

ORIGINAL

In the
Supreme Court of Ohio

State Ex., Rel. Amanda Wilson Iler
121 E. Sixth Street.
Seaman Ohio 45679

Relator

VS.

Judge Brett M. Spencer
110 West Main Street
West Union Ohio 45693

&

Michael Farahay
1200 Mineral Springs Rd.
Peebles Ohio 45660

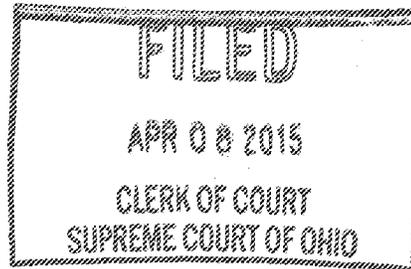
&

Judges of the Fourth Court of Appeals
14 South Paint Street.
Chillicothe Ohio 45601

Respondents.

Case No. 2015-0146

Original Actions for Writs
of Habeas, Mandamus &
Prohibition



**RELATOR'S MOTION TO STRIKE RESPONDENTS MOTION TO DISMISS FOR
VARIOUS NON COMPLIANCE OF S.CT.PRAC.R**

Amanda Wilson Iler
121 E. Sixth Street
Seaman Ohio 45679

Jonathan Coughlan (0026424)
66 East State Street, Ste 1800
Columbus Ohio 43215

David Grimes (0067097)
108 East Mulberry Street
West Union Ohio 45679

*Relator, Pro Se

* Counsel to Respondent

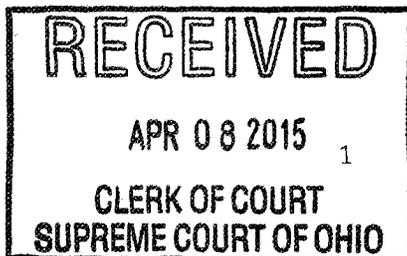
* Counsel to Respondent

Judge Brett Spencer

Michael Farahay

Judges of the Fourth Court of Appeals
14 South Paint Street
Chillicothe Ohio 45601

*Respondent(s)



Relator's Motion to Strike

Starting with S. Ct. Prac. R. 2.01(B)(1) which clearly states;

“The first document filed by a party serves as the notice of appearance of counsel for the attorneys who represent the filing party.”

Directing the courts attention to the attachment, identified as Exhibit 1, file dated 02/20/2015 and consists of 2 pages, here, but the entire original instrument is accessible in Supreme Court Docket case no.2015-0146. David Grimes (attorney reg. , Michael T. Farahay.” David Grimes (0067097) also certifies per his signature on his own certificate of service of that the same filing that it was also issued to David Kelly, Adams County Prosecutor, by placing a copy in his box located at the Adams County Courthouse.

David Kelly (0061368) has not notified this court or any parties that he was not counsel of record to Respondent, Judge Brett Spencer, after receiving David Grimes filing/document captioning and identifying him as counsel of record. David Kelly has not notified any party that he is not counsel and has had since 02/20/2015 to take some form of action if he was not the proper attorney/counsel of record to receive notices nor is there any record pursuant to S.Ct.Prac.R. 2.01(B)(3) of David Kelly's required 'Notice of Withdrawal'.

Notably, the next filing, is incorporated here as Exhibit 2 also in 2 pages, but it's original in its entirety can also be accessed in Supreme Court Docket case no. 2015-0146. It is file dated 02/25/2015. That instrument is not filed or signed by David Kelly but is rather by Jonathan

Coughlan (0026424) who is identified and appearing as counsel to Respondent Judge Brett Spencer. That cover page and also signed certificate of service filed 02/25/2015 is directed at and mailed directly to Respondent Michael Farahay, whose attorney did “appear” on 02/20/2015 and has not instituted a ‘Notice of Withdrawal’ as required per S.Ct.Prac.R. 2.01(B)(3). Jonathan Coughlan should have issued the ‘Motion to Dismiss’ dated 02/25/2015 to counsel of record for Respondent Michael Farahay and that is David Grimes until or unless he properly institutes the required ‘Notice of Withdrawal’. The document was directly issued to Respondent Michael Farahay despite David Grimes having entered and appeared, clearly designating and identifying that he is Respondent Farahay’s Counsel. Service is required upon designated counsel and it was not done.

If it seems odd as to why this has happened it further be explained that David Grimes (0067097) filed a false statement on or approx. 09/26/2014 in underlying Appeal Case known as CA 994 when he requested he as the ‘new’ attorney needed an extension of time to get/become familiar with the records, transcripts, etc when he knew that was an intentional lie and the documents in Highland Co Ohio will clearly show his failure to properly seal a notary, to allow an affidavit to serve as intended, to be ‘under oath’ or be a ‘sworn statement.’ This was directly brought to his attention by way of filing in the Court, as were other requests for corrections. David Grimes also has first hand knowledge after seeking an Ad Litem in the Highland Co case to which was granted. But unlike the ones in Adams County this one really did an actual investigation and since the report is not in Relator’s physical possession and since David Grimes feels by his ‘absence’ and continues the withholding of more than just a few material facts, hence the fact that Judge Brett Spencer’s implied statement overruling objections that he was able to formulate that M.F. had been exposed to D.V. after his inspection of child’s incamera interview yet cannot

explain why he would not wish to have another appellate judge to become convinced and be able to formulate the same way by the inspection of the thing that convinced him. The one that for 'personal' reasons was deceptively withheld despite the appearance of the online Journal in underlying appeal CA 994. See Relator's Amended Complaint filed on 03/23/2015, Exhibit "I" a letter issued to parties after an inquiry was done to the Fourth Dist. Court of Appeals and being advised no record of the ordering such transcript(s). David Grimes apparently thinks he can silently withdrawal by having the other counsel mail notices and filings directly to Respondent Michael Farahay, instead of to him. He aided the fraud and presumes this issue will "go away" and go unnoticed. "We aren't in Kansas, anymore, Toto" and David Grimes is well aware that he is now outside of his cozy and controlled Adams County court and by virtue of removing his name as counsel will not "fix" or make this go away. Relator will have the report, if in testimony/affidavit form of attorney that served as guardian ad litem in Highland County upon submission of evidence to show the obvious fraud you aided in and why the request for extra time in Fourth Court was hopefully your last contrived 'meal ticket'. David Grimes has a duty to notify those affected by the dishonesty, including the false implying by Judge Brett Spencer and since he is refusing to do this, Relator will do it for him upon submission of evidence in this action.

Further if David Kelly didn't take any action by withdrawing, or in any opposition, upon receiving the intent to be designated and identified as counsel of record to Respondent Judge Brett Spencer and now Judge Brett Spencer wishes to have Johnathan Coughlan represent him in this case then at a minimum, in compliance per S.Ct.Prac.R. 2.03(A) "shall file a new designation of counsel of record" to which has not been done, either.

The Office of Attorney Services maintains licensed attorneys registered address and contact information to which can be utilized to locate them in the absence of not knowing that information. The cover page of 02/25/2015 by Counsel Jonathan Coughlan improperly suggests his title is that of Asst. Prosecutor and further under his Conclusion he represents himself as Adams Co. Asst. Prosecutor, to which, both the cover page and conclusion page, list the address of none other than Adams County Prosecutor's office. An inquiry, with the attorney directory search under Office of Atty Services, using Jonathan Coughlan's credentials (specifically attorney reg. no. 0026424) shows the Office of Attorney Services Directory has him registered *not* in West Union, Ohio or anywhere within Adams County, but reflects Coughlan as the Director of Kegler, Brown, Hill & Ritter which is his firm in Columbus Ohio. There is no record of any requests to use a different address, other than the one registered with the Office of Atty Services Directory, and since Jonathan Coughlan is not an assistant prosecutor in Adams County or registered anywhere within Adams County's courthouse, if he seeks to use 'another address' to receive notices, other than what is registered, he needs to file a notification with the Clerk designating the other address to be used as S.Ct.Prac.R. 2.03(B)(2).

Conclusion

In summary, if David Kelly wishes to receive notices directly and "appear" as counsel and on behalf of Respondent Judge Brett Spencer, then there is no need to hide behind the curtain using the appearance of another licensed attorney and thinking no one will see the obvious misstated title of assistant prosecutor or the familiar address which is conveniently that of the Adams Co. Prosecutor. This is not the Wizard of Oz, there is no directing the show all the while 'hiding' behind a false appearance.

Relator seeks an order for this Court strike the Motion to Dismiss filed on 02/20/2015 and also the Motion to Dismiss filed on 02/25/2015, pursuant to S.Ct.Prac.R. 2.01(C) and 2.03(A) for noncompliance of the rules as stated and described throughout this document. Relator seeks to have any other relief that this court deems 'fair and just' under the circumstances.

Exhibit 1 & Exhibit 2 incorporated for consideration.


dated: 6th of April 2015

Amanda Wilson Iler, Relator

121 E. Sixth St.

Seaman Ohio 45679

Ph: 937-779-6637

EXHIBIT 1

2 PAGES

EXHIBIT 1

2 PAGES

IN THE SUPREME COURT OF OHIO

AMANDA WILSON ILER : CASE NO.: 15-0146
RELATOR :
VS. :
JUDGE BRETT M. SPENCER, et al. :
RESPONDENT :

CIVIL RULE 12 (B)(6) MOTION TO DISMISS RELATOR'S COMPLAINT FOR
WRIT OF PROHIBITION

Amanda Wilson Iler
121 East Sixth Street
Seaman, Ohio 45679

Pro Se Relator

David Kelley
Adams County Prosecuting Attorney
110 West Main Street
West Union, Ohio 45693

Counsel for Respondent Judge Brett Spencer
Supreme Court No. 0061368

David E. Grimes
108 E. Mulberry Street
West Union, Ohio 45693

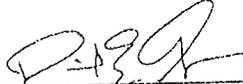
Counsel for Respondent Michael T. Farahay
Supreme Court No. 0067097

* P. "1"

* MOTION

Respondent Michael Farahay respectfully moves this Court for an ORDER dismissing the Relators Complaint for failure to state a claim upon which relief can be granted pursuant to Ohio Civ. R. 12 (B)(6). The Respondent's reasons are set forth hereafter.

Respectfully submitted,

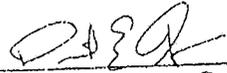


David E. Grimes, Counsel for Respondent

* CONCLUSION

Respondent Michael Farahay respectfully requests that Relator's Complaint be dismissed in its entirety for failure to state a claim upon which relief can be granted. Relator cannot establish any of the three prerequisites for a writ of prohibition or a writ of mandamus. In the alternative Respondent Michael Farahay requests that he be dismissed as a party to this proceeding. Relator's Prayer for Relief focuses on Respondent Judge Brett Spencer and ORDERS of his Court. As much as Respondent Michael Farahay would like to issue or vacate orders in this custody case, he is powerless to do so and is not a proper party in this matter.

* P. "5"

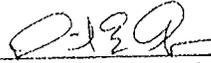


David E. Grimes, Counsel for Respondent

* CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Dismiss was sent by regular U.S. Mail, postage pre-paid to Amanda Wilson Iler, Relator, 121 East Sixth Street, Seaman, Ohio 45679 and upon David Kelly, Adams County Prosecutor, by placing a copy in his box located at the Adams County Courthouse this 20th day of February, 2015.

* P. "6"



David E. Grimes, Counsel for Respondent

IN THE SUPREME COURT OF OHIO

State ex rel. Amanda Wilson Iler
121 E. Sixth St
Seaman, Ohio 45679

Case No. 15-0146

Relator,

v.

Judge Brett M. Spencer
Court of Common Pleas
110 West Main St. #112
West Union, Ohio 45693

and

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

Respondents.

ORIGINAL ACTION IN HABEAS, MANDAMUS AND PROHIBITION
RESPONDENT'S MOTION TO DISMISS ACTION

Amanda Wilson Iler
121 E. Sixth Street
Seaman, Ohio 45679
(937) 779-6637

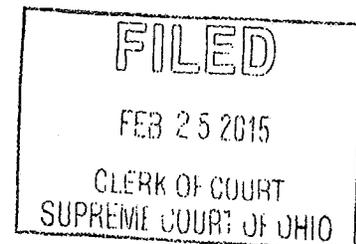
Michael Farahay
1200 Mineral Springs Road
Peebles, OH 45660

RELATOR

RESPONDENT

Jonathan Coughlan #0026424
Asst. Prosecutor
110 W. Main St. #112
West Union, OH 45693
(614) 462-5400
jcoughlan@keglerbrown.com

COUNSEL FOR RESPONDENT JUDGE SPENCER



p. "6"

Conclusion

Respondent moves this Honorable Court to dismiss relator's complaint under Civ. R. 12(B)(6).

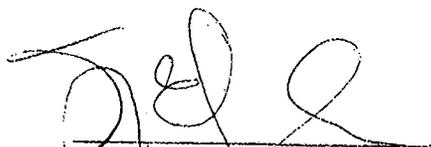


JONATHAN COUGHLAN
Adams Co. Asst. Prosecutor
#0026424
Counsel of Record for
Judge Brett Spencer
110 W. Main St. #112
West Union, Ohio 45693
(614) 462-5400
jcoughlan@keglerbrown.com

p. "7"

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy was mailed by regular U.S. mail on the 25th day of February, 2015 to Amanda Wilson Iler, 121 E. Sixth Street, Seaman, OH 45679 and Michael Farahay, 1200 Mineral Springs Road, Peebles, Ohio 45660.



JONATHAN COUGHLAN
#0026424
Counsel of Record for
Judge Brett Spencer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was issued
by regular u.s. mail to the following:

Jonathon Coughlan (0026424)

Adams Co. Prosecuting Atty

110 West Main St. Rm. 112

West Union Ohio 45693

Counsel to Respondent Judge Brett Spencer

David Grimes (0067097)

108 E. Mulberry St.

West Union Ohio 45693

Counsel to Respondent, Michael Farahay

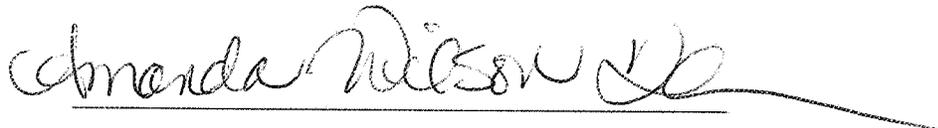
Judges of the Fourth District Court of Appeals

14 South Paint Street

Chillicothe, Ohio 45601

Respondent(s)

My signature certifies the document(s) were issued, as indicated above
this 6th day of April, 2015.



Amanda Wilson Iler, Relator

Original Action(s), Case No. 2015-0146