

IN THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL :
CINCINNATI BAR ASSOCIATION :
 :
Co-Relators, : **CASE NO. 2015-0481**
 :
v. :
 :
Robert Hansford Hoskins :
 :
Respondent. :

CO-RELATORS' MOTION TO HOLD RESPONDENT IN CONTEMPT

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Co-Counsel for Co-Relator Cincinnati Bar Association

COUNT ONE
(The Calkins Matter)

1. On or about February 3, 2015, respondent filed an initial pleading in the Hamilton County Municipal Court in the case of *Bertke Electric Company, Inc. v. Plum Street, LLC*, Case No. 15 CV 02404 (“*Bertke v. Plum Street* action”). The case was assigned to Judge Dwayne Mallory. Attorney Kenneth R. Reed answered the complaint on behalf of defendant Plum Street, LLC and attorney James Calkins entered a *pro hac vice* appearance as co-counsel to Mr. Reed, based upon his license to practice law in Florida. *See Exhibit 3* [Affidavit of James Caulkins], at ¶¶ 1-2.
2. On April 29, 2015, six days after this Court filed its April 23, 2015 suspension order in Case No. 2015-0481, Judge Mallory’s clerk conducted a telephone status conference. An individual who identified himself as “Thomas Mayes” participated in the status conference, stating that he was new counsel for plaintiff Bertke Electric Company. *See Exhibit 3*, at ¶ 3.
3. Following the April 29 status conference and until June 2015, Mr. Calkins received multiple email messages from thomasmayesesq@yahoo.com regarding discovery in the *Bertke v. Plum Street* action. Calkins also sent reply emails to that address. *See Exhibit A attached to Exhibit 3*, at ¶ 4.
4. On May 7, 2015, Calkins received an email from respondent’s email account, i.e., from rhoskinslaw@gmail.com, requesting additional time to respond to defendant Plum Street’s discovery requests. *See Exhibit 3*, at ¶ 5; *see also Exhibit B attached to Exhibit 3*.
5. On May 18, 2015, Calkins received Bertke Electric Company’s initial discovery response via email from thomasmayesesq@yahoo.com. *See Exhibit 3*, at ¶ 6.
6. On May 20, 2015, Calkins sent a letter by first-class mail and by email to both respondent and to Thomas Mayes, requesting that Bertke Electric Company provide additional and

supplemental discovery responses. In order to mail the letter to Mayes, Calkins obtained his mailing address from the Ohio Supreme Court's website. The address maintained by Thomas L. Mayes on the records of the Office of Attorney Services was located in Montgomery, Alabama. *See Exhibit 3*, at ¶ 7; *see also Exhibit C attached to Exhibit 3*.

7. In late May 2015, Mayes received the above-referenced letter from Calkins. *See Exhibit 4* [Affidavit of Thomas L. Mayes], at ¶ 6.
8. The May 20, 2015 letter that Calkins mailed to Mayes included the email address thomasmayesesq@yahoo.com, which is the email address from which Calkins had received communications regarding the *Bertke v. Plum Street* action on and after April 29, 2015. In his Affidavit executed on July 14, 2015, Mayes averred that he did not create that email address, that he has never used that email address and that he has no information about the owner of that email address. *See Exhibit 4*, at ¶ 9.
9. On May 27, 2015, Calkins received supplemental discovery responses via email from thomasmayesesq@yahoo.com. *See Exhibit 3*, at ¶ 8.
10. On June 20, 2015, Calkins was contacted by a man who identified himself as "Thomas Mayes." During this telephone call, Mayes informed Calkins that he had received Calkins' May 20, 2015 letter and motion for sanctions in the *Bertke v. Plum Street* action. However, Mayes stated that he has no knowledge of the litigation, that he did not serve discovery responses or participate in a telephone status conference with the court on behalf of Bertke Electric Company, that thomasmayesesq@yahoo.com is not his email address and that he did not receive or respond to emails directed to that email address. *See Exhibit 3*, at ¶ 10.
11. Mayes informed Calkins that he had previously worked at a law office with respondent. *See Exhibit 3*, at ¶ 10.

12. After speaking with Mayes on June 20, 2015, Calkins reviewed his office telephone records for April 29, 2015, the date of the telephone status conference with the court. The person who identified himself as Thomas Mayes on April 29, 2015 had called Calkins' office prior to the status conference in order to coordinate the conference call with Calkins and the court. Calkins' telephone records show that the call came from (513) 379-6450, which is the same telephone number that is registered by respondent with the Office of Attorney Services. *See Exhibit 3, at ¶ 11; see also Exhibit E attached to Exhibit 3; see also, Exhibit 5.*
13. Based upon the foregoing facts and circumstances, co-relators submit that respondent has continued to practice law during his suspension by impersonating attorney Thomas L. Mayes (Atty. Reg. No. 0090235). Respondent created an email account in the name of Thomas Mayes and otherwise posed as Thomas Mayes in communicating with both opposing counsel and the Hamilton County Municipal Court in the *Bertke v. Plum Street* action.

COUNT TWO
(The Janetta Cook Matter)

14. In April 2014, respondent was assigned to Janetta Cook's child custody case by Affordable Family Attorneys. *See Exhibit 6* [Affidavit of Janetta Cook], at ¶ 2.
15. Affordable Family Attorneys established a payment schedule for Ms. Cook by which she would make weekly payments of \$88 to respondent for a period of 18 weeks, thereby paying respondent a total fee of \$1,144. Ms. Cook began making weekly payments to respondent on April 24, 2014 and completed those payments in February or March 2015. *See Exhibit 6, at ¶¶ 3-5.*
16. Respondent last met with Ms. Cook on March 25, 2015. *See Exhibit 6, at ¶ 6.*

17. Ms. Cook had a court date scheduled for June 16, 2015. On the day preceding her scheduled appearance (i.e., June 15, 2015), respondent contacted Ms. Cook by text message and told her that he was unable to attend the hearing the following day. Respondent instructed Ms. Cook to file for a continuance. *See Exhibit 6*, at ¶¶ 7-8.
18. Ms. Cook telephoned the Cincinnati Bar Association on June 17, 2015 and was informed at that time that respondent is suspended from the practice of law. Respondent never informed Ms. Cook of his suspension from the practice of law as required by the terms of the Supreme Court's April 23, 2015 suspension order. *See Exhibit 6*, at ¶¶ 9-10.
19. Based upon the foregoing facts and circumstances, co-relators respectfully submit that respondent failed to comply with the terms of this Court's April 23, 2015 suspension order in Case No. 2015-0481, which required him, among other things, to "[n]otify all clients being represented in pending matters . . . of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order . . ."

COUNT THREE

(The Preferred Interiors Drywall Systems, LLC v. Fletcher Matter)

20. On July 23, 2014, a complaint for damages was filed in the Clermont County Court of Common Pleas in an action entitled *Preferred Interiors Drywall Systems, LLC, et al. v. Jason Allen Fletcher*, Case No. 2014 CVH 00984 ("*Preferred Interiors v. Fletcher* action"). Respondent was counsel of record for the plaintiffs in that action.
21. On February 6, 2015, the court set a scheduling conference in the *Preferred Interiors v. Fletcher* action to be held on June 19, 2015, at 8:30 a.m. *See Exhibit 7* [July 22, 2015 Letter from Honorable Richard P. Ferenc].

22. The scheduling conference was conducted on June 19, 2015. Counsel for defendants personally appeared at the scheduling conference while respondent participated in the conference by telephone. During the scheduling conference, respondent made no mention of the fact that the Supreme Court had suspended him from the practice of law effective April 23, 2015 or that he was not entitled to practice law. At the conclusion of the scheduling conference, the court scheduled a follow-up conference for September 18, 2015, at 8:30 a.m. Respondent confirmed that the date of the follow-up conference was available on his calendar. *See Exhibit 7.*

23. Thereafter, respondent noticed the deposition of defendant Justin Allen Fletcher for July 7, 2015 at respondent's law office at 750 E. State Street in Georgetown, Ohio 45121.¹ Defendant Fletcher appeared at the deposition along with his counsel, Jeffrey S. Hale of Kroener Hale, Inc. *See Exhibit 8* [Deposition of Justin Fletcher]. Shortly after the commencement of the deposition, Mr. Hale asked respondent whether he had been reinstated to the practice of law in Ohio. Respondent falsely represented to Mr. Hale that he had been reinstated to the practice of law in Ohio, stating as follows (*Exhibit 8*, at pp. 5-6):

MR. HALE: If I could, just real quickly, Robert – if we could just clarify, I sent you an e-mail request – and in speaking with the Supreme Court yesterday – ***have you been reinstated in Ohio?***

MR. HOSKINS: ***I have.***

MR. HALE: Do you have anything showing that?

MR. HOSKINS: I don't.

MR. HALE: Because, as of yesterday when I spoke with disciplinary council's [sic] attorney, they said that you had not been reinstated.

¹ Attached hereto as *Exhibit 8-A* is the Affidavit of Special Agent Karen Rebori of the Ohio Bureau of Investigation and Identification, along with photographs of the signage outside respondent's law office, which Agent Rebori took on July 24, 2015, more than three months after respondent's suspension from the practice of law took effect on April 23, 2015.

MR. HOSKINS: *I had spoken with them yesterday and I had been.* But I don't have anything from them.

MR. HALE: Okay.

MR. HOSKINS: I didn't bring anything.

MR. HALE: Okay. I just wanted to clarify. So if you representation is that you've been reinstated, then we'll take it, take it on the value." (Emphasis added.)

24. While the deposition of Mr. Fletcher was being conducted, Hale's law partner contacted the Board of Professional Conduct and learned from Senior Counsel Allan Asbury that respondent had not been reinstated to the practice of law in Ohio. Hale's law partner then sent this information to Hale by text message. Thereafter, during a break in the deposition, Hale contacted Judge Ferenc about respondent's participation in the Fletcher deposition despite his suspension from the practice of law. While Hale was on the telephone with Judge Ferenc, respondent came to Hale's location and told him that the deposition was over. Respondent then rushed everyone out of his law office. *See Exhibit 9* [Email from Jeffrey Hale to Scott Drexel, dated July 7, 2015].
25. After confirming that respondent was still suspended from the practice of law in Ohio, Judge Ferenc issued an order in the *Preferred Interiors v. Fletcher* action staying all further proceeding under further order of the court. The court also prohibited respondent from participating in any way in the *Preferred Interiors v. Fletcher* action and directed him to immediately advise his client of his inability to practice law in Ohio. *See Exhibit 10* [July 7, 2015 Order Staying All Proceedings].
26. Based upon the foregoing facts and circumstances, co-relators respectfully submit that, by appearing at a scheduling conference in the *Preferred Interiors v. Fletcher* action on June 19, 2015 and by thereafter appearing as counsel for plaintiff Preferred Interiors at a deposition

that he had scheduled for defendant Justin Fletcher on July 7, 2015, respondent engaged in the practice of law in violation of this Court's April 23, 2015 order suspending him from the practice of law in Ohio.

COUNT FOUR
(The Adoption of Davion Devante Houchell Matter)

27. On June 5, 2015, respondent filed an adult adoption petition and paid the court costs for a proceeding in the Hamilton County Probate Court entitled *In the Matter of the Adoption of Davion Devante Houchell*, Case No. 2015-002350 ("*Houchell Adoption matter*"). See *Exhibit 11* [Email from Magistrate David Stockdale to Scott Drexel, dated July 6, 2015].
28. A hearing on the adoption proceeding in the *Houchell Adoption matter* was scheduled for July 6, 2015. See *Exhibit 12* [Reporter's Transcript of Adoption Proceeding in *Houchell Adoption matter*]. On that date, respondent appeared on behalf of the petitioners, Davion Devante Houchell, Jana Houchell and Gerald Houchell. In making his appearance on their behalf, respondent identified himself to the court as follows (*Exhibit 12*, at p. 4):

THE COURT: Okay. We are back on the record. This is a continuation of the docket for Monday, July 6, 2015. Chief Magistrate Paul Rattermann presiding. Next case is that of Davion Devante Houchell, case No. 2015-002350. ***We are here today on a – in an adult adoption petition, which has been filed. The star of the show, Mr. Davion Houchell is present, together with the co-petitioners and their attorney.***

Counsel, please identify yourself for the record.

MR. HOSKINS: ***My name is Robert Hoskins, the attorney for the petitioners.***
(Emphasis added.)

29. Acting in his role as counsel for petitioners at the July 6, 2015 adoption hearing, respondent examined both the adult adoptee, Davion Devante Houchell, and each of the prospective adoptive parents, Jana Houchell and Gerald Houchell. See *Exhibit 12*, at pp. 5-13.

30. Based upon the foregoing facts and circumstances, co-relators respectfully submit that, by appearing as counsel for petitioners Davion Devante Houchell, Jana Houchell and Gerald Houchell at an adoption proceeding before the Hamilton County Probate Court on July 6, 2015 while he was suspended from the practice of law in Ohio, respondent intentionally and willfully violated this Court's April 23, 2015 order suspending respondent from the practice of law in the state of Ohio.

CONCLUSION

Based upon the foregoing, co-relators respectfully submit that respondent has willfully and intentionally violated this Court's April 23, 2015 suspension order on multiple occasions and that he has committed additional misconduct for which the initiation of a formal disciplinary proceeding is appropriate.

Co-relators respectfully submit that respondent should be held in contempt and ask this Court to impose such penalties for that contempt as this Court deems appropriate.

Respectfully submitted,

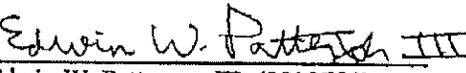
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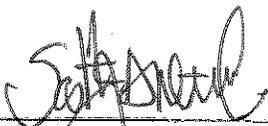
By 
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ewpatterson@cincybar.org

CERTIFICATE OF SERVICE

A copy of the foregoing Co-Relators' Motion to Hold Respondent in Contempt has been served upon:

Robert Hansford Hoskins
1040 Richwood Avenue
P.O. Box 43484
Cincinnati, Ohio 45208

by first-class U.S. mail, postage prepaid, this 2nd day of September, 2015.



Scott J. Drexel
Disciplinary Counsel

The Supreme Court of Ohio

FILED

APR 23 2015

Disciplinary Counsel,
Relator,

v.

Robert Hansford Hoskins,
Respondent.

ON CERTIFIED ORDER OF
Supreme Court of Kentucky
Case No. 2014-SC-000614-KB

CLERK OF COURT
SUPREME COURT OF OHIO

Case No. 2015-0481

ORDER

This cause is pending before the Supreme Court of Ohio in accordance with the reciprocal discipline provisions of Gov.Bar R. V(20).

On March 24, 2015, relator, disciplinary counsel, filed with this court a certified copy of an order of the Supreme Court of Kentucky entered February 19, 2015, in *Kentucky Bar Association v. Robert H. Hoskins*, in case No. 2014-SC-000614-KB, in which respondent was suspended for a period of sixty days, ordered to attend the next scheduled Ethics and Professional Enhancement program, ordered to pay restitution, and ordered to pay all costs associated with the disciplinary proceeding. On March 26, 2015, this court ordered respondent to show cause why identical or comparable discipline should not be imposed in this state.

On consideration thereof, it is ordered and adjudged by this court that, pursuant to Gov.Bar R. V(20)(C), respondent, Robert Hansford Hoskins, Attorney Registration No. 00685550, last known business address in Cincinnati, Ohio, is suspended for a period of sixty days and respondent will not be reinstated to the practice of law in Ohio until such time as respondent is reinstated to the practice of law in the state of Kentucky.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and is forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority.

It is further ordered that respondent is forbidden to counsel, advise, or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that respondent is divested of each, any, and all of the rights, privileges, and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(23)(C). If employed pursuant to Gov.Bar R. V(23), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(23)(A)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property.

Exhibit

1

It is further ordered that pursuant to Gov.Bar R. X(13), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(13), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(B) for each six months, or portion of six months, of the suspension.

It is further ordered by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Lawyers' Fund for Client Protection pursuant to Gov.Bar R. VIII(7)(F). It is further ordered by the court that if after the date of this order, the Lawyers' Fund for Client Protection awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Lawyers' Fund for Client Protection within 90 days of the notice of that award.

It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, (3) respondent files evidence with the clerk of this court and with disciplinary counsel demonstrating his reinstatement to the practice of law in Kentucky, (4) respondent complies with this and all other orders issued by this court, and (5) this court orders respondent reinstated.

It is further ordered that on or before 30 days from the date of this order, respondent shall do the following:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due, deliver to all clients being represented in pending matters any papers or other property pertaining to the client or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation of respondent's disqualification to act as an attorney after the effective date of this order and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;

6. File with the clerk of this court and the disciplinary counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

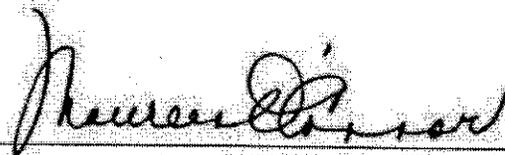
It is further ordered that on or before 30 days from the date of this order, respondent will surrender his attorney registration card for the 2013/2015 biennium.

It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the clerk and disciplinary counsel advised of any change of address where respondent may receive communications.

It is further ordered that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings. All case documents are subject to Sup.R. 44 through 47, which govern access to court records.

It is further ordered that service shall be deemed made on respondent by sending this order, and all other orders in this case, to respondent's last known address.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(17)(D)(1) and that publication be made as provided for in Gov.Bar R. V(17)(D)(2).



Maureen O'Connor
Chief Justice

7196 9008 9111 0167 3249

TO: ROBERT H HOSKINS
1040 RICHWOOD AVENUE
CINCINNATI, OH 45208-4455

SENDER: DLR

REFERENCE: 15-481 (R&B)

PS Form 3800, January 2005	
RETURN RECEIPT SERVICE	Postage
	Certified Fee
	Return Receipt Fee
	Restricted Delivery
	Total Postage & Fees
	0.49
	3.30
	2.70
	0.00
	6.49

POSTMARK OR DATE: MAY 11 2015 CINCINNATI OH

USPS*
Receipt for Certified Mail™

No Insurance Coverage Provided
Do Not Use for International Mail

2. Article Number

7196 9008 9111 0167 3249

3. Service Type **CERTIFIED MAIL™**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

ROBERT H HOSKINS
1040 RICHWOOD AVENUE
CINCINNATI, OH 45208-4455

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature *Rob Hoskins*

X *Robert Hoskins*

D. Is delivery address different from item 1? Agent Addressee

Yes No

Reference Information

15-481 (R&B)

DLR

PS Form 3811, January 2005
Domestic Return Receipt

UNITED STATES POSTAL SERVICE®

PRINT YOUR NAME, ADDRESS AND ZIP CODE™ BELOW

First Class Mail®
US Postage Paid
Permit No. G-10

FILED

MAY 11 2015

CLERK OF COURT
SUPREME COURT OF OHIO

PREME COURT OF OHIO
ERKS OFFICE 8TH FLR
SOUTH FRONT STREET
LUMBUS OH 43215-3431

Exhibit
2

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking™



Customer Service
Have questions? We're here to help.



Get Easy Tracking Updates
Sign up for My USPS.

Tracking Number: 71969008911101673249

Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
May 4, 2015, 1:36 pm	Delivered	CINCINNATI, OH 45227
Your item was delivered at 1:36 pm on May 4, 2015 in CINCINNATI, OH 45227.		
April 25, 2015, 3:48 pm	Notice Left (No Authorized Recipient Available)	CINCINNATI, OH 45208
April 24, 2015, 5:20 pm	Departed USPS Facility	CINCINNATI, OH 45234
April 24, 2015, 7:20 am	Arrived at USPS Facility	CINCINNATI, OH 45234
April 24, 2015, 2:52 am	Departed USPS Facility	COLUMBUS, OH 43218
April 23, 2015, 9:48 pm	Arrived at USPS Facility	COLUMBUS, OH 43216

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS



HELPFUL LINKS

Contact Us
Site Index
FAQs

ON ABOUT USPS.COM

About USPS Home
Newsroom
USPS Service Updates
Forms & Publications
Government Services
Careers

OTHER USPS SITES

Business Customer Gateway
Postal Inspectors
Inspector General
Postal Explorer
National Postal Museum
Resources for Developers

LEGAL INFORMATION

Privacy Policy
Terms of Use
FOIA
No FEAR Act EEO Data

Copyright © 2015 USPS. All Rights Reserved.

AFFIDAVIT OF JAMES CALKINS

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

I, James Calkins, being first duly sworn and cautioned, state upon personal knowledge as follows:

1. I am an attorney licensed to practice in Ohio *pro hac vice* in the case of *Bertke Electric Company, Inc., v. Plum Street, LLC*, Case No. 15 CV 02404, pending before Judge Dwayne Mallory in the Hamilton County Municipal Court. I represent the Defendant, Plum Street, LLC.

2. To my knowledge, the suit was initiated on February 3, 2015, by a complaint filed by Robert Hoskins on behalf of Bertke. My co-counsel, Kenneth Reed, answered the complaint on behalf of Plum Street and I subsequently communicated with opposing counsel and served discovery requests on Bertke, including phone call and email correspondence with Robert Hoskins at rhoskinslaw@gmail.com.

3. On April 29, 2015, Judge Mallory's clerk conducted a telephone status conference. Someone who identified himself as "Thomas Mayes" participated in the conference, stating that he was new counsel for Bertke. He indicated that he would be filing a Notice of Appearance.

4. Following the April 29 status conference and until June 2015, I received email messages from thomasmayesesq@yahoo.com regarding discovery in this case and sent reply emails to such email address. A copy of the email correspondence with thomasmayesesq@yahoo.com is attached as Exhibit A.

5. On May 7, 2015, I received an email from Robert Hoskins' email account, rhoskinslaw@gmail.com, requesting additional time for Bertke to respond to Defendant's discovery requests. Copies of my email correspondence with Mr. Hoskins at rhoskinslaw@gmail.com (and generally with thomasmayesesq@yahoo.com copied thereon) are attached as Exhibit B.

6. On May 18, I received Bertke's initial discovery responses via email from thomasmayesesq@yahoo.com.

7. On May 20, I sent a letter via regular mail and email to Robert Hoskins and Thomas Mayes, requesting Bertke to provide additional and supplemental discovery responses. In order to mail the letter to Thomas Mayes, I obtained his address from the Ohio Supreme Court's web site, and the letter was mailed to Mr. Mayes' listed address in Montgomery, Alabama. The letter is attached as Exhibit C.

8. On May 27, I received supplemental discovery responses via email from thomasmayesesq@yahoo.com. A true and correct copy of the discovery responses are attached in Exhibit D. Neither the initial nor supplemental discovery responses were signed by an attorney or verified by Bertke.

9. On June 11, I filed a Motion to Compel Discovery and For Sanctions, naming both Robert Hoskins and Thomas Mayes as counsel for Bertke. I sent a copy of the Motion to Thomas Mayes and Robert Hoskins via regular mail and email.

10. On June 20, I received a message from a man whom identified himself as "Thomas Mayes". During our call, Thomas Mayes informed me that he received my letter and Motion for Sanctions in the Bertke litigation, but that he does not now and never has represented Bertke, that he has no knowledge of the litigation, that he did not serve discovery responses or participate in a telephone status conference with the Court

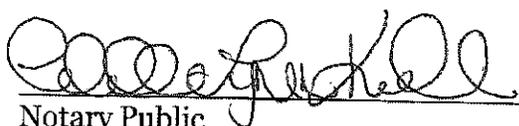
on behalf of Bertke, that thomasmayesesq@yahoo.com is not his email address, and that he did not receive or respond to emails directed to that address. Mr. Mayes did inform me that he previously worked with Mr. Hoskins.

11. After speaking with Thomas Mayes on June 20, I reviewed my office's phone records from April 29, 2015 (the date of the status conference where a man appeared and identified himself as Thomas Mayes). The person identifying himself as Thomas Mayes on April 29 had called my office prior to the status conference, in order to coordinate the conference call with me and the Court, and my phone records show that this call came from a number believed to be Robert Hoskin's phone. A copy of my company's phone records from April 29 are attached as Exhibit E.

FURTHER, AFFIANT SAYETH NAUGHT.


James Calkins

Sworn to me and subscribed in my presence this 16th day of July, 2015.


Notary Public

My commission expires: 3.10.2019



Exhibit A

Emails with "thomasmayesesq@yahoo.com", Apparently Fake Email Account

From: Thomas Mayes <thomasmayesesq@yahoo.com>
To: "james@improveproperties.com" <james@improveproperties.com>
Sent: Wednesday, May 27, 2015 2:12 PM
Subject: Re: Bertke v. Plum Street Discovery Responses

Here is the first set of data supplementing our recent discovery responses.

On Wednesday, May 20, 2015 11:55 AM, "james@improveproperties.com" <james@improveproperties.com> wrote:

Please see the attached letter regarding Bertke's failure to respond to Defendant's discovery requests. Of course, please let me know if you would like to speak or meet to resolve this issue before a Motion to Compel is necessary.

Sincerely,

James Calkins

407 Vine Street, Suite 205
Cincinnati, OH 45202
(859) 475-0093
James@improveproperties.com
www.improveproperties.com

----- Original Message -----

Subject: Fw: Bertke v. Plum Street Discovery Responses
From: Thomas Mayes <thomasmayesesq@yahoo.com>
Date: Mon, May 18, 2015 2:22 pm
To: "james@improveproperties.com" <james@improveproperties.com>

On Monday, May 18, 2015 2:12 PM, Thomas Mayes <thomasmayesesq@yahoo.com> wrote:

AR-M277_20150518_140018.pdf [Second Attached Discovery Responses]

----- Forwarded Message -----

From: Thomas Mayes <thomasmayesesq@yahoo.com>
To: "james@improveproperties.com" <james@improveproperties.com>
Sent: Monday, May 18, 2015 3:17 PM
Subject: Fw: Scan from PHA and SC

AR-M277_20150518_150459.pdf [First Attached Discovery Responses]

Exhibit B
Email Correspondence with Robert Hoskins (During His Bar Suspension)

From: Rob <rhoskinslaw@gmail.com>
To: "<james@improveproperties.com>" <james@improveproperties.com>
Sent: Thursday, May 7, 2015 12:17 PM
Subject: Re: Bertke Electric v. Plum Street - Discovery Requests

Can Bertke have until May 15 to respond to your discovery requests?

Sent from my iPhone

On May 1, 2015, at 11:29 AM, <james@improveproperties.com>
<james@improveproperties.com> wrote:

Robert,

I am following up on our discovery requests for Bertke v. Plum Street. We served discovery more than 30 days ago, but we have not received any response. Can you please let me know when you intend to respond to the discovery requests? I attempted to call your office yesterday, but no one answered. Of course, please let me know if you would like to meet and confer.

Best regards,

James Calkins

----- Original Message -----

Subject: RE: Bertke Electric v. Plum Street - Discovery Requests
From: <james@improveproperties.com>
Date: Fri, March 27, 2015 1:49 pm
To: "Rob" <rhoskinslaw@gmail.com>

Robert,

For the matter Bertke Electric v. Plum Street, attached please find Defendant's First Set of Requests for Admissions, Interrogatories and Requests for Production. A signed PDF and Word version are attached. A hard copy was additionally mailed to your office today.

Best regards,

James Calkins

CB Property Management
407 Vine Street, Suite 205
Cincinnati, OH 45202
(859) 475-0093 (office)
james@improveproperties.com
www.improveproperties.com

----- Original Message -----

Subject: RE: Bertke v. Plum Street (Motions)
From: <james@improveproperties.com>
Date: Thu, June 11, 2015 5:29 pm
To: "Thomas Mayes" <thomasmayesesq@yahoo.com>
Cc: "Rob" <rhoskinslaw@gmail.com>

Please see the attached motions filed today in the above-referenced matter.

Best regards,

James

407 Vine Street, Suite 205
Cincinnati, OH 45202
(859) 475-0093
James@improveproperties.com
www.improveproperties.com

----- Original Message -----

Subject: RE: Bertke v. Plum Street Discovery Responses
From: <james@improveproperties.com>
Date: Wed, May 20, 2015 11:28 am
To: "Thomas Mayes" <thomasmayesesq@yahoo.com>
Cc: "Rob" <rhoskinslaw@gmail.com>

Please see the attached letter regarding Bertke's failure to respond to Defendant's discovery requests. Of course, please let me know if you would like to speak or meet to resolve this issue before a Motion to Compel is necessary.

Sincerely,

James Calkins

407 Vine Street, Suite 205
Cincinnati, OH 45202
(859) 475-0093
James@improveproperties.com
www.improveproperties.com

----- Original Message -----

Subject: Fw: Bertke v. Plum Street Discovery Responses
From: Thomas Mayes <thomasmayesesq@yahoo.com>
Date: Mon, May 18, 2015 2:22 pm
To: "james@improveproperties.com" <james@improveproperties.com>

On Monday, May 18, 2015 2:12 PM, Thomas Mayes <thomasmayesesq@yahoo.com> wrote:

----- Original Message -----

Subject: RE: Bertke v. Plum Street - Discharge of Mechanic's Lien
From: <james@improveproperties.com>

Date: Fri, May 22, 2015 4:05 pm
To: "Thomas Mayes" <thomasmayesesq@yahoo.com>
Cc: "Rob" <rhoskinslaw@gmail.com>

Please see the attached letter requesting immediate discharge of Bertke's mechanic's lien on the property located at 814 Plum Street, Cincinnati, OH. As addressed in the attached letter, Bertke's lien is void as a matter of law and must be discharged immediately.

Sincerely,

James Calkins

407 Vine Street, Suite 205
Cincinnati, OH 45202
(859) 475-0093
James@improveproperties.com
www.improveproperties.com



Exhibit C

Letter to Robert Hoskins and Thomas Mayes (Sent to Mr. Mayes' Alabama Address)

James Calkins
407 Vine Street, Suite 205
Cincinnati, OH 45202

Thomas Mayes
Faulkner University Thomas Goode Jones
5345 Atlanta Highway
Montgomery, AL 36109
thomasmayesesq@yahoo.com

May 20, 2015

Re: Bertke v. Plum Street – Impermissible Discovery Requests; Motion to Compel

Mr. Mayes and Mr. Hoskins:

This letter follows up on Defendant's discovery requests served on March 27, 2015. Although the discovery requests were served by Defendant approximately sixty (60) days ago, the Defendant still has not received sufficient responses. Particularly, the responses provided by Thomas Mayes on May 18 were incomplete and evasive. This letter serves as notice of our intent to file a Motion to Compel and seek sanctions under Rule 37.

Overall, Bertke failed to properly respond to straightforward discovery requests - such as asking Bertke to identify any building and fire code violations that Bertke alleges required its work - or to respond at all to generic requests such as asking Bertke to identify the third parties or employees that were involved in Bertke's alleged \$9,000 in work. Following please find a non-exhaustive list of Bertke's incomplete and evasive responses in violation of Rules 33, 34 and 36.

Failure to Sign and Certify Responses. As previously brought to your attention, Bertke's interrogatory answers are not signed and certified under oath by the party's representative. Also, the objections are not signed by the attorney.

Objections Based on Relevancy and the Parole Evidence Rules are Without Merit. Several of Bertke's responses object that Defendant's requests are "irrelevant" because of the "parole evidence rule", because the request seeks information outside of the "applicable" contract or because the "contract speaks for itself". Please note that Bertke filed suit for claims under multiple unspecified oral and written contracts as well as for unjust enrichment, Defendant also filed several Counterclaims. Bertke's objections based on the parole evidence rule, or lack of relevancy to an unspecified contract, have no merit particularly in light of Bertke's unjust enrichment claims and Defendant's counterclaims.

Failure to Respond. For the twelve (12) interrogatories for which Bertke provided a response, six (6) of its responses simply provide that "Bertke is searching its records and will supplement this [interrogatory response]". Because Defendant's discovery requests were served approximately sixty (60) days ago, please respond to these interrogatories in full immediately, including Interrogatories 3, 5, 7, 8, 10 and 12.

In addition, Bertke provided a similar response (e.g., "Bertke is searching its records") to several Requests for Production and several Requests for Admission.

Objections without Merit. For more than half of all interrogatories, Bertke objected to the request "as improperly seeking a narrative response [sic]" and generally cited the often over-used *Penn Central v. Armco Steel*. Bertke's blanket use of this objection is without merit, particularly given that Defendant's interrogatory requests are in a standard and widely-accepted form.

Responses Fail to Admit or Deny the Request for Admission. Many of Bertke's responses fail to either admit or deny the Request for Admission. For example, without offering any objection, Bertke's responses simply provide a long narrative arguing that the request should not apply. Please admit, deny or object to each Request for Admission as required. Particularly, Bertke's response to the following are incomplete: 1, 3, 4, 6, 7, 9, 10, 12, 15, 18, 19, 20 and 21.

The foregoing list of defects is not exhaustive. If you would like, I suggest a brief call or meeting so that I may walk through each of Bertke's responses and any issues related thereto.

Unfortunately, if I do not receive Bertke's compliant responses before May 31, then I will file a Motion to Compel and seek sanctions. Of course, as I have previously suggested, please let me know if you would like to meet and confer in order to discuss discovery.

Sincerely,



James Calkins

cc: Robert Hoskins
1040 Richwood Ave
Cincinnati, OH 45208
rhoskinslaw@gmail.com

Exhibit D
Bertke's Discovery Responses

[See Attached]

Exhibit E

Phone Records of CB Property Management from 4/28/2015 and 4/29/2015

Date/Time	Duration	From	FromName	ToName	Type
4/29/2015 21:20	0:00:00	15592692495		CB Properties	missed
4/29/2015 16:51	0:01:15	18594750093	Woods Apartments		outgoing
4/29/2015 14:06	0:00:25	18594869369		CB Properties	incoming
4/29/2015 13:37	0:03:59	13175074491		CB Properties	incoming
4/29/2015 12:45	0:00:55	15133796450	108.168.165.234	CB Properties	incoming
4/29/2015 11:39	0:02:45	15023378832	108.168.165.234	CB Properties	incoming
4/29/2015 11:22	0:01:17	16305384060		CB Properties	incoming
4/29/2015 8:39	0:00:00	18594627672		CB Properties	missed
4/28/2015 17:26	0:00:32	15132623630		CB Properties	incoming
4/28/2015 17:16	0:05:38	18596383860		CB Properties	incoming
4/28/2015 16:47	0:04:03	15139673724		CB Properties	incoming
4/28/2015 16:41	0:01:35	15133772069		CB Properties	incoming
4/28/2015 15:48	0:01:09	18594750093	Woods Apartments		outgoing
4/28/2015 15:45	0:02:33	15132623630		CB Properties	incoming
4/28/2015 15:40	0:00:16	19197205315		CB Properties	incoming
4/28/2015 14:28	0:01:27	18593933441		CB Properties	incoming
4/28/2015 13:08	0:01:22	16147476756		CB Properties	incoming
4/28/2015 11:55	0:01:21	18594869369		CB Properties	incoming
4/28/2015 11:52	0:00:36	18594750093	Woods Apartments		outgoing
4/28/2015 9:55	0:00:24	15132771569		CB Properties	incoming

*Our office received a call from (513) 379-6450 on 4/29/2015 at 12:45 am; this call was from the attorney whom appeared at the 4/29 hearing and identified himself as Thomas Mayes (the caller was calling our office to conference James Calkins into the status conference).

AFFIDAVIT OF THOMAS L. MAYES

STATE OF OHIO)
) ss:
COUNTY OF BROWN)

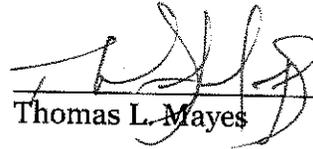
I, Thomas L. Mayes, being first duly sworn and cautioned, state upon personal knowledge as follows:

1. I have been licensed to practice law in Ohio since 2013.
2. I was formerly affiliated with the Law Office of Danny Bubp, and Robert F. Hoskins was of counsel in that office.
3. In November 2014, I left the Bubp Law Office to become Dean of Admissions at the Thomas Goode Jones School of Law at Faulkner University in Montgomery, Alabama, my alma mater.
4. As of July 1, 2015, I joined McConn & Cutrell, Attorneys at Law, in Georgetown, Ohio, and resumed the practice of law in Ohio.
5. Between November 15, 2014, and July 1, 2015, I did not practice law in Ohio and did not represent clients in Ohio.
6. In May 2015, I received a letter from attorney James Calkins that had been mailed to me at Faulkner University. A true and correct copy of that letter is attached as Exhibit A. Mr. Calkins asserted that I had served discovery responses on behalf of Bertke Electric, LLC, that were insufficient and, if not supplemented, would prompt a motion to compel.
7. I have learned that Bertke is the Plaintiff in a suit captioned *Bertke Electric Company, Inc. v. Plum Street, LLC*, Case No. 15 CV 02404, pending in the Hamilton County Municipal Court. Robert F. Hoskins filed

the suit on behalf of Bertke. Mr. Calkins represents the Defendant, Plum Street, LLC.

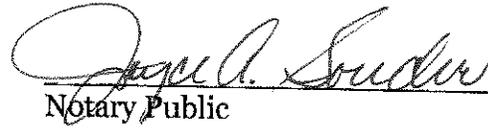
8. I do not now and never have represented Bertke. I did not serve discovery responses on behalf of Bertke and have not participated in any Court proceedings or telephone conferences in the case.
9. Mr. Calkins's letter to me included an email address of thomasmayesesq@yahoo.com. I did not create that email address, have never used that email address, and have no information about its owner.
10. On June 11, 2015, Mr. Calkins filed a motion to compel and for sanctions naming me and Robert F. Hoskins as counsel for Bertke. I have never spoken to Mr. Hoskins regarding *Bertke Electric Company, Inc. v. Plum Street, LLC*.
11. I have spoken to Mr. Calkins regarding this matter. It's my understanding that someone, not I, using the email address thomasmayesesq@yahoo.com responded to emails from Mr. Calkins regarding *Bertke Electric Company, Inc. v. Plum Street, LLC*. It's also my understanding that someone, not I, participated in a telephone conference with the Court and gave his name as attorney Thomas Mayes.

FURTHER, AFFIANT SAYETH NAUGHT.


Thomas L. Mayes

Sworn to me and subscribed in my presence this 14th day of July, 2015.




Notary Public

My commission expires:

JOYCE A. SOUDER
NOTARY PUBLIC • STATE OF OHIO
Recorded in Brown County
My commission expires Apr. 30, 2018

Attorney Information

The address and telephone information found in this listing has been provided to the Office of Attorney Services by the attorney. The directory lists an attorney's business address. An attorney's residence address is displayed **only** if the attorney has not provided a valid business address. See, **Gov. Bar R. VI, Sec. 1(G)**. "Invalid" next to the address indicates that mail sent to this address has been returned as undeliverable or that the attorney has not provided a complete mailing address. Also note that the record displays the attorney's current name on file in our records. If you believe any information listed below is incorrect, please **click here** for instructions

Current Name: **Robert Hansford Hoskins**

Current Registration: **Inactive** **See Definitions below**

Ohio Admission: 11/10/1997 Discipline and Sanction History: **YES Click to view Discipline History**

Registration Number: 0068550

Office: Law Offices of Robert H. Hoskins

Employer Address: 1040 Richwood Ave
Cincinnati, OH 45208

Office Phone: 513.379.6450

Law School: University of Dayton

How Admitted: By Exam

[CLE Enforcement](#)

[Discipline or Sanction History](#)

[New Search](#)

[Previous Search List](#)

Questions or Comments: **Office of Attorney Services**, 614.387.9320

**Exhibit
5**

DEFINITIONS

Active

Active attorneys may practice law in Ohio, assuming all other requirements are met.

Inactive

Inactive attorneys may not practice law in Ohio or hold themselves out as authorized to practice law in Ohio. See, **Gov. Bar R. VI, Sec. 2.**

Retired

Attorneys registered for retired status must have been at least 65 years old at the time of their retired registration. Retired attorneys may not practice law in Ohio or hold themselves out as authorized to practice law in Ohio. See, **Gov. Bar R. VI, former Sec. 3.** Retired registration status is no longer available as a registration status, effective September 1, 2007.

**BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO**

Robert Hoskins, :
 :
Respondent, :
 :
CINCINNATI BAR ASSOCIATION, : **AFFIDAVIT OF**
 : **Janetta Cook**
Relator.

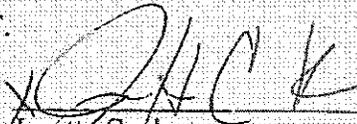
STATE OF OHIO)
) **SS:**
COUNTY OF HAMILTON)

I, Janetta Cook, having been duly cautioned and sworn, hereby state as follows:

1. I currently reside at 3217 Bowling Green Ct., Cincinnati, OH 45225.
2. Mr. Hoskins was assigned to my Child Custody case by Affordable Family Attorneys in April 2014.
3. Payment was arranged through Affordable Family Attorneys; the arrangement was \$88 per week for thirteen weeks for a total of \$1,144.
4. I began to pay Mr. Hoskins on April 24, 2014.
5. I finished paying Mr. Hoskins in February or March 2015.
6. The last time that I met in person with Mr. Hoskins was March 25, 2015.
7. I had a court date scheduled for June 16, 2015.
8. On June 15, 2015 Mr. Hoskins contacted me via text message and stated that he was unable to make it to the court on that date, and that I should file for a continuance.

9. I called the Cincinnati Bar Association on June 17, 2015 and was informed that Mr. Hoskins was suspended from the practice of law.
10. Mr. Hoskins failed to inform me that he was suspended from the practice of law.

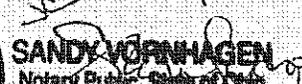
FURTHER AFFIANT SAYETH NAUGHT.



Janetta Cook

Sworn and subscribed in my presence this 28 day of July, 2015.





SANDY VORNHAGEN
Notary Public, State of Ohio
My Commission Expires
December 22, 2019



Court of Common Pleas Clermont County, Ohio

270 East Main Street, Batavia, OH 45103

RECEIVED

JUL 28 2015

Disciplinary Counsel
Supreme Court of Ohio

Judge Jerry R. McBride
513.732.7104

Judge Victor M. Haddad
513.732.7890

Judge Richard P. Ferenc
513.732.7102

Judge Thomas R. Herman
513.732.7378

July 22, 2015

Mr. Scott Drexel, Esq.
Office of Disciplinary Counsel
250 Civic Center Drive, Ste. 325
Columbus, OH 43215-4711

RE: Robert Hansford Hoskins
Attorney No.: 0068550
Supreme Court No. 2015-0481

Dear Mr. Drexel:

I need to inform your office of a recent violation committed by Mr. Hoskins in my court.

Mr. Hoskins was counsel of record for plaintiffs in the following case that was assigned to me: *Preferred Interiors Drywall Systems, LLC, et al. v. Jason Allen Fletcher*, Clermont County Common Pleas Court Case No. 2014-CVH-0984. On February 6, 2015, I set a scheduling conference in this case for June 19, 2015, at 8:30 a.m. I permit counsel to participate by phone in these types of conferences rather than personally appear.

On June 19, 2015, the scheduling conference was conducted and counsel for the defendant, who is local, personally appeared in my chambers. Mr. Hoskins called my office as permitted and participated in the scheduling conference with opposing counsel that morning. He made no mention of the fact that he had been suspended consistent with the above-mentioned Supreme Court order. At that scheduling conference I scheduled a follow-up conference to be held on September 18, 2015, at 8:30 a.m. It is my standard practice to make certain that all counsel of record are able to personally participate in the scheduling conference and Mr. Hoskins confirmed that the date was an available date on his calendar.

Exhibit

7

Mr. Scott Drexel, Esq.

Page 2

July 22, 2015

Thereafter, on July 7, 2015, I was contacted by Mr. Hoskins' opposing counsel, Jeffrey Hale, regarding a deposition that was being conducted that day at Mr. Hoskins' office. Mr. Hale informed me of Mr. Hoskins' suspension and it was on that date that I obtained the Supreme Court's order from its online docket.

Mr. Hale has informed me that he has provided a complete transcript of the deposition that was being conducted on July 7, 2015. In that deposition at pages 5 and 6, Mr. Hoskins represents that he was reinstated by the Supreme Court, apparently on July 6, 2015. Having reviewed the online docket, that clearly is not the case.

I have issued a stay order in this case as well and notified Mr. Hoskins.

If you need any additional information from me, please do not hesitate to contact me.

Thank you very much for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard P. Ferenc". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Richard P. Ferenc, Judge

tb

Justin Fletcher

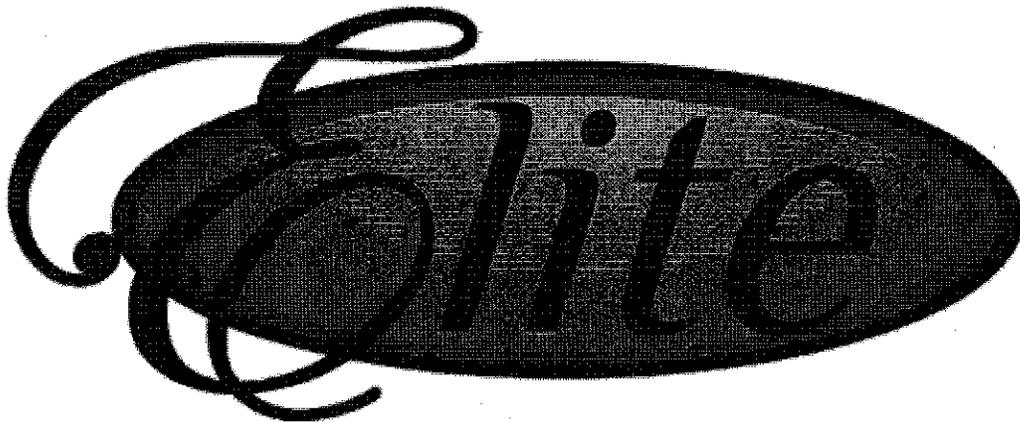
July 07, 2015

PREFERRED INTERIORS DRYWALL SYSTEMS, LLC, et al.

v.

JUSTIN FLETCHER

2014 CVH 0984



REPORTING AGENCY

513-233-3000

877.233.4403

FAX: 513-233-2310

depo@elitereportingagency.com

www.elitereportingagency.com

Exhibit

8

1 APPEARANCES OF COUNSEL:

2

3 For the plaintiffs:

4 Robert H. Hoskins, Esq.
5 of
6 Law Offices of Robert H. Hoskins
7 7650 East State Street
8 Georgetown, Ohio 45121
9 937.378.5400
10 rhoskinslaw@gmail.com

8

9 For the defendant:

10 Jeffrey S. Hale, Esq.
11 of
12 Kroener Hale, Inc.
13 60 North Second Street
14 Batavia, Ohio 45103
15 513.828.7510
16 jeffreyshale@gmail.com

14

15 Also Present:

16 James Fletcher

17

18 - - -

19

20

21

22

23

24

25

I N D E X

1		
2		
3	JUSTIN FLETCHER	PAGE
4	EXAMINATION BY MR. HOSKINS	4
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9	(No exhibits.)	
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1 JUSTIN FLETCHER

2 defendant herein, having been duly sworn, was
3 examined and deposed as follows:

4 EXAMINATION

5 BY MR. HOSKINS:

6 Q. Mr. Fletcher, have you ever had your
7 deposition taken before?

8 A. I don't think so.

9 Q. You've testified in court before?

10 A. Yes.

11 Q. Okay. I've got some testimony from
12 your -- the TRO hearing relative to the incident
13 from 2014.

14 Have there been any other times that
15 you've testified in court that you can recall?

16 A. Not that I can recall.

17 Q. Okay. Just in a deposition, we have a
18 court reporter here trying to make a transcript
19 of what we say. So I would just ask that all of
20 your responses be out loud. She can't really
21 pick up a head nod or a hand gesture, so I'll
22 just ask that all of your answers be out loud.

23 My voice doesn't carry well. If you
24 don't hear what I say or misunderstand a word,
25 please ask me to repeat and rephrase.

1 If I ask a question and you give the
2 answer, I'm going to presume that you heard and
3 understand the question.

4 Is that fair?

5 A. Sure.

6 Q. Are you under any medication or any
7 other issues that would keep you from testifying
8 truthfully today?

9 A. No.

10 Q. Mr. Fletcher, what is your education?
11 What's the highest grade that you completed?

12 A. Two years of college.

13 MR. HALE: If I could, just real
14 quickly, Robert -- if we could just clarify,
15 I sent you an e-mail request -- and in
16 speaking with the Supreme Court
17 yesterday -- have you been reinstated in
18 Ohio?

19 MR. HOSKINS: I have.

20 MR. HALE: Do you have anything showing
21 that?

22 MR. HOSKINS: I don't.

23 MR. HALE: Because, as of yesterday
24 when I spoke with the disciplinary council's
25 attorney, they said that you had not been

1 reinstated.

2 MR. HOSKINS: I had spoken with them
3 yesterday and I had been. But I don't have
4 anything from them.

5 MR. HALE: Okay.

6 MR. HOSKINS: I didn't bring anything.

7 MR. HALE: Okay. I just want to
8 clarify. So if your representation is that
9 you've been reinstated, then we'll take it,
10 take it on the value.

11 BY MR. HOSKINS:

12 Q. Do you have any accreditation or other
13 certificates? Do you have a CDL license? Do you
14 have any other accreditation or certificates?

15 A. I have a business degree that I earned
16 in high school. My Series 63 and 7 have expired.
17 I worked at Fidelity for a couple of years.
18 That's about it.

19 Q. Where are you currently employed?

20 A. I'm self-employed.

21 Q. And is your company a corporation, an
22 S corp., a d/b/a?

23 A. It's a corporation.

24 Q. And what's the name of the
25 corporation?

1 A. JF Interiors.

2 Q. And who is the owner of JF Interiors?

3 A. I am.

4 Q. Do you have any partners or --

5 A. No.

6 Q. And when was that formed?

7 A. Sometime last year. I'm not really for
8 sure the exact date.

9 Q. That's an Ohio corporation?

10 A. Uh-huh, yes.

11 Q. Are there any other officers of
12 JF Interiors other than yourself?

13 A. No.

14 Q. Do you have an employment contract with
15 any employees?

16 A. No.

17 Q. How many current employees do you
18 have?

19 A. Three.

20 Q. And what are their names?

21 A. Dennis -- well, myself -- I have two.
22 Dennis, Lee, and me.

23 Q. What's Dennis's last name?

24 MR. JAMES FLETCHER: Thornton. He owns
25 the grocery store --

1 A. I think it's Thornton.

2 BY MR. HOSKINS:

3 Q. And what's Lee's last name?

4 A. Jones.

5 Q. Were either Dennis Thornton or

6 Lee Jones former employees of

7 Preferred Interiors, to your knowledge?

8 A. Yes.

9 Q. The next set of questions I'm going to
10 ask you is about what happened prior to
11 June 14, 2014 when a TRO was filed.

12 Prior to that time, were you an
13 employee of Preferred Interiors?

14 A. Yes.

15 Q. Did you have a title or did you have a
16 business card with a title on it?

17 A. No.

18 Q. What were your roles and
19 responsibilities at Preferred Interiors prior to
20 June 2014?

21 A. Operations manager.

22 Q. And what did you do as an operations
23 manager?

24 A. Everything but -- I mean, payroll,
25 scheduling, labor, delivering.

1 Q. Did you have any ownership in
2 Preferred Interiors?

3 A. No.

4 Q. Were you an officer of
5 Preferred Interiors?

6 A. No.

7 Q. The TRO I mentioned was filed on
8 June 14, 2014.

9 Do you recall that TRO?

10 A. What's a TRO?

11 Q. Temporary restraining order or
12 restraining order.

13 A. Do I recall it?

14 Q. (Nodding head.)

15 A. Yes.

16 Q. And you were a party to the restraining
17 order?

18 A. Yes.

19 Q. And, as part of that restraining order,
20 you asked that Jim Fletcher be kept away from
21 your residence?

22 A. I believe I didn't ask for anything. I
23 believe the Court assessed it.

24 Q. Okay. Where were you living at the
25 time of the TRO? What's the address?

1 A. 3043 Parker's (sic) Run Road.

2 Q. And that was both a residence and where
3 the business was located?

4 A. Correct.

5 Q. And, as part of that TRO, Jim Fletcher
6 was precluded from going onto the property at
7 3043 Parker's Run Road?

8 A. Yes.

9 Q. To your knowledge, what jobs or
10 projects were ongoing on or about June 14, 2014
11 by Preferred Interiors? Do you recall where they
12 were working?

13 A. They were all over.

14 I mean, I don't have any schedule. If
15 I would have known, I would have brought that
16 stuff with me. I didn't bring my schedule with
17 me.

18 There were jobs going on.

19 Q. Do you recall any of the jobs or any of
20 the locations?

21 A. Kentucky and Ohio. I mean, not in
22 particular. It was a year ago. Not in
23 particular. We do quite a few different jobs a
24 year. So --

25 Q. Do you recall for what clients those

1 jobs were ongoing?

2 A. For Fischer Homes.

3 Q. Were there any other ongoing client
4 projects at that time?

5 A. I believe Drees Homes.

6 Then, again, I don't have it in front
7 of me. I'm not really 100 percent sure.

8 Q. From the ongoing projects, were they
9 for individual houses or for neighborhoods? How
10 did that work?

11 A. They were individual new homes.

12 Q. Do you recall about how many individual
13 homes Preferred Interior was working on in
14 June 2014?

15 A. No.

16 Q. Do you recall the status of those
17 projects? Were they just beginning --

18 A. They're all different.

19 I don't have any of that in front of --
20 I don't have the schedule in front of me.

21 Q. How did the transition go? Did you
22 lead employees and work on completing those jobs
23 after June 14, 2014?

24 A. Yes.

25 Q. Could you describe that for us,

1 please?

2 A. What do you mean?

3 Q. Did you call the employees the night
4 before, did you just show up at work that
5 morning? How did that transition go between you
6 and the employees?

7 A. Just as normal.

8 Q. Now, did you have a meeting or make any
9 announcements or just talk to the employees about
10 what was going on?

11 A. No.

12 Q. At some point after June 14, 2014, did
13 you discuss the issues going on between you, your
14 mom, and Mr. Fletcher with the employees?

15 A. Yes.

16 Q. When did that conversation happen?

17 A. Maybe four or five days after it
18 happened.

19 Q. And who was at that meeting?

20 A. It was not a meeting. I just
21 individually, when I'd go to a job, talk to each
22 employee whenever, because I just would go to the
23 job that they were working on.

24 Q. And could you describe that
25 conversation for us?

1 A. I let -- I only have the two employees.
2 I let them know that there was an altercation
3 between me and my father and I would no longer be
4 able to work for him because of the conditions
5 that happened, and I would be starting my own
6 business and, if they wanted to come to work for
7 me, they were more than welcome to.

8 Q. How long after that conversation did
9 you actually form your own business?

10 A. I don't have that date, sir. I don't
11 have that.

12 Q. Was it weeks or months?

13 A. I don't have that. I don't know. I
14 don't want to tell you the wrong thing if I don't
15 have it.

16 Q. At any time, did you instruct the
17 employees not to speak with Mr. Fletcher?

18 A. No.

19 Q. How long did you continue using
20 Preferred Interiors' equipment, their vans, their
21 scaffolding, their building, their tools?

22 A. For a couple of weeks.

23 I was given permission by my mother. I
24 was told from my attorney that I was allowed to
25 use it because it was marital property.

1 Q. Do you know whether Preferred Interiors
2 is a corporation or a d/b/a?

3 A. I have no idea.

4 Q. Did you ever investigate whether
5 Preferred Interiors was a corporation?

6 A. I have -- no.

7 Q. To your knowledge, do you know whether
8 your mother is an officer or an owner of
9 Preferred Interiors?

10 A. I have no idea.

11 Q. At any point after June 14 of 2014, did
12 Mr. Fletcher directly or indirectly contact
13 you --

14 A. No.

15 Q. Sir --

16 A. I did not talk to him in a year.

17 Q. Understood.

18 It's just a cleaner transcript if you
19 let me finish my question and then answer and
20 then we'll get on to the next one; just makes for
21 a cleaner transcript.

22 At any time after June 14, 2014, did
23 Mr. Fletcher contact you directly or indirectly
24 to ask you not to use his equipment or his
25 building or his employees or his material?

1 A. No.

2 Q. How did the purchase and use of
3 materials work for each job? Did you buy drywall
4 by the job, did you buy mud and tape and nails by
5 the job, or did you have them in bulk at the
6 shop?

7 A. The supply company was given a list of
8 the communities that were done by
9 Preferred Interiors. So when they would receive
10 a purchase order from the builder, when they
11 would stock the drywall because the builder paid
12 for the drywall, they would stock the materials
13 with it.

14 Q. Okay. And what materials would they
15 stock with it?

16 A. Mud, corner bead and tape and screws
17 and nails.

18 Q. Were there any other materials that
19 were required on the job that they didn't
20 stock?

21 A. I don't believe so.

22 Q. What kind of tools were used to
23 complete the jobs?

24 A. Tools of mine or the individuals?

25 Q. Just in general.

1 Hammers, scaffolding; what kind of
2 tools were used on those kind of jobs?

3 A. You mean each individual contract? Is
4 that what you're asking? Each individual
5 contractor's different tools, is that what you're
6 asking me?

7 Q. I guess I'm trying to find out the
8 world of tools that were used on those jobs and
9 then what tools were owned by Preferred
10 Interiors, what tools were owned by you, and what
11 tools were owned by the individual workers.

12 A. Okay. The tools that were used by the
13 contractors would be hammers, knives, hatchets,
14 walk benches, walk boards. Finishing tools would
15 be bazookas, banjos, knives to tape with, sanding
16 blocks, sponges.

17 And we would -- I would supply the
18 scaffolding for any high work that would be
19 needed.

20 Q. Of the tools, other than the
21 scaffolding, which, if any, of those tools were
22 owned by the individual employees?

23 A. The ones I just told you, the knives
24 the taping tools --

25 Q. Okay. Is it true that everything other

1 than the scaffolding was owned by the individual
2 employees themselves?

3 A. Yes.

4 Q. Through the second half of June and
5 July of 2014, whose scaffolding was used to
6 complete the ongoing projects?

7 A. Through what date?

8 Q. Through the end of June 2014, second
9 half of June, and all of July of 2014, whose
10 scaffolding was used?

11 A. I know Preferred Interiors' was used up
12 until the last week or two -- week that I was --
13 that I was running things until I had quit.

14 I don't know the exact date, because I
15 had purchased my own scaffolding, but I don't
16 have that stuff in front of me. I didn't know I
17 needed any of that stuff. I don't know.

18 Q. Now, you were using Preferred
19 Interiors' scaffolding at least until July 9th
20 when you appeared at another hearing on the TRO;
21 is that true?

22 A. Yes.

23 Q. Do you recall how long after that
24 hearing you obtained your own scaffolding?

25 A. No.

1 Q. When Preferred Interiors was paid for a
2 job, how did that work? Were they paid all at
3 the end, were they paid some up front? What were
4 the payment terms typical for
5 Preferred Interiors?

6 A. I don't know.

7 Q. At some point after June 14, 2014, were
8 checks received by you directly or indirectly for
9 work performed by you and the crew?

10 A. No. They were issued straight to the
11 contractor. Every builder writes a check to
12 whoever the contract is written to, and it's a
13 check that's deposit only. So it's written to
14 the contractor that has the contract with the
15 builder.

16 Q. Were you paid for work that you
17 individually did after June 14, 2014 by
18 Preferred Interiors?

19 A. Can you repeat that?

20 Q. Were you paid for work that you
21 performed after June 14th --

22 A. No.

23 Q. -- 2014 by Preferred Interiors?

24 A. No.

25 Q. Did you do any work on behalf of

1 Preferred Interiors after June 14th, 2014?

2 A. Yes.

3 Q. What do you believe that Preferred
4 Interiors owes you for the work that you
5 performed after June 14, 2014?

6 A. What do I believe they owe me?

7 Q. Uh-huh.

8 A. Nothing.

9 Q. And why is that?

10 A. Because I don't want anything.

11 Q. To your knowledge, were the employees
12 paid by Preferred Interiors for any work that
13 they did after June 14, 2014?

14 A. When I finished up my two weeks, I
15 finished up all of the payroll. I made sure that
16 all the contractors were paid, all the employees
17 were paid.

18 My mother was a part of that because
19 she had to sign the checks.

20 Q. Could you describe that in a little bit
21 more detail in terms of, when you do payroll,
22 what does that involve? Are they paid by the
23 hour, paid by --

24 A. They're paid; yeah, employees are paid
25 by the hour --

1 Q. Okay.

2 A. -- which is done by a company, Paycor.

3 And the contractors are paid
4 by -- usually by the board count, unless there's
5 a special project or something else that they had
6 done during that week, like a repair or something
7 of that nature.

8 Q. So you did the payroll to determine how
9 much each of the employees should be paid for
10 those two weeks?

11 A. They -- it was -- not for the
12 employees. Paycor did that, and it was called in
13 to them.

14 Q. And did you call it in to Paycor?

15 A. No. Paycor called me or called Jim.
16 We didn't call it in; they called us.

17 Q. In that case, for the second half of
18 June, do you recall whether Paycor called you?

19 A. Yes, they did.

20 Sometimes they'd call me. Sometimes
21 they'd -- I ran the operation, so I did payroll,
22 so, yeah, sometimes they'd call me. If they
23 couldn't get hold of Jim, they would call me.

24 Q. And when you said that your mother
25 signed the checks, how did that work? Would you

1 describe that for me?

2 A. I just remember doing the payroll,
3 meaning I filled out what the contractors -- the
4 work was done, added up what they were owed, and
5 issued them checks.

6 Q. Okay. To your knowledge, how long
7 after June 14, 2014 were the employees paid by
8 Preferred Interiors?

9 A. I'm not sure.

10 Q. Do you use Paycor for JF Interiors?

11 A. No.

12 Q. What method do you use to pay the
13 employees now?

14 A. I have a CPA.

15 Q. Do you recall approximately when the
16 CPA or JF Interiors began paying the employees
17 for the work they did?

18 A. I don't recall. I don't have that
19 stuff with me. I don't know the exact day.

20 Q. To your knowledge, does
21 Preferred Interiors owe any of the employees for
22 work that they performed on behalf of
23 Preferred Interiors after June 14, 2014?

24 A. I think I did -- I think I paid
25 everybody in July.

1 Q. Do you think by August of 2014
2 JF Interiors was up and running and paying
3 employees?

4 A. I don't have that in front of me, sir.
5 I don't know the exact date.

6 Q. I wasn't asking for the exact date. I
7 was asking whether you recalled the approximate
8 month.

9 A. No.

10 Q. How did Preferred Interiors -- were you
11 involved in bidding on jobs or getting new jobs
12 or obtaining purchase orders?

13 A. No. The purchase order is created for
14 a vendor as long -- once the contracts are given
15 to the -- work is divvied by the construction
16 managers.

17 And once the construction managers
18 decide to give contractors the work, they're
19 created within the builder's, I guess, estimation
20 office or department.

21 Q. At what point did you begin seeking new
22 work on behalf of JF Interiors?

23 A. I don't recall the day that I went and
24 talked with Fischer Homes. I don't recall the
25 date.

1 Q. Do you recall who you talked to at
2 Fischer Homes?

3 A. I talked to a couple different of
4 their -- a couple different of their employees.

5 Q. Okay. Do you recall their names?

6 A. Jim Haas. He's the main one.

7 Q. Before you began talking to
8 Fischer Homes or any of the other builders on
9 behalf of JF Interiors, did you ever advise any
10 of the builders or other clients that
11 Jim Fletcher was no longer involved or not
12 currently involved with Preferred Interiors or
13 any of the ongoing projects?

14 A. No.

15 Q. Did you ever tell any of the clients or
16 builders that he was arrested or used a gun to
17 threaten you?

18 A. As of what date?

19 Q. At any time after June 14, 2014.

20 A. Yes.

21 Q. And who was that conversation with?

22 A. I believe Jim Haas, just Jim. I just
23 let him know that there was an altercation
24 between me and my father, he was taken to -- at
25 that time I didn't know what he was arrested for,

1 so I didn't know.

2 I just let him know that there was an
3 altercation between me and my father, I could no
4 longer work for him anymore, and that I was going
5 out on my own, starting my own business.

6 There was no details -- or I didn't
7 know any details at that time. There was nothing
8 to be known, or he didn't really need to know any
9 details. I just let him know that I was going
10 into business for my own.

11 Q. Did you give Mr. Haas details of the
12 altercation?

13 A. I just told you. No.

14 Q. Did you tell him that Mr. Fletcher was
15 taken to jail?

16 A. I don't recall.

17 Q. Did you tell Mr. Haas or any of the
18 other builders or clients that Mr. Fletcher was
19 unavailable because he was in the hospital?

20 A. In the hospital?

21 Q. Uh-huh.

22 A. No.

23 Q. What clients or builders did
24 JF Interiors do jobs for in 2013 and the first
25 half of 2014, to your knowledge?

1 A. In 2013? Zero. I didn't do any. I
2 wasn't in business in 2013.

3 Q. I apologize. I misspoke. In 2013 and
4 first half of 2014, what builders did
5 Preferred Interiors work for?

6 A. Drees Homes, Fischer Homes, John Henry
7 Homes, and Kay Homes. I don't know if there's
8 any other ones. I don't know if there's any
9 other ones.

10 I didn't sign -- I wasn't -- I didn't
11 sign any contracts with any of those builders, so
12 I really don't know.

13 Q. Has JF Interiors done work or bid work
14 from Drees, Fischer, John Hay (sic) Homes or
15 Kay Homes?

16 A. Yes.

17 Q. Which ones?

18 A. Fischer and John Henry. And I was for
19 Kay Homes, but no longer.

20 Q. What happened with Kay Homes?

21 A. He is not really -- he just doesn't
22 build -- he doesn't do as much work. I may in
23 the future, but he only builds a couple of houses
24 a year.

25 Q. Do you recall at what point you went to

1 John Hay Homes or Kay Homes to let them know
2 about JF Interiors?

3 A. About the same time I went to
4 Fischer.

5 Q. Did you have similar contacts or did
6 you -- strike that.

7 When you talked to Jay (sic) Homes and
8 Kay Homes, did you have a similar conversation as
9 you did with Jim Haas about the altercation with
10 your father?

11 A. Yes.

12 Q. Did you provide them any additional
13 details that you did not provide Mr. Haas?

14 A. No.

15 Q. When you talked to Mr. Haas or
16 Fischer Homes or John Hay Homes, did you at any
17 time tell them what the status of
18 Preferred Interiors was?

19 A. I didn't know. No.

20 Q. Do any of your current employees have
21 an employment contract with you --

22 A. No.

23 Q. -- JF Financial (sic)?

24 A. No. There's no contracts.

25 Q. Do you know whether they had an

1 employment contract with --

2 MR. HALE: Did you say JF Financial?

3 MR. HOSKINS: I'm sorry. JF Interiors.

4 MR. HALE: Okay.

5 A. No.

6 MR. JAMES FLETCHER: Their

7 agreements --

8 BY MR. HOSKINS:

9 Q. I apologize.

10 I asked if they had employment

11 contracts with JF Interiors. And the answer was

12 no?

13 A. Correct.

14 Q. Do you know whether they ever had

15 employment contracts with Preferred Interiors?

16 A. I don't know.

17 Q. How long did JF Interiors operate out

18 of the property at 3043 Parker's Run Road?

19 A. Still are.

20 Q. How long did they continue to use the

21 warehouse or the building -- the outbuilding

22 there at Parker's Run Road?

23 A. I'm not sure of the date.

24 Q. You talked about that, for the jobs

25 that were completed in the last half of June 2014

1 and for July 2014, that the employees other than
2 yourself were paid for the work they performed.

3 Was there any profit or money left
4 over, to your knowledge?

5 A. I don't know what you're asking.

6 Q. I would imagine that there's profit
7 built into the jobs that are performed.

8 A. I don't deal with the profits.

9 Q. And that's my question.

10 A. And the answer would be, I don't
11 know.

12 Q. As of June 14, 2014, were there
13 projects for which Preferred Interior (sic) had
14 been committed or contracted or identified but
15 not yet begun, to your knowledge?

16 A. I don't know.

17 Q. After June 14, 2014, were there any new
18 projects that you began under
19 Preferred Interiors?

20 A. I don't know.

21 If I would have -- I would know if I
22 had my schedule. I have all of my schedules and
23 payrolls from last year, but I just didn't bring
24 them with me. I didn't know I'd be needing to
25 answer these questions.

1 I have the answers to the questions,
2 but I'm not going to -- I don't want to say for
3 sure without knowing.

4 Q. And if you don't know the exact date,
5 I'll accept a month, a season.

6 A. I'd rather just give you an exact
7 answer than give you a wrong answer.

8 Q. Did, at some point, Jim Fletcher
9 contact you, directly or indirectly, seeking the
10 return of the Preferred Interior vehicles?

11 A. No.

12 He contacted the New Richmond Police
13 Department.

14 Q. Do you recall when that was?

15 A. No.

16 The police showed up at my house one
17 day.

18 Q. Were the vehicles turned over at that
19 time?

20 A. No.

21 Q. At what point were the vehicles
22 returned to Preferred Interiors?

23 A. When Jim showed up at the house when
24 the protection order was lifted. When my mother
25 was in the emergency room, he had went to the

1 courthouse and had the protection order lifted
2 for one day, and he came up and removed the
3 scaffolding and the pickup trucks and changed the
4 locks on all the doors.

5 Q. To your knowledge, who owned the trucks
6 and the scaffolding?

7 A. To my knowledge, my dad or my mom. I
8 did not.

9 Q. Do you know whether it was owned by
10 either your mother or father individually or
11 whether it was owned by Preferred Interiors?

12 A. I have no idea.

13 Q. At any point, did Jim Fletcher
14 communicate to you, directly or indirectly, that
15 he wanted you to continue to run Preferred
16 Interiors at any point after June 14, 2014?

17 A. No.

18 Q. Did you ever instruct any current or
19 former employees of Preferred Interiors not to
20 speak with Jim Fletcher?

21 A. No.

22 Q. Have you ever been convicted of a crime
23 involving fraud or deceit?

24 A. No.

25 Q. Have you ever been accused of theft

1 from Preferred Interiors?

2 A. No.

3 Q. Are you currently, to your knowledge,
4 under indictment or investigation for any crime
5 involving fraud or deceit?

6 A. Not to my knowledge.

7 I mean, there was a check that was
8 written -- or there was a check that was
9 disbursed sometime in July that was my last
10 payroll check.

11 I had to go to the police station two
12 weeks ago and meet with the detective. And the
13 detective looked at it and asked if my mother was
14 a signer on the account, and she said yes.

15 So they said -- they were
16 throwing -- they would be throwing it out because
17 she was a signer on the account and the work I
18 had was rendered.

19 Q. At any time after June 14, 2014, did
20 JF Interiors ever compensate Preferred Interiors
21 or Jim Fletcher for the use of their trucks or
22 scaffold?

23 A. No.

24 MR. HOSKINS: Can we take a break for a
25 few minutes?

1 (A recess was taken from 1:07 to 1:16.)

2 THE REPORTER: Do you want to waive
3 signature or review and sign?

4 MR. HALE: Review.

5

6

JUSTIN FLETCHER

7

8

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- - -

10 DEPOSITION ADJOURNED AT 1:17 P.M.

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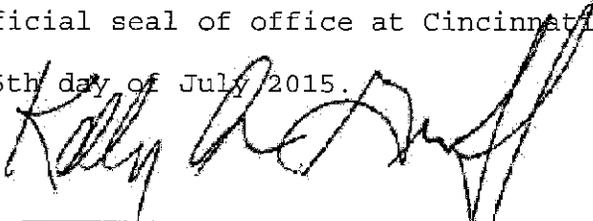
1 C E R T I F I C A T E

2 STATE OF OHIO :
3 COUNTY OF HAMILTON : SS

4 I, Kelly A. Graff, the undersigned, a
5 duly qualified and commissioned notary public
6 within and for the State of Ohio, do certify that
7 before the giving of his deposition, JUSTIN
8 FLETCHER was by me first duly sworn to depose the
9 truth, the whole truth and nothing but the truth;
10 that the foregoing is the deposition given at
11 said time and place by JUSTIN FLETCHER; that I am
12 neither a relative of nor employee of any of the
13 parties or their counsel, and have no interest
14 whatever in the result of the action; that I am
15 not, nor is the court reporting firm with which I
16 am affiliated, under a contract as defined in
17 Civil Rule 28(D).

18 IN WITNESS WHEREOF, I hereunto set my hand
19 and official seal of office at Cincinnati, Ohio,
20 this 15th day of July 2015.

21
22
23
24
25



Kelly A. Graff
Notary Public - State of Ohio
My commission expires October 16, 2016.

1

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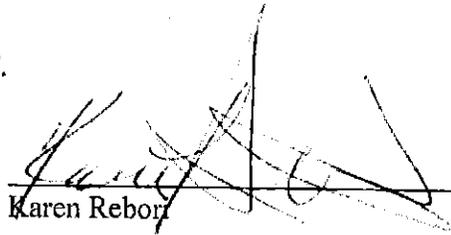
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there was a law office at that address belonging to Robert Hoskins. Ms. Abrams asked if I could take some pictures of the office and signage for her. I responded that I would.

4. I pulled into the parking lot adjoining the building and took several pictures, including pictures of the street sign and building front. I immediately texted those pictures to Ms. Abrams for her review. I also telephoned Ms. Abrams to determine if she required additional photographs from that location. She indicated that she did not and thanked me for sending her the pictures.

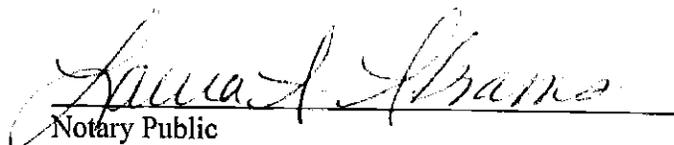
4. The photographs provided in the Motion for Contempt are the photographs which I took on my mobile telephone on July 24, 2015 and texted to Laura Abrams. Those photographs are true and accurate depictions of the sign and building located at 750 East State Street in Georgetown, Ohio on July 24, 2015.

FURTHER AFFIANT SAYETH NAUGHT.


Karen Rebori

Before me, a Notary Public in and for said county and state, on the ___ day of September, 2015, 2014, personally appeared Karen Rebori, who being duly cautioned and sworn, did subscribe the foregoing in my presence, and did acknowledge that the same was her free act and deed for the purposes stated therein.

Sworn to and subscribed before me this 1st day of September, 2015.


Notary Public

My Commission Does Not Expire

LAURA A. ABRAMS, Attorney at Law
Notary Public State of Ohio
My Commission has no Expiration
Date: Section 147.03 O.R.C.

**MULTI-PERFORMANCE
INSURANCE**

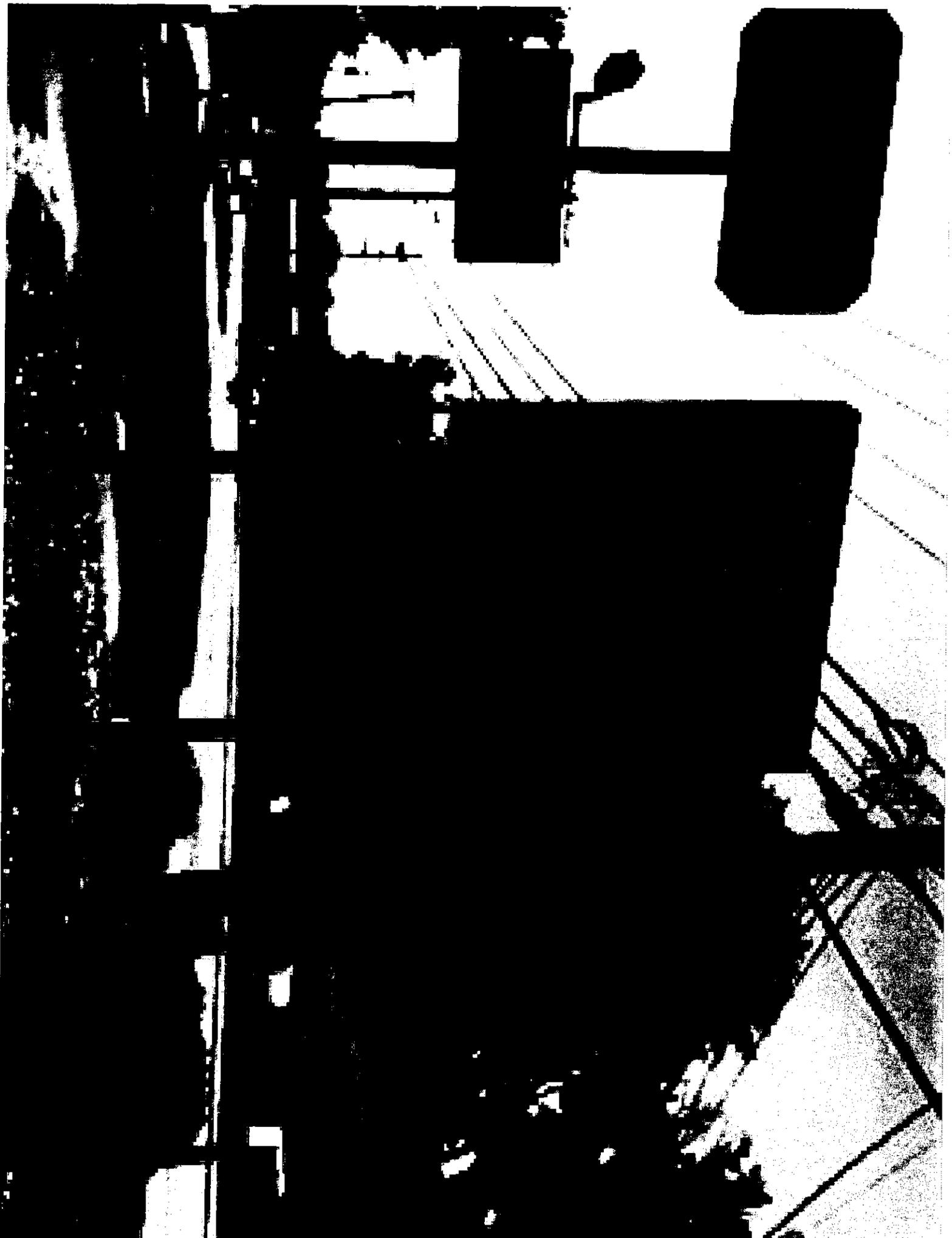
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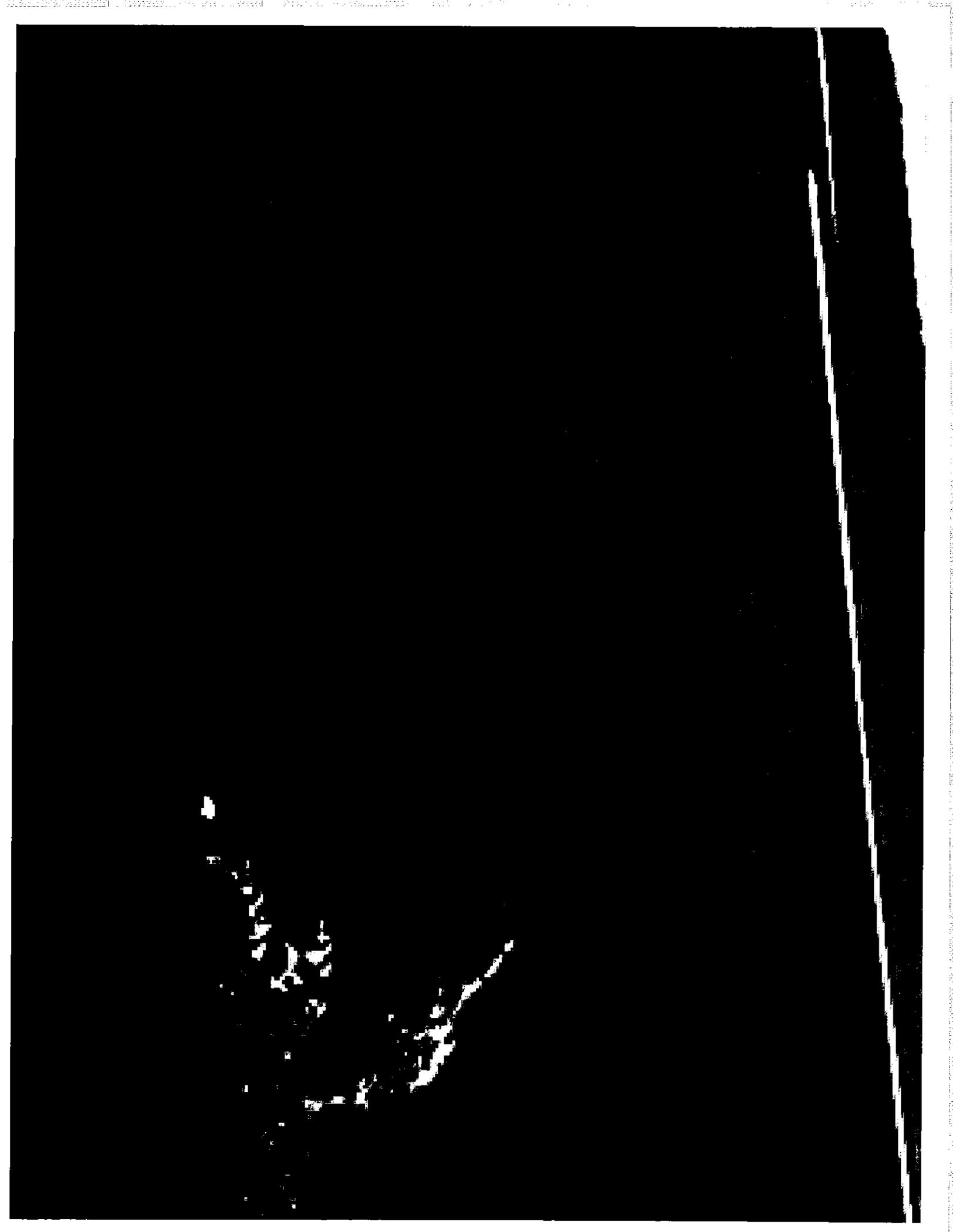
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Drexel, Scott

From: Jeffrey Hale [jeffreyshale@gmail.com]
Sent: Tuesday, July 07, 2015 7:18 PM
To: Drexel, Scott
Subject: Re: Your Deposition with Robert H. Hoskins
Attachments: Document_1460656.tiff

Mr. Drexel,

Today Mr. Hoskins conducted the scheduled deposition of Justin Fletcher in the matter of **Preferred Interiors Drywall Systems, LLC v. Justin (Jason)Allen Fletcher / Case No: 2014 CVH 00984**.

The deposition was conducted at the law office of Mr. Robert H. Hoskins. His office address is 750 East State Street, Georgetown, OH 45121. The deposition began at approximately 12:30pm and after going on the record I asked Mr. Hoskins if he had been reinstated to practice law in the State of Ohio. I informed Mr. Hoskins that I had information that led me to believe he may be suspended from practicing law and Mr. Hoskins assured me (on the record) that he had been reinstated as of yesterday, July 6, 2015.

After Mr. Hoskins stated on the record that he was reinstated to the practice of law in the State of Ohio he began to depose my client. During the deposition I was contacted, via text message, by my partner who was trying to verify his statements. She stated that she spoke with Mr. Allan Asbury who confirmed that Mr. Hoskins was NOT reinstated and should not be conducting any legal proceedings in the State of Ohio. I was advised that I should stop the deposition and contact the sitting Judge on the case and inform him of the situation.

We took a short break and I contacted Judge Richard Ferenc in Clermont County Common Pleas Court. I informed the Judge of my initial belief and of the information I had received. I let the Judge know that Mr. Hoskins asserted, on the record, that he had been reinstated to practice law in Ohio. As I was on the phone with the Judge, Mr. Hoskins quickly came out to my location and stated the deposition was over and rushed everyone out of his office.

I provided Judge Ferenc with the contact number for Mr. Asbury and it is my understanding that Judge Ferenc called Mr. Asbury to confirm what I had reported and issued the attached order.

I have requested a transcript of the deposition and I have asked that it be expedited. We have a show cause hearing schedule for July 16, 2015 before Judge Ferenc to determine the next step. It is my understanding that the Judge's intention is to forward his findings on to your office for consideration.

With Warmest Regards,

Jeffrey S. Hale
KroenerHale, LLC
Attorneys At Law
60 North 2nd Street
Batavia, OH 45103
PH: 513-828-7510
FX: 513-297-7227
kroenerlaw.com

COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

Filed
2015 JUL -7 PM 1:17
CLERK OF COURT
CLERMONT COUNTY, OHIO

PREFERRED INTERIORS DRYWALL : CASE NO. 2014-CVH-0984
SYSTEMS, LLC, ET AL., :
 : Judge Richard P. Ferenc
 :
 Plaintiffs, :
 :
 Vs. :
 :
 :
 JASON ALLEN FLETCHER, : ORDER STAYING ALL
 : PROCEEDINGS
 :
 Defendant. :
 :

This Court has been informed by defense counsel that the attorney for the Plaintiff, Robert H. Hoskins, is actively participating in depositions that are being conducted this date, July 7, 2015. Further, this Court is aware of Mr. Hoskin's suspension from the practice of law in Ohio in the following case: *Disciplinary Counsel v. Robert Hansford Hoskins, Respondent*, Supreme Court Case No. 2015-0481. Further, the Court has conversed with the Ohio Disciplinary Counsel staff and has been advised this date, that Mr. Hoskins has not initiated the reinstatement process as required by the aforementioned order. Consequently, Mr. Hoskins has not been reinstated to practice law in the state of Ohio. Therefore,

IT IS HEREBY ORDERED, that all actions in this matter are hereby stayed until further order of this Court concerning the conduct of attorney Hoskins in this matter. Until further order of the Ohio Supreme Court, Mr. Hoskins is not permitted to in any way participate in this case and shall advise his client immediately of his inability to practice in Ohio as a result of the aforementioned order.

IT IS FURTHER ORDERED, that a hearing will be held regarding these issues on July 16, 2015, at 12:00 p.m.


Richard P. Ferenc, Judge

CERTIFICATE

I hereby certify that a copy of the foregoing was sent to counsel of record by regular U.S. Mail and by email this 7th day of July, 2015.



Exhibit
10

Drexel, Scott

From: David Stockdale [dstockdale@probatect.org]
Sent: Monday, July 06, 2015 12:02 PM
To: Drexel, Scott
Subject: Fwd: Robert H. Hoskins
Attachments: binder.pdf; rad19AD1.pdf0.pdf; rad24B98.pdf0.pdf; radB5E55.pdf0.pdf; rad26BB3.pdf0.pdf

Dear Mr. Drexel:

This is a follow-up to our prior communication memorialized below. As far as I can tell from the Supreme Court's docket, and the online docket of the Kentucky Supreme Court, Mr. Hoskins has not yet been readmitted to practice in either state.

On June 5, 2015, he filed an adult adoption petition and paid the court costs. Today, Mr. Hoskins appeared in court on the petition, identified himself as petitioner's counsel, and proceeded to examine witnesses. I am not at liberty to provide you with the court records as before because this is an adoption proceeding, but I am sure you may obtain them if you make an official request.

David C. Stockdale

David C. Stockdale, Magistrate
Hamilton County Probate Court

>>> David Stockdale 5/26/2015 2:35 PM >>>

Dear Mr. Drexel:

In our telephone conversation of this afternoon, I advised you that suspended attorney Robert Hoskins came into court on Friday, 5/22/15, with an application for guardian fees (actually an application and a motion for leave to file same) in the matter of Donald Binder, case no. 2011003135. He was acting on behalf of the former guardian whom he had represented. He met with Magistrate Stargel to obtain entries setting the hearing date; and then filed the application, motion, and entries. I do not know what, if any, involvement he may have had in preparation of the documents.

Attached per your request are copies of the filings. Because the online docket does not show the payment of costs, I have also attached a screen shot of our internal docket showing that he paid the costs associated with the filings.

If I can be of further assistance, please let me know.

David C. Stockdale

David C. Stockdale, Magistrate
Hamilton County Probate Court

IN THE PROBATE COURT OF HAMILTON COUNTY, OHIO

- - - - -

In the Matter of: :

The Adoption : Case No. 2015-002350
of Davion Devante : Magistrate Rattermann
Houchell :

- - - - -

ADOPTION HEARING

- - - - -

Before Chief Magistrate Paul D. Rattermann
Probate Court
230 East 9th Street, #9
Cincinnati, Ohio 45202
July 6, 2015

- - - - -

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- - - - -

A P P E A R A N C E S

ON BEHALF OF PETITIONERS:

Law Offices of Robert H. Hoskins
1040 Richwood Avenue
Cincinnati, OH 45208
By Robert H. Hoskins, Esq.

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Witnesses	Page
Gerald L. Houchell Mr. Hoskins - Direct	6
Jana Houchell Mr. Hoskins - Direct	10
Davion Devante Wilson Mr. Hoskins - Direct	11

(No exhibits were marked.)

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P R O C E E D I N G S

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THE COURT: Okay. We are back on the record. This is a continuation of the docket for Monday, July 6th, 2015. Chief Magistrate Paul Rattermann presiding. Next case is that of Davion Devante Houchell, case No. 2015-002350. We are here today on a -- in an adult adoption petition, which has been filed. The star of the show, Mr. Davion Houchell is present, together with the co-petitioners and their attorney.

Counsel, please identify yourself for the record.

MR. HOSKINS: My name is Robert Hoskins, the attorney for the petitioners.

THE COURT: Thank you. If I could have all three of you please raise your right hands.

- - - - -

JANA HOUNCHELL, GERALD HOUNCHELL AND DAVION WILSON being first duly sworn, testifies and says as follows:

- - - - -

THE COURT: Okay. Sir, please state

1 your name.

2 MR. HOUNCHELL: Gerald Houchell.

3 THE COURT: And where do you live?

4 MR. HOUNCHELL: 616 Havenswood Place,
5 previously 5188 Red Court Cloud. I just moved.

6 THE COURT: You literally just moved?

7 MR. HOUNCHELL: Just moved, yes.

8 THE COURT: Okay. And, ma'am, state
9 your name.

10 MRS. HOUNCHELL: Jana Houchell.

11 THE COURT: Okay. You live at the same
12 address?

13 MRS. HOUNCHELL: Yes, I do.

14 THE COURT: Okay. And, sir, state your
15 name.

16 MR. WILSON: Davion Houchell.

17 THE COURT: Okay. Okay. Counsel, I'll
18 turn it over to you at this point. How do you
19 wish to proceed?

20 MR. HOSKINS: Judge, please remind me
21 what I've forgotten.

22 - - - - -

23 GERALD L. HOUNCHELL

24 being previously duly sworn, testifies and says as

1 follows:

2 DIRECT EXAMINATION

3 BY MR. HOSKINS:

4 Q. Mr. Houchell, do you recognize this
5 petition for an adoption of adult?

6 A. I do.

7 Q. And this is a document that you signed?
8 That's your signature?

9 A. That is my signature.

10 Q. And you signed this willingly and
11 knowingly?

12 A. I did.

13 Q. You had a foster relationship with
14 Davion before he became an adult?

15 A. We did, yes.

16 Q. And this was signed jointly with your
17 wife?

18 A. Correct.

19 THE COURT: Okay. And, sir, if you
20 could just go into the details of how it is that
21 you and your wife became acquainted with Davion.

22 MR. HOUNCHELL: Sure.

23 THE COURT: What the nature of that
24 relationship was.

1 MR. HOUNCHELL: Sure. When we were
2 still in the Air Force stationed at Barksdale Air
3 Force Base in Louisiana, my son became friends
4 with Davion, and he first started visiting the
5 house quite a bit down there. Didn't have a very
6 good stable home structure with us. And as it
7 progressed over just a month or two, he ended up
8 moving in with us. We made room for him in our
9 base house. He lived with us pretty much from
10 that point on. So about 16 on he was with us
11 and --

12 THE COURT: So he was age 16 at that
13 point?

14 MR. HOUNCHELL: 16, right? When we
15 came in? Yeah.

16 MRS. HOUNCHELL: Uh-huh.

17 MR. HOUNCHELL: 16.

18 THE COURT: Okay.

19 MR. HOUNCHELL: And he's been with us
20 since. As far as we helped him get into college.
21 Every time he's come home this summer, he's lived
22 with us. So we've had a relationship with him
23 since.

24 THE COURT: Did you go through the

1 court system in Louisiana to get guardianship
2 and/or custody --

3 MR. HOUNCHELL: No, we did not.

4 THE COURT: -- depending what they call
5 it down there?

6 MR. HOUNCHELL: No.

7 MRS. HOUNCHELL: Huh-uh.

8 THE COURT: I know it's French, so...

9 MR. HOUNCHELL: Yeah, I don't know
10 their system. No, we did not, no. He just -- we
11 set him up a room and he just lived with us.

12 THE COURT: And he's been doing that
13 ever since?

14 MR. HOUNCHELL: Ever since, yes.

15 THE COURT: Okay. And then you moved
16 to Ohio at some point?

17 MR. HOUNCHELL: We did, yeah. I
18 retired, did a little work down there and we moved
19 to Ohio last summer.

20 THE COURT: So that would have been the
21 summer of 2014?

22 MR. HOUNCHELL: Correct.

23 THE COURT: So you've been in Ohio for
24 at least six months?

1 MR. HOUNCHELL: Yes.

2 THE COURT: And Davion is still living
3 with you?

4 MR. HOUNCHELL: He is now. He just
5 graduated, but he's living with us now.

6 THE COURT: Okay. And how old is he
7 now?

8 MR. HOUNCHELL: 22.

9 THE COURT: 22 years old? So he's been
10 living with you in Louisiana and in Ohio for about
11 six years?

12 MR. HOUNCHELL: Correct.

13 THE COURT: Okay. Fair enough. Thank
14 you much.

15 Do my questions lead to any follow-up
16 questions from you, Counsel?

17 MR. HOSKINS: No, sir.

18 THE COURT: Okay. Have you got another
19 witness?

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JANA HOUNCHELL

being previously duly sworn, testifies and says as follows:

DIRECT EXAMINATION

BY MR. HOSKINS:

Q. Jana, could you please identify yourself for the Court?

A. Yeah, Jana Houchell.

Q. Jana, and what is your relationship to Davion?

A. I've been his mother.

Q. Okay. You heard Mr. Houchell testify, is there -- do you agree with his recounting of the events?

A. Yes.

Q. Okay. And you still are married to Mr. Houchell?

A. Yes.

Q. Been an Ohio resident for at least six months?

A. Yes.

Q. Okay. Is there anything you would like to add to Mr. Houchell's testimony?

1 A. No.

2 THE COURT: Okay. And, ma'am, you've
3 signed a consent to the adoption?

4 MRS. HOUNCHELL: Yes, I have.

5 THE COURT: Okay. And for your
6 husband, Mr. Houchell, you've signed a consent as
7 well?

8 MR. HOUNCHELL: Yes.

9 THE COURT: Okay. Thank you much,
10 ma'am. I don't have any other questions for you.

11 MRS. HOUNCHELL: Okay.

12 THE COURT: Counsel, your next witness?

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14 DAVION DEVANTE WILSON

15 being previously duly sworn, testifies and says as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. HOSKINS:

19 Q. Davion, could you please identify
20 yourself for the Court.

21 A. Davion Houchell. Davion Houchell.

22 Q. And what is your relationship to Gerry
23 and Jana Houchell?

24 A. I am their son.

1 Q. Okay. Could you describe your
2 relationship with them and how it began and when?

3 A. Yes. Just like dad said, when I was
4 about 16, I became best friends with Dane
5 Houchell and it just started me coming over every
6 once in a while and then more frequently and then
7 moving in. And they helped me get into college,
8 they set me up to college, dad drove me down to
9 Wesleyan University. And just for the past few
10 years, it's been me calling them if I needed
11 anything, me coming home to the house with them,
12 yeah, just doing everything.

13 Q. Davion, do you recognize this document?

14 A. Yes, sir.

15 Q. And is that your signature, the consent
16 for adoption?

17 A. Yes, sir.

18 Q. And you signed this willingly,
19 knowingly, with full understanding of its
20 contents?

21 A. Yes, sir.

22 Q. Okay. And this is the vital statistic
23 that you completed as well?

24 A. Yes, sir.

1 Q. Okay. You've also asked for your name
2 to be changed from Davion -- I'm sorry, Davion
3 Devante Wilson to Davion Devante Houchell,
4 H-O-N -- H-O-U-N-C-H-E-L-L?

5 A. Yes.

6 Q. Okay. And that's your desire for the
7 Court to change your name formally from -- your
8 last name from Wilson to Houchell?

9 A. Yes, sir.

10 Q. Okay. Why would you like this adoption
11 to go through?

12 A. I would like this adoption to go
13 through because I think it legitimizes our
14 relationship. Also, carrying the last name when
15 the Houchells have been my parents for the last
16 six years means a lot to me, so...

17 MR. HOSKINS: Thank you. Nothing
18 further, Judge.

19 THE COURT: Okay. So, sir, you've been
20 living with the Houchells for about six years
21 now?

22 MR. WILSON: Yes, sir.

23 THE COURT: Starting when you were
24 16 years of age?

1 MR. WILSON: Yes, sir.

2 THE COURT: Okay. But you never were
3 formally adopted by them in Louisiana?

4 MR. WILSON: No, sir.

5 THE COURT: Or in Ohio to date?

6 MR. WILSON: No, sir.

7 THE COURT: Okay. And you view them as
8 your parents at this point?

9 MR. WILSON: Yes, sir.

10 THE COURT: Okay. Still friends with
11 their son?

12 MR. WILSON: Yes, sir.

13 THE COURT: After all this? I would
14 hope so. Okay. I don't have any other questions.
15 Thank you very much.

16 And, Counsel, thank you for -- okay.
17 Thank you much for giving me the other paperwork,
18 but I guess at this point I do have sufficient
19 evidence before me to make my findings. And first
20 I do find that the evidence supports the relevant
21 allegations contained in the adult adoption
22 petition. I do find that the co-petitioners,
23 Gerry and I pronounce this Jana, but it's --

24 MRS. HOUNCHELL: Jana.

1 THE COURT: Jana?

2 MRS. HOUNCHELL: Yeah.

3 THE COURT: Jana Houchell are suitable
4 and qualified individuals to raise slash raise --
5 the form don't fit, so I apologize. But that they
6 are qualified individuals to be the adoptive
7 parents of the adult, no longer the minor, Davion
8 Devante Houchell. And I will put on a decision
9 of magistrate consistent with those findings
10 together with the judgment entry of the Court
11 appointing -- strike that -- naming them as the
12 adoptive parents of Davion. And I will also
13 change his name to Davion Devante Houchell.

14 And with that, congratulations Mr. and
15 Mrs. Houchell and Davion. You have been formally
16 adopted.

17 MRS. HOUNCHELL: It's a boy.

18 THE COURT: Okay. Now then, this is a
19 little more unusual, but Davion was born in
20 Louisiana?

21 MR. WILSON: I was born in Virginia.

22 THE COURT: Virginia? I thought it was
23 Louisiana?

24 MR. WILSON: Portsmouth, Virginia.

1 THE COURT: You are correct. I'm
2 sorry. Oh, you were born in Louisiana. I picked
3 that up, ma'am. Okay. The Department of Vital
4 Statistics form, which I just completed isn't
5 going to work because he was born in Virginia.

6 MR. HOSKINS: Okay.

7 THE COURT: You're going to have to
8 contact Richmond, the state capital, their version
9 of the Department of Vital Statistics.

10 MR. HOSKINS: Okay.

11 THE COURT: So get that changed.
12 However, today I will give you the decision of
13 magistrate and the final order, take that
14 downstairs, get it filed with the cashier.

15 MR. HOSKINS: We'll do.

16 THE COURT: But you're kind of on your
17 own with Virginia. There's not much I can do,
18 whatever the form is, you've got to fill out. I
19 would get a certified copy of that judgment entry.

20 MR. HOSKINS: Will do.

21 THE COURT: They'll probably need that
22 in Virginia to get your birth certificate reissued
23 with the Houchells listed as your parents.

24 MR. HOUNCHELL: Okay.

1 THE COURT: Okay?

2 MRS. HOUNCHELL: Okay.

3 MR. HOSKINS: Awesome.

4 THE COURT: That's it, folks.

5 Congratulations.

6 MRS. HOUNCHELL: Thank you.

7 MR. HOUNCHELL: Appreciate it.

8 THE COURT: You have a good day.

9 MR. WILSON: You too.

10 MRS. HOUNCHELL: You too.

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12 Thereupon, the foregoing proceedings
13 concluded.

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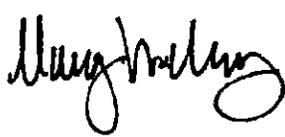
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State of Ohio : C E R T I F I C A T E
County of Franklin: SS

I, Mary Bradley, RPR, a Notary Public in and for the State of Ohio, do hereby certify that I transcribed the audio recording of the aforementioned proceedings; that the foregoing is a true record of the proceedings.

I do further certify I am not a relative, employee or attorney of any of the parties hereto, and further I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on August 14, 2015.



Mary Bradley, Notary Public - State of Ohio
My commission expires September 19, 2019.