

IN THE SUPREME COURT OF OHIO

STATE *ex rel.* ANGELA M. FORD, ESQ., :  
: **CASE NO. 2015-1470**  
Relator, :  
:   
-vs- : **ORIGINAL ACTION**  
: **IN PROHIBITION**  
HONORABLE ROBERT P. RUEHLMAN, : **AND MANDAMUS**  
:   
Respondent. :

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**MOTION OF PROPOSED INTERVENORS STANLEY M. CHESLEY AND THE LAW FIRM OF WAITE, SCHNEIDER, BAYLESS & CHESLEY CO., L.P.A. FOR AN ORDER EXPEDITING CONSIDERATION OF THE MOTION TO INTERVENE AND FOR JUDGMENT ON THE PLEADINGS, AND TO VACATE THE SEPTEMBER 17, 2015, ORDER STAYING THE HAMILTON COUNTY ACTION**

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**MOTION OF PROPOSED INTERVENORS STANLEY M. CHESLEY AND THE  
LAW FIRM OF WAITE, SCHNEIDER, BAYLESS & CHESLEY CO., L.P.A. FOR AN  
ORDER EXPEDITING CONSIDERATION OF THE MOTION TO INTERVENE  
AND FOR JUDGMENT ON THE PLEADINGS, AND TO VACATE THE SEPTEMBER  
17, 2015, ORDER STAYING THE HAMILTON COUNTY ACTION**

Proposed Intervenors Stanley M. Chesley (“Mr. Chesley”) and the law firm of Waite, Schneider, Bayless & Chesley Co., L.P.A. (“the Waite Firm”) move this Court for an order expediting the briefing and consideration of their Motion for Leave to Intervene and, if that Motion is granted, further expediting the briefing and consideration of their Motion for Judgment on the Pleadings. The Proposed Intervenors also move for an order vacating its September 17, 2015, Entry ordering a stay of enforcement of Respondent’s orders in the underlying action, with the exception that Respondent remain precluded from proceeding to a final hearing on injunctive relief until this Court rules on the Motion for Judgment on the Pleadings.

As set forth in the attached Memorandum in Support, this Court’s order staying the proceedings below has not only altered the status quo, Relator is now taking advantage of the stay to use a Hamilton County court to proceed against Ohio individuals and entities in the collection matter that is the very subject of the Hamilton County Action. In short, Relator is attempting to pull off a rope-a-dope on this Court – including by an October 2, 2015, filing of a new action in Hamilton County. Such conduct should not be tolerated.

Respectfully submitted,

/s/ Marion H. Little, Jr.

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## **MEMORANDUM IN SUPPORT**

By way of this original action, filed on September 4, 2015, Relator Angela M. Ford seeks to, effectively, take an interlocutory appeal from the decisions of Respondent, the Honorable Robert P. Ruehlman, granting injunctive relief to the Proposed Intervenors in the underlying action, Stanley M. Chesley, et al. v. Angela M. Ford, Esq., et al., Case No. A1500067 in the Hamilton County Court of Common Pleas (the “Hamilton County Action”). In conjunction with such petition, Relator also sought and obtained an order staying the Hamilton County Action and all decisions issued by Respondent Ruehlman in said action.

### **A. Relator’s Complaint And Motion For Stay Altered The Status Quo.**

Stays typically are issued as part of an alternative writ to preserve the status quo pending the Court’s decision. Of course, a stay of proceedings is unnecessary in a mandamus action, since the status quo is maintained by the very nature of the action itself – to compel a public official to take an action that thus far has not been taken. But where the relator seeks the relief of writ of prohibition, a stay will issue to preclude a respondent from further exercising jurisdiction.

This is not a typical prohibition action, however. Here, the stay has upset the status quo. Specifically, Respondent Ruehlman had, after finding that irreparable harm would result but for the granting of injunctive relief, issued two injunctions maintaining the status quo and requiring Relator to do nothing more than comply with Ohio law before invoking the powers of Ohio courts concerning the domestication and execution of a foreign judgment. [Compl. Exhs. F & G.] Significantly, some form of injunctive relief has been in place for over eight months.<sup>1</sup> The Court’s September 17 order alters the status quo of the past eight months by staying the

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<sup>1</sup> Of course, during the past eight months, Relator engaged in significant dispositive motion practice and appeared in three oral hearings before Respondent Ruehlman. Then, on September 4, 2015, with an evidentiary hearing on permanent injunctive relief scheduled for September 30, a mere twenty-six days away, Relator short-circuited the process by filing her writ action in this Court.

Hamilton County Action. This is because not only did the Court preclude Judge Ruehlman from proceeding to a final injunction hearing, it precluded the enforcement of the previously issued injunction order.

**B. Relator's Exploitation Of The Stay.**

Having forced a disruption of the status quo by belatedly filing this action, Relator is impermissibly using this Court's stay order as both a sword and a shield. Specifically, as detailed below, Relator has accelerated her collection activities targeting Ohio residents and entities, and, for the first time, has invoked the authority of an Ohio court in that effort. Accordingly, a stay does not maintain the status quo; rather, it is being used by the Relator effectively as a weapon in the other proceedings, including a new proceeding launched in Ohio on October 2.

Indeed, it is readily apparent that Relator's real strategy was to start a proceeding in this Court and then, armed with a stay obtained from this Court, pursue activities that otherwise violate the temporary injunctive order granted below – including by filing a new action in Hamilton County – and otherwise leverage this Court's stay order in other proceedings outside of Ohio. Simply put, Relator is attempting to play a game of rope-a-dope with this Court.

Additional background is helpful at this juncture. Before the Hamilton County court, Relator had argued that the court lacked jurisdiction because no attempt had been made to invoke the authority of Ohio courts to collect a judgment. Specifically, in her Motion to Dismiss filed in the Hamilton County Action, Relator argued that “[n]either Ford nor her clients has taken any steps to domesticate or enforce the Chesley Judgment in Ohio.” [Relator's Compl. Exh. H, at 13.] Then, in oral argument on the motion to dismiss on May 14, 2015, Relator, through counsel, argued again that her activities were all conducted outside Ohio and any invocation of

the jurisdiction of Ohio courts was merely hypothetical. [See, e.g., *id.* Exh. J (5/14/15 hearing transcript, at 15-16 & 22 (“... at some point there will be a day when the judgment creditor retains an Ohio lawyer because Ms. Ford cannot domesticate the judgment, ... . We’re not to that day yet.”)).

On June 23, 2015, after Judge Ruehlman denied the motion to dismiss, Relator sought to attack assets in Ohio by obtaining from the court in the “Abbott Case” – Mildred Abbott, et al. v. Stanley M. Chesley, et al. (Boone County, Ky., Circuit Court Case No. 05-CI-00436) – an order requiring Mr. Chesley to direct that his beneficial interest in the shares of the Waite Firm be transferred to the judgment creditors. [Relator’s Compl. ¶ 59 & Exh. N.] In response, on June 26, 2015, the Waite Firm – an Ohio entity with no activities in Kentucky, which is not a party to the Abbott Case, and which is not subject to jurisdiction of the Kentucky court – filed a motion to intervene in the Hamilton County Action. [Proposed Intervenors’ Answer, Exh. 10.] During oral argument on the Waite Firm’s motion on August 19, 2015, Relator argued that Judge Ruehlman should refuse to exercise jurisdiction to allow the Waite Firm to intervene because the Kentucky court’s ruling, purportedly, had no effect on the Waite Firm. [See, e.g., Relator’s Compl. Exh. R (8/19/15 hearing transcript, at 16-17 (“... you have to separate the two things, it’s the law firm and the former lawyer ... . [W]hat this Court respectfully cannot interfere with is the order that the Kentucky court made over Mr. Chesley, and that’s – it’s really that simple, his interest, whatever it is, has been transferred.”)).

On September 4, eight months into the Hamilton County Action and shortly after Judge Ruehlman granted the Waite Firm’s motion to intervene in the Hamilton County Action, Relator petitioned this Court for an extraordinary writ to void Respondent’s rulings and claimed she needed “emergency” relief by way of a stay of the Hamilton County court’s proceedings.

In her Petition to this Court, Relator plays the same game of rope-a-dope, asking this Court to preclude Judge Ruehlman from adjudicating the action below based on the same representations that she is *not* invoking the jurisdiction of Ohio courts. For example, Relator argues that the Hamilton County Action is “not justiciable” because “Ms. Ford had not yet domesticated the judgment,” and “[i]n fact, Ms. Ford cannot domesticate the judgment, as she is not an Ohio lawyer.” [Relator’s Compl. ¶ 17.] Relator also represented that the Abbott Case judgment creditors “are not even close to collecting their judgment.” [Id. ¶ 27.]

Also on September 4, Relator filed her Motion for Emergency Stay and Expedited Alternative Writ (“Motion for Stay”). On September 8, the Court issued an order directing Respondent to respond the Complaint and the Motion for Stay within two days. On September 17, 2014, the Court granted a stay.

At that point, Relator sprang into action – including the filing of an action in Ohio. In reverse chronological order:

- On Tuesday, October 6, 2015, Relator’s counsel indicated to a judicial officer in Nevada that because of this Court’s stay order, the findings and proceedings in Ohio with respect to the Waite Firm should be ignored.
- On Friday, October 2, using her counsel in the instant writ action, Relator filed in the Hamilton County Court of Common Pleas a Motion for Miscellaneous Case Number to Serve Subpoena, for the purpose of enforcing subpoenas issued by the Kentucky state court judge in the Abbott Case” against parties connected to Mr. Chesley and/or the Waite Firm, including Thomas Rehme, who holds Mr. Chesley’s shares of the Waite Firm in trust under terms of the Wind-Up Agreement concerning the firm. A copy of Relator’s filing is attached as Exhibit 1. By commencing this new action in the Hamilton County court, Relator seeks to take the oral depositions of a corporate representative of a law firm and an individual associated with that law firm on October 15, and commanding both the firm and individual to produce a large volume of documents at the deposition. The particular firm is not a party to any litigation Relator is handling, and neither is the named individual. Rather, the firm appears to have been targeted because one of its partners is a former associate of the Waite Firm. Relator also seeks to command Mr. Rehme to appear at an oral deposition on October 20 and bring with him a large volume of documents, pertaining to the Waite Firm’s

business and the wind-up of its business, including “all communications” with Mr. Chesley from January 1, 2013, almost a three-year period.

- On September 30, 2015, Relator filed a motion with the court in the Abbott Case seeking an order of contempt against Mr. Chesley for “failing” to direct the trustee of the Waite Firm to transfer assets to Relator’s clients. This is the exactly the type of action Relator was prevented from taking while the temporary injunctive relief was in place. The Waite Firm is not a party in the Abbott Case. Yet, by way of the referenced motion, Relator is seeking to take action against an Ohio entity without process. Prior to the stay, Relator could not take such action. But now armed with the stay, Relator is on the advance and seeks to force a resolution even before this Court is afforded the opportunity to consider this matter.
- On September 22 – five days after this Court issued its stay – Plaintiff filed a copy of her writ action and this Court’s stay order in the Abbott Case in connection with her reply brief in support of an earlier-filed motion to execute against Mr. Chesley. In the reply brief, Relator represented to the Kentucky court that she “has finally been able to get some relief from the Ohio Supreme Court. ... On September 17, 2015, the Ohio Supreme Court entered an Order granting the motion for an emergency stay and staying enforcement of the orders entered by the Ohio state court pending the Ohio Supreme Court’s resolution of the case.” This was to further bolster Relator’s argument for extraordinary relief in the Abbott Case.

Based upon the foregoing, it is easy to discern Relator’s manipulation of this Court’s stay into both a shield and a sword.

The irreparable harm identified by the court below has not changed. In an effort to mitigate this harm, we respectfully request that the Court’s consideration of the Motion to Intervene and the Proposed Intervenors’ Motion for Judgment on the Pleadings be expedited. We also request that the Court vacate its September 17 Entry granting the stay, with the exception that Respondent is precluded from proceeding to a final hearing on injunctive relief. We submit that this requested action properly balances the interest of all parties. It preserves the temporary injunctive relief while this Court considers Relator’s Petition, and at the same time protects the interests Relator identified in moving for a stay.

Specifically, in the Motion for Stay, Relator argued that “[a]llowing Judge Ruehlman to continue to exercise jurisdiction ... will create an unjustified and irreparable hardship,” but

Relator identified the only pending matter before Judge Ruehlman as being to hold a final hearing on permanent injunctive relief directing compliance with Ohio law. While Relator's right of appeal from a final order of injunctive relief negates any argument of "irreparable hardship" caused by being ordered to comply with Ohio law, Relator's stated concern is that she "should not be required to incur the costs associated" with a final hearing while her Petition is pending in this Court. [Memorandum in support of Motion for Stay, at 6.]<sup>2</sup> Therefore, it is appropriate to lift the stay of the orders issued below except with respect to proceeding to a final hearing.

Also, we submit that issuance of the requested order will allow the Proposed Intervenors, as well as the Respondent, Judge Ruehlman, to present to the Court as soon as possible the information establishing this Court's lack of jurisdiction and the reasons Relator's petition should be dismissed as a matter of law.

Respectfully submitted,

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<sup>2</sup> The only other item Relator contends constitutes "irreparable" harm is her contention that Mr. Chesley has "failed to disclose potential future income" from litigation in which he is no longer participating but may receive future income based on past participation, depending on future actions by the courts in determining attorneys' fees. [Memorandum in Support of Motion for Stay, at 6.] While the evidentiary basis for this contention is lacking, even if we take this allegation at face value, Relator clearly has an adequate remedy at law, for example, by way of an action to domesticate the judgment in compliance with Ohio law, which is permitted under the temporary injunction order. The fact that this argument pertains to "potential future income" that might result from future rulings in other courts demonstrates the lack of "irreparable" harm.

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**CERTIFICATE FOR SERVICE**

The undersigned certifies that on this 6<sup>th</sup> day of October, 2015, a true and correct copy of the foregoing was served via U.S. Mail, first class postage prepaid, and electronic mail pursuant to Civil Rule 5(B)(2)(c) and (f) on:

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COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

COPY FILED  
COMMON PLEAS COURT  
HAMILTON COUNTY  
COST DESK  
OCT -2 2015  
TRACY WINKLER  
CLERK OF COURTS

MILDRED ABBOTT, *et al.*,

Plaintiffs,

v.

STANLEY M. CHESLEY, *et al.*,

Defendants.

CASE NO. W 15 1179

JUDGE: \_\_\_\_\_

**MOTION FOR MISCELLANEOUS  
CASE NUMBER TO SERVE  
SUBPOENA  
(Proposed Order Attached)**

Pursuant to R.C. 2319.09 and Civ.R. 45, petitioners Mildred Abbott, *et al.*, (“Petitioners”) move this Court for entry of the tendered Order granting a miscellaneous case number under which to serve the attached subpoenas for deposition and production of documents on Thomas Rehme (“Rehme”), Louise Roselle (“Roselle”), and a representative of Markovits, Stock & Demarco. True and accurate copies of the subpoenas are attached hereto as Exhibit A. In support of their petition, Petitioners state as follows:

1. Petitioners are plaintiffs in civil litigation currently pending before the Boone County Circuit Court in the Commonwealth of Kentucky, *Mildred Abbott, et al. v. Stanley M. Chesley, et al.*, Civil Action No. 05-CI-436, before Judge James Schrand (the “Kentucky Action”).

2. Rehme, Roselle, and Markovits, Stock & Demarco are located in Ohio and have knowledge pertaining to the assets of Stanley M. Chesley, a defendant in the Kentucky Action, against whom Petitioners have a judgment. Because Rehme, Roselle, and Markovits, Stock & Demarco are located in Ohio, it is necessary for Petitioners to

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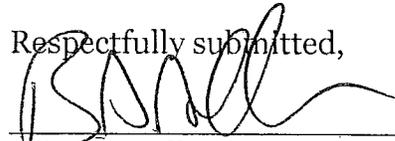
EXHIBIT  
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open a miscellaneous case number in Ohio in order to subpoena the relevant documents and to take the necessary depositions.

3. Attached as Exhibit B to this motion are copies of the Commissions Authorizing Deposition of Out of State Witness and Request for Issuance of Subpoena ("Commissions") addressed to this Honorable Court by the Judge of the Boone Circuit Court with the Commonwealth of Kentucky. These Commissions request and authorize this Court to issue to undersigned counsel such subpoenas as may be available and necessary to depose Roselle, Rehme, and a representative of Markovits, Stock & Demarco regarding topics relevant to the Kentucky Action.

Accordingly, Petitioners respectfully request that this Court grant them a miscellaneous case number under which to serve the subpoenas upon Roselle, Rehme, and a representative of Markovits, Stock & Demarco pursuant to the August 25, 2015 Commissions issued by the Boone County Circuit Court in the Kentucky Action. A proposed Order granting Petitioners' motion is attached hereto as Exhibit C.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was, this 2nd day of October 2015,  
mailed to:

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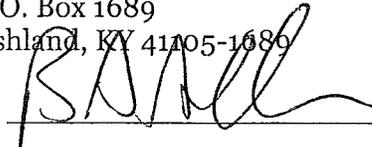
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# **EXHIBIT A**

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

MILDRED ABBOTT, *et al.*,

Plaintiffs,

v.

STANLEY M. CHESLEY, *et al.*,

Defendants.

: CASE NO. W 15 1179

: JUDGE: \_\_\_\_\_

: **PLAINTIFFS' SUBPOENA FOR**  
: **DEPOSITION AND PRODUCTION**  
: **OF DOCUMENTS TO MARKOVITS,**  
: **STOCK & DEMARCO**

VIA CERTIFIED MAIL

**TO:** Markovits, Stock & Demarco  
119 East Court Street, Suite 530  
Cincinnati, OH 45202

**DEPOSITION DATE:** October 21, 2015

**TIME:** 9:00 a.m.

**DOCUMENT**  
**PRODUCTION DATE:** October 15, 2015

**LOCATION:** Dinsmore & Shohl LLP  
Attn: Brian S. Sullivan  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

Pursuant to Rule 45 of the Ohio Rules of Civil Procedure, a company representative is commanded to appear for a deposition at the above-referenced time and date and at the law offices of Dinsmore & Shohl LLP, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202. This representative should be prepared to testify as to the facts underlying the document requests, including but not limited to the relationship of Waite Schneider Bayless Chesley Co. LPA ("WSBC") and/or Stanley M. Chesley ("Chesley") with the law firm of Markovits, Stock & Demarco (the "Firm"), any

interaction between WSBC and/or Chesley and the Firm, and the facts underlying the *Merilyn Cook v. Rockwell International Corporation* and *The Dow Chemical Company* cases, pending in United States District Court in Colorado that pertains to attorney's fees.

Also pursuant to Rule 45 of the Ohio Rules of Civil Procedure, you are commanded to produce the following documents, items, information, and tangible things for inspection and copying at the above-referenced date and time and at the law offices of Dinsmore & Shohl LLP, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202:

1. All communication, documents and agreements related to Stanley Chesley and Waite Schneider Bayless Chesley Co. LPA ("WSBC") since 2012. This request does not include case specific documents such as case pleadings and client communication.
2. All agreements and communication to or from Stanley Chesley and/or WSBC or its agents related to fees and expenses from cases he was counsel on prior to being disbarred that you or any attorney in your firm continued to be counsel on after the date of his disbarment.
3. All communication and documents to or from other plaintiffs' counsel in the *Merilyn Cook v Rockwell International Corporation* and *The Dow Chemical Company* case, pending in United States District Court in Colorado that pertains to attorney's fees.

Please take notice that a non-party, pursuant to Rule 45(e) of the Ohio Rules of Civil Procedure, may be held in contempt of court if such party fails to obey a Subpoena without adequate excuse as provided by law. Furthermore, a non-party served with a Subpoena in accordance with Civil Rule 45 has certain legal rights which are outlined in Rules 45(c) and (d), which are set forth below:

**(C) Protection of persons subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be

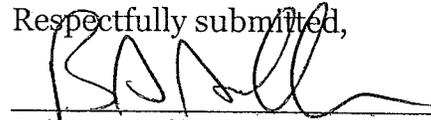
otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

**(D) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R. 26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Respectfully submitted,



Brian S. Sullivan, Esq. (0040219)

Christen M. Steimle, Esq. (0086592)

DINSMORE & SHOHL, LLP

255 E. Fifth Street, Suite 1900

Cincinnati, Ohio 45202

Phone: (513) 977-8200

Fax: (513) 977-8141

Email: [brian.sullivan@dinsmore.com](mailto:brian.sullivan@dinsmore.com)

[christen.steimle@dinsmore.com](mailto:christen.steimle@dinsmore.com)

***Attorneys for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was, this 2<sup>nd</sup> day of October 2015,

mailed to:

Frank Benton, IV, Esq.  
P.O. Box 72218  
Newport, KY 41072

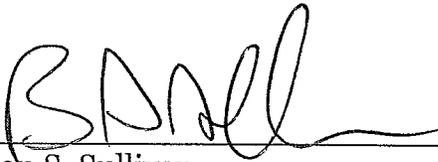
Mary E. Meade-McKenzie, Esq.  
105 Seahawk Drive  
Midway, KY 40347

Mitzy L. Evans  
Evans Law Office  
177 South Main Street  
P.O. Box 608  
Versailles, KY 40383

Sheryl G. Snyder, Esq.  
Griffin Terry Sumner, Esq.  
Frost Brown Todd LLC  
400 West Market St., 32<sup>nd</sup> Floor  
Louisville, KY 40202

Luther C. Conner, Jr., Esq.  
271 West Short Street, Suite 400  
Lexington, KY 40507

Michael R. Dowling, Esq.  
P.O. Box 1689  
Ashland, KY 41105-1689

  
\_\_\_\_\_  
Brian S. Sullivan

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

MILDRED ABBOTT, *et al.*,

Plaintiffs,

v.

STANLEY M. CHESLEY, *et al.*,

Defendants.

: CASE NO. W151179

:

:

: JUDGE: \_\_\_\_\_

:

:

: **PLAINTIFFS' SUBPOENA FOR  
DEPOSITION AND PRODUCTION  
OF DOCUMENTS TO THOMAS  
REHME**

:

**TO: Thomas Rehme  
1 W. 4<sup>th</sup> Street, Suite 1513  
Cincinnati, OH 45202**

**DEPOSITION DATE: October 20, 2015**

**TIME: 9:00 a.m.**

**DOCUMENT  
PRODUCTION DATE: October 15, 2015**

**LOCATION: Dinsmore & Shohl LLP  
Attn: Brian S. Sullivan  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202**

Pursuant to Rule 45 of the Ohio Rules of Civil Procedure, you are commanded to appear for a deposition at the above-referenced time and date and at the law offices of Dinsmore & Shohl LLP, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

Also pursuant to Rule 45 of the Ohio Rules of Civil Procedure, you are commanded to produce the following documents, items, information, and tangible things for inspection and copying at the above-referenced date and time and at the law

offices of Dinsmore & Shohl LLP, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202:

1. All communication from Stanley Chesley since January 2013, with the exception of case specific documents associated with the rendering of client services such as pleadings, discovery, orders and client communication.
2. All documents and communication related to the Wind Up Agreement of Waite Schneider Bayless Chesley Co. LPA ("WSBC").
3. All documents and communication that relate to the transfer of shares in WSBC from Stanley Chesley to Thomas Rehme or any other person or entity.
4. All communication, documents and agreements related to fees from all cases that have or may provide future fee income to WSBC or Stanley Chesley since the date of the Wind Up Agreement.
5. All communication, documents and agreements related to fee income that could be (or could have been) claimed by WSBC or Stanley Chesley that has been assigned, pledged, transferred, encumbered or is subject to any agreement or debt instrument.
6. All employment, separation and other agreements with current and former employees of WSBC that has been entered into since January 2012.
7. All documents related to the annual compensation of employees, officers and board members of WSBC since January 1, 2013.
8. All accounting records and financial statements related to WSBC since the execution of the Wind Up Agreement.

Please take notice that a non-party, pursuant to Rule 45(e) of the Ohio Rules of Civil Procedure, may be held in contempt of court if such party fails to obey a Subpoena without adequate excuse as provided by law. Furthermore, a non-party served with a Subpoena in accordance with Civil Rule 45 has certain legal rights which are outlined in Rules 45(c) and (d), which are set forth below:

**(C) Protection of persons subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be

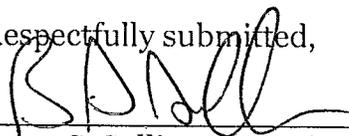
otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

**(D) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R. 26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Respectfully submitted,



\_\_\_\_\_  
Brian S. Sullivan, Esq. (0040219)  
Christen M. Steimle, Esq. (0086592)  
DINSMORE & SHOHL, LLP  
255 E. Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Phone: (513) 977-8200  
Fax: (513) 977-8141  
Email: [brian.sullivan@dinsmore.com](mailto:brian.sullivan@dinsmore.com)  
[christen.steimle@dinsmore.com](mailto:christen.steimle@dinsmore.com)

***Attorneys for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was, this 2<sup>nd</sup> day of October 2015,

mailed to:

Frank Benton, IV, Esq.  
P.O. Box 72218  
Newport, KY 41072

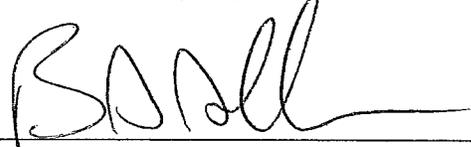
Mary E. Meade-McKenzie, Esq.  
105 Seahawk Drive  
Midway, KY 40347

Mitzy L. Evans  
Evans Law Office  
177 South Main Street  
P.O. Box 608  
Versailles, KY 40383

Sheryl G. Snyder, Esq.  
Griffin Terry Sumner, Esq.  
Frost Brown Todd LLC  
400 West Market St., 32<sup>nd</sup> Floor  
Louisville, KY 40202

Luther C. Conner, Jr., Esq.  
271 West Short Street, Suite 400  
Lexington, KY 40507

Michael R. Dowling, Esq.  
P.O. Box 1689  
Ashland, KY 41105-1689



---

Brian S. Sullivan

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

MILDRED ABBOTT, *et al.*, : CASE NO. M 15 1179  
 :  
 :  
 Plaintiffs, :  
 :  
 : JUDGE: \_\_\_\_\_  
 v. :  
 :  
 :  
 STANLEY M. CHESLEY, *et al.*, :  
 :  
 :  
 Defendants. : **PLAINTIFFS' SUBPOENA FOR**  
 : **DEPOSITION AND PRODUCTION**  
 : **OF DOCUMENTS TO LOUISE**  
 : **ROSELLE**

**TO:** Louise Roselle  
Markovits, Stock & Demarco  
119 East Court Street, Suite 530  
Cincinnati, OH 45202

**DEPOSITION DATE:** October 22, 2015

**TIME:** 9:00 a.m.

**DOCUMENT  
PRODUCTION DATE:** October 15, 2015

**LOCATION:** Dinsmore & Shohl LLP  
Attn: Brian S. Sullivan  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

Pursuant to Rule 45 of the Ohio Rules of Civil Procedure, you are commanded to appear for a deposition at the above-referenced time and date and at the law offices of Dinsmore & Shohl LLP, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

Also pursuant to Rule 45 of the Ohio Rules of Civil Procedure, you are commanded to produce the following documents, items, information, and tangible things for inspection and copying at the above-referenced date and time and at the law

offices of Dinsmore & Shohl LLP, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202:

1. All communication, documents and agreements related to Stanley Chesley and Waite Schneider Bayless Chesley Co. LPA ("WSBC") since 2012. This request does not include case specific documents such as case pleadings and client communication.
2. All agreements and communication to or from Stanley Chesley and/or WSBC or its agents related to fees and expenses from cases he was counsel on prior to being disbarred that you or any attorney in your firm continued to be counsel on after the date of his disbarment.
3. All communication and documents to or from other plaintiffs' counsel in the *Merilyn Cook v. Rockwell International Corporation* and *The Dow Chemical Company* case, pending in United States District Court in Colorado that pertains to attorney's fees.

Please take notice that a non-party, pursuant to Rule 45(e) of the Ohio Rules of Civil Procedure, may be held in contempt of court if such party fails to obey a Subpoena without adequate excuse as provided by law. Furthermore, a non-party served with a Subpoena in accordance with Civil Rule 45 has certain legal rights which are outlined in Rules 45(c) and (d), which are set forth below:

**(C) Protection of persons subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for

an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

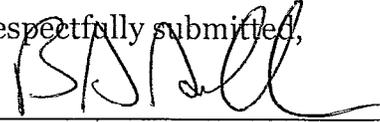
#### **(D) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R. 26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the

nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Respectfully submitted,



Brian S. Sullivan, Esq. (0040219)  
Christen M. Steimle, Esq. (0086592)  
DINSMORE & SHOHL, LLP  
255 E. Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Phone: (513) 977-8200  
Fax: (513) 977-8141  
Email: [brian.sullivan@dinsmore.com](mailto:brian.sullivan@dinsmore.com)  
[christen.steimle@dinsmore.com](mailto:christen.steimle@dinsmore.com)

**Attorneys for Plaintiffs**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was, this 2<sup>nd</sup> day of October 2015,

mailed to:

Frank Benton, IV, Esq.  
P.O. Box 72218  
Newport, KY 41072

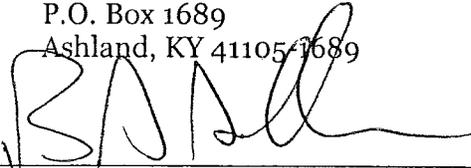
Mitzy L. Evans  
Evans Law Office  
177 South Main Street  
P.O. Box 608  
Versailles, KY 40383

Luther C. Conner, Jr., Esq.  
271 West Short Street, Suite 400  
Lexington, KY 40507

Mary E. Meade-McKenzie, Esq.  
105 Seahawk Drive  
Midway, KY 40347

Sheryl G. Snyder, Esq.  
Griffin Terry Sumner, Esq.  
Frost Brown Todd LLC  
400 West Market St., 32<sup>nd</sup> Floor  
Louisville, KY 40202

Michael R. Dowling, Esq.  
P.O. Box 1689  
Ashland, KY 41105-1689



Brian S. Sullivan

# **EXHIBIT B**

ENTERED  
BOONE CIRCUIT/DISTRICT COURT  
AUG 26 2015  
DIANNE MURRAY, CLERK  
BY:  D.C.

COMMONWEALTH OF KENTUCKY  
BOONE CIRCUIT COURT  
54<sup>TH</sup> JUDICIAL DISTRICT  
CIVIL ACTION NO. 05-CI-436

MILDRED ABBOTT, *et al.*,

PLAINTIFFS

v.

COMMISSION AUTHORIZING DEPOSITION  
OF OUT OF STATE WITNESS AND  
REQUEST FOR ISSUANCE OF SUBPOENA

STANLEY M. CHESLEY, *et al.*,

DEFENDANTS

\*\*\*\*\*

TO THE PRESIDING JUDGE OF THE CIVIL COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO AND TO THE CLERK OF SAID COURT.

GREETINGS:

Upon Motion by the Plaintiffs, by counsel, pursuant to Kentucky Rule of Civil Procedure 28.02, for the entry of this Commission, and having informed this Court that the law firm of Markovits, Stock & Demarco is a law firm in Cincinnati Ohio that regularly practices law within the jurisdiction of your Court that does or may have knowledge relevant to the adjudication of the above civil action now pending before this Court, and moving for the issuance of a subpoena from your honorable Court for service upon said firm,

IT IS HEREBY ORDERED that counsel of record for Plaintiffs in this action, identified below, is hereby expressly commissioned by this Court to depose a representative of the foregoing firm pursuant to Kentucky Rules of Civil Procedure 28.02 and 30.02(1) at such date, time and place as shall be designated upon an appropriate Notice of Deposition.

YOU ARE HEREBY REQUESTED AND COMMISSIONED to issue to the counsel identified below such subpoenas from your Court as may be available and necessary for service

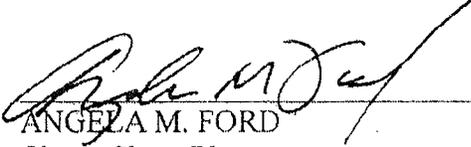
upon the above witness, to assure that attendance of said witness as a deponent in a deposition to be convened by the above counsel for Plaintiffs within your judicial district.

The Court advises that reciprocal privileges are extended to members of the Bar of your Court for the issuances of equivalent subpoenas within the Commonwealth of Kentucky, pursuant to Kentucky Rule of Civil Procedure 28.03.

This the 25<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
JUDGE, BOONE CIRCUIT COURT

TENDERED BY:

  
\_\_\_\_\_  
ANGELA M. FORD  
Chevy Chase Plaza  
836 Euclid Ave., Ste. 311  
Lexington, Kentucky 40502  
859 268 2923  
[amford@windstream.net](mailto:amford@windstream.net)

**CLERK'S CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing motion was served by U.S. Mail this the 21<sup>st</sup> day of August, 2015, to the following:

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

Frank Benton, IV, Esq.  
P.O. Box 72218  
Newport, KY 41072

Mary E. Meade-McKenzie, Esq.  
105 Seahawk Drive  
Midway, KY 40347

Mitzy L. Evans  
Evans Law Office  
177 South Main Street  
P.O. Box 608  
Versailles, KY 40383

Luther C. Conner, Jr., Esq.  
271 West Short Street, Suite 400  
Lexington, KY 40507

Sheryl G. Snyder, Esq.  
Griffin Terry Sumner, Esq.  
Frost Brown Todd LLC  
400 West Market St., 32<sup>nd</sup> Floor  
Louisville, KY 40202

Michael R. Dowling, Esq.  
P.O. Box 1689  
Ashland, KY 41105-1689

A handwritten signature in black ink, appearing to read "J. Helton", is written above a horizontal line.

COMMONWEALTH OF KENTUCKY  
BOONE CIRCUIT COURT  
54<sup>TH</sup> JUDICIAL DISTRICT  
CIVIL ACTION NO. 05-CI-436

ENTERED  
BOONE CIRCUIT/DISTRICT COURT  
AUG 26 2015  
DIANNE MURRAY, CLERK  
BY:  D.C.

MILDRED ABBOTT, *et al.*,

PLAINTIFFS

v.

COMMISSION AUTHORIZING DEPOSITION  
OF OUT OF STATE WITNESS AND  
REQUEST FOR ISSUANCE OF SUBPOENA

STANLEY M. CHESLEY, *et al.*,

DEFENDANTS

\*\*\*\*\*

TO THE PRESIDING JUDGE OF THE CIVIL COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO AND TO THE CLERK OF SAID COURT.

GREETINGS:

Upon Motion by the Plaintiffs, by counsel, pursuant to Kentucky Rule of Civil Procedure 28.02, for the entry of this Commission, and having informed this Court that Louise Roselle is an attorney in Cincinnati Ohio, who regularly practices law within the jurisdiction of your Court who does or may have knowledge relevant to the adjudication of the above civil action now pending before this Court, and moving for the issuance of a subpoena from your honorable Court for service upon said person,

IT IS HEREBY ORDERED that counsel of record for Plaintiffs in this action, identified below, is hereby expressly commissioned by this Court to depose the foregoing individual pursuant to Kentucky Rules of Civil Procedure 28.02 and 30.02(1) at such date, time and place as shall be designated upon an appropriate Notice of Deposition.

YOU ARE HEREBY REQUESTED AND COMMISSIONED to issue to the counsel identified below such subpoenas from your Court as may be available and necessary for service

upon the above witness, to assure that attendance of said witness as a deponent in a deposition to be convened by the above counsel for Plaintiffs within your judicial district.

The Court advises that reciprocal privileges are extended to members of the Bar of your Court for the issuances of equivalent subpoenas within the Commonwealth of Kentucky, pursuant to Kentucky Rule of Civil Procedure 28.03.

This the 25<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
JUDGE, BOONE CIRCUIT COURT

TENDERED BY:

  
\_\_\_\_\_  
ANGELA M. FORD  
Chevy Chase Plaza  
836 Euclid Ave., Ste. 311  
Lexington, Kentucky 40502  
859 268 2923  
[amford@windstream.net](mailto:amford@windstream.net)

**CLERK'S CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing motion was served by U.S. Mail this the 26<sup>th</sup> day of August, 2015, to the following:

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

Frank Benton, IV, Esq.  
P.O. Box 72218  
Newport, KY 41072

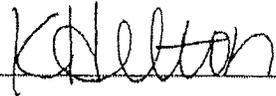
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Mitzy L. Evans  
Evans Law Office  
177 South Main Street  
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Luther C. Conner, Jr., Esq.  
271 West Short Street, Suite 400  
Lexington, KY 40507

Sheryl G. Snyder, Esq.  
Griffin Terry Sumner, Esq.  
Frost Brown Todd LLC  
400 West Market St., 32<sup>nd</sup> Floor  
Louisville, KY 40202

Michael R. Dowling, Esq.  
P.O. Box 1689  
Ashland, KY 41105-1689

  
\_\_\_\_\_

ENTERED  
BOONE CIRCUIT/DISTRICT COURT  
AUG 26 2015  
DIANNE MURRAY, CLERK  
BY: *[Signature]* D.C.

COMMONWEALTH OF KENTUCKY  
BOONE CIRCUIT COURT  
54<sup>TH</sup> JUDICIAL DISTRICT  
CIVIL ACTION NO. 05-CI-436

MILDRED ABBOTT, *et al.*,

PLAINTIFFS

v.

COMMISSION AUTHORIZING DEPOSITION  
OF OUT OF STATE WITNESS AND  
REQUEST FOR ISSUANCE OF SUBPOENA

STANLEY M. CHESLEY, *et al.*,

DEFENDANTS

\*\*\*\*\*

TO THE PRESIDING JUDGE OF THE CIVIL COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO AND TO THE CLERK OF SAID COURT.

GREETINGS:

Upon Motion by the Plaintiffs, by counsel, pursuant to Kentucky Rule of Civil Procedure 28.02, for the entry of this Commission, and having informed this Court that Thomas Rehme is an attorney in Cincinnati Ohio who practices law and/or resides within the jurisdiction of your Court that does or may have knowledge relevant to the adjudication of the above civil action now pending before this Court, and moving for the issuance of a subpoena from your honorable Court for service upon said individual,

IT IS HEREBY ORDERED that counsel of record for Plaintiffs in this action, identified below, is hereby expressly commissioned by this Court to depose the foregoing individual pursuant to Kentucky Rules of Civil Procedure 28.02 and 30.02(1) at such date, time and place as shall be designated upon an appropriate Notice of Deposition.

YOU ARE HEREBY REQUESTED AND COMMISSIONED to issue to the counsel identified below such subpoenas from your Court as may be available and necessary for service

upon the above witness, to assure that attendance of said witness as a deponent in a deposition to be convened by the above counsel for Plaintiffs within your judicial district.

The Court advises that reciprocal privileges are extended to members of the Bar of your Court for the issuances of equivalent subpoenas within the Commonwealth of Kentucky, pursuant to Kentucky Rule of Civil Procedure 28.03.

This the 25 day of August, 2015.

  
\_\_\_\_\_  
JUDGE, BOONE CIRCUIT COURT

TENDERED BY:

  
\_\_\_\_\_  
ANGELA M. FORD  
Chevy Chase Plaza  
836 Euclid Ave., Ste. 311  
Lexington, Kentucky 40502  
859 268 2923  
[amford@windstream.net](mailto:amford@windstream.net)

**CLERK'S CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing motion was served by U.S. Mail this the 20 day of August, 2015, to the following:

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

Frank Benton, IV, Esq.  
P.O. Box 72218  
Newport, KY 41072

Mary E. Meade-McKenzie, Esq.  
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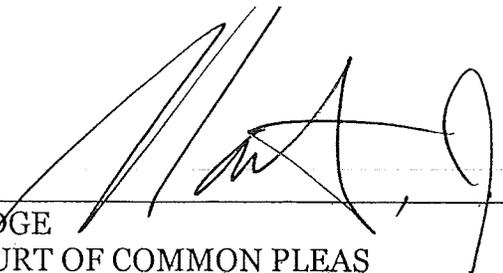
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# **EXHIBIT C**



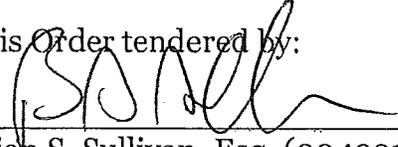


JUDGE  
COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

DATE: \_\_\_\_\_

10-2-15

This Order tendered by:



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