Supreme Court of Ohio Clerk of Court - Filed October 02, 2015 - Case No. 2015-1470

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel. **ANGELA M. FORD, ESQ.** *Relator,* v. **HONORABLE ROBERT P. RUEHLMAN** *Respondent.*	: : : : : : : : : :	Case No. 2015-1470 **In Prohibition And Mandamus**

RESPONDENT HONORABLE JUDGE ROBERT P. RUEHLMAN'S MOTION FOR JUDGMENT ON THE PLEADINGS

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IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel. **ANGELA M. FORD, ESQ.**	:	Case No. 2015-1470
Relators,	:	
v.	:	
HONORABLE ROBERT P. RUEHLMAN	:	**In Prohibition And Mandamus**
Respondent.	:	

MOTION

Respondent, Honorable Robert P. Ruehlman, Judge, Hamilton County Court of Common Pleas, through counsel, moves this Court to grant him judgment on the pleadings as provided in S.Ct.Prac.R. 12.04(B)(1) and deny the Writ of Prohibition and Mandamus and Alternative Writ for the reasons set out in the attached memorandum.

Respectfully,

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MEMORANDUM

A. Statement of the Case

The origin of the present case in Ohio began on January 6, 2015 in the Hamilton County Court of Common Pleas. *Chesley v. Ford*, Hamilton C.P. No. A1500067. (See Exhibit 1). The Plaintiff in that action, Stan Chesley, sought declaratory judgment and injunctive relief against Angela Ford, Esq., the Relator in the present action. The parties in the Ohio case have filed numerous motions and have had several hearings to determine what action Ms. Ford may take to enforce a Kentucky judgment in Ohio against Mr. Chesley. After over eight months, the court set the matter for a permanent injunction hearing on September 30, 2015. Ford filed an Original Action in Prohibition and Mandamus in the Ohio Supreme Court on September 4, 2015. On that same day, Ford filed a Motion for Emergency Stay and Expedited Alternative Writ. Four days later, Ford filed an Answer to the Motion for Declaratory Judgment and Injunctive Relief in Case No. A1500067 that was set for a hearing on September 30, 2015. On September 8, 2015, this Court ordered that Ruehlman had until September 10, 2015, to respond to the Ford's Complaint and Motion for Emergency Stay. Ruehlman filed his Motion to Dismiss and Response to the Motion for Emergency Stay on September 10, 2015. On September 17, 2015, this Court granted Ford's Motion to Stay and gave Ruehlman the time prescribed by law to provide a full Answer to the Complaint. Despite making several appearances and filing multiple motions over an eight month period, Ford continually asserts in her Complaint that she was not given a proper hearing in front of Judge Ruehlman. However, after months of agreed delays and various hearings over adding parties and intervenors to the case the Judge set Ford's claims for a hearing on September 30, 2015. Instead of taking advantage of this opportunity and making her case, Ford filed an extraordinary writ with this Court complaining that she has not and cannot be heard in

Ruehlman's court. Ruehlman finally has all of the facts in front of him and is ready to hear arguments. Accordingly, Judge Ruehlman should be allowed to carry out his sworn duty and hear this case.

B. Argument

1. Ruehlman is entitled to and fully capable of carrying out his duty as a Judge in the Hamilton County Court of Common Pleas.

Ford filed a Complaint for Writs of Prohibition, Mandamus, and Alternative Writs because Ford does not trust Ruehlman to carry out his sworn duty. Ford attempts to justify her filings by claiming that there is a patent and unambiguous lack of jurisdiction and that there is no adequate remedy at law. However, these are very high hurdles to overcome, and Ford has not even come close to surpassing them. Ford's argument can really be distilled down to the fact that she believed that she was going to lose her case at the permanent injunction hearing, and that it would take too long for Ohio's judicial system to finally agree with her argument.

Ford has been aware of this case since early 2015.[1] Throughout the eight months leading up to the filing of these extraordinary writs, Ford was actively involved in Case No. A1500067. Ford agreed to push out a hearing on the TRO until February. (See Exhibit 3). And then, before the hearing could take place, Ford attempted to have the case removed to Federal Court on February 5, 2015. (See Exhibit 1). After over a month of delay the case was remanded back to Ruehlman's court on April 13, 2015. (See Exhibit 1). The case went through various evidentiary hearings, additional defendants were added, and an intervenor was added. All the while, Ruehlman was gathering all of the facts. Having gathered the relevant facts, Ruehlman

[1] There is some disagreement between the parties regarding when Ford was actually served. However, email evidence from an Affidavit submitted in Case No. A1500067 makes it clear that Ford was aware of the case as early as January 7, 2015. For ease of use by this Court, a true and accurate certified copy of the Court proceedings that acknowledge this fact is attached in Exhibit 2, as well, a true and accurate certified copy of the Affidavit of Vincent E. Mauer is attached as Exhibit 3.

set a permanent injunction hearing for September 30, 2015. This would be the opportunity that Ford claims to have long requested. And in fact, Ford understands that this would be a hearing to argue the case as she stated in her September 3, 2015 filing with Ruehlman's court: "This matter is set for hearing on September 30, 2015. At that time, Chesley will have the opportunity to offer all evidence into the record to support his motion for permanent injunction." (See Exhibit 4). When it comes to objecting to her opponent's request to add more information, Ford is crystal clear that everything will be heard and decided on September 30th in front of Ruehlman. However, when Ford is confronted with the fact that she will also have to present her case on that date, she chose to file an emergency writ the next day in the Ohio Supreme Court.

Ruehlman is a judge in the Hamilton County Court of Common Pleas. The Ohio Supreme Court has long held that:

> "'(t)he rule is firmly established that the Court of Common Pleas is a court of general jurisdiction and, as such, possesses the authority initially to determine its own jurisdiction over both the person and the subject matter in an action before it, subject to the right of appeal; and generally prohibition, an extraordinary remedy entertained with caution, will not lie to prevent an anticipated erroneous judgment. (Citations omitted.)'" *State ex rel. Heimann v. George*, 45 Ohio St. 2d 231, 232, 344 N.E.2d 130, 131 (1976) (quoting *State ex rel. Mansfield Telephone Co. v. Mayer* (1966), 5 Ohio St.2d 222, 223, 215 N.E.2d 375, 376).

Ruehlman is entitled, under Ohio law, to determine his own jurisdiction. Ruehlman often times carries out this duty by having hearings with the parties, much like the hearing that was scheduled for September 30, 2015. If Ford felt that the there was a problem with the trial court's jurisdiction, she could have raised that issue during the hearing, and if denied raise it again on appeal.

Ford claims that the Plaintiff in the underlying Ohio case, Stan Chesley, has failed to disclose attorney's fees that Chesley has earned in various cases across the country. Ford cites

the attorney's fees from two cases in her Complaint, even though she admits that an exact dollar amount for Chesley's portion of the attorney's fees that are to be collected has yet to be determined in at least one of the cases. Ford alleges in her Complaint that Chesley's purpose in filing suit in Ohio was "clearly to delay Ms. Ford's collections efforts in Ohio" and that "Chesley obviously seeks to avoid paying the judgment." (Complaint, ¶ 111). However, Ford has provided no real evidence that Chesley has in fact been hiding anything from her or that he is attempting to avoid paying the judgment. These are factual issues that have yet to be fully established. Respectfully, these are the exact types of factual issues that are appropriate for a trial judge to assess. Ruehlman had spent months trying to gather the facts and he finally had all the parties and facts assembled, but before he could hold a true hearing on the merits Ford filed her Writs in this Court. Ford is not entitled to usurp Ruehlman's authority and seek extraordinary refuge in the Supreme Court simply because Ford fears an erroneous judgment in her case. Ruehlman may rule for Ford or he may rule against Ford. Either way, he must be allowed to rule. The appropriate course of action is to allow Ruehlman to hold a hearing with all of the facts and make a complete record; a record which may be properly reviewed by an appellate court if either party decides to appeal.

2. Ford is not entitled to the requested writs of prohibition and mandamus because the trial court has jurisdiction.

Ford claims that she is entitled to the requested writs of Prohibition, Mandamus and Alternative Writs because Ruehlman is about to act without jurisdiction. "Mandamus and prohibition are extraordinary remedies, to be issued with great caution[.]" *State ex rel. Taylor v. Glasser*, 50 Ohio St.2d 165, 166, 364 N.E.2d 1, 2 (1977). In *State ex rel Tubbs Jones vs. Suster*, 84 Ohio St.3d 70, 701 N.E.2d 1002 (1998), the Supreme Court set out the following standards for the granting of a writ of prohibition:

> In order for a writ of prohibition to issue, the relator must prove that (1) the lower court is about to exercise judicial authority, (2) the exercise of authority is not authorized by law, and (3) the relator possesses no other adequate remedy in the ordinary course of law if the writ of prohibition is denied. *State ex rel. Keenan v. Calabrese*, 69 Ohio St.3d 176, 178, 631 N.E.2d 119, 121 (1994).

The Court in *State ex rel Tubbs Jones vs. Suster*, supra, went on to explain:

> Prohibition will not lie to prevent an anticipated erroneous judgment. *State ex rel. Heimann v. George*, 45 Ohio St.2d 231, 232, 344 N.E.2d 130, 131 (1976). However, we have created a limited exception in cases where there appears to be a total lack of jurisdiction of the lower court to act. Early cases referred to a "total want of jurisdiction" or to the court's being "without jurisdiction whatsoever to act." *State ex rel. Adams v. Gusweiler*, 30 Ohio St.2d 326, 329, 285 N.E.2d 22, 24 (1972) and paragraph two of the syllabus. Later cases defined this exception as a "'patent and unambiguous' lack of jurisdiction to hear a case." *Ohio Dept. of Adm. Serv, Office of Collective Bargaining v. State Emp. Relations Bd.*, 54 Ohio St.3d 48, 51, 562 N.E.2d 125, 129 (1990); *State ex rel. Tollis v. Cuyahoga Cty. Court of Appeals*, 40 Ohio St.3d 145, 148, 532 N.E.2d 727, 729 (1988).

Therefore, in order for this Court to grant a writ of prohibition, this Court must find that (1) Ruehlman is about to exercise jurisdiction; (2) Ruehlman has a "patent and unambiguous" lack of jurisdiction to hear the case; and, (3) Ford has no adequate remedy at law. This is a difficult standard to meet by design.

In the present case, Ruehlman had set a permanent injunction hearing for September 30, 2015, so it is fair to say that he was about to exercise jurisdiction. However, Ford has failed to establish that Ruehlman has a "patent and unambiguous" lack of jurisdiction to hear this case. Ford's claim is that Ruehlman lacks jurisdiction because: 1.) there is no justiciable controversy; 2.) there is a case pending in a Kentucky court; and 3.) Judge Ruehlman's actions interfere with the Relator's statutory remedies.

A justiciable controversy exists when there is a genuine dispute "between parties having adverse legal interests of sufficient immediacy and reality[.]" *Burger Brewing Co. v. Liquor Control Comm.*, 34 Ohio St.2d 93, 97, 296 N.E.2d 261, 264 (1973). In the present case, there is

a dispute between Chesley and Ford over the collection of assets located in Ohio to settle a judgment obtained in Kentucky. The intricate web of facts and law are properly before the trial court and the dispute is in the process of being resolved. This satisfies the low standard for a justiciable controversy.

While there may be a pending case in Kentucky, the underlying Ohio case was initiated in January 2015 and involves assets, plaintiffs and defendants in the state of Ohio. An Ohio Court is well within its rights and has jurisdiction to determine whether or not Ohio residents and property within Ohio are subject to the judgment of a sister state. Additionally, there are proper procedures for domesticating and enforcing a foreign judgment in Ohio as set forth in Revised Code sections 2329.021 *et seq.* An Ohio judge has jurisdiction to settle any dispute over how such laws are interpreted and enforced. Ford suggests that the trial court has no jurisdiction because there is a pending case in Kentucky and they are entitled to certain statutory remedies. However, there is a dispute over how the foreign judgment and the statutory remedies should be applied to individuals domiciled in Ohio and property that is located in Ohio, as well as issues as to whether or not the foreign judgment is final and enforceable under the Uniform Enforcement of Foreign Judgments Act ("UEFJA"). These issues are precisely what the trial court is required to decide.

In fact, the Ohio Supreme Court denied a Writ of Prohibition in the 1992 case of *State ex rel. Ruessman v. Flanagan*, in part, because the Court found that there was no patent or unambiguous lack of jurisdiction when a trial court decides whether to approve a foreign decree. "[A]lleged defects... as to the finality of the judgment, go to whether the foreign decree should be given full faith and credit and are matters for initial determination by the court of common pleas under its original general jurisdiction." *State ex rel. Ruessman v. Flanagan*, 65 Ohio St.3d

464, 467, 605 N.E.2d 31, 35 (1992). Trial courts are not required to be a rubber stamp and automatically accept a judgment brought under UEFJA. "There are various scenarios in which a court might have jurisdiction over an issue that provides the court with the opportunity to declare the judgment of any other court to be void." *Lingo v. State*, 2014-Ohio-1052, 7 N.E.3d 1188, ¶ 47. Trial courts are free to examine the judgment to determine whether or not defects in the judgment, or its finality, make it acceptable for full faith and credit.

Therefore, when the dispute involving a foreign judgment was presented to Ruehlman in January 2015, he had, and continues to have, jurisdiction to determine how to resolve the dispute to ensure that any foreign judgment and statutory remedies are carried out in accordance with Ohio law. Not only does Ruehlman have jurisdiction over the present case, but none of the potential jurisdictional issues that Ford raises are so "patent and unambiguous" that they would warrant the issuance of an extraordinary writ. As stated in the *Heimann* case, a court of common pleas has the power to determine its own jurisdiction, and prohibition will not lie even if the Relator believes that the Judge *might* make an incorrect decision. *Heimann*, 45 Ohio St.2d at 232. Ford has the right to appeal any decision that Ruehlman may hand down, and "'prohibition is not a substitute for appeal.'" *Id.* (quoting *State ex rel. Gilla v. Fellerhoff*, 44 Ohio St.2d 86, 88, 338 N.E.2d 522, 523 (1975)); *State ex rel. Toerner v. Common Pleas Court*, 28 Ohio St.2d 213, 277 N.E.2d 209 (1971). Ruehlman has jurisdiction and is entitled to judgment on the pleadings.

3. Ford is not entitled to the requested writs of prohibition and mandamus because Ford has an adequate remedy at law.

Additionally, Ford's request for extraordinary writs should be dismissed because Ford has an adequate remedy at law: appealing to the First District Court of Appeals. In *State ex rel. Dannaher v. Crawford*, 78 Ohio St. 3d 391, 393, 678 N.E.2d 549 (1997), this Court held:

> Neither prohibition nor mandamus will lie where relator possesses an adequate remedy in the ordinary course of law. *State ex rel. Hunter v. Certain Judges of the Akron Mun. Court*, 71 Ohio St.3d 45, 46, 641 N.E.2d 722, 723 (1994). Absent a patent and unambiguous lack of jurisdiction, a court having general subject-matter jurisdiction can determine its own jurisdiction, and a party challenging the court's jurisdiction has an adequate remedy by appeal. *State ex rel. Enyart v. O'Neill*, 71 Ohio St.3d 655, 656, 646 N.E.2d 1110, 1112 (1995).

There is an adequate remedy at law for Ford for her claims against Chesley. First of all, she can attend the permanent injunction hearing and win her case. However, even if Ford receives an unfavorable decision following the permanent injunction hearing, she has the right to appeal that decision to the First District Court of Appeals. If unsuccessful in the First District, Ms. Ford can then present her case to the Ohio Supreme Court for discretionary review. Ford has an adequate remedy at law and therefore Ruehlman is entitled to judgment on the pleadings.

CONCLUSION

This Court should grant Ruehlman judgment on the pleadings and deny the Writs of Prohibition and Mandamus and Alternative Writ.

Respectfully,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon each party of record in this case by U.S. mail on the 2nd day of October, 2015 addressed to:

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Christen M. Steimle (0086592)
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225 E. Fifth Street, Suite 1900
Cincinnati, OH 45202

/s/James W. Harper
James W. Harper, 0009872
Assistant Prosecuting Attorney

The Following Certified Exhibits From Hamilton County Common Pleas Court Case No. A1500067 *Chesley v. Ford,* Have Been Attached For the Convenience of the Court:

Exhibit 1: Docket for Hamilton County Common Pleas Court Case No. A1500067 as of October 2, 2015.

Exhibit 2: January 14, 2015 Order of Judge Robert P. Ruehlman in Hamilton County Common Pleas Court Case No. A1500067

Exhibit 3: Affidavit of Vincent E. Mauer submitted in Hamilton County Common Pleas Court Case No. A1500067 on January 12, 2015 and referenced in Judge Ruehlman's January 14, 2015 Order.

Exhibit 4: Relator Ford's Response to Chesley's Motion for Leave filed on September 3, 2015 in Hamilton County Common Pleas Court Case No. A1500067.

EXHIBIT 1

Case Summary

Add to Portfolio

Case Number:	A 1500067
Case Caption:	STANLEY M CHESLEY vs. ANGELA M FORD
Judge:	ROBERT P RUEHLMAN
Filed Date:	1/6/2015
Case Type:	H790 - DECLARATORY JUDGMENT- OC
Total Deposits:	$ 615.00 Credit
Total Costs:	$ 1261.00

Case History

Doc	Image#	Date	Description	Amount
		9/21/2015	NOTICE TO DONALD J RAFFERTY AS TO UNDELIVERED SERVICE ON CAROL BOGGS SERVICE TYPE: CERTIFIED MAIL SERVICE REASON CODE: INSUFFICIENT ADDRESS [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9091]	
		9/21/2015	ELECTRONIC POSTAL RECEIPT RETURNED, COPY OF INTERVENING COMPLAINT AND SUMMONS DELIVERED TO REBECCA LOVELL ESTATE ON 09/16/15, FILED. [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9169]	
		9/21/2015	ELECTRONIC POSTAL RECEIPT RETURNED, COPY OF INTERVENING COMPLAINT AND SUMMONS DELIVERED TO RUBY ADAMS ON 09/14/15, FILED. [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9138]	
		9/17/2015	NOTICE TO DONALD J RAFFERTY AS TO UNDELIVERED SERVICE ON JUDITH PECK WAGEMAN SERVICE TYPE: CERTIFIED MAIL SERVICE REASON CODE: NOT DELIVERABLE AS ADDRESSED [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9077]	
		9/14/2015	ELECTRONIC POSTAL RECEIPT RETURNED, COPY OF INTERVENING COMPLAINT AND SUMMONS DELIVERED TO ANGELA M FORD ESQ ON 09/11/15, FILED. [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9060]	
		9/14/2015	ELECTRONIC POSTAL RECEIPT RETURNED, COPY OF INTERVENING COMPLAINT AND SUMMONS DELIVERED TO LINDA BRUMLEY ON 09/11/15, FILED. [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9107]	
		9/10/2015	REPLY IN SUPPORT OF PETITIONERS MOTION FOR LEAVE TO FILE VERIFIED STATEMENT OF SUPPLEMENTAL FACTS	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO RUBY GODBEY	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO REBECCA LOVELL ESTATE	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO LOUISA MOSS HOWARD	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO JUDITH PECK WAGEMAN	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO RUBY ADAMS	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO BETTY KELLY	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO PATRICIA KENNEDY	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO LINDA BRUMLEY	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO CAROL BOGGS	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO JAYNE ADAMS	
		9/9/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO ANGELA M FORD ESQ	
		9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO BETTY KELLY [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9121]	
		9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO LINDA BRUMLEY [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9107]	
		9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO RUBY GODBEY [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9145]	

A TRUE COPY
ATTEST: TRACY WINKLER
CLERK OF THE COMMON PLEAS COUNTY COURT, HAMILTON COUNTY, OHIO
DEPUTY

COMMON PLEAS COURT COUNTY OF HAMILTON

	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO PATRICIA KENNEDY [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9114]	
	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO LOUISA MOSS HOWARD [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9152]	
	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO JAYNE ADAMS [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9084]	
	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO REBECCA LOVELL ESTATE [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9169]	
	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO JUDITH PECK WAGEMAN [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9077]	
	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO ANGELA M FORD ESQ [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9060]	
	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO CAROL BOGGS [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9091]	
	9/9/2015	CERTIFIED MAIL SERVICE ISSUED TO RUBY ADAMS [CERTIFIED MAIL NBR.: 7194 5168 6310 0761 9138]	
	9/8/2015	DEFENDANT ANGELA M FORD ANSWER TO THE SECOND AMENDED AND SUPPLEMENTAL VERIFIED PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF	
	9/8/2015	MOTION FOR ENFORCEMENT OF RESTRAINING ORDER	
	9/8/2015	ISSUE DESK - POSTAGE DEP. BY DAVID FEHR RECEIPT NBR: 151000014333	77.00-
	9/8/2015	ISSUE DESK - DEPOSIT BY ERIC FEHR RECEIPT NBR: 151000014329	75.00-
	9/4/2015	WRITTEN REQUEST FOR CERTIFIED MAIL SERVICE OF SUMMONS AND COMPLAINT ON (INTERVENOR COMPLAINT) ALL PARTIES LISTED ON WRITTEN REQUEST	
	9/4/2015	COMPLAINT OF INTERVENOR WAITE SCHNEIDER BAYLESS & CHESLEY CO LPA FOR DECLARATORY & INJUNCTIVE RELIEF	
	9/3/2015	RESPONDENT ANGELA M FORD ESQ RESPONSE TO PETITIONER MOTION FOR LEAVE TO FILE VERIFIED STATEMENT OF SUPPLEMENTAL FACTS IN SUPPORT OF PETITION FOR PERMANENT INJUNCTION	
	9/1/2015	PROCESS SERVER REQUESTED, BUT NOT SERVED ON BETTY KELLY ESTATE PROPERTY IS A VACANT LOT	
	8/26/2015	ORDER GRANTING MOTION OF INTERVENOR WAITE SCHNEIDER BAYLESS & CHESLEY CO., L.P.A. FOR DECLARATORY AND INJUNCTIVE RELIEF	
	8/26/2015	PROCESS SERVER REQUESTED, BUT NOT SERVED ON PATRICIA KENNEDY OWNS PROPERTY BUT DOES NOT LIVE THERE. A VACATION OR POSSIBLE INCOME PROPERTY INVESTMENT. NEIGHBOR SAID SHE WOULD NOT BE AROUND FOR A COUPLE MORE MONTHS	
	8/25/2015	ORDER GRANTING PETITIONER'S MOTION FOR LEAVE TO FILE SECOND AMENDED VERIFIED PETITION	
	8/24/2015	ENTRY OF RE-ASSIGNMENT	
	8/21/2015	MOTION FOR LEAVE TO FILE VERIFIED STATEMENT OF SUPPLEMENTAL FACTS IN SUPPORT OF PETITION FOR PERMANENT INJUNCTION	
	8/19/2015	JUDGE REASSIGNED CASE TRANSFERRED FROM FOLEY III/J. PATRICK CLERICAL ERROR PRIMARY	
	8/19/2015	JUDGE ASSIGNED CASE ASSIGNED TO RUEHLMAN/ROBERT/P PRIMARY	
	8/18/2015	NOTICE OF FILING CERTIFIED COPIES	
	8/11/2015	DEFENDANT ANGELA M FORDS RESPONSE IN OPPOSITION TO PLAINTIFFS MOTION TO AMEND THE COMPLAINT	
	8/11/2015	DEFENDANT ANGELA M. FORDS RESPONSE IN OPPOSITION TO PLAINTIFFS STATEMENT IN FAVOR OF INTERVENTION BY WAITE SCHNEIDER BAYLESS CHESLEY CO LPA	
	8/6/2015	RETURN OF SERVICE BY PROCESS SERVER ON JAYNE ADAMS MITIC ON 08/02/15	
	8/6/2015	RETURN OF SERVICE BY PROCESS SERVER ON CAROL BOGGS ON 08/02/15	

	8/4/2015	ENTRY OF RE-ASSIGNMENT
	7/30/2015	REPLY TO DEFENDANT ANGELA M FORDS RESPONSE IN OPPOSITION TO THE MOTION OF INTERVENOR WAITE SCHNEIDER BAYLESS & CHESLEY CO LPA FOR DECLARATORY AND INJUNCTIVE RELIEF
	7/29/2015	PETITIONERS STATEMENT IN FAVOR OF INTERVENTION BY WAITE SCHNEIDER BAYLESS & CHESLEY CO LPA
	7/29/2015	JUDGE REASSIGNED CASE TRANSFERRED FROM LUEBBERS/JODY/M DISQUALIFICATION PRIMARY
	7/29/2015	JUDGE ASSIGNED CASE ROLLED TO FOLEY III/J. PATRICK PRIMARY
	7/29/2015	SUMMONS ISSUED BY PROCESS SERVER TO BETTY KELLY
	7/29/2015	SUMMONS ISSUED BY PROCESS SERVER TO JAYNE ADAMS
	7/29/2015	SUMMONS ISSUED BY PROCESS SERVER TO PATRICIA KENNEDY
	7/29/2015	SUMMONS ISSUED BY PROCESS SERVER TO CAROL BOGGS
	7/28/2015	ENTRY OF DISQUALIFICATION
	7/28/2015	WRITTEN REQUEST FOR PROCESS SERVER OF SUMMONS AND COMPLAINT ON PATRICIA KENNEDY, CAROL BOGGS, JAYNE ADAMS MITIC, BETTY KELLY ESTATE
	7/22/2015	DEFENDANT ANGELA M FORDS RESPONSE IN OPPOSITION TO THE MOTION TO INTERVENE FILED BY WAITE SCHNEIDER BAYLESS AND CHESLEY CO LPA
	7/22/2015	PETITIONERS MOTION FOR LEAVE TO FILE SECOND AMENDED VERIFIED PETITION
	7/21/2015	DEFENDANT ANGELA M FORDS ANSWER TO THE FIRST AMENDED AND SUPPLEMENTAL VERIFIED PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF
	7/9/2015	NOTICE OF FILING INTERVENOR WAITE SCHNEIDER BAYLESS AND CHESLEY CO LPAS PROPOSED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
	7/7/2015	ORDER
	7/7/2015	ORDER
	6/26/2015	NOTIFICATION FORM FILED.
	6/26/2015	MOTION OF INTERVENOR WAITE SCHNEIDER BAYLESS & CHESLEY CO LPA FOR DECLARATORY AND INJUNCTIVE RELIEF
	6/23/2015	DEFENDANT ANGELA FORDS RESPONSE IN OPPOSITION TO PLAINTIFFS MOTION FOR DEFAULT JUDGMENT
	6/23/2015	DEFENDANT ANGELA FORDS MOTION AND SUPPORTING MEMORANDUM FOR HEARING ON PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION
	6/17/2015	NOTICE OF WITHDRAWAL WITHOUT PREJUDICE PETITIONERS PENDING COMBINED MOTION AND VERIFIED MEMORANDUM FILED MAY 22 2015
	6/15/2015	PETITIONERS MOTION FOR DEFAULT JUDGMENT AGAINST RESPONDENT
	6/10/2015	DEFENDANT ANGELA M FORDS RESPONSE IN OPPOSITION TO PLAINTIFFS COMBINED MOTION AND VERIFIED MEMORANDUM RE FORDS KENTUCKY DISCOVERY SEEKING THE INFORMATION OF NON PARTY OHIOANS
	6/5/2015	NOTICE TO VINCENT E MAUER AS TO UNDELIVERED SERVICE ON CAROL BOGGS SERVICE TYPE: REGULAR MAIL SERVICE REASON CODE: INSUFFICIENT ADDRESS
	6/5/2015	NOTICE TO VINCENT E MAUER AS TO UNDELIVERED SERVICE ON JAYNE ADAMS UNABLE TO FORWARD
	6/4/2015	DEFENDANT ANGELA M FORDS MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE IN OPPOSITION TO PLAINTIFFS COMBINED MOTION AND VERIFIED MEMORANDUM RE FORDS KENTUCKY DISCOVERY SEEKING THE INFORMATION OF NON PARTY OHIOANS WITH ATTACHED ORDER
	6/1/2015	NOTICE TO VINCENT E MAUER AS TO UNDELIVERED SERVICE ON PATRICIA KENNEDY UNABLE TO FORWARD

	5/29/2015	ENTRY TRANSFERRING CASE	
	5/26/2015	DEFENDANT ANGELA M FORDS OBJECTIONS TO PLAINTIFFS PROPOSED ORDER DENYING HER MOTION TO DISMISS THE COMPLAINT AND MOTION TO DISSOLVE THE TEMPORARY RESTRAINING ORDER	
	5/22/2015	COMBINED MOTION AND VERIFIED MEMORANDUM RE FORDS KENTUCKY DISCOVERY SEEKING INFORMATION OF NON PARTY OHIOANS	
	5/22/2015	NOTICE TO VINCENT E MAUER AS TO UNDELIVERED SERVICE ON BETTY KELLY SERVICE TYPE: REGULAR MAIL SERVICE REASON CODE: NOT DELIVERABLE AS ADDRESSED	
	5/14/2015	AMENDED MEMORANDUM IN OPPOSITION TO MOTION TO DECLARE RESTRAINING ORDER DISSOLVED OR TO DISSOLVE THEM	
	5/14/2015	MOTION FOR LEAVE TO FILE SURREPLY	
	5/13/2015	REPLY IN SUPPORT OF DEFENDANT ANGELA M FORD MOTION TO DISMISS THE COMPLAINT	
	5/12/2015	NOTICE OF FILING DOCUMENTS	
	5/7/2015	OPPOSITION TO MOTION TO DISMISS	
	5/6/2015	SUMMONS ISSUED BY REGULAR MAIL TO CAROL BOGGS	
	5/6/2015	SUMMONS ISSUED BY REGULAR MAIL TO LINDA BRUMLEY	
	5/6/2015	SUMMONS ISSUED BY REGULAR MAIL TO BETTY KELLY	
	5/6/2015	SUMMONS ISSUED BY REGULAR MAIL TO PATRICIA KENNEDY	
	5/6/2015	SUMMONS ISSUED BY REGULAR MAIL TO JAYNE ADAMS	
	5/6/2015	SUMMONS ISSUED BY REGULAR MAIL TO JUDITH PECK WAGEMAN	
	5/6/2015	REGULAR MAIL SERVICE ISSUED TO LINDA BRUMLEY	
	5/6/2015	REGULAR MAIL SERVICE ISSUED TO JUDITH PECK WAGEMAN	
	5/6/2015	REGULAR MAIL SERVICE ISSUED TO PATRICIA KENNEDY	
	5/6/2015	REGULAR MAIL SERVICE ISSUED TO BETTY KELLY	
	5/6/2015	REGULAR MAIL SERVICE ISSUED TO JAYNE ADAMS	
	5/6/2015	REGULAR MAIL SERVICE ISSUED TO CAROL BOGGS	
	5/6/2015	CERTIFICATE OF REGULAR MAIL FILED. BETTY KELLY	
	5/6/2015	CERTIFICATE OF REGULAR MAIL FILED. LINDA BRUMLEY	
	5/6/2015	CERTIFICATE OF REGULAR MAIL FILED. JAYNE ADAMS	
	5/6/2015	CERTIFICATE OF REGULAR MAIL FILED. CAROL BOGGS	
	5/6/2015	CERTIFICATE OF REGULAR MAIL FILED. JUDITH PECK WAGEMAN	
	5/6/2015	CERTIFICATE OF REGULAR MAIL FILED. PATRICIA KENNEDY	
	5/4/2015	WRITTEN REQUEST FOR REGULAR MAIL SERVICE OF AMENDED SUMMONS & COMPLAINT ON SERVE ALL PARTIES LISTED	
	5/4/2015	FIRST AMENDED AND SUPPLEMENTAL VERIFIED PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF	
	4/28/2015	NOTICE OF FILING DOCUMENTS FROM DISMISSED FEDERAL AND BOONE CIRCUIT COURT CASES	
	4/14/2015	NOTIFICATION FORM FILED.	
	4/13/2015	NOTICE OF FILING CERTIFIED FEDERAL COURT DOCUMENTS REMANDING THIS CASE	
	4/13/2015	CIVIL DOCKET	
	4/13/2015	OPINION AND ORDER	
	2/26/2015	MONEY RECEIVED & COST PAID BY FROST BROWN TODD RECEIPT NBR: 153000001482	138.00-
	2/10/2015	NOTICE TO VINCENT E MAUER AS TO UNCLAIMED SERVICE ON ANGELA M FORD ESQ SERVICE TYPE: CERTIFIED MAIL SERVICE REASON CODE: UNCLAIMED [CERTIFIED MAIL NBR.: 7194 5168 6310 0737 0404]	

	2/6/2015	NOTIFICATION FORM FILED.	
	2/5/2015	COMBINED VERIFIED MOTION AND SUPPORTING MEMORANDUM SEEKING AMPLIFICATION OF RESTRAINING ORDER	
	2/5/2015	REGULAR MAIL SERVICE ISSUED TO ANGELA M FORD ESQ	
	2/5/2015	REGULAR MAIL SERVICE ISSUED TO WILLIAM T RAMSEY ESQ	
	2/5/2015	SUMMONS ISSUED BY REGULAR MAIL TO WILLIAM T RAMSEY ESQ	
	2/5/2015	SUMMONS ISSUED BY REGULAR MAIL TO ANGELA M FORD ESQ	
	2/5/2015	INDEX ADJUSTMENT: PARTY NAME CHANGED FROM FORD ANGELA M(MGLO) TO FORD ANGELA M ESQ(KWAN)	
	2/5/2015	NOTICE OF FILING NOTICE OF REMOVAL	
	2/5/2015	CERTIFICATE OF REGULAR MAIL FILED. ANGELA M FORD ESQ	
	2/5/2015	CERTIFICATE OF REGULAR MAIL FILED. WILLIAM T RAMSEY ESQ	
	2/4/2015	WRITTEN REQUEST FOR REGULAR MAIL SERVICE OF SUMMONS AND COMPLAINT ON ALSO SEVE MOTION AND MEMORANDUM. ANGELA M FORD AND WILLIAM T RAMSEY	
	1/14/2015	RESTRAINING ORDER AGAINST CERTAIN ACTIONS BY RESPONDENTS AND SETTING HEARING	
	1/14/2015	JUDGE ASSIGNED CASE ROLLED TO LUEBBERS/JODY/M PRIMARY	
	1/12/2015	AFFIDAVIT OF VINCENT E MAUER RE NOTICE TO RESPONDENT FORD	
	1/8/2015	CERTIFIED MAIL SERVICE ISSUED TO ANGELA M FORD [CERTIFIED MAIL NBR.: 7194 5168 6310 0737 0404]	
	1/8/2015	SUMMONS ISSUED BY CERTIFIED MAIL TO ANGELA M FORD	
	1/7/2015	EX PARTE TEMPORARY RESTRAINING ORDER AGAINST CERTAIN ACTIONS BY RESPONDENTS AND ORDER SETTING HEARING	
	1/7/2015	MOTION MOTION FOR AN ORDER RESTRAINING REGISTRATION & ENFORCEMENT OF KENTUCKY JUDGMENT & DOCUMENT DESTRUCTION	
	1/7/2015	VERIFIED MEMORANDUM IN SUPPORT OF MOTION FOR INJUNCTIVE RELIEF	
	1/7/2015	INITIAL CASE DEPOSIT PAID BY VINCENT E MAUER	325.00-
	1/6/2015	COMPLAINT FILED	
	1/6/2015	CLASSIFICATION FORM FILED.	

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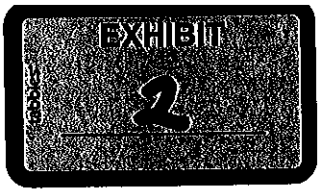
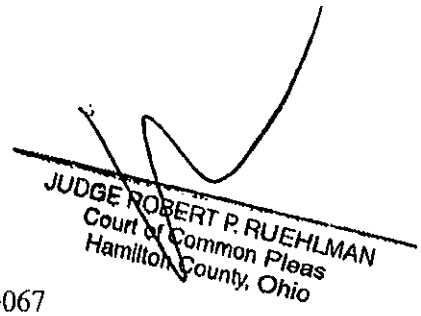


COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO



Stanley M. Chesley,	:	Case No. A1500067
	:	
Petitioner	:	Judge Ruehlman
v.	:	
Angela M. Ford, Esq. *et al.*	:	**RESTRAINING ORDER AGAINST CERTAIN ACTIONS BY RESPONDENTS AND SETTING HEARING**
	:	
Respondents.	:	

ENTERED
JAN 14 2015

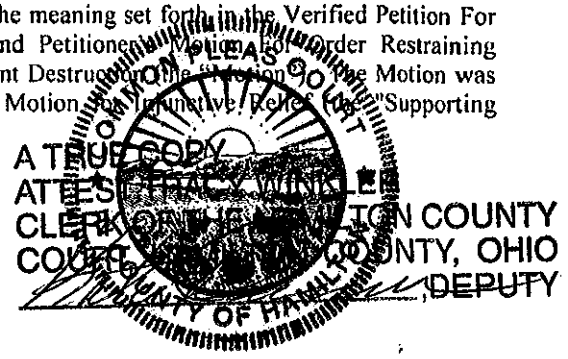
This matter first came before the Court on January 7, 2015 at an *ex parte* conference. Thereafter, the Court entered its *EX PARTE* TEMPORARY RESTRAINING ORDER AGAINST CERTAIN ACTIONS BY RESPONDENTS AND ORDER SETTING HEARING (the "Temporary Restraining Order"). The Temporary Restraining Order set a January 14, 2015 hearing on the pending Petitioner's Motion for Order Restraining Registration and Enforcement of Kentucky Judgment and Document Destruction (the "Motion").[1]

Respondent Angela M. Ford was given actual notice of the hearing on January 14, 2015, see Affidavit of Vincent E. Mauer filed in this matter. Respondent Angela M. Ford ("Ford") did not present any evidence on or before January 14, 2015. The Court's preliminary Findings of Fact and Conclusions of Law set forth in the Temporary Restraining Order continue to be the Court's preliminary findings and conclusions and are incorporated herein by reference.

Until further Court order to the contrary or agreement of the Parties approved by the Court:

1. Respondent Ford, any co-counsel acting with her and any other Ohio lawyer representing any of the Unknown Respondents are enjoined from (i) taking any action in the

[1] Capitalized terms in this Order that are not defined herein have the meaning set forth in the Verified Petition For Declaratory Judgment And Injunctive Relief (the "Petition") and Petitioner's Motion for Order Restraining Registration and Enforcement of Kentucky Judgment and Document Destruction (the "Motion"). The Motion was supported by Petitioner's Verified Memorandum in Support of Motion for Injunctive Relief (the "Supporting Memo").



State of Ohio to enforce the Chesley Judgment or (ii) serving any Chesley asset related discovery on any Ohio resident, citizen or domiciliary, except that discovery may be served on Chesley in any non-Ohio jurisdiction if permitted by the rules applicable to that jurisdiction;

2. Respondent Ford, any co-counsel acting with her and any other Ohio lawyer representing any of the Unknown Respondents are enjoined from making any filing in any Ohio court that would be or could be part of an effort to domesticate or register the Chesley Judgment in Ohio;

3. Ford, the Unknown Respondents and any other person acting on behalf of the Unknown Respondents are enjoined from taking any action to collect the Chesley Judgment in the State of Ohio from any Ohio resident, Ohio citizen or Ohio domiciled entity;

4. Ford, the Unknown Respondents and any other person acting on behalf of Ford and the Unknown Respondents are enjoined from issuing any subpoena seeking documents or testimony to any Ohio resident, Ohio citizen or Ohio domiciled entity (other than Chesley) if the purpose of the requested documents or testimony would be to obtain information related to any effort to enforce the Chesley Judgment; and

5. Ford, the Unknown Respondents and any other person acting on behalf of Ford or the Unknown Respondents are enjoined and prohibited from destroying, damaging or secreting any documents or electronically stored information relevant to any of the issues described in this Petition, the Motion or the Supporting Memo including but not limited to any document or electronic information that reflects any (i) collection of funds collected and/or credited against the Criminal Defendants Judgment, (ii) restitution obligations of the Criminals, (iii) forfeiture of any assets in the Criminal Case, (iv) funds Ford or any affiliated entity transferred to or from Johnston, (v) funds transferred to or for the benefit of any Criminal Case victims who are not

Abbott Case plaintiffs; (vi) amounts distributed to the Abbott Case plaintiffs; (vi) operation of the Tandy LLC receivership; (vii) funds transferred to or subsequently by the United States Marshall's Service related to the Criminal Case or the Abbott Case, and (viii) the legal fees and expenses of Ford and her co-counsel in the Abbott Case.

This matter will come on for a hearing on the Motion's request for a preliminary injunction on ~~February~~ March 4, 2015 at 9:00 AM o'clock. At that hearing, the Court may consider, any or all of the issues discussed in the Petition, the Temporary Restraining Order or this Order including, but not limited to:

(a) All evidence, testimony, and exhibits to be offered by Petitioner and Respondents at this preliminary stage of this matter relevant to any continuation of the prohibitions set forth in the Temporary Restraining Order or this Order;

(b) Whether to convert the existing Temporary Restraining Order and this Order into a Preliminary Injunction;

(c) At the next hearing, the Court expects specifically to address whether the Court should grant the relief outlined on pages 7-9 of its Temporary Restraining Order, including without limitation, whether the Unknown Respondents should be made parties to this proceeding and whether or not the Court should order Respondent Ford to identify by name and address each of the current Unknown Respondents; and

(d) Ordering Respondent to disclose the amount alleged to be owed to each of the Unknown Respondents, and directing Respondent to provide a complete accounting of all funds received by the Unknown Respondents in the Abbott Case, all funds received by the Unknown Respondents from Respondent Ford, all fees and expenses received by Respondent Ford or paid by Respondent Ford to third parties on account

of the Abbott Case matter, and all accounting records Respondent Ford has prepared for the Unknown Respondents all as may be needed to permit Chesley to confirm any calculation of the current total amount of the Chesley Judgment that the Court may order be provided to Chesley.

Petitioner did not request and the Court does not currently intend to combine this hearing with the hearing on the merits of the Motion as permitted by Ohio Civ. R. 65(C).

After considering Petitioner's request for continuation of the relief granted in the Temporary Restraining Order and this Order, the Court will address the status of the Unknown Respondents as that issue is described in the Temporary Restraining Order.

Chesley is not required to post any security for this Order to be effective.

Chesley's counsel will transmit a courtesy copy of this Order to Respondent Ford both electronically and by first class United States mail, postage prepaid.

Entered this 14th day of January, 2015

JUDGE ROBERT P. RUEHLMAN
Court of Common Pleas
Hamilton County, Ohio

Robert P. Ruehlman, Judge
Hamilton County Court of Common Pleas

Copies to:

Vincent E. Mauer, Esq.
FROST BROWN TODD LLC
3300 Great American Tower
301 E. Fourth Street
Cincinnati, Ohio

Angela M. Ford, Esq.
Chevy Chase Plaza
836 Euclid Avenue, Suite 311
Suite 311
Lexington, KY 40502

EXHIBIT 3

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

Stanley M. Chesley,	:	Case No. A1500067
Petitioner	:	Judge Ruehlman
v.	:	
Angela M. Ford, Esq. *et al.*	:	**AFFIDAVIT OF VINCENT E. MAUER RE NOTICE TO RESPONDENT FORD**
Respondents.	:	

The undersigned swears and affirms as follows:

1. I am over 18 years of age and have never been declared mentally incompetent. I have personal knowledge of the facts set forth herein. I am one of the counsel representing the Petitioner in this matter. This affidavit is made for use in the above-captioned case.

2. On January 7, 2015 I caused the mailing of a true and complete file stamped copy of the (i) Verified Petition For Declaratory Judgment And Injunctive Relief (the "Petition"), (ii) Petitioner's Motion For Order Restraining Registration and Enforcement of Kentucky Judgment and Document Destruction (the "Motion") and (iii) Petitioner's Verified Memorandum in Support of Motion for Injunctive Relief (the "Supporting Memo") to Respondent Angela M. Ford ("Ford") by first class United States mail, postage prepaid. See Exhibit A.

3. Also on January 7, 2014, I e-mailed to respondent Ford a copy of the Court's *EX PARTE* TEMPORARY RESTRAINING ORDER AGAINST CERTAIN ACTIONS BY RESPONDENTS AND ORDER SETTING HEARING (the "Temporary Restraining Order"). See Exhibit B. I know that Ford received this e-mail because she responded to it, see Exhibit B. A copy of the Temporary Restraining Order was also mailed to Ford by first class United States mail, postage prepaid. Ford has actual knowledge of the hearing set for January 14, 2015 in the above-captioned matter.

COMMON PLEAS COURT
A TRUE COPY
ATTEST TRACY WINKLER
CLERK OF THE COMMON PLEAS COURT, HAMILTON COUNTY, OHIO
DEPUTY

4. In response to Ford's e-mail, Exhibit B, I prepared a proposed agreed order. That proposed order was e-mailed to Ford on January 9, 2015. See Exhibit C. Ford responded to that e-mail on January 10, 2015, see Exhibit C.

5. I responded to Ford's e-mail on January 11, 2015 in that response, I offered to send Ford any documents she had not yet received, see Exhibit D.

6. Further Affiant sayeth naught.

The above affidavit is true and correct to the best of my knowledge and belief.

Vincent E. Mauer

Vincent E. Mauer

Sworn and subscribed in my presence on January 12, 2015 by Vincent E. Mauer who is known to me.

Melissa A. Zahn

Notary public, State of Ohio

Melissa A. Zahn
Notary Public, State of Ohio
My Commission Expires November 1, 2019

My commission expires on 11/01/19

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on Angela M. Ford, Esq., Chevy Chase Plaza, 836 Euclid Avenue, Suite 311, Lexington, KY 40502 by first class United States mail, postage prepaid, on January 12, 2015.

/s/ Vincent E. Mauer
Vincent E. Mauer, Esq.
Counsel for petitioner

0118087.0619701 4816-4323-2289v1

ELECTRONICALLY FILED 01/12/2015 14:21 / AFFD / A 1500067 / CONFIRMATION NUMBER 384618

Frost Brown Todd LLC
ATTORNEYS

Vincent E. Mauer
Member
513.651.6785 (t)
513.651.6981 (f)
vmauer@fbtlaw.com

January 7, 2015

Angela M. Ford, Esq.
Chevy Chase Plaza
836 Euclid Avenue, Suite 311
Lexington, Kentucky 40502

Re: *Stanley M. Chesley v. Angela M. Ford, et al.*
Hamilton County, Ohio Case No. A1500067

Dear Ms. Ford:

Enclosed please find copies of three pleadings I filed on behalf of Stanley M. Chesley in the Hamilton County, Ohio Court of Common Pleas yesterday.

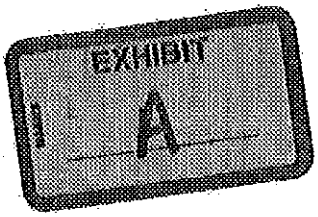
Sincerely,

Vincent E. Mauer

Vincent E. Mauer

Enclosures

0118087.0619701 4829-1639-2993v1



ELECTRONICALLY FILED 01/12/2015 14:21 / AFFD / A 1500067 / CONFIRMATION NUMBER 384618

Mauer, Vincent E.

From: Angela Ford [amford@windstream.net]
Sent: Thursday, January 08, 2015 4:50 PM
To: Mauer, Vincent E.
Cc: Snyder, Sheryl; 'Rafferty, Donald'
Subject: RE: Chesley v. Ford -- Ohio TRO in case A1500067

I'll accept the judge's invitation to adjourn his hearing to February. I'll give you available dates tomorrow.

Angela M. Ford, Esq.
Chevy Chase Plaza
836 Euclid Avenue, Suite 311
Lexington, Kentucky 40502
859 268 2923
859 268 9141 fax

From: Mauer, Vincent E. [mailto:VMauer@fbtlaw.com]
Sent: Wednesday, January 07, 2015 1:21 PM
To: amford@windstream.net
Cc: Snyder, Sheryl; Rafferty, Donald
Subject: FW: Chesley v. Ford -- Ohio TRO in case A1500067

Ms. Ford, attached please find an order entered in response to the pleadings I e-mailed to you earlier today. As you can see, a hearing has been set for January 14, 2015 at 9:00 AM before Judge Ruehlman.

The judge will be on vacation the last two weeks in January. He directed us to tell that fact to you and to invite an adjournment of the hearing into February if you so choose so that you would have time to react to our filings. If you want to move the hearing into February, please let me know and give me some dates convenient for you and any Ohio counsel you retain – I will then address the change with the Court's staff.

Please let me know if you have any questions. Vince Mauer

Vincent E. Mauer
Attorney at Law | Frost Brown Todd LLC

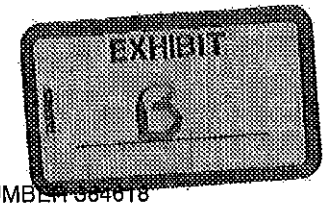
3300 Great American Tower | 301 East Fourth Street | Cincinnati, OH 45202
513.651.6765 Direct | 513.651.6800 Main | 513.609.2388 Mobile | 513.651.6981 Fax
vmauer@fbtlaw.com | www.frostbrowntodd.com

From: Rafferty, Donald [mailto:DRafferty@ctks.com]
Sent: Wednesday, January 07, 2015 10:07 AM
To: Mauer, Vincent E.
Cc: Stan Chesley (stanchesley@wsbclaw.com); Nelson, Richard
Subject: Chesley v. Ford -- Ohio TRO [IWOV-CTKSDMS.FID243001]

Vince

Attached is a copy of the TRO entered by Judge Ruehlman this morning. Please forward it to Angela Ford. Please also let me know how the communication with Angela goes, particularly whether she is willing to agree to continue the next hearing until sometime after the Judge returns from his trip.

Don



ELECTRONICALLY FILED 01/12/2015 14:21 / AFFD / A 1500067 / CONFIRMATION NUMBER 384618

Donald J. Rafferty
COHEN TODD KITE & STANFORD, LLC
250 E. Fifth Street, Suite 2350
Cincinnati, Ohio 45202
Direct: (513) 333-5243
Mobile: (513) 703-2462

NOTICE: This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain information that is privileged or confidential. It is not to be transmitted to or received by anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via email or by calling Frost Brown Todd LLC at (513) 651-6800 (collect), so that our address record can be corrected.

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Mauer, Vincent E.

From: Angela Ford [amford@windstream.net]
Sent: Saturday, January 10, 2015 4:25 PM
To: Mauer, Vincent E.
Cc: Snyder, Sheryl
Subject: Re: DRAFT of Agreed Order setting hearing in Feb.

I have not been properly served with your petition and no effort was made to provide any notice prior to the hearing, as your civil rules require. Since I am not yet a party and have not retained counsel I will not agree to any orders.

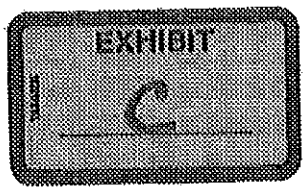
Sent from my iPhone

On Jan 9, 2015, at 3:24 PM, "Mauer, Vincent E." <VMauer@fbtlaw.com> wrote:

> Ms. Ford, attached please find a DRAFT for your review of a limited Agreed Order extending the restrictions in the TRO and setting the hearing in Feb. 2015. I have not yet contacted the court to actually reset the hearing because I have not yet received your list of preferred dates.
>
> This DRAFT has not yet been approved by the client so I may have minor adjustments, but given the need to track the TRO, I do not expect any significant issues.
>
> Please review this and give my your thoughts. Also, please send ASAP dates for the haring in February as we want to get on the judge's calendar soon -- he will be busy after returning from vacation.

NOTICE: This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain information that is privileged or confidential. It is not to be transmitted to or received by anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via email or by calling Frost Brown Todd LLC at (513) 651-6800 (collect), so that our address record can be corrected.

<Agreed Order delaying hearing on TRO - 4820-7858-2305.1.docx>



ELECTRONICALLY FILED 01/12/2015 14:21 / AFFD / A 1500067 / CONFIRMATION NUMBER 384618

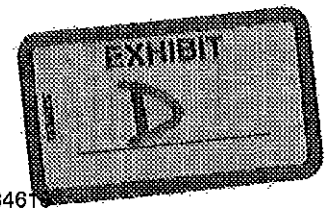
Mauer, Vincent E.

From:	Mauer, Vincent E.
Sent:	Friday, January 09, 2015 3:25 PM
To:	'Angela Ford'
Cc:	Snyder, Sheryl
Subject:	DRAFT of Agreed Order setting hearing in Feb.
Attachments:	Agreed Order delaying hearing on TRO - 4820-7858-2305.1.docx

Ms. Ford, attached please find a DRAFT for your review of a limited Agreed Order extending the restrictions in the TRO and setting the hearing in Feb. 2015. I have not yet contacted the court to actually reset the hearing because I have not yet received your list of preferred dates.

This DRAFT has not yet been approved by the client so I may have minor adjustments, but given the need to track the TRO, I do not expect any significant issues.

Please review this and give my your thoughts. Also, please send ASAP dates for the haring in February as we want to get on the judge's calendar soon -- he will be busy after returning from vacation.



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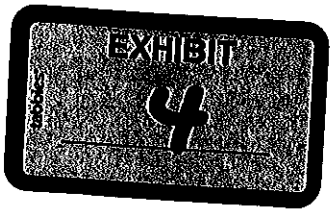

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STANLEY M. CHESLEY,	:	Case No. A1500067
Plaintiff,	:	(JUDGE ROBERT P. RUEHLMAN)
vs.	:	**RESPONDENT ANGELA M. FORD, ESQ.'S RESPONSE TO PETITIONER'S MOTION FOR LEAVE TO FILE VERIFIED STATEMENT OF SUPPLEMENTAL FACTS IN SUPPORT OF PETITION FOR PERMANENT INJUNCTION**
ANGELA M. FORD, ESQ., et al.	:	
Defendants.	:	

Defendant Angela M. Ford, Esq. ("Ms. Ford") objects to Stanley M. Chesley's ("Chesley") motion to amend. First, this amendment is futile and should not be permitted. *See Hensley v. Durrani*, 1st Dist. Hamilton No. C-130005, 2013-Ohio-4711, ¶ 14 (recognizing that a trial court has the discretion to deny a motion to amend the complaint when the amendment would be futile). The amended pleading still fails to assert any cause of action against Ms. Ford, and Ms. Ford continues to be an improper defendant. She is the attorney for Chesley's judgment creditors—not a judgment creditor herself. Thus, she has no adverse legal interest to Chesley, and this case is not justiciable. *See State ex rel. Barclays Bank PLC v. Hamilton County Court of Common Pleas*, 74 Ohio St. 3d 536, 542, 660 N.E.2d 458 (1996).

Second, Chesley's amended pleading serves no purpose. This matter is set for hearing on September 30, 2015. At that time, Chesley will have the opportunity to offer all evidence into the record to support his motion for permanent injunction. Amending the petition to include additional facts is not sufficient and will not serve as evidence in that hearing because it does not comply with the Ohio Rules of Evidence. Chesley must

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COURT, HAMILTON COUNTY, OHIO
BY: _____, DEPUTY

offer all necessary evidence to support his petition for permanent injunction through the hearing.

Third, whether Ms. Ford complies with other states' laws in executing the judgment against Chesley is not relevant to this matter—nor is it properly before this Court. This Court does not have jurisdiction to interpret or apply the law of other states. Ms. Ford need not follow Ohio law when enforcing the judgment against Chesley in other states. She must follow those states' laws, and if she does not, the remedy is to petition the sister state courts to enforce their laws. R.C. 2329 *et seq.* applies only to the extent that Ms. Ford seeks to domesticate and enforce the judgment in Ohio. She has not done that, as this Court's order expressly prohibits her from doing so. (*See* 1/14/14 Restraining Order, at ¶ 2).

Respectfully submitted,

/s/ ***Brian S. Sullivan***
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following via U.S. Mail on this 3rd day of September, 2015:

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