/Guardian Name KATHRINE HERNANDEZ		Relationship to Child MOTHER	
Home Address Same		Home Telephone Number Same	
City Same		State OH Zip 43026	
Email Address (if applicable) kikatm@gmail.com		Cell Phone 614-286-7836	
Parent's Work/School Telephone Number 614-474-4991		Parent's Work/School Name EXPRESS	
Parent's Work/School Address One EXPRESS DR.		City Columbus	
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you answered yes, please indicate which number(s) above to include on the list <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email			
Where can you be reached while your child is in this program? WORK OR CELL PHONE			
Parent/Guardian Name ART JURADO		Relationship to Child FATHER	
Home Address 3102 EASON WAY		Home Telephone Number 305-799-2212	
City COLUMBUS		State OH Zip 43202	
Email Address (if applicable) art.jurado@att.net		Cell Phone 305-799-2212	
Parent's Work/School Telephone Number N/A		Parent's Work/School Name Independent consultant	
Parent's Work/School Address N/A		City N/A	
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you answered yes, please indicate which number(s) above to include on the list <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email			
Where can you be reached while your child is in this program? CELL PHONE			
Emergency Contacts: Parents <u>cannot be listed</u> as emergency contacts. List the name of <u>at least one person</u> who can be contacted in the event of an emergency or illness if you cannot be reached. Any person listed should be able to assist in contacting you. At least one person listed must be within one hour of the center/home, able to take responsibility for the child in case the parent/guardian cannot be contacted and should be at least 18 years of age.			
Name	Name		State
JORDAN KEISER			
City	City	Telephone Number	Relationship to Child
HILLIARD	OH		
Telephone Number	Relationship to Child	Other numbers where emergency contact can be reached (if applicable)	
614-286-7463	FRIEND		
Other numbers where emergency contact can be reached (if applicable)			
Name of Physician or Clinic/Hospital DR. MURESAN			
Street Address 5510 NIKE DR		Telephone Number 599-4260	
City HILLIARD	State OH		

**EXHIBIT
A1**

Child's Name

CONFIDENTIAL

Allergies, Special Health or Medical Conditions, and Food Supplements

Fill in this section accurately and completely. Please note that if your child has a current health or medical condition requiring child care staff to perform child specific care, such as: to monitor the condition, provide treatment, care, or to give medication, the JFS 01236 "Medical/Physical Care Plan" or equivalent form and/or the JFS 01217 "Request for Administration of Medication" must be completed and be kept on file at the center or type A home.

Does your child have any food, medication or environmental allergies? (check all that apply)

- No
- Yes - check all that apply Food Medication Environmental Please list and explain:

Does your child's allergy/allergies require child care staff to monitor child for symptoms, take action if a reaction occurs, or give emergency medication to your child? (check one)

- No
- Yes - a JFS 01236 "Medical/Physical Care Plan" or equivalent form and if administering medication, a JFS 01217 "Request for Administration of Medication" must be completed.

Does your child have a special health or medical condition? (check one)

- No
- Yes - please explain

Does the special health or medical condition require child care staff to perform a procedure, or perform child specific care such as: to monitor your child for symptoms or administer medication during child care hours? (check one)

- No
- Yes - a JFS 01236 "Medical/Physical Care Plan" or equivalent form and if administering medication, a JFS 01217 "Request for Administration of Medication" must be completed.

Is your child currently using any medication, food supplement or medical food (such as electrolyte solution)? (check one)

- No
- Yes - please explain

If yes, does this medication, food supplement, or medical food need to be administered at the child care center/type A home?

- No
- Yes - a JFS 01217 "Request for Administration of Medication" must be completed and kept on file for each medication, food supplement or medical food.
- N/A - program does not administer any medications.

Does your child have any dietary restrictions, including those for medical, religious or cultural reasons? (check one)

- No
- Yes - please explain

Does this dietary restriction require a modified diet that eliminates all types of fluid milk or an entire food group?

- No
- Yes - written instructions from the child's health care provider must be on the JFS 01217 "Request for Administration of Medication."
- N/A - child does not attend a full time program.

Child's Name **CONFIDENTIAL**

List any history of hospitalization, outpatient surgery, or previous health concerns that would be needed to assist the staff or medical personnel in an emergency situation.
N/A

List any additional information about your child that would be useful for staff to know, such as fears, eating or sleeping habits, or special routines. This information should not be medical or health related, as that information should be included on the previous page.

Diapering Statement

Is your child toilet trained? Yes (If yes, skip to Emergency Transportation Authorization section) No (If no, fill out the following)

The program's policy is to check diapers every 2 hours. Please indicate if you want your child's diaper checked according to the center/type A home's policy or another:

I agree with the program's schedule I do not agree, please check my child's diaper every _____ hours.

Emergency Transportation Authorization

Give Permission to Transport	OR	Do Not Give Permission to Transport
Center or Type A Home Name <i>BROOKSIDE DAYCARE</i>	OR Do not sign both	Center or Type A Home Name
has permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. The emergency transportation service will determine the facility to which my child will be transported.		does not have permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. I wish for the following action to be taken:
Parent's Signature <i>Katharine Hernandez</i>		Parent's Signature
Date <i>9-24-12</i>		Date

Acknowledgement of Policies and Procedures

I have reviewed and received a copy of the center's or type A home's policies and procedures/handbook. Yes No
(check one)

This form, after being completed and signed by the parent/guardian, must be reviewed for completeness and signed by the administrator/designee prior to the child receiving care. After the child is attending the program the administrator shall have the parent/guardian review and initial the form when any changes/updates are made and at least annually. The parent/guardian and the administrator or designee shall initial and date the form in the section below to indicate when the form was last reviewed.

Parent/Guardian Signature(s) <i>Katharine Hernandez</i>	Date <i>9-24-12</i>
Administrator/Designee Signature <i>[Signature]</i>	Date <i>9/24/12</i>

The form is to be initialed and dated, at least annually, after it has been reviewed by the parent/guardian. This is to indicate all information has stayed the same or changes have been noted. If significant changes are needed, please complete a new form.

Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review
Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review
Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review

Note: This is a prescribed form which must be used by centers and type A homes to meet the requirements of rules 5101.2-12-37 and 5101.2-13-37. This form must be on file at the center or type A home on or before the child's first day of attendance and thereafter while the child is enrolled.



VERIFY PRESENCE OF ODH WATERMARK HOLD TO LIGHT TO VIEW

STATE OF OHIO OFFICE OF VITAL STATISTICS

EXHIBIT
A1

CERTIFICATION OF BIRTH

STATE FILE NUMBER	2012069963	DATE RECORD FILED	08/06/2012
NAME	<small>The Ohio</small> GABRIEL JURADO	SEX	Male
DATE OF BIRTH	07/10/2012	FATHER'S NAME	ARISTIDES JURADO
BIRTHPLACE	OHIO	FATHER'S BIRTHPLACE	PANAMA
MOTHER'S NAME	KATHRINE JO HERNANDEZ		
MAIDEN NAME	LAMBERT		
MOTHER'S BIRTHPLACE	OHIO		

Note: This is a true certification of the name and birth facts as recorded in the Office of Vital Statistics, Columbus, Ohio. Witness my signature and seal of the Department of Health this 02 day of November, 2012



State Registrar of Vital Statistics

1254339



FRANKLIN CO HEALTH DIST

VOIDA WITH ODH WATERMARK OR IF ALTERED OR ERASED
VERIFY PRESENCE OF ODH WATERMARK HOLD TO LIGHT TO VIEW



Ohio Department of Job and Family Services
ENROLLMENT AND HEALTH INFORMATION
CARE CENTERS AND TYPE A HOMES

CONFIDENTIAL

This form shall be completed prior to the child's first day of attendance and updated annually and as needed.

Child's Name NOAH JURADO		Date of Birth 7-10-2012	First Day at Center	
Home Address 2364 WALBORN DR			City HILLIARD	
State OH	Zip Code 43026	Home Telephone Number 614-286-7836		
Parent/Guardian Name KATHY HERNANDEZ		Relationship to Child MOTHER		
Home Address Same as above		Home Telephone Number 614-286-7836		
City		State	Zip	
Email Address (if applicable) kjxatm@gmail.com		Cell Phone 614-286-7836		
Parent's Work/School Telephone Number 614-474-4991		Parent's Work/School Name EX PRESS		
Parent's Work/School Address One Express Dr		City Columbus		
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If you answered yes, please indicate which number(s) above to include on the list <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email				
Where can you be reached while your child is in this program? cell phone & work phone				
Parent/Guardian Name		Relationship to Child		
Home Address		Home Telephone Number		
City		State	Zip	
Email Address (if applicable)		Cell Phone		
Parent's Work/School Telephone Number		Parent's Work/School Name		
Parent's Work/School Address		City		
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input type="checkbox"/> No				
If you answered yes, please indicate which number(s) above to include on the list. <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email				
Where can you be reached while your child is in this program?				
Emergency Contacts: Parents cannot be listed as emergency contacts. List the name of at least one person who can be contacted in the event of an emergency or illness if you cannot be reached. Any person listed should be able to assist in contacting you. At least one person listed must be within one hour of the center/home, able to take responsibility for the child in case the parent/guardian cannot be contacted and should be at least 18 years of age.				
Name JORDAN KEISER		Name		
City COLUMBUS	State OH	City		State
Telephone Number 614-286-7463	Relationship to Child FRIEND OF FAMILY		Telephone Number	
Other numbers where emergency contact can be reached (if applicable) 614-480-5965		Other numbers where emergency contact can be reached (if applicable)		
Name of Physician or Clinic/Hospital DR. MARK MURESAN				
Street Address 5510 MIKE DR				
City HILLIARD	State OH	Telephone Number 614-529-4260		

Child's Name

CONFIDENTIAL

Allergies, Special Health or Medical Conditions, and Food Supplements

Fill in this section accurately and completely. Please note that if your child has a current health or medical condition requiring child care staff to perform child specific care, such as: to monitor the condition, provide treatment, care, or to give medication, the JFS 01236 "Medical/Physical Care Plan" or equivalent form and/or the JFS 01217 "Request for Administration of Medication" must be completed and be kept on file at the center or type A home.

Does your child have any food, medication or environmental allergies? (check all that apply)

- No
- Yes - check all that apply Food Medication Environmental Please list and explain:

Does your child's allergy/allergies require child care staff to monitor child for symptoms, take action if a reaction occurs, or give emergency medication to your child? (check one)

- No
- Yes - a JFS 01236 "Medical/Physical Care Plan" or equivalent form and if administering medication, a JFS 01217 "Request for Administration of Medication" must be completed.

Does your child have a special health or medical condition? (check one)

- No
- Yes - please explain

Does the special health or medical condition require child care staff to perform a procedure, or perform child specific care such as: to monitor your child for symptoms or administer medication during child care hours? (check one)

- No
- Yes - a JFS 01236 "Medical/Physical Care Plan" or equivalent form and if administering medication, a JFS 01217 "Request for Administration of Medication" must be completed.

Is your child currently using any medication, food supplement or medical food (such as electrolyte solution)? (check one)

- No
- Yes - please explain

If yes, does this medication, food supplement, or medical food need to be administered at the child care center/type A home?

- No
- Yes - a JFS 01217 "Request for Administration of Medication" must be completed and kept on file for each medication, food supplement or medical food.
- N/A - program does not administer any medications.

Does your child have any dietary restrictions, including those for medical, religious or cultural reasons? (check one)

- No
- Yes - please explain *breastfed only NO*

Does this dietary restriction require a modified diet that eliminates all types of fluid milk or an entire food group?

- No
- Yes - written instructions from the child's health care provider must be on the JFS 01217 "Request for Administration of Medication."
- N/A - child does not attend a full time program.

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Child's Name _____

List any history of hospitalization, outpatient surgery, or other medical concerns that would be needed to assist the staff or medical personnel in an emergency situation.

List any additional information about your child that would be useful for staff to know, such as fears, eating or sleeping habits, or special routines. This information should not be medical or health related, as that information should be included on the previous page.

Diapering Statement

Is your child toilet trained? Yes (If yes, skip to Emergency Transportation Authorization section) No (If no, fill out the following)

The program's policy is to check diapers every 2 hours. Please indicate if you want your child's diaper checked according to the center/type A home's policy or another:

I agree with the program's schedule I do not agree, please check my child's diaper every _____ hours.

Emergency Transportation Authorization

Give <u>Permission</u> to Transport	OR	<u>Do Not Give Permission</u> to Transport
Center or Type A Home Name	Do not sign both.	Center or Type A Home Name
has permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. The emergency transportation service will determine the facility to which my child will be transported.		does not have permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. I wish for the following action to be taken:
Parent's Signature <i>Kathy [Signature]</i>		Parent's Signature
Date 11-5-12		Date

Acknowledgement of Policies and Procedures

I have reviewed and received a copy of the center's or type A home's policies and procedures/handbook. Yes No
(check one)

This form, after being completed and signed by the parent/guardian, must be reviewed for completeness and signed by the administrator/designee prior to the child receiving care. After the child is attending the program the administrator shall have the parent/guardian review and initial the form when any changes/updates are made and at least annually. The parent/guardian and the administrator or designee shall initial and date the form in the section below to indicate when the form was last reviewed.

Parent/Guardian Signature(s) <i>Kathy [Signature]</i>	Date 11-5-12
Administrator/Designee Signature <i>Jessica [Signature]</i>	Date 11-6-12

The form is to be initialed and dated, at least annually, after it has been reviewed by the parent/guardian. This is to indicate all information has stayed the same or changes have been noted. If significant changes are needed, please complete a new form.

Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review

Exhibit K3
Note: This is a prescribed form which must be used by centers and type A homes to meet the requirements of rules 5101-2-12-37 and 5101-2-13-37. This form must be on file at the center or type A home on or before the child's first day of attendance and thereafter while the child is enrolled.

Ari Jurado

From: Ari Jurado
Sent: Thursday, November 15, 2012 8:24 AM
To: Hernandez, Kathrine
Subject: Re: ^{Name} ~~Released~~ - today and tomorrow



Thank you for letting me see him, then if just for 15 mins.

When will you be able to send something in writing to daycare so that i can see him for a few minutes at least in the future?

Ari

On Nov 15, 2012 7:17 AM, "Ari Jurado" <ari_jurado@qualineconsulting.com> wrote:
Hi Kathy,

As I mentioned yesterday, I was hoping to be able to Skype in the mornings since the window in the evenings is rather small. Yesterday, the signal was so poor in the building at work, I am not sure if I was able to see him for more than 5 minutes. Having a morning call will allow me to connect from a different location with better reception.

I also mentioned yesterday afternoon that I was going to try to fly into town to be able to see him this morning. You said you were going to ask the daycare to see if it would be a problem if I stop by to see him (whether it is 15 mins or 1 hour max). Your idea of doing this tomorrow for his Dr. appointment is not a bad one, but I would have planned it that way if I could. However, tomorrow we have milestones in the project that will not allow me to be gone for half of the day. And based on the time of the dr. appointment and the flights available, I wouldnt be back until mid or late afternoon.

Please now that I actually purchase my airline ticket last night less than 1 hour prior to the flight departure time (flight left around 9:20p cst). Therefore, I really didn't have time to call you and confirm. By the time I landed, I tried calling you and texting you but you were probably asleep (around 11:30p).

In short, I am here in Columbus now and will be leaving in about 3 hours from now. I will be headed to the daycare now but will hopefully talk to you on the phone before. If you allow me, I can stop by your house and help you getting him ready so that I can spend a few minutes of quality time as you had let me do one or two times before.

If I don't hear from you, or if I do but you ask me not to stop by, I will then by outside of the daycare.

I hope something this simple doesn't escalate and become a big problem. I didn't want this small opportunity I have to see ^{Name} ~~Released~~ to go to waste. Please call me or reply

PS: about the dr. appointment tomorrow, is there a way that I can be on the phone during the dr. visit?

Thanks,

Ari

Ari Jurado

From: brooksedgehilliard@yahoo.com
Sent: Friday, November 16, 2012 11:09 AM
To: aristides.jurado@accenture.com
Subject: Re: ^{Name}~~Redacted~~ G. Jurado

Hi Ari. That is correct, we would need some kind of authorization from Kathy. We allow family members to visit with either a phone call or a written note from the guardian, however, Kathy has informed us that she would write us a note letting us know if anyone is able to visit ^{Name}~~Redacted~~. There is no paperwork or forms to submit if you are visiting. The only requirement is that you show your ID when you come in the door. If you have any more questions, feel free to give us a call or e-mail.

Jessica

From: "aristides.jurado@accenture.com" <aristides.jurado@accenture.com>
To: brooksedgehilliard@yahoo.com
Cc: ari.jurado@qualineconsulting.com
Sent: Thursday, November 15, 2012 4:47 PM
Subject: Re: ^{Name}~~Redacted~~ G. Jurado



Hi Jessica and Danielle,

Thank you for answering my question earlier about the procedure Kathy and I (^{Name}~~Redacted~~ Jurado's parents) need to follow in order to obtain authorization from his mom, who is currently the legal guardian by default, so that you can allow me to see my son on-site.

To confirm your answer, all you require is for Kathy Hernandez to give you a call when she wants to allow me to see my son.

Can you also confirm that there is no paperwork for me to fill out or forms to submit?

Thanks,

Ari Jurado
Father of ^{Name}~~Redacted~~ Gabriel Jurado

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<http://www.accenture.com/>

Here the daycare administrator, in writing, denied Mr. Jurado access to the facility and to visit his son, in violation of state law and licensing rules.

Brooksedge Day Care Center – Parent Handbook

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Release of a Child: Staff will only release children to persons authorized by the parents. If someone other than a parent is picking up your child, you must notify Brooksedge in advance either by phone or in writing. We must know the name of the person picking up your child even if the person is listed as an emergency contact. Additionally, they will need to provide a picture ID. The children's safety is our first priority!
Brooksedge staff will not release a child to anyone who appears to be under the influence of drugs and/or alcohol. Emergency contacts will be called to transport the child home. Police will be notified if necessary.

Custody Agreements: If there are custody agreements involving your child, you must provide the center with court ordered papers indicating who has permission to pick up the child. The center may not deny a parent access to their child without proper documentation.

Child Abuse Reporting: All staff members are mandated reporters of suspected child abuse. This is the law. If our staff suspects that a child is being abused or neglected, they MUST make a report to the local child services agency. The safety of the children is our first concern.

School Delays/Cancellations: Brooksedge will operate a full day program for school age children when school is closed for vacations, delays or cancellations.



Inclement Weather: On rare occasions, it may be necessary to close the center due to poor weather conditions. We will make every effort to open our doors at the normal time; however, we will close for a Level 2 (or higher) Snow Emergency. If circumstances should arise, please watch for information on channels 4, 6, 10 and 28. Delay or closing information will also be available on radio stations Sunny 95, Oldies 107.9, Smooth Jazz 104.3, WCOL 92.3 and 610 AM.

Withdraws: Parents who wish to withdraw their child(ren) may do so at any time. A one week notice in writing is appreciated.

Parent/Employee Participation: Our center has an Open Door Policy. We invite you to drop in unannounced at any time during our operating hours. Parents and employees alike are encouraged to participate in any of the centers activities (music programs, field trips, parties). Rosters of parent names and phone numbers are available upon request. If you do not want your information included in the parent roster, please notify the administrator.

Concern/Complaint Procedure: If any parent or employee requires assistance during their time at the center, they are required to follow the chain of command that is in place. First bring any concerns to the attention of your child's teacher. If you are unable to resolve any issue or feel uncomfortable communicating with your child's teacher, please bring your issue to the attention of the Assistant Director or Director. If you are still not satisfied with the resolution or feel that the situation needs the attention of the licensing agency, please feel free to contact the Department of Job and Family Services at 1-866-886-3537, option 4.

Celebrations: At Brooksedge we like to celebrate holidays and birthdays. When your child has a birthday, please feel free to send a treat to help celebrate. If your family celebrates a special holiday that your child would like to share with us, please let us know and we will be happy to incorporate it into our day.

Transcript of meeting (excerpt) with Action for Children on 09/09/2013

Participants:

Ms. Natalie Wallace, Action for Children
Ms. Stephanie Simonson, Action for Children
Mr. Glenn Harris, Action for Children
Mr. Aristides (Ari) Jurado



Mr. Harris: Ladies come on in and have a seat.

Ms. Wallace: I'm Natalie

Mr. Harris: This is Natalie and this is Stephanie.

Ms. Simonson: Nice to meet you.

Mr. Harris: This is Mr. Ari. Mr. Ari I want to say that both Stephanie and Natalie have limited amount of time, they have about 15 minutes with us.

Ari: Ok.

Mr. Harris: So if you have any precise, direct questions you want to ask them, please go right ahead.

Ari: This is about, um, the rules around open door policy, for daycare parents. And, um, denying access to a parent.

Ms. Wallace: OK.

Ari: I haven't completely memorized them, but I have a good idea. Maybe I'm going to give you a hypothetical scenario, ok: That one of the two parents is a custodial parent—has full custody. The other parent is still a parent. There is no court order or paperwork, no court order or paperwork. And it starts with both parents being in enrollment form and both parents having access to the daycare facility. And one day the custodial parent, just out of spite or whatever says *Oh, I don't like you now...* I'm going to remove your access; I'm going to remove you as a parent from there. And then that happens. 2 weeks later, *Oh, I like you now, I'll add you now,* and the daycare just--you know. So what... So my question is the daycare just supposed to allow that parent to change that information? To restrict, and basically to abuse that, or is there a specific rule that prevents that from happening?

Ari: So for example here, my son gets enrolled on 9/24 and my name is there as his Dad; and then on November something, 2 months later... To me this is equivalent to changing

his last name without paperwork



Ms. Wallace: Is that white out? A new form?

Ari: On 11/5

Mr. Harris: That's what 2 months apart?

Ari: Yes. I had been going there already; and their policy is not as cumbersome as the actual rule, but their simple policy says, um, we will not deny access to a parent and the definition of a parent is ____ unless proper court documentation, is. That is the simple, you know, daycare center policy.

Ms. Wallace: Have you asked to see the child's file?

Ari: Yes, this came from the child's, my son's (file).

Ms. Wallace: From them?

Ari: Yes, this came from them.

Mr. Harris: Have they actually physically denied you access to see the child? Other than this (enrollment) paperwork. Have you gone to see your child and they literally denied you?

Mr. Harris: *(Reading printed email from daycare administrator)*

Mr. Harris: So I guess, to his question is there is no court documentation showing you can't come in.

Ms. Wallace: They can't do that

Ms. Simonson: They can't do that

Ari: I agree. I agree with you. When I finally found this on my own, that was almost 3 months later, I discuss with them and they were like: oh yes, you know, if your name is in the birth certificate then we will let you in. And they had to, but 3 months later.

Mr. Harris: But for 3 months you were denied... Ari, it kind of sounds to me what you are looking for is just validation that the course of action you are going... we would agree with you. Yes, there is probably some... something going on somewhere as things ____ way they should be.

Ari Jurado

From: Ari Jurado
Sent: Friday, December 14, 2012 3:41 PM
To: LeeAnn Massucci
Cc: Eimear Bahnson; Amy Waring
Subject:  G. Jurado: UPDATE



Hi LeeAnn,

Here are some updates that may be relevant and/or interest you. None of the events/outcomes below were a surprise to me. *If you are short in time, and want to read the main point, please go straight to part III paragraph B.*

I. My visit on 12/12/2012 was uneventful, except for the 



A. 

B. 

C. 

II. On 12/13/2012, 



A. 

B. 

C. 

D. 

III. One immediate concern regarding [Name Redacted] that is now causing me to lose sleep (literally).

EXHIBIT
A2

A. At times, it is hard to sit and wait for the legal system/usual process to take its course before some of my concerns as a parent are addressed, especially when experience has shown you that time can be your worst enemy: One recent and good example that takes me back to the pregnancy period earlier this year. As you may have heard before, Kathy suffered from many health complications that changed her condition to "high-risk pregnancy". During the entire 8-9 months, Kathy had to get daily injections with blood thinners, which in turned added the risk of bleeding in case of an accident or other factors. That combined with placenta previa and a chronic deficiency of iron in her system (which contributed to extreme low-count of red blood cells), made our concerns much more real. Knowing that Kathy does not have healthy eating habits and that she struggles to follow her Doctor's prescribed regimen of iron supplements, I started voicing my concerns to Kathy and her her regular OBGYN Doctor to the point that I actually brought up the option for an IV with Iron and asked if it was appropriate in her case. They both downplayed the need for such intervention. However, a few weeks before [Name Redacted] was born, her high-risk Doctor was alarmed with her low count of blood cells and ORDERED Kathy to be admitted to the hospital. Because there was not much time left between then and the scheduled date for delivery, her high-risk Doctor gave us 2 options: the IV with Iron, which is risky because of known side effects and negative reactions; and a blood transfusion.

The end result was that Kathy and I were in the hospital for about 3 days, which became one of the most terrifying experiences of my life. First, Kathy had a bad reaction to the Iron IV and had to be sedated for hours because of muscle spasm all over her body and contractions started accelerating prematurely. The next day when she was stabilized, a two bags of blood (transfusion) were given to Kathy. As you know, **this a scary and risky option because there is a risk of transmission of diseases (such as AIDS, Hepatitis, etc) for Kathy AND [Name Redacted]** At the end, it all turned out OK fortunately.

My point here is the difficult position that I find myself at times when, as the father of [Name Redacted] I know that he may be at risk, or that I KNOW we are not doing our best for his well being, and there is little I can do –**it is an awful feeling of helplessness**. The previous anecdote shows that sometimes sitting around and being patient can be harmful for all. To make things worse, having doctors that are too lenient for whatever reason and the fact that Kathy doesn't take well or accept any feedback that related to her habits, no matter how gentle they are communicated make any type of intervention almost impossible.

B. **Now I am very concerned with [Name Redacted] weight. At over 5 months old, [Name Redacted] weight is between 11 and 12 pounds (at the most). He is so underweight that almost everyone that sees his pictures makes comments about how light he appears (and he is really light). The national average for a 5 pound baby is 16 pounds.** This is just one of the many items on the list of challenges that I have had, but it has now climbed to be one of the most important topics for me. Although Doctors may give more importance to the rate of growth than to the actual weight, I know that we are not doing the best we can. For example, most babies at his age are having more than breast milk. Some are starting to eat solids by now. Kathy has mentioned that she may start introducing other foods besides breast milk in the next 3 weeks (or close to the 6-month mark). I do not know the reason for her preference to only feed him breastmilk all this time, when it was perfectly ok to start supplementing other foods after 3 months (possibly is a subconscious way of control – since that dependency is her main reason for not leaving [Name Redacted] with me alone for more than 3-4 hours at a time or not at all). And her eating habits and poor diet make things a lot worse.

I am almost certain that bring it up this topic will set us back. But I do not know what to do. Imagine how I would feel if later on [Name Redacted] develops any type of health/development issue because of his early nutrition? I will certainly blame myself for not doing more –for not doing ALL I CAN.

IV. My availability in January.

From: Ari Jurado
To: LeeAnn Massucci; Eimear Bahnson
Subject: The time has come: GAL involvement
Date: Thursday, February 28, 2013 5:02:21 PM



LeeAnn and Eimear,

Please read below regarding the GAL. She is bringing this up because I gave her a heads up a few days ago that a GAL would be the next step if we don't resolve our disagreements regarding ^{Have} ~~Resolved~~ Health concerns and care.

Can we start the process? What would be the next step?

Thanks,

Ari

----- Forwarded message -----

From: "KJ Hernandez" <kjxatm@gmail.com>
Date: Feb 28, 2013 3:44 PM
Subject: Re: Appointment for ^{Have} ~~Resolved~~ 3/4/2013
To: "Ari Jurado" <ari_jurado@qualineconsulting.com>
Cc:

Ari,

We need to agree on what is being attempted here and what the real issue is as to why Dr. Hestand would not be an appropriate second opinion. I won't cancel the Monday appointment just yet, especially since it might be necessary to follow up on his ear infection if he isn't feeling better over the weekend. I can always cancel via a message over the weekend should it not be needed.

I don't agree with your thought that Dr. Hestand will be bias simply because she is in the same practice. She is a professional and I find it highly unlikely that she will feel pressure to side with Dr. Muresan. This seems to be becoming a much bigger issue than just getting a second opinion about where he falls on the growth charts. We clearly do not do see eye to eye on this and I don't have confidence we will anytime soon.

It does, unfortunately, sound like we are going to need to explore the need for a guardian. I can reach out to my attorney this week to inquire about the process of starting to find and agree on one for our case.

Kathy

On Thu, Feb 28, 2013 at 4:06 PM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:
Kathy,

I have cancelled the appointment for tomorrow at Nationwide Children's. I will be in search for a pediatrician to get the second opinion and let me know if I come across several to help me

decide, or otherwise.

Please cancel the other appointment you made for next week. Thanks,

Ari



On Wed, Feb 27, 2013 at 1:39 AM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:
Kathy,

I agree with some of your points, except with your choice of Dr. Hestand at Professional Pediatrics for evaluating ^{Name Redacted}. I don't believe consulting with 2 different doctors that share the same practice/clinic/office is conducive of producing independent opinions about a given topic. In my experience, a doctor is less likely to contradict another doctor if they share the same office, are partners to each other etc.

Please don't cancel the appointment you just made until I make some calls in the morning.

Thanks,

Ari

On Tue, Feb 26, 2013 at 3:53 PM, KJ Hernandez <kjxatm@gmail.com> wrote:
Ari,

This email is a follow up to our conversation last night (2/25/2013) regarding the appointment you made for ^{Name Redacted} on Friday, 3/1/2013, at Children's Close to Home in Dublin with the reason of self-referral for Failure to Thrive. I called today and got confirmation that the appointment was set up with Debra Fink, RD, LD. She is a registered and licensed dietician and is not a pediatrician or a physician. She is what they referred to as a Clinical Nutritionist Consultant. I tried to find a profile for her online and on Nationwide Children's Hospital website, but was not successful.

As I do not believe that seeing a nutritionist make sense to determine the weight and/or growth concerns you have about ^{Name Redacted} until we have confirmation from a doctor that there is a medical necessity and/or that they suggest seeing one for additional guidance on nutrition for infants, I am suggesting we see Dr. Hestand at Professional Pediatrics on Monday at 9:15 AM as a second opinion from Dr. Muresan, whom we have been seeing since ^{Name Redacted} birth. We can get a weight check as well as length and head circumference check on ^{Name Redacted} and see where he is now plotting on the growth charts for his current age (which I confirmed they are using the WHO charts). We can also discuss with her other concerns that one or both of us may have. We can discuss the growth charts as well as ^{Name Redacted} specific plotting on the charts and what the indicators are for growth concerns. Should she determine a referral is necessary or we believe we would like to obtain a referral anyway, we can do so at that time.

Failing to thrive has not be medically diagnosed, therefore, I don't believe it makes sense to see a nutritionist until such a formal determination has been made.

Please confirm with me if you will be cancelling the appointment for Friday, 3/1/213, and agree to attending the one on Monday, 3/4/2013, so that we can finalize next steps.

Kathy



Ari Jurado

From: Blythe Bethel
Sent: Monday, April 29, 2013 11:58 AM
To: ari_jurado@qualineconsulting.com
Cc: Amy Waring; LeeAnn Massucci; Eimear Bahnson
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} Health Care and Pediatrician



All: I just finished a telephone conference with Ari regarding primarily a couple of topics. First, with respect to having a custody psych evaluation done, I believe that Ari is of the opinion that one is necessary, and I have to say that I do not disagree. If anything, I think that a custody psych evaluation will help us identify what issues these folks need to work on possibly through parenting counseling and even if, given their personalities, they can resolve these issues. LeeAnn, if you or Eimear want to send an email to Ron regarding this, then I will chime in and say that we need to do this.

Ari and I also discussed getting a new pediatrician involved. I know that Ari wanted this to come from me, but I told him that I do not want to appear aligned with either party. The fact that Ari has a concern about the current pediatrician, and has obtained an informal second opinion that there may be some question as to the child's health care up to this point in time, would give him a colorable claim for bringing such a Motion. I believe that any such Motion to change the pediatrician needs to come from Ari.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: Amy Waring <ALW@mkfamilylaw.com>; LeeAnn Massucci <LMM@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>
Sent: Thursday, April 25, 2013 2:01 PM
Subject: ^{Name Redacted} G. Jurado: ^{Name Redacted} Health Care and Pediatrician

Ms. Bethel,

I had a follow up consult this morning with Dr. Jennifer Mastruserio about my concerns with ^{Name Redacted} medical care. She is going to call you to talk to you directly, most likely tomorrow. If you would like to initiate the call, her office's number is (614) 326-1600.

In summary, this is Dr. Mastruserio's take on ^{Name Redacted} condition and medical care:

1. ^{Name Redacted} **will benefit from the care of a new Pediatrician.** She believes a new, fresh face that is more objective will help the situation overall. It is her opinion that neither Dr. Muresan nor herself are unbiased enough to care for ^{Name Redacted} objectively as his pediatrician.

When I explained that **Dr. Muresan has known Kathy for over 17 years**, she immediately said "that explains the reason for his comments when he called me earlier this morning". She said the Dr. Muresan called her (unsolicited) to "explain to her the situation" and that "dad's is twisting things" among other comments that she did not go into specifics. Dr. Mastruserio answered back that "this is not the impression I have from Mr. Jurado".

2. It is a bit concerning that [Name Redacted] has only gain 1 ounce in the last month.



3. She cannot say that [Name Redacted] is or has been doing HIS BEST.

4. During the first 6 months, there was something wrong or missing. Her best guess is that [Name Redacted] was not getting enough breast milk.

When I asked if it is possible that this is still the case (not getting enough breast milk), she said it is possible but different things will need to be tried before knowing with certainty. I explained to her that most of the time, [Name Redacted] cries when he is done with a bottle of breast milk (because he is still hungry).

5. She will give us a referral to a specialist in this area of research (pediatrician MD specializing in nutrition and growth).

6. With the limited information she has, it is difficult to say [Name Redacted] is not being cared adequately by his pediatrician. It could boil down to her opinion vs Dr. Muresan's opinion.

When I asked if there were a panel of 5 pediatricians reviewing this case, what would be the consensus? The answer was: The consensus would be that something was definitely wrong or missing during the first 6 months (or more should have been done).

Another piece of information to share: During the last visit with Dr. Muresan, Kathy stood firmly that she does not consent to the voice recording of the session (and that she wouldn't allow it).

Ms. Bethel, I know that I do not need to remind you that my concerns are not about Dr. Muresan specifically, nor about Kathy vs Ari. This topic is simply about [Name Redacted] well being and hopefully it can be handled without pointing fingers (which may be the perception from Kathy). Due to the nature of this challenge, I will leave it all in your hands and trust that you will use the full scope of your authority to address these concerns. I only hope that we don't have to wait until the next hearing in July in order to make any changes that you consider necessary.

Please let me know what the next steps would be after communicating with Dr. Mastruserio.

I look forward to hearing from you. Thank you.

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

[Jurado's profile on LinkedIn" src="cid:1.3209445914@web165005.mail.bf1.yahoo.com" width=160 height=25>](#)

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Tuesday, April 23, 2013 7:11 AM
To: ari_jurado@qualineconsulting.com
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention



Well, if she will not, I am sure that LeeAnn can help you find a physician who will serve in that capacity. blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: LeeAnn Massucci <LMM@mkfamilylaw.com>; "Eimear Bahnson @ M&K" <emb@mkfamilylaw.com>
Sent: Tuesday, April 23, 2013 6:30 AM
Subject: RE: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Yes, that makes sense. I will pray that she would be willing to for ^{Name Redacted} sake.

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

[Jurado's profile on LinkedIn" src="cid:2.3209445914@web165005.mail.bf1.yahoo.com" width=160 height=25>](#)

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Tuesday, April 23, 2013 5:36 AM
To: ari_jurado@qualineconsulting.com
Cc: LeeAnn Massucci; Eimear Bahnson @ M&K
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Ari, I think that it is important for you to ask Dr. Mastruserio if he wants to actually be a potential witness in this case. You may find that the doctor does not want to play that role. Blythe

Sent from my iPad

On Apr 22, 2013, at 9:49 PM, ari_jurado@qualineconsulting.com wrote:

Ms. Bethel,

I will follow your recommendation. In fact, I believe that for the most part I have already accomplished that with Dr. Mastruserio. What I will be doing next is setting up a follow up appointment to share the latest information regarding ^{Name Redacted} and explicitly ask the question "Is ^{Name Redacted} being appropriately cared for by his current pediatrician?"

Thank you for your quick response turnaround and I will keep you posted.

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

<image007.gif>

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Monday, April 22, 2013 11:57 AM
To: ari_jurado@qualineconsulting.com
Cc: lmm@mkfamilylaw.com
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention



Ari: Thank you for your email. Here is what I think. Obviously, I am certainly not qualified to determine if the current pediatrician is doing an adequate job, and addressing your concerns about ^{Name Redacted} health. I do think that if you are still concerned (which you clearly are) you should go to the current pediatrician's office and obtain a copy of ^{Name Redacted} complete healthcare file. You should then take the file to another pediatrician, which doctor will in essence be an expert witness, and have that doctor assess whether or not ^{Name Redacted} is being appropriately cared for by Dr. Muresan.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Monday, April 22, 2013 11:22 AM
Subject: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Hi Ms. Bethel,

It is unfortunate that you missed our hearing last Wednesday, but I understand completely that this is how the system works. By now, you may have heard plenty about the issues with the amount of communication between Kathy and I during my time with ^{Name Redacted}.

So, I will leave the topic of parenting visitations alone for now and would like to bring up (again) an even more important topic: ^{Name Redacted} health care. Specifically, ^{Name Redacted} needs a new pediatrician. Although I have known this for a while, there is nothing I have been able to do so far.

This is a conversation I would rather have with you in person, but with your busy schedule and my intense travel schedule for the next 3 weeks, I don't want to keep postponing this topic anymore. For this purpose, I will be frank and 100% transparent with you here.

I have always had the best of intentions and planned for many years for the day I would become a parent, because I would always want to give the best to my child. But even as we were expecting ^{Name Redacted} for those 9 months, I knew I had already failed him in so many ways starting with the fact that he was coming to this world as part of a broken home and with dysfunctional parents. The next blow came when I was in a desperate position in my career that I was forced to accept a job far away from home and ^{Name Redacted} only 3 weeks before his birth. Still these proved to be small challenges compared to what was to come next: a) Getting stripped from my parental rights and unrestricted access to my son overnight b) My inability to be there for ^{Name Redacted} when he needed me the most in regards to his health and safety.

Yes, there were a few incidents that raised safety concerns, but they are now in the past and don't believe it is necessary to dwell on those. However, the concerns I have had regarding his health during his first 6 months of life still need to be address to avoid any repeats. I believe you already have a copy of the printed paper regarding ^{Name Redacted} weight and growth chart I gave LeeAnn during the court hearing (included below). Dr. Mastruserio (2^d opinion pediatrician) already confirmed my fears, and what was obvious to anyone close enough to see ^{Name Redacted} size and weight: There was something wrong with his weight and growth during the first 6 months of life. Although Dr. Mastruserio didn't believe there was anything to be concerned in the present (as of March 2013) only prior to February, new developments with ^{Name Redacted} health since then could easily change that opinion: ^{Name Redacted} persistent cold and/or viral-infection symptoms (numerous visits to the Dr. and ultimately the ER) as well as a drop in weight as of this past Friday 4/19 (9 Oz lost).

I can't deny that Dr. Mark Muresan, ^{Name Redacted} current pediatrician, is a nice guy. But being a nice guy is simply not enough and I cannot trust a doctor that did not raised concerns or attempted to do more when

<sup>Name
Redacted</sup> was continuously losing weight, in a way that most other pediatricians, like Dr. Mastruserio, wouldn't have hesitated to look further into the problem.

<sup>Name
Redacted</sup> although a little person, was sending us many signals that he needed our help –my help, and I let him down by failing to help him. Seeing him crying of pain in his belly, day and night even while breastfeeding; seeing him not able to have a restful sleep at night; not having bowel movements for 3-4 days are just some of the cues that we noticed. Starting in January, he started to get better for sure. We were fortunate that baby food helped offset whatever he was missing before. In short, we were simply lucky –he got better even though no one intervened.

Still in the present, there are some cues that are still visible: He cries after finishing a bottle of expressed milk, because he is still hungry; his continuous cough, and stuffy nose that have persisted for 4+ months; and now his weight loss of 9 OZ. (more than ½ pound).

What type of father I am if I can't help my son?? **Up until today, I have not being able to have any saying on his health care or his diet/nutrition.** I want my son to be doing his best, not just "OK".

Please tell me what you need me to do: Should I look for an expert witness? This is so important that if I need to make sacrifices and give up some of my time with him in return for peace of mind that he will be seeing by a different doctor, so be it.

Ms. Bethel, you are my only hope right now.

Sincerely,

Ari Jurado
<sup>Name
Redacted</sup> dad.

Ari Jurado

Exelon HR Merger Project - Accenture
Mobile: (305) 799-2212
Aristides.Jurado@Exeloncorp.com
Aristides.Jurado@Accenture.com
ari_jurado@qualineconsulting.com



<image001.gif>

From: Blythe Bethel
To: ari_jurado@qualineconsulting.com
Cc: LeeAnn Massucci; Eimear Bahnson
Subject: Re: Jurado-Licona: 5/22 Meeting Notes
Date: Tuesday, May 28, 2013 7:31:21 AM



Ari, yes I believe that this email accurately summarizes our recent meeting. Just to let you know, i have received a flurry of emails from Kathy over the weekend regarding the fact that you have scheduled medical appointments for ^{Name Redacted}. In the future, I believe that you should notify Kathy of these appointments, and because Kathy does not have as flexible a work schedule as you, i think that you need to try and accommodate her work schedule when making these appointments. Ari, I have to tell you that I hope that these appointments are medically necessary. I am getting somewhat concerned about what we are putting ^{Name Redacted} through of these appointments are not required.

I want both you and Kathy to sign releases so I may contact these doctors so I may ask them questions. Please provide to me their names, contact info, and dates of appointments. You should also advise them that i will be contacting their office about this.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: LeeAnn Massucci <LMM@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>
Sent: Tuesday, May 28, 2013 12:41 AM
Subject: Jurado-Licona: 5/22 Meeting Notes

Dear Blythe,

I tried to send this email last Friday, but did not get a chance until now. Regarding my comment that we are on the same page on all the topics: MY BAD; that was an incomplete sentence so please don't be perplexed. ☺ Here is my revised statement:

I am glad that we are on the same page regarding all the topics that I went to talk to you about.

As you may remember, I brought a list with me of topics I wanted to cover, and those topics were the reason I requested the meeting. Certainly, my latest decision to not accept any settlement offers at this point was not on my list, neither was the topic of daycare and your resolve of having strict times for ^{Name Redacted}. I made it a point not to try to rehash those issues that has been already discussed too many times even if I still don't agree. I knew that it would not be the best use of the time we had for the meeting.

Also, I took notes throughout the meeting as you may recall. I am sending you a recap of what was discussed/covered based on my notes. Please feel free to correct me if I got anything wrong/misinterpreted, incomplete or missing. Keep in mind that I paraphrase

throughout the notes.

Because there is a good amount of information here, please feel free to skip to the end and just review the ACTION ITEMS if you are limited with time and cannot read all the information at once on your first pass. Also please be aware that one of the pieces of information you provided that I found more useful is your explanation under point (g) below.

Best regards,

Ari



I. Topics/Questions in my list that were discussed:

1. Psych Evaluation & Jeff Smollen: You are recommending Jeff because he is one of the best and appropriate for this case and that you STRONGLY feel like a Psych evaluation now is a must (just like before). You explained the purpose and process of the psych evaluation and then addressed **my original question: After the psych evaluation is done, what would you envision would be the next step?** You answered: The next step is for the GAL to review the 40-50 page report and "re-adjust" any previous recommendation for the visitation schedule if it merits it. The final report will also help the court decide on the CUSTODY portion of the case.

You also shared that, sometimes, the psych evaluation helps resolves the case (to which I may be open to the possibility of re-negotiations after the psych eval. report is issued and before trial).

2. Your position regarding your recommendation for 50/50 time even now while we wait for trial and the psych evaluation: **Your position still has not changed**, and you cannot force your recommendation, but you will provide such to the court at the next hearing.

3. What I CAN DO TO ELIMINATE/minimize THE DRAMA? I first clarified that I have heard you loud and clear that I should simply **IGNORE Kathy**. **But I explained how sometimes that is not enough** –during exchanges for example. I also recounted my last experience at ^{Name Redacted} pediatrician when Kathy was harassing me while insisting to talk about the case. Kathy even walked next to my car in the parking lot knocking on my side window as I was pulling back (and the result of such a distraction when we thought that ^{Name Redacted} had swallowed the band aid on his finger). You suggested: "Let's do all the exchanges at school". I explained that it may be possible once the 50/50 schedule, but right now there is after-hours/weekend exchanges and the last one did not go too well. **I asked if we could use a SUPERVISED EXCHANGE CENTER**. It appears like you had not thought about using those facilities in cases like this one (when there is no imminent danger), and that **your first impression is that a supervised exchange would cause MORE DRAMA**. I explained that this is only a temporary measure and that once we attend parenting counseling and the psych evaluation is completed, we can always attempt to use more civilized exchanges and open more communication venues, but that we should not force interaction between Kathy and

I because it defeats the purpose of the parenting counseling and more interaction would create more drama. You said you would consider it and will provide an answer at a later time (*paraphrasing*).

4. My concerns regarding the consistency of [Name Redacted] bedtime schedule. As I had mentioned during the first meeting/interview, there has been 3 or more times that [Name Redacted] is on the road past his bedtime (9pm even 10pm), and the fact that being outspoken and strongly against it with Kathy was one of the triggers that got Kathy calling the cops to my place and filing her Child custody request to the courts. I asked you to please support me in enforcing a strict schedule for [Name Redacted] at nights in the same way you have been voicing your recommendations for strict schedules during the day. I understood that you agreed with me that it was not appropriate to take [Name Redacted] out that late at night in the examples I gave you. But, I am not certain that I got a final answer from you on this request to help me enforce it.



II. Other topics/items mentioned or discussed:

- a) You inquired about my work situation and my long term plans in Columbus.
- b) The latest phone call from Kathy with more drama: You were explaining how Kathy calls you crying whenever she is upset about developments in the case or when she hears from me/my attorneys. Her last call this same day of our meeting, you clarified to her that full custody doesn't mean the 50/50 schedule is off the table. You made emphasis to her (and to me during the meeting) that the soap opera needs to end. Also Kathy discussed her fears from day one that I would take [Name Redacted] away, and I reminded you that she has childhood issues related to her father because he was never around and until this day, she doesn't want to talk to him, even when he has tried to reach out to her in recent years.
- c) You were also curious about Kathy's history of stalking or "intensely pursuing" between 2010 and now; and how we went back together even after I broke up with her.
- d) Your suspicions that we may be dealing with a super mom syndrome (*paraphrasing*). Whatever the problem is, you feel comfortable that it will come out on Jeff's evaluation.
- e) You also mentioned how mediocre attorneys may make things worse by not giving their clients the right advice or by not doing a reality check (*paraphrasing; I don't need to specify who you were referring to*).
- f) You shared your awareness that Kathy's initial position that, as the unmarried birth mother of [Name Redacted] she is entitled to anything and everything (and that she may still continue with that belief). And that you are under the impression that someone is telling Kathy to not listen to your recommendation(s).
- g) Your position regarding strict times during daycare: You brought up this topic as one that you and LeeAnn don't see eye-to-eye. Because right now Kathy and I are not getting along, you believe that the best is to keep the drop-off/pick-up schedule to school/daycare **SIMPLE, same time all the**

time -in order to avoid MORE DRAMA. **My interpretation: You do not disagree that ^{Name Redacted} spending time with Dad is better for him than spending time in daycare. But right now eliminating the drama trumps this...** including those cases when ^{Name Redacted} is sick and should be staying home with mom -but instead he is left at daycare even when Kathy can stay home for the day, as I mentioned it happened recently. (I hope that this is only a temporary measure)



h) **Dr. Rogers:** This is a pediatrician you would recommend if we were to change his current pediatrician.

i) I brought up my observation of how Kathy is able to manipulate so many people, including ^{Name Redacted} pediatrician and the caretakers at daycare. I also gave you a few examples of why I would like to ask for a different daycare for ^{Name Redacted}. I also asked you to please not to divulge information about this just yet, because if the daycare employees find out this early, the atmosphere will even get more hostile or at least difficult, considering that it already is for me to some degree -you said OK.

j) **Exchange Info Sheet:** You brought this up and asked why something so simple have to be a problem. Then I responded that it has to be put into context: In the past, I PROVIDED that information to her but she would turn it around and use it as an excuse to question me further and start a debate. I reminded you that she simply doesn't listen to you because she thinks there are no consequences (*and there has not been any for her so far*). You reminded me that you cannot force Kathy or Me to do anything but that the consequences of ignoring you would show in your recommendation at the end. In short, my point was that I didn't have anything against providing the information for the exchanges, but was afraid of the ramifications. You understood but still wanted the forms used. **This point got closure with AN AGREEMENT (that I will continue following your recommendations as always).**

k) **Decision to go to trial:** You made a comment regarding some parents that are willing to continue the struggle and litigation process as opposed to just try to focus on parenting. Because I was not sure if you were referring to me, Kathy or both, **I asked you to please do not forget my fears and my reason for the decision (that the problems we have been having will continue to escalate even after the case is closed):** Kathy has shown deep rooted issues since I met her in 2010. I gave you just one example of harassment/stalking and said that there are many, many more examples that I can provide and that I am extremely concerned with her potential to escalate this behavior when I decide to get into a serious relationship and what could be the implications for ^{Name Redacted} (as in - he will be used as a tool for her to get to me).

III. ACTION ITEMS:

1. Get the Psych evaluation started.
2. Decision on June 3rd meeting: If it takes place, you may try to get the temporary orders changed by persuading Kathy (to 50/50 visitation schedule).

3. Decision on using Supervised Exchange Centers. (such as "Welcome to Our Place" or Buckeye Ranch – East Columbus location). Please see point #3 above. Also 2 emails have been included/attached from representatives of these two facilities.

4. Your support/answer on helping me enforce consistent bedtime schedules for ^{Hernandez} ~~Robinson~~



----- Forwarded message -----

From: **Blythe Bethel** <blythebethel@yahoo.com>
Date: Thu, May 23, 2013 at 7:02 AM
Subject: Re: Jurado / Hernandez: JUNE 3rd Meeting
To: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
Cc: "lmm@mkfamilylaw.com" <lmm@mkfamilylaw.com>, "emb@mkfamilylaw.com" <emb@mkfamilylaw.com>

Ari, that is fine. I have marked my calendar for June 3rd for the call if the meeting is cancelled.

I do have to say however that you comment that we are on the same page on all topics has me a bit perplexed. I certainly hope that you do not think that I have already made up my mind regarding custody in this case, because I have not. I do believe that this should be an equal time schedule, with strict times implemented, but I certainly am no where close to a custody recommendation. I want the psych evaluations done and I have other work to do.

blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>; LeeAnn Massucci <LMM@mkfamilylaw.com>
Cc: Amy Waring <ALW@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>
Sent: Wednesday, May 22, 2013 6:01 PM
Subject: RE: Jurado / Hernandez: JUNE 3rd Meeting

Blythe,

Thank you again for giving me an hour of your time. As always, I found it helpful to speak with you, especially in person. I am glad that we are on the same page on all topics.

Regarding the June 3rd time slot, LeeAnn will let you know the answer. In the meantime, I would like to request that in the case it gets cancelled, if you can let me take the first 30 minutes of that slot for a phone touch-base. If we end up keeping that date as originally intended, I will work with your assistance to choose another date for a 30 minutes touch base.

If you agree, I would like to take the approach to speak with you on a regular basis (once or twice a month) via phone or in person in order to update you directly on any progress or issues. This sometimes may be better than just communicating via email as we have been doing almost exclusively, except for the 1st interview and one phone call we had.

Sincerely,

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com



 [Jurado's profile on LinkedIn](#)
[src="cid:1.3528115088@web165005.mail.bf1.yahoo.com" width=160 height=25>](cid:1.3528115088@web165005.mail.bf1.yahoo.com)

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Wednesday, May 22, 2013 1:51 PM
To: LeeAnn Massucci; Ronald R. Petroff, Esq.; brn@petrofflawoffices.com
Cc: Amy Waring; Eimear Bahnson; ari_jurado@qualineconsulting.com; KHernandez@express.com
Subject: Re: Jurado / Hernandez

Counsel: I think that we should first check with the court to make sure that the court will actually give us a hearing that date. Also, can I clear off my calendar June 3rd?

From: LeeAnn Massucci <LMM@mkfamilylaw.com>
To: Blythe Bethel <blythebethel@yahoo.com>; "Ronald R. Petroff, Esq." <rrp@petrofflawoffices.com>; brn@petrofflawoffices.com
Cc: Amy Waring <ALW@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>; ari_jurado@qualineconsulting.com; LeeAnn Massucci <LMM@mkfamilylaw.com>
Sent: Wednesday, May 22, 2013 1:31 PM
Subject: RE: Jurado / Hernandez

Blythe-

Mr. Jurado has always been extremely reluctant to settle this case under the circumstance in which he has had to endure over the past 8 months.

He strongly believes that decision making (particularly with respect to health care, daycare, etc) are going to continue to be extraordinarily difficult to manage in a shared custody situation and he believes that the decisions made to date by Kathy have not been in ^{Name Redacted} best interest.

So, yes, he believes it is in ^{Name Redacted} best interest that he have decision making (custody).

Unfortunately, he believes that his opinions / suggestions as ^{Name Redacted} father have not been met with any measure of cooperation and he is concerned that without a full custody that will continue for the rest of ^{Name Redacted} life.

He also believes the psychological evaluations are necessary.

That being said, Ron indicated that if Ari did not agree to Kathy's proposal she was pursuing full custody so it looks as though both parents have the same position on this.

Absent an agreement for a 50-50 parenting time schedule, we will prepare to try the issue on July 3rd as I do not believe affidavits will suffice.

Thank you.

LeeAnn M. Massucci

Massucci & Kline LLC

250 Civic Center Drive

Suite 630

Columbus, OH 43215

Phone: 614.484.0177

Fax: 614.484.0181

<http://www.mkfamilylaw.com/>



FROM THE LAW OFFICE OF MASSUCCI & KLINE LLC

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From: Blythe Bethel [mailto:blythebethel@yahoo.com]

Sent: Wednesday, May 22, 2013 1:20 PM

To: LeeAnn Massucci; Ronald R. Petroff, Esq.; brn@petrofflawoffices.com

Cc: Amy Waring; Eimear Bahnson; ari_jurado@qualineconsulting.com; KHernandez@express.com

Subject: Re: Jurado / Hernandez

All, I am not sure if this sudden change of position is a strategy to try to get the equal time schedule enforced immediately or if Mr. Jurado really thinks that sole custody is truly in this child's best interests, but I am sorry that this case has taken this turn. In any event, I want Jeff Smalldon to do the custody psych evaluation. I am not going to opine as to the allocation of the forensic fees, and will let LeeAnn and ron fight that issue.

As far as the current schedule and switching to 50/50, I believe that everyone knows my position, and if an agreement cannot be reached, then the Court will have to determine if it is going to hear this matter in July. If it was up to me, I would want it tried instead of submitting self-serving affidavits. So, I think that we as counsel have to approach the Court and see how the Court wants to handle this.

I would also assume that this change in Mr. Jurado's position means we are not meeting on

June 3rd. Please let me know, so I can open up that date for other cases.



Blythe

From: LeeAnn Massucci <LMM@mkfamilylaw.com>
To: "Ronald R. Petroff, Esq." <rrp@petrofflawoffices.com>; Blythe Bethel <blythebethel@yahoo.com>;
brn@petrofflawoffices.com
Cc: Amy Waring <AW@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>;
ari_jurado@qualineconsulting.com; LeeAnn Massucci <LMM@mkfamilylaw.com>
Sent: Wednesday, May 22, 2013 10:36 AM
Subject: Jurado / Hernandez

Counsel-

Mr. Jurado has spent that past week seriously considering the proposal for settlement and we have had numerous discussions regarding the same.

Mr. Jurado has decided to move forward with litigation in this matter and pursue full custody of ^{Name} ~~Redacted~~. That being said, we believe the psychological evaluation is necessary and I would suggest we put on an Agreed Entry stipulating to whomever Blythe wishes to appoint. We believe the allocation of costs should be 50-50.

It goes without saying that Mr. Jurado strongly believes an equal parenting schedule is appropriate at this time, regardless of the status of litigation. It is our hope that the GAL continues to pursue an equal schedule for ^{Name} ~~Redacted~~ as she has stated numerous times she believes that is in his best interest.

That being said, if we cannot garner an agreement to amend the current temporary order, we intend to pursue that at a full hearing on July 8th.

Please respond and let me know if you would like us to prepare the Agreed Entry for the psychological custody examination. Obviously, the sooner that begins the better.

Thank you in advance for your cooperation.
Regards-

LeeAnn M. Massucci
Massucci & Kline LLC

Sent from my iPad
Please disregard any typos (or autocorrects) unless they make you laugh :-)

On May 14, 2013, at 1:45 PM, "LeeAnn Massucci" <LMM@mkfamilylaw.com> wrote:

From: Hernandez, Kathy
To: ari_jurado@qualineconsulting.com
Cc: blythebethel@yahoo.com; rrp@petrofflawoffices.com; ems@petrofflawoffices.com
Subject: RE: Daycare facilities
Date: Tuesday, December 31, 2013 4:38:47 PM

If you have suggestions you can certainly provide them. It is not my understanding that there are any deliverables for court.

Kathy Hernandez
Manager, Associate Services
614-474-4991



From: Ari Jurado [ari_jurado@qualineconsulting.com]
Sent: Sunday, December 29, 2013 1:13 PM
To: Kathy Hernandez @ home; Hernandez, Kathy
Subject: Daycare facilities

Ms. Hernandez ignores Judge
Jamison's order from Dec 20, 2013

Hi Kathy,

I am going to attempt to do what I did last time: Try to work with you on the selection process of a new daycare, because we have to bring proposal on the next hearing per Judge Jamison instructions.

Do you think we should try to narrow down the geographical areas that we will be doing our search? Just in case we happen to agree on the area, the job may get easier as we narrow down our options.

Please let me know your thoughts. Thanks,

Ari

From: ari_jurado@qualineconsulting.com<mailto:ari_jurado@qualineconsulting.com>
[mailto:ari_jurado@qualineconsulting.com<mailto:ari_jurado@qualineconsulting.com>]
Sent: Monday, October 14, 2013 1:12 PM
To: Kathy Hernandez @ home; Hernandez, Kathrine @ Express
Subject: RE: Daycare facilities

Kathy,

I sent you an email last Friday and was hoping we could try to figure out the next daycare facility for ^{Hilliar}~~Rehoboth~~ on our own—the keyword here is “Try”. I read your proposal from yesterday, and you may or may not have read my proposal that my attorney sent this morning.

In my proposal, I include specific comments about advantages/disadvantages of using Hilliard as a general location. I have a lot of other information there. Please let me know your thoughts. Because we both have already seen/evaluated Goddard locations, I don't think it is necessary for you to see the location I proposed, and vice versa. But I would encourage you to go pay a visit to the BrightHorizon facility in my proposal.

Again, please let me know your thoughts.

Ari

Ari Jurado
Mobile: (305) 799-2212
ari_jurado@qualineconsulting.com<mailto:ari_jurado@qualineconsulting.com>

[cid:image001.gif@01CF0497.C07AF490]<<http://www.linkedin.com/in/arijurado>>

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com<mailto:ari_jurado@qualineconsulting.com>]
Sent: Friday, October 11, 2013 2:04 PM
To: Kathy Hernandez @ home; Hernandez, Kathrine @ Express

Subject: Daycare facilities

Please let me know if you have any daycare facilities in mind.

Ari

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From: Hernandez, Kathy
To: Ari Jurado
Cc: Blythe Bethel; Erika Smitherman; Ronald R. Petroff Esq.
Subject: Re: Hernandez-Jurado; ^{Name Redacted}'s Daycare
Date: Monday, January 13, 2014 6:12:35 PM



^{Name Redacted} will be attending the daycare that has been recommended he remain at until further of the court, so he will be in Hilliard tomorrow as is the norm. And let us be clear that the judge never issued and handed down any sort of opinion as you have stated in your email from last Friday that indicates ^{Name Redacted} placement in the Hilliard Goddard School was not in his best interest.

It is also not reasonable for you to assume I am responsible for all January fees or even the total cost of the Hilliard daycare as far as I am concerned.

Based on my inquiry of ^{Name Redacted} account you have not even paid December fees, which were due in November. Additionally, I am unsure whether you have even paid the fees that were due to Brooksedge for services that were rendered before his departure, which I believe was at least \$400.

It is important to note that January fees for ^{Name Redacted} daycare were due on 12/25/2013. You had a responsibility to pay January dues weeks ago, so to put the total cost on me without providing any notice of reducing his attendance is quite an issue from my perspective. I will have to leave that issue for the courts to hash out among the rest that exist.

Here Ms. Hernandez is sabotaging the child's attendance to Mr. Jurado's daycare and ignores/denies Judge Jamison's opinion.

Sent from my iPhone

On Jan 13, 2014, at 11:56 AM, "Ari Jurado" <ari_jurado@qualineconsulting.com> wrote:

Kathy,

Could you please confirm that you will be dropping off ^{Name Redacted} tomorrow morning at the Goddard School in Westerville?

I would like to let both daycare administrators know what is going on, but I am unable to if I don't hear from you.

Thanks,

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, January 10, 2014 6:15 PM
To: Hernandez, Kathrine @ Express
Cc: Keith Golden; Blythe Bethel
Subject: Hernandez-Jurado: ^{Name Redacted} Daycare

Kathy,

As of today, ^{Name Redacted} has been officially enrolled in the Goddard School – Westerville Location. My intention is to use this facility on my days. This is in response and following the lead of Judge Jamison who already shared her opinion that this IS Shared Parenting and that it is not in ^{Name Redacted} best interest to be enrolled in

the Goddard school in Hilliard.

I know how you and the GAL feels but trying to rehash the issue of out-of-home care is wasting precious dollars. And the Judge's opinion trumps everyone else.

I know two daycare facilities is not ideal for  and I am still open to getting a complete new facility somewhere in the middle if you want to consider the option. It is not too late.

Please note that while he attends the two facilities, I will drop him off at the Hilliard location at the end of my parenting time during the week, and hope that you would do the same: Drop him off at the Westerville location in the mornings at the end of your parenting time. If you have a better idea regarding the drop off on transition days, please let me know. It is also reasonable to say that the daycare expenses from the Hilliard location are your responsibility starting this week, and I will assume responsibility for the tuition of this second daycare.

Let me know if you have any questions.

Ari



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From: Keith E. Golden
To: Blythe Bethel; Ari Jurado
Cc: Ari Jurado (ari_jurado@qualineconsulting.com)
Subject: RE: Hernandez-Jurado: ^{Name Redacted}'s Daycare
Date: Monday, January 13, 2014 11:47:27 AM



Blythe

In ari's defense I submit that you have forgotten or overlooked something when you say there was no advance warning: we did try and work this out some time ago as initiated by my email to everyone asking if we could "work this out together" when ari was offered the new position—Kathy flatly rejected the request as well as you.... Further, Kathy filed an ex-parte emergency restraining order in response to try and prevent it —(even though procedurally defective it worked)...then when the judge makes it clear as to where she was going (once she heard the truth) on this issue and assigns the chore to both parties of looking at geographically central daycare centers Kathy dismissed her motion thereby taking the daycare location issue off of the table and away from the judge .. this was clearly because it was going south ... ari was anxious to go forward with the hearing and let the judge decide one way or the other but Kathy deprived him of that opportunity...

Since the hearing ari found himself up against a wall: due to the limited hours he had available after all of the transportation he was unable to meet his employer's expectations and was about to be terminated from his new job This was not in any manner a take no prisoners act, rather, it was when all else fails and one has no other choice one does what one must do !!

^{Name Redacted} will be fine !!!!

keith

The GAL escolded Mr. Jurado for the rightful daycare enrollment of his son at a secondary location

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Saturday, January 11, 2014 12:34 PM
To: Ari Jurado; Hernandez, Kathrine @ Express
Cc: Keith E. Golden; Esq. Ronald R. Petroff (rrp@petrofflawoffices.com); Erika Smitherman
Subject: Re: Hernandez-Jurado: ^{Name Redacted} Daycare

All: I just wanted to let everyone know that I am disappointed to see this email. I am disappointed to see that we have resorted to this "take no prisoners" type of action to try and get a new day care for ^{Name Redacted}. Giving absolutely no advance notice to at least Kathy of your intention to enroll ^{Name Redacted} in a separate daycare is not explicable to me. To my knowledge, Judge Jamison never issued a final decision on this issue.

I will be monitoring the situation closely to see how ^{Name Redacted} copes with this change, which I believe is disruptive, and will consider all information I collect over the next few weeks in my final recommendation with the court.

Ari, please get me the contact information of the daycare, and please execute a Release, if they need one, so I may contact them directly.

Blythe

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: "Hernandez, Kathrine @ Express" <khernandez@express.com>
Cc: Keith Golden <keg@golmeiz.com>; Blythe Bethel <blythebethel@yahoo.com>
Sent: Friday, January 10, 2014 6:14 PM
Subject: Hernandez-Jurado: ^{Name Redacted} Daycare

Kathy,

As of today, ^{Name Redacted} has been officially enrolled in the Goddard School – Westerville Location. My intention is to use this facility on my days. This is in response and following the lead of Judge Jamison who already shared her opinion that this IS Shared Parenting and that it is not in ^{Name Redacted} best interest to be enrolled in the Goddard school in Hilliard.

I know how you and the GAL feels but trying to rehash the issue of out-of-home care is wasting precious dollars. And the Judge's opinion trumps everyone else.

I know two daycare facilities is not ideal for ~~Home Release~~ and I am still open to getting a complete new facility somewhere in the middle if you want to consider the option. It is not too late.

Please note that while he attends the two facilities, I will drop him off at the Hilliard location at the end of my parenting time during the week, and hope that you would do the same: Drop him off at the Westerville location in the mornings at the end of your parenting time. If you have a better idea regarding the drop off on transition days, please let me know. It is also reasonable to say that the daycare expenses from the Hilliard location are your responsibility starting this week, and I will assume responsibility for the tuition of this second daycare.

Let me know if you have any questions.

Ari



From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Thursday, April 25, 2013 8:05 AM
To: LeeAnn Massucci; Ronald R. Petroff, Esq.
Cc: Eimear Bahnson; Amy Waring
Subject: Re: Hernandez / Jurado - Follow Up



Counsel: I have had the opportunity to review the draft of the proposed amended T.O. from Lee Ann, and I do have some immediate comments. First, I think that it is very important that we have a strict schedule that both parents must follow, so to say that Ari will be picking the child up at the earliest time possible for day care is not acceptable to me. I am certain for a myriad of reasons that the day care, and certainly Kathy, would like to know exactly the time that Ari will be picking up the child from day care. This should be a consistent time every day. The daycare needs to know the schedule, Kathy certainly needs to know the schedule, and most importantly, a strict schedule is what is best for [Name Redacted]. I also would like to have Ari's pick-up time coordinate with [Name Redacted] nap schedule. What would be ideal is for [Name Redacted] to pick up the child after his mid-day nap. That way Ari could go right into having quality, interaction time with [Name Redacted]. It also allows for [Name Redacted] to be rested and ready to be with his father. So, I would expect that Kathy and Ari will communicate with each other about the child's daily schedule and figure out the best time for Ari to pick up the child from day care. But I will not agree to any Order that states "at the earliest possible time".

For the same reasons as stated above, I would like a definite time by which Ari will return the child to daycare in the morning. Again, this is not about what is best for each of the parents here. [Name Redacted] needs a routine, a set schedule. Parenting and convenience do not always go hand in hand. So, again, I would expect the parents to communicate and determine, based on [Name Redacted] daily routine, what is the most appropriate time for [Name Redacted] to be returned to daycare in the morning.

Finally, and to be consistent with the Local Rule, I would have Ari return [Name Redacted] to Kathy at 8:00 pm.

Since I unfortunately did not get to participate in the discussions at Court regarding the rest of the schedule, I am going to wait to see what Ron's comments are. It sounds like some agreements were reached in that regard, and far be it from me, especially in this case, to interfere with any agreement that these folks may reach. If it works or them, that is great.

Blythe

From: LeeAnn Massucci <LMM@mkfamilylaw.com>
To: "Ronald R. Petroff, Esq." <rrp@petrofflawoffices.com>; Blythe Bethel <blythebethel@yahoo.com>
Cc: Eimear Bahnson <emb@mkfamilylaw.com>; Amy Waring <ALW@mkfamilylaw.com>; LeeAnn Massucci <LMM@mkfamilylaw.com>; ari_jurado@qualineconsulting.com
Sent: Thursday, April 25, 2013 1:41 AM
Subject: Hernandez / Jurado - Follow Up

Counsel-

Please find attached the draft Agreed Amended Interim Order.

I apologize -- the delay in getting this to you has been mine; consequently, I am sending this to Mr. Jurado simultaneously to avoid further delay.

Ron, please let us know at your earliest convenience if this comports with your notes as the proposed schedule is already underway.

From: LeeAnn.Massucci
To: ari_jurado@qualineconsulting.com
Cc: LeeAnn.Massucci; Eimear.Bahnson; Amy.Waring
Subject: FW: Hernandez / Jurado - Follow Up
Date: Thursday, April 25, 2013 2:55:41 PM
Importance: High



Please see below.

LMM

LeeAnn M. Massucci
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250 Civic Center Drive
Suite 630
Columbus, OH 43215
Phone: 614.484.0177
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www.mkfamilylaw.com

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From: Ronald R. Petroff, Esq. [mailto:rrp@petrofflawoffices.com]
Sent: Thursday, April 25, 2013 2:53 PM
To: 'Blythe Bethel'; LeeAnn Massucci
Cc: Eimear Bahnson; Amy Waring; 'Hernandez, Kathy'; 'Brooke Berkowitz'
Subject: RE: Hernandez / Jurado - Follow Up
Importance: High

Dear Counsel:

It would have been easier to begin the "editing" process if you would have sent me the document in Microsoft Word format so I could have used the "Track Changes" feature and sent you back my client's redlined version, but to expedite this process, my client would like the following changes to be made to the Agreed Amended Temporary Order:

- My client agrees with the GAL and would like Father's pick up time from daycare to be no sooner than 4PM (Name Redacted typically naps from 2PM – 4PM and then drinks a bottle at 5PM);
- My client also agrees with the GAL and would like Father's drop off time at daycare to be no later than 8:30 AM, the time Name Redacted eats breakfast and the time which my client typically drops him off at daycare;

- My client also agrees that all non-overnight parenting time should conclude at 8PM, the child's normal bedtime;
- My client believes your client should have an extra 30 minutes in paragraph 1(f) to allow ^{Name Redacted} to finish his lunch. Please change the end time to 12:30 PM, since that time would be better for ^{Name Redacted} per the GAL's instructions;
- Also, my client believes the tentative agreement reached in court contemplated a return time on Sunday, May 12th at 3:00 PM, to allow my client to see the child for a short period of time before he has to go to bed at 8PM.
- Please add specific start and end times in Paragraph Numbered Four (4) to make it consistent with the current Agreed Interim Magistrate's order which has different end times depending on the week. The current order, starting May 15th in Week 1 has the Friday overnight concluding at 6 PM on Saturday and Week 2 the Saturday overnight concluding on Sunday at Noon. When the parties spoke at Court the other day, it was my understanding that my client wanted to make ^{Name Redacted} schedule more consistent per GAL's directive. Thus, my client would like this provision to read:
 - o Week 1 – Mon at 4PM until Tuesday at 8:30 AM AND Fridays at 4PM until Saturday at Noon;
 - o Week 2 – Mon at 4PM until Tuesday at 8:30 AM AND Fridays at 4PM until Saturday at 6PM;

Additionally, this goes without saying, but this schedule does not go into effect until both parties have signed the document. My client has informed me that your client is already operating under the assumption that a deal has been finalized. As such, due to the delay, paragraphs 1(a) and 1(b) do not apply.

Lastly, my client and I are both available for a five-way settlement conference to take place at Blythe's office on May 16th, May 30th, June 3rd, and June 5th, all days beginning at 1:30 PM. I look forward to your prompt response.

Very truly yours,

Ronald R. Petroff, Esq.
Managing Partner
Petroff Law Offices, LLC
 140 East Town Street, Ste. 1070
 Columbus, Ohio 43215
 Tel: 614-222-4288
 Direct: 614-222-4282
 Fax: 614-222-4289
 email: rrp@petrofflawoffices.com
 website: www.petrofflawoffices.com



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From: Blythe Bethel
To: ari_jurado@qualineconsulting.com
Cc: lmm@mkfamilylaw.com; emb@mkfamilylaw.com
Subject: Re: [Name Redacted]'s pediatrician appt UPDATE
Date: Friday, May 17, 2013 7:51:40 AM

Ari, I think that I have made myself pretty clear about the fact that [Name Redacted] daily schedule (at least during the work week) needs to be consistent. But, it sounds like no one is going to listen to what I am saying until there is a formal agreement reached between you and Kathy. Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Thursday, May 16, 2013 7:24 PM
Subject: RE: [Name Redacted] pediatrician appt UPDATE



Hi Blythe,

I need to know that you are ok with this; meaning that I can spend the day with [Name Redacted] now that I have the rare opportunity as my project comes to an end.

My intent is to develop that bond between father and son that can only be done by spending quality time as continuous as possible. I always said I wanted the same opportunity Kathy had when she spent 3 months with him at home before she went back to work. I never expect to have 3 full continuous months, but any opportunity that I could get counts.

I agree with you that a consistent schedule for [Name Redacted] is more important than what is convenient for the parents. But that is not even the case here. We are not talking about me choosing times that allows me to play golf with my friends before picking up [Name Redacted] or after drop offs, or times that allow me to recuperate after a hang over after partying all night. Quiet the contrary, right now [Name Redacted] is all I have and all I do and whatever irregularities in the schedule may appear have only to do with work or other necessary commitments.

You have said it before that both Kathy and I are adults and should be able to take care of [Name Redacted] needs on our days. And I don't believe there are any examples where I have shown I am not capable of that or of making the right decisions for [Name Redacted].

This past Monday for example, it was in [Name Redacted] best interest to have been able to stay at home with Kathy after the doctor's appointment. However, he spent over half of the day in daycare even when Kathy did not go to work. Instead of taking him home, Kathy chose to stay home without him and just go see him several times at daycare for the remainder of the day, only to make her point that she doesn't want me to have [Name Redacted] during the day. At the end, [Name Redacted] is paying the price. There is no reason why [Name Redacted] couldn't have stayed with Kathy all day on Monday, whether because he was sick or for any other reason.

Please let me know what you think so that I can finalize my plans and share drop offs and pick up times.

REGARDING OUR APPOINTMENT NEXT WEEK: Can we please keep it? I would like to still have a one on one meeting with you, with or without a possible final settlement agreement.

Best regards,

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

View my profile on LinkedIn

From: LeeAnn Massucci [mailto:LMM@mkfamilylaw.com]
Sent: Thursday, May 16, 2013 4:14 PM
To: Ronald R. Petroff, Esq.
Cc: Amy Waring; Eimear Bahnson; AJ; LeeAnn Massucci; Blythe Bethel
Subject: RE: ^{Name Redacted} pediatrician appt UPDATE



Ron-

Thanks very much.

I have been in meetings all day and will not be able to get our counter proposal to counsel until tomorrow.

As for the request to know the specific time in which ^{Name Redacted} will be picked up I will check with Mr. Jurado.

However, please note that we acknowledge the current Agreed Magistrate's Temporary Order entered into January 23 contains the "as soon as Father is available" language and "until DAY morning daycare"

While I understand that GAL has suggested "specific times" be noted, we have yet to obtain agreement on ALL of the GAL's recommendations.

Consequently, I do not believe Mr. Jurado should lose the limited valuable time with ^{Name Redacted} that was agreed upon on January 23rd.

I will get the counter proposal to you as soon as possible.

Thank you.

LMM

LeeAnn M. Massucci

Massucci & Kline LLC

250 Civic Center Drive

Suite 630

Columbus, OH 43215

Phone: 614.484.0177

Fax: 614.484.0181

<http://www.mkfamilylaw.com/>

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From: Ronald R. Petroff, Esq. [mailto:rrp@petrofflawoffices.com]
Sent: Thursday, May 16, 2013 12:45 PM
To: LeeAnn Massucci
Cc: Amy Waring; Eimear Bahnson; 'AJ'
Subject: RE: ^{Name Released} pediatrician appt UPDATE



LeeAnn:

Please see below email from my client regarding your request.

The doctor wanted a weight check after a month from his 9 month appointment rather than waiting until his next well baby at 1 year, which was the purpose of today's visit.

The weight check results were: 20lbs 6 oz – this puts ^{Name Released} in the 51.95 percentile.
Height is 28 in – this puts ^{Name Released} in the 15.73 percentile.
Height and weight combined puts ^{Name Released} in the 77.57 percentile.
His head circumference is 18.11 in – this puts ^{Name Released} in the 67.38 percentile.

Since tomorrow begins the new schedule and with communications completely eliminated - Please advise if I am permitted to know when ^{Name Released} will be picked up and dropped off at daycare on Wed/Thur as well as picked up on Friday as the order does not stipulate any specific times.

Very truly yours,

Ronald R. Petroff, Esq.
Managing Partner
Petroff Law Offices, LLC
140 East Town Street, Ste. 1070
Columbus, Ohio 43215
Tel: 614-222-4288
Direct: 614-222-4282
Fax: 614-222-4289
email: rrp@petrofflawoffices.com
website: <http://www.petrofflawoffices.com/>

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From: LeeAnn Massucci [mailto:LMM@mkfamilylaw.com]
Sent: Thursday, May 16, 2013 12:11 PM
To: Ronald R. Petroff, Esq. ; brn@petrofflawoffices.com; AAA AAA assistant
Cc: LeeAnn Massucci; Amy Waring; Eimear Bahnson; AJ
Subject: [Norton AntiSpam] ^{Name Released} pediatrician appt UPDATE
Importance: High

Hi Ron-

For some reason I am having difficulty locating the e-mail you sent with Name Redacted
pediatrician update information.

Would you please resend ASAP as I am currently meeting with Mr. Jurado and of course he is interested in that data.

I realize he can obtain the records, but a brief synopsis would be helpful.

Also, the child support payment was made this morning by their normal procedures -- which requires Kathy's acceptance of the payment via e-mail.

Thanks-
LMM



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Columbus, OH 43215
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Fax: 614.484.0181
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From: Blythe Bethel
To: ari_jurado@quallineconsulting.com; LeeAnn Massucci; cmb@mkfamilylaw.com
Subject: Re: Father's Day & Summer Schedule
Date: Tuesday, June 18, 2013 7:27:07 AM

Ari: First, I am glad to know that you had a good first Father's Day with [Name Redacted]

Regarding your request for documentation, etc., that backs up my recommendation for a strict adherence to [Name Redacted] daycare schedule, let me just say that you and Kathy, and your continued inability to co-parent without continued conflict and drama are the reasons. And, I believe that you have misunderstood my position as far as when your, and for that matter, Kathy's parents are in town. I have been consistent in recommending that [Name Redacted] have a strict daycare schedule, because, quite frankly, that appears right now to be the only place that is the most stress free for him, and I know that he will have the same daily schedule as far as naps, feedings, etc. That is very important for a child his age, and I believe that any child development literature would back me up.

I also have recommended that each of you should try and schedule at least one of your weeks of vacation time to coincide with your parents being here. That way you would have a full week of uninterrupted time with [Name Redacted] and them. If you are not treating the time as your vacation time, then the daycare schedule should be adhered to.

Ari, I have been in this business for over 30 years. I have learned valuable information from the multitude of professionals that I have worked closely with over the years. I have seen what works and what doesn't work with high conflict cases. Unfortunately, this is an extremely high conflict case. Usually, as time passes the conflict will diminish, but for some reason that is not the case here. So, until I see that, I am going to continue to recommend what i have been recommending.

Blythe



From: Blythe Bethel
To: ari_jurado@qualineconsulting.com
Subject: Re: ^{Name Redacted} Jurado & Brooksedge Daycare
Date: Wednesday, July 10, 2013 11:56:39 AM

Ari: I spoke with Amy on the morning of our last Court hearing. I was returning a voicemail left by her while I was out of town for the long holiday weekend. I did not speak with Jessica on Friday, and I do not know how you got that impression. I have spoken with Jessica in the past, but not last Friday.

I think the whole point being made by Amy is the daycare does not want to be drawn into the middle of this litigation. They are in the business of caring for children, not monitoring parents who are in a custody fight, and they do not want to have to choose sides here. They love ^{Name Redacted} and think he is doing very well. They know that you and Kathy each love ^{Name Redacted} very, very much and that ^{Name Redacted} loves you both very much.

Amy said that your frequent visits to the daycare (sometimes as much as 2 times every day) is disruptive for ^{Name Redacted} (he gets distressed when you leave and it takes time to calm him down), and that it makes certain of the workers feel uncomfortable. She used the words "intimidating" and "aggressive". Amy stressed that they never want to tell any parent that they are not welcome to visit, because they have an "open door" policy, but even our magistrate said when she heard about the frequency of your visits that you appear to be "overly involved". Amy also said that she does not want to have to explain to other parents what you are doing at the daycare so much. I have had this in other cases where a parent or grandparent goes to a child's school so much that other parents complain. It makes other parents uncomfortable. They do not know who you are or why you are present so much. In this day and age, we have unfortunately learned to be cautious of persons that you do not know being around your children.

If you want my opinion, I would really limit your visits to the daycare. I would not be asking the workers there for advice. I would simply let them do their job, and that is to provide care for ^{Name Redacted} and the other children without interruption from parents.

Blythe

GAL Adds New Reasons for Daycare Restrictions



From: Blythe Bethel
To: ari_jurado@qualineconsulting.com
Subject: Re: ^{Name Redacted} Jurado & Brooksedge Daycare
Date: Thursday, July 11, 2013 11:25:48 AM

Ari: I cannot give you advice. But I can say that I believe the proposal is pretty darn close to my recommendation. When I place their proposed schedule on a calendar (assuming a 28 day month), you would have 11 overnights out of 28, or approximately 40% of the overnights. This time does not include the half days that they have proposed. If you want to submit affidavits, it will be some time before we get an answer out of the magistrate. I would assume the magistrate would follow my recommendation, but again you would be waiting for her to write her decision. I would recommend that ^{Name Redacted} go to daycare everyday from 9:00 or 9:30 am to 4:00 pm just to keep his daily routine, and I would also recommend limited visits to the daycare. Not sure if you are going to hire a lawyer, but that is what I am thinking for my recommendation. Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Thursday, July 11, 2013 11:09 AM
Subject: RE: ^{Name Redacted} Jurado & Brooksedge Daycare



Blythe,

Before responding to that proposal, my first question would be: Do you think it is in ^{Name Redacted} best interest? I certainly do not think what they propose is in his best interest... and based on your prior recommendations, I would think you agree. But please confirm.

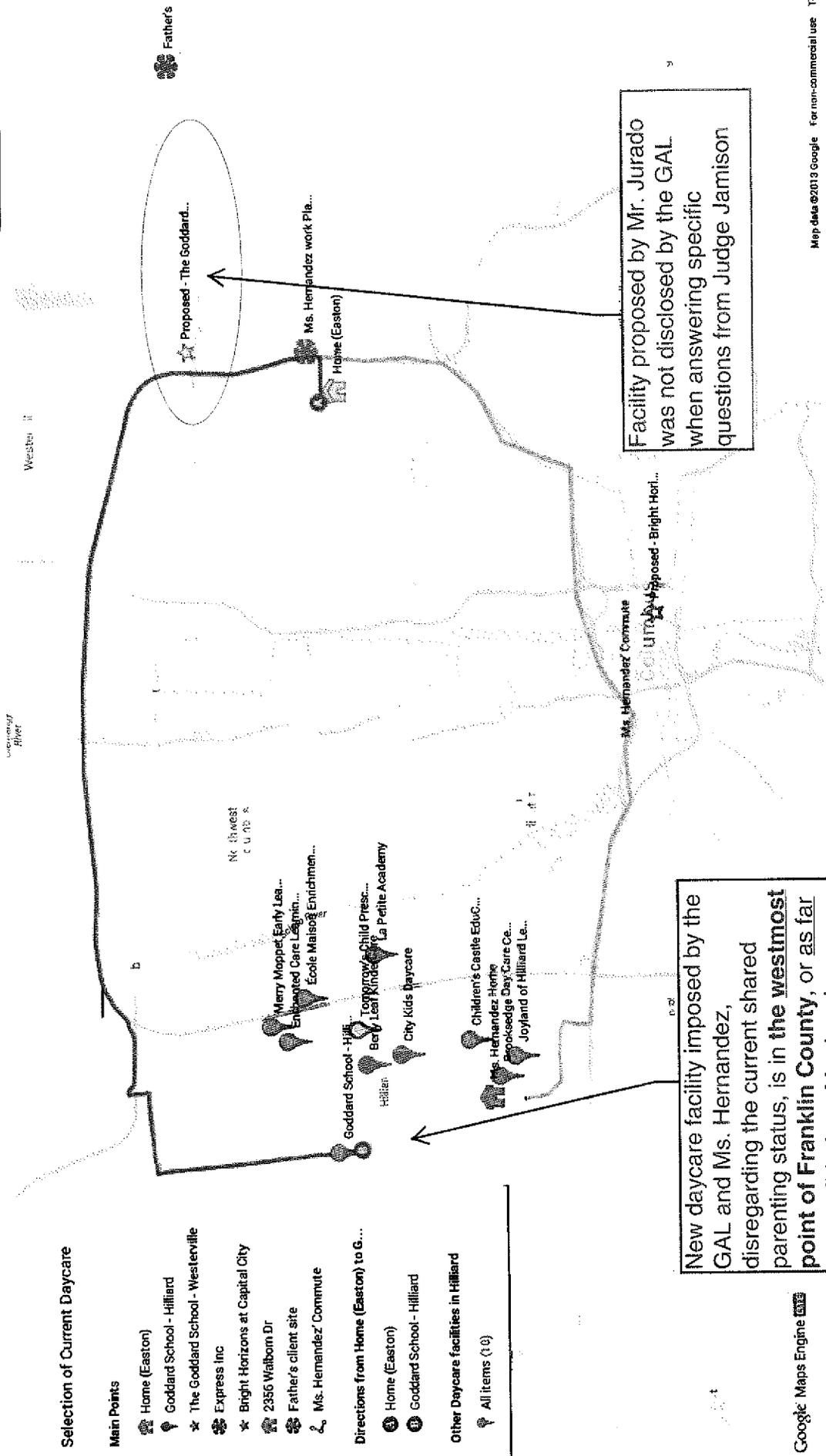
Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

The Final recommendation from the GAL regarding stipulations for the new Temporary Order under negotiations (July 2013).

View my profile on **LinkedIn**

EXHIBIT
A9



Selection of Current Daycare

Main Points

- Home (Easton)
- Goddard School - Hilliard
- The Goddard School - Westerville
- Express Inc
- Bright Horizons at Capital City
- 2356 Walborn Dr
- Father's client site
- Ms. Hernandez' Commute

Directions from Home (Easton) to G...

- Home (Easton)
- Goddard School - Hilliard

Other Daycare facilities in Hilliard

- All items (10)

New daycare facility imposed by the GAL and Ms. Hernandez, disregarding the current shared parenting status, is in the **westmost point of Franklin County**, or as far as possible from Mr. Jurado.

Facility proposed by Mr. Jurado was not disclosed by the GAL when answering specific questions from Judge Jamison

Ari Jurado

From: Blythe Bethel
Sent: Sunday, October 13, 2013 11:19 AM
To: keg@golmeiz.com; rrp@petrofflawoffices.com; ems@petrofflawoffices.com
Cc: ari_jurado@qualineconsulting.com; KHernandez@express.com
Subject: Daycare for ^{Name Redacted}

All; At this point, I have received information from Kathy regarding a new daycare for ^{Name Redacted}. Kathy is proposing that ^{Name Redacted} attend daycare at The Goddard School on Parkmeadow Lane in Hilliard. I have reviewed the school's website and all of the information that Kathy provided to me. It appears to be a very good facility. I encourage Mr. Jurado to research this facility. The website is: <http://www.goddardschool.com/columbus/hilliard-parkmeadow-lane-oh>.

I believe that Kathy makes two excellent points in choosing a facility in Hilliard, and I would ask that Mr. Jurado give strong consideration to these points in choosing a proposed facility (assuming he does not agree to use the facility recommended by Kathy), and they are: 1) Placing ^{Name Redacted} in a facility in Hilliard reduces the amount of time that ^{Name Redacted} needs to be transported on the freeway, and 2) He would be close to his pediatrician's office in the event he needs to go to the doctor.

I am going to be in the Family law seminar on Monday. I have re-thought my position regarding going to Court on this issue if we do not have an agreement between the parties. I doubt very seriously that Magistrate Matthews will do anything other than tell me to choose the facility that ^{Name Redacted} is to attend. It does not make sense to spend time and money going to Court on an emergency basis on this issue. So, I will be choosing a facility (again, if the parties cannot agree before that) on Tuesday. If Mr. Jurado does not get his information to me regarding a facility by the close of business on Monday (5:00 pm), then I guess my choice will be easy. But, this issue is too important to keep waiting.

Blythe



From: Blythe Bethel
To: Ari Jurado
Subject: Re: Returning items from daycare during weekend exchanges
Date: Monday, November 25, 2013 1:40:48 PM

Ari: thanks for the explanation. I now understand there was a prior email that was being referred to. Blythe

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Monday, November 25, 2013 12:58 PM
Subject: Re: Returning items from daycare during weekend exchanges

There was not supposed to be any mention of clothing. We are not having any issues with clothing at the moment.

The email that Kathy was referring to from two weeks ago is the one about clothing. Before two weeks ago, after Kathy would take ^{Name Redacted} she would wait until the next weekend exchange, up to a week sometimes, to return my clothing items. When I asked her if we both could return items by leaving them at daycare for the other parent, instead of waiting for the next weekend exchange, the problem got resolved.

I can call you for a couple of minutes and explain further if you don't mind.

Please let me know.

Ari

On Nov 25, 2013 11:15 AM, "Blythe Bethel" <blythebethel@yahoo.com> wrote:

Ari I do not believe that I am. If I look at you first email you sent to Kathy yesterday there was no mention of clothing. If there was please point it out to me.

 On Mon, Nov 25, 2013 8:37 AM EST Ari Jurado wrote:

>Blythe,

>

>Now you are confusing the emails. What you refer to the first email was

>meant to be only for ^{Name Redacted} food items.

>

>Ari

>On Nov 25, 2013 7:38 AM, "Blythe Bethel" <blythebethel@yahoo.com> wrote:

>

>> Ari: I am confused. No where in your first email to Kathy did you

>> mention clothing items. You just mentioned items relating to ^{Name Redacted}

>> eating. If you meant clothing items as well, you should be more specific

>> so there are no misunderstandings. blythe

>>

>> *From:* Ari Jurado <ari_jurado@qualineconsulting.com>

>> *To:* "Hernandez, Kathy" <KHernandez@express.com>

GAL critical of Mr. Jurado's writing skills. Her assessment of the facts is also inaccurate



>> *Cc:* Blythe Bethel <blythebethel@yahoo.com>
>> *Sent:* Sunday, November 24, 2013 10:17 PM
>> *Subject:* RE: Returning items from daycare during weekend exchanges
>>
>> Sorry for the misunderstanding. That email was referring to clothing
>> items to avoid having to wait a week to get them back. If you can continue
>> what you were doing of bringing those items to the weekend exchanges, that
>> would be of help.
>>
>> About tomorrow, I already have something figured.
>>
>> Thank you for offering.
>>
>> Ari
>>
>> *From:* Hernandez, Kathy [<mailto:KHernandez@express.com>]
>> *Sent:* Sunday, November 24, 2013 10:12 PM
>> *To:* Ari Jurado
>> *Cc:* Blythe Bethel
>> *Subject:* RE: Returning items from daycare during weekend exchanges
>>
>> Based on your attached email last week I assumed you no longer wanted me
>> to take your items from daycare, so I left them there. If that is not what
>> you intended for me to do, then I misunderstood.
>>
>> I personally use baggies for many of his items for lunch. If not having
>> your bag for tomorrow is that significant of an issue and you have
>> absolutely no other containers, bowls, bags, or whatever to take his lunch
>> in - I can take care of providing ^{Hani} ~~Robert~~ food and milk for tomorrow and
>> drop it off before I head downtown, even though you are notifying me at a
>> late hour.
>>
>> Please advise me ASAP so that I can get things prepared.
>>
>> Kathy Hernandez
>> Manager, Associate Services
>> Office: [614-474-4991](tel:614-474-4991)
>> Cell: [614-270-3549](tel:614-270-3549)
>> Fax: [614-474-7553](tel:614-474-7553)
>>
>> *From:* Ari Jurado
>> [mailto:ari_jurado@qualineconsulting.com<ari_jurado@qualineconsulting.com>]
>>
>> *Sent:* Sunday, November 24, 2013 9:50 PM
>> *To:* Hernandez, Kathy
>> *Cc:* Keith Golden; Blythe Bethel

>> *Subject:* Returning items from daycare during weekend exchanges

>>

>> Kathy,

>>

>> Today I found myself not having lunch containers, sippy cups etc, for

>> ^{Name Redacted} daycare tomorrow. This weekend was the first time that you did not

>> bring ^{Name Redacted} items from daycare during the weekend exchange. Please let me

>> know if this was a one-time fluke, or if going forward, you will no longer

>> be able to bring me his things during the weekend exchanges.

>>

>> If the latter one is the case, my only 2 options are: Drive 50 miles

>> roundtrip to the daycare just to get his bag with containers, etc, OR buy

>> more of everything. I did not purchase extra items before as I am trying

>> to avoid unnecessary expenses in order to keep my child support payments

>> current.

>>

>> Please let me know. Thanks,

>>

>> Ari

>>

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>>



From: Ari Jurado
To: "Blythe Bethel"
Subject: Re: G. Jurado: This Monday
Date: Monday, January 20, 2014 11:31:00 AM

Blythe,

There is another possible angle that this could be viewed: **I was trying to explain to the daycare why I told them before that [Name Redacted] was going to be attending today.** I did not imply that Kathy was not in compliance. I just stated how I interpreted the order. In fact, as per Kathy's insistence last time, they had to consult with their legal department to interpret and decide how far they would be responsible for. It is assumed that even in this case, that is what they would have resorted to. There is little control I have on how Kathy reacts to her ego getting streaked.



Ari

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Monday, January 20, 2014 11:05 AM
To: Ari Jurado
Cc: Keith E. Golden
Subject: Re: [Name Redacted] G. Jurado: This Monday

Ari: I would agree with you that it is important that you and Kathy agree on issues relating to [Name Redacted] but if the two of you agreeing is the most important thing here then I do not understand why you would have to send an email to the daycare implying that Kathy was not in compliance with the current Orders because she wanted to spend MLK Day (her holiday this year per Rule 22) with [Name Redacted]. As I read the email that you sent to the daycare, it appeared at least to me, to paint Kathy in a negative light. I wish that we could all just keep the daycare facilities out of this case, but I guess we cannot.

I certainly appreciate that you do not need to be personally served with the two Motions that I recently filed, but I still need for Keith to confirm that he will sign and e-file a Waiver of Service.

Blythe

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>; "Hernandez, Kathy" <KHernandez@express.com>
Cc: Keith E. Golden <keg@golmeiz.com>
Sent: Monday, January 20, 2014 9:17 AM
Subject: [Name Redacted] G. Jurado: This Monday

Hi Blythe,

No need to arrange for formal service. About today's holiday, Kathy's parenting time starts at 9am, with or without the Holiday designation. Whether [Name Redacted] should to go to daycare based on the current order, it **doesn't matter**. What does matter is that **Kathy wants to keep him and I want Kathy to keep him**. If we both agree, then the Order doesn't matter. We have been making agreements outside of the order until recently (i.e. Thanksgiving, etc).

If we are both in agreement, why would Kathy drop off [Name Redacted] at any daycare depending on the answer she gets? My point is, [Name Redacted] is better off with her than with someone at daycare, especially now that he has a bad cold, and his stomach is not back to normal. Whether I interpret the Order one way or the other should be a moot point.

Ari

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Monday, January 20, 2014 7:24 AM

To: Hernandez, Kathy; Ari Jurado

Cc: Erika Smitherman (ems@petrofflawoffices.com); Ronald R. Petroff, Esq. (rrp@petrofflawoffices.com); Keith E. Golden

Subject: Re: ^{Name Redacted} G. Jurado: This Monday

All: I do not believe that the requirement that ^{Name Redacted} be in daycare pursuant to our current Orders pertains to Holiday parenting time assuming the parent who has the holiday parenting time does not have to report to work. Holiday parenting time is not the same thing, from my perspective, as "regular parenting time" as set forth in Section I of the current Orders.

Also, Keith would you let me know if I have to arrange for formal service on Ari of the two Motions that I recently caused to be filed, or if you will sign and file a Waiver of Service on behalf of Ari. I just want to take care of this housekeeping issue.

Thanks,

Blythe



From: "Hernandez, Kathy" <KHernandez@express.com>

To: Ari Jurado <ari_jurado@qualineconsulting.com>

Cc: "blythebethel@yahoo.com" <blythebethel@yahoo.com>; "Erika Smitherman (ems@petrofflawoffices.com)" <ems@petrofflawoffices.com>; "Ronald R. Petroff, Esq. (rrp@petrofflawoffices.com)" <rrp@petrofflawoffices.com>

Sent: Sunday, January 19, 2014 9:05 PM

Subject: RE: ^{Name Redacted} G. Jurado: This Monday

Per Section 1B of our Temporary Order "unless otherwise agreed to in writing between the parties, the parties shall follow Local Rule 22"... "for parenting time on holidays and days of special meaning...".

Per Local Rule 22, MLK day is allocated to the Mother in an even year, therefore, I am to enjoy parenting time beginning at 9AM tomorrow if we cannot agree on the hours of the holiday. The language you referenced in your email to Ms. Chambers seems to imply that I am not following the court order among other things and leaves out the fact that per the Local Rule 22 referenced in our Temporary Order that MLK is actually my holiday as well as my regular parenting day.

However, should the GAL and/or my attorneys determine that the court order requires ^{Name Redacted} to be in daycare tomorrow on a holiday because the daycare is in fact open, then I will take him to the Hilliard Goddard School after I pick him up from you at 9AM.

I will pick ^{Name Redacted} up at your back door at 9AM so there is little delay in the start of my parenting time.

Kathy Hernandez
Manager, Associate Services
Office: 614-474-4991
Cell: 614-270-3549
Fax: 614-474-7553

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]

Sent: Sunday, January 19, 2014 7:19 PM

To: Westerville III, OH - The Goddard School@; Hernandez, Kathy

Subject: ^{Name Redacted} G. Jurado: This Monday

Hi Jennifer,

Although I said ^{Name Redacted} would be there tomorrow, Kathy wants to keep him since she has the day off for MLK. Although the court order requires us to have him in daycare without exceptions (unless emergencies, sickness or closing of the facility), I feel strongly about parenting time and that it comes before daycare time. In short, ^{Name Redacted} will not be attending daycare tomorrow.

Kathy, as you requested, you can come get ^{Name Redacted} in the back of my building if you prefer that over

Macy's.

Thanks,

Ari



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IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

KATHY HERNANDEZ,

Plaintiff,

v.

ARISTIDES JURADO,

Defendant.

:
:
:
:
:

CASE NO. 12 JU 11-14479

JUDGE JAMISON

MAGISTRATE TSITOURIS

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit K4

MOTION TO EXPEDITE HEARING WITHOUT REFERRING
FOR REMOVAL OF GUARDIAN AD LITEM

Now comes Respondent-Father Aristides Jurado, acting Pro Se, and hereby moves this honorable court for an Order expediting the hearing for oral arguments of Respondent-Father's simultaneously-filed Motion for Removal of Ms. Blythe Bethel as the GAL. Given the complexity and gravity of the issues at hand, and the fact that a **judicial decision *primae impressionis* is needed**, Respondent-Father also requests this urgent matter to be heard and determined by the Court and to abstain from referring the motion to the Magistrate.

The circumstances to warrant emergency, special and expedited attention of the Court, through a hearing for oral arguments to be scheduled as soon as the court calendar allows, are presented in the affidavit and memorandum of fact and law included herein.

Respectfully submitted,

Respondent-Father Pro Se

By:



ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

MEMORANDUM IN SUPPORT

NO ADEQUATE REMEDY WILL BE AVAILABLE

As stated in the Emergency Motion for Removal of Guardian Ad Litem filed concurrently with this motion, the issues raised therein have significant implications not only in the final outcome of this custody case, but in the present-day given that the current welfare of the minor child is at risk, as demonstrated with the statement of facts and preponderance of evidence included in the pending Motion for Removal of GAL. The totality of the GAL's actions toward or against Respondent-Father has resulted in an unfair advantage for Petitioner-Mother. In addition to the intentional harm inflicted upon Respondent-Father, Ms. Bethel's misconduct and bias have been in violation of Respondent-Father's due process rights. When a guardian ad litem's bias, actions and inactions taint the custody proceeding, a parent is effectively denied due process. *Patel v. Patel*, 347 S.C. 281, 286-287, 555 S.E.2d 386, 389 (S.C. App. 2001); *Kelley v. Kelley*, 175 P. 3d 400, 407-408, 2007 OK 100 (2007).

Considering that guardians ad litem enjoy quasi-judicial immunity and that GAL fees are not dischargeable nor refundable, the **court may not have any adequate remedies available in the course of the law in the future if the status-quo is maintained any longer than absolutely necessary.**

Based on section (L)(2) of Loc.R. 27 of the Court of Common Pleas of Franklin County, Juvenile Branch and on section (L)(2) of Loc.R. 15 of the Court of Common Pleas of Franklin County, Domestic Relations Division, "motions to remove a guardian ad litem shall be scheduled for hearing before the judge or magistrate assigned to adjudicate the allocation of parental rights and responsibilities". Scheduling such hearing concurrently with the final hearing or trial in the case, as it has already happened here, is tantamount of *sua sponte* denying the removal motion and

instructing the moving party to present the allegations at trial to simply obtain an impeachment of the GAL.

Ms. Bethel's abuse of authority as GAL has deprived Respondent-Father of significant and essential parental rights protected by the constitution. Even during the pendency of litigation, parents have the fundamental right to "make decisions concerning the care, custody, and control of their children" without undue state interference under the protection of the Fourteenth Amendment. *Troxel v. Granville*, 530 U.S. 57, 65-66, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000); *In re C.F.*, 113 Ohio St.3d 73, 2007-Ohio-1104, 862 N.E.2d 816, ¶ 28; *In re V.M.B.*, 2013-Ohio-4298, ¶37, ¶50. The interest in the care, custody and control of one's children is "one of the oldest of the fundamental liberty interests recognized in American law." *In re K.H.*, 119 Ohio St.3d 538, 2008-Ohio-4825, 895 N.E.2d 809, ¶ 39, citing *Troxel*, 530 U.S. at 65.

Also, the irreversible damage caused by Ms. Bethel to the co-parental relationship between Petitioner-Mother and Respondent-Father that is also ongoing, in addition to the unnecessary GAL and attorney fees incurred as a result of the frequent disputes and disagreements resulting from Ms. Bethel's sustained interference makes it all a time-sensitive issue requiring it to be raised and addressed with a sense of urgency.

Most importantly, Ms. Bethel's vehement advocacy for Plaintiff-Mother is such that, when combined with an utter lack of objectivity in determining the best interests, **has put the child's welfare at risk multiple times** during the pendency of this litigation. From **depriving the child of the benefits of statutory daycare open-door policy for ensuring the quality and safety of out-of-home care**, to acting in complicity with Petitioner-Mother to **repeatedly withhold medical care or treatment for the child** while discouraging and even preventing Respondent-Father from seeking the same, Ms. Bethel's actions and inactions have been **detrimental to the proper care and nurturing of the infant child**.

PRIMAE IMPRESSIONIS

Based on information obtained from Children, Families & the Courts Section of the Judicial and Court Services Division of the Supreme Court of Ohio back in May, 2013, and the results of a public records request fulfilled by the Division of Domestic Relations and Juvenile Branch of Franklin County Court of Common Pleas in 2013, **the Emergency Motion for Removal of GAL for good cause raises several issues of first impression:** (1) Does this court have the authority to investigate guardians and *sua sponte* consider removal? (2) Considering that the appointed GAL is simply an officer of the court subject to the court's control and supervision and not a party with personal interest in her removal, should the evidentiary hearing to remove the GAL follow non-adversarial rules given that the court itself becomes a party with interest in a removal proceeding? (3) Could a Motion for Removal of GAL ever be considered and heard on an emergency basis, especially when probable cause has been established of significant misconduct resulting in irreversible damage?

In the legal analysis used in *In re Guardianship of Spangler*, 126 Ohio St.3d 339, 2010-Ohio-2471, the court determined that removal-of-guardianship proceedings are not adversarial. Although the opinion was based on a probate case, the logic used by the court applies to juvenile cases: "the appointed guardian is simply an officer of the court subject to the court's control, direction, and supervision. * * * The guardian, therefore, *has no personal interest in his or her appointment or removal.*" (Emphasis added.) *Id.* at ¶ 53 citing *In re Guardianship of Daugherty*, 7th Dist. Nos. 83-C-24 and 83-C-29, 1984 WL 7676.

In the same case above, the court cited *In re Guardianship of Herr* (Sept. 2, 1998), 5th Dist. No. 98-CA-16-2, 1998 WL 666986, in which the nursing home contacted the court to report that "a guardian was unreasonably *denying treatment of emergency conditions* to her ward * * * the

probate court summoned the guardian for a hearing and removed her." (Emphasis Added.) *Id.* at ¶ 54.

Meaningful judicial analysis, review and determination are required as new precedent could be established for this jurisdiction and many others. As such, these tasks and decisions should not be delegated.

Given the extenuating and time-sensitive aspect of the circumstances, it is critical that Respondent-Father raises these disturbing facts for this honorable court to address and intervene in an expedited fashion.

Respectfully submitted,

Respondent-Father Pro Se

By:



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3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

0A244 - N92

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the court's electronic filing system on this 17th day of February, 2014, upon the following:

Erika Smitherman
Ronald R. Petroff
Petroff Law Offices, LLC
140 E. Town Street, Suite 1070
Columbus, Ohio 43215
Attorneys for Plaintiff

Blythe Bethel
Bethel Law Offices
495 S. High Street, Suite 220
Columbus, Ohio 43215
Guardian Ad Litem

Respondent-Father Pro Se

By:



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IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

KATHY HERNANDEZ,

:

CASE NO. 12 JU 11-14479

Petitioner-Mother,

:

JUDGE JAMISON

v.

:

ARISTIDES JURADO,

MAGISTRATE TSITOURIS

:

Respondent-Father.

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit K5

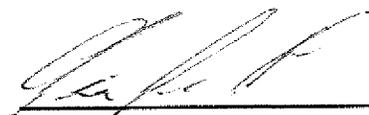
RESPONDENT'S INSTANT MOTION FOR PROTECTIVE ORDER

Now comes Respondent-Father Aristides Jurado, acting Pro Se, and hereby moves this honorable court for a **Protective Order to safeguard any and all court records and identity of the minor child in this juvenile case**, pursuant to Civ.R. 26(C), Juv.R. 37 and Juv.R. 32(C). Respondent-Father brings this motion as a provisional remedy for the reasons stated more fully in the attached Memorandum and Affidavit in Support.

Respectfully submitted,

Respondent-Father Pro Se

By:



ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

MEMORANDUM IN SUPPORT

SUMMARY

Due to the continued efforts by *A.S. Leclair Company, Inc. D/B/A Brookledge Day Care Center-Hilliard*—a non-party to this case and collateral litigant—to obtain all the records pertaining to this juvenile case for their frivolous litigation, Respondent-Father Aristides Jurado seeks an **Order to Seal Temporarily** or a **Broad Protective Order for all court records, proceedings and related confidential information from being disclosed, disseminated, released or exchanged by any party in these custody proceedings** for the collateral litigant's discovery request or by subpoena issued for the same purposes in the civil lawsuit filed in the General Division of the Court of Common Pleas of Franklin County, with case No. 13-CV-11378 before Honorable Judge Timothy S. Horton. The Protective Order being requested should help maintain the confidentiality of sensitive personal information of the parties and protected status of the minor child's identity and records, pursuant to Civ.R. 26(C), Juv.R. 37, Juv.R. 32(C), or by sole discretion of this court. This request is justified by the imminent threat that exists given the attempts made by the non-party to obtain this information by discovery requests made to Respondent-Father and subpoena served on the GAL appointed to this case. It is expected that additional attempts will be made in the near future to obtain this information.

This order of protection becomes more relevant and necessary considering the repeated efforts by *A.S. Leclair Company, Inc. D/B/A Brookledge Day Care Center-Hilliard* to interfere with this custody case and with Respondent-Father's parenting time and parenting rights.

The cornerstone of this motion is this juvenile court's exclusive original jurisdiction over the safeguarding and confidentiality of juvenile records, and all claims and matters related to custody, juveniles and proceedings pertaining to allocation of parental rights and responsibilities, as it relates to R.C. Chapters 3111, 3109 and 2151, or any other child custody-related provisions of the Revised Code.

In *Howkins v. Walsh Jesuit High School*, 2013-Ohio-917, the Ninth District Court of Appeals determined that, for related actions and/or collateral litigation, the **domestic relations division and/or Juvenile branch** of a common pleas court **does not have concurrent jurisdiction with the general division** of the same court depending on the language used in Section 2301.03 of the Ohio Revised Code, such as the language used in division (A) within the same section pertaining to the Franklin County Common Pleas Court. *Id.* at ¶11 citing *Price v. Price*, 16 Ohio App. 3d 93 (8th Dist. 1984). *Id.* at ¶12 citing *Thomas v. O'Connor*, 9th Dist. No. 19538, 2000 WL 296080 (Mar. 22, 2000).

Because (1) the exclusive jurisdiction of this Court is predicated on “all the powers relating to juvenile courts” and “all parentage proceedings under Chapter 3111”; (2) the collateral case's center claims are based on the allegations that Respondent-Father abuse of process was in direct relation to this custody case, and to the restrictions and “limits in visitation” imposed by this court; (3) the charges and complaints filed by Respondent-Father that are under scrutiny refer to Brookside Day Care's willful interference with this custody case, with his parenting time, and with R.C. 3109.051 (see Exhibit A2, page MPOD.13); it can be **concluded that this Juvenile Court's jurisdiction, as provided in R.C. 2301.03(A), supersedes the General Division's jurisdiction over the Brookside Day Care Center's civil action against Respondent-Father, as supported by existing case law.**

STATEMENT OF FACTS

Between November 5 2012 (same day of the initial filing of Petitioner-Mother's custody complaint) and mid-January 2013, *Brooksedge Day Care Center-Hilliard* denied Respondent-Father access to the facility in collusion with Petitioner-Mother, and in explicit violation of Chapter 5104 of the Ohio Revised Code (See Exhibit A1, pages MPOD.14-26). Using perjured testimony, the *Brooksedge Day Care Center-Hilliard* administrators evaded the substantiation of alleged non-compliances and civil right violation charges by ODJFS and OCRC, respectively. For example, the investigations by ODJFS concluded that "all parents have a code to gain entry into the center but it could not be determined that any codes were deleted nor the center denied access to the premises." In conflict with such finding, the civil lawsuit filed against Respondent-Father by *Brooksedge Day Care Center-Hilliard* states as a claim that "Ms. Hernandez informed Brooksedge that she was unmarried and Mr. Jurado was not the infant's legal guardian. She directed Brooksedge not to provide Mr. Jurado with access to Brooksedge or the Infant.", therefore admitting that indeed access was denied. R.C. 5104.039(A) [previously R.C. 5104.011(C)(3)(b)] provides:

A parent of a child enrolled in a child day-care **center who is not the child's residential parent** shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes.

In July 2013, and for a second time, *Brooksedge Day Care Center-Hilliard* knowingly interfered with statutory rules in both, Chapter 5104 and Chapter 3109 of the Ohio Revised Code by providing misleading and false information to the court resulting in restricted access to the facilities. R.C. 3109.051(K) provides:

If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting parenting time rights issued pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights issued pursuant to this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code, * * *

In October 2013, and for a third time, *Brooksedge Day Care Center-Hilliard* knowingly interfered with this custody case when it permanently expelled the minor child and subsequently filed a civil lawsuit against Respondent-Father, in complicity with Petitioner-Mother.

As evidence of the **ongoing complicity between Brooksedge Daycare and Petitioner-Mother, a Motion to Modify Temporary Orders was filed** by Petitioner-Mother in this very same court **merely a week after the initial filing of the civil lawsuit** by Brooksedge Daycare. The grounds for the motion were based on the expelling of the child and the exact claims within the civil lawsuit.

On October 30 2013, *Brooksedge Day Care Center-Hilliard* **served Ms. Blythe Bethel, appointed GAL** for the child in this custody case, **with a subpoena** for a scheduled deposition and **production of documents** (transcripts, filings, motions, exhibits, psychological reports, etc.) related to this custody case (See Exhibit A3, pages MPOD.27-31).

On January 10, 2014, *Brooksedge Day Care Center-Hilliard* served **Respondent-Father with a Request for Discovery**, even more extensive and intrusive than the GAL's subpoena, **including Request for Production of Documents and Interrogatories including information related to the minor child's medical care.** (See Exhibit A4, pages MPOD.32-51).

CONCLUSION

It must be noted and stressed, that the parties to this litigation attempted to resolve this discovery dispute prior to Respondent-Father seeking Court intervention. In fact, the issue of the confidentiality of juvenile court case records was even discussed during the initial pretrial of the civil lawsuit. The parties are not able to come to an agreement as Brooksedge Daycare has failed to withdraw any discovery requests related to this custody case. Respondent-Father objects and submits that any and **all documents related to this pending custody case** before this honorable court of the Juvenile Branch of the Court of Common Pleas of Franklin County **are confidential, irrelevant, prejudicial to the parties involved in the collateral litigation**, and as such are protected from disclosure in the case before the General Division of the Common Pleas Court of Franklin County. **Paradoxically, the developments in the above collateral litigation have been and will continue to be prejudicial to parties in this custody case.**

Lastly, this motion is supported by state and local rules that this Juvenile court has subject matter jurisdiction over the issues at hand and over the safeguarding of juvenile court records, pursuant to R.C. Chapters 3111 and 2151, R.C. 2301.03(A). The rules referenced above consider the information to be protected in this motion as confidential and prevent it

from being made public. See Juv.R. 37, Juv.R. 32(C) and Loc.R. 1(A) of the Court of Common Pleas of Franklin County, Juvenile Branch.

WHEREFORE, Respondent-Father prays that this Motion for a Broad Protective Order be granted.

Respectfully submitted,

Respondent-Father Pro Se

By: 
ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

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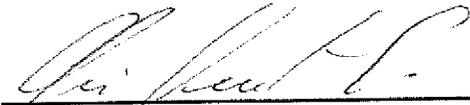
CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the court's electronic filing system on this 18th day of February, 2014, upon the following:

Erika Smitherman
Ronald R. Petroff
Petroff Law Offices, LLC
140 E. Town Street, Suite 1070
Columbus, Ohio 43215
Attorneys for Plaintiff

Blythe Bethel
Bethel Law Offices
495 S. High Street, Suite 220
Columbus, Ohio 43215
Guardian Ad Litem

Respondent-Father Pro Se

By: 
ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

On Wed, Mar 5, 2014 at 10:51 AM, Blythe Bethel <blythebethel@yahoo.com> wrote:

Ari: It is not that simple. And, given the amount of paperwork in my file, I doubt very seriously that the Judge is going to conduct an in camera review that day. Your current balance with my office based on the billing statement that will be going out this Friday or next Monday is \$3,112.70. I am simply not in a position to finance your case for you. I am also not in a position to bear the cost of making thousands of copies for you. And, I will not release to you, absent an Order from the Court, my entire file. I have to complete my final pretrial recommendation, and I need to have access to my file. I guess we will see what the judge has to say. blythe

On Wednesday, March 5, 2014 8:32 AM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:
Hi Blythe,

Thank you for the heads up. Just for clarification and before you spend time filing motions: I am not asking you to release the file to me. I am asking you to bring them to the hearing next week so that the court can determine this very same issue, as I stated in the subpoena... *"or in-camera review as determined by the court"*.

Even if you file the motion, can you bring the file to court so that she can do the in camera review the same day if the Judge wants to?

Regarding payments, I get paid myself this Friday and that same day I intend to issue payments to you, and to Kathy for both child support and reimbursement of Dr. Smalidon fees.

Ari

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Wednesday, March 5, 2014 7:22 AM
To: Ari Jurado
Cc: Esq. Ronald R. Petroff (rrp@petrofflawoffices.com); Erika Smitherman
Subject: Re: Notice of Subpoena Issued

Ari: I am going to have to file a Motion with the Court asking to either quash your subpoena or to have the Court conduct an in camera review of the file before releasing any documents to you. At this point, my file is huge. I am not in a position to copy the entire file at my cost. You still have a substantial outstanding balance with my office. You have not paid me consistent with the Judge's instructions to you. So, I will be filing a Motion to have the Judge decide what I need to do. Blythe

On Tuesday, March 4, 2014 4:51 PM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:
FYI... Just a heads up.

Ari

From: efilings@franklincountyohio.gov [mailto:efiling@franklincountyohio.gov]
Sent: Tuesday, March 4, 2014 4:44 PM
To: ari_jurado@qualineconsulting.com
Subject: Received Notice: Your filing, Re: 12JU014479 - KATHY J HERNANDEZ -VS- ARISTIDES JURADO - EXHIBITS, was received

To: ARISTIDES JURADO ari_jurado@qualineconsulting.com
From: efiling@franklincountyohio.gov
Date: 2014-03-04 16:43:57.46
Subject: Your electronic filing, Re: 12JU014479 - KATHY J HERNANDEZ -VS- ARISTIDES JURADO - EXHIBITS, was received by DOMESTIC RELATIONS AND JUVENILE, COURT OF COMMON PLEAS.

Case Number: 12JU014479
Case Type: CUSTODY/SUPPORT/VISITATION/PARENTING TIME
Document Type: EXHIBITS
Document Type: EXHIBITS
Document Type: SUBPOENA ISSUED - SHERIFF

Franklin County Ohio Clerk of Courts of the Common Pleas- 2014 May 27 5:07 PM-12JU014479
COURT OF COMMONS PLEAS, FRANKLIN COUNTY, OHIO

Subpoena – Division of Domestic Relations and Juvenile Branch

Kathy Hernandez
Plaintiff/Petitioner

Case No. 12JU014479
(Example: 11DR012345)

-VS/AND

Aristides Jurado
Defendant/Petitioner

Wit. Fee on The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit L3

The State of Ohio
Franklin County, ss
To Attorney Process Server

Sheriff of Franklin County, Ohio Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE FOLLOWING NAMED PERSON, To wit:

Person Business

Bethel
Last Name / Business Name
Blythe
First Name Mid. Init Designation

495 SOUTH HIGH STREET
STREET ADDRESS
SUITE 220
ADDRESS LINE 2
ADDRESS LINE 3
COLUMBUS OH 43215-001
CITY STATE ZIP CODE

To be and appear before the Court of Common Pleas of the County of Franklin, Domestic Relations Division and Juvenile Branch, 373 South High Street, Columbus, Ohio 43215, OR at
3963 Easton Way, Columbus, OH 43219 on the 3 day of June 20 14 at 9:00 A M of
LOCATION

said day in courtroom # _____ to:

- ATTEND AND GIVE TESTIMONY AT A TRIAL, HEARING OR DEPOSITION ON THE DATE, TIME AND AT THE PLACE SPECIFIED ABOVE.
- ATTEND AND PRODUCE DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS AT A TRIAL, HEARING OR DEPOSITION ON THE DATE, TIME AND AT THE PLACE SPECIFIED ABOVE.
- PRODUCE AND PERMIT INSPECTION AND COPYING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED ABOVE, OF ANY DESIGNATED DOCUMENTS OR ELECTRONICALLY STORED INFORMATION THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.
- PRODUCE AND PERMIT INSPECTION AND COPYING, TESTING OR SAMPLING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED ABOVE, OF ANY TANGIBLE THINGS THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.
- PERMIT ENTRY UPON THE FOLLOWING DESCRIBED LAND OR OTHER PROPERTY, FOR THE PURPOSES DESCRIBED IN CIV. R. 34(A)(3), ON THE DATE AND AT THE TIME SPECIFIED ABOVE.

DESCRIPTION OF LAND OR OTHER PREMISES: _____
DESCRIPTION OF ITEMS TO BE PRODUCED: Documents, emails, notes, records, electronically stored information—in printed form or provide in electronic media—that are in your possession, custody or control as listed in Exhibit A1.

Aristides Jurado, 3963 Easton Way Columbus, OH 43219 (305-7992212) Defendant
ATTORNEY/PRO SE ADDRESS/PHONE # (REQUIRED) (SUPREME COURT #) PLAINTIFF/DEFENDANT OTHER (SPECIFY)

Witness my hand and seal of said court Maryellen O'Shaughnessy, Clerk of Court of Commons Pleas

*****RETURN OF SERVICE*****

Sheriff's Fees I received this subpoena on _____, and served the above party
Service _____ by _____ on _____
Mileage _____ I was unable to complete service for the following reason: _____
Copy _____
Total _____

Signature of Serving Party
Check one: Deputy Sheriff Attorney
 Process Server Deputy Clerk

CIVIL RULE 45 (C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

Description of Items to be Produced

For Civil Subpoena to Ms. Blythe Bethel

Exhibit A1

Kathy Hernandez v. Aristides Jurado
Case No. 12JU014479
Exhibit A1

Produce for inspection and copying, or in-camera review as determined by the court, of the following documents, or electronically stored information in printed form, that are in your possession, custody or control:

1. All communications of any kind including letters, notes, summaries, logs, phone messages and recordings, electronic mail messages, text messages, twitter messages,
2. Photographs, surveillance and audio recordings (collectively, "Recordings"),
3. Documents, notes, summaries, evaluations, incidents, complaints, reports including but not limited to recommendations, and any other documents relating to the custody case Hernandez v. Jurado.
4. Any document or other types of information , which are not already included in the preceding paragraphs, that are part of the GAL file for case No. 12JU014479 with caption: *Kathy Hernandez v. Aristides Jurado*.

For the economy and diminishing of the parties expenses, it is acceptable (but not required) to produce electronically-stored documents in electronic media such as CD, USB drive, etc. other than hardcopy print.

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit L4

KATHY HERNANDEZ,

:

CASE NO. 12 JU-11-14479

Plaintiff,

:

v.

:

JUDGE JAMISON

ARISTIDES JURADO,

:

MAGISTRATE MATTHEWS

Defendant.

:

RESPONDENT-FATHER'S MOTION TO SET ASIDE MAGISTRATE'S ORDER

Now comes Respondent-Father, Aristides Jurado, acting Pro Se, and hereby moves this Honorable Court for an Order setting aside the Magistrate's Order of June 13, 2014 for reasons fully outlined in the foregoing Memorandum.

Respectfully submitted,

Respondent-Father Pro Se

By:


ARISTIDES JURADO

3963 Easton Way

Columbus, OH 43219

(305) 799-2212

ari_jurado@qualineconsulting.com

MEMORANDUM IN SUPPORT

Respondent-Father timely files this Motion to Set Aside on June 23, 2014, 10 days after the June 13, 2014 Magistrate's Order was filed, as allowed by Local Juvenile Rule 8.

Since December 2013, Respondent Mr. Jurado has attempted unsuccessfully to bring to this court's attention serious concerns about Ms. Blythe Bethel, the appointed Guardian Ad Litem for the child, but he has been continuously prejudiced by this court by denying him his right to be heard (a) during the December 20, 2013 hearing, (b) on January 23, 2014 when denied the opportunity to approach the court on an emergency basis in regards to his Motion for Emergency Removal of the GAL, (c) during the March 13, 2014 oral hearing for the adjudication of three pending motions filed by Respondent, a Motion for a Protective order, an Emergency Motion for Removal of the GAL and Motion to expedite the hearing without referring for removal of the GAL. Although Respondent had complied with the Judicial Order entered on January 23, 2014, he was penalized by the court for "not paying the GAL in full" and all three of his motions were continued for March 26, 2014. Furthermore, the three motions were referred to the Magistrate without any order of reference and implicitly rejecting the Motion to "Expedite the Hearing without Referring" without considering or adjudicating the motion. In addition, Local Juvenile Rule 11 provides that "Except as provided in Local Rules 5(D) and 6(G), all pretrial Motions shall be set for an *oral hearing* by the moving party" (Emphasis Added) and Respondent's Motions included a request for an oral hearing. Notwithstanding, the motions were referred to the Magistrate who—as it is widely known—determines pre-trial motions almost exclusively by Affidavits.

On March 26, 2014, at the scheduled hearing, the Magistrate ordered the parties to submit affidavits and directed her court officer to provide Respondent with an instructional handout to

take home, which guides Pro Se litigants through the process of preparing and submitting Affidavits. The following week, Respondent approached Clerk of Court's supervisor to inquire and coordinate the most appropriate method for filing a binder with over 900 pages of exhibits. After the careful consideration of multiple options, including the electronic filing of the exhibits broken down in multiple files, the Clerk's supervisor agreed to accept the binder intact and to stamp page-by-page, while preserving the binder's presentation (dividers, etc.) On the same day, Respondent approached the court through the Duty Magistrate, which on that date was Honorable William Sieloff, and obtained an affirmative answer to the question of whether the court would accept one combined Affidavit for all pending Motion. Lastly, Respondent approached the Magistrate's court officer, Ms. Kelly Terry, to ask about the GAL's file and documents that were originally subpoena for the March 13, 2014 hearing and how would I move forward with the Affidavits without the needed discovery. At a later time, Ms. Terry conveyed the court's answer that "they could not help me". A similar answer was given when I asked the court officer if, given my precarious financial situation, I had the option to only provide one copy of the binder with exhibits, instead of the multiple copies required by the rules, including one for the Magistrate, a copy for the Clerk of Courts and one for each party including the GAL. Clearly, Respondent-Father had all the intentions to file the Affidavits due on April 8, 2014. Yet, he did not have the means to cover the costs, estimated between \$500 to \$1,000+, of making multiple copies of the exhibits. By converting the March 13, 2014 oral hearing to a non-oral hearing, Respondent-Father was further prejudiced because a non-oral hearing requires additional expenses to be incurred that otherwise would not be, as it is also the case with the 2nd subpoena for the GAL's file and documents, for which I would have to incur in the expense of making copies of over "1,000 pages" and related GAL fees, as the GAL has stated in her Motion to Quash filed on May 30, 2014.

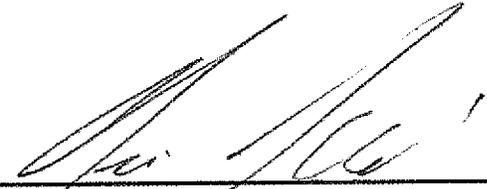
During the January 22, 2014 emergency hearing, Respondent-Father conveyed the court that I agreed to some of the conditions in the Agreed Order dated July 18, 2013 because I was under substantial duress, especially in respect to restrictions related to the daycare. The same duress exerted by the parties in this case, especially the coercion exerted by the GAL, was the reason for the withdrawal of the Respondent's Motion for the Minor Child to See a New Pediatrician. The assertion of duress and misconduct, described in the Motion for Removal of the GAL as considered by Civ.R. 60(B)(3), also warrants consideration under Civ.R. 60(B)(4) and (5). Given these circumstances, "A movant is entitled to an evidentiary hearing on a Civ.R. 60(B) motion for relief from judgment where the motion and affidavit contain sufficient allegations of operative facts which would support a meritorious defense to the judgment." *Lambert v. Lambert*, 2005-Ohio-6145, ¶ 21, citing *BancOhio Nat. Bank v. Schiesswohl* (1988), 51 Ohio App.3d 130, paragraph one of the syllabus.

For all the reasons presented above, Respondent-Father requests this Honorable Court to set aside the Magistrate's Order, and hold an full oral evidentiary hearing on these matters.

Respectfully submitted,

Respondent-Father Pro Se

By:



ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the court's electronic filing system on this 23th day of June, 2014, upon the following:

Erika Smitherman
Ronald R. Petroff
Petroff Law Offices, LLC
140 E. Town Street, Suite 1070
Columbus, Ohio 43215
Attorneys for Plaintiff

Blythe Bethel
Bethel Law Offices
495 S. High Street, Suite 220
Columbus, Ohio 43215
Guardian Ad Litem

Respondent-Father Pro Se

By:


ARISTIDES JURADO
3963 Easton Way
Columbus, OH 43219
(305) 799-2212
ari_jurado@qualineconsulting.com

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH

KATHY HERNANDEZ,

Plaintiff-Mother,

-vs-

ARISTIDES JURADO,

Defendant-Father.

:
:
:
:
:
:
:
:
:
:
:

CASE NO. 12-JU-11-14479

JUDGE JAMISON

MAGISTRATE MATTHEWS

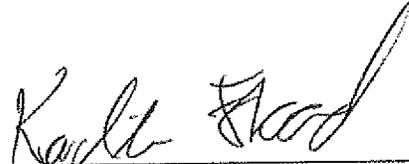
State of Ohio
County of Franklin SS.

Now comes Aristides Jurado as the Affiant herein and having been duly sworn and cautioned deposes and states that he is the Respondent in the foregoing action, that he has reviewed the foregoing motion, and that the facts and allegations stated therein are true to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.


Aristides Jurado

SWORN to before me and subscribed in my presence this 23rd day of June, 2014.


Notary Public



KARLTON FLOOD
Notary Public, State of Ohio
My Commission Expires
November 28, 2017

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OHIO CIVIL RIGHTS COMMISSION CHARGE OF DISCRIMINATION	CHARGE NUMBER: (Agency Use Only) COL G1(40390)07102013
--	---

Completely Fill in the Following



Aristides Jurado
Name of Charging Party (First Middle Last)
3963 Easton Way
Address
Columbus OH 43219 Franklin
City State Zip Code County
(305) 799-2212
Telephone Number
11/6/12 through 7/10/13 (present)
Date(s) of Discrimination

Brooksedge Daycare Center
Name of Company
2185 Hilliard-Rome Rd.
Address
Hilliard OH 43026 Franklin
City State Zip Code County
(614) 529-0077
Telephone Number

Ohio Civil Rights Commission
RECEIVED
FEB 10 2013

I believe I was discriminated against because of my: (Please identify)

<input type="checkbox"/> Race/Color	<input type="checkbox"/> Religion
<input checked="" type="checkbox"/> Sex <u>Male</u>	<input checked="" type="checkbox"/> National Origin/Ancestry <u>Hispanic</u>
<input type="checkbox"/> Disability	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Military Status	
<input type="checkbox"/> Age (Over 40 years old only - Date of birth)	

Columbus Region

FOR AGE CASES ONLY: I have not commenced any action under sections 4112.14 or 4112.02(N), Revised Code with respect to the subject matter of the affidavit. I understand that upon filing of this charge with the Ohio Civil Rights Commission, I am barred from instituting any such civil action and that any monetary award or financial benefit I may receive may be limited to back pay and/or restoration of employment fringe benefits and may not include other damages to which I may be entitled as a result of such civil action.

Type of Harm:

Public Accommodation Credit Higher Education - Disability Only

Please write a brief but detailed statement of the facts that you believe indicate an unlawful discriminatory practice. Please write legibly.

Ongoing discriminatory practices that have already caused significant harm and there is a substantial threat of irreparable damage if it continues. The discriminatory practices include:

- Between Nov'12 and Jan'13 administrators denied me access to the facility in violation of their own policies and ODJFS licensing rules for the benefit of my son's mother (white/female).
- In January 2013, the administrators acknowledged that their actions were against policy, and still did not report it to ODJFS as required. In addition, I was still unable to access the facility while my infant son was there due to the administrators failure to provide a written statement that showed I was allowed in the premises (given the existing thread of issuing a restraining/protective order—although unfounded).
- Since access was restored until present, the administrators engaged in a unilateral practice of monitoring my visits and reporting details, near real time in many cases, to my son's mother (white/female), despite the fact that I have been exercising a shared parenting agreement (issued by the court).
- On 7/2/13, an employee/caretaker falsified information on a daily log sheet with the purpose of influencing a child custody court case in favor of mother (white/female) and to my detriment. This took place only days before a scheduled court hearing.
- From 7/3/13-current (7/10), Amy LeBlanc, the owner/Administrator ignored my attempts to contact her for the past days including calls and messages, requesting for us to talk in order to address/clarify concerns, all while she made herself available to mother (white/caucasian). Furthermore, Ms. LeBlanc communicated with the Guardian Ad Litem the morning of 7/8, minutes before the court hearing, to provide negative feedback about me, effectively contradicting previous feedback she has shared with me and with the GAL regarding my role as a dad and my relationship with the daycare staff.

I declare under penalty of perjury that I have read the above charge and that it is true to the best of my knowledge, information and belief. I will advise the agency(ies) if I change my address or telephone number and that I will cooperate fully with them in the processing of my charge in accordance to their procedures. <u>[Signature]</u> <u>7/10/2013</u> Charging Party Signature Date	Notary of Ohio Civil Rights Commission Representative Subscribed and sworn to before me on this <u>10th</u> day of <u>July</u> 20 <u>13</u> <u>[Signature]</u> Notary of Commission Representative
--	---

Ohio Department of Job and Family Services
CHILD ENROLLMENT AND HEALTH INFORMATION
FOR CHILD CARE CENTERS AND TYPE A HOMES

This form shall be completed prior to the child's first day of attendance and updated annually and as needed.

Child's Name CONFIDENTIAL		Date of Birth 7-10-12	First Day at Center 9-27-12
Home Address 2304 WALBORN DR		City HILLIARD	
State OH	Zip Code 43026	Home Telephone Number 614-286-7836	
Parent/Guardian Name KATHRINE HERNANDEZ		Relationship to Child MOTHER	
Home Address Same		Home Telephone Number Same	
City Same		State OH Zip 43026	
Email Address (if applicable) Kjkatm@gmail.com		Cell Phone 614-286-7836	
Parent's Work/School Telephone Number 614-474-4991		Parent's Work/School Name EXPRESS	
Parent's Work/School Address One EXPRESS DR.		City Columbus	
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If you answered yes, please indicate which number(s) above to include on the list <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email			
Where can you be reached while your child is in this program? WORK OR CELL PHONE			
Parent/Guardian Name ART JURADO		Relationship to Child FATHER	
Home Address 3100 EASTON WAY		Home Telephone Number 305-799-2212	
City COLUMBUS		State OH Zip 43026	
Email Address (if applicable) N/A		Cell Phone 305-799-2212	
Parent's Work/School Telephone Number N/A		Parent's Work/School Name Independent consultant	
Parent's Work/School Address N/A		City Columbus	
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If you answered yes, please indicate which number(s) above to include on the list <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email			
Where can you be reached while your child is in this program? CELL PHONE			
Emergency Contacts: Parents <u>cannot be listed</u> as emergency contacts. List the name of <u>at least one</u> person who can be contacted in the event of an emergency or illness if you cannot be reached. Any person listed should be able to assist in contacting you. At least one person listed must be within one hour of the center/home. able to take responsibility for the child in case the parent/guardian cannot be contacted and should be at least 18 years of age.			
Name JORDAN KEISER	City HILLIARD		State OH
Telephone Number 614-286-7463	Relationship to Child FRIEND		Other numbers where emergency contact can be reached (if applicable)
Name of Physician or Clinic/Hospital DR. MURESAN			
Street Address 5510 NIKE DR		Telephone Number 539-4260	
City HILLIARD		State OH	

EXHIBIT
A1

EXHIBIT

A1

Child's Name

CONFIDENTIAL

Allergies, Special Health or Medical Conditions, and Food Supplements

Fill in this section accurately and completely. Please note that if your child has a current health or medical condition requiring child care staff to perform child specific care, such as: to monitor the condition, provide treatment, care, or to give medication, the JFS 01236 "Medical/Physical Care Plan" or equivalent form and/or the JFS 01217 "Request for Administration of Medication" must be completed and be kept on file at the center or type A home.

Does your child have any food, medication or environmental allergies? (check all that apply)

No Yes - check all that apply Food Medication Environmental Please list and explain:

Does your child's allergy/allergies require child care staff to monitor child for symptoms, take action if a reaction occurs, or give emergency medication to your child? (check one)

No Yes - a JFS 01236 "Medical/Physical Care Plan" or equivalent form and if administering medication, a JFS 01217 "Request for Administration of Medication" must be completed.

Does your child have a special health or medical condition? (check one)

No Yes - please explain

Does the special health or medical condition require child care staff to perform a procedure, or perform child specific care such as: to monitor your child for symptoms or administer medication during child care hours? (check one)

No Yes - a JFS 01236 "Medical/Physical Care Plan" or equivalent form and if administering medication, a JFS 01217 "Request for Administration of Medication" must be completed.

Is your child currently using any medication, food supplement or medical food (such as electrolyte solution)? (check one)

No Yes - please explain

If yes, does this medication, food supplement, or medical food need to be administered at the child care center/type A home?

No Yes - a JFS 01217 "Request for Administration of Medication" must be completed and kept on file for each medication, food supplement or medical food. N/A - program does not administer any medications.

Does your child have any dietary restrictions, including those for medical, religious or cultural reasons? (check one)

No Yes - please explain

Does this dietary restriction require a modified diet that eliminates all types of fluid milk or an entire food group?

No Yes - written instructions from the child's health care provider must be on the JFS 01217 "Request for Administration of Medication." N/A - child does not attend a full time program.

EXHIBIT
A1

Child's Name **CONFIDENTIAL**

List any history of hospitalization, outpatient surgery, or previous health concerns that would be needed to assist the staff or medical personnel in an emergency situation.
N/A

List any additional information about your child that would be useful for staff to know, such as fears, eating or sleeping habits, or special routines. This information should not be medical or health related, as that information should be included on the previous page.

Diapering Statement

Is your child toilet trained? Yes (If yes, skip to Emergency Transportation Authorization section) No (If no, fill out the following)

The program's policy is to check diapers every 2 hours. Please indicate if you want your child's diaper checked according to the center/type A home's policy or another:

I agree with the program's schedule I do not agree, please check my child's diaper every _____ hours.

Emergency Transportation Authorization

<p>Give Permission to Transport</p> <p>Center or Type A Home Name <u>BROOKSIDE DAYCARE</u></p> <p>has permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. The emergency transportation service will determine the facility to which my child will be transported.</p> <p>Parent's Signature <u>Katharine Hernandez</u> Date <u>9-24-12</u></p>	<p>OR</p> <p>Do not sign both</p>	<p>Do Not Give Permission to Transport</p> <p>Center or Type A Home Name</p> <p>does not have permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. I wish for the following action to be taken:</p> <p>Parent's Signature _____ Date _____</p>
---	--	--

Acknowledgement of Policies and Procedures

I have reviewed and received a copy of the center's or type A home's policies and procedures/handbook. Yes No (check one)

This form, after being completed and signed by the parent/guardian, must be reviewed for completeness and signed by the administrator/designee prior to the child receiving care. After the child is attending the program the administrator shall have the parent/guardian review and initial the form when any changes/updates are made and at least annually. The parent/guardian and the administrator or designee shall initial and date the form in the section below to indicate when the form was last reviewed.

Parent/Guardian Signature(s) <u>Katharine Hernandez</u>	Date <u>9-24-12</u>
Administrator/Designee Signature <u>[Signature]</u>	Date <u>9/24/12</u>

The form is to be initialed and dated, at least annually, after it has been reviewed by the parent/guardian. This is to indicate all information has stayed the same or changes have been noted. If significant changes are needed, please complete a new form.

Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review
Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review
Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review

Note: This is a prescribed form which must be used by centers and type A homes to meet the requirements of rules 5101.2-12-37 and 5101.2-13-37. This form must be on file at the center or type A home on or before the child's first day of attendance and thereafter while the child is enrolled.



VERIFY PRESENCE OF OUR WATERMARK HOLD TO LIGHT TO VIEW

STATE OF OHIO OFFICE OF VITAL STATISTICS

EXHIBIT
A1

CERTIFICATION OF BIRTH

STATE FILE NUMBER 2012069963 DATE RECORD FILED 08/06/2012

NAME	<i>Name Substituted</i> GABRIEL JURADO	SEX	Male
DATE OF BIRTH	07/10/2012	FATHER'S NAME	ARISTIDES JURADO
BIRTHPLACE	OHIO	FATHER'S BIRTHPLACE	PANAMA
MOTHER'S NAME	KATHRINE JO HERNANDEZ		
MAIDEN NAME	LAMBERT		
MOTHER'S BIRTHPLACE	OHIO		

Note: This is a true certification of the name and birth facts as recorded in the Office of Vital Statistics, Columbus, Ohio. Witness my signature and seal of the Department of Health this 02 day of November, 2012

State Registrar of Vital Statistics

125439



FRANKLIN CO HEALTH DIST



EXHIBIT
A1

Ohio Department of Job and Family Services
ENROLLMENT AND HEALTH INFORMATION
CARE CENTERS AND TYPE A HOMES

CONFIDENTIAL

This form shall be completed prior to the child's first day of attendance and updated annually and as needed.

Child's Name NOAH JURADO		Date of Birth 7-10-2012	First Day at Center	
Home Address 2364 WALBORN DR		City HILLIARD		
State OH	Zip Code 43026	Home Telephone Number 614-286-7836		
Parent/Guardian Name KATHY HERNANDEZ		Relationship to Child MOTHER		
Home Address Same as above		Home Telephone Number 614-286-7836		
City		State	Zip	
Email Address (if applicable) kjxatm@gmail.com		Cell Phone 614-286-7836		
Parent's Work/School Telephone Number 614-474-4991		Parent's Work/School Name EXPRESS		
Parent's Work/School Address ONE EXPRESS DR		City COLUMBUS		
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If you answered yes, please indicate which number(s) above to include on the list <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email				
Where can you be reached while your child is in this program? cell phone & work phone				
Parent/Guardian Name		Relationship to Child		
Home Address		Home Telephone Number		
City		State	Zip	
Email Address (if applicable)		Cell Phone		
Parent's Work/School Telephone Number		Parent's Work/School Name		
Parent's Work/School Address		City		
Please indicate if this name should be released if a parent/guardian, of a child attending the center/home, requests contact information for other parents/guardians. <input type="checkbox"/> Yes <input type="checkbox"/> No				
If you answered yes, please indicate which number(s) above to include on the list <input type="checkbox"/> Work # <input type="checkbox"/> Cell # <input type="checkbox"/> Home # <input type="checkbox"/> Email				
Where can you be reached while your child is in this program?				
Emergency Contacts: Parents <u>cannot be listed</u> emergency contacts. List the name of at least one person who can be contacted in the event of an emergency or illness if you cannot be reached. Any person listed should be able to assist in contacting you. At least one person listed must be within one hour of the center/home. able to responsibility for child in case parent/guardian cannot be contacted and should be at least 18 years of age.				
Name JORDAN KEISER		Name		
City COLUMBUS	State OH	City	State	
Telephone Number 614-286-7463	Relationship to Child FRIEND OF FAMILY	Telephone Number	Relationship to Child	
Other numbers where emergency contact can be reached (if applicable) 614-480-5965		Other numbers where emergency contact can be reached (if applicable)		
Name of Physician or Clinic/Hospital DR. MARK MURESAN				
Street Address 5510 MIKE DR		Telephone Number 614-529-4260		
City HILLIARD	State OH	Telephone Number		

EXHIBIT
A1

Child's Name **CONFIDENTIAL**

List any history of hospitalization, outpatient surgery, or previous health concerns that would be needed to assist the staff or medical personnel in an emergency situation.

List any additional information about your child that would be useful for staff to know, such as fears, eating or sleeping habits, or special routines. This information should not be medical or health related, as that information should be included on the previous page.

Diapering Statement

Is your child toilet trained? Yes (If yes, skip to Emergency Transportation Authorization section) No (If no, fill out the following)

The program's policy is to check diapers every 2 hours. Please indicate if you want your child's diaper checked according to the center/type A home's policy or another

I agree with the program's schedule I do not agree, please check my child's diaper every ___ hours.

Emergency Transportation Authorization

<p>Give Permission to Transport</p> <p>Center or Type A Home Name</p> <p>has permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. The emergency transportation service will determine the facility to which my child will be transported.</p> <p>Parent's Signature: <i>Kathy Heima</i> Date: <u>11-5-12</u></p>	<p>OR</p> <p>Do not sign both.</p>	<p>Do Not Give Permission to Transport</p> <p>Center or Type A Home Name</p> <p>does not have permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. I wish for the following action to be taken:</p> <p>Parent's Signature _____ Date _____</p>
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Acknowledgement of Policies and Procedures

I have reviewed and received a copy of the center's or type A home's policies and procedures/handbook. Yes No (check one)

This form, after being completed and signed by the parent/guardian, must be reviewed for completeness and signed by the administrator/designee prior to the child receiving care. After the child is attending the program the administrator shall have the parent/guardian review and initial the form when any changes/updates are made and at least annually. The parent/guardian the administrator or designee shall initial and date the form in the section below to indicate when the form was last reviewed.

Parent/Guardian Signature(s): <i>Kathy Heima</i>	Date: <u>11-5-12</u>
Administrator/Designee Signature: <i>Jessica Jividen</i>	Date: <u>11-6-12</u>

The form is to be initialed and dated, at least annually, after it has been reviewed by the parent/guardian. This is to indicate all information has stayed the same or changes have been noted. If significant changes are needed, please complete a new form.

Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review

Ari Jurado

From: Ari Jurado
Sent: Thursday, November 15, 2012 8:24 AM
To: Hernandez, Kathrine
Subject: Re: ~~Name~~ ~~Released~~ - today and tomorrow



Thank you for letting me see him, then if just for 15 mins.

When will you be able to send something in writing to daycare so that i can see him for a few minutes at least in the future?

Ari

On Nov 15, 2012 7:17 AM, "Ari Jurado" <ari_jurado@qualineconsulting.com> wrote:
Hi Kathy,

As I mentioned yesterday, I was hoping to be able to Skype in the mornings since the window in the evenings is rather small. Yesterday, the signal was so poor in the building at work, I am not sure if I was able to see him for more than 5 minutes. Having a morning call will allow me to connect from a different location with better reception.

I also mentioned yesterday afternoon that I was going to try to fly into town to be able to see him this morning. You said you were going to ask the daycare to see if it would be a problem if I stop by to see him (whether it is 15 mins or 1 hour max). Your idea of doing this tomorrow for his Dr. appointment is not a bad one, but I would have planned it that way if I could. However, tomorrow we have milestones in the project that will not allow me to be gone for half of the day. And based on the time of the dr. appointment and the flights available, I wouldnt be back until mid or late afternoon.

Please now that I actually purchase my airline ticket last night less than 1 hour prior to the flight departure time (flight left around 9:20p cst). Therefore, I really didn't have time to call you and confirm. By the time I landed, I tried calling you and texting you but you were probably asleep (around 11:30p).

In short, I am here in Columbus now and will be leaving in about 3 hours from now. I will be headed to the daycare now but will hopefully talk to you on the phone before. If you allow me, I can stop by your house and help you getting him ready so that I can spend a few minutes of quality time as you had let me do one or two times before.

If I don't hear from you, or if I do but you ask me not to stop by, I will then by outside of the daycare.

I hope something this simple doesn't escalate and become a big problem. I didn't want this small opportunity I have to see ~~Name~~ ~~Released~~ to go to waste. Please call me or reply

PS: about the dr. appointment tomorrow, is there a way that I can be on the phone during the dr. visit?

Thanks,

Ari

Ari Jurado

From: brooksedgehilliard@yahoo.com
Sent: Friday, November 16, 2012 11:09 AM
To: aristides.jurado@accenture.com
Subject: Re: ^{Name} ~~Redacted~~ G. Jurado

Hi Ari. That is correct, we would need some kind of authorization from Kathy. We allow family members to visit with either a phone call or a written note from the guardian, however, Kathy has informed us that she would write us a note letting us know if anyone is able to visit ^{Name} ~~Redacted~~. There is no paperwork or forms to submit if you are visiting. The only requirement is that you show your ID when you come in the door. If you have any more questions, feel free to give us a call or e-mail.

Jessica

From: "aristides.jurado@accenture.com" <aristides.jurado@accenture.com>
To: brooksedgehilliard@yahoo.com
Cc: ari_jurado@qualineconsulting.com
Sent: Thursday, November 15, 2012 4:47 PM
Subject: Re: ^{Name} ~~Redacted~~ G. Jurado



Hi Jessica and Danielle,

Thank you for answering my question earlier about the procedure Kathy and I (^{Name} ~~Redacted~~ Jurado's parents) need to follow in order to obtain authorization from his mom, who is currently the legal guardian by default, so that you can allow me to see my son on-site.

To confirm your answer, all you require is for Kathy Hernandez to give you a call when she wants to allow me to see my son.

Can you also confirm that there is no paperwork for me to fill out or forms to submit?

Thanks,

Ari Jurado
Father of ^{Name} ~~Redacted~~ Gabriel Jurado

This message is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the e-mail by you is prohibited.

Where allowed by local law, electronic communications with Accenture and its affiliates, including e-mail and instant messaging (including content), may be scanned by our systems for the purposes of information security and assessment of internal compliance with Accenture policy.

<http://www.accenture.com/>

Here the daycare administrator, in writing, denied Mr. Jurado access to the facility and to visit his son, in violation of state law and licensing rules.

Brooksedge Day Care Center – Parent Handbook

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Release of a Child: Staff will only release children to persons authorized by the parents. If someone other than a parent is picking up your child, you must notify Brooksedge in advance either by phone or in writing. We must know the name of the person picking up your child even if the person is listed as an emergency contact. Additionally, they will need to provide a picture ID. The children's safety is our first priority!

Brooksedge staff will not release a child to anyone who appears to be under the influence of drugs and/or alcohol. Emergency contacts will be called to transport the child home. Police will be notified if necessary.

Custody Agreements: If there are custody agreements involving your child, you must provide the center with court ordered papers indicating who has permission to pick up the child. The center may not deny a parent access to their child without proper documentation.

Child Abuse Reporting: All staff members are mandated reporters of suspected child abuse. This is the law. If our staff suspects that a child is being abused or neglected, they MUST make a report to the local child services agency. The safety of the children is our first concern.

School Delays/Cancellations: Brooksedge will operate a full day program for school age children when school is closed for vacations, delays or cancellations.



Inclement Weather: On rare occasions, it may be necessary to close the center due to poor weather conditions. We will make every effort to open our doors at the normal time; however, we will close for a Level 2 (or higher) Snow Emergency. If circumstances should arise, please watch for information on channels 4, 6, 10 and 28. Delay or closing information will also be available on radio stations Sunny 95, Oldies 107.9, Smooth Jazz 104.3, WCOL 92.3 and 610 AM.

Withdraws: Parents who wish to withdraw their child(ren) may do so at any time. A one week notice in writing is appreciated.

Parent/Employee Participation: Our center has an Open Door Policy. We invite you to drop in unannounced at any time during our operating hours. Parents and employees alike are encouraged to participate in any of the centers activities (music programs, field trips, parties). Rosters of parent names and phone numbers are available upon request. If you do not want your information included in the parent roster, please notify the administrator.

Concern/Complaint Procedure: If any parent or employee requires assistance during their time at the center, they are required to follow the chain of command that is in place. First bring any concerns to the attention of your child's teacher. If you are unable to resolve any issue or feel uncomfortable communicating with your child's teacher, please bring your issue to the attention of the Assistant Director or Director. If you are still not satisfied with the resolution or feel that the situation needs the attention of the licensing agency, please feel free to contact the Department of Job and Family Services at 1-866-886-3537, option 4.

Celebrations: At Brooksedge we like to celebrate holidays and birthdays. When your child has a birthday, please feel free to send a treat to help celebrate. If your family celebrates a special holiday that your child would like to share with us, please let us know and we will be happy to incorporate it into our day.

Transcript of meeting (excerpt) with Action for Children on 09/09/2013

Participants:

Ms. Natalie Wallace, Action for Children
Ms. Stephanie Simonson, Action for Children
Mr. Glenn Harris, Action for Children
Mr. Aristides (Ari) Jurado



Mr. Harris: Ladies come on in and have a seat.

Ms. Wallace: I'm Natalie

Mr. Harris: This is Natalie and this is Stephanie.

Ms. Simonson: Nice to meet you.

Mr. Harris: This is Mr. Ari. Mr. Ari I want to say that both Stephanie and Natalie have limited amount of time, they have about 15 minutes with us.

Ari: Ok.

Mr. Harris: So if you have any precise, direct questions you want to ask them, please go right ahead.

Ari: This is about, um, the rules around open door policy, for daycare parents. And, um, denying access to a parent.

Ms. Wallace: OK.

Ari: I haven't completely memorized them, but I have a good idea. Maybe I'm going to give you a hypothetical scenario, ok: That one of the two parents is a custodial parent—has full custody. The other parent is still a parent. There is no court order or paperwork, no court order or paperwork. And it starts with both parents being in enrollment form and both parents having access to the daycare facility. And one day the custodial parent, just out of spite or whatever says *Oh, I don't like you now...* I'm going to remove your access; I'm going to remove you as a parent from there. And then that happens. 2 weeks later, Oh, I like you now, I'll add you now, and the daycare just—you know. So what... So my question is the daycare just supposed to allow that parent to change that information? To restrict, and basically to abuse that, or is there a specific rule that prevents that from happening?

Ari: So for example here, my son gets enrolled on 9/24 and my name is there as his Dad; and then on November something, 2 months later... To me this is equivalent to changing

his last name without paperwork



Ms. Wallace: Is that white out? A new form?

Ari: On 11/5

Mr. Harris: That's what 2 months apart?

Ari: Yes. I had been going there already; and their policy is not as cumbersome as the actual rule, but their simple policy says, um, we will not deny access to a parent and the definition of a parent is ____ unless proper court documentation, is. That is the simple, you know, daycare center policy.

Ms. Wallace: Have you asked to see the child's file?

Ari: Yes, this came from the child's, my son's (file).

Ms. Wallace: From them?

Ari: Yes, this came from them.

Mr. Harris: Have they actually physically denied you access to see the child? Other than this (enrollment) paperwork. Have you gone to see your child and they literally denied you?

Mr. Harris: *(Reading printed email from daycare administrator)*

Mr. Harris: So I guess, to his question is there is no court documentation showing you can't come in.

Ms. Wallace: They can't do that

Ms. Simonson: They can't do that

Ari: I agree. I agree with you. When I finally found this on my own, that was almost 3 months later, I discuss with them and they were like: oh yes, you know, if your name is in the birth certificate then we will let you in. And they had to, but 3 months later.

Mr. Harris: But for 3 months you were denied... Ari, it kind of sounds to me what you are looking for is just validation that the course of action you are going... we would agree with you. Yes, there is probably some... something going on somewhere as things ____ way they should be.

FRANKLIN COUNTY COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

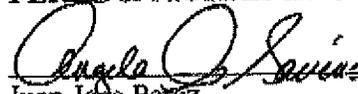
A.S. LECLAIR COMPANY, INC., :
 :
 Plaintiff, :
 :
 vs. :
 :
 ARISTIDES JURADO, :
 :
 Defendant. :



NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that pursuant to a Subpoena Duces Tecum under Rule 45(A) of the Ohio Rules of Civil Procedure, Plaintiff A.S. LeClair Company, Inc. will take the deposition of Blythe Bethel, as custodian of the records. The deponent is requested to produce the items listed on the attached Subpoena Duces Tecum. The deposition will be held on Wednesday, November 20, 2013 at 10:00 a.m., at the offices of Perez & Morris LLC, located at 8000 Ravine's Edge Court, Suite 300, Columbus, Ohio 43235, before a notary public. The deposition will continue from day to day until completed and may be used in discovery and as evidence at the trial of the within action. In lieu of appearing, the deponent may produce the requested documents to Perez & Morris LLC, 8000 Ravine's Edge Court, Suite 300, Columbus, Ohio 43235 on or before November 20, 2013.

PEREZ & MORRIS LLC



Juan Jose Perez (0030400)

jperez@perez-morris.com
Angela Alexander Savino (0060440)

asavino@perez-morris.com
8000 Ravine's Edge Court, Suite 300
Columbus, Ohio 43235
P: (614) 431-1500, F: (614) 431-3885
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 28, 2013, a copy of the foregoing was served upon U.S. Mail, postage prepaid, and via electronic mail, on this date, upon Aristides Jurado, 3963 Easton Way, Columbus, Ohio 43219.



Angela Alexander Savino



COURT OF COMMONS PLEAS, FRANKLIN COUNTY, OHIO
Subpoena – Civil



A.S. LeClair Company, Inc.
 Plaintiff/Petitioner
 -VS/AND-

Case No. 13CV-10-011378
 (Example: 11CV012345)

Aristides Jurado
 Defendant/Respondent

The State of Ohio
 Franklin County, ss
 To Attorney Process Server _____ Sheriff of Franklin _____ County, Ohio Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE FOLLOWING NAMED PERSON, To wit:

Person Business

Bethel
 Last Name / Business Name
Blythe M
 First Name Mid. Init Designation

495 S. High Street
 STREET ADDRESS
Suite 220
 ADDRESS LINE 2
 ADDRESS LINE 3
Columbus OH 43215
 CITY STATE ZIP CODE

To be and appear before the Court of Common Pleas of the County of Franklin, General Division 345 South High Street, Columbus, Ohio 43215, OR at
800 Ravine's Edge Ct., Ste. 300, Columbus, Oh 43235 on the 20 day of November 2013 at 10:00 A M of
 LOCATION

said day in courtroom # _____ to:

- ATTEND AND GIVE TESTIMONY AT A (TRIAL) (HEARING) (DEPOSITION) ON THE DATE, TIME AND AT THE PLACE SPECIFIED ABOVE.
- ATTEND AND PRODUCE (DOCUMENTS) (ELECTRONICALLY STORED INFORMATION) (TANGIBLE THINGS) AT A (TRIAL) (HEARING) (DEPOSITION) ON THE DATE, TIME AND AT THE PLACE SPECIFIED ABOVE.
- PRODUCE AND PERMIT INSPECTION AND COPYING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED ABOVE, OF ANY DESIGNATED DOCUMENTS OR ELECTRONICALLY STORED INFORMATION THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.
- PRODUCE AND PERMIT INSPECTION AND COPYING, TESTING OR SAMPLING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED ABOVE, OF ANY TANGIBLE THINGS THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.
- PERMIT ENTRY UPON THE FOLLOWING DESCRIBED LAND OR OTHER PROPERTY, FOR THE PURPOSES DESCRIBED IN CIVIL RULE 34(A)(3), ON THE DATE AND AT THE TIME SPECIFIED ABOVE.

DESCRIPTION OF LAND OR OTHER PREMISES: _____
 DESCRIPTION OF ITEMS TO BE PRODUCED: See Exhibit A, attached hereto and incorporated herein by reference.

Angela Alexander Savino 0040660 Plaintiff
 ATTORNEY (SUPREME COURT #) PLAINTIFF/DEFENDANT OTHER (SPECIFY)

Witness my hand and seal of said court Maryellen O'Shaughnessy, Clerk of Court of Commons Pleas

Maryellen O'Shaughnessy

*****RETURN OF SERVICE*****

Sheriff's Fees _____ I received this subpoena on _____, and served the above party
 Service _____ by _____ on _____
 Mileage _____ I was unable to complete service for the following reason: _____
 Copy _____
 Total _____

Signature of Serving Party
 Check one: Deputy Sheriff Attorney
 Process Server Deputy Clerk

**CIVIL RULE 45 (C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.



Civil Subpoena to Blythe Bethel
Exhibit A

Produce or permit inspection and copying, of the following documents or electronically stored information which are not privileged in your possession, custody or control:

1. All transcripts of any kind including but not limited to hearings, depositions, administrative meetings or reviews (collectively, "Transcripts"), filings, pleadings, motions, and exhibits pertaining to the action filed in Franklin County Domestic Relations and Juvenile Branch Court, titled *Kathy Hernandez v. Aristides Jurado*, and identified as Case No. 12-JU-11-14479 (the "Action").
2. All communications of any kind including letters, notes, summaries, logs, phone messages and recordings, electronic mail messages, text messages, Twitter messages, Facebook postings and messages, instagrams, snapchat messages or any other form of social media communications (collectively, "Communications"), photographs, surveillance and audio recordings (collectively, "Recordings"), documents, notes, summaries, evaluations, reports including but not limited to psychological reports, recommendations, and any other documents relating to the Action and/or Aristides Jurado, from July 10, 2011 to present.
3. All Transcripts, Recordings, Communications, documents, investigations, notes, evaluations, complaints, claims, and reports involving or relating to Brookside Day Care Center located at 2185 Hilliard Rome Road, Hilliard, Ohio 43026 from July 10, 2012 to present.
4. All documents, Recordings, Transcripts, Communications, notes, summaries or other documents relating to or involving Aristides Jurado's attempts to remove and/or move his son from Brookside Day Care Center from July 10, 2012 to present.
5. All documents, Communications, Transcripts, Recordings, decisions, notes, summaries, reports, claims, complaints, allegations, and demands relating to claims, complaints, allegations, incidents alleged by Aristides Jurado against the guardian ad litem, counsel, medical and/or psychological professionals involved in any manner with the Action, Kathy Hernandez and/or ^{Name} ~~Redacted~~ Jurado.
6. All Recordings, Communications, documents incident and/or accident reports, charges, complaints, allegations, police reports, of concerns raised which relate to ^{Name} ~~Redacted~~ Jurado including any and all concerns about failure to thrive, abuse, neglect, parental access and custody, feedings, daily reportings from care givers, falls or incidents from July 10, 2012 to present.

FRANKLIN COUNTY COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO



A.S. LECLAIR COMPANY, INC.	:	
D/B/A BROOKSEGE DAY CARE	:	CASE NO. 13CV-011378
CENTER-HILLIARD,	:	
	:	
Plaintiff,	:	
	:	JUDGE TIMOTHY S. HORTON
vs.	:	
	:	
ARISTIDES JURADO,	:	
	:	
Defendant.	:	

**PLAINTIFF A.S. LECLAIR COMPANY INC. D/B/A BROOKSEGE DAY CARE
CENTER-HILLIARD'S FIRST SET OF INTERROGATORIES, REQUEST FOR
PRODUCTION OF DOCUMENTS, AND REQUEST FOR ADMISSIONS TO
DEFENDANT ARISTIDES JURADO**

Pursuant to Civ. R. 33, 34 and 36, Plaintiff A.S. LeClair Company, Inc. d/b/a/ Brooksedge Day Care Center-Hilliard ("Brooksedge") hereby submits its First Set of Interrogatories, Request for Production of Documents, and Request for Admissions to Defendant Aristides Jurado ("Mr. Jurado"). The Interrogatories, Request for Production and Request for Admissions shall be answered in accordance with the Ohio Rules of Civil Procedure within 28 days after service hereof.

INSTRUCTIONS

1. All information is to be divulged that is in your possession or control or within the possession or control of your attorneys, employees, officers, agents or other representatives.
2. Whether an interrogatory or request calls for an answer in more than one part, each part should be clearly separated in the responses so that each answer is understandable.
3. All answers must be made separately and fully; an incomplete answer will be regarded as a failure to answer.

4. You are under a continuing duty to supplement or modify your answers should you later learn or determine that any response is incomplete or inaccurate, or should any new or additional information become available to you that is responsive to any of these interrogatories.

5. If an interrogatory requests certain "documents" to be "identified", in lieu of providing such written identifications, Defendant may elect instead to produce the requested document. If this election is made, it should be so noted in response to the interrogatory, the custodian of the document should be identified in response to the interrogatory, the document should be produced at the time the answers to the interrogatories are served, and the document should be labeled so that it clearly refers to the interrogatory to which it replies.

6. State whether the information furnished is within the personal knowledge of the person answering and if not, the name, if knowing, of each person to whom the information is a matter of personal knowledge.

7. If any identification of a document is withheld under the claim or privilege or work product, furnish a list identifying each document for which the privilege or work product is claimed, together with the following information for each such document: date, sender, recipient, persons to whom copies were furnished, job title of each of these persons, subject matter or other document, number of pages, the basis on which the privilege or work product is claimed, the interrogatory number to which the document responds, and whether any matter that is not privileged or not work product is discussed in that document.

DEFINITIONS

1. "You," "your," and/or "Mr. Jurado" means Aristides Jurado.
2. "Brooksedge" and/or "Plaintiff" means A.S. LeClair Company, Inc. d/b/a/ Brooksedge Day Care Center-Hilliard.



3. "Ms. Hernandez" means Kathy Hernandez, the Infant's mother.
4. "OCRC" means the Ohio Civil Rights Commission.
5. "ODJFS" means the Ohio Department of Job and Family Services.
6. "FCCS" mean the Franklin County Children Services.
7. "EEOC" means the Equal Employer Opportunity Commission.



8. "Infant" shall mean Mr. Jurado's son born on July 10, 2012.

9. "Daily Sheet" and/or "Daily Sheets" shall mean the daily log sheets created by Brooksedge concerning Infant's feedings, naps, diaper changes and activities of the relevant day.

10. "Charges" shall mean any and all formal, informal, anonymous or identified, oral, written complaints, charges, calls, claims and allegations made to any governmental agency, administration, municipality, the Court, an officer appointed by the Court, or an appointee of the Court.

11. As used herein, the term "person" shall mean all natural persons and entities including, without limiting the generality of the foregoing, any individual, firm, corporation, company, association, partnership, business, public agency, department, bureau, board, or any other form of public, private or legal entity.

12. The term "document(s)" is used in its customary broad sense and includes all written, typed, printed, recorded or graphic statements, communications or other matter, however produced or reproduced, and whether or not now in existence, in your possession, custody or control, including without limitation:

all writings; studies; analyses; tabulations; evaluations; reports; reviews; agreements; contracts; communications; including intracompany communications; letters or other correspondence; messages; telegrams; e-mails; facsimile communications; telexes; cables; memoranda; records; notes; reports; summaries; sound recordings or transcripts of personal or telephone conversations; mobile texts, meetings; conferences or



interviews; telephone toll records; diaries; desk calendars; appointment books; forecasts; accountants' work papers; drawings; graphs; charts; maps; diagrams; blueprints; tables; indices; pictures; photographs; films; phonograph records; video and audio recordings, tapes; microfilm; microfiche; charges; ledgers; accounts; cost sheets; financial statements or reports; statistical or analytical records; minutes or records of board of directors, committee or other meetings or conferences; reports or summaries of investigations; opinions or reports or summaries of investigations; opinions or reports of consultants; appraisals; reports or summaries of negotiations; books; brochures; pamphlets; circulars; trade letters; press releases; newspaper and magazine clippings; stenographic, handwritten or any other notes; notebooks; projections; working papers; checks, front and back; check stubs or receipts; invoice vouchers; tape data sheets or data processing cards and discs or any other written, recorded, transcribed, punched, taped, filed or graphic matter, however produced or reproduced; and any other document, writing or other data compilation of whatever description, including but not limited to any information contained in any computer although not yet printed out or the memory units containing such data from which information can be obtained or translated into reasonable usable form, and all drafts and non-identical copies of the foregoing.

13. The term "document" shall also mean each copy which is not identical to the original or to any other copy.

14. "Communication" as used herein means any contact, oral or written, formal or informal, at any time or place, and under any circumstances whatsoever, in which information of any nature was transmitted or transferred.

15. As used herein, the term "identify" or "identity" means:

(a) as to a person, the full name of the individual, his/her present or last known residence and business address, his/her present or former relationship with Plaintiff or Defendant, and his/her present or last known job description;

(b) as to a document, a description of the document, the date of the document, the author of the document, the nature and substance of the document, the present location of the document, and the identity of the person who has possession or control of the document.

16. “Identify” or “identification” when used in reference to a communication or contact shall mean to indicate whether it was oral or written, and to identify each person who sent, received, or had knowledge of it.

17. “Identify” shall mean, with respect to any act, to describe the act, to set forth the date (or inclusive dates) when it occurred, to set forth the place or places where it occurred, and to identify each person whose activities resulted in the act.

18. “Describe with particularity” means to state with specificity each and every fact, ultimate fact, particular circumstance, circumstance, incident, act, omission, detail, event and date, and to identify each and every document or communication relating thereto or in any way whatsoever concerning the matter inquired of.

19. As used herein, the terms “and” and “or” are used interchangeably; both mean “and/or”.

20. As used herein, the terms “any” and “all” are used interchangeably; both mean “any and all”.

INTERROGATORIES

1. Identify all persons answering these Interrogatories or assisting in answering the same.

ANSWER:



2. Identify all persons known to Defendant to have any knowledge of the allegations made in the Complaint and Answer, and for all such persons provide a summary of the facts known by them.

ANSWER:

3. Describe with particularity all efforts and activities by you to gain custody and/or parenting rights of Infant.

ANSWER:



4. Describe with particularity when and in what manner, the Court granted you custodial and parent rights of the Infant.

ANSWER:

5. Describe with particularity communications with and from Brooksedge about your being denied access to Infant while he was at Brooksedge, including all dates of such communications and all persons involved with any such communications.

ANSWER:

6. State with specificity all dates when you were denied access to Infant while Infant was at Brooksedge.

ANSWER:

7. Describe with particularity all events that occurred during your visit with Infant at Brooksedge on the afternoon of July 2, 2013, including all persons you encountered and/or had conversations with during your visit, including the content of any such discussions and/or communications.

ANSWER:

8. Describe with specificity, all communications made and received by you on July 3, 2013 concerning your visit of July 2, 2013, the July 2, 2013 daily log sheet concerning Infant (the "Daily Sheet"), and/or your concerns regarding the visit and/or Daily Sheet.

ANSWER:



9. Identify any and all Charges you have made and/or filed with the ODJFS in the last 10 years, including the parties against whom such Charges were made, the subject of the Charges and the outcome of any such Charges.

ANSWER:

10. State with particularity all facts which support your Charges filed with ODJFS, which in any manner concern Brooksedge, including but not limited to activities, events, or incidents occurring at Brooksedge or in any manner involve Brooksedge's staff and/or Infant.

ANSWER:

11. Identify all persons you have spoken with at ODJFS concerning your Charges identified in Interrogatory No. 10 above.

ANSWER:

12. State with particularity all communications and/or discussions you had with Brooksedge's staff, including but not limited to the Co-Director Amy LeClair, about the Charges identified in Interrogatory No. 10 above, including but not limited to any efforts to mediate the same.



ANSWER:

13. Identify any and all Charges you have submitted, made to or filed with the OCRC since January 1, 2011 to present, including the date of such charges, the person whom the charges were against and the outcome of all such charges.

ANSWER:

14. State with particularity all facts that support your Charges filed with OCRC, which in any manner concern Brooksedge, including but not limited to activities, events, or incidents occurring at Brooksedge, or in any manner involving Brooksedge's staff and/or Infant.

ANSWER:

15. Identify all persons with OCRC who you have spoken with concerning your Charges identified in Interrogatory No. 14 above.

ANSWER:

16. Identify any and all Charges you have submitted, made to or filed with the Columbus Public Health Department in the past 10 years, including the date of such charges, the person whom the charges were against and the outcome of all such charges.

ANSWER:

17. State with particularity all facts that support your Charges made to the Columbus Public Health Department, which in any manner concern Brooksedge, including but not limited

to activities, events, or incidents occurring at Brooksedge, or in any manner involving Brooksedge's staff and/or Infant.

ANSWER:



18. Identify all persons with Columbus Public Health Department who you have spoken with concerning your Charges identified in Interrogatory No. 17 above.

ANSWER:

19. Identify any and all Charges you made and/or filed with any court(s), including but not limited to the common pleas, municipal, small claims, civil, criminal, domestic and/or juvenile divisions, in the past 10 years, including the date of such charges, the person whom the Charges were against and the outcome of all such matters.

ANSWER:

20. Identify any and all Charges you made to the Infant's guardian ad litem since January 1, 2011 to present, including the date of such Charges and the outcome of all such matters.

ANSWER:

21. State with particularity all facts that support your Charges submitted, made to or filed with the Infant's guardian ad litem which in any manner concern or involve Brooksedge, Brooksedge's staff and/or Infant.

ANSWER:

22. Identify any and all Charges you have submitted, made to or filed with the FCCS in the past 10 years, including the date of such Charges, the person whom the Charges were against and the outcome of all such Charges.

ANSWER:



23. State with particularity all facts that support your Charges made to FCCS which in any manner concern Brookside, including but not limited to activities, events, or incidents occurring at Brookside, or in any manner involving Brookside's staff and/or Infant.

ANSWER:

24. Identify all persons with FCCS who you have spoken with concerning your Charges identified in Interrogatory No. 23 above.

ANSWER:

25. Identify any and all Charges you submitted, made to or filed with the EEOC in the past 10 years, including the date of such charges, the person whom the charges were against and the outcome of all such charges.

ANSWER:

26. State with particularity all facts that support your Charges submitted to, made and/or filed with EEOC which in any manner concern Brookside, including but not limited to activities, events, or incidents occurring at Brookside, or in any manner involving

Brooksedge's staff and/or Infant.



ANSWER:

27. Identify all persons with EEOC who you have spoken with concerning your Charges identified in Interrogatory No. 26 above.

ANSWER:

28. State with particularity all communications and/or discussions with Brooksedge's staff, including but not limited to the Co-Director Amy LeClair about your Charges submitted, made and/or filed with the OCRC, Columbus Public Health Department, FCCS, EEOC, including the dates of all such communications, the particulars of the discussions and all persons present during such communications.

ANSWER:

29. Have you ever been involved in litigation as a party, other than this lawsuit; and, if so, specify the court(s), case caption and case number of each lawsuit in which you have been involved.

ANSWER:

30. State your employment/work history during the past 10 years to present including but not limited to consultation arrangements, employments, personal businesses, and the dates of all such work and your responsibilities and assignments during all such time.

ANSWER:

31. Identify any and all psychiatrists, psychologists, counselors, licensed social workers, certified counselors and/or any other ancillary medical or psychological professionals that you have been evaluated by and/or treated with, in the last three (3) years.

ANSWER:



32. Identify all documents relied upon in answering these Interrogatories.

ANSWER:

33. Identify all persons whom you expect to call as witnesses at the trial of this case, including all expert and factual witnesses.

ANSWER:

34. State with particularity all trial testimony anticipated from any and all witnesses identified in Interrogatory No. 32 above, including factual and expert witnesses.

ANSWER:

35. Please identify all documents, exhibits and tangible objects you intend to use as evidence at trial.

ANSWER:



VERIFICATION

I, _____, do hereby affirm under oath that the responses to the foregoing First Set of Interrogatories of Plaintiff A.S. LeClair Company, Inc. d/b/a/ Brooksedge Day Care Center-Hilliard are true and accurate according to my personal knowledge.

Sworn and subscribed to me this ___ day of _____, 2014

Notary Public
My commission expires

DOCUMENTS TO BE PRODUCED



1. All documents relied upon in answering the foregoing Interrogatories.
2. All Court filings and discovery exchanged by the parties involved with your child custody dispute(s) concerning Infant.
3. All documents relating to or involving any of the allegations contained in the Amended Complaint and Answer to the Amended Complaint.
4. All communications with Brooksedge and/or Brooksedge's staff concerning Infant, continuation and termination of day care services, any of the Charges filed, made with or submitted to ODJFS, OCRC, FCCS, Columbus Public Health Department and EEOC, including without limitation, all drafts, correspondence, notes, e-mails, faxes, Daily Sheets, incident reports, memoranda and communications concerning the Infant's day care.
5. All documents concerning communications with the guardian ad litem, including without limitation, all drafts, correspondence, notes, memoranda and communications concerning the Infant's removal from Brooksedge.
6. All documents concerning communications with the ODJFS, including without limitation, all drafts, correspondence, notes, memorandum and communications concerning complaints filed against Brooksedge.
7. All documents concerning communications with the OCRC, including without limitation, all drafts, correspondence, notes, memorandum and communications concerning charges filed against Brooksedge.
8. All documents concerning communications with the Columbus Public Health Department, including without limitation, all drafts, correspondence, notes, memoranda and communications concerning charges filed against Brooksedge.

9. All documents concerning communications with the Franklin County Children's Services, including without limitations, all drafts, correspondence, notes, memoranda and communications concerning complaints filed against Brooksedge and its employees.



10. All documents concerning communications with the EEOC, including without limitations, all drafts, correspondence, notes, memoranda and communications concerning complaints filed against Brooksedge and its employees.

11. All documents concerning or evidencing any communications between you and Ms. Hernandez regarding Infant's day care arrangements or your desire for Infant to be moved from Brooksedge to a day care center of your choosing.

12. All documents sufficient to identify all doctors and other medical providers and facilities which have provided medical care to the Infant, together with the addresses and phone numbers for all such doctors, medical providers and facilities.

13. All photographs, recordings, snapchats, text messages, instagrams, twitter messages, facebook messages, documents and/or communications concerning Brooksedge, activities in or about Brooksedge, any allegations contained in the Amended Complaint and/or your Answer to the Amended Complaint, including any such information obtained and stored on your mobile phone, recording device, computers and/or any other device.

14. All documents relating to any and all treatments and/or evaluations with the professionals identified in Interrogatory No. 31 served herewith. In lieu of producing all such documents, Defendant may duly exercise the authorization attached hereto in Exhibit A and provide the originally signed authorization to Plaintiff's counsel. A copy of all documents received in response to the authorization will be made reasonably available to Defendant's counsel.

15. All documents and exhibits you intend to introduce at trial or hearing.

16. All opinions of any expert you intend to call to testify at trial.



REQUEST FOR ADMISSIONS

1. Admit that at the time Ms. Hernandez enrolled the Infant into Brooksedge you were not the Infant's legal guardian. Admit or Deny?

ANSWER:

2. Admit that you attempted to have the Infant moved from Brooksedge to care of your choosing. Admit or Deny?

ANSWER:

3. Admit that you filed claims, charges and complaints concerning Brooksedge with the OCRC, ODJFS, Columbus Public Health Department, the guardian ad litem, and the Franklin County Children's Services. Admit or Deny?

ANSWER:

4. Admit that you received Daily Sheets from Brooksedge. Admit or Deny?

ANSWER:

5. Admit that on July 2, 2013, you came to Brooksedge and visited Infant, and during the visit you fed Infant. Admit or Deny?

ANSWER:

6. Admit that you questioned the Brooksedge staff about the July 2, 2013 Daily Sheet. Admit

or Deny?

ANSWER:



7. Admit that you told the Brooksedge staff that attorneys would have to get involved over information contained in the July 2, 2013 Daily Sheets. Admit or Deny?

ANSWER:

8. Admit that you told the co-director of Brooksedge that certain staff should be careful as their actions were under scrutiny. Admit or Deny?

ANSWER:

9. Admit that you took photographs on your phone of Brooksedge's premises without authorization. Admit or Deny?

ANSWER:

10. Admit that your "end game" was to have custody of Infant. Admit or Deny?

ANSWER:

11. Admit that your "end game" was to have Infant removed from Brooksedge. Admit or Deny?

ANSWER:



Juan Jose Perez (0030400)
jperez@perez-morris.com
Angela Alexander Savino (0040660)
asavino@perez-morris.com
PEREZ & MORRIS LLC
8000 Ravine's Edge Court
Columbus, Ohio 43235
Telephone: (614) 431-1500
Facsimile: (614) 431-3885
Attorneys for A.S. LeClair Company, Inc.
dba Brooksedge Day Care Center-Hilliard

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent by first class U.S. mail, postage pre-paid, on this 10th day of January, 2014 to Keith Golden and Adam H. Karl, Golden & Meizlish Co., LPA, 923 East Broad Street, Columbus, Ohio 43205.

Angela Alexander Savino



EXHIBIT A
HIPAA COMPLIANT AUTHORIZATION FORM PURSUANT TO 45 CFR 164.508

Name of Patient: _____ Medical Record # _____

Date of Birth: _____ Approximate Dates of Treatment: _____ Social Security #: _____

Phone # _____ Patient Address: _____

1. I authorize the following health care provider or facility TO DISCLOSE my patient information:

Name: _____

Address: _____

2. I authorize the following person or organization TO RECEIVE my patient information:

Name: PEREZ & MORRIS LLC

Address: 8000 Ravine's Edge Court, Suite 300, Columbus, Ohio 43235

3. Please disclose the following information:

History and Physical	Physician's Notes/Office	Correspondence
Discharge Summary	Notes	Regarding Patient
Treatment Plans	Psychological Evaluation	HIV/AIDS Results
Radiology and Lab	Educational Reports	Medication records
Reports	Psychosocial History	Clinical Notes
Diagnostic Test	Consultation Reports	Therapy notes
Reports & Images	Billing/Account Records	Emergency Room
Insurance Records	Operative Reports	Treatments
Pathology Reports	Progress Notes	Patient forms &
& specimens	All computer entries, notes &	questionnaires
	emails	

4. I understand that my record may include information about my alcohol or drug use, dependence, or treatment.

5. Please indicate the purpose of the disclosure of your patient records: Pursuant to pending litigation.

6. I understand that if the authorized recipient of this information is not a health care provider or health plan covered by federal privacy regulations, the information he/she received will no longer be protected by these regulations, and the recipient may re-disclose the information. However, the recipient may be prohibited from disclosing substance abuse information under the Federal Substance Abuse Confidentiality Requirements.

7. I understand that the information in my health record may include information relating to sexually transmitted disease, acquired immune deficiency syndrome (AIDS), information concerning testing or treatment of AIDS and AIDS-related conditions, drug or alcohol abuse, human immunodeficiency virus (HIV), drug-related conditions, alcoholism and/or psychiatric/psychological conditions, including specifically, but not limited to, those records contemplated by 42 U.S.C. ss 290dd-2, 42 U.S.C. ss 290dd-3 and 42 U.S.C. ss 290ee-3.

8. I understand that I may revoke this authorization in writing at any time by sending a written revocation of authorization to the health care provider or facility designated above. I understand that my revocation is not effective to the extent that action has been taken in reliance on this authorization. However, my

revocation will be effective from the date of revocation forward. This authorization shall expire one (1) year from the date I sign below.

9. I understand that I have the right to inspect a copy of my Protected Health Information to be used and/or disclosed as permitted under federal and/or state law. I understand that I have the right to refuse to sign this authorization and in so doing, this authorization will not be effective. I understand that the organization or individual identified above cannot condition treatment, payment, enrollment or eligibility for benefits on whether I sign this authorization.
10. I expressly request that all health plans and all health care providers disclose full and complete protected medical information spanning the time period of BIRTH to PRESENT:

Signature of Patient or Representative

Date

Patient's Name

Name of Personal Representative (if applicable)



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MARYELLEN O'SHAUGHNESSY

**FRANKLIN COUNTY CLERK OF COURTS
DOMESTIC RELATIONS AND JUVENILE, COURT OF COMMON PLEAS**

Case No. **12JU014479**

Case Style:

KATHY J HERNANDEZ -VS- ARISTIDES JURADO

FILINGS TO BE SCHEDULED:

MOTION Filed: 2014-02-18

PROPOSED FILINGS TO BE SCHEDULED:

NOTICE OF HEARING

The foregoing motion(s) will come on for hearing in the Court of Common Pleas, Juvenile on 03/13/2014 at 1:30 PM in courtroom 65 on floor 6 at: 373 South High Street, Columbus, Ohio 43215

ATTORNEY

SC #

Franklin County Court of Common Pleas

Date: 02-21-2014
Case Title: KATHY J HERNANDEZ -VS- ARISTIDES JURADO
Case Number: 12JU014479
Type: NOTICE OF HEARING

So Ordered

Hearing Set by Assignment

Hearing Set by Assignment

Electronically signed on 2014-Feb-21 page 2 of 2



***** IMPORTANT NOTICE - READ THIS INFORMATION *****
 NOTICE OF ELECTRONIC FILING

A filing has been submitted to the court RE: 12JU014479

Judge: TERRI B JAMISON

Magistrate: JILL A MATTHEWS

Official File Stamp (except Proposed Orders): 03-03-2014 15:00:15

Court: COURT OF COMMON PLEAS DOMESTIC RELATIONS DIVISION
 JUVENILE DIVISION

Case Title: KATHY J HERNANDEZ -VS- ARISTIDES JURADO

Document(s) Submitted: REQUEST FOR SERVICE - CERTIFIED MAIL Re Hearing Scheduled for
 03/13/2014 for Respondent's Motions filed on 02/18/2014

Filed by or on behalf of: ARISTIDES JURADO

You may review this filing by clicking on the following [link](#) to take you to your [cases](#).

This notice was automatically generated by the Court's e-Filing system.

The following people were served electronically:

ERIKA M SMITHERMAN for KATHY J HERNANDEZ

RONALD R PETROFF for KATHY J HERNANDEZ

JILL A MATTHEWS

MELINDA S CARLSON, ESQ

BLYTHE M BETHEL for Name Redacted G JURADO

ARISTIDES JURADO

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

ERIKA M SMITHERMAN

RONALD R PETROFF

KEITH E GOLDEN

ERIKA M SMITHERMAN

KEITH E GOLDEN

QUALINE INC

BLYTHE M BETHEL

BLYTHE M BETHEL

5/26/2014

NEF

RONALD R PETROFF
BLYTHE M BETHEL
BLYTHE M BETHEL
RONALD R PETROFF
BANK OF AMERICA
BLYTHE BETHEL

Subpoena - Division of Domestic Relations and Juvenile Branch

Kathy Hernandez
Plaintiff/Petitioner
-VS/AND

Case No. 12JU014479
(Example: 11DR012345)

Aristides Jurado
Defendant/Petitioner

Wit. Fee of The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit L1

The State of Ohio
Franklin County, ss
To Attorney Process Server

Sheriff of Franklin County, Ohio Greetings:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE FOLLOWING NAMED PERSON, To wit:

Person Business

Bethel
Last Name / Business Name
Blythe
First Name Mid. Init Designation

495 SOUTH HIGH STREET
STREET ADDRESS
SUITE 220
ADDRESS LINE 2
ADDRESS LINE 3
COLUMBUS OH 43215-00
CITY STATE ZIP CODE

To be and appear before the Court of Common Pleas of the County of Franklin, Domestic Relations Division and Juvenile Branch, 373 South High Street, Columbus, Ohio 43215, OR at
373 South High Street, Columbus, Ohio 43215 on the 13 day of March 20 14 at 1:30 P M of

LOCATION
said day in courtroom # 65 to:

- ATTEND AND GIVE TESTIMONY AT A TRIAL, HEARING OR DEPOSITION ON THE DATE, TIME AND AT THE PLACE SPECIFIED ABOVE.
- ATTEND AND PRODUCE DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS AT A TRIAL, HEARING OR DEPOSITION ON THE DATE, TIME AND AT THE PLACE SPECIFIED ABOVE.
- PRODUCE AND PERMIT INSPECTION AND COPYING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED ABOVE, OF ANY DESIGNATED DOCUMENTS OR ELECTRONICALLY STORED INFORMATION THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.
- PRODUCE AND PERMIT INSPECTION AND COPYING, TESTING OR SAMPLING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED ABOVE, OF ANY TANGIBLE THINGS THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.
- PERMIT ENTRY UPON THE FOLLOWING DESCRIBED LAND OR OTHER PROPERTY, FOR THE PURPOSES DESCRIBED IN CIV. R. 34(A)(3), ON THE DATE AND AT THE TIME SPECIFIED ABOVE.

DESCRIPTION OF LAND OR OTHER PREMISES:
DESCRIPTION OF ITEMS TO BE PRODUCED: Produce for inspection and copying, or in-camera review* as determined by the court, of the documents or electronically stored information in printed form, that are in your possession, custody or control as listed in Exhibit A1 (*Based on case law as shown in Exhibit A2).

Aristides Jurado, 3963 Easton Way Columbus, OH 43219 () 2) Defendant
ATTORNEY/PRO SE ADDRESS/PHONE # (REQUIRED) (SUPREME COURT #) PLAINTIFF/DEFENDANT OTHER (SPECIFY)

Witness my hand and seal of said court Maryellen O'Shaughnessy, Clerk of Court of Commons Pleas

*****RETURN OF SERVICE*****

Sheriff's Fees
Service _____
Mileage _____
Copy _____
Total _____

I received this subpoena on _____, and served the above party
by _____ on _____
I was unable to complete service for the following reason: _____

Signature of Serving Party
Check one: Deputy Sheriff Attorney
 Process Server Deputy Clerk

COC-DR-79 (Rev. 3-2012)

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA.

CIVIL RULE 45 (C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

Kathy Hernandez v. Aristides Jurado
Case No. 12JU014479
Exhibit A1

Description of Items to be Produced

For Civil Subpoena to Ms. Blythe Bethel

Exhibit A1

Produce for inspection and copying, or in-camera review as determined by the court, of the following documents, or electronically stored information in printed form, that are in your possession, custody or control:

1. All communications of any kind including letters, notes, summaries, logs, phone messages and recordings, electronic mail messages, text messages, twitter messages,
2. Photographs, surveillance and audio recordings (collectively, "Recordings"),
3. Documents, notes, summaries, evaluations, incidents, complaints, reports including but not limited to recommendations, and any other documents relating to the custody case Hernandez v. Jurado.
4. Any document or other types of information , which are not already included in the preceding paragraphs, that are part of the GAL file for case No. 12JU014479 with caption: *Kathy Hernandez v. Aristides Jurado*.

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

Kathy Hernandez v. Aristides Jurado
Case No. 12JU014478
Exhibit A2

KATHLEEN A. HOGAN, :
 :
 Plaintiff-Appellee, : CASE NOS. CA2002-09-216
 : CA2002-09-225
 :
 - vs - : O P I N I O N
 : 9/8/2003
 :
 CLIFFORD F. HOGAN, :
 :
 Defendant-Appellant. :

APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
Case No. DR99-08-1160

M. Lynn Lampe, Suite 828, 6 South Second Street, Hamilton, Ohio
45011, for plaintiff-appellee

Fred Miller, 246 High Street, Hamilton, Ohio 45011, for defendant-
appellant

Elizabeth Ann Yauch, 240 East State Street, Trenton, Ohio 45067,
guardian ad litem

VALEN, P.J.

{¶1} In Case No. CA2002-09-216, defendant-appellant, Clifford
Hogan, appeals from the Butler County Common Pleas Court's decision
granting a guardian ad litem's motion to quash a subpoena issued to
her by Hogan, and ordering Hogan to pay the guardian's attorney

fees. In Case No. CA2002-00-225, Hogan appeals from the Butler County Common Pleas Court's decision granting the guardian's motion to quash a second subpoena issued to her by Hogan, ordering Hogan to pay the guardian additional attorney fees, and further ordering Hogan to pay the fees of a new guardian ad litem, who had to be appointed after the first one withdrew from the case because she felt "harassed and threatened" by Hogan's actions. These two appeals have been consolidated for purposes of review.

{¶2} Hogan and his former wife, Kathleen, were divorced on February 2, 2000. This court affirmed the trial court's judgment issuing the divorce decree. See Hogan v. Hogan, (Nov. 20, 2000), Butler App. No. CA2000-02-037. The parties have two children born as issue of their marriage: Amanda Marie Hogan, born on May 23, 1989, and Madeline Anne Hogan, born on April 2, 1991.

{¶3} On August 4, 2000, Hogan moved to enforce a certain provision in the parties' shared parenting plan. On September 22, 2000, Kathleen moved to terminate or modify the parties' shared parenting plan. On September 25, 2000, a pretrial conference was held on the parties' motions. At this time, the trial court appointed Elizabeth Yauch as the guardian ad litem for the parties' children.

{¶4} From September 25, 2000, to January 29, 2002, the parties filed 14 additional motions, for which numerous hearings were held. On February 26, 2002, an agreed entry was filed, which, among other things, named Kathleen as the residential parent and legal custodian of the parties' children.

{¶5} On June 5, 2002, Hogan issued a subpoena duces tecum to Yauch, ordering her to bring to the court "[y]our entire file regarding the [sic] Amanda Hogan and Madeline Hogan." Yauch moved to quash the subpoena, arguing, among other things, that the information sought constituted work product, and that some of this information "w[ould] only serve to inflame the parties and thus cause harm to the children."

{¶6} On August 7, 2002, the trial court granted Yauch's motion to quash, finding that "Hogan is not entitled to the notes in the guardian's file because (1) the notes are not a record[,] (2) they are protected by privilege and (3) it would not be in the child-[ren's] best interest to release them." The trial court ordered Hogan to pay the guardian ad litem \$350 in attorney fees within 60 days.

{¶7} On August 15, 2002, Hogan issued a second subpoena to Yauch, ordering her to bring the following documents to court:

{¶8} "(1) Copies of the entire files, records, for Amanda Marie Hogan and Madeline Anne Hogan, including but not limited to, administered tests, audio tapes, correspondence and reports, notes are not included.

{¶9} "(2) Copies of the entire files, records, for Clifford F. Hogan, including but not limited to, administered tests, audio tapes, correspondence and reports, including notes on Clifford F. Hogan." (Emphasis sic.)

{¶10} Yauch again moved to quash Hogan's subpoena. She also moved to withdraw as guardian ad litem for the Hogan's children on

the ground that she felt "harassed and threatened" by Hogan.

{¶11} On August 28, 2002, a brief hearing was held on Yauch's motion to quash Hogan's second subpoena. After hearing arguments from both parties and Yauch, the trial court granted Yauch's motion to quash Hogan's August 15th subpoena and awarded her an additional \$150 in attorney fees. The trial court also granted Yauch's motion to withdraw as guardian ad litem and ordered the appointment of a new guardian ad litem at Hogan's cost.

{¶12} Hogan appeals from the trial court's judgments of August 7, 2002, and August 28, 2002 and raises three assignments of error.

Assignment of Error No. 1

{¶13} "THE TRIAL COURT ERRED TO THE PREJUDICE OF DEFENDANT-APPELLANT WHEN IT QUASHED EACH SUBPOENA ISSUED TO THE GUARDIAN AD LITEM."

{¶14} Hogan argues that the trial court erred in quashing each subpoena issued to Yauch. In furtherance of this argument, Hogan concedes that Yauch's private notes taken from her interviews with the children constitute nondiscoverable "work product." Nevertheless, Hogan argues that the trial court erred in granting Yauch's motion to quash his second subpoena. He asserts that he cured the defect in his first subpoena with the language in his second subpoena that excluded Yauch's private notes from the list of materials he sought.

{¶15} A trial court has broad discretion in discovery matters, including whether to grant or deny a motion to quash a subpoena, and its decision will not be reversed on appeal absent an abuse of

discretion. See Dirksing v. Blue Chip Architectural Products, Inc. (1994), 100 Ohio App.3d 213, 227 (management of discovery process lies within trial court's sound discretion). A trial court abuses its discretion only when its decision is arbitrary, unconscionable or unreasonable. Id.

{¶16} Initially, if Hogan was correct in stating that Yauch's private notes taken during her interviews with the children are work product, and, therefore, exempt from disclosure, then the trial court would have been justified in granting Yauch's motion to quash Hogan's second subpoena, as well as his first. In his second subpoena, Hogan did exempt Yauch's notes from the list of materials that he sought to have Yauch produce. However, in the second paragraph of the subpoena, Hogan demanded that Yauch turn over any notes she had taken regarding him. Under Hogan's definition of "work product," any private notes that Yauch took regarding Hogan would not be subject to disclosure. Moreover, Hogan's request for all of Yauch's notes concerning himself would probably encompass most of her notes about the Hogans' children, yet Hogan has conceded that those notes are work product and, therefore, exempt from disclosure.

{¶17} Notwithstanding Hogan's concessions to the contrary, we conclude that Yauch's file does not constitute "work product." The work product doctrine is found in Civ.R. 26(B)(3), which states, in pertinent part:

{¶18} "(3) **Trial preparation: materials.** *** [A] party may obtain discovery of documents and tangible things prepared in anti-

icipation of litigation or for trial by or for another party or by or for that other party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing of good cause therefor."

{¶19} The work product doctrine allows a party to obtain materials prepared in anticipation of litigation or for trial by or for a party, or by or for a party's attorney or other representative "only upon a showing of good cause therefor." In this case, however, Yauch never acted as an attorney or other representative for one of the parties. Therefore, Yauch's files were not protected from disclosure under the work product rule.

{¶20} Civ.R. 75(B)(2) provides that "[w]hen it is essential to protect the interests of a child, the court may join the child of the parties as a party defendant and appoint a guardian ad litem and legal counsel, if necessary, for the child and tax the cost." However, while Yauch was appointed to serve as the children's guardian ad litem, she was not appointed to act as their legal counsel. See In re Clark, 141 Ohio App.3d 55, 60 ("[a]n appointment to act as [guardian ad litem] *** does not constitute an appointment to act as the children's lawyer without an express appointment also to act as such"). Consequently, Yauch's files are not entitled to any protection from disclosure under the work product doctrine.

{¶21} In granting Yauch's motion to quash, the trial court initially found that the guardian ad litem's notes are not a "record" that is subject to disclosure. Hogan challenges this finding on appeal, arguing that the guardian's files are a record subject

to disclosure under the parties' agreed entry of February 26, 2002. The agreed entry states in pertinent part:

{¶22} "IT IS FURTHER ORDERED that each parent shall have equal access to the children's school, day care center, medical, or educational records and extracurricular or recreational activities, or an order limiting a parent's access to specific areas. Any order limiting a parent's access shall contain specific findings of fact which support such limitation. The order shall contain a notice to school and daycare officials and to all keepers of records that their knowing failure to comply with the order may be punishable as contempt of court."

{¶23} This provision essentially tracks the language in R.C. 3109.051(H), which provides, in pertinent part:

{¶24} "(H) (1) *** [A] parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. ***.

{¶25} "(2) *** [S]ubsequent to the issuance of an order under division (H) (1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who

is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent ***."

{¶26} R.C. 3109.051(H) and the provision in the parties' agreed entry on which Hogan relies, do not, per se, grant either party access to the guardian's file. Instead, these provisions merely ensure that Hogan will have equal access to any record relating to the parties' children that Kathleen has.

{¶27} Nevertheless, parties generally should be granted broad leeway in discovering material that may be useful to them in preparing for litigation. See, generally, Stegawski v. Cleveland Anesthesia Group, Inc. (1987), 37 Ohio App.3d 78, 85. The fact that a guardian's files do not constitute a record for purposes of the parties' agreed entry or R.C. 3109.051(H) does not, standing alone, provide a valid reason for quashing a subpoena seeking their disclosure.

{¶28} The trial court cited two grounds for granting the guardian ad litem's motions to quash. First, the trial court found that the material sought by Hogan was "privileged." The trial court did not specify what privilege to which it was referring, but it appears that the trial court was referring to Yauch's role as the children's guardian ad litem, or, perhaps, the "work product" doctrine cited by Yauch in the proceedings below. However, for the reasons discussed earlier, Yauch cannot claim that an attorney-client privilege existed between her and the Hogans' children, nor can Yauch claim that her files regarding the children are entitled

to any privilege under the work product doctrine of Civ.R. 26(B)-(3).

{¶29} The trial court also found that it would not be in the children's best interest to require the guardian to disclose her files. We agree that a trial court has discretion to grant a motion to quash a subpoena for a guardian ad litem's files if the court finds that it would not be within the children's best interest to allow disclosure of the files. But in order to make such a finding, the trial court must first make an in camera inspection of the files sought. In this case, the trial court never requested Yauch to make her files available to it for an in camera inspection. Therefore, the trial court was not in a position to find, as it did, that it would not be in the children's best interest to permit the files to be disclosed. We conclude that the trial court abused its discretion by not making an in camera inspection of the material sought by Hogan, before declaring that it would not be in the children's best interest to permit the guardian's files to be disclosed to Hogan.

{¶30} On remand, the trial court shall order Yauch to produce her files on Hogan and the children to allow the trial court to inspect them in camera. Once the trial court is provided with the guardian's files, it is to determine whether or not it would be in the children's best interests to allow the files to be released to Hogan.

{¶31} Hogan's first assignment of error is sustained.

Assignment of Error No. 2

{¶32} "THE TRIAL COURT ERRED TO THE PREJUDICE OF DEFENDANT-APPELLANT WHEN IT ORDERED HIM TO PAY ATTORNEY FEES TO THE GUARDIAN AD LITEM."

{¶33} In light of our disposition of Hogan's first assignment of error, the trial court's order that Hogan pay attorney fees to the guardian ad litem in the amount of \$500 is vacated. On remand, the trial court will determine whether it would be in the children's best interest to grant Hogan access to the guardian ad litem's files. If it decides access would not be in the children's best interest, the trial court may reconsider the issue of whether the guardian ad litem is entitled to attorney fees, and, if so, in what amount.

{¶34} Hogan's second assignment of error is sustained to the extent indicated.

Assignment of Error No. 3

{¶35} "THE TRIAL COURT ERRED TO THE PREJUDICE OF DEFENDANT-APPELLANT WHEN IT ORDERED HIM TO PAY THE ENTIRE FEES FOR THE REPLACEMENT GUARDIAN AD LITEM."

{¶36} In light of our disposition of Hogan's first and second assignments of error, the trial court's order requiring Hogan to pay the entire fee for the replacement guardian ad litem is vacated. On remand, the trial court shall reconsider the issue in light of all the facts, circumstances and evidence before it.

{¶37} Hogan's third assignment of error is sustained to the extent indicated.

{¶38} The trial court's judgment is reversed, and this cause is

remanded for further proceedings consistent with this opinion and in accordance with law.

YOUNG, J., concurs.

WALSH, J., dissents.

WALSH, J., dissenting.

{¶39} Because I would affirm the trial court's decision, I respectfully dissent from the majority opinion.

{¶40} First, review of the record reveals that appellant's discovery request was made while there was no litigation related to custody pending before the trial court. As a general proposition, discovery is appropriate only when there is an action pending before the court. Civ.R. 26(B)(1). Discovery is not a mechanism to ascertain whether a party has a cause of action, but rather is only appropriately used to discover facts related to a party's own cause of action or grounds of defense. See Poulos v. Parker Sweeper Co. (1989), 44 Ohio St.3d 124. Because there was no matter pending, the trial court did not abuse its discretion by quashing the subpoenas.

{¶41} Second, as observed by the majority, appellant concedes that any notes taken by the guardian ad litem are protected work product, not subject to disclosure. Appellant's judicial admission that this portion of the guardian's file is not discoverable supports the trial court's decision to quash the subpoenas as each contained a request for the guardian's privileged notes. I would find appellant's concession dispositive of this matter and affirm

the trial court's decision.

Ari Jurado

From: Blythe Bethel
Sent: Wednesday, March 5, 2014 3:13 PM
To: Ari Jurado
Cc: Esq. Ronald R. Petroff; Erika Smitherman
Subject: Re: Notice of Subpoena Issued

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit L2

All: I am simply going to bring the entire banker's box that contains my file in this case. You can all make your case to the judge and let the judge determine how she wants to handle this matter. I am not in a position to continue to finance this case for either party. I am going to bring the file to the hearing next week, and leave it at that. Blythe

On Wednesday, March 5, 2014 12:23 PM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:
Blythe,

You keep referring to all those copies you need to make for me. There is a reason why I did not ask for you to produce the file/documents before the hearing: Because I may not need your whole file. In fact, I may not need your file at all. The purpose of the subpoena for you to bring the file, and not copies, to the hearing is twofold:

1. To help the Judge assess if the Protective Order that I requested in my motion is necessary, or if at least if certain documents need to be protected.
2. For the hearing of my motion to remove you: The judge may need to see specific documents that are in your possession during the hearing.

As you can see, the your file and documents are more for the use of the Judge than me; And as you can see, it may not be necessary to review the entire file.

Bringing the file, without making copies, to the hearing on March 13 for the reasons above will not make you incur in any new expenses. If you still insist in not bringing your file for the March 13 hearing using the pretext of the expense of making copies or the fact that I have a balance with you, it only demonstrates that you are not acting in good faith while trying to interfere with the administration of justice. Again, this opinion is solely based on the information you have provided to me today. Hopefully you have other valid reasons for not bringing it.

If it helps, you could bring information that you have in electronic form, in electronic form. In other words, if you want to bring your emails in a USB drive, and that is easier for you, I will not object.

Thanks,

Ari