

AFFIDAVIT

State of Ohio

County of Franklin) ss

Before me, the undersigned notary, personally appeared John Freshwater, who having first been duly sworn, deposes and says:

1. Affiant has personal knowledge of all matters set forth in this affidavit;
2. Affiant makes this affidavit to detail his thoughts about the motion in opposition to a motion for reconsideration.
3. Back when this first began I met with two attorneys – Kelly Hamilton and another attorney named Roger Weaver. For reasons I won't state here, I decided I could not work with Roger Weaver and I learned from Kelly that Kelly would not work with Roger anymore. Now I signed a fee agreement with Kelly and Roger in April 2008. I call the agreement I signed with both of them the "1st agreement". After May 15, 2008 I knew I could not work with Roger Weaver anymore so Kelly and I talked about it and Kelly agreed to take on my case by himself. But Kelly was careful not hurt Roger's feelings so Kelly and I agreed to sign a fee agreement I call the "2nd agreement". In the 2nd agreement Kelly would investigate my case for \$175 an hour and guide me through the next interview with HR on Call and then we would decide from there what would happen. I'm looking at the language of the 2nd agreement and its for Kelly to investigate the allegations levied against me. Well, my second interview never took place because HR on Call cancelled the interview and then the report by HR on Call came out on June 20, 2008. Kelly and my wife Nancy and I met after the report came out and we agreed to let Kelly be our attorney through this situation but Kelly told us about a billing dispute with Roger and that Kelly would take my case but only if he could charge \$275.00 per hour and rebill his hours dating back to the first time we met in April 2008. I agreed and signed the fee agreement. I call this fee agreement the "3rd agreement". I signed a 4th agreement later in December 2008 that is not important here but I can answer the judge if he asks. Now Kelly talked to me in early November 2008 about wanting to get paid in full for the 2nd agreement so he could close that bill. My wife and I put together two \$5,000.00 dollar payments to Kelly and I told him to keep the change and apply it to my other bills. Like I've said before I asked Kelly to stop sending me monthly bills and to just keep me posted on the number of hours.
4. Let me make this clear because people have speculated what is going on and made so much about something they just don't know and should keep quiet until they ask. The 2nd agreement for \$175 was when Kelly helped me through the affidavit process because I was to have a second interview with HR on Call and wanted to be prepared. Thinking back to May 2008 I was real sure that after the second interview I would be done with this mess because the truth would be known. I've read about Kelly's bill that he gave Sarah Moore and remember when he gave it her during all those mediation attempts in March 2009. Let me be clear again. That bill Kelly gave Sarah Moore for May 2008 is accurate because Kelly billed me and I paid for the investigative interview preparation

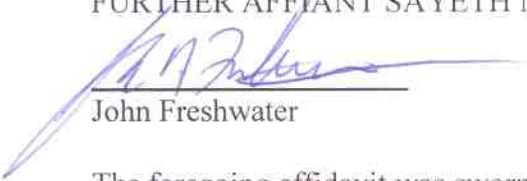
separately. Let me say it this way. I have two bills for May 2008. Actually I may have received three bills because I may have gotten one from Roger Weaver too. The two bills I got from Kelly were for two different processes. One bill was for the investigative interview and the other bill was for the legal works other than the interview preparation. I have never hidden the fact that I had separate legal billings. I testified on December 8, 2009 in the state hearing that I had separate legal bills. I read the transcript on page 4212 and am including a copy of it with this statement. Page 4212 of the transcript is accurate and it shows I spoke about the separate legal billings long before this recent mess started. So if anybody accuses me of being untruthful I say how would I know back then that this matter would come up now. Look the difference between the fee agreement of May 19, 2008 and the fee agreement of June 26, 2008 are as big as the difference between \$175.00 per hour versus \$275.00 per hour. The difference between the two agreements are as different as night and day, as different at right versus wrong and as different as the truth versus these allegations.

5. Another thing I want clarity for others is about the word pitch. When I said I pitched the stuff I got from Steve Short I was speaking something different than what others thought. I read the transcript from June 7, 2010 and can understand why people thought I pitched the stuff in the trash but I did not send anything to the trash dump. The transcript is accurate and attached to this affidavit. I pitched the stuff out of my way and got it out of my truck. The stuff stayed in the garbage can until I gave it to Kelly to give to Jason. It's ironic to me that I am being accused of hiding the ball and throwing stuff from my class away when for over a year I was told my classroom contents were gone because the stuff went to the rathole at the school. Kelly tried to subpoena my classroom contents back on January 12, 2009. Thank God for the anonymous letter to my house because then I finally learned the school had been keeping my classroom contents all this time even though they told us they did not have anything. Then I made two public records requests while Kelly sorted through my classroom. My public records request for any inventory the school made from my classroom. I was really sad for Mr. Short and the school when Mr. Short put into evidence this supposed inventory that they would not give me for three months. Mr. Short didn't even have a date on his supposed inventory. I don't think Mr. Short created that inventory neither did anybody else until they saw a reason after the fact. Funny how those who hid my classroom stuff from me are now trying to work with others to accuse me of hiding materials. Hey I thought I was coming back to teach. Why would I have taken anything from my room. I already knew the investigators had gone through my classroom. What could I have hidden that they already knew about. There's an old saying a liar thinks everybody else is a liar and a thief thinks everybody else is a thief. Well the school lied about my classroom materials and called me a thief. I think the school got caught and are now trying to label me for what they did and feeding information to the Doe family and both are working together to hurt me. Truth is truth and they cannot run from the truth.
6. When Mr. Short called me to come get my personal stuff why did he supposedly give me a beaker that would belong to the school. Why would Mr. Short give me Bible's that were supposedly contraband. I absolutely did not receive a beaker or athlete Bibles from Mr. Short and I did not have a football or softball in my classroom or any weightlifting belts and I sure did not get any of these things from Mr. Short as he claims on that

inventory he supposedly made. Also is that Mr. Short's handwriting because surely he knows how to spell pencil.

7. I am including with my affidavit here the transcript sections I referred to and the subpoena and public records requests I made. I may not be as sophisticated as the other side but the truth is the truth. My Bible I had with me that the Does attorney references has never, ever been at the school. The Bible I had that day on June 22, 2010 is my home Bible I use at home and at church. I am labeling the transcripts attached to my affidavit as number 1 and the subpoena and public records requests as number 2.
8. If I had the money to give Mr. Mansfield I would have. All I have is my farm so I gave him a piece of that with the lien and Kelly owns part of my farm already so he gave what he had. I can't pay what I don't have and Kelly can't pay because I owe him so much money.
9. If you want to see the fee agreements I will show the Court. My attorney Kelly told me I should not have to show the fee agreement but I will. I have nothing to hide.

FURTHER AFFIANT SAYETH NAUGHT.


John Freshwater

The foregoing affidavit was sworn to and acknowledged before me this July 13, 2010, by John Freshwater, who is personally known by me or who provided satisfactory identification and who did swear to the truthfulness of the above.


Notary Public



NOTARY PUBLIC
JULY 13, 2010
JULY 13, 2010
JULY 13, 2010

Page 4211

1 Q. Were the words captured in any of that written
 2 comprehensive statement, were those your words or my words?
 3 A. My words.
 4 Q. And would you agree that essentially I wrote down
 5 statements just as you stated them?
 6 A. Yes.
 7 Q. I would ask you questions?
 8 A. Yes.
 9 Q. And you responded?
 10 A. Yes.
 11 Q. Did you review those statements and make any changes?
 12 A. Yes, I did.
 13 Q. Did I -- you've come to have an understanding now of the
 14 importance of an affidavit?
 15 A. Yes.
 16 Q. What's your understanding?
 17 A. Wow. That, one, I know that you're very good at that.
 18 You're very thorough at that. It's important so you get the
 19 thoughts down on paper in that time period.
 20 Q. Now, you have an awareness about my background.
 21 Correct?
 22 A. Yes.
 23 Q. And what was part of my background?
 24 A. Your background -- we've gotten to know each other very
 25 well -- Columbus police officer. And you are very good.

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1 I would expect that you were a very good police officer in
 2 Columbus, just the way you follow through with investigating
 3 with me. But what I have seen you have done with other
 4 witnesses, you're very consistent, very thorough, accurate,
 5 precise. You're after getting the truth.
 6 Q. When we first hired on together, did I tell that you
 7 there was a legal component and a legal investigative
 8 component?
 9 A. Yes.
 10 Q. And we actually had an arrangement that I would say
 11 treated you quite nicely financially that we separated out
 12 the legal expertise versus the investigative legal
 13 expertise. Right?
 14 A. Yes.
 15 Q. And we took care of those on different billing
 16 statements. Right?
 17 A. Yes.
 18 Q. Now, once you had put all that information together, did
 19 I make you raise your right hand and swear and affirm that
 20 all the information contained in that written statement was
 21 true to the best of your knowledge?
 22 A. Yes.
 23 Q. And when you did so, were you speaking the truth?
 24 A. Yes.
 25 Q. And then you eventually signed them?

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1 A. Yes.
 2 Q. Now, when -- we're going to get to the 2003 proposal,
 3 the date that you believed that you wanted to start. But on
 4 June 20th, 2008, when the investigative report came out, what
 5 was your reaction?
 6 A. I was mad. I found out about it from someone looking in
 7 the newspaper. I thought it was very poorly done, the way
 8 they -- the way I found out about it. I was very angry
 9 with -- I was still thinking that I was going to have my
 10 second interview. I thought there was still going to be an
 11 opportunity in there. So the papers there -- I thought I was
 12 going to have another opportunity to talk to H & R, and the
 13 next thing I know, I get a phone call that says the H & R
 14 Investigation has completed their report.
 15 Q. Had you been in contact with anybody from the school
 16 system as it relates to the progress of H.R. On Call's
 17 investigation?
 18 A. No. No.
 19 Q. So nobody called you and said, Hey, John, they're
 20 getting close to being done?
 21 A. No.
 22 Q. Hey, John, if you want to say anything, you better make
 23 certain that you let us know?
 24 A. No, I did not hear anything from the school.
 25 Q. Now, Employee -- or, I'm sorry, Board Exhibit No. 6,

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1 you're familiar with that document. Right?
 2 A. Yes. Yes, I am.
 3 Q. Do you believe that this document, H.R. On Call's
 4 investigative report, does it contain all of the information
 5 about all the allegations against you?
 6 A. No.
 7 Q. Do you think this report has all the clarifying info
 8 that it needs?
 9 A. No.
 10 Q. Do you think this report has been taken out of context?
 11 A. Yes.
 12 Q. Do you believe there's some things in this report that
 13 are just outright false?
 14 A. Yes.
 15 Q. Do you believe that there are some things in that report
 16 that are just simply inflammatory?
 17 A. Yes.
 18 Q. Going back to 2003, why do you believe that is the best
 19 starting point for the presentation of evidence in your
 20 direct examination?
 21 A. The chronological order I think would be best for
 22 everybody here, especially Mr. Shepherd. I think it will
 23 flow better that way.
 24 Q. What were you trying to do with the proposal to this
 25 board of education in 2003?

EXHIBIT #1

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1 HEARING OFFICER: Let's take ten minutes.

2 (A recess was taken from 11:03 a.m. to
3 11:20 a.m.)

4 HEARING OFFICER: All right. Attorney Hamilton.

5 **FURTHER REDIRECT EXAMINATION**

6 **BY MR. HAMILTON:**

7 Q. John, last week when you testified, Mr. Millstone asked
8 you if you had called Mr. Steve Hughes on the date that you
9 tape recorded him, January 19th, 2010. John, is it possible
10 that you had made a phone call previous in the week to
11 Mr. Hughes?

12 A. Yes.

13 Q. And is it also possible you called Mr. Hughes before you
14 went to his office on January 19th, 2010?

15 A. Yes.

16 Q. And so if you made mention of any thanks for a return
17 phone call, would it be in response to calls that you had
18 made previous in the day?

19 A. That's correct.

20 Q. And just so I make certain we understand, from the time
21 you left Mr. Hughes's office to the time you got home and
22 heard the phone ringing, do you recall having called
23 Mr. Hughes during that interim?

24 A. No, I didn't call him.

25 Q. John, Mr. Millstone -- and I caution you don't say

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1 anything about the federal case involving the Doe family and
2 the school board and yourself. But Mr. Millstone had asked
3 you to verify a particular sentence on Board Exhibit No. 99
4 wherein it stated, quote, the pictures of the materials I
5 received from Mr. Short are accurate except for the bundle of
6 about 20-30 letters written to me from Chinese people. The
7 bundle of letters got wet and were stuck together and I threw
8 them in the trash. I did not throw anything from my room in
9 the trash but those letters, unquote. Do you remember that
10 language?

11 A. Yes.

12 Q. Now, previously, you had testified that when you came
13 home after meeting with Mr. Short in August of 2008, that you
14 had, quote, pitched some stuff into a trash can. On page
15 4898 of the transcript in this case, a previous question was,
16 did you check the material when you got home? The question
17 is in reference to the materials that you received from
18 Mr. Short back in August of 2008. And your answer was,
19 quote, to be quite honest with you, most of it got thrown
20 into my garbage can there in my barn. So I was pretty upset
21 at the time, and I remember vividly I just pitched it. I
22 pitched it, unquote.

23 So that we make sure that we can talk about this in
24 front of Judge Frost and in front of Judge Shepherd here,
25 what exactly happened in that situation? And describe what

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1 "pitched" means.

2 A. So I can put some clarity to it now?

3 Q. Well, without saying anything about the other case at
4 the moment.

5 A. Okay. All right. When I got home --

6 Q. When you got home from where?

7 A. When I got home in August with that material.

8 Q. Um-hum.

9 A. -- the -- in my barn, I've got 15 to 20 garbage cans in
10 there. I've got a wide assortment of stuff in there. Okay?
11 When I got home, I pitched it, okay, into one of those
12 garbage cans, okay, with a plastic liner in there and I put
13 it in there. Okay?

14 What's being confused here is that it's being insinuated
15 that that went to the end of my lot and got thrown out.

16 Well, it did not. It sat in my barn. When I pitch
17 something, that means I move it away. Okay? It's different
18 from I put it in the containers.

19 And what happened is, it was in those containers for
20 some time period. You've got to understand my barn to
21 understand -- it looks -- there's some similarities to my
22 classroom in my barn. Okay? I don't get it picked up very
23 well sometimes. I've got a lot of stuff in there.

24 I was in there walking by it, and I noticed that the
25 stuff on top of the garbage was wet. And it was those

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1 Chinese letters. So that I remembered. Okay? That was
2 removed and that did go out. Okay?

3 You know, I guess it's just the definition of pitching
4 it and removing it. Okay?

5 Q. John, even that explanation, I think people can come to
6 appreciate my personal frustration with you as my client,
7 because sometimes just trying to get you to explain
8 something -- let's walk back through this.

9 A. All right, let's do.

10 Q. You get home from picking up materials from Mr. Short.
11 Do you remember which vehicle you had?

12 A. That would have been my truck.

13 Q. So you pull in. Were you angry that day or were you
14 upset?

15 A. Yes, because that was kind of a finality that I'm not
16 going back to my classroom.

17 Q. And is that the first time you came to a conclusion,
18 yeah, I've been suspended, but now I'm really not getting
19 back into class for this school year?

20 A. Yes.

21 Q. And so you were upset?

22 A. Yes.

23 Q. Now, when you say you pitched things, you took things
24 out of the back of your truck and you put them where?

25 A. Into one of my garbage cans.

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1 Q. Stop right there. Did those garbage cans actually make
 2 it down to the end of your lot, meaning did the trash man
 3 come pick up those garbage cans and empty those garbage cans
 4 into the trash?
 5 A. No, they did not.
 6 Q. So these garbage cans stayed in your barn for how long?
 7 A. A long time until finally you asked for the material.
 8 Q. Okay. Now, when those materials were actually given to
 9 me, where did you actually retrieve those materials from?
 10 A. Garbage can.
 11 Q. Yeah. And what did you have inside the garbage can?
 12 A. There was -- a plastic liner. I mean the boxes and the
 13 plastic liners.
 14 Q. When you say "plastic liners," are you talking about
 15 garbage bags?
 16 A. Yes.
 17 Q. So your trash can was lined with garbage bags?
 18 A. Yeah.
 19 Q. And you took the stuff back in August 2008. You were
 20 upset, and you just took the stuff out of the back of your
 21 truck and you put them down into the garbage can?
 22 A. Yes.
 23 Q. And at that point in time, you left those materials
 24 there?
 25 A. Yes.

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1 Q. Those materials stay in your barn from August of 2008,
 2 when you picked them up, until whenever you gave them to me
 3 in your black plastic garbage bags?
 4 A. Yes.
 5 Q. And --
 6 A. That's what I was kind of snickering about, because you
 7 weren't too happy.
 8 Q. In fact, when you gave them to me, did I make you line
 9 something down in my car so my vehicle didn't get funky?
 10 A. Your vehicle is different from my vehicles. Yes.
 11 Q. So let's go back through this. If anybody were to think
 12 that you somehow threw materials away, what would be your
 13 response to that?
 14 A. No, I did not throw anything away. I mean, I can go
 15 into more detail on that.
 16 Q. Let's have your more detail.
 17 A. All right. First of all, it begs to ask why would I
 18 throw it away? Okay. I mean, it would be -- it would be --
 19 it would be useless for me to be throwing it away. There's
 20 no reason to throw it away. I mean, you go through -- I
 21 mean, what makes sense? I mean, I'm the one -- I'm going
 22 back two years. When we went to the other place and you
 23 spoke, you spoke, and you said about a theme.
 24 Q. Are you talking about the opening statement?
 25 A. Yeah, your opening statement. In that theme, you said

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1 what makes sense and what doesn't make sense. And in that
 2 aspect, I wouldn't throw it away.
 3 People would -- you have to realize my room during that
 4 time period, it was like a revolving door, people coming in
 5 and out. May 15th, the investigators were in there, and they
 6 were going through stuff. Okay? And they were there, from
 7 what I hear, hours going through documents and stuff. Deb
 8 Strouse was in there for a month, month and a half, and she
 9 was in the documents and stuff in my room. Mr. White and
 10 Mr. Ritchey were in there taking pictures of documents. So
 11 everything in my room was gone through, documented. So why
 12 would I want to throw anything out? I mean ...
 13 Q. Are you saying people already knew whatever was in your
 14 room?
 15 A. Yes.
 16 Q. So there would be no need for you to throw anything out?
 17 A. Absolutely.
 18 Q. Let's go back. We'll come back to that in a second, but
 19 I need to make certain.
 20 A. Okay.
 21 Q. You describe the word "pitched" as used in one of your
 22 other vocations. What's that other vocation?
 23 A. That would be fight fires, smoke jumping, loading
 24 planes. And I would say, Pitch the stuff in there.
 25 Q. Does "pitching in" mean to throw it down at the trash

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1 dump?
 2 A. No.
 3 Q. "Pitching" means to simply move something?
 4 A. Right, move it in, strap it in. If we're dealing with a
 5 plane, you strap it in, get it in there and strap the thing
 6 in.
 7 Q. Let's talk about the difference between pitching
 8 something where you're moving it versus removing something.
 9 What would be the definition of removing something?
 10 A. To do away with it. And that could be, I mean,
 11 permanently do away with it.
 12 Q. So to do away with permanently is your understanding of
 13 removing?
 14 A. Yes.
 15 Q. So when you were previously asked did you ever remove
 16 anything from your classroom, John, did you ever permanently
 17 remove anything from your classroom to try to keep it from
 18 anybody?
 19 A. No.
 20 Q. When you moved these things and you pitched them into
 21 the trash can, have you held onto all of those things since
 22 the day you pitched them in there?
 23 A. Yes.
 24 Q. Now, let's explain how these things got wet. Does your
 25 barn leak?

March 8, 2010

TO: Steve Short, Mount Vernon City School District Board of Education
300 Newark Road, Mount Vernon, Ohio 43050

FROM: John Freshwater
7760 New Delaware Road, Mount Vernon, Ohio 43050

SUBJECT: Public Records Request

This is a public records request to immediately inspect the following named items and to make copies if desired.

1. The original and complete materials left remaining in the classroom of John Freshwater and not previously obtained by Mr. Freshwater or directed to him. The items demanded include but are not limited to all personal property of John Freshwater and a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which were stored or found upon the computer drive of the computer assigned to John Freshwater. Further, it is demanded Mr. Short be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which document discussions and investigative materials used, reviewed, contemplated, observed or otherwise in existence in relation to this matter.
2. The original and complete materials for any and all records, written, copy, photographic, video or electronic, detailing the inventory of the materials removed from John Freshwater's classroom to include the chain of evidence with a list of all persons, noting dates and times, who have had access to the materials removed from John Freshwater's classroom from the date of removal through the date the subpoena is answered with a continuing request through the conclusion of this hearing for any supplement to the items subpoenaed.
3. The original and complete materials for any and all items allegedly in John Freshwater's classroom which have not yet been reviewed by John Freshwater or his legal counsel nor contained in boxes labeled as 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 16 (there are two boxes labeled as box 16) as previously presented by the Board of Education.

Respectfully,

John Freshwater

EXHIBIT #2

March 11, 2010

TO: Steve Short, Mount Vernon City School District Board of Education
300 Newark Road, Mount Vernon, Ohio 43050

FROM: John Freshwater
7760 New Delaware Road, Mount Vernon, Ohio 43050

SUBJECT: 1. Public Records Request Dated March 8, 2010
2. Additional Public Records Request Dated March 11, 2010

I have not received a response from you or the Mount Vernon City School District Board of Education regarding my March 8, 2010, public records request (attached). Please immediately advise when I will receive the response and documents requested by me on March 8, 2010.

This letter is also a second public records request.

1. The original and complete materials from the classroom of John Freshwater to include any depictions of any variation of any Ten (10) Commandments and not previously obtained by Mr. Freshwater or directed to him. The items demanded include but are not limited to all personal property of John Freshwater and a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which were stored or found upon the computer drive of the computer assigned to John Freshwater. Further, it is demanded Mr. Short be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which document discussions and investigative materials used, reviewed, contemplated, observed or otherwise in existence in relation to this matter.
2. The original and complete materials for any and all records, written, copy, photographic, video or electronic, detailing the inventory of the materials removed from John Freshwater's classroom to include the chain of evidence with a list of all persons, noting dates and times, who have had access to the materials removed from John Freshwater's classroom from the date of removal through the date the subpoena is answered with a continuing request through the conclusion of this hearing for any supplement to the items subpoenaed.
3. The original and complete materials for any and all items allegedly in John Freshwater's classroom which have not yet been reviewed by John Freshwater or his legal counsel nor contained in boxes labeled as 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 16 (there are two boxes labeled as box 16) as previously presented by the Board of Education.

Respectfully,

John Freshwater

THE LAW OFFICE OF R. KELLY HAMILTON, LLC

January 12, 2009

R. Lee Shepherd
6 Water Street
Shelby, Ohio 44875

Facsimile Transmission – 419.342.5116

David J. Millstone
Squire, Sanders & Dempsey L.L.P.
4900 Key Tower
Cleveland, OH 44114

Facsimile Transmission 216.479.8795

RE: IN RE John Freshwater

Dear Sirs,

Attached please find a copy of *John Freshwater's Request for the Issuance of Subpoena's* which demands that both persons and tangible items be ordered to appear beginning Wednesday, January 14, 2009. It is my understanding that the persons and tangible items so named are employer personnel or agents and therefore it is expected each will be available as identified and are expected to be called sequentially as identified. It is my objective to examine eighteen (18) persons during the three scheduled days of hearing concluding on January 16, 2009. There will be additional witnesses scheduled subsequent to these witnesses and at this time I do not have an accurate number to predict.

Please permit this letter to serve notice that on behalf of my client I demand to schedule a *Court View* of Mr. Freshwater's former classroom during the previously three stated days of hearing. Preferably, the view could occur outside school hours and outside the hours scheduled for the hearing room.

Previously, Mr. Freshwater was issued a subpoena to produce certain documents. Although this letter is not intended to constitute testimony, Mr. Freshwater had earnestly searched his belongings to locate any items identified other than the poster requested. Subsequent to witness Charles Adkins' testimony, Mr. Freshwater came to the conclusion that any items so requested must have been included in those items gathered and boxed by persons unknown but not delivered to him.

Respectfully,


R. Kelly Hamilton

CC: Barbara J. Donohue, Facsimile Transmission 740.393.5949

IN THE MATTER OF JOHN FRESHWATER

Mount Vernon City School
District Board of Education

Employer

AND

REFEREE: R. Lee Shepherd

John Freshwater

Teacher

JOHN FRESHWATER'S REQUEST FOR THE ISSUANCE OF SUBPOENA'S

Now comes John Freshwater, by and through counsel, pursuant to Ohio Revised Code 3319.16, *Termination of contract by board of education*, and requests that the treasurer, of the employer issue subpoenas for the following persons and the described documents. Said subpoenas are to be issued to the person named hereafter directing them to appear in an open-hearing and bring with them the described documents to be held according to statute commencing on January 14, 2009, at 10:00AM and continuing thereafter until the conclusion of testimony.

1. It is demanded that Steve Short, superintendent for the employer be directed to present the original and complete materials left remaining in the classroom of John Freshwater and not previously obtained by Mr. Freshwater or directed to him. The items demanded include but are not limited to all personal property of John Freshwater and a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which were stored or found upon the computer drive of the computer assigned to John Freshwater. Further, it is demanded Mr. Short be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which document discussions and investigative materials used, reviewed, contemplated, observed or otherwise in existence in relation to this matter.
2. Julia F. Herlevi, 11321 St. Andrews Way, Concord, Ohio, 44077. Further, it is demanded that Ms. Herlevi be directed to present a full and complete copy of any document, file, folder or materials made in connection with the investigation of John Freshwater.

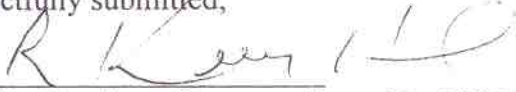
3. Lynda Weston, director of Teaching and Learning for the employer. Further, it is demanded that Ms. Weston be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which is referenced as an ~~"evolution" file~~ which at one time included a reference to John Freshwater. Further, it is demanded that Ms. Weston be directed to present a full and complete copy of any file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education ~~which documents any and all of the complaints allegedly received by Ms. Weston.~~
4. Deb Strouse 740-397-8455 201 E. Gambier St. Mt. Vernon. Further, it is demanded that Ms. Strouse be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which document the monitoring actions by Ms. Strouse of John Freshwater.
5. Jeff Maley, former Superintendent of the employer.
6. Dino D'Ettore 985 Taylor Rd. Mansfield, OH 44903.
7. Barb Spitzer 14861 Indian Hills Rd. Mt. Vernon.
8. Tamara Henry 11684 Liberty Chapel Rd. Mt. Vernon. Further, it is demanded that Ms. Henry be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount Vernon City School District Board of Education which document journals or diaries authored by her students during the 2007-2008 school year.
9. Brian Cook 2 Orchard Dr. Mt. Vernon, OH 43050. Further, it is demanded that Mr. Cook be directed to present a full and complete copy of any document, book or materials held or maintained in any form by him upon the property of the Mount Vernon City School District Board of Education which depicts political information.
10. James Marth 740-824-3844 25101 Twp Rd. 444 Warsaw, OH 43844. Further, it is demanded that Mr. Marth be directed to present the original or a full and complete copy of any poster or materials held or maintained by him in any form upon the property of the Mount Vernon City School District Board of Education which depicts any form of commandments to specifically include any commandments of native American origin.
11. Sara Malone 740-392-2631 9 Fox Chase Dr. Mt. Vernon 43050.
12. John Frye 740-392-5928 344 Greenacre Dr. Howard, OH 43028. Further, it is demanded that Mr. Frye be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by the Mount

Vernon City School District Board of Education which documents any remedial instruction attributable to John Freshwater as the result of a need to "re-teach" or "reteaching" as depicted in the "Mount Vernon City School Independent Investigation of a Complaint Regarding John Freshwater" authored by HR On Call, Inc.

13. Brian Gastin 740-427-2213 11401 Colwill Rd. Gambier, OH 43022.
Further, it is demanded that Mr. Gastin be directed to present the original books of any Bible of any type maintained in his classroom and the original or a full and complete copy of any document, file, folder or materials held or maintained in any form upon the property of the Mount Vernon City School District Board of Education which depicts a person or entity known as "Jesus".
14. Ben Sanders 740-485-1130 239 Parrott St. Mt. Vernon, OH 43050. Further, it is demanded that Mr. Sanders be directed to present the original or a full and complete copy of any poster or materials held or maintained by him in any form which is or was upon the property of the Mount Vernon City School District Board of Education which depicts current President of the United States George Bush and certain members of his cabinet. Further, it is demanded that Mr. Sanders be directed to present the original or a full and complete copy of any item or materials held or maintained by him in any form which is or was upon the property of the Mount Vernon City School District Board of Education which depicts verses, words or language from any Bible.
15. Steve Farmer 740-504-0409 13905 Mager Rd. Howard, OH 43028.
Further, it is demanded that Mr. Farmer be directed to present a full and complete copy of any document, file, folder or materials held or maintained in any form by him or the Mount Vernon City School District Board of Education which depicts PowerPoint presentations of topics not directly related to the 8th grade science curriculum including but not limited to the topics of age of the earth, plate tectonics, volcanoes, electricity and any others.
16. Ken Wiles 740-427-2456 6842 Beckholt Rd. Mt. Vernon, OH 43050.
17. David Carter 740-397-2599 9090 Fairview Rd. Mt. Vernon, OH 43050.
Further, it is demanded that Mr. Carter be directed to present the original or a full and complete copy of any poster or materials held or maintained by him in any form which is or was upon the property of the Mount Vernon City School District Board of Education which depicts current President of the United States George Bush and certain members of his cabinet.
18. Don Newcomer 257 Newark Road, Mt. Vernon Oh. 43050.
19. Scott Dapprich 740-397-7907 4 Orchard West Mt. Vernon, OH 43050.
Further, it is demanded that Mr. Dapprich be directed to present the original or a full and complete copy of any poster or materials held or maintained by him in any form which is or was upon the property of the Mount Vernon City School

District Board of Education which depicts any religious matter and allegedly ordered be removed.

Respectfully submitted,



R. Kelly Hamilton (Supreme Court No. 0066403)

Mail to: P.O. Box 824, Grove City, Ohio 43123

Office: 3800 Broadway, Grove City, Ohio 43123

Phone 614-875-4174 / Fax 614-875-4188

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing John Freshwater's Request for the Issuance of Subpoenas was delivered this January 12, 2009 by counsel to:

David Millstone
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114



R. Kelly Hamilton, (0066403)