

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE EX. REL. :  
AMANDA WILSON ILER :  
121 E. Sixth St. :  
Seaman Ohio 45679 :

Case No. 15-0146

Relator, :

vs. :

**ORIGINAL ACTION IN  
HABEAS, MANDAMUS,  
AND PROHIBITION**

Judge Brett M. Spencer :  
Adams Co. Court Common Pleas :  
Juvenile Division :  
110 West Main St. :  
West Union, Ohio 45693 :

AND

Michael T. Farahay  
1200 Mineral Springs Rd.  
Peebles, OH 45660

Respondents.

---

**EMERGENCY COMPLAINT FOR WRITS OF  
HABEAS, MANDAMUS AND PROHIBITION**

---

FILED  
JAN 27 2015  
CLERK OF COURT  
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

STATE EX REL  
AMANDA WILSON ILER  
121 East Sixth Street  
Seaman, Ohio 45679

Relator,

vs.

Judge Brett M. Spencer  
Adams Co. Court Common Pleas  
Juvenile Division  
110 West Main Street  
West Union, OH 45693

and

Michael T. Farahay  
1200 Mineral Springs Rd.  
Peebles, OH 45660

Respondents.

Case No.

**ORIGINAL ACTION IN  
HABEAS, MANDAMUS  
AND PROHIBITION**

---

**EMERGENCY COMPLAINT FOR WRITS OF  
HABEAS, MANDAMUS AND PROHIBITION**

---

### JURISDICTION

- 1.) This Court has jurisdiction to issue writs of habeas corpus, mandamus and prohibition, pursuant to Article IV, Section 2(B)(1)(b)-(d) of the Constitution of the State of Ohio.

### THE PARTIES

- 2.) Relator, Amanda Wilson Iler, is biological mother to M.F. (Dob: 05/20/2000), also known as Plaintiff/Appellant to underlying juvenile case, *ILER vs. FARAHAY, Case No. 20035123*) currently pending appeal in the Fourth Appellate District Court of Appeals captioned as 'CA 994', the same case that originated in Adams County Common Pleas, Juvenile Division.
- 3.) Respondent, Michael Farahay is the biological father to child M.F., also known as Defendant/Appellee to the same underlying cases, previously mentioned.
- 4.) Respondent, Judge Brett M. Spencer,

### FACTUAL STATEMENTS OF THE CASE

- 5.) The Case originated by the Adams County CSEA initiating by filing a 'Complaint' for an order of child support between the unmarried parents of M.F. (Exhibit A)
- 6.) Respondent/Father, Michael Farahay, became involved by way of court proceedings in 2008, seeking sole custody or alternatively standard visitation on the basis that child was being retained in the same grade level at school and alleged child's academic progress was a fault of the mother/Relator's lack of diligence in affording tutoring whereas his

new girlfriends paternal Aunt was a soon to be teacher therefor he could offer more academic guidance. He was afforded standard visitation minus Wednesday's due to his second shift work schedule.

- 7.) Throughout and prior to any initial court involvement the Respondent/father has continued to use verbal and physical force/aggression to menace Relator and even child, M.F. In any circumstance where Respondent/father can sustain by use of verbal or physical force (even if just by appearance of ) it's exerted despite the long term injury to his own child, M.F. and the already weakened relationship between respondent/father and child.
- 8.) 2009, Relator sought protection from Adams County Court by filing a C.P.O. against Respondent/father after a series of events that occurred in a short period of time and one of which involved the Respondent physically trying to assault Relator in front of M.F. The filing resulted in a temporary C.P.O. being granted by Judge Brett M. Spencer who then referred the future hearing to a Magistrate. The magistrate belittled and ridiculed Relator, and in the presence of the Respondent/father, as if there was no conduct that warranted a C.P.O. and dismissed it but advising to call the police in the future if needed and literally condoned the black eye Relator had in the presence of the magistrate and he never once questioned Respondent about any physical violence allegations or why Relator had an eye injury. (mind you, no video surveillance was installed in magistrate's court room in 2009).
- 9.) M.F. complained of visits with Respondent/Father and how she was prohibited from displaying love for both parents and was badgered to answer inappropriate questions

about Relator and at times felt scared that if she disagreed or denied accusations from Respondent/father, that he may harm her or become upset with her.

10.) Upon returning from a weekend visitation, M.F. relayed she was present when Respondent/father had openly made arrangements with her older half sibling's (C.B.) father to pay for litigation if he would simply file and use a certain lawyer in doing so.

11.) Approx. 6-8 weeks after M.F. relaying that info, Relator was served papers and proceedings began in relation to half sibling C.B. all the while being served again by Respondent/Father for 'shared parenting' and though he sought no schedule or child support changes, it was clear that the court encouraged filings despite their baseless merits, the court never faults his misleading statements (even if proven) and every time the court blames/faults Relator, whose not the party seeking or filing the excessive litigation. The court has not once approached the Respondent/father who is the party seeking to file, nearly every time ( and soliciting others to simultaneously file). Shared parenting was denied. Denial was based on 'not a change in circumstances' instead of the usual ' best interests' which is applied when considering shared parenting.

12.) Again, 2011, the Respondent/father files another motion, he alleges contempt after he openly admits ( transcripts 2011, pages ), that he was not refused visitation but rather that threatening a child whose already scared isn't going to aid in a child to willingly want to trust in you or make a child comply, he was asked to not threaten and allow child time to calm herself before attempting visitation and he admits he left without being asked but claims willfull withholding of visitation and the court again completely faults Relator (see decision exhibit ' ' ) and never once accounts for any wrong by Respondent/father.

- 13.) April 11, 2013 Respondent/father files a *Motion*, alleging child was drastically failing and implied child and Relator were living in several different places, all of which were untrue. Due to attorney using wrong zip code, Relator was not served until 05/20/2013 (see journal and actual Motion cert. of service) and despite there being over 200 days between the filing and first hearing, not once were any new allegations added or 'discovered' between filing and hearings.
- 14.) March 18, 2014 Magistrate Decision & Judgment Entry filed on journal same date and upon Relator filing timely objections the Decision & Judgment became an 'Interim Order'. Motion to set aside, objections and transcripts ordered.
- 15.) Upon each Interim expiring past 28 days the court renewed it only upon being reminded by the Relators filing Motion to Stay (see *exhibit B* ).
- 16.) Relator called Fourth Court of Appeals to confirm the in camera transcript of child interview had been received but was advised there was no record of Relator/Plaintiff ordering for Appeal purposes. Counsel for Relator/Plaintiff called Adams Co Clerk to inquire and demand the court remedy the order being absent in Fourth Appellate Court and counsel and Relator both received a letter from Judge Brett Spencer 'ignoring' our ordering of transcripts despite it being posted online to portray it had been acknowledged.
- 17.) The 07/10/14 Entry per online Journal of CA 994 does not exist and was never truly mailed, only the "amended" version was sent and was absent ordering of transcript for appeal purposes.
- 18.) There was never a complaint or sworn affidavit but rather a *Motion* filed and child was not failing at all, actually teachers testimony in transcripts 12/3/13 are to the contrary to the allegations in the motion.

### Preliminary

In the event, Prohibition is alleged to be barred from this filing, as Relator attempted previously to succeed Writ of Prohibition, within the Court of Appeals, 4<sup>th</sup> district, where it was dismissed, it needs to be on record and stated that these attachments were part of Reconsideration to support all claims and it became obvious that all documents were not reaching the Appellate Judges in their entirety and now for first time aren't subject to any direct contact within Adams County Ohio Courts before being reissued by way of 'amending' as Adams County might term the intentional removing and tampering of documents. Res judicata "involves both claim preclusion (historically called estoppel by judgment in Ohio) and issue preclusion (traditionally known as collateral estoppel)." Grava v. Parkman Twp., 73 Ohio St.3d 379, 381, 653 N.E.2d 226 (1995). Claim preclusion provides that "[a] final judgment or decree rendered upon the merits, without fraud or collusion, by a court of competent jurisdiction \* \* \* is a complete bar to any subsequent action on the same claim or cause of action between the parties or those in privity with them." Id., quoting Norwood v. McDonald, 142 Ohio St. 299, 52 N.E.2d 67 (1943), paragraph one of the syllabus.

### Habeas

In re Black (1973), 36 Ohio St. 2d 124 -- The Court of Appeals and Supreme Court have original jurisdiction in habeas actions concerning juveniles. **The exclusive jurisdiction of the juvenile court as to matters concerning minors concerns only statutory, as opposed to constitutional jurisdiction.**

## Prohibition and Mandamus

In some cases, the relator need not demonstrate the existence of an adequate remedy.

“If a lower court patently and unambiguously lacks jurisdiction to proceed in a cause, prohibition and mandamus will issue to prevent any future unauthorized exercise of jurisdiction and to correct the results of prior jurisdictionally unauthorized actions.’

State ex rel. Mayer v. Henson, 97 Ohio St. 3d 276, 2002 Ohio 6323, 779 N.E.2d 223, ¶12; State ex rel. Powell v. Markus, 115 Ohio St.3d 219, 2007 Ohio 4793, 874 N.E.2d 775,

Enforcing a judicial order is clearly an exercise of judicial power, to which has already been done in this case, based on a *Motion*, not a complaint, and the refusal to correct any prior actions, despite not having the authority to do so since the court had no authority/jurisdiction.

A writ of mandamus is defined as “a writ, issued in the name of the state to an inferior tribunal, a corporation, board, or person, commanding the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station.” R.C. 2731.01. In order for a court to issue a writ of mandamus, a relator must have a clear legal right to the relief prayed for, the respondent must have a clear legal duty to perform the act requested, and the relator must possess no plain and adequate remedy at law. State ex rel. Husted v. Brunner, 123 Ohio St.3d 288, 2009-Ohio-5327, 915 N.E.2d 1215, at ¶8.

{¶7} A writ of prohibition is a legal order under which a court of superior jurisdiction enjoins a court of inferior jurisdiction from exceeding the general scope of its inherent authority. State ex

rel. *Feathers v. Hayes*, 11th Dist. No. 2006-P-0092, 2007-Ohio-3852, ¶9; *State ex rel. Tubbs Jones v. Suster*, 84 Ohio St.3d 70, 701 N.E.2d 1002 (1998)

“[A] court of superior jurisdiction may grant a writ of prohibition to prevent the attempted exercise of ultra vires jurisdiction by a court of inferior jurisdiction. Where the proceedings are void ab initio, ultra vires jurisdiction is invoked and the writ will lie.” *Wisner v. Probate Court of Columbiana Cty.*, 145 Ohio St. 419, 422, 61 N.E.2d 889 (1945), citing *State ex rel. Young v. Morrow*, 131 Ohio St. 266, 2 N.E.2d 595 (1936).

The court’s authority in dependency and neglect cases is strictly governed by a comprehensive statutory scheme set forth in R.C. Chapter 2151.” *In re N.G.*, 9th Dist. Lorain No. 12 CA010143, 2012-Ohio-2825, ¶ 10, citing *In re I.S.*, 9th Dist. Summit No. 24763, 2009-Ohio-6432, ¶ 10. “The appropriate way to invoke the jurisdiction of the juvenile court is by the filing of a complaint.” *In re D.G.*, 5th Dist. Guernsey No. 09-CA-25, 2010-Ohio-1461, ¶ 26. Juvenile Rule 2(F) defines the complaint as “the legal document that sets forth the allegations that form the basis for juvenile court jurisdiction.”

The emphasis given that the trial court’s authority in abuse, neglect, and dependency cases is strictly authorized by statute, including R.C. 2151.27. See *In re N.G.*, 2012-Ohio-2825, at ¶ 10. It is reversible error in other situations in which the trial court exceeded its statutory authority in dependency and neglect cases.

See, See, e.g., In re A.P., 9th Dist. Medina No. 12CA0022-M, 2012-Ohio-3873 (trial court lacked authority to remove legal custody from the case plan); In re I.S., 9th Dist. Summit No. 24763, 2009-Ohio-6432 (court lacked authority to modify legal custody order except as provided by R.C. 2151.42); see also In re A.B., 110 Ohio St.3d 230, 2006-Ohio-4359 (trial court lacked statutory authority to place child in a PPLA).

### Conclusion

In this case, habeas, prohibition and mandamus are the appropriate remedy. When a lower court totally lacks jurisdiction, \* \* the availability or adequacy of a remedy of appeal to prevent the resulting injustice is immaterial to the exercise of supervisory jurisdiction by a superior court to prevent usurpation of jurisdiction by the inferior court." State, ex rel. Largent, v. Fisher, supra, at 163, 540 N.E. 2d at 241; State, ex rel. Adams, v. Gusweiler (1972), 30 Ohio St.2d 326, 329, 59 O.O. 2d 387, 388, 285 N.E.2d 22, 24.

### Prayer for Relief

- 1.) Immediately VACATE the orders of Adams County in 20035123 on behalf of a child that has literally been deprived of a voice.
- 2.) Demand explanation as to the posting online of ordering in camera transcript then knowingly omitting it from higher court.
- 3.) Allow Relator audio CD of hearings for comparison of 11/5 and 12/3 transcripts to show discrepancies of what's written and what's not but should have been.

- 4.) Allow Relator to submit transcripts of another case to show they were redone by outside entity and over 20 pages that were never sent to Court of Appeals despite the court approving the request to supplement the record.
- 5.) Allow Relator chance to supply Highland Co transcripts from 8/5/13 and phone records that became available AFTER the hearings in Adams County that show the blatant dishonesty of Testimony from Matt Iler & Chase Gleason in 11/5/13 hearing.
- 6.) demand explanation as to the delay between 7/10 and 7/23 in sending appeal notice.

Respectfully submitted,



---

Amanda Wilson Iler  
Pro Se Relator/Plaintiff  
121 East Sixth Street  
Seaman, Ohio 45679  
Phone: 937-779-6637

This 27<sup>th</sup> day of January, 2015.

**AFFIDAVIT OF VERITY**

(STATE OF OHIO )  
 )SS:  
(HIGHLAND COUNTY )

I, Amanda Wilson Iler, hereby attest that the following statements are true and correct to my personal knowledge, and after being first duly cautioned and sworn to my oath say that I am aware of the penalties for perjury and that any false statements made will subject me to such penalties for perjury.

- 1.) I affirm attached exhibits are copies made from the originating documents from the issuing entity/law office as the document purports to be from.
- 2.) All attachments pursuant to Civ. R. 10(D) incorporated and part of complaint, known as exhibits, individually distinguished by its corresponding alpha designation.
- 3.) The printed Verizon records were accessed by the undersigned using known log-in credentials prior to being changed to block further accessing them.
- 4.) I am competent to testify under oath regarding any/all issues or matters for this court.

Further Affiant Sayeth Naught.

Amanda Wilson Iler  
Amanda Wilson Iler, Relator

Sworn to and subscribed before me, a duly commissioned Notary Public on this 27<sup>th</sup> day of January, 2015.

Carol J. Price  
NOTARY PUBLIC  
my Commission Expires 6-23-15

**EXHIBIT A**

**Electronic Case Journal**

**(Case: 20035123), 36 pages total**

**Printed by Clerk of Juvenile Division in Adams County**

ADULT CASE DOCKET

PAGE

1

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

12/11/2003

CASE FILED  
CONCERNING: MACKENZIE FARAHAY

12/11/2003

INVOLVED PARTIES: PLAINTIFF: WILSON, AMANDA 2038 BIG RUN ROAD SEAMAN, OHIO  
DEFND 1: FARAHAY, MICHAEL 187 VINE STREET PEEBLES, OHIO 45660

12/11/2003

COMPLAINT TO ESTABLISH SUPPORT FILED BY M.MCFARLAND, ATTY FOR ACCSEA.  
CC: M.FARAHAY, ACCSEA

12/11/2003

NOTICE OF HEARING AND ORDER TO APPEAR: PL AND DEF ORDERED TO APPEAR  
1-13-04, 12:20 PM; BOTH ORDERED TO BRING INCOME RECORDS FOR 2001,2002, AND  
CURRENT YR; ALSO BRING INFORMATION CONCERNING AVAILABILITY OF MEDICAL INS  
THROUGH EMPLOYMENT; FAILURE TO APPEAR MAY BE CONTEMPT OF COURT; CLERK TO  
ISSUE SUMMONS, COPY OF COMPLAINT, COPY OF NOTICE OF HRG/ORDER TO APPEAR TO  
BOTH PARTIES BY CERTIFIED MAIL/R.R.R. CC: M.FARAHAY, A.WILSON, ACCSEA

12/11/2003

DOCKETING AND INDEXING CHARGE

12/11/2003

COMPUTER FEE

12/11/2003

LEGAL RESEARCH FEE

12/11/2003

SPECIAL PROJECT FUND

12/18/2003

HEARING SET FOR 01/13/2004 AT 12:20 PM

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

12/18/2003

SUMMONS ISSUED TO MICHAEL FARAHAY.

12/18/2003

SUMMONS, COPY OF COMPLAINT, COPY OF NOTICE OF HEARING/ORDER TO APPEAR MAILED TO MICHAEL FARAHAY, 187 VINE STREET, PEBBLES, OHIO 45660, BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED.

12/18/2003

SUMMONS ISSUED TO AMANDA WILSON.

12/18/2003

SUMMONS, COPY OF NOTICE OF HRG/ORDER TO APPEAR MAILED TO AMANDA WILSON, 2038 BIG RUN ROAD, SEAMAN, OH 45679, BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED.

12/18/2003

SUMMONS (28-DAY) ISSUED TO MICHAEL FARAHAY.

12/22/2003

RETURN RECEIPT-CERTIFIED MAIL FILED: AMANDA WILSON, 2038 BIG RUN ROAD, SEAMAN, OH 45679, SIGNED BY ? (ILLEGIBLE), 12-19-03.

12/22/2003

RETURN RECEIPT-CERTIFIED MAIL FILED: MICHAEL FARAHAY, 187 VINE STREET, PEBBLES, OH 45660, SIGNED BY AMANDA WILSON, 12-19-03.

01/13/2004

MAGISTRATE'S DECISION: SUPPORT ORDER AND WORKSHEET ATTACHED AS ORDER EFFECTIVE BY ITS TERMS; ORDER EFFECTIVE UNTIL MR. FARAHAY LEAVES COLLEGE LATER THIS YEAR AND THEN CURRENT ORDER TO BE RECALCULATED; COSTS TO BE PAID BY M.FARAHAY IN 30 DAYS (COPY OF COST BILL HANDED TO M.FARAHAY BY CB) COPIES HANDED TO A.WILSON, M.FARAHAY, ACCSEA BY CBLACK.

01/13/2004

JUDGMENT ENTRY ADOPTING DECISION OF MAGISTRATE.  
CC: M.FARAHAY, ACCSEA

01/13/2004

COST CORRECTION.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

01/26/2004

PAYMENT AMOUNT 29.84 RECEIPT # 20040049 FROM FARAHAY, MICHAEL

03/19/2004

UNPAID COST: LETTER STATING FAILURE TO PAY UNPAID COST WILL RESULT IN CIVIL CONTEMPT OF COURT CHARGES BEING FILED; PAY COST WITHIN 30 DAYS AFTER SERVICE; COURT COST OWED

03/25/2004

PAYMENT AMOUNT 100.00 RECEIPT # 20040164 FROM FARAHAY, MICHAEL

05/20/2005

CASE REACTIVATED  
CONCERNING: MACKENZIE FARAHAY

05/20/2005

HEARING SET FOR 06/16/2005 AT 10:10 AM

05/20/2005

MOTION FILED BY MICHELLE WICKERHAM, ATTY FOR ACCSEA WITH MEMORANDUM THAT PLAINTIFF OBJECTED TO MODIFICATION OF CHILD SUPPORT AT ADMINISTRATIVE HEARING HELD 04/13/05. ADMINISTRATIVE MODIFICATION RECOMMENDATION & PLAINTIFF'S OBJECTION ATTACHED. REVISED AMOUNT IS \$468.00 PER MONTH EFFECTIVE 05/01/05.  
CC: ACCSEA; A.WILSON; M.FARAHAY

05/20/2005

NOTICE OF HEARING AND ORDER TO APPEAR: PLAINTIFF, A.ILER & DEF, M.FARAHAY TO APPEAR AT HEARING 06/16/05 AT 10:10 A.M. & BRING RECORDS OF INCOME FOR 2003, 2004 & CURRENT YEAR IN FORM OF TAX RETURNS WITH 2 MOST RECENT PAY STUBS. INFO ON MED INSUR & PROOF OF DAYCARE COSTS. CLERK TO ISSUE SUMMONS FOR CONTEMPT, COMPLAINT, NOTICE OF HEAR/ORDER TO APPEAR TO PL & DEF BY CERT MAIL/RRR. C:/ACCSEA; PLAINTIFF; DEF

05/20/2005

SUMMONS FOR CONTEMPT ISSUED TO A.WILSON.

05/20/2005

SUMMONS FOR CONTEMPT ISSUED TO M.FARAHAY.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/20/2005

CERTIFIED MAIL/RETURN RECEIPT SENT TO A.WILSON, 238 ROBIN ROAD, SEAMAN, OH 45679. SUMMONS FOR CONTEMPT, COPY OF COMPLAINT, COPY OF NOTICE OF HEAR/ORDER TO APPEAR.

05/20/2005

CERTIFIED MAIL/RETURN RECEIPT SENT TO M.FARAHAY, 187 VINE ST, PEBBLES, OH 45660. SUMMONS FOR CONTEMPT, COPY OF COMPLAINT, COPY OF NOTICE OF HEAR/ORDER TO APPEAR.

05/23/2005

RETURN RECEIPT-CERTIFIED MAIL FILED: AMANDA WILSON, 238 ROBIN ROAD, SEAMAN, OHIO 45679, SIGNED BY MATT ILER, ON 5/21/05

05/23/2005

RETURN RECEIPT-CERTIFIED MAIL FILED: MICHAEL FARAHAY, 187 VINE ST., PEBBLES, OHIO 45660, SIGNED BY AMANDA WILSON, ON 5/21/05

06/16/2005

MAGISTRATE'S DECISION: HRG 6/16/05 ON PLAINTIFF'S OBJECTIONS TO ADMINISTRATIVE HEARING. PLAINTIFF WITHDREW HER OBJECTIONS. MOTION DISMISSED. ARREARAGES OWED TO STATE OF OHIO, \$0.00. COSTS OF PROCEEDING TO BE PAID BY PLAINTIFF.  
CC: HANDED TO ACCSEA

06/21/2005

JUDGMENT ENTRY: ADOPTED MAGISTRATE'S DECISION. PLAINTIFF WITHDREW HER OBJECTIONS. MOTION DISMISSED.  
CC: ACCSEA

06/21/2005

REGULAR U. S. MAIL SENT TO AMANDA WILSON, 238 ROBIN ROAD, SEAMAN, OH 45679, COPY OF COSTS SHEET

07/13/2005

CASE REACTIVATED  
CONCERNING: MACKENZIE FARAHAY

07/13/2005

APPLICATION FOR ADOPTION AND JOURNALIZATION OF ADMINISTRATIVE ORDER FILED. ORDER, WORKSHEET ATTACHED. FILED BY DANA N. WHALEN ON BEHALF OF MICHELLE WICKERHAM, ATTORNEY FOR ACCSEA.  
CC: ACCSEA

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

07/13/2005

JUDGMENT ENTRY: CHILD SUPPORT OBLIGATION OF MICHAEL FARAHAY FOR \$468.90 PER MONTH EFFECTIVE 5/1/05, TO BE PAID THROUGH OHIO CHILD SUPPORT PAYMENT CENTRAL, COLUMBUS, OHIO; BOTH PARTIES TO MAINTAIN MEDICAL INSURANCE COVERAGE FOR CHILD; COSTS TAXED TO DEF.  
CC: ACCSEA, A. WILSON (NKA ILER), M. FARAHAY

07/13/2005

DOCKETING AND INDEXING CHARGE

07/13/2005

COMPUTER FEE

07/13/2005

LEGAL RESEARCH FEE

07/13/2005

SPECIAL PROJECT FUND

07/15/2005

REGULAR U. S. MAIL SENT TO AMANDA WILSON, NKA ILER, 238 ROBIN ROAD, SEAMAN, OHIO 45679, COPY OF JUDGMENT ENTRY AND COSTS SHEET

07/15/2005

REGULAR U. S. MAIL SENT TO MICHAEL FARAHAY, 187 VINE ST., PEEBLES, OHIO 45660, COPY OF JUDGMENT ENTRY AND COSTS SHEET

09/15/2005

PAYMENT AMOUNT 73.74 RECEIPT # 20050402 FROM FARAHAY, MICHAEL

12/12/2007

CASE REACTIVATED  
CONCERNING: MACKENZIE FARAHAY

12/12/2007

JUDGMENT ENTRY: ORDERED THAT ADMINISTRATIVE MODIFICATION RECOMMENDATION DATED 9/26/07 (COPY ATTACHED & MARKED EX A) IS APPROVED & ADOPTED BY THIS COURT. CLERK TO SERVE COPY OF THIS ENTRY ON PL AND DEF BY C.O.M. COSTS TAXED TO DEF/OBLIGOR TO BE PAID W/I 90 DAYS OF THIS ENTRY.  
CC: ACCSEA, K. ARMSTRONG, A. ILER, M. FARAHAY

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

12/14/2007

CERTIFICATE OF MAILING: COPY OF J.E. OF 12/12/07 SENT TO AMANDA WILSON  
(NOW ILER) (COSTS SHEET SENT ALSO, DUE TO MONEY OWED PREVIOUSLY)

12/14/2007

CERTIFICATE OF MAILING: COPY OF J.E. OF 12/12/07 & COSTS SHEET SENT TO  
MICHAEL FARAHAY

12/14/2007

ADD'L COSTS OF REGULAR MAIL

06/20/2008

REGULAR U. S. MAIL SENT TO DEF, MICHAEL FARAHAY. PAST DUE COSTS.

06/20/2008

REGULAR U. S. MAIL SENT TO PLAINTIFF, AMANDA WILSON. PAST DUE COSTS.

06/27/2008

PAYMENT AMOUNT 19.68 RECEIPT # 20080238 FROM FARAHAY, MICHAEL

07/14/2008

COURT COST ASSESSED

07/14/2008

PAYMENT AMOUNT 23.69 RECEIPT # 20080274 FROM ILER, AMANDA  
CK# 1404

07/14/2008

HEARING SET FOR 09/05/2008 AT 2:00 PM. TYPE: MTN. OFFICIAL: JWS

07/14/2008

HEARING CANCELLED FOR 09/05/2008 AT 2:00. TYPE: MTN  
MOVED EARLIER

07/14/2008

CASE REACTIVATED  
CONCERNING: FARAHAY, MACKENZIE RENEE

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

07/14/2008

MOTION FOR: ORDER DECLARING DEF BIOLOGICAL FATHER OF MINOR CHILD, RESIDENTIAL PARENT & LEGAL CUST. IN ALTERNATIVE, HE REQUESTS ORDER AWARDING HIM LIBERAL PARENT TIME. MEMORANDUM IN SUPPORT. FILED BY MICHAEL E. CASSITY, ATTY FOR DEF, MICHAEL FARAHAY.  
CC: A. ILER; M. FARAHAY; M. E. CASSITY

07/14/2008

AFFIDAVIT IN COMPLIANCE WITH 3127.23 OF THE O.R.C. FILED BY MICHAEL FARAHAY, DEFENDANT  
CC: A. ILER; M. FARAHAY; M. E. CASSITY

07/14/2008

NOTICE OF SEMINAR FOR SEPARATING PARENTS FOR PLAINTIFF, AMANDA ILER.  
CC: M. E. CASSITY

07/14/2008

NOTICE OF SEMINAR FOR SEPARATING PARENTS FOR DEF, MICHAEL FARAHAY.  
CC: M. E. CASSITY

07/14/2008

REQUEST FOR HEARING FILED BY MICHAEL E. CASSITY, ATTY FOR DEF. HEARING WILL BE HELD 08/25/08 AT 9:00 A.M.  
CC: A. ILER; M. FARAHAY; M. E. CASSITY

07/14/2008

REQUEST FOR SERVICE FILED BY MICHAEL E. CASSITY, ATTY FOR DEF, FOR CLERK TO SERVE PLAINTIFF, VIA CERT MAIL/RRR, WITH COPY OF MOTION, AFFIDAVIT IN COMPLIANCE WITH 3127.23 OF THE O.R.C., NOTICE OF SEMINAR & REQUEST FOR HEARING.  
CC: M. E. CASSITY

07/17/2008

HEARING SET FOR 08/25/2008 AT 9:00 AM. TYPE: MTN. OFFICIAL: JWS

07/22/2008

DEPOSIT RECEIVED 50.00 RECEIPT # 20080284 FROM MICHAEL E. CASSITY, ATTY CK# 735

07/22/2008

REGULAR U. S. MAIL SENT TO LIFESPAN SOLUTIONS, 4754 KUGLER MILL ROAD, CINCINNATI, OH 45236. COPY OF NOTICE OF SEMINAR FOR SEPARATING PARENTS FOR A. ILER & M. FARAHAY.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

07/22/2008

CERTIFIED MAIL/RETURN RECEIPT SENT TO PLAINTIFF, AMANDA ILER. MOTION, AFFIDAVIT IN COMPLIANCE WITH 3127.23 OF THE O.R.C., NOTICE OF SEMINAR & REGISTRATION FORM, REQUEST FOR HEARING.

07/22/2008

CERTIFIED MAIL/RETURN RECEIPT SENT TO DEF, MICHAEL FARAHAY. COPY OF MOTION, AFFIDAVIT IN COMPLIANCE WITH 3127.23 OF THE O.R.C., NOTICE OF SEMINAR & REQUEST FOR HEARING.

07/30/2008

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED RECEIPT CARD RETURNED FROM MICHAEL FARAHAY, SIGNED FOR BY MICHAEL FARAHAY ON 7/24/08

07/30/2008

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED RECEIPT CARD RETURNED FROM AMANDA WILSON (NKA ILER), SIGNED FOR BY MATT ILER ON 7/25/08

08/22/2008

HEARING CANCELLED FOR 08/25/2008 AT 9:00. TYPE: MTN  
MTN TO CON'T., LEE KOGLER

08/22/2008

HEARING SET FOR 10/10/2008 AT 10:00 AM. TYPE: MTN. OFFICIAL: JWS

08/22/2008

NOTICE OF APPEARANCE FILED BY LEE D. KOGLER, ATTY AT LAW, HILLSBORO, OH AS COUNSEL OF RECORD FOR AMANDA ILER WITH CERT OF SERVICE TO M. CASSITY, ATTY FOR DEF.  
CC: LEE D. KOGLER

08/22/2008

MOTION TO: CONTINUE HEARING SCHEDULED FOR 8/25/08 COUNCIL FOR PLAINTIFF IS UNAVAILABLE TO APPEAR DUE TO APPEARING AT A CONTESTED DIVORCE CASE SCHEDULED IN HIGHLAND CO COMMON PLEAS CT AT SAME DAY & TIME. COUNSEL FOR PLAINTIFF ASSERTS THAT ON OR ABOUT 8/20 08, HE SPOKE WITH COUNSEL FOR DEF WHO AGREED TO CONTINUANCE. CERT OF SERVICE TO M. CASSITY, ATTY FOR DEF.  
CC: L. D. KOGLER

08/22/2008

JUDGMENT ENTRY: UPON MOTION OF PLAINTIFF & AGREEMENT OF PARTIES, IT IS ORDERED THAT HEARING SCHEDULED FOR 8/25/08 IS RESCHEDULED FOR 10/10/08 AT 10 A.M.  
CC: A. ILER; L. KOGLER; M. FARAHAY; M. CASSITY

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

08/22/2008

REGULAR U. S. MAIL SENT TO A. ILER. COPY OF ENTRY FILESTAMPED 08/22/08.

08/22/2008

REGULAR U. S. MAIL SENT TO DEF, MICHAEL FARAHAY. COPY OF ENTRY FILESTAMPED 8/22/08.

08/22/2008

REGULAR U. S. MAIL SENT TO M. CASSITY, ATTY FOR DEF. COPY OF ENTRY FILESTAMPED 8/22/08.

10/29/2008

HEARING SET FOR 12/22/2008 AT 1:00 PM. TYPE: CSY. OFFICIAL: JWS

10/30/2008

MAG DEC & RECOMMENDATIONS: HEAR, 10/10/08 ON MOTION FILED BY DEF. PARTIES ENTERED AGREEMENT RELATING TO SOME OF THE ISSUES RAISED IN DEF'S MOTION. DEF WANTS TO PURSUE ASPECT OF HIS MOTION. HEAR ON HIS REQUEST TO BE DESIGNATED AS RESIDENTIAL PARENT & LEGAL CUSTODIAN TO BE HELD 12/22/08 AT 1 P.M.

CC: A. ILER; L. D. KOGLER; M. FARAHAY; M. E. CASSITY

10/30/2008

JUDGMENT ENTRY: ADOPTED & APPROVED MAG DEC

CC: A. ILER; L. D. KOGLER; M. FARAHAY; M. E. CASSITY

10/31/2008

REGULAR U. S. MAIL SENT TO PLAINTIFF, AMANDA ILER. COPY OF MAG DEC & ENTRY FILESTAMPED 10/30/08.

10/31/2008

REGULAR U. S. MAIL SENT TO DEF, MICHAEL FARAHAY. COPY OF MAG DEC & ENTRY FILESTAMPED 10/30/08.

12/17/2008

PRAECIPE FOR SUBPOENA-DUCES TECUM ISSUED TO MICHAEL FARAHAY, 187 VINE STREET, PEEBLES, OH 45660 FOR HIM TO APPEAR PERSONALLY & BRING ALL HIS PAY STUBS & TAX RETURNS FOR YEARS 2007 & 2008.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

12/17/2008

PRAECIPE FOR SUBPOENA DUCES TECUM FILED BY: LEE D KOOGLER, ATTY FOR PLAINTIFF, FOR CLERK TO ISSUE TO DEF, MICHAEL FARAHAY TO APPEAR 12/22/08 AT 1 P.M. & BRING ALL HIS PAY STUBS & TAX RETURNS FOR YEARS 2007 & 2008 BY SHERIFF SERVICE WITH CERT OF SERVICE TO MICHAEL E CASSITY, ATTY FOR DEF.

12/19/2008

NOTICE OF VOLUNTARY DISMISSAL FILED BY MICHAEL E CASSITY, ATTY FOR DEF, MICHAEL FARAHAY. HE DISMISSES HIS MOTION FILED WITH COURT ON 7/14/08 WITH CERT OF SERVICE TO LEE D KOOGLER, ATTY FOR PLAINTIFF.  
CC: A. ILER; M. FARAHAY

12/19/2008

REGULAR U. S. MAIL SENT TO PLAINTIFF, AMANDA ILER. COPY OF NOTICE OF VOLUNTARY DISMISSAL.

12/19/2008

REGULAR U. S. MAIL SENT TO DEF, MICHAEL FARAHAY. COPY OF NOTICE OF VOLUNTARY DISMISSAL.

12/19/2008

REGULAR U. S. MAIL SENT TO MICHAEL E CASSITY. COPY OF NOTICE OF VOLUNTARY DISMISSAL.

12/22/2008

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR PERSONAL SERVICE ON MICHAEL FARAHAY. SERVED BY DEPUTY KEVIN CROSS ON 12/17/08.

01/21/2009

JUDGMENT ENTRY: IT APPEARING TO THE COURT UPON REVIEW OF FILE THAT THERE WAS AN INITIAL DEPOSIT MADE AT TIME OF FILING OF THIS ACTION, AND AS OF THIS DATE NONE OF DEPOSIT HAS BEEN APPLIED TO COSTS. COURT ORDERS COSTS BE TAXED TO DEPOSIT, WITH ANY REFUND TO BE PAID TO MICHAEL E CASSITY, ATTY, WHO MADE THE INITIAL DEPOSIT.

01/22/2009

REGULAR U. S. MAIL SENT TO MICHAEL CASSITY, ATTY. SENT BALANCE OF DEPOSIT.

01/22/2009

DEPOSIT APPLIED/ADJUSTED -48.20

01/22/2009

REFUND 1.80

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/18/2009

CASE REACTIVATED  
CONCERNING: FARAHAY, MACKENZIE RENEE

05/18/2009

MOTION FILED BY KENNETH L. ARMSTRONG, ATTY FOR ACCSEA. KENNETH L. ARMSTRONG MOVES COURT FOR ORDER MODIFYING THE CURRENT C.S. ORDER OF THE DEF/OBLIGOR, MICHAEL FARAHAY. W/MEMORANDUM IN SUPPORT OF MOTION. HRG REQUESTED. COPY OF ADM ADJUSTMENT RECOMMENDATION IS ATTACHED & MARKED EX A.  
CC: ACCSEA, K. ARMSTRONG, A. WILSON (NKA ILER), M. FARAHAY

05/18/2009

NOTICE OF HEARING AND ORDER TO APPEAR: PL/OBLIGEE, AMANDA WILSON, AND THE DEF/OBLIGOR, MICHAEL FARAHAY, ORDERED TO APPEAR 8/13/09 AT 8:50 A.M.  
CC: ACCSEA, K. ARMSTRONG, A. WILSON (NKA ILER), M. FARAHAY

05/18/2009

PRAECIPE FOR SUBPOENA DUCES TECUM FILED BY: KENNETH L. ARMSTRONG, ASST PROS ATTY ON BEHALF OF ACCSEA. CLERK TO ISSUE SDT FOR AMANDA WILSON & MICHAEL FARAHAY TO APPEAR 8/13/09 AT 8:50 A.M. & BRING: COPY OF FED & ST INC TAX RETURNS FOR '06, '07, '08; BREAKDOWN OF '06, '07, '08 INC SHOWING HOW MUCH BASE PAY & HOW MUCH OVERTIME PAY; PAY STUBS FOR '09; INFO CONCERNING HEALTH INS & COSTS OF SAME THROUGH EMPLOYER. CC: K. ARMSTRONG

05/18/2009

PRAECIPE FOR SERVICE: CLERK TO ISSUE SUMMONS, COPY OF MOTION, NOTICE OF HRG & SDT BY CERTIFIED MAIL/RRR, TO BE FOLLOWED BY C.O.M. IF RETURNED "REFUSED" OR "UNCLAIMED" TO PL, AMANDA WILSON AND THE DEF, MICHAEL FARAHAY  
CC: K. ARMSTRONG

05/20/2009

HEARING SET FOR 08/13/2009 AT 8:50 AM

05/20/2009

SUMMONS ISSUED TO AMANDA WILSON (NKA ILER)

05/20/2009

SUMMONS ISSUED TO MICHAEL FARAHAY

05/20/2009

SUBPOENA DUCES TECUM ISSUED TO AMANDA WILSON (NKA ILER)

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/20/2009

SUBPOENA DUCES TECUM ISSUED TO MICHAEL FARAHAY

05/20/2009

CERTIFIED MAIL/RETURN RECEIPT SENT: SUMMONS, COPY OF MOTION, NOTICE OF HRG & SDT SENT TO AMANDA WILSON (NKA ILER)

05/20/2009

CERTIFIED MAIL/RETURN RECEIPT SENT: SUMMONS, COPY OF MOTION, NOTICE OF HRG, SDT SENT TO MICHAEL FARAHAY

05/27/2009

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO MICHAEL FARAHAY DELIVERED ON 5/21/09, SIGNED FOR BY MICHAEL FARAHAY

05/27/2009

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO AMANDA ILER DELIVERED ON 5/22/09, SIGNED FOR BY MARIE MOORE

10/14/2009

MAG DEC: HEAR, 8/13/09 ON OBJECTIONS FILED BY PL, AMANDA WILSON ILER TO ADMIN MODIFCATION. BASED ON FIGURES, IT IS ORDERED THAT DEF, MICHAEL FARAHAY PAY SUM OF \$677.75 EFFECT 6/1/09 FOR SUPPORT OF MINOR CHILD. (SUPPORT ORDER ATTACHED). DEF TO MAINTAIN HEALTH & HOSPITALIZATION IF AVAIL AT REASONABLE COST. OBLIGOR TO PAY COSTS W/I 30 DAYS.  
CC: ACCSEA; K. ARMSTRONG CC: US MAIL/COM: A. WILSON; M. FARAHAY

10/16/2009

J.E.: ADOPTED & APPROVED MAG DEC.  
CC: ACCSEA; K. ARMSTRONG CC: US MAIL/COM: A. WILSON; M. FARAHAY

10/16/2009

CERTIFICATE OF MAILING TO AMANDA WILSON, 380 BROADWAY STREET, SEAMAN, OH 45679. COPY OF MAG DEC FILESTAMPED 10/14/09; ENTRY FILESTAMPED 10/16/09.

10/16/2009

CERTIFICATE OF MAILING TO DEF/OBLIGOR, MICHAEL FARAHAY, 187 VINE ST., PEEBLES, OH 45660. COPY OF MAG DEC FILESTAMPED 10/14/09; ENTRY FILESTAMPED 10/16/09 & COST BILL.

03/18/2010

CASE REACTIVATED  
CONCERNING: FARAHAY, MACKENZIE RENEE

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

03/18/2010

DEPOSIT RECEIVED 50.00 RECEIPT # 20100162 FROM KRIS BLANTON - DEPOSIT  
CK# 1068

03/18/2010

MOTION FOR: MODIFICATION OF THE PARENTING SCHEDULE, SUMMER VISITATION & TO  
ALLOW DEF TO CLAIM THE CHILD ON HIS TAX RETURN FILED BY KRIS BLANTON WITH  
MEMORANDUM & REQUEST FOR SERVICE UPON AMANDA ILER, 380 BROADWAY STREET,  
SEAMAN, OH 45679, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.  
COPY TO KRIS BLANTON, AMANDA ILER & MICHAEL FARAHAY

03/18/2010

AFFIDAVIT IN COMPLIANCE WITH SECTION 3109.27 OF THE OHIO REVISED CODE  
FILED BY KRIS BLANTON, SIGNED BY MICHAEL FARAHAY.  
COPY TO KRIS BLANTON, AMANDA ILER & MICHAEL FARAHAY.

03/18/2010

NOTICE OF SEMINAR FOR SEPARATING PARENTS FILED FOR MICHAEL FARAHAY

03/18/2010

NOTICE OF SEMINAR FOR SEPARATING PARENTS FILED FOR AMANDA ILER.

03/18/2010

NOTICE OF SEMINAR FOR SEPARTING PARENTS SENT TO LIFESPAN SOLUTIONS, 7672  
MONTGOMERY ROAD #153, CINCINNATI, OH 45236.

03/18/2010

HEARING SET FOR 05/04/2010 AT 10:00 AM. TYPE: MTN. OFFICIAL: JWS

03/19/2010

MAGISTRATE ORDER: A HEARING SHALL BE HELD ON THE MOTION ON 5/4/10 AT 10:00  
AM. COPY TO KRIS BLANTON, MICHAEL FARAHAN & AMANDA ILER.

03/19/2010

CERTIFIED MAIL/RETURN RECEIPT SENT TO AMANDA ILER, 380 BROADWAY STREET,  
SEAMAN, OH 45679.

03/24/2010

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO AMANDA ILER  
DELIVERED ON 3/20/10, SIGNED FOR BY AMANDA ILER

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

04/29/2010

NOTICE OF APPEARANCE FILED BY LEE D. KOGLER, ATTY FOR PL, AMANDA ILER. NOW COMES LEE D. KOGLER AND ENTERS HIS APPEARANCE OF COUNSEL FOR AMANDA ILER AND REQUESTS ALL FURTHER NOTICES AND PLEADINGS BE SERVED UPON HIM. W/CERTIFICATED OF SERVICE TO KRIS D. BLANTON, ATTY FOR DEF, MICHAEL FARAHAY.  
CC: L. KOOGER

04/29/2010

MOTION FOR CONTINUANCE FILED BY LEE D. KOGLER, ATTY FOR PL. PL, BY AND THROUGH COUNSEL, HEREBY MOVES COURT FOR CONTINUANCE OF HRG ON 5/4/10 AT 10:00 A.M.. COUNSEL HAS JUST BEEN RETAINED & IS ATTENDING A SEMINAR & IS UNAVAILABLE TO APPEAR. W/CERTIFICATE OF SERVICE ON KRIS D. BLANTON, ATTY FOR DEF.  
CC: L. KOGLER

04/29/2010

NOTICE OF SERVICE OF AMANDA ILER'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS UPON DEFENDANT FILED BY LEE D. KOGLER, ATTY FOR PL. W/CERTIFICATE OF SERVICE ON KRIS D. BLANTON, ATTY FOR DEF.  
CC: L. KOGLER

04/29/2010

MOTION TO MODIFY CHILD SUPPORT FILED BY LEE D. KOGLER, ATTY FOR PL. PL MOVES CT FOR ORDER MODIFYING THE LEVEL OF CHILD SUPPORT CURRENTLY BEING PD BY FATHER, SPECIFICALLY REQUESTS THAT THIS CT ADDRESS THE DEP CHILD TAX CREDIT & AWARD SAID CREDIT TO HER; MODIFY LEVEL OF CHILD SUPPORT AS HIS OVERTIME HAS NOT BEEN INCLUDED IN THE COMPUTATION & IS AT LEAST A 10% CHANGE. W/CERT OF SERVICE TO KRIS BLANTON. CC: L. KOGLER

04/29/2010

HEARING CANCELLED FOR 05/04/2010 AT 10:00. TYPE: MTN  
MTN TO CON'T., L. KOGLER

04/29/2010

HEARING SET FOR 07/21/2010 AT 1:00 PM. TYPE: MTN. OFFICIAL: JWS

05/03/2010

ENTRY GRANTING CONTINUANCE: UPON MOTION OF COUNSEL FOR PLAINTIFF AND FOR GOOD CAUSE SHOWN IT IS ORDERED THAT THE HRG SCHEDULED FOR 5/4/10 AT 10:00 A.M. IS RESCHEDULED TO 7/21/10 AT 1:00 P.M.  
CC: L. KOGLER, K. BLANTON, A. ILER, M. FARAHAY

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/03/2010

CERTIFIED MAIL/RETURN RECEIPT SENT: COPY OF ENTRY GRANTING CONTINUANCE  
SENT TO AMANDA ILER

05/03/2010

CERTIFIED MAIL/RETURN RECEIPT SENT: COPY OF ENTRY GRANTING CONTINUANCE  
SENT TO MICHAEL FARAHAY

05/03/2010

REGULAR U. S. MAIL: COPY OF MOTIONS, NOTICE OF APPEARANCE, NOTICE OF  
SERVICE & ENTRY GRANTING CONTINUANCE SENT TO LEE KOOGLER

05/06/2010

DEPOSIT RECEIVED 50.00 RECEIPT # 20100278 FROM LEE KOOGLER - DEPOSIT  
CK# 2343

05/11/2010

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO AMANDA WILSON  
(NOW ILER) DELIVERED ON 5/8/10, SIGNED FOR BY AMANDA ILER

05/11/2010

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO MICHAEL  
FARAHAY DELIVERED ON 5/5/10, SIGNED FOR BY MICHAEL FARAHAY

05/18/2010

NOTICE IS HEREBY GIVEN THAT THE DEF., BY & THROUGH COUNSEL, HAS SERVED A  
TRUE COPY OF RESPONSES TO FIRST SET OF INTERROGATORIES & REQUESTS FOR  
PRODUCTION OF DOCUMENTS DIRECTED TO DEF., SERVING THE SAME UPON COUNSEL FOR  
PLAINTIFF FILED BY KRIS BLANTON WITH PROOF OF SERVICE LEE KOOGLER.

06/21/2010

NOTICE OF SERVICE OF AMANDA ILER'S SECOND SET INTERROGATORIES & REQUEST  
FOR PRODUCTION OF DOCUMENTS UPON DEF. PL, A. ILER GIVES NOTICE OF HER SER-  
VICE OF PLAINTIFF'S SECOND SET OF INTERROGATORIES & REQUEST FOR PRODUCTION  
OF DOCUMENTS UPON K. BLANTON, ATTY FOR DEF WITH CERT OF SERVICE TO K. BLAN-  
TON, ATTY FOR DEF

12/16/2010

MAG DEC & ENTRY: HEARING HELD 7/21/10 ON MOTION FILED BY RESPOND TO MODIFY  
PREV CUSTODY ORDER & CHILD SUP FILED BY PETITIONER. PARTIES REACHED AGREE-  
MENT-PETITIONER WILL WITHDRAW HER MOTION TO MODIFY CHILD SUP. PARTIES AGREE  
TO CONTINUE PARENT TIME FOR RESPOND AS PREV ORDERED BY THIS CT; WILL ALTER-  
NATE TAX DEPEND OF MINOR CHILD W/RESPOND CLAIMING DEPEND ON EVERY EVEN TAX  
YEAR & PETITIONER CLAIMING DEPEND ON ODD TAX YEARS. RESPONDENT'S WIFE (MORE)

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

12/16/2010

ADD MAG DEC & ENTRY, PG. 2: LINDSAY BE ALLOWED TO PICK UP PARTIES' CHILD AT HOME OF PETITIONER, BUT LINDSAY TO HAVE NO CONTACT OR COMMUNICATION W/PETITIONER. ANY ALTERCATION BETWEEN LINDSAY & PETITIONER WILL RESULT IN VOIDING THIS PROVISION & RESPONDENT WILL MAKE OTHER ACCOMMODATIONS TO PICK UP HIS DAUGHTER AT PETITIONER'S RESIDENCE. CT ADOPTS AGREEMENT OF PARTIES & ORDERS PARTIES TO COMPLY W/CT'S ENTRY. COSTS TAXED TO DEPOSIT & THEN (MORE)..

12/16/2010

ADD MAG DEC & ENTRY: TO PARTIES EQUALLY. CLERK TO SEND A FILE-STAMPED COPY TO COUNSEL OF RECORD. J.E.: ADOPTED & APPROVED MAG DEC.  
CC: K. BLANTON; L. KOOGLER; A. ILER; M. FARAHAY

12/16/2010

REGULAR U. S. MAIL SENT TO PETITIONER, AMANDA ILER. COPY OF MAG DEC & ENTRY FILESTAMPED 12/16/10.

12/16/2010

REGULAR U. S. MAIL SENT TO LEE D. KOOGLER, ATTY FOR PETITIONER. COPY OF MAG DEC & ENTRY FILESTAMPED 12/16/10.

12/16/2010

REGULAR U. S. MAIL SENT TO RESPONDENT, MICHAEL FARAHAY. COPY OF MAG DEC & ENTRY FILESTAMPED 12/16/10.

12/16/2010

DEPOSIT APPLIED/ADJUSTED -78.19

12/16/2010

REFUND 21.81

12/28/2010

CASE REACTIVATED  
CONCERNING: FARAHAY, MACKENZIE RENEE

12/28/2010

MOTION FOR CONTEMPT FILED BY KRIS D. BLANTON, ATTY FOR DEF. DEF, MICHAEL FARAHAY, BY AND THROUGH COUNSEL, RESPECTFULLY REQUESTS: REQUIRE AMANDA ILER TO SHOW JUST CAUSE WHY SHE SHOULD NOT BE PUNISHED FOR CONTEMPT FOR FAILURE TO COMPLY W/MAG DEC & J.E. & ALLOW MICHAEL FARAHAY TO HAVE VISITATION WITH PARTIES MINOR CHILD; TO AWARD ALL OTHER RELIEF TO WHICH DEF IS ENTITLED TO INCLUDING ATTY FEES. (CONTINUED.....)

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

12/28/2010

DEPOSIT RECEIVED 50.00 RECEIPT # 20100757 FROM DEPOSIT-KRIS BLANTON  
CK# 1284

12/28/2010

MOTION FOR CONTEMPT CONTINUED: W/MEMORANDUM & REQUEST FOR SERVICE. CLERK  
TO ISSUE A SUMMONS IN CONTEMPT & SERVE THE PL, AMANDA WILSON (NKA ILER),  
BY PERSONAL SERVICE THROUGH THE ACSD AT 380 BROADWAY ST., SEAMAN, OHIO  
45679.  
CC: K. BLANTON, M. FARAHAY, A. WILSON (NKA ILER) VIA ACSD

01/04/2011

HEARING SET FOR 02/16/2011 AT 1:00 PM. TYPE: MTN. OFFICIAL: JWS

01/05/2011

JUDGMENT ENTRY: A HEARING SHALL BE HELD ON THE RESPONDENT'S MOTION ON  
2/16/11 AT 1:00 P.M. CLERK TO SEND A FILE-STAMPED COPY OF THIS ENTRY TO  
THE PARTIES AND THEIR COUNSEL OF RECORD.  
CC: K. BLANTON, M. FARAHAY, A. WILSON (NKA ILER) VIA ACSD

01/05/2011

CERTIFIED MAIL/RETURN RECEIPT SENT: COPY OF J.E. OF 1/5/11 SENT TO  
MICHAEL FARAHAY

01/05/2011

SUMMONS FOR CONTEMPT ISSUED TO AMANDA WILSON (NKA ILER)

01/11/2011

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO MICHAEL  
FARAHAY DELIVERED ON 1/7/11, SIGNED FOR BY MICHAEL FARAHAY

01/12/2011

MOTION FILED BY JON C. HAPNER, ATTY FOR PL. PL MOVES THE COURT TO: 1) DIS-  
MISS THE MOTION FOR CONTEMPT FILED ON 12/28/10, FOR FAILURE TO STATE A  
CLAIM UPON WHICH RELIEF CAN BE GRANTED; 2) SHOULD BRANCH ONE BE OVERRULED  
PL MOVES COURT FOR RELIEF BY HAVING THE DEF MAKE A DEFINITE STATEMENT; 3)  
PL MOVES COURT TO HAVE AN IN CAMERA INTERVIEW W/MACKENZIE FARAHAY. W/CERT  
OF SERVICE TO K. BLANTON, ATTY FOR DEF. CC: J. HAPNER

01/12/2011

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR SERVICE ON AMANDA  
ILER BY PERSONAL SERVICE ON 1/7/11.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

02/02/2011

MOTION FOR: PROPOSED SHARED PARENTING PLAN FILED BY KRIS D. BLANTON ATTY FOR MICHAEL FARAHAY, WITH MEMORANDUM & PROOF OF SERVICE UPON JON C. HAPNER, WITH ATTACHED PROPOSED SHARED PARENTING PLAN.

03/08/2011

MOTION FOR: APPOINTMENT OF GUARDIAN AD LITEM FILED BY KRIS BLANTON, ATTORNEY FOR DEF WITH PROOF OF SERVICE TO JON HAPNER.

03/10/2011

Journal/Docket: 128

Page: 279

ENTRY: UPON MOTION OF DEF, AND FOR GOOD CAUSE SHOWN, THIS COURT APPOINTS TYLER CANTRELL AS GAL FOR THE BENEFIT OF THE MINOR CHILD. BOTH PARTIES ARE REQUIRED TO SUBMIT 1/2 OF GAL FEE W/THIS CT W/I 30 DAYS OF THIS ENTRY. FURTHER ORDERED THAT BOTH PARTIES CONTACT THE GAL IMMEDIATELY & PRESENT THE CHILD TO GUARDIAN. CLERK TO SEND FILE STAMPED COPY TO PARTIES & COUNSEL. CC: T. CANTRELL, A. ILER, M. FARAHAY, K. BLANTON, J. HAPNER

03/11/2011

REGULAR U. S. MAIL: COPY OF ENTRY APPOINTING GAL SENT TO AMANDA ILER

03/11/2011

REGULAR U. S. MAIL: COPY OF ENTRY APPOINTING GAL SENT TO MICHAEL FARAHAY

03/11/2011

REGULAR U. S. MAIL: COPY OF ENTRY APPOINTING GAL SENT TO JON HAPNER

03/31/2011

DEPOSIT - RECEIPT NO. 20110189 IN THE AMOUNT OF \$ 150.00  
GAL-K. BLANTON-FARAHAY

05/20/2011

J.E: HEARING ON DEF'S MOTIONS ON 2/16/11. DEF MOVED CT FOR LEAVE TO AMEND HIS MOTION FOR CONTEMPT & PLAINTIFF REQUESTED ADD'L TIME TO FILE A RESPONSE TO DEF'S MOTION FOR PROPOSED SHARED PARENTING PLAN. PARTIES AGREE THIS MATTER BE CONTINUED. SET FOR HEARING 7/12/11 AT 1 P.M. PL TO MAKE CHILD AVAILABLE FOR IN-CAMERA HEAR IMMED FOLLOW HEARING. CLERK TO SEND COPY OF ENTRY TO PARTIES/COUNSEL. CC: PL; J. HAPNER; DEF; M. FARAHAY; T. CANTRELL, GAL

05/23/2011

REGULAR U. S. MAIL SENT TO JON C. HAPNER, ATTY FOR PLAINTIFF, AMANDA ILER COPY OF ENTRY FILESTAMPED 5/20/11.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/23/2011

CERTIFIED MAIL/RETURN RECEIPT SENT TO PLAINTIFF, AMANDA ILER. COPY OF ENTRY FILESTAMPED 5/20/11.

05/23/2011

CERTIFIED MAIL/RETURN RECEIPT SENT TO DEF, MICHAEL FARAHAY. COPY OF ENTRY FILESTAMPED 5/20/11.

06/01/2011

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO AMANDA WILSON DELIVERED ON 5/28/11, SIGNED FOR BY AMANDA ILER

06/08/2011

RETURN RECEIPT-CERTIFIED MAIL FILED: CERTIFIED MAIL SENT TO MICHAEL FARAHAY DELIVERED ON 6/1/11, SIGNED FOR BY MICHAEL FARAHAY

06/15/2011

DEPOSIT - RECEIPT NO. 20110355 IN THE AMOUNT OF \$ 150.00  
YOUNG & CALDWELL-GAL DEP.

06/15/2011

YOUNG & CALDWELL, GAL DEPOSIT. AMANDA WILSON (ILER) SENT GAL FEES DIRECTLY TO YOUNG & CALDWELL. DEPOSIT RECEIPT #20110355.

06/15/2011

AMENDED MOTION FOR CONTEMPT FILED BY KRIS D. BLANTON, ATTY FOR DEF. DEF, BY AND THROUGH COUNSEL, REQUESTS: TO REQUIRE AMANDA ILER TO SHOW CAUSE WHY SHE SHOULD NOT BE PUNISHED FOR CONTEMPT FOR FAILURE TO COMPLY W/MAG DEC & J.E. & ALLOW MICHAEL FARAHAY TO HAVE VISITATION W/PARTIES MINOR CHILD; AWARD ALL OTHER RELIEF TO WHICH DEF IS ENTITLED TO INCLUDING ATTY FEES. W/MEMORANDUM & PROOF OF SERVICE TO J. HAPNER. CC: K. BLANTON

07/15/2011

Journal/Docket: 131

Page: 596-07

MAG DEC & J.E.: HRG REGARDING MOTIONS OF 12/28/10, 6/15/11 & 2/2/11. MOTHER IN CONTEMPT FOR FAILURE TO COMMUNICATE W/FATHER ABOUT WISHES OF CHILD REGARDING PARENTING TIME SCHEDULE & PROVIDE PARENTING TIME. MOTHER TO PAY TO FATHER \$100 W/I 60 DAYS IN PART PYMT OF HIS ATTY FEES. COURT ORDERS RULE 16 (COPY ATTACHED). CT CALLS UPON PARTIES TO STRICTLY ADHERE TO PARENTING TIME; (CONTINUED)

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

07/15/2011

MAG DEC & J.E. CONTINUED: COMMUNICATE IN WRITING VIA A RECORDED TEXT MESSAGE OR PHONE MESSAGE. CT ORDERS PARTIES TO COMMUNICATE W/EACH OTHER DIRECTLY ABOUT PARENTING TIME ISSUES & THAT EACH PARTY SHALL HAVE HOME & CELL PHONE NUMBERS OF THE OTHER, & EACH TO PROVIDE INFO TO OTHER SUCH THAT THEY CAN BE IN VERBAL COMMUNICATION W/I 6 HRS. PARTIES ARE FORBIDDEN TO DISPARAGE THE OTHER PARENT; (CONTINUED)

07/15/2011

MAG DEC & J.E. CONTINUED: USE THE CHILD AS SOUNDING BOARD FOR THEIR DISTRUST, DISGUST, OR BAD FEELING ABOUT THE OTHER PARENT. FATHER NEEDS TO FURTHER EXPLAIN & DEMONSTRATE A LACK OF INTEREST IN AUDIO & VIDEO RECORDING THE CHILD SINCE SHE IS CONCERNED ABOUT IT. PARTIES ORDERED TO ARRANGE MAKE UP PARENTING TIME FOR AGGRIEVED PARTY W/I 30 DAYS WHEN TIME IS MISSED DUE TO SICKNESS OF CHILD. (CONTINUED)

07/15/2011

MAG DEC & J.E. CONTINUED: PARTIES ORDERED TO PARTICIPATE IN & SCHEDULE TRANSPORTATION FOR THE CHILD TO PARTICIPATE IN HER ACTIVITIES UNLESS THE ACTIVITIES OR THEIR FREQUENCY ARE UNREASONABLE. CT OVERRULES MOTION REQUESTING CHANGE IN RESIDENTIAL PARENT AFTER CONSIDERING TESTIMONY, PLEADING & GUARDIAN'S REPORT & ACCORDING TO O.R.C. 3109.04. PARTIES TO SHARE EQUALLY THE CT COSTS BEGINNING W/FILING OF 12/28/10. (CONTINUED)

07/15/2011

MAG DEC & J.E. CONTINUED: COSTS TO BE PD W/I 30 DAYS. W/J.E. APPROVING.  
CC: K. BLANTON, J. HAPNER, A. ILER, M. FARAHAY, T. CANTRELL

07/18/2011

MOTION TO RELEASE FUNDS FILED BY TYLER E. CANTRELL. GAL MOVES THE COURT TO RELEASE THE GAL FEES ON DEPOSIT IN THIS MATTER. W/PROOF OF SERVICE TO J. HAPNER, ATTY FOR PLAINTIFF, AND K. BLANTON, ATTY FOR DEF.  
CC: T. CANTRELL

07/20/2011

Journal/Docket: 131

Page: 608

JUDGMENT ENTRY: UPON MOTION OF GAL AND FOR GOOD CAUSE SHOWN THE MOTION TO RELEASE THE GAL FEES IS GRANTED. CLERK TO PROVIDE COPY OF THIS J.E. TO BOTH COUNSEL OF RECORD.  
CC: T. CANTRELL, J. HAPNER, K. BLANTON

07/22/2011

REGULAR U. S. MAIL: COPY OF MAG DEC & J.E. OF 7/15/11 & COSTS SHEET SENT TO AMANDA WILSON (NOW ILER)

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

07/22/2011

REGULAR U. S. MAIL: COPY OF MAG DEC & J.E. OF 7/15/11 & COSTS SHEET SENT TO MICHAEL FARAHAY

07/22/2011

REGULAR U. S. MAIL: COPY OF MAG DEC & J.E. OF 7/15/11 & J.E. RELEASING GAL FEES SENT TO JON HAPNER

07/22/2011

DEPOSIT WAS PAID OUT AMOUNT \$ 50.00

07/22/2011

DEPOSIT REFUND IN THE AMOUNT OF \$ 300.00 (GAL FEES)

07/29/2011

MOTION FOR TRANSCRIPT FILED BY JON C. HAPNER, ATTY FOR PLAINTIFF. COURT REPORTER TO PREPARE AND FILE A TRANSCRIPT OF THE HRG HELD ON 7/12/11. CC: HANDED TO J. HAPNER AND L. FIZER (COURT REPORTER)

07/29/2011

OBJECTIONS TO MAGISTRATE'S DECISION FILED BY JON C. HAPNER, ATTY FOR PLAINTIFF. PLAINTIFF OBJECTS TO THE MAGISTRATE'S DECISION AS TO CONTEMPT & FURTHER REQUESTS FURTHER TIME FOR EXTENSION TO SPECIFY HER OBJECTIONS UPON THE PRESENTATION OF THE TRANSCRIPT OF THE HRG HEREIN. W/CERTIFICATE OF SERVICE TO KRIS D. BLANTON, ATTY FOR DEF. CC: HANDED TO J. HAPNER

08/05/2011

Journal/Docket: 131

Page: 823

JOURNAL ENTRY: MATTER HAVING COME BEFORE THE COURT UPON REQUEST OF COUNSEL FOR AN EXTENSION TO FURTHER SPECIFY OBJECTIONS AFTER THE RECEIPT OF THE TRANSCRIPT. COURT FINDS THE REQUEST WELL TAKEN & PL IS GRANTED AN ADD'L 20 DAYS AFTER THE TRANSCRIPT HAS BEEN PREPARED. ADD'L DAYS START UPON FILE STAMP DATE OF TRANSCRIPT. IF TRANSCRIPT NOT PD FOR BY 9/2/11 CT WILL CONSIDER OBJECTION MOOT. CC: J. HAPNER, K. BLANTON, PL & DEF

08/10/2011

REGULAR U. S. MAIL: COPY OF J.E. OF 8/5/11 SENT TO JON HAPNER

08/10/2011

REGULAR U. S. MAIL: COPY OF J.E. OF 8/5/11 SENT TO AMANDA WILSON (NKA ILER)

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

08/10/2011

REGULAR U. S. MAIL: COPY OF J.E. OF 8/5/11 SENT TO MICHAEL FARAHAY

08/16/2011

PAYMENT - RECEIPT NO. 20110483 IN THE AMOUNT OF \$ 5.82

09/07/2011

TRANSCRIPT FILED BY LISA L. FIZER

09/28/2011

PLAINTIFF'S OBJECTIONS TO MAGISTRATE'S DECISION FILED JON HAPNER, ATTORNEY FOR AMANDA ILER WITH CERTIFICATE OF SERVICE TO KRIS BLANTON, ATTORNEY FOR MICHAEL FARAHAY.

01/04/2012

Journal/Docket: 134

Page: 512-18

JUDGMENT ENTRY ON PLAINTIFF'S OBJECTIONS TO MAGISTRATE'S DECISION. THE DECISION OF THE MAGISTRATE IS ACCORDINGLY AFFIRMED. THIS IS A FINAL APPEALABLE ORDER. CLERK TO SERVE A COPY UPON ALL COUNSEL OF RECORD AS WELL AS ALL PARTICIPATING AND INTERESTED PARTIES. COSTS TAXED TO PLAINTIFF  
CC: J. HAPNER, K. BLANTON, T. CANTRELL, A. WILSON (ILER), M. FARAHAY

01/04/2012

REGULAR U. S. MAIL: COPY OF J.E. SENT TO JON HAPNER

01/04/2012

REGULAR U. S. MAIL: COPY OF J.E. & COSTS SHEET SENT TO AMANDA WILSON (ILER)

01/04/2012

REGULAR U. S. MAIL: COPY OF J.E. SENT TO MICHAEL FARAHAY

04/11/2013

CASE WAS REACTIVATED

04/11/2013

NOTICE OF APPEARANCE FILED BY TANYA DRINNON ATTORNEY FOR MICHAEL FARAHAY WITH CERTIFICATE OF SERVICE TO AMANDA WILSON (NKA) ILER.

04/11/2013

MOTION TO: MODIFY PARENTING ORDER & CHANGE CUSTODY FILED BY TANYA DRINNON, ATTORNEY FOR DEF. COPY TO TANYA DRINNON, AMANDA ILER, MICHAEL FARAHAY

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

04/11/2013

REQUEST FOR HEARING FILED BY TANYA DRINNON, ATTY FOR DEF. COPY TO TANYA DRINNON, MICHAEL FARAHAY, AMANDA ILER.

04/11/2013

REQUEST FOR SERVICE TO CLERK: PLEASE ISSUE A COPY OF THE MOTION TO MODIFY PARENTING ORDER & CHANGE CUSTODY & ALL PLEADINGS FILED THEREWITH, TO BE SERVED BY CERTIFIED MAIL, RRR, UPON PL AT ADDRESS LISTED ON CONFIDENTIAL SHEET.

04/12/2013

DEPOSIT - RECEIPT NO. 20130190 IN THE AMOUNT OF \$ 50.00  
BUBP LAW OFFICE-DEPOSIT

04/16/2013

HEARING SET FOR 06/11/2013 AT 2:00 PM. TYPE: MTN. OFFICIAL: JWS

04/22/2013

JUDGMENT ENTRY: UPON MOTION OF DEF & FOR GOOD CAUSE SHOWN, A FULL HEARING ON DEF'S MOTION WILL BE HEARD JUNE 11, 2013 AT 2:00 P.M.  
CC: A. WILSON; M. FARAHAY; T. DRINNON, ATTY FOR DEF

04/23/2013

MTN, ENTRY, APPEAR WAS ISSUED BY CERT MAIL  
TO: WILSON, AMANDA  
CERT MAIL # 7199 9991 7030 6586 1516

04/30/2013

FAILURE OF SERVICE: TO TANYA DRINNON. CERTIFIED MAIL SENT TO AMANDA WILSON (ILER) RETURNED MARKED "NOT DELIVERABLE AS ADDRESSED"

05/15/2013

PRAECIPE FOR SERVICE: CLERK TO ISSUE A SUMMONS, COPY OF DEFENDANT'S MOTION TO MODIFY PARENTING ORDER AND CHANGE CUSTODY TO PLAINTIFF BY CERTIFIED MAIL AT HIGHLAND COUNTY JOB AND FAMILY SERVICES IN C/O AMANDA WILSON ILER, 1575 NORTH HIGH ST., HILLSBORO, OHIO 45133  
CC: T. DRINNON

05/15/2013

SUMMONS ISSUED TO AMANDA WILSON ILER

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/15/2013

SUMMONS, MOTION, NOTICE OF APP, ENTRY WAS ISSUED BY CERT MAIL  
TO: WILSON, AMANDA  
CERT MAIL # 7199 9991 7030 6585 6048

06/05/2013

MOTION FILED BY JON C. HAPNER, ATTY FOR AMANDA WILSON (NKA ILER). AMANDA ILER, BY COUNSEL, MOVES THE COURT FOR A CONTINUANCE OF THE HRG SET ON 6/11/13 AT 2:00 P.M. RESP WAS NOT SERVED UNTIL 5/20/13 & DESIRES SOME DISCOVERY. FURTHER, RESPONDENT'S COUNSEL HAS A HRG IN HIGHLAND CO ON 6/11/13. W/CERT OF SERVICE TO TANYA DRINNON, ATTY FOR MICHAEL FARAHAY. CC: J. HAPNER

06/05/2013

ANSWER AND RESPONDENT MOTIONS FILED BY JON HAPNER, ATTY FOR AMANDA WILSON (NKA ILER). ANSWER: RESP SAYS THERE IS A DEFECT IN THE MOTION & SAME SHOULD BE STRICKEN; RESP DENIES EACH & EVERY ALLEGATION OF THE MOTION TO MODIFY CUSTODY; RESP SAYS SHE IS PROVIDING A MORE STABLE ENVIRONMENT FOR THE MINOR CHILD THAN THE MOVANT CAN DO, & PROVIDING AN ADEQUATE HOME FOR CHILD, & DENIES THAT CHILD'S SCHOOL PROGRESS HAS DECLINED. (CONTINUED....)

06/05/2013

ANSWER AND RESPONDENT MOTIONS CONTINUED: MOTION: RESP MOVES COURT TO HOLD MOVANT, M. FARAHAY, IN CONTEMPT FOR FAILURE TO PAY 1/2 OF MED BILL, WHICH WAS SLIGHTLY OVER \$1,500 AFTER HEALTH INS PD; RESP MOVES COURT FOR THE MOVANT, M. FARAHAY, TO SHOW CAUSE WHY HE SHOULD NOT BE HELD IN CONTEMPT FOR FAILURE TO PAY HIS 1/2 OF OPTICAL BILL FOR GLASSES FOR THE CHILD, MACKENZIE; (CONTINUED....)

06/05/2013

ANSWER AND RESPONDENT MOTIONS CONTINUED: RESP MOVES COURT FOR A RECONSIDERATION & DETERMINATION OF C.S., BASED ON CURRENT INCOME OF THE PARTIES; RESP MOVES COURT FOR AN IN-CAMERA INTERVIEW W/CHILD; RESP MOVES COURT FOR AN ORDER DIRECTING MOVANT, M. FARAHAY, NOT TO INTERROGATE, PUNISH, OR OTHERWISE INTIMIDATE THE CHILD CONCERNING THE IN-CAMERA INTERVIEW. W/CERT OF SERVICE TO T. DRINNON, ATTY FOR M. FARAHAY. (CON'T...)

06/05/2013

ANSWER AND RESPONDENT MOTIONS CONTINUED: CLERK TO ISSUE BY CERTIFIED MAIL A CERTIFIED COPY OF THIS ANSWER & MOTIONS FOR SERVICE UPON MICHAEL FARAHAY, 1200 MINERAL SPRINGS ROAD, PEBBLES, OHIO 45660, BY CERT MAIL/RRR. CC: J. HAPNER, M. FARAHAY

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

06/05/2013

INTERROGATORIES FILED BY JON HAPNER, ATTY FOR AMANDA WILSON (NKA ILER).  
W/CERTIFICATE OF SERVICE TO TANYA DRINNON, ATTY FOR FATHER/MOVANT, AT 307  
N. MARKET ST., WEST UNION, OHIO 45693  
CC: J. HAPNER

06/12/2013

HEARING SET FOR 09/03/2013 AT 9:00 AM. TYPE: MTN. OFFICIAL: JWS

06/18/2013

Journal/Docket: 145

Page: 145

JOURNAL ENTRY: UPON MOTION OF PLAINTIFF, AND FOR GOOD CAUSE SHOWN, THE  
HRG SET FOR 6/11/13 HAS BEEN CONTINUED TO 9/3/13 AT 9:00 A.M. (ALL PENDING  
MOTIONS)

CC: J. HAPNER, T. DRINNON, M. FARAHAY, A. ILER (WILSON)

06/18/2013

SUMMONS FOR CONTEMPT FILED BY JON HAPNER  
CC: J. HAPNER, M. FARAHAY

06/19/2013

REGULAR U. S. MAIL: COPY OF JOURNAL ENTRY OF 6/18/13 SENT TO AMANDA ILER  
(FKA WILSON)

06/19/2013

ANSWER/MOTION, SUMMONS FOR CONTEMPT, J.E. WAS ISSUED BY CERT MAIL  
TO: FARAHAY, MICHAEL  
CERT MAIL # 7199 9991 7030 6585 3238

08/29/2013

PRAECIPE FOR SUBPOENA FILED BY: TANYA DRINNON ATTY FOR DEF FOR CLERK TO  
ISSUE SUBPOENA BY ACSD FOR MATTHEW ILER 380 BROADWAY ST SEAMAN OH 45679  
AND LAURA APPLGATE 475 MENDENHALE PEEBLES, OH 45660 TO APPEAR 09/02/2013  
AT 9:00 AM AND TESTIFY AS A WITNESS IN THE CASE.  
CC:TANYA DRINNON:

08/29/2013

SUBPOENA FILED AND ISSUED FOR SERVICE BY ACSD FOR MATTHEW ILER

08/29/2013

SUBPOENA FILED AND ISSUED FOR SERVICE BY ACSD FOR LAURA APPLGATE

09/06/2013

HEARING SET FOR 11/05/2013 AT 9:00 AM. TYPE: MTN. OFFICIAL: JWS

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

09/06/2013

Journal/Docket: 146

Page: 580-81

MAGISTRATE ORDER: COURT RE-APPOINTS THE GAL, TYLER CANTRELL, TO UPDATE HIS PREVIOUS REPORTS TO TAKE EFFECT AS SOON AS EACH PARTY HAS DEPOSITED \$250 W/CLERK OF COURTS (JUVENILE). CT REQUIRES PYMTS TO BE MADE ASAP. PARTIES ARE ORDERED TO MAKE THE DEP FOR GAL & CONTACT HIM IMMEDIATELY THEREAFTER SO HE MAY BEGIN FURTHER INQUIRY. HRG 11/5/13 AT 9:00 A.M. CC: T. DRINNON, J. HAPNER, T. CANTRELL, A. WILSON (NKA ILER), M. FARAHAY

09/09/2013

REGULAR U. S. MAIL: COPY OF MAG ORDER OF 9/6/13 SENT TO AMANDA WILSON ILER

09/09/2013

REGULAR U. S. MAIL: COPY OF MAG ORDER OF 9/6/13 SENT TO MICHAEL FARAHAY

09/09/2013

REGULAR U. S. MAIL: COPY OF MAG ORDER OF 9/6/13 SENT TO JON HAPNER

09/10/2013

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR SERVICE ON MATTHEW ILER. ATTEMPTED SERVICES X 3. NOT HOME ALL 3 TIMES.

09/10/2013

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR RESIDENTIAL SERVICE ON LAURA APPEGATE. SERVED BY DEPUTY JON SHEELEY.

09/19/2013

DEPOSIT - RECEIPT NO. 20130511 IN THE AMOUNT OF \$ 250.00  
GAL DEPOSIT-M. FARAHAY

10/01/2013

DEPOSIT - RECEIPT NO. 20130530 IN THE AMOUNT OF \$ 250.00  
GAL DEPOSIT-A. ILER

10/01/2013

PAYMENT - RECEIPT NO. 20130531 IN THE AMOUNT OF \$ 60.00

10/29/2013

PRAECIPE FOR SUBPOENA FILED BY: TANYA M. DRINNON FOR MATTHEW ILER 805 DOTSON ROAD, SEAMAN, OH 45679. CHASE GLEASON 805 DOTSON ROAD, SEAMAN, OH 45679. LAURA APPEGATE 475 MENDENHALE ROAD, PEEBLES, OH 45660. TO APPEAR ON THE 5TH DAY OF NOVEMBER, 2013, AT 9:00 O'CLOCK A.M. AND TESTIFY AS A WITNESS IN THE ABOVE CASE.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

10/29/2013

SUBPOENA FILED AND ISSUED FOR SERVICE BY: CERTIFIED MAIL FOR MATTHEW ILER  
805 DOTSON ROAD, SEAMAN, OH 45679, TO APPEAR ON 11/5/13 AT 9:00 AM AND  
TESTIFY AS A WITNESS IN THE ABOVE CASE.

10/29/2013

SUBPOENA WAS ISSUED BY CERT MAIL  
TO:  
CERT MAIL # 7199 9991 7031 5290 7264  
THIS CERTIFIED MAIL WAS PUT IN BY MISTAKE

10/29/2013

SUBPOENA WAS ISSUED BY CERT MAIL  
TO: MATTHEW ILER  
CERT MAIL # 7199 9991 7031 5290 7264

10/29/2013

SUBPOENA WAS ISSUED BY CERT MAIL  
TO: CHASE GLEASON  
CERT MAIL # 7199 9991 7031 5290 7264

10/29/2013

SUBPOENA WAS ISSUED BY CERT MAIL  
TO: LAURA APPLGATE  
CERT MAIL # 7199 9991 7031 5290 7226

10/29/2013

SUBPOENA FILED AND ISSUED FOR SERVICE BY: CERTIFIED MAIL FOR CHASE GLEASON  
805 DOTSON ROAD, SEAMAN, OHIO 45679. TO APPEAR ON 11/5/13 AT 9:00 A.M. AND  
TESTIFY AS A WITNESS IN THE ABOVE CASE.

10/29/2013

SUBPOENA FILED AND ISSUED FOR SERVICE BY: CERTIFIED MAIL FOR LAURA  
APPLGATE 475 MENDENHALE ROAD, PEBBLES, OHIO 45660. TO APPEAR ON 11/5/13  
AT 9:00 A.M. AND TO TESTIFY AS A WITNESS IN THE ABOVE CASE.

10/30/2013

CERTIFIED MAIL/RETURN RECEIPT SENT/PUT IN CERTIFIED MAIL 2 TIMES BY  
MISTAKE

11/01/2013

REPORT OF GUARDIAN AD LITEM FILED BY TYLER CANTRELL

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

11/04/2013

SUPPLEMENTAL REPORT OF GUARDIAN AD LITEM

11/05/2013

MOTION TO: RELEASE FEES FILED BY TYLER CANTRELL TO RELEASE GAL FEES ON DEPOSIT, WITH PROOF OF SERVICE UPON JOHN HAPNER, TANYA DRINNON.  
CC:H JOHN HAPNER, TANYA DRINNON.

11/05/2013

HEARING SET FOR 12/03/2013 AT 1:00 PM. TYPE: CSY. OFFICIAL: JWS

11/05/2013

MAGISTRATE ORDER: MOTION SEEKING CUSTODY IS CONTINUED IN PROGRESS FOR THE CONTINUATION OF THE FINAL HRG TO 12/3/13 AT 1:00 P.M.  
CC: COPY HANDED TO M. FARAHAY, T. DRINNON; CC: J. HAPNER, A. WILSON (ILER) T. CANTRELL

11/05/2013

REGULAR U. S. MAIL: COPY OF MAGISTRATE'S ORDER OF 11/5/13 SENT TO JON HAPNER

11/05/2013

REGULAR U. S. MAIL: COPY OF MAGISTRATE'S ORDER OF 11/5/13 SENT TO AMANDA WILSON (ILER)

11/06/2013

JUDGMENT ENTRY: UPON MOTION OF GAL & FOR GOOD CAUSE SHOWN, THE MOTION TO RELEASE GAL FEES IS GRANTED. CLERK TO PROVIDE COPY OF ENTRY TO BOTH COUNSEL OF RECORD.  
CC: A. ILER; M. FARAHAY; T. CANTRELL

11/13/2013

REGULAR U. S. MAIL SENT TO AMANDA WILSON ILER. COPY OF ENTRY FILESTAMPED  
11/6/13

11/13/2013

REGULAR U. S. MAIL SENT TO MICHAEL FARAHAY. COPY OF ENTRY FILESTAMPED  
11/6/13

11/13/2013

DEPOSIT REFUND IN THE AMOUNT OF \$ 500.00

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

11/22/2013

PRAECIPE FOR SUBPOENA FILED BY: JON C. HAPNER, ATTY FOR AMANDA WILSON ILER. CLERK TO ISSUE SUBPOENAS FOR: MONICA CRAWFORD, BEATRICE BALL, LISA TAYLOR, NIKKI CHANDLER, ALL AT NORTH ADAMS ELEMENTARY, 2295 MOORE RD., SEAMAN, OH 45679; CONNIE BURCHETT, 236 VINE ST., SEAMAN, OH 45679, TO APPEAR 12/3/13 AT 1:00 P.M. ISSUE TO SHERIFF OF ADAMS COUNTY, OHIO

11/22/2013

SUBPOENAS PREPARED BY JON C. HAPNER. W/CERTIFICATE OF SERVICE: COPY SERVED UPON TANYA DRINNON, 532 OAK ST., WEST UNION, OHIO 45693, BY REGULAR U.S. MAIL. SUBPOENAS ISSUED TO ADAMS COUNTY SHERIFF BY CLERK, LISA FIZER.

11/27/2013

FAILURE OF SERVICE: TO TANYA DRINNON. SUBPOENA ISSUED FOR LAURA APPELEGATE RETURNED UNCLAIMED.

11/27/2013

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR SERVICE ON: LISA TAYLOR BY PERSONAL SERVICE ON 11/25/13

11/27/2013

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR SERVICE ON: MONICA CRAWFORD BY PERSONAL SERVICE ON 11/25/13

11/27/2013

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR SERVICE ON: NIKKI CHANDLER BY PERSONAL SERVICE ON 11/25/13

11/27/2013

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR SERVICE ON: BEATRICE BALL BY PERSONAL SERVICE ON 11/25/13

11/27/2013

SHERIFF'S FEES: ADAMS COUNTY SHERIFF'S DEPARTMENT FOR SERVICE ON: CONNIE BURCHETT BY PERSONAL SERVICE ON 11/23/13

12/27/2013

REQUEST OF TRANSCRIPTION COST ASSESSMENT FILED BY AMANDA R. ILER. COSTS REQUESTED FOR PREPARATION OF TRANSCRIPT OF THE HEARING HELD ON 11/3/13.  
CC: L. FIZER (COURT REPORTER)

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

03/18/2014

REGULAR U. S. MAIL: COPY OF MAG DEC & J.E. OF 3/18/14 & COSTS SHEET SENT TO MICHAEL FARAHAY

03/18/2014

REGULAR U. S. MAIL: COPY OF MAG DEC & J.E. OF 3/18/14 & COSTS SHEET SENT TO AMANDA WILSON (ILER)

03/18/2014

REGULAR U. S. MAIL: COPY OF MAG DEC & J.E. OF 3/18/14 SENT TO JON HAPNER

03/18/2014

DEPOSIT WAS PAID OUT AMOUNT \$ 50.00

03/20/2014

REQUEST FOR COST SUMMARY FOR CERTIFIED TRANSCRIPTS FOR HRG OF 12/3/13 FILED BY AMANDA WILSON (ILER)  
CC: HANDED TO AMANDA WILSON (ILER)

03/20/2014

REQUEST FOR COURT INSTRUCTIONS AS TO PROCEDURE FOR REPORTING COMPLAINTS AND ALLEGED VIOLATIONS ETHICAL DUTIES OF A COURT APPOINTED GAL FILED BY AMANDA WILSON (ILER). THIS IS A SECOND REQUEST.  
CC: HANDED TO AMANDA WILSON (ILER)

03/21/2014

OBJECTIONS TO MAGISTRATE'S DECISION FILED BY JON C. HAPNER, ATTY FOR PLAINTIFF. W/CERTIFICATE OF SERVICE UPON TANYA DRINNON, ATTY FOR DEF.  
CC: HANDED TO AMANDA WILSON (ILER)

03/24/2014

HEARING SET FOR 04/08/2014 AT 8:30 AM. TYPE: REV. OFFICIAL: BMS

03/24/2014

PAYMENT - RECEIPT NO. 20140168 IN THE AMOUNT OF \$ 168.06

03/24/2014

INTERVENTION MEASURE REQUESTING REMEDY TO LANGUAGE ON ORDER FILED BY AMANDA WILSON (ILER), W/REQUEST FINDING OF FACTS CONCLUSION OF LAW (COURT ADMINISTRATOR ADVISED OF THIS FILING/SHE MET WITH JUDGE SPENCER, WHO ADVISED TO SET HRG)  
CC: HANDED TO AMANDA WILSON (ILER); COPY PROVIDED TO MAGISTRATE SCHLUETER

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

03/24/2014

ASSIGNMENT NOTICE ISSUED TO: MICHAEL FARAHAY  
HEARING TO BE HELD ON 4/8/14 AT 8:30 A.M.  
CC: J. HAPNER, T. DRINNON, T. CANTRELL, M. FARAHAY; HANDED TO A. ILER

03/28/2014

DEPOSIT - RECEIPT NO. 20140173 IN THE AMOUNT OF \$ 50.00  
AMANDA WILSON (ILER)

03/28/2014

MOTION TO SET ASIDE MAGISTRATES ORDERS, CERTIFICATE OF SERVICE,  
CERTIFICATE OF SERVICE, CERTIFICATE OF SERVICE FILED BY AMANDA WILSON ILER  
PRO SE. SEEKS COURT TO SET ASIDE ALL STIPULATIONS/ORDERS, PREVIOUSLY  
ISSUED MAGISTRATES DECISION(S) AND ALL ORDERS THEREIN.

03/31/2014

JOURNAL ENTRY: MATTER HAVING COME BEFORE THE COURT ON 3/31/14 FOR REVIEW  
OF THE MOTION FILED BY PLAINTIFF ON 3/28/14 TO SET ASIDE THE MAGISTRATE'S  
ORDERS. THE COURT SETS THE MOTION FOR ORAL HRG ON 4/8/14 AT 8:30 A.M.,  
WHICH IS THE FIRST DATE AVAILABLE W/COURT'S DOCKET FOR HRG, & IS THE SAME  
TIME THIS MATTER HAS BEEN PREVIOUSLY SET FOR REVIEW HRG.  
CC: T. DRINNON, J. HAPNER, A. ILER, M. FARAHAY, T. CANTRELL

03/31/2014

REGULAR U. S. MAIL: COPY OF J.E. OF 3/31/14 SENT TO AMANDA WILSON (ILER)

03/31/2014

REGULAR U. S. MAIL: COPY OF J.E. OF 3/31/14 SENT TO MICHAEL FARAHAY

03/31/2014

REGULAR U. S. MAIL: COPY OF J.E. OF 3/31/14 SENT TO JON HAPNER

04/01/2014

MOTION TO CONTINUE: TANYA DRINNON, ATTY FOR MICHAEL FARAHAY, REQUESTS  
THAT THE HRG SCHEDULED FOR 4/8/14 AT 8:30 A.M. BE RESCHEDULED. COUNSEL  
HAS JUST BEEN SCHEDULED FOR EMERGENCY SURGERY ON SAID DATE. W/CERT OF  
SERVICE UPON BRUCE S. WALLACE, ATTY FOR AMANDA WILSON (ILER), BY CERTIFIED  
MAIL, AND TYLER CANTRELL, GAL.  
CC: T. DRINNON

04/02/2014

HEARING SET FOR 04/03/2014 AT 1:15 PM. TYPE: MTN. OFFICIAL: BMS

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

04/02/2014

JUDGMENT ENTRY: UPON MOTION OF COUNSEL FOR MICHAEL FARAHAY AND FOR GOOD CAUSE SHOWN, THE COURT RESETS THE HRG SCHEDULED FOR 4/8/14 AT 8:30 A.M. TO 4/3/14 AT 1:15 P.M.  
CC: COUNSEL FOR BOTH PLAINTIFF & DEFENDANT NOTIFIED BY PHONE & COUNSEL WILL NOTIFY THEIR CLIENTS

04/03/2014

MEMORANDUM CONTRA TO AMANDA WILSON (NKA ILER)'S MOTION TO SET ASIDE MAGISTRATE'S ORDERS FILED BY TANYA DRINNON, MEMORANDUM, CERTIFICATE OF SERVICE UPON BRUCE WALLACE, TYLER CANTRELL.  
CC: T DRINNON

04/03/2014

PLAINTIFF'S MOTION TO SUBSTITUTE COUNSEL FILED BY BRUCE S. WALLACE TO SUBSTITUTE AS COUNSEL OF RECORD ON ALL PENDING MATTERS IN THIS CASE REPLACING PRIOR COUNSEL, JON HAPNER, WITH CERTIFICATE OF SERVICE UPON JON HAPNER & TANYA DRINNON

04/04/2014

JUDGMENT ENTRY: UPON MOTION OF PLAINTIFF, IN AGREEMENT OF THE PARTIES, IT IS THE ORDER OF THIS COURT THAT BRUCE S. WALLACE IS PERMITTED TO SUBSTITUTE AS COUNSEL OF RECORD FOR PLAINTIFF, AMANDA WILSON (NKA ILER) ON ALL MATTERS HEREIN.  
CC: B. WALLACE, J. HAPNER, T. DRINNON

04/04/2014

J.E.: MATTER CAME ON FOR HRG ON 4/3/14, PURSUANT TO A MOTION TO STAY MAG DEC. CT FINDS THAT THE MAG DEC AS TO CUSTODY, RESIDENTIAL & PARENTING STATUS OF THE PARTIES, THE C.S. ORDER & VISITATION HAS BEEN DECLARED AN ITERIM ORDER, PENDING DEC ON THE OBJECTIONS. FURTHER, SAID INTERIM ORDER SHALL REMAIN IN EFFECT FOR 28 DAYS FROM DATE OF SAID ENTRY, BUT MAY BE EXTENDED FOR GOOD CAUSE SHOWN. CC: B.WALLACE, T.DRINNON, T.CANTRELL, PARTIES

04/08/2014

REGULAR U. S. MAIL: COPY OF J.E. PERMITTING BRUCE WALLACE TO SUBSTITUTE AS COUNSEL FOR AMANDA ILER SENT TO JON HAPNER

04/08/2014

REGULAR U. S. MAIL: COPY OF J.E.'S OF 4/4/14 SENT TO BRUCE WALLACE

04/15/2014

TRANSCRIPT OF THE 12/03/13 HEARING PREPARED & FILED BY LISA L. FIZER, COURT REPORTER

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

04/25/2014

MOTION FOR SUBSTITUTION OF COUNSEL FILED BY JON C. HAPNER. PL, BY JON C. HAPNER, AND MOVES THE COURT TO REINSTATE THE FIRM OF HAPNER & HAPNER AS COUNSEL FOR PLAINTIFF. DONE AT PLAINTIFF'S REQUEST, AND WITH CONSENT OF KELLY & WALLACE, BY BRUCE WALLACE. W/CERTIFICATE OF SERVICE UPON TANYA DRINNON, ATTY FOR DEF, AND BRUCE WALLACE.  
CC: J. HAPNER

04/30/2014

JUDGMENT ENTRY: ON MOTION OF PLAINTIFF, BY AGREEMENT OF COUNSEL, IT IS ORDERED THAT JON C. HAPNER IS PERMITTED TO SUBSTITUTE AS COUNSEL OF RECORD FOR PLAINTIFF, AMANDA WILSON ILER.  
CC: J. HAPNER, B. WALLACE, T. DRINNON

04/30/2014

REGULAR U. S. MAIL: COPY OF J.E. OF 4/28/14 SENT TO BRUCE WALLACE

04/30/2014

REGULAR U. S. MAIL: COPY OF MOTION OF 4/25/14 & J.E. OF 4/28/14 SENT TO JON HAPNER

05/02/2014

COURT COST ASSESSED/COPIES

05/02/2014

PAYMENT - RECEIPT NO. 20140253 IN THE AMOUNT OF \$ 27.00

05/02/2014

PRO SE MOTION WITH ATTACHMENTS FILED BY AMANDA ILER. SEEKING PROCEDURE TO SUBMIT COMPLAINT OF GAL'S MISCONDUCT, NEGLIGENCE, ETC.

05/06/2014

HEARING SET FOR 07/03/2014 AT 1:00 PM. TYPE: HRG. OFFICIAL: BMS

05/07/2014

JUDGMENT ENTRY: THE COURT, ON ITS OWN MOTION, SCHEDULES THIS MATTER FOR HRG ON 7/3/14 AT 1:00 P.M. ALL PARTIES, COUNSEL & GAL ARE ORDERED TO APPEAR.

(COPY OF FIRST 2 PGS OF COMPLAINT FILED BY AMANDA SENT ALSO)  
CC: J. HAPNER, T. DRINNON, T. CANTRELL, A. WILSON (ILER), M. FARAHAY

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/08/2014

REGULAR U. S. MAIL: COPY OF FIRST 2 PGS OF AMANDA'S COMPLAINT & JOURNAL ENTRY OF 5/7/14 SETTING HRG SENT TO JON HAPNER

05/08/2014

REGULAR U. S. MAIL: COPY OF FIRST 2 PGS OF AMANDA'S COMPLAINT & JOURNAL ENRTY OF 5/7/14 SETTING HRG SENT TO AMANDA WILSON (ILER)

05/08/2014

REGULAR U. S. MAIL: COPY OF FIRST 2 PGS OF AMANDA'S COMPLAINT & JOURNAL ENTRY OF 5/7/14 SETTING HRG SENT TO MICHAEL FARAHAY

05/09/2014

SUPPLEMENTAL OBJECTIONS, CERTIFICATE OF SERVICE ON TANYA DRINNON FILED BY JON C HAPNER.

05/13/2014

JOURNAL ENTRY: THE CT, HAVING REVIEWED THE W/I MATTER, FINDS THAT PL HAS FILED A REQUEST FOR FINDING OF FACTS & CONCLUSIONS OF LAW, AS WELL AS OBJECTIONS TO THE MAG DEC, WHICH ALL REMAIN TO BE COMPLETED. CT FINDS, FOR GOOD SHOWN, THAT THE INTERIM ORDER SHALL REMAIN IN FULL EFF FOR AN ADDITIONAL 28 DAYS. CLERK SHALL CAUSE A COPY OF THIS ORDER TO BE SERVED UPON ALL COUNSEL. CC: A.WILSON, M.FARAHAY, B.WALLACE, T.DRINNON.

05/14/2014

MAGISTRATE ORDER: MAGISTRATE FINDS THAT HE INCLUDED FINDINGS OF FACT & 2.00 CONCLUSION OF LAW IN HIS DECISION OF RECORD UNDER THE HEADING ENTITLED "FINDINGS OF FACT & CONCLUSIONS LAW ON THE ISSUE OF ALLOCATION OF PARENTAL RIGHTS & RESPONSIBILITIES." REQUEST FOR SAME IS MOOT. PL PAY CT COSTS OF REGARDING HER REQUEST FOR FINDINGS OF FACT & CONCLUSIONS OF LAW & THIS ORDER W/I 60 DAYS. CC: A. WILSON T.CANTRELL, M.FARAHAY J.HAPNER T.DRINNON.

05/14/2014

REGULAR U. S. MAIL COPY OF MAGISTRATE'S ORDER AND JOURNAL ENTRY SENT TO .48 AMANDA WILSON.

05/14/2014

REGULAR U. S. MAIL COPY OF MAGISTRATE'S ORDER AND JOURNAL ENTRY SENT TO .48 MICHAEL FARAHAY.

05/14/2014

MOTION FOR: STAY FILED BY JON C. HAPNER AND HEREBY MOVES THE COURT FOR AN EXPARTE ORDER RETURNING THE CHILD TO THE CUSTODY OF THE MOTHER UNTIL FURTHER ORDER, WITH CERTIFICATE OF SERVICE UPON TANYA DRINNON.

Case No... 20035123  
Concerning WILSON, AMANDA VS FARAHAY, MICHAEL

05/20/2014

MEMORANDUM CONTRA TO AMANDA WILSON (NKA ILER)'S MOTION FOR STAY,  
MEMORANDUM, CERTIFICATE OF SERVICE FILED BY TANYA DRINNON, ATTY FOR  
MICHAEL FARAHAY, (PLAINTIFF'S MOTION FOR STAY IS INSUFFICIENT)

05/21/2014

DEFENDANT MICHAEL FARAHAY'S OBJECTION TO PLAINTIFF'S SUPPLEMENTAL  
OBJECTIONS FILED BY TANYA DRINNON, WITH CERTIFICATE OF SERVICE UPON  
JON C. HAPNER & TYLER CANTRELL

05/27/2014

JOURNAL ENTRY: UPON REVIEW OF PLAINTIFF'S MOTION FOR STAY AND DEFENDANT'S  
MEMORANDUM CONTRA TO SAID MOTION, THE COURT HEREBY FINDS THAT PL'S MOTION  
IS DENIED.  
CC: J. HAPNER, A. WILSON ILER, T. DRINNON, M. FARAHAY, T. CANTRELL

05/28/2014

REGULAR U. S. MAIL: COPY OF JOURNAL ENTRY OF 5/27/14 SENT TO JON HAPNER .4

05/28/2014

REGULAR U. S. MAIL: COPY OF JOURNAL ENTRY OF 5/27/14 SENT TO AMANDA .48  
WILSON ILER

05/28/2014

REGULAR U. S. MAIL: COPY OF JOURNAL ENTRY OF 5/27/14 SENT TO MICHAEL .48  
FARAHAY

**EXHIBIT B**

**Motion filed 4-11-2013 showing incorrect zip code for mailing purposes. Corroborates/Matches Case 20035123 Printed Journal**



FILED  
ADAMS COUNTY  
COURT OF COMMON PLEAS  
JUVENILE DIVISION

COURT OF COMMON PLEAS OF ADAMS COUNTY, OHIO  
JUVENILE DIVISION

APR 11 AM 11:07

AMANDA WILSON (NKA) ILER

Case No. 20035123

*Britt Spencer*  
JUDGE

Plaintiff

-and

Judge Spencer

MICHAEL FARAHAY

Magistrate James W. Schlueter

Defendant

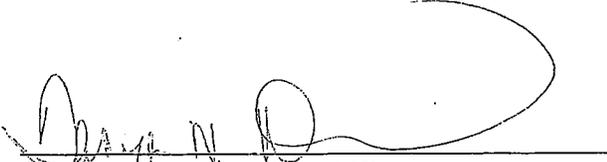
MICHAEL FARAHAY'S MOTION  
TO MODIFY PARENTING ORDER  
AND CHANGE CUSTODY

---

Now comes Michael Farahay, by and through counsel, who moves the Court to modify the parenting order in this matter due to a substantial change in circumstances such that it would be in the minor child's best interest that he be designated the residential parent and legal custodian. Since the last date that parenting was determined, the following circumstances have changed:

- Mother is no longer able to provide a stable environment for minor child
- Mother's behavior does not provide a good example for minor child
- Minor child's school progress has rapidly declined

For the foregoing reasons, it is respectfully requested that Michael Farahay be designated the residential parent and legal custodian of Mackenzie Farahay, DOB: 5/20/2000, that Amanda Wilson (nka) Iler be ordered to pay Michael Farahay reasonable child support, and any other relief which the Court deems appropriate under the circumstances.



Tanya M. Drinnon (0083458)  
Attorney for Michael Farahay  
307 N. Market Street  
West Union, OH 45693  
(937)544- 2581  
(937) 544-1802 (fax)

### MEMORANDUM

The Court may modify a decree of parental rights and responsibilities pursuant to Ohio Revised Code, Section 3109.04(E)(1)(a) when facts have arisen since the prior decree. The Court can only modify said decree where there are changes in circumstances of the children and where that modification is in the best interest of the children. The Court shall retain the residential parent unless modification is in the best interest of the children and the harm likely to be caused by a change of environment is outweighed by the advantages of the change of environment to the children.

Father respectfully requests that the Court terminate the current Parenting Order and grant him custody of the parties' minor child for the reasons that Mother is currently residing at more than one location, none of which are appropriate for minor child. Mother's whereabouts are unknown to Father on a day to day basis, and her behavior does not provide a good example for minor child. Further, minor child is currently failing in school. Mother currently expresses no concern for minor child's failing grades and refuses to follow through with a plan of action to remedy the problem.

Mother is not providing the child with the proper attention and care she needs and it would be in the best interest of minor child to modify the current Parenting Order and change custody. A hearing is requested at the Court's earliest convenience.

COURT OF COMMON PLEAS OF ADAMS COUNTY, OHIO  
JUVENILE DIVISION

FILED  
ADAMS COUNTY  
COURT OF COMMON PLEAS  
JUVENILE DIVISION

2013 APR 11 AM 11:07

AMANDA WILSON (NKA) ILER

Case No. 20035123

Plaintiff

-and

Judge Spencer

MICHAEL FARAHAY

Magistrate James W. Schlueter

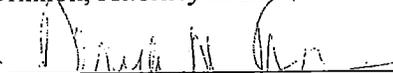
Defendant.

*Bill's Spencer*  
JUDGE

NOTICE OF APPEARANCE

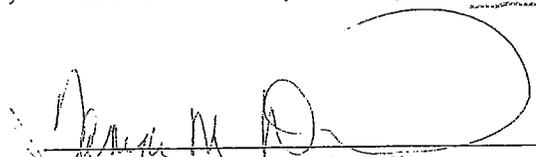
---

Now comes the Defendant by and through undersigned counsel, and serves notice upon the Court of Common Pleas that he is represented by Tanya M. Drinnon, Attorney at Law,

  
Tanya M. Drinnon (0083458)  
Attorney for Michael Farahay  
307 N. Market Street  
West Union, OH 45693  
(937)544- 2581  
(937) 544-1802 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this 11<sup>th</sup> day of April, 2013 been served by Regular Mail upon Amanda Wilson (nka) Iler , 121 East Sixth Street, Seaman, OH 45660.

  
Tanya M. Drinnon (0083458)  
Attorney for Michael Farahay

# Adams County Common Pleas Court

Journal Entries: CA994

**Plaintiff:**

Wilson, Amanda

**Defendant:**

Farahay, Michael



**10/09/2014**

- MAGISTRATE'S ORDER FILED.  
BECAUSE APPELLANT DID NOT COMPLY WITH THIS COURTS PREVIOUS ORDER AND BECAUSE THE ISSUE IS MOOT, THE COURT DENIES THE MOTION TO DENY EXTENSION OF TIME.
- NOTICE OF ENTRY AND COPIES FILED.
- COPY OF MAGISTRATE'S ORDER, COPY OF NOTICE OF ENTRY MAILED TO THE FOLLOWING BY REGULAR U.S. MAIL: JON HAPNER AND TANYA DRINNON
- FOUR COPIES OF MAGISTRATE'S ORDER MAILED TO THE FOURTH DISTRICT COURT OF APPEALS
- ENTERING JOURNAL - EACH PAGE
- ISSUING WRITS, ORDERS, NOTICES, EXCEPT SUBPEONA
- POSTAGE CHARGED

*(2 pages)*

**10/06/2014**

- MOTION TO DENY EXTENSION OF TIME AND CERTIFICATE FILED.  
(FILED BY JON C HAPNER, ATTY FOR APELLANT)
- FOUR COPIES OF MOTION TO DENY EXTENSION OF TIME MAILED TO FOURTH DISTRICT COURT OF APPEALS BY REGULAR US MAIL.
- POSTAGE CHARGED

**10/02/2014**

- MAGISTRATE'S ORDER FILED. (MICHAEL FARAHAY MOTION FOR EXTENSION OF TIME TO FILE BRIEF GRANTED. SHALL BE FILED ON OR BEFORE 12/1/14.)
- NOTICE OF ENTRY AND COPIES FILED.
- COPY OF MAGISTRATE'S ORDER, COPY OF NOTICE OF ENTRY MAILED TO JON C. HAPNER, TANYA DRINNON, DAVID E. GRIMES, TYLER E. CANTRELL, JOHN B. CALDWELL BY REGULAR U.S. MAIL.
- POSTAGE CHARGED
- ENTERING JOURNAL - EACH PAGE
- ISSUING WRITS, ORDERS, NOTICES, EXCEPT SUBPEONA

**09/26/2014**

- APPELLEE'S MOTION REQUESTING AN EXTENSION OF TIME TO FILE BRIEF AND CERTIFICATE OF SERVICE FILED. (FILED BY DAVID E GRIMES, ATTY FOR DEF)
- FOUR COPIES OF APPELLEE'S MOTION REQUESTING AN EXTENSION OF TIME TO FILE BRIEF MAILED TO FOURTH DISTRICT COURT OF APPEALS BY REGULAR US MAIL.
- POSTAGE CHARGED

**09/18/2014**

- MAGISTRATE'S ORDER FILED. ( THE COURT DENIES THE REQUEST AT THIS TIME FOR ORAL ARGUMENTS AS IT DOES NOT COMPLY WITH THIS COURT'S LOC.R. 12.)
- NOTICE OF ENTRY AND COPIES FILED.
- COPY OF NOTICE OF ENTRY AND COPY OF MAGISTRATE'S ORDER MAILED TO JON C HAPNER AND TANYA DRINNON BY REGULAR US MAIL.
- ENTERING JOURNAL - EACH PAGE
- POSTAGE CHARGED

09/15/2014

- REQUEST FOR ORAL ARGUMENT AND CERTIFICATE OF SERVICE FILED. (FILED BY JON C HAPNER, ATTY FOR APPELLANT)
- FOUR COPIES OF REQUEST FOR ORAL ARGUMENT MAILED TO FOURTH DISTRICT COURT OF APPEALS BY REGULAR US MAIL.
- POSTAGE CHARGED

09/05/2014

- BRIEF OF APPELLANT AND COPIES FILED. (FILED BY JON C. HAPNER, ATTORNEY FOR APPELLANT.)
- APPENDIX OF APPELLANT BRIEF AND COPIES FILED.
- FOUR COPIES OF BRIEF OF APPELLANT, FOUR COPIES OF APPELLANT BRIEF MAILED TO FOURTH DISTRICT COURT OF APPEALS, 14 S. PAINT ST., #38, CHILLICOTHE, OH 45601 BY PRIORITY MAIL.

08/15/2014

- TRANSCRIPT OF DOCKET AND JOURNAL ENTRIES, NUMBER LISTING OF DOCUMENTS IN RECORD, CERTIFICATE OF TRANSMITTAL, TRANSCRIPT OF HEARING 11/5/13, TRANSCRIPT OF HEARING HELD 12/3/13, TRANSCRIPT OF HEARING HELD 7/12/11, ALL ORIGINAL PAPERS RECEIVED FROM CLERK, ADAMS COUNTY JUVENILE COURT, ADAMS COUNTY, OHIO AND FILED.
- NOTICE OF TRANSMISSION OF RECORD AND COPIES FILED.
- FOUR COPIES OF NOTICE OF TRANSMISSION OF RECORD MAILED TO THE FOURTH DISTRICT COURT OF APPEALS BY REGULAR U.S. MAIL.
- COPY OF NOTICE OF TRANSMISSION OF RECORD MAILED TO THE FOLLOWING BY REGULAR U.S. MAIL: JON HAPNER, TANYA DRINNON, JOHN CALDWELL, AND TYLER CANTRELL
- ISSUING WRITS, ORDERS, NOTICES, EXCEPT SUBPEONA
- POSTAGE CHARGED

→ Same date  
Brett Spencer mails  
or issues letter  
"ignoring"  
order of in camera intrrnw  
for appellate  
inspector.

07/23/2014

- AMENDED ADULT CASE DOCKET FILED.
- FOUR COPIES OF AMENDED ADULT CASE DOCKET MAILED TO THE FOURTH DISTRICT COURT OF APPEALS BY REGULAR U.S. MAIL

→ Recvd/confirmed  
w/ 4th Dist  
Court of Appeals

07/10/2014

- FOUR COPIES OF NOTICE OF APPEAL WITH JUDGMENT ENTRY FILED ON 6/26/14, FOUR COPIES OF CIVIL DOCKET STATEMENT, FOUR COPIES OF REQUEST FOR TRANSCRIPT OF IN CAMERA CONFERENCE, FOUR COPIES OF ORDER TO COURT REPORTER, FOUR COPIES OF ADULT CASE DOCKET WITH REPORT FORM C ATTACHED MAILED TO THE FOURTH DISTRICT COURT OF APPEALS BY REGULAR U.S. MAIL.

→ 7.10.2014 mailing  
nonexistent - never mailed  
confirmed direct  
w/ calling 4th Dist  
Court of  
Appeals

07/09/2014

- CASE FILED
- DEPOSIT - RECEIPT NO. 2141881 IN THE AMOUNT OF \$ 148.00 HAPNER & HAPNER
- NOTICE OF APPEAL WITH JUDGMENT ENTRY FILED ON 6/26/2014 RECEIVED FROM CLERK, JUVENILE COURT, ADAMS COUNTY, OHIO AND FILED. (CASE NO. 20035123)
- CIVIL DOCKET STATEMENT FILED.
- REQUEST FOR TRANSCRIPT OF IN CAMERA CONFERENCE FILED.
- ORDER TO COURT REPORTER FILED.
- ADULT CASE DOCKET RECEIVED AND FILED.

↓  
no record of  
ordering  
child's  
in camera  
transcript

COURT OF COMMON PLEAS  
JUVENILE DIVISION  
ADAMS COUNTY, OHIO

FILED  
ADAMS COUNTY  
COURT OF COMMON PLEAS  
JUVENILE DIVISION

2014 AUG 15 AM 10:43

AMANDA WILSON

CASE No. 20035123

*Brett M. Spencer*  
JUDGE

Plaintiff

vs

JOURNAL ENTRY

MICHAEL FARAHAY

Defendant

RECEIVED AUG 18 2014

\*\*\*\*\*

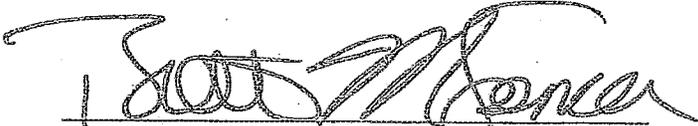
It appearing to the Court, upon review of the file, that Attorney Jon C. Hapner prepared and filed an "ORDER" for the Court Reporter to prepare the In-Camera Interview of the minor child of the parties. Prior to said "Order" by counsel, and on record, a hearing was conducted whereby counsel was advised In-Camera Interviews are not public records, and not disclosed by the Court unless specific allegations of inappropriate behavior are made, and independent review is made confirming same. Counsel ignored said on record instruction for reasons personal to him. 

These hearings are only transcribed upon direction from the Court of Appeals for their review and consideration. 

For this reason, the Court Reporter has not prepared a transcript of the In-Camera Interviews of the child. 

The clerk is instructed to deliver a copy of this Entry to counsel and parties of record.

Approved: August 15, 2014

  
BRETT M. SPENCER, JUDGE

IN THE COURT OF COMMON PLEAS  
CRIMINAL DIVISION  
ADAMS COUNTY, OHIO

AMANDA WILSON,  
nka Iler

CASE NO. 20035123

Plaintiff

VS.

JOURNAL ENTRY

MICHAEL FARAHAY

Defendant.

FILED  
ADAMS COUNTY PLEAS  
COURT OF COMMON PLEAS  
JUVENILE DIVISION  
2014 APR -4 PM 3:51  
E. Scott M. Jones  
JUDGE

\*\*\*\*\*

The within matter came on for hearing on the 3<sup>rd</sup> day of April, 2014, pursuant to a Motion to Stay Magistrate's Decision. Appearing before the Court came the plaintiff, accompanied by her counsel, Bruce S. Wallace, and the defendant, accompanied by his counsel, Tanya M. Drinnon.

The Court finds, pursuant to the Court's adoption of the magistrate's decision and Civ. R. 53(E)(4)(c), that the magistrate's decisions as to custody, residential and parenting status of the parties, the child support order and visitation has been declared an interim order, pending decision on the objections filed herein. Further, said interim order shall remain in effect for 28 days from the date of said entry, but may be extended for good cause shown.

The clerk shall cause a copy of this entry to be served upon the parties and/or their counsel.

APPROVED:

April 4, 2014

  
BRETT M. SPENCER, Judge

COURT OF COMMON PLEAS  
JUVENILE DIVISION  
ADAMS COUNTY OHIO

Amanda Wilson (ma ILER)

V.

Case No. 20035123

Michael Farahay

Re: M.F. (5/20/2016)  
*(Signature)*

FILED  
ADAMS COUNTY  
COURT OF COMMON PLEAS  
JUVENILE DIVISION

2014 MAR 28 AM 11:21

*Boots of Farahan*  
JUDGE

**MOTION TO SET ASIDE  
MAGISTRATES ORDERS**

AMANDA WILSON ILER, PLAINTIFF, IN ABOVE REFERENCED CASE AND  
PURSUANT TO ALL APPLICABLE SUPERINTENCE RULES OF OHIO

JUV. R. 40 et seq. AND CIV. R. 53 et seq.

SEEKS COURT TO SET ASIDE ALL STIPULATIONS/ORDERS, PREVIOUSLY  
ISSUED MAGISTRATES DECISION(S) AND ALL ORDERS THEREIN AND  
REASONS FOR SAID REQUEST IN SUPPORT OF ARE LISTED.

CONTRARY, ISSUED IN DISPOSITIONAL MANNER, NOT AS 'RELIEF' INTENDED,

MAGISTRATE ENTERED DECISION/JUDGEMENT ON FATHERS REQUEST TO MODIFY AND  
IT IS CONSTRUED AS BOTH A CLAIM OR DEFENSE OF A PARTY AND DISPOSITION OF  
SAME, WHICH ISNT INTENT FOR PURPOSE.

MOTHER SOUGHT WRITTEN REQUEST OF COURT TO ADDRESS SERIOUS GUARDIAN AD  
LITEM DECEPTION WHICH WAS INQUIRED 2 X'S BEFORE COURT MAGISTRATE EVER  
RENDERED DECISION/JUDGEMENT AND ADVERSELY AFFECTED OUTCOME THAT  
CAUSED/ALLOWED THIS INTERIM ORDER™ CLEARLY AS THE MAGISTRATE REFERS TO  
THAT SAME GUARDIAN AD-LITEM IN HIS MARCH 18 2014 DECISIONS, DESPITE  
MOTHER/OTHER PARTY BEING DENIED A CHANCE TO ADDRESS HIM IN 2ND HEARING  
TO ADDRESS HIS SILENCE ABOUT CHILDS CONCERNS

CHILD HAD INCAMERA INTERVIEW AND SAYS SHE FELT INTIMIDATED AND RUSHED AS SHE TRIED TO EXPLAIN IN PRIVATE TO REMAIN SAFE FROM HARM AS TO THINGS SHE WANTED HEARD, WHICH SHE ALSO CONFIDED TO GUARDIAN AD LITEM, HOWEVER GUARDIAN AD LITEM ONLY ATTENDED CHILDS 1ST HEARING & THEN SAID SHE FELT SCARED TO TELL ANYTHING INCAMERA BECAUSE OF HOW SHE FELT.

ALSO, GUARDIAN AD LITEM, NEVER MADE CONTACT WITH HER PSYCHIATRIST AND MENTIONS KNOWLEDGE OF HER SEEING COUNSELOR IN HIS REPORT AND IF CONTACTED HE WOULD HAVE BEEN BETTER KNOWLEDGABLE AS TO OTHER POSSIBLE AVENUES/OPTIONS TO GENUINELY SHOWN CONCERN FOR HER BEST INTERESTS, AS HE DECLARES AND REASON TO WHICH HE WAS ASSIGNED, BUT REFUSED TO OBJECTIVELY & IMPARTIALLY CONSIDER THE ENTIRE REASON FOR WHICH HE SERVES THIS CASE

\*MISTAKE \*FRAUD \*MISCONDUCT \*SUBSTANCE OF ORDER \*PLAIN ERROR \*DEFECTIVE AND ADVERSE TO ENTIRE CASE \*Coercive \*damaging perception to judicial system

\*JEOPARDIZING CHILD DUE TO DETERIORATION OF FATHER & CHILDS RELATIONSHIP BUT NO ONE WOULD LET HER EXPLAIN OR INQUIRE, CLEARLY GUARDIAN AD LITEMS TESTIMONY/SUPPLEMENTED AND WRITTEN REPORT DESCRIBING CHILD & FATHERS RELATIONSHIP DOESNT MATCH EVEN THE FATHERS OWN VERBAL DESCRIPTION OF WHAT THE GAURDIAN AD LITEM SAID IT WAS TO CHILD.

TO WHICH MOTHER TRIED TO SAY AT LAST HEARING BUT AS ONE CAN SEE SHE WAS LABELED COMBATIVE BUT SHE WASNT ABLE TO DEPICT ALL THE "MISSING PIECES" TO COURT WITHOUT BEING ABLE TO DIRECTLY CONFRONT HIM AND FELT HELPLESS AS THE COURT WAS MISRESPRESENTED ON VARIOUS THINGS AND DIDNT FEEL AFFORDED ANY OPTION.

**TRANSCRIPTS NOV 5, 2013 FILED AND DEC 3. 2013 ARE IN PROGRESS  
OBJECTIONS & REQUEST FOR FINDING OF FACTS/LEGAL  
CONCLUSIONS FILED PRIOR TO THIS AS WAS REQUEST TO EXTEND AND  
SUPPLEMENT OBJECTION BASIS, AS BOTH TRANSCRIPTS ARE  
REQUIRED.**

MARCH 28, 2014

*Certificate of Service provided same date.*

PRINTED NAME OF AUTHOR: AMANDA R WILSON (KNA ILER)

*Amanda R. Wilson* 3/28/2014



*Sheila Rothwell*  
SHEILA ROTHWELL  
Notary Public, State of Ohio  
Commission Expires 12-31-17  
3/28/14

EXHIBIT 3

COURT OF APPEALS

FILED  
ADAMS COUNTY  
CLERK OF COURTS

2012 SEP -4 AM 11:25

IN THE COURT OF APPEALS OF OHIO  
FOURTH APPELLATE DISTRICT  
ADAMS COUNTY, OHIO

*Ray K. ...*  
CLERK

RAY SHUPERT : CASE NO. 2012 CA940  
1029 Greenlee Road :  
Seamon, Ohio : MOTION TO SUPPLEMENT  
: THE RECORD WITH  
: ADDENDUM TO ORIGINAL  
: TRANSCRIPT

Plaintiff-Appellee, :

Vs. :

JENNIFER SHUPERT :  
810 Southwynd Trail :  
Williamsburg, Ohio 45176 :

Defendant-Appellant. :

Now comes the Defendant/Appellant, Jennifer Shupert, by and through counsel, and hereby moves the Court to supplement the record with the Addendum attached hereto to the original transcript filed with the Adams County Court of Common Pleas on April 6, 2012.

Respectfully submitted,

*Donald W. White*

Donald W. White (0005630)  
Attorney for Defendant, Jennifer Shupert  
NICHOLS, SPEIDEL & NICHOLS  
237 Main Street  
Batavia, Ohio 45103  
513-732-1420  
[dww.nicholslaw@fuse.net](mailto:dww.nicholslaw@fuse.net)

NICHOLS, SPEIDEL  
& NICHOLS  
ATTORNEYS AT LAW  
237 MAIN STREET  
BATAVIA, OHIO 45103-2979

Relators  
Exhibit #

(1 page)

Submitted personally

On Dec 27, 2013, by requestor, Amanda Iler

Inquiry regarding policy/procedure  
for submitting complaints and/or comments of  
designated Guardian Ad Litem conduct, etc  
for courts review/consideration of eligibility

I'm seeking the standard for reporting of  
GAL's that your county utilizes for minor  
children, specifically that of private  
custody litigation/disputes.

I've searched all the county "rules"  
and I can't seem to locate where this  
might be addressed.

If upon review someone might  
direct me as to how this might be  
accomplished, I'd greatly appreciate  
it.

I know this division stays busy  
so I'm not expecting an immediate  
answer but did want to submit a very  
detailed account/thorough report

Thanks

Amanda Iler  
Amanda Iler

cell:

937.779.6637

secure for messages.

Bob McFarlane  
JUDGE

2013 DEC 27 PM 2:57

FILED  
ADAMS COUNTY  
COURT OF COMMON PLEAS  
JUVENILE DIVISION



To Whom it may concern,

06-05-13

I was asked by Mackenzie's mother to write a summary of Mackenzie's progress this year.

Mackenzie is a lovely young lady, who wants to do well in everything she does. There are times she struggles, and we have been able to work through this with her. She needs to work on her self-confidence so that she can continue to work hard and rise above any obstacles. It has been said that Mackenzie has been failing throughout the year. Below you will read about her progress. There have been times when she has struggled on a skill and didn't do well on a paper. Or, maybe she forgot to turn something in. However, she has not been failing throughout the year.

I want to assure you is that her grades have been A's B's and C's all year on her report cards. She wouldn't have stayed on Safety Patrol if they weren't. In order to be on Safety Patrol, she had to keep her grades at a C or above, and she had to stay out of the office. She has really enjoyed helping in the building. Sure, she has had trouble throughout the year, and she will have trouble if she doesn't stay on top of things and work hard. That is true for many students. She has stayed after school a few times to get extra help. Mackenzie has participated in several interventions that we offered here at school for our 6<sup>th</sup> graders. She worked hard to take advantage of those situations, even though it was frustrating at times.

We know that Mom checks progress book, because she has asked about some of her assignments. She has come to parent teacher conferences, faxed notes to us and even emailed me. I feel like she has kept in touch about her academics. One incident in particular was when we had spring conferences. Mackenzie's behavior had changed. After Mom came in for conferences and we talked for a very long time, Mackenzie became the student she had been earlier. She became much more responsible again, and her attitude returned to being positive. Staying in touch with parents is the "key" for a child to become and feel successful. She needs to know that everyone who loves her is on the same page. I appreciate it when parents check in with me, because I have 100 kids to care for on a daily basis. So, when parents initiate conversations, calls or emails it is very helpful to both me and the child.

Mackenzie does lack self-confidence and has some test anxiety. She has worked really hard the 4th nine weeks to not let it get in her way. Test anxiety is very common, especially with the stress of state tests, etc. We have worked with her throughout the year to not let that get in her way. When she has struggled, you could find her sitting there, not wanting to take a risk. She is afraid to fail. We have tried to build her up to at least taking those risks. She became better throughout the year.

There are several tests that we do throughout the year to keep track of progress. Here are a few. Her reading fluency has increased from 127 words per minute to 171 words per minute. She is reading faster, which will help her with comprehension. Mackenzie will now be able to slow herself down when she needs to focus on comprehension. She is inconsistent with her math progress, because

PLAINTIFF'S EXHIBIT  
6

it depends on the content. She is better in some math areas than others. Math is can seem very abstract, which makes it more challenging for some students. She needs to continue practicing her math skills. On our end of the year 4 Sight Tests, she scored above 400 on both tests, which is where she needs to be. Reading is 402 and math is 433. 400 is considered proficient, and she was so proud to be over that. She worked hard to get there, and she knows she has to continue working hard. We will see how she handled the OAA tests when the scores come back. Anxiety may have gotten in her way, but I hope she was able to use the strategies that we taught her to calm herself down.

Mackenzie's dad emailed me a couple of times about getting her some help when he has her. I sent some books to Peebles Elementary, so that they can work on math with her this summer. At the time, I knew nothing of custody issues. All I have been aware of all year is that everyone wants to help Mackenzie to be a better student. That is what is important here. She needs to know that everyone cares for her and wants what is best for her. This includes her academics.

I am on a school trip, so I told Mackenzie's mom that I would send this for their court date. I hope it helps to see how Mackenzie's school year has gone this year.

Sincerely,



Monica L. Crawford

NAES – 6<sup>th</sup> Grade



LISA KINHALT  
NOTARY PUBLIC, State of Ohio  
My Commission Expires 9-10-2013



Relators  
exhibit #

5/02/2014

RECEIVED MAY 10 2014

(rubberbanded was phone transcripts)

Adams County  
JUVENILE DIVISION

complaint  
of GAK vs  
Cantrell

3 pages  
but still  
has original  
transcripts  
that were  
submitted,  
if needed.

Case: 20035123  
MAY -2 AM 9:18

(2 pages)

Scott M. Jensen  
JUDGE

As I previously mentioned on record in Dec. 03, 2013 hearing + other filed documents (my motion to set aside orders, 2 written requests seeking procedure to submit complaint of GAK's misconduct, negligence, etc) these items were already offered to Tyler Cantrell - child's appointed GAK - to which he left my home with in his hand for consideration of my daughter's case (20035123 Juvenile) in addition to "parenting interrogatories" of another case 20105108 where Michael "Todd" Zarahay is referred to as a potential source for that case's litigation. My purpose for giving that was because of my + Mackenzie's claim of her father (Zarahay) exhibiting severe attempts at parental alienation - we also both told Mr. Cantrell (GAK) about the possible recruitment of Matt Eller for this case - we told him this in October 2013 BEFORE court and then as expected Matt Eller appears + Tyler Cantrell mentions nothing about these documents which clearly show malice. He says nothing about the grade cards for Mackenzie that completely validate the claim she was "failing" was frivolous. He also says he didn't have his GAK notes in hearing - his report says he considered all other evidence - shouldn't I be able to inquire as to what that consists of?

Shouldn't I have been asked about any/all allegations before Tyler testifies as a character witness <sup>do?</sup> me?

I'm puzzled as to why Tyler's written report describes how when he asked her about possible physical altercations how she acted 'weird' which is a suggestive inference - when Mackenzie has told myself + her psychologist that Tyler Cantrell did not ask her anything of that nature.

Tyler Cantrell states the SPOR of her teachers (p. 97 of Nov 05, 2013 transcript) and I have statements from North Adams teachers + faculty members that claim they have no record of communicating in any form with ANY GAA for Mackenzie Tarahay. The hearing Nov. 05, 2013 was continued in progress - as we ran out of time - it wasn't <sup>like</sup> an add'l hearing - it was due to the lack of time - to which only one side had presented their claims + testimony - I had not yet been afforded my chance to dispute anything, yet. He didn't appear for the continuation on December 3, 2013 but despite another inference - where he is convinced based on his watching my non verbal conduct yet he fails to articulate or describe that non verbal conduct or mention he already had knowledge of Mr. Tarahay recruiting another person for his smear campaign. POOR Mackenzie whose supposed to be the center of all this is actually left out in the cold.

May 2 2014

Manda Rob

COURT OF COMMON PLEAS  
JUVENILE DIVISION  
ADAMS COUNTY, OHIO

FILED  
ADAMS COUNTY PLEAS  
COURT OF COMMON PLEAS  
JUVENILE DIVISION  
2014 MAR 18 AM 10:31  
— Bobb M. Jordan  
JUDGE

In Re. Mackenzie Farahay

Amanda Wilson (nka Iler) : CASE NO. 20035123

v. :

Michael Farahay :

**Magistrate's Decision**

**The Procedural Posture.**

The Defendant filed a motion seeking a change in the allocation of parental rights and responsibilities on 4/11/2013. The Plaintiff responded with an appropriate answer and motions of her own on 6/5/2013 seeking contempt sanctions against the Defendant for failure to pay his share of the medical/optical expenses of the child, for reconsideration of the child support order and for the Court to interview the child. The motions were properly filed and the parties were properly served. A Guardian Ad Litem was appointed and the Court interviewed the child as requested. All parties were before the court and represented by counsel. Jurisdiction and venue are proper, and evidence was presented to the court on all relevant issues at trial. The Magistrate has authority under the Rules of Procedure to issue a decision in this matter.

The non-residential parent Mr. Farahay requests the Court to change the current orders of the Court so that he is the primary custodial parent and change the child support order as may be appropriate. Ms. Iler requested that the Father be held in contempt, that the medical/optical bills be paid and that contempt sanction be ordered against the defendant. The matter was tried on 12/3/2013 before the Magistrate and this decision results.

**A. The Decision on the motion for a change in the allocation of parental rights and responsibilities issue.**

The Magistrate finds that the concerns raised in the motion of the father have been fully litigated and the Court heard all relevant information on the issues of the situation of the parties. The Court finds that there has been established a change of circumstances of the child. Upon hearing and as explained below, the Court finds that it is in the best interest of the child for the father to be the custodial and residential parent. The Court further finds that there is no harm in the father assuming the role as the custodial parent with the mother having consistent parenting time according to Rule 16 of this Court. Therefore the Court orders that the father shall assume responsibilities as the residential parent forthwith, with the mother having parenting time rights as appear in the attached Rule 16 schedule.

**Findings of fact and conclusions of law on the issue of allocation of parental rights and responsibilities.**

Defendant's Motion to re-allocate the parental rights and responsibilities was filed 4/11/2013 and the hearing was held 12/3/2013 before the Magistrate. Evidence was taken on all relevant issues and this decision results according to the Civil Rules of Procedure.

The Court finds that upon hearing, the testimony established a substantial change of condition or circumstances warranting a change in parenting responsibilities since the dissolution decree. Further, the Court finds a change in parental rights and responsibilities is warranted under the facts and circumstances presented the change ordered herein at this time would be in the best interest of the child.

The court considered the facts and arguments in light of the relevant statutes, including Section 3109.04, which provides in part:

“(E) (1)(a) The court shall not modify a prior decree allocating parental rights and responsibilities for the care of children unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, his residential parent, ... and that the modification is necessary to serve the best interest of the child.”

Modification of a prior allocation of parental rights must be based on facts and circumstances that have arisen since the prior order or was unknown at the time of the prior order. Sec. 3109.04(E)(1)(a). Although Sec. 3109.04 does not provide a definition of the phrase "change in circumstances," Ohio courts have held that the phrase is intended to denote "an event, occurrence, or situation which has a material and adverse effect upon a child." *Rohrbaugh v. Rohrbaugh* (2000), 136 Ohio App.3d 599, 604-05, citing *Wyss v. Wyss* (1982), 3 Ohio App.3d 412. See also *Fisher v. Hasenjager*, 2007-Ohio-5589

The Court finds that upon hearing, the testimony established a substantial change of condition or circumstances warranting a change in parenting responsibilities. The Court finds that the Father was a more credible witness than the Mother. The Magistrate finds that the father has established a change in circumstances as required according to law. The child is older, the mother has had changes in her living situation regarding her relationship, and moving twice to another residence, there are <sup>proof?</sup> concerns about domestic violence occurring in her household and there is a continuing problems in the judgment of the Magistrate regarding Ms. Iler's combative attitude, dishonesty and other issues regarding the care, control and welfare of the child.

The combative attitude displayed by Ms. Iler in this matter is conclusively shown by her dishonest testimony before the Court regarding her actions the issues of her relationship problems with her live in friend. The Court finds she has significant relationship problems with her live in friend and that domestic violence has occurred in the home thereby making it, in addition to everything else, an unsafe environment for the child. Rarely has the Court had a Guardian ad Litem change a recommendation as occurred in this case. The recommendation to retain the child with her mother was already tenuous in the judgment of the GAL before the hearing and then during the hearing Ms. Iler

So you  
had to  
think  
about it  
for  
hours

mislead the Court through her testimony about her problems in the home and the domestic violence issue. The testimony was such that the GAL changed his recommendation so that the child should be placed with father. Independent of the report of the Guardian Ad Litem the Magistrate finds by a preponderance of the evidence that Ms. Iler's testimony and demeanor demonstrated her significant personal problems which are effecting her relationship with her child and others. In a previous decision regarding this child and her parents this Magistrate held: "The Court will order whatever structure is necessary to remove the child from the adult problems and contretemps. The Court calls upon the parents to repair their relationship with the child by removing the anger, fighting, and posturing and simply comply with the schedule." Although this finding was made regarding the parties, it is clear that the anger and fighting remain in the household of Ms. Iler. In view of her suspect and dishonest testimony about this issue and the other issues of instability the Court finds that there has been a change of circumstance and conditions and that these change militate that the child must be placed into the physical custody of her father.

The Court interviewed the child in this matter according to law and determined that the child has an excellent understanding of the situation of her parents and loves both of them. The Magistrate immediately determined the reasoning ability of the child. The Magistrate finds that the child does have sufficient reasoning ability to express the child's wishes and concern with respect to the allocation of parental rights and responsibilities for the care of the child. The Magistrate finds that it would be in the best interests of the child to determine the child's wishes and concerns with respect to the allocation again related to any detrimental effect such an allocation may have. The child indicated that she would like to remain with her mother. The Court must discount this request of the child since the Court is aware of the other facts and circumstances leading the Magistrate to believe that it is not in the best interest of the child to be with her mother as the residential parent as stated herein. And that really is the point and reason for this decision. The Court believes that now this child can have a much better day in her life with father rather than under her current conditions with mother.

In this finding and decision the Court followed the statute to determine whether the modification would serve the child's best interests. R.C. 3109.04(F) (1) specifies the factors that a trial Court should consider when determining a child's best interests: (in pertinent part)

“In determining the best interest of a child ... the court shall consider all relevant factors, including, but not limited to:

- (a) The wishes of the child's parents regarding his care;
- (c) The child's interaction and interrelationship with his parents, siblings, and any other person who may significantly affect the child's best interest;
- (d) The child's adjustment to his home, school, and community;
- (e) The mental and physical health of all persons involved in the situation;
- (f) The parent more likely to honor and facilitate visitation and companionship rights approved by the court;
- (g) Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor;
- (i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent his or her right to visitation in accordance with an order of the court;
- (j) Whether either parent has established a residence, or is planning to establish a residence, outside this state.”

The Court finds from the facts and testimony, that the child's best interest would be served by being with the Father. The Court finds that the benefits resulting from the change will outweigh any harm under the circumstances presented in court. The Court finds a change in parental rights and responsibilities is warranted under the facts and circumstances presented and is in the best interest of the child.

**A. The Decision on the issue of contempt and payment of medical bills.**

The Court declines to find the Defendant in contempt of Court for failure to pay his share of the medical bills not covered by insurance for Makenzie due

and owing at this time. The Court finds that the presentation and record keeping shown by the mother is not clear and the Magistrate could not use the information to be able to find by the preponderance of the evidence the total owed to her other than that as indicated below. To the extent possible and based on the confusing documents and exhibits, and according to the preponderance of the evidence the Magistrate can only order the payment of the following for medical bill due and owing to the Plaintiff through 5/31/2013.

Due and owing for Childrens Hospital, 2013:	\$393.00
Due and owing for Childrens Hospital, 2012:	\$197.90
Due and Owing for vision expenses:	\$184.00
Total due and owing to Plaintiff from Defendant:	\$774.90

This amount shall be paid to the Plaintiff by the Defendant within 60 days of the journalization of the judgment entry in this case.

**C. Financial, Parenting time and Child support issues.**

The Court orders a Rule 16 parenting time for the mother, a copy of which is attached. The mother and child shall have other parenting time as the mother, father and child may agree, which shall not be an excessive burden on the father, at other times if it can be coordinated with transportation provided by mother. The parties are free to make other arrangements to conform with their schedules.

The Court issues the attached child support worksheet as attached which is effective April 1, 2014. The Court orders the ACCSEA to modify the current support order of record to reflect the change of the Obligor, the amount of support and Agency shall retain any arrearage owed by Mr. Farahay and offset any amount of his arrearage so that the mother shall pay the support order when the arrearage has been offset by her obligation. The Court has utilized the best evidence available for the worksheet calculations. Upon motion the Court will recalculate the worksheet for cause shown. The residential parent, the father, shall have the tax exemption for the child for all tax purposes. The Court finds that that it furthers the best interest of the child to allow father to claim the child as dependent for federal and state income tax purposes. In making this

determination, the Court has considered the net tax savings, the relative financial circumstances and needs of the parents and children, the amount of time the children spend with each parent, the eligibility of each parent for the federal earned income tax credit, the head of household filing status which may be available, or other state or federal tax credits, and any other relevant factor concerning the best interests of the child, including the cost of transportation as indicated above. The parties shall pay the uncovered medical costs according to the percentage of the income (Father 74%, Mother 26%) they contribute according to the worksheet.

The parties shall share equally the court costs of record in this matter.  
Deposit to be applied to Michael Farahay's costs.

**A party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40(D)(3)(a)(ii) unless the party timely and specifically objects to the factual finding or legal conclusion as required by Juv. R. 40(D)(3)(b).**

Written objections to the magistrate's decision must be filed within fourteen days of the filing of the decision or the filing of the findings of fact and conclusion of law, whichever is later. Objections must comply with Juv. R. 40. If objections are filed this judgment shall be considered an interim order pursuant to Juv. R. 40 (D)(4)(e)(ii).

Date: 3/17/2014

  
James W. Schlueter  
Magistrate

Case # 20035123

## CHILD SUPPORT COMPUTATION WORKSHEET SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER

Name of Parties: Michael Farahay and amanda Iler Case No: 7043381958  
 Number of Minor Children: 1

The following parent was designated as residential parent and legal custodian:  
 - Mother  - Father  - Shared

Line No.	Father	Mother	Line No.	Father	Mother
1a	Employment 71,000.00	31,920.31	17	Basic obligation 10,784.86	
1b	O/T Bonus Yr 3 0.00	0.00	18a	Annual obl Fath 7,946.28	
	O/T Bonus Yr 2 0.00	0.00	18b	Annual obl Moth	2,838.58
	O/T Bonus Yr 1 0.00	0.00	19a	Child care Fath 0.00	
	Average 0.00	0.00	19b	Child care Moth	0.00
	Includible O/T 0.00	0.00	20a	Marginal costs 0.00	527.80
2a	Gross receipts 0.00	0.00	20b	Cash med supp 0.00	1,124.00
2b	Ordinary exps 0.00	0.00	21	a/c - Additions 0.00	0.00
2c	5.6% of AGI 0.00	0.00	21	b/d - Subtracts 0.00	388.88
2d	Adjusted AGI 0.00	0.00	22a	Obligation Fath 0.00	
3	Interest/divs 0.00	0.00	22b	Obligation Moth	2,449.70
4	Unemployment 0.00	0.00	23a	Obligor's obligtn 0.00	2,449.70
5	Workers Comp 0.00	0.00	23b	Non-means 0.00	0.00
6	Other income 0.00	0.00	23c	Actual obligation 0.00	2,449.70
7a	Total gross inc 71,000.00	31,920.31	24	a/c - Additions 0.00	0.00
7b	Health ins mx 3,550.00	1,596.02	24	b/d - Subtracts 0.00	828.16
8	Other children 3,650.00	3,650.00	25a	OAA Father 0.00	
9	Child support 0.00	3,735.42	25b	OAA Mother	2,010.42
10	Alimony 0.00	0.00	26a	AAO 0.00	2,010.42
11	Local taxes 0.00	478.80	26b	Any non-means 0.00	0.00
12	Work deductns 0.00	0.00	26c	AAO subtract 0.00	2,010.42
13	Ttl adjustmts 3,650.00	7,864.22	27a	Deviation sole 0.00	0.00
14a	AGI 67,350.00	24,056.09	27b	Deviation shared 0.00	0.00
14b	Cash Supp Mx 3,367.50	1,202.80	28	Final Figure 2,449.70	2,010.42
15	Comb Income 91,406.09		29	For Decree 208.22	170.88
16a	% Father 73.680%		30	Final cash figure 1,124.00	0.00
16b	% Mother	26.320%	31	For decree 93.67	0.00

**CHILD CARE EXPENSES**  - Ignore low income limits;  - Use limits below;  - Perform full tax calculation  
 Must check one box in top row: >>>  - Do not use Ohio child care credit;

Father			
Total child care exps	0.00	<b>Use these limits:</b>	Exempt amount: 0.00
Qualifying expenses	0.00	Federal: 0.00	Federal tax liability: 0.00
Earned income	71,000.00	Ohio: 0.00	AMT: 0.00
Spouse's earned inc	0.00	<b>Tax calculation information:</b>	Foreign tax credit: 0.00
AGI	71,000.00	Filing status:	Federal credit: 0.00
No. of children	1	Std/Item deduction: 0.00	Ohio credit: 0.00

Mother			
Total child care exps	0.00	<b>Use these limits:</b>	Exempt amount: 0.00
Qualifying expenses	0.00	Federal: 0.00	Federal tax liability: 0.00
Earned income	31,920.31	Ohio: 0.00	AMT: 0.00
Spouse's earned inc	0.00	<b>Tax calculation information:</b>	Foreign tax credit: 0.00
AGI	31,920.31	Filing status:	Federal credit: 0.00
No. of children	1	Std/Item deduction: 0.00	Ohio credit: 0.00

WEEKLY/MONTHLY BREAKDOWN	Per Week		Per Month	
	Per Child	Total	Per Child	Total
<b>Health Insurance Provided</b>				
Child Support Obligation	47.11	47.11	204.14	204.14
Cash Medical Support	0.00	0.00	0.00	0.00
Processing Charges	0.94	0.94	4.08	4.08
<b>Total</b>	<b>48.05</b>	<b>48.05</b>	<b>208.22</b>	<b>208.22</b>
<b>Health Insurance Not Provided</b>				
Child Support Obligation	38.66	38.66	167.53	167.53
Cash Medical Support	21.62	21.62	93.67	93.67
Processing Charges	1.21	1.21	5.22	5.22
<b>Total</b>	<b>61.49</b>	<b>61.49</b>	<b>266.42</b>	<b>266.42</b>

COURT OF COMMON PLEAS  
JUVENILE DIVISION  
ADAMS COUNTY, OHIO

FILED  
ADAMS COUNTY PLEAS  
COURT OF COMMON PLEAS  
JUVENILE DIVISION  
2014 MAR 18 AM 10:31  
Eberts  
JUDGE

In Re. Mackenzie Farahay

Amanda Wilson (nka Iler) : CASE NO. 20035123

v. :

Michael Farahay :

JUDGMENT ENTRY

The Court adopts the Magistrate's Decision as the judgment of the Court.

**The Procedural Posture.**

The Defendant filed a motion seeking a change in the allocation of parental rights and responsibilities on 4/11/2013. The Plaintiff responded with an appropriate answer and motions of her own on 6/5/2013 seeking contempt sanctions against the Defendant for failure to pay his share of the medical/optical expenses of the child, for reconsideration of the child support order and for the Court to interview the child. The motions were properly filed and the parties were properly served. A Guardian Ad Litem was appointed and the Court interviewed the child as requested. All parties were before the court and represented by counsel. Jurisdiction and venue are proper, and evidence was presented to the court on all relevant issues at trial. The Magistrate has authority under the Rules of Procedure to issue a decision in this matter.

The non-residential parent Mr. Farahay requests the Court to change the current orders of the Court so that he is the primary custodial parent and change the child support order as may be appropriate. Ms. Iler requested that the Father be held in contempt, that the medical/optical bills be paid and that contempt sanction be ordered against the defendant. The matter was tried on 12/3/2013 before the Magistrate and this decision results.

In this finding and decision the Court followed the statute to determine whether the modification would serve the child's best interests. R.C. 3109.04(F) (1) specifies the factors that a trial Court should consider when determining a child's best interests: (in pertinent part)

“In determining the best interest of a child ... the court shall consider all relevant factors, including, but not limited to:

- (a) The wishes of the child's parents regarding his care;
- (c) The child's interaction and interrelationship with his parents, siblings, and any other person who may significantly affect the child's best interest;
- (d) The child's adjustment to his home, school, and community;
- (e) The mental and physical health of all persons involved in the situation;
- (f) The parent more likely to honor and facilitate visitation and companionship rights approved by the court;
- (g) Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor;
- (i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent his or her right to visitation in accordance with an order of the court;
- (j) Whether either parent has established a residence, or is planning to establish a residence, outside this state.”

The Court finds from the facts and testimony, that the child's best interest would be served by being with the Father. The Court finds that the benefits resulting from the change will outweigh any harm under the circumstances presented in court. The Court finds a change in parental rights and responsibilities is warranted under the facts and circumstances presented and is in the best interest of the child.

#### **B. The Decision on the issue of contempt and payment of medical bills.**

The Court declines to find the Defendant in contempt of Court for failure to pay his share of the medical bills not covered by insurance for Makenzie due

**B. The Decision on the motion for a change in the allocation of parental rights and responsibilities issue.**

The Magistrate finds that the concerns raised in the motion of the father have been fully litigated and the Court heard all relevant information on the issues of the situation of the parties. The Court finds that there has been established a change of circumstances of the child. Upon hearing and as explained below, the Court finds that it is in the best interest of the child for the father to be the custodial and residential parent. The Court further finds that there is no harm in the father assuming the role as the custodial parent with the mother having consistent parenting time according to Rule 16 of this Court. Therefore the Court orders that the father shall assume responsibilities as the residential parent forthwith, with the mother having parenting time rights as appear in the attached Rule 16 schedule.

**Findings of fact and conclusions of law on the issue of allocation of parental rights and responsibilities.**

Defendant's Motion to re-allocate the parental rights and responsibilities was filed 4/11/2013 and the hearing was held 12/3/2013 before the Magistrate. Evidence was taken on all relevant issues and this decision results according to the Civil Rules of Procedure.

The Court finds that upon hearing, the testimony established a substantial change of condition or circumstances warranting a change in parenting responsibilities since the dissolution decree. Further, the Court finds a change in parental rights and responsibilities is warranted under the facts and circumstances presented the change ordered herein at this time would be in the best interest of the child.

The court considered the facts and arguments in light of the relevant statutes, including Section 3109.04, which provides in part:

“(E) (1)(a) The court shall not modify a prior decree allocating parental rights and responsibilities for the care of children unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, his residential parent, ... and that the modification is necessary to serve the best interest of the child.”

Modification of a prior allocation of parental rights must be based on facts and circumstances that have arisen since the prior order or was unknown at the time of the prior order. Sec. 3109.04(E)(1)(a). Although Sec. 3109.04 does not provide a definition of the phrase "change in circumstances," Ohio courts have held that the phrase is intended to denote "an event, occurrence, or situation which has a material and adverse effect upon a child." *Rohrbaugh v. Rohrbaugh* (2000), 136 Ohio App.3d 599, 604-05, citing *Wyss v. Wyss* (1982), 3 Ohio App.3d 412. See also *Fisher v. Hasenjager*, 2007-Ohio-5589

The Court finds that upon hearing, the testimony established a substantial change of condition or circumstances warranting a change in parenting responsibilities. The Court finds that the Father was a more credible witness than the Mother. The Magistrate finds that the father has established a change in circumstances as required according to law. The child is older, the mother has had changes in her living situation regarding her relationship, and moving twice to another residence, there are concerns about domestic violence occurring in her household and there is a continuing problems in the judgment of the Magistrate regarding Ms. Iler's combative attitude, dishonesty and other issues regarding the care, control and welfare of the child.

The combative attitude displayed by Ms. Iler in this matter is conclusively shown by her dishonest testimony before the Court regarding her actions the issues of her relationship problems with her live in friend. The Court finds she has significant relationship problems with her live in friend and that domestic violence has occurred in the home thereby making it, in addition to everything else, an unsafe environment for the child. Rarely has the Court had a Guardian ad Litem change a recommendation as occurred in this case. The recommendation to retain the child with her mother was already tenuous in the judgment of the GAL before the hearing and then during the hearing Ms. Iler

mislead the Court through her testimony about her problems in the home and the domestic violence issue. The testimony was such that the GAL changed his recommendation so that the child should be placed with father. Independent of the report of the Guardian Ad Litem the Magistrate finds by a preponderance of the evidence that Ms. Iler's testimony and demeanor demonstrated her significant personal problems which are effecting her relationship with her child and others. In a previous decision regarding this child and her parents this Magistrate held: "The Court will order whatever structure is necessary to remove the child from the adult problems and contretemps. The Court calls upon the parents to repair their relationship with the child by removing the anger, fighting, and posturing and simply comply with the schedule." Although this finding was made regarding the parties, it is clear that the anger and fighting remain in the household of Ms. Iler. In view of her suspect and dishonest testimony about this issue and the other issues of instability the Court finds that there has been a change of circumstance and conditions and that these change militate that the child must be placed into the physical custody of her father.

The Court interviewed the child in this matter according to law and determined that the child has an excellent understanding of the situation of her parents and loves both of them. The Magistrate immediately determined the reasoning ability of the child. The Magistrate finds that the child does have sufficient reasoning ability to express the child's wishes and concern with respect to the allocation of parental rights and responsibilities for the care of the child. The Magistrate finds that it would be in the best interests of the child to determine the child's wishes and concerns with respect to the allocation again related to any detrimental effect such an allocation may have. The child indicated that she would like to remain with her mother. The Court must discount this request of the child since the Court is aware of the other facts and circumstances leading the Magistrate to believe that it is not in the best interest of the child to be with her mother as the residential parent as stated herein. And that really is the point and reason for this decision. The Court believes that now this child can have a much better day in her life with father rather than under her current conditions with mother.

and owing at this time. The Court finds that the presentation and record keeping shown by the mother is not clear and the Magistrate could not use the information to be able to find by the preponderance of the evidence the total owed to her other than that as indicated below. To the extent possible and based on the confusing documents and exhibits, and according to the preponderance of the evidence the Magistrate can only order the payment of the following for medical bill due and owing to the Plaintiff through 5/31/2013.

Due and owing for Childrens Hospital, 2013:	\$393.00
Due and owing for Childrens Hospital, 2012:	\$197.90
Due and Owing for vision expenses:	\$184.00
Total due and owing to Plaintiff from Defendant:	\$774.90

This amount shall be paid to the Plaintiff by the Defendant within 60 days of the journalization of the judgment entry in this case.

**C. Financial, Parenting time and Child support issues.**

The Court orders a Rule 16 parenting time for the mother, a copy of which is attached. The mother and child shall have other parenting time as the mother, father and child may agree, which shall not be an excessive burden on the father, at other times if it can be coordinated with transportation provided by mother. The parties are free to make other arrangements to conform with their schedules.

The Court issues the attached child support worksheet as attached which is effective April 1, 2014. The Court orders the ACCSEA to modify the current support order of record to reflect the change of the Obligor, the amount of support and Agency shall retain any arrearage owed by Mr. Farahay and offset any amount of his arrearage so that the mother shall pay the support order when the arrearage has been offset by her obligation. The Court has utilized the best evidence available for the worksheet calculations. Upon motion the Court will recalculate the worksheet for cause shown. The residential parent, the father, shall have the tax exemption for the child for all tax purposes. The Court finds that that it furthers the best interest of the child to allow father to claim the child as dependent for federal and state income tax purposes. In making this

determination, the Court has considered the net tax savings, the relative financial circumstances and needs of the parents and children, the amount of time the children spend with each parent, the eligibility of each parent for the federal earned income tax credit, the head of household filing status which may be available, or other state or federal tax credits, and any other relevant factor concerning the best interests of the child, including the cost of transportation as indicated above. The parties shall pay the uncovered medical costs according to the percentage of the income (Father 74%, Mother 26%) they contribute according to the worksheet.

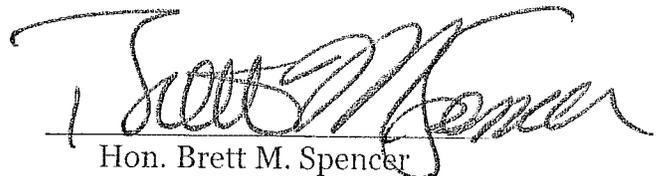
The parties shall share equally the court costs of record in this matter.  
Deposit to be applied to Michael Farahay's costs.

The Court adopts the Magistrate's Decision and same is effective fourteen days after the filing. Any Objections must be filed according to the Civil Rules of Procedure. In the event written objections to the decision are filed, the Court hereby Orders that this judgment is stayed, except as to custody, residential and parenting status of the parties, the child support Order, spousal support, and visitation which shall be the Order of the Court on an interim basis, all according to the Civil Rule 53 et seq. and 53(E)(4)(c), if applicable and the corresponding Rules of the Juvenile Procedure.

**A party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40(D)(3)(a)(ii) unless the party timely and specifically objects to the factual finding or legal conclusion as required by Juv. R. 40(D)(3)(b).**

Written objections to the magistrate's decision must be filed within fourteen days of the filing of the decision or the filing of the findings of fact and conclusion of law, whichever is later. Objections must comply with Juv. R. 40. If objections are filed this judgment shall be considered an interim order pursuant to Juv. R. 40(D)(4)(e)(ii).

DATE: March 17, 2014

  
Hon. Brett M. Spencer

To the Clerk: Serve a copy of this Judgment Entry on parties and counsel of record according to the Civil Rules of Procedure. **Copy to ACCSEA.**

# CHILD SUPPORT COMPUTATION WORKSHEET SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER

Name of Parties: Michael Farahay and amanda Iler

Case No: 7043381958

Number of Minor Children: 1

The following parent was designated as residential parent and legal custodian:

- Mother       - Father       - Shared

Line No.	Father	Mother	Line No.	Father	Mother
1a	Employment 71,000.00	31,920.31	17	Basic obligation 10,784.86	
1b	O/T Bonus Yr 3 0.00	0.00	18a	Annual obl Fath 7,946.28	
	O/T Bonus Yr 2 0.00	0.00	18b	Annual obl Moth	2,838.58
	O/T Bonus Yr 1 0.00	0.00	19a	Child care Fath 0.00	
	Average 0.00	0.00	19b	Child care Moth	0.00
	Includible O/T 0.00	0.00	20a	Marginal costs 0.00	527.80
2a	Gross receipts 0.00	0.00	20b	Cash med supp 0.00	1,124.00
2b	Ordinary exps 0.00	0.00	21	a/c - Additions 0.00	0.00
2c	5.6% of AGI 0.00	0.00	21	b/d - Subtracts 0.00	388.88
2d	Adjusted AGI 0.00	0.00	22a	Obligation Fath 0.00	
3	Interest/divs 0.00	0.00	22b	Obligation Moth	2,449.70
4	Unemployment 0.00	0.00	23a	Obligor's obligtn 0.00	2,449.70
5	Workers Comp 0.00	0.00	23b	Non-means 0.00	0.00
6	Other income 0.00	0.00	23c	Actual obligation 0.00	2,449.70
7a	Total gross inc 71,000.00	31,920.31	24	a/c - Additions 0.00	0.00
7b	Health ins mx 3,550.00	1,596.02	24	b/d - Subtracts 0.00	828.16
8	Other children 3,650.00	3,650.00	25a	OAA Father 0.00	
9	Child support 0.00	3,735.42	25b	OAA Mother	2,010.42
10	Alimony 0.00	0.00	26a	AAO 0.00	2,010.42
11	Local taxes 0.00	478.80	26b	Any non-means 0.00	0.00
12	Work deductns 0.00	0.00	26c	AAO subtract 0.00	2,010.42
13	Ttl adjustmts 3,650.00	7,864.22	27a	Deviation sole 0.00	0.00
14a	AGI 67,350.00	24,056.09	27b	Deviation shared 0.00	0.00
14b	Cash Supp Mx 3,367.50	1,202.80	28	Final Figure 2,449.70	2,010.42
15	Comb Income 91,406.09		29	For Decree 208.22	170.88
16a	% Father 73.680%		30	Final cash figure 1,124.00	0.00
16b	% Mother	26.320%	31	For decree 93.67	0.00

**CHILD CARE EXPENSES**

Must check one box in top row: >>>  - Ignore low income limits;  - Use limits below;  - Perform full tax calculation  
 - Do not use Ohio child care credit;

Father			
Total child care exps	0.00	<b>Use these limits:</b>	Exempt amount: 0.00
Qualifying expenses	0.00	Federal: 0.00	Federal tax liability: 0.00
Earned income	71,000.00	Ohio: 0.00	AMT: 0.00
Spouse's earned inc	0.00	<b>Tax calculation information:</b>	Foreign tax credit: 0.00
AGI	71,000.00	Filing status:	Federal credit: 0.00
No. of children	1	Std/Item deduction: 0.00	Ohio credit: 0.00

Mother			
Total child care exps	0.00	<b>Use these limits:</b>	Exempt amount: 0.00
Qualifying expenses	0.00	Federal: 0.00	Federal tax liability: 0.00
Earned income	31,920.31	Ohio: 0.00	AMT: 0.00
Spouse's earned inc	0.00	<b>Tax calculation information:</b>	Foreign tax credit: 0.00
AGI	31,920.31	Filing status:	Federal credit: 0.00
No. of children	1	Std/Item deduction: 0.00	Ohio credit: 0.00

WEEKLY/MONTHLY BREAKDOWN	Per Week		Per Month	
	Per Child	Total	Per Child	Total
<b>Health Insurance Provided</b>				
Child Support Obligation	47.11	47.11	204.14	204.14
Cash Medical Support	0.00	0.00	0.00	0.00
Processing Charges	0.94	0.94	4.08	4.08
<b>Total</b>	<b>48.05</b>	<b>48.05</b>	<b>208.22</b>	<b>208.22</b>
<b>Health Insurance Not Provided</b>				
Child Support Obligation	38.66	38.66	167.53	167.53
Cash Medical Support	21.62	21.62	93.67	93.67
Processing Charges	1.21	1.21	5.22	5.22
<b>Total</b>	<b>61.49</b>	<b>61.49</b>	<b>266.42</b>	<b>266.42</b>

## COURT RULE 16: STANDARD PARENTING SCHEDULE

### 1: PREFACE

Children require the continued and regular involvement of BOTH parents, despite the termination of the relationship of the parents. No Standard Parenting Time Schedule can possibly meet the needs of every parent-child relationship, and therefore, the Court encourages parties to work together towards an agreement which best fits the needs of their children, and will meet their specific circumstances.

During and after the termination of a family relationship, there is often a crisis period during which families are under a great stress, due to loss, conflict and change. Unfortunately, whether intentional or otherwise, children tend to become pawns in a struggle between the parents. Most studies indicate, and psychologist uniformly agree, that the children who "do best" following divorces are those children in which the family maintains lower levels of conflict. The absence of conflict is just as important as the amount of time either parent spends with the child.

Although the Court has established this Standard Parenting Time Schedule, it is with hope that it is unnecessary. It is only when parents cannot agree, that the Court will require the provision of this Standard Parenting Time Schedule to be utilized. In such case where the parents cannot agree to Parenting Time, this Schedule will be ordered by the Court, and considered controlling over Parenting Time issues. The Court encourages the parents to minimize conflicts as much as possible. Specific items in the Final Order (Judgment Entry) of the Court take precedence over this Schedule. This Schedule in no way affects child support obligations or payments.

When an Entry or Divorce Decree refers to "the right of reasonable Parenting Time" granted to the non-residential parent, this RULE shall be considered incorporated by reference, attached to and made a part of the Entry or Decree. Attorneys SHALL provide copies of this Schedule to clients involved in any child custody/parenting time litigation.

### 2: MANDATORY DOMESTIC RELATIONS SEMINAR

All parents in divorce, legal separation, dissolution or post-decree custody/visitation motions in which there are minor children, **SHALL** attend an educational seminar for separating parents. (See Rule 16.2)

### 3: COURT ORDERED MEDIATION

In the event parties have a conflict primarily involving visitation issues, the Court may elect to refer the matter to the Court's in-house mediation program. (See Rule 17)

Both parents shall have access to babysitting, day-care, nursery school and/or other latchkey records of the child(ren). Both parents shall be entitled to communicate with all physical care providers for the child(ren). Either parent shall execute any authorizations or releases necessary to release the records to the other party. Both parents shall have access to all religious records of the child(ren). Both parents shall have the right to participate and attend all religious activities of the child(ren).

#### 4-f Transportation:

The non-residential parent has the responsibility for picking up and returning the child(ren). The non-residential parent, if not available for pickup or delivery of the child(ren) must use an adult, well known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol. Only licenses drivers may transport the child(ren). Both parties shall be diligent in having the child(ren) ready and available at the appointed times, and the transporting party shall be prompt in picking up and delivering the child(ren). However, the transporting parent for visitations shall have a grace period of 15 minutes for pickup and delivery, if both parties live within a distance of 30 miles from each other. If the one-way distance to be traveled is in excess of 30 miles, the grace period is 30 minutes. In the event the visiting parent exceeds the grace period, the visitation for that weekend is forfeited, unless prior notification and arrangements have been made, AND in cases where the visiting parent lives in excess of 30 miles away and suffers unavoidable breakdown or delay enroute, and the visiting parent promptly notifies the residential parent by phone of the delay. Repeat violations by either parent shall be cause for granting a modification of the custody order either by changing custody or curtailing visitation, as the case may be.

The parent who becomes the residential/custodial parent as the result of post decree judgment entry, and moves from WITH THE COURT'S PERMISSION, or does not reside in Adams County, Ohio, shall be the parent responsible for the transportation of the child(ren) for visitation purposes, unless the Court otherwise provides in an Order establishing such custody and visitation.

The residential parent shall be responsible for sending with the child(ren) on visitation sufficient clothing and outerwear appropriate to the season to last the period of visitation. (For a weekend visitation, this shall consist of a minimum of two extra sets of play clothes, and one dress outfit, in addition to the clothes that the child(ren) are wearing at the start of the visitation period).

In the case of infants, the residential parent shall send with the child sufficient bottles, formula and diapers to last the visitation period. Likewise, the non-residential parent shall return all clothes, bottles, unused formula and diapers to the residential parent upon returning the child(ren). Continued violation of this requirement shall be deemed sufficient cause for a change in custody and/or visitation.

#### 4-g Moving:

The residential parent shall NOT remove the child(ren) from Adams County, or in the event the child(ren) are not presently in Adams County, to a situs more distance from Adams County than their present situs, WITHOUT FIRST OBTAINING PERMISSION FROM THE COURT BY ENTRY, OR BY WRITTEN AGREEMENT OF THE OTHER PARTY, WHICH MUST BE REDUCED TO WRITING AND APPROVED BY THE

If the residential parent, with the Court's permission, moves to a residence more than 150 miles from the non-residential parent, the non-residential parent may elect to have the child(ren) from the close of school for the summer break, until the beginning of the next school term each summer vacation, each school vacation, including Thanksgiving, Christmas and Spring Break, in lieu of having regular weekend visitation, due to the now distance between the parties.

**IN THE EVENT THE NON-RESIDENTIAL PARENT INTENDS TO EXERCISE THIS OPTION, IT IS THE REQUIREMENT OF THIS COURT THAT SAID PARENT GIVE ADVANCE WRITTEN NOTICE THEREOF TO THE CUSTODIAL PARENT. THIS NOTICE MUST BE DELIVERED TO THE CUSTODIAL PARENT A MINIMUM OF 120 DAYS PRIOR TO SAID EXTENDED VISITATION. FURTHER A COPY OF THE NOTICE MUST BE DELIVERED TO THE CLERK OF COURTS TO BE FILED IN THE CASE INVOLVING SAID PARTIES.**

#### 4-h Telephone and Other Communications

The residential parent shall encourage free communications between the child(ren) and the non-residential parent, and shall not do anything to impeded or restrict communication by phone or mail between the child(ren) and the non-residential parent, whether the communication is initiated by the child(ren) or the parent. The mail between a child and the parent SHALL be strictly confidential between the two, and shall not be opened or read by the other parent. This Rule applies equally to the non-residential parent, when the child(ren) are on a extended visitation with the non-residential parent.

The non-residential parent shall be entitled to speak with each child, via telephone, twice each week, not to exceed a 15 minute conversation with each child (if there is more than one child). If there is only one child, the time period is 20 minutes.

#### 4-1 Interview of the Child by the Court:

A: Any interview of a minor child shall be conducted pursuant to ORC 3109.04, with the best interest of the child(ren) in mind.

B: All interviews of minor children conducted by the Court shall be scheduled according to the Court's docket, at a separate time other than the time the pertinent issue is scheduled for hearing, unless the Court's docket will allow the interview to be conducted at the conclusion of said hearing.

C: A separate motion for an in-camera interview of a minor child shall be filed in order to facilitate the scheduling of the interview. Interviews of minor children shall not be scheduled without a proper motion being submitted to the Court, unless the Court decides on it's own that it would be in the best interest of the child to speak with the Court.

D: Parties to custody and/or parenting time/visitation litigation are strongly urged NOT to bring minor children to hearings, unless the child is called as a witness, or ordered by the Court to attend the hearing.

**VISITATION - 1 YEAR TO 1 ½ YEARS (18 MONTHS)**

The non-residential parent shall have parenting time as follows:

First, Third and Fourth weekend of January – alternating with First, and Third weekend of the following month (February), and continuing to alternate odd and even months thereafter

Visitation hours shall commence on Saturday at 8:00 A.M. until Sunday at 6:00 P.M.

PLUS: Every Wednesday from 5:30 P.M. until 8:30 P.M.

**SUMMER VISITATION:**

Under age 1 ½ (18 months) – there shall be no extended parenting time for the summer.

**HOLIDAY VISITATION - 8 MONTHS TO 1 ½ YEARS (18 MONTHS)**

**EASTER**

Non-residential parent shall have parenting time from 2:00 P.M. until 6:00 P.M. – outside the home of the residential parent

**MOTHER'S DAY**

If non-residential parent is mother

Or

**FATHER'S DAY**

If non-residential parent is father

Outside of the home of the residential parent from 2:00 P.M. until 6:00 P.M..

**THANKSGIVING**

Outside home of residential parent from 2:00 P.M. until 6:00 P.M.

**CHRISTMAS**

Outside home of residential parent from 2:00 P.M. until 6:00 P.M.

**REGULAR STANDARD VISITATION - AFTER AGE 1 ½ YEARS (18 MONTHS)**

The non-residential parent shall have parenting time as follows:

First, Third and Fourth weekend of January, alternating the First and Third weekends of the following month (February) continuing to alternate odd and even months thereafter

Visitation hours shall commence on Friday at 6:00 P.M. until Sunday at 6:00 P.M.

PLUS: Every Wednesday from 5:30 P.M. to 8:30 P.M.

### SUMMER VISITATION --

The non-residential parent shall enjoy six weeks of summer parenting time as follows:

The last three weeks of JUNE

The last week of JULY

The first two weeks of AUGUST

During the summer visitation, the parent that does not have physical custody of the child(ren) shall have the same weekend and weekday visitation as afforded the non-residential parent during the rest of the year.

EXCEPT THAT: Each parent may arrange a two week period of un-interrupted parenting time for a vacation with the child(ren). The parent shall schedule this during the period of time that he/she already have the child(ren) for parenting time (visitation).

Each party shall provide written notice to the other party of the dates of the intended un-interrupted parenting time, and if the parties plan to be traveling during this time, he/she shall provide to the other party information as to the destination, etc.. The written notice of the dates that the party intends to exercise the un-interrupted parenting time should be provided to the other party at least 30 days prior thereto, and sooner, if the party knows of the same. The information concerning travel and destination should be provided at least one to two weeks prior to leaving on said vacation.

An adequate amount of clothing shall be provided BY THE non-residential parent during the summer parenting time. Any items provided by the residential parent are to be returned at the conclusion of the visitation, in clean condition.

### EXTENDED PERIOD OF PARENTING TIME --

Under age of two, there will be no extended period of parenting time.

When a child reaches age two (2), the non-residential parent shall be entitled to one week of additional time each year herein designed as "extended period of parenting time". This extended period of parenting time may be exercised during the child's spring break from school (every other year), or at any other appropriate time during the year, except Christmas Break or Summer Visitation.

IN THE COURT OF APPEALS  
FOURTH APPELLATE DISTRICT OF OHIO  
ADAMS COUNTY

Amanda Wilson (nka: Iler) : Original Action in Prohibition  
Relator, :  
vs. : 2014 CA 999  
Judge Brett M. Spencer :  
Respondent. : COMPLAINT  
:  
:  
:

---

COMPLAINT FOR A WRIT OF PROHIBITION

---

Amanda Wilson (nka: Iler)  
121 East Sixth Street  
Seaman Ohio 45679

Judge Brett M. Spencer  
Adams County Court Common Pleas  
Juvenile Division  
110 West Main Street  
West Union Ohio ~~45693~~ 45693

Relator

Respondent

FILED  
ADAMS COUNTY  
CLERK OF COURTS  
2014 OCT 23 PM 12:45  
*Brett M. Spencer*

IN THE COURT OF APPEALS  
FOURTH APPELLATE DISTRICT OF OHIO  
ADAMS COUNTY

Amanda Wilson (nka: Iler)  
121 East Sixth Street  
Seaman, Ohio 45679

Original Action in Prohibition

Relator

Case No. 2014 CA 999

vs.

COMPLAINT

JUDGE BRETT M. SPENCER  
Adams County Common Pleas  
Juvenile Division  
110 West Main Street  
West Union, OH 45693

Respondent

FILED  
ADAMS COUNTY  
CLERK OF COURTS  
2014 OCT 23 PM 12:46  
*James M. Spencer*  
CLERK

---

COMPLAINT FOR A WRIT OF PROHIBITION

---

1.) Relator, Amanda Wilson ("Relator"), the 'Plaintiff' of Adams County Ohio Juvenile Case No. 20035123, now upon appeal known as case CA994 is the biological and now the twice designated sole legal custodial and residential parent of a minor child/juvenile who is the subject to the most recent court case within Adams County Court of Common Pleas, Juvenile Division. Relator has a direct interest in the case. Relator files this action pursuant to Article IV, Section 3 of the Ohio Constitution.

2.) Respondent, Judge Brett M. Spencer ("Respondent"), is a duly elected, qualified, and active judge for the Adams County Court of Common Pleas, Juvenile Division, 110 West Main Street, West Union OH 45679.

3.) Relator seeks *Prohibition* citing *State ex rel. V.K.B. v. SMITH*, 138 Ohio St.3d 84, 2013-Ohio-5477 “To be entitled to the requested writ of prohibition, V.K.B. must establish that (1) respondents are about to or have exercised judicial power, (2) the exercise of that power is unauthorized by law, and (3) denying the writ would result in injury for which no other adequate remedy exists in the ordinary course of law, *State ex rel. Bell v. Pfeiffer*, 131 Ohio St.3d 114, 2012-Ohio-54, 961 N.E.2d 181, ¶ 18 and 23; *State ex rel. Miller v. Warren Cty. Bd. of Elections*, 130 Ohio St.3d 24, 2011-Ohio-4623, 955 N.E.2d 379, ¶ 12. When the lack of jurisdiction is “patent and unambiguous,” the lack of an adequate remedy is considered established, as the unavailability of alternate remedies is immaterial in such a case. *Chesapeake Exploration, L.L.C. v. Oil & Gas Comm.*, 135 Ohio St.3d 204, 2013-Ohio-224, 985 N.E.2d 480

4.) On April 11, 2013, the father to M.F., whose known as the defendant party to Juvenile Case 20035123, through counsel initiated frivolous litigation by asserting, in part, the minor child “is drastically failing in school. Mother currently expresses no concern for minor child’s failing grades and refuses to follow through with a plan of action to remedy the problem” seeking a custody modification. Note, the instrument filed was captioned as “Motion to Modify Parenting Order and Change Custody”. The parents have never been married and never had any shared parenting order of any type. Actually the father had moved the court prior to this action and the court denied that request, had never been afforded any extra parenting time due to the minor not adjusting well to the bare standard visits.

5.) On November 5, 2013 the first hearing was held where as always, though up until this date from the initial filing, nothing though interrogatories or any other method of discovery alleged anything outside of the April 11, 2013 “motion” that was filed. In this hearing the counsel for defendant was permitted to keep “adding” to the initial allegations, despite none of

the newer ones being ever alleged through any type of discovery. Noting April 11, 2013 through first hearing of November 5, 2013 there were 208 days to attach any new information. There were issues and witnesses that were never discussed let alone disclosed, to which even a licensed attorney in single capacity as child's Guardian Ad Litem even joined in the ambushing and literally perjured, as an attempt to make it appear the child had been failing as suggested by the claim in the motion. Due to time constraints the court had to reschedule the case in progress since the defendant's side had only been afforded its presentation. The second and final hearing was held December 3, 2013 whereas the plaintiff, whose also the Relator of this action, presented its side to the court. Actual teachers testified, they were child's teachers at time of allegation April 11, 2013, they also testified to complete contrary of the 'failing', which was yet another encouraged vexatious litigation that has continued in Adams County Court for years. Following the final hearing the magistrate held an in-camera interview privately with child, M.F., who upon her exiting the interview was visibly upset, crying, trembling and verbally accused the magistrate of very disturbing and unsettling behaviors. There were three (3) people that witnessed the child when she exited the interview. The case's ending result depriving due process was mimicking to that of an child abuse/neglect case to which is not initiated through a "motion" but rather through a complaint. The Ninth District Court of Appeals has examined the difference between a motion and a complaint stating, "For the purposes of Civ.R. 3(A), the filing of a motion cannot substitute for the filing of a complaint. The Second Appellate District Court has explained that "Civ.R. 7 distinguishes a *pleading* from a *motion*. 'Under Civ.R. 7(A), only complaints, answers and replies constitute pleadings.' " (Emphasis original.) *State v. Wilkins* (1998), 127 Ohio App.3d 306, 310, 712 N.E.2d 1255, dismissed (1999), 85 Ohio St.3d 1213, 709 N.E.2d 169, quoting *State ex rel. Hanson v. Guernsey Cnty. Comrs.* (1992), 65 Ohio St.3d 545, 549, 605 N.E.2d 378.

A complaint is a pleading that need only contain a short and plain statement of the claim showing that the party is entitled to relief. Civ.R. 8(A)(1). Where as a “motion” is defined as an application to the court for an order. Civ.R. 7(B)(1). A motion is not a pleading. *State Edison Co. v. Oehler* (Oct. 4, 1995), 9th Dist. No. 17167, at 9, appeal not allowed (1996), 75 Ohio St.3d 1405.

6.) The case was left ‘under advisement’ and remained pending up until the magistrate rendered and released a document captioned “Magistrate’s Decision” dated March 18, 2014.

7.) The magistrate’s intemperate and volatile use of unfounded descriptive language throughout the ‘decision’ is a written assault directed and faulting only to the plaintiff. The magistrate’s decision refers to his being convinced of the allegations back in November 5, 2013 yet waits until March 18, 2014 to release his written prejudice against plaintiff which is an attempt to injure and misinform, knowing if objected or appealed, most generally it’s well established that appellate courts give deference to the demeanor credibility of the lower court, as they are only afforded a written record to which doesn’t translate or afford visible veracity clues, tone of voice or other means of suggestive body language. Though his attempt to convey false information by way of written decision seems a bit extreme, given the delay of 133 days to formulate that writing, he never once ever eludes to the child corroborating any of the allegations from the in-camera interview he was part of. Noting, the court room of the magistrate is the only room where there are not any video camera’s so to dispute or factually defeat his bizarre written suggestions of body language is nearly impossible.

8.) The court adopted the magistrate’s decision the same date with a document also dated March 18, 2014 and by way of a document captioned “Judgment Entry” yet April 3, 2014 the court retracts the Judgment Entry and declares it now an ‘interim order’ despite the language of

not being dispositive of a claim yet it was entered simultaneously with and as a final order completely irrational.

9.) The court refers to terminating a shared parenting arrangement and the language conflicts and is not lawful according to Rules of Civil Procedure on both documents (decision and judgment) above the magistrate's signature and judge's signature.

10.) A magistrate's decision is not effective unless adopted by the court and the March 18, 2014 on Judgment Entry cites "The Court adopts the Magistrate's Decision and same is effective fourteen days *after* the filing. Any objections must be filed according to the Civil Rules of Procedure. In the event written objections are filed, the Court hereby Orders that this Judgment is stayed, except as to custody, residential and parenting status of the parties, child support order, and visitation which shall be the Order of the court on an interim basis to Civil Rule 53 et seq. and 53(E)(4)(c), if applicable and all the corresponding Rules of Juvenile Procedure."

11.) The judgment and decision both cite "*If* objections are filed this judgment shall be considered an interim order pursuant to Juv. R. 40 (D)(4)(e)(ii)". Magistrates are not authorized to issue judgments. The document was captioned 'Judgment Entry' and Juv. R. 40 (D) (4) (e) has two options and specifies this denoting the use of the word "OR". Judgment Entry (section i) or Interim (ii). R. 53 (D)(3)(iii) specifies the proper form and captioning of a "decision" and there was no motion to adopt decision by any party further depriving due process with no warning even though the language says "same is effective fourteen days after the filing" the court would not remove it even after it had expired weeks after its 28 day limit, refusing to specify why or what 'good cause' existed to renew what was no longer there. He cited on each

entry renewing interim Civ.R. 53 (E)(4)(c) that was modified effective July 1, 2006. Motion to vacate and objections timely filed as were transcripts for consideration to no avail.

12.) In learning more recently that another close 'associate' to the magistrate may have forged and falsified a document purporting to be an official police record, to further prejudice this case and if true, the unusual delay in between the months the case was left pending through March 18, 2014 it being deemed "to grant immediate relief as justified" as interims are to be used, is explained, now. Relator will disclose further information if upon request as to the method used, if this happens to be what occurred. The court patently and ambiguously lacks jurisdiction to allow this if it truly occurred.

13.) Adams County Ohio Court Record shows the Notice of Appeal filing and ordering of child in camera interview for appellate consideration were both filed on July 09, 2014 and the court record shows next day the same was mailed to the District Court July 10, 2014, however the court completely removed the 'ordering of in-camera interview' and oddly enough even the overruling of objections the judge states that he concluded to finding and being able to establish the child has been exposed to domestic violence' and knows any appellate court will simply say they are limited to the record before them and if any part is not available to them they conclude the lower court must be correct since they have no record to review. The court sends an 'amended' court docket on July 23, 2014 leading that it was a supplement to what was sent prior on July 10, 2014 when there was nothing ever mailed out on July 10, 2014 affirmed verbally with clerk of Fourth District Court by phone on two different occasions. Adams County Court advised to the Fourth District Clerk that they had to attach an ad litem report. Even if that was true, it shouldn't take nearly two weeks for mere two or three pieces of paper to be inserted into a case docket. There is no adequate remedy at law here, had an inquiry not been made, no party

would have known the order for appellate to review the in-camera interview and thus could have been devastation given the language used in magistrate's decision. The court patently and unambiguously lacks jurisdiction to conceal an order for transcripts to make it appear to an appellate court that it was a failure of appellate to order them, hoping they will assume the judge's finding is proper.

14.) Adams County's local rules allow for a party of a case to purchase audio CD of hearings and without the CD, to which the court will not release to Relator, despite many requests, Relator cannot have hearings re-transcribed to prove the ones in her possession are materially altered. There is no adequate remedy at law because Relator has since located another person that did succeed in obtaining audio CD from Adams County and hired an outside professional transcribing entity and even though Adams County Court stamped the supplemental transcripts of revealing over twenty pages of omissions, clearly stamping them was to acknowledge them, they were not ever sent and this was recently able to be proved by the Fourth Districts cost assessment that shows no record of their receipt of them, despite the approval to supplement the record with the newer transcripts. Just as the order for the child's in-camera interview for appellate inspection in Relators case, there is no adequate remedy in the ordinary course of law, here, when the court omits what they choose to.

15.) Adams County has utilized court appointing Guardian Ad Litem, to which are all local attorneys and recently according to Supreme Court Clerk's office, for the first time, adopted a procedure to make complaints of Guardian Ad Litem on March 27, 2014, despite Relator's written attempts prior to court ever deciding the case has been denied and refused any chance to confront the one that was absent in the later hearing to demand he explain his statement that he spoke with child's teachers when they testified to the contrary of his statements

of child failing and Judge Brett M. Spencer simply stated he would leave it up to a higher court regarding the Ad Litem's alleged misconduct. Relator questions if an ad litem were to commit another type of felony, slitting someone's throat in open court, if Judge Brett M. Spencer would report it to Ohio Disciplinary Counsel Office and wait for 60-90 days to see if they found it 'unethical' or would he follow proper procedures to have he/she detained/arrested and prosecuted like anyone else.

Prayers for Relief to prevent further injury,

- 1.) Require video surveillance in court room of the Magistrate, in Adams County , to prevent further miscarriage of justice against innocent children and those appearing in that room for hearings, especially if deference to trial courts description of nonverbal conduct is subject to controversy.
- 2.) Reimbursement of all court costs incurred from the trial court through this action.
- 3.) Allow M.F., to have an independent voice and be heard without Adams County Court interjecting as to what has transpired and what she has been subjected to since apparently her desperate cries have fell on deaf ears and all three different people in higher authority (guardian ad litem, magistrate and judge) all have conflicting statements as to her situation.
- 4.) Reverse the judgment of Adams County Court and allow child to return safely and unharmed to prevent further delay since appeal is not an adequate remedy for a complete, beneficial and speedy relief, on behalf of a child.
- 5.) Sanctions, within this court's jurisdiction, if applicable.

6.) Issue any alternative or peremptory writ at the court's discretion.

Amanda Wilson nka [signature]

Amanda Wilson (nka: Iler)  
Relator in capacity as Pro Se  
121 East Sixth Street  
Seaman Ohio 45679  
Phone: 937.779.6637

**PRAECIPE**

To the Clerk:

Please issue summons on respondent Judge Brett M. Spencer, Adams County Court of Common Pleas, Juvenile Division, 110 West Main Street, West Union, Ohio ~~43081~~<sup>43083</sup>, by certified mail.

Amanda Wilson nka: Iler

Amanda Wilson (nka: Iler)

121 East Sixth Street

Seaman Ohio 45679

Phone: 937.779.6637

**AFFIDAVIT OF VERITY**

FILED  
ADAMS COUNTY  
CLERK OF COURTS

2014 OCT 23 PM 12:46

*Larry Miller*  
CLERK

(STATE OF OHIO )  
( ADAMS COUNTY )SS:

I, Amanda Wilson (kna:ller), hereby attest that the following statements are true and correct to the best of my knowledge, and after being first duly cautioned and sworn to my oath say that I am aware of the penalties for perjury and that any false statements made will subject me to such penalties for perjury.

1.) Relator has and will offer documents including electronic case docket originating from Adams County Court to confirm the documents and dates of them.

2.) Relator is now filing this complaint for a Writ of Prohibition to the Fourth District Court of Appeals because Relator has been prejudiced and child repeatedly subjected to imminent harm caused by Adams County Court's lack of following proper procedures throughout the case in the trial court and even during transmission of records upon appeal.

Further Affiant Sayeth Naught.

*Amanda Wilson nka Iler*  
Amanda Wilson (nka: Iler)  
Relator in Pro Se Capacity

Sworn to the above and subscribed before me, a duly commissioned Notary Public, this  
23<sup>rd</sup> day of October, 2014

  
**CONNIE S STORMS**  
NOTARY PUBLIC  
STATE OF OHIO  
My Commission Expires  
May 10, 2015

*Connie S. Storms*  
NOTARY PUBLIC

ADAMS COUNTY COMMON PLEAS COURT

110 W Main -- Courthouse  
West Union Ohio 45693

Date 10/23/2014

Receipt No: 2142858

Case No CA 999

Plaintiff Wilson Nka Iler, Amanda  
-vs-  
Defendant Spencer, Judge, Brett M

Received of Amanda Wilson Nka Iler  
payment in the above entitled case in  
the amount and items indicated herein.

Clerk - Deputy of Court DP

\* \* Costs Paid \* \*

Clerk's Fees .:  
Legal Research:  
Computer Impr  
Special Proj  
County Costs  
State Treas  
Domestic Fund  
Sundries  
Misc. Costs  
Sheriff Fees  
Deposit (SFC) 148.00

Total Received 148.00 CA

DEPOSIT