

# Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**JOHN DOE and JANE DOE,** :  
individually and as the Natural Parents :  
and Next Friends of Their Minor Child, : **CASE NO. 08-CV-575**  
**JAMES DOE,** :  
 : **JUDGE FROST**  
 :  
Plaintiffs, : **MAGISTRATE JUDGE KING**  
 :  
v. :  
 :  
**MOUNT VERNON CITY SCHOOL** :  
**DISTRICT BOARD OF** :  
**EDUCATION, ET AL.** :  
 :  
 :  
Defendants. :

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**DEFENDANT/COUNTERCLAIMANT JOHN FRESHWATER'S RESPONSE TO  
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

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Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant/Counterclaimant John Freshwater, in his personal capacity, by and through counsel, states his responses and objections to Plaintiff's First Set of Interrogatories.

**GENERAL OBJECTIONS**

1. Defendant/Counterclaimant John Freshwater, in his personal capacity, objects to the Interrogatories to the extent the Interrogatories require information reflecting conduct or circumstances prior to the 2007-2008 school year of the Mount Vernon City School District. Plaintiff has alleged the first cause of action accrued on December 6, 2007, and that Freshwater's conduct was violative through the remainder of the school year. Therefore, Interrogatories

requesting information regarding conduct or circumstances prior to December 6, 2007, or after June 1, 2008, seek information that is irrelevant and such Interrogatories are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in determining whether or not Freshwater's conduct was violative.

2. Defendant/Counterclaimant John Freshwater, in his personal capacity, objects to the Interrogatories, and any implied or express instruction or direction in the Interrogatories that impose or seeks to impose burdens greater than those imposed by the Federal Rules of Civil Procedure.

3. Defendant/Counterclaimant John Freshwater, in his personal capacity, objects to the Interrogatories to the extent they seek disclosure of information protected under the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity.

4. Defendant/Counterclaimant John Freshwater, in his personal capacity, objects to the Interrogatories to the extent they are overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence.

5. Defendant/Counterclaimant John Freshwater, in his personal capacity, reserves all objections as to the competence, relevance, materiality, admissibility, or privileged status of any information provided in response to these Interrogatories, unless specifically stated otherwise.

6. The following responses and objections are based upon information now known by Defendant/Counterclaimant John Freshwater, in his personal capacity, who has not yet completed discovery or preparation for trial in this action and therefore will supplement these responses and objections to the extent required by these Rules of Civil Procedure.

**RESPONSES AND OBJECTIONS**

1. State your full name, your present residence and business address, your date and place of birth, and social security number.

**ANSWER:** John David Freshwater, 7760 New Delaware Road, Mount Vernon, Ohio 43050; June 22, 1956; Dover, Ohio; 298522052

2. State the full name, last known address, telephone number, and occupation of each person whom you intend to call as a witness, both lay and expert, at the trial of this lawsuit, and state the general nature and subject matter of each such person's testimony. For each expert witness identified, describe his or her qualifications, opinions, conclusions and basis therefore. (This is a continuing interrogatory requiring supplementation of response under Civil Rule 26.)

**ANSWER:** See attached document #1 comprising the subpoena list submitted by Defendant/Counterclaimant John Freshwater, in his personal capacity, in the state hearing. There are additional as of yet unidentified students expected to be named in addition to the identification of various expert witnesses.

3. State the full name, last known address, and telephone number of each person whom has any knowledge or information regarding any of Plaintiffs' claims as alleged in the First Amended Complaint or any of the allegations set forth in your Counterclaim.

**ANSWER:** See response to Interrogatory #2 above. There are additional as of yet unidentified students expected to be named in addition to other persons who will be identified as discovery continues.

4. Identify each and every statement which you claim Plaintiffs made to defame you, as alleged in your Counterclaim.

**ANSWER:** Defamatory statements have been made, communicated and published in the investigative report compiled by HR On Call, various newspapers including the Columbus Dispatch and Mount Vernon News and by the testimony of plaintiff's during the state hearing.

5. For each statement identified above, indicate where the statement was published or to whom it was spoken.

**ANSWER:** See response to Interrogatory #4 above.

6. Identify and describe each and every document or thing you took out of your classroom at the Mount Vernon Middle School after April 1, 2008, indicating the date upon which each item was removed.

**ANSWER:** Objection. The Interrogatory is so overly broad as to imply Defendant/Counterclaimant Freshwater did or should have maintained documentation to support any answer he may provide.

Without waiving this objection, Defendant/Counterclaimant responds that he does not specifically recall removing anything from the classroom other than items that were routinely removed such as personal items or items brought to and removed from the classroom on a daily or routine basis.

  
R. Kelly Hamilton

7. Identify each and every handout you have provided to your eighth grade science class over the past five years which was provided to the students in class but you required that the students return to you and not take home.

**ANSWER:** Objection. The Interrogatory is argumentative and speculative.

Without waiving this objection, Defendant/Counterclaimant responds that he does not specifically recall that he "required" any student to return any handout.

  
R. Kelly Hamilton

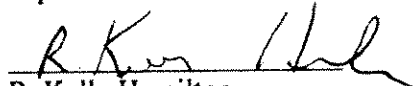
8. Describe the make and model identification of the device which you applied to Zach Dennis on December 6, 2007.

**ANSWER:** Electro-Technic Products Model BD-10A.

9. With regard to the device you identified in the above interrogatory, provide the names of each and every student for which you have applied a "Tesla coil" type advice to their person in all of your years at Mount Vernon Middle School.

**ANSWER:** Objection. The Interrogatory is so overly broad as to imply Defendant/Counterclaimant Freshwater did or should have maintained documentation to support any answer he may provide.

Without waiving this objection, Defendant/Counterclaimant responds that he does not specifically recall the name of all the students who participated in the science experiment through his "years at Mount Vernon Middle School". If asked about a specific student, Defendant/Counterclaimant maintains he may remember their participation in the science experiment.

  
R. Kelly Hamilton

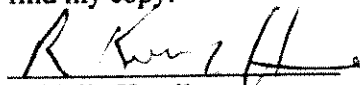
10. State whether you have ever been a plaintiff or defendant in any civil action, other than this one. If so, please identify the case name, case number, county and state in which it was filed, and the substantive claims for relief.

**ANSWER:** I have not.

11. If you have obtained a written, oral, or tape-recorded statement from any Plaintiff, defendant, or witness regarding the facts at issue in this case, please state the full name, business and residence address, and telephone number of the persons taking the statement and whose statement was taken, along with the date, time, and location of same; its form (affidavit, tape, etc.); and the full name, business and residence address, and telephone number of every person who currently has possession, custody, or control of each such statement.

**ANSWER:** Objection. The Interrogatory requests materials protected by the attorney-work-product privilege.

Without waiving this objection, Defendant/Counterclaimant responds that he does have knowledge of his legal counsel having obtained information that is recorded in various forms. Also, I did record the interview with the investigator and gave a copy to Bill White. I cannot find my copy.

  
R. Kelly Hamilton

12. Identify every individual with whom you have spoken regarding the facts and allegations set forth in Plaintiffs' First Amended Complaint and regarding your Counterclaim.

**ANSWER:** Objection. The Interrogatory is so overly broad as to imply Defendant/Counterclaimant Freshwater did or should have maintained documentation to support any answer he may provide.

Without waiving this objection, Defendant/Counterclaimant responds he has spoken to many people to include the following: R. Kelly Hamilton, Robert Stoffers, Jason Deschler, Bill Kepko, Sherrie Phillips, Roger Weaver, Tom Collier, Don Matolyak, Steve Thompson, Andrew Thompson, Lori Miller, Wes Elifritz, Deb Strouse, many school teachers, HR On Call investigators, my family, my friends, acquaintances and others.

  
R. Kelly Hamilton

13. Provide the identity and address of all of your current employers.

**ANSWER:** Mount Vernon City Schools and myself.

14. Identify each and every reason for which you believe that your actions which have now been challenged by the Mount Vernon City School District in termination proceedings were ratified or approved by the administration.

**ANSWER:** Objection. The Interrogatory requires legal analysis and conclusion.

Without waiving this objection, Defendant/Counterclaimant responds that he does not understand the question.

  
R. Kelly Hamilton

15. State the purpose for which you directed Zach Dennis to go to [www.answersingenesis.com](http://www.answersingenesis.com) as a part of your eighth grade science lecture.

**ANSWER:** Objection. The characterization of "directed" is not specifically defined. Without waiving this objection, I do not recall doing so.

Respectfully submitted,

  
s/ R. Kelly Hamilton

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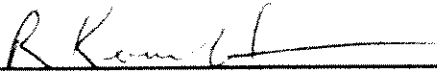
**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2008 a copy of the foregoing was served to the following counsel via electronic mail and ordinary U.S. mail.

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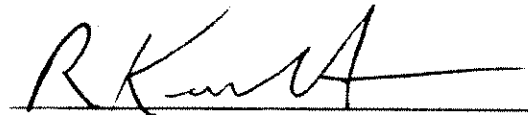
  
\_\_\_\_\_  
R. Kelly Hamilton (66403)

**VERIFICATION**

I swear that the answers to the foregoing interrogatories are true to the best of my belief and knowledge.

  
\_\_\_\_\_  
John Freshwater

Sworn to before me and subscribed in my presence this 27 day of December,  
2008.

  
\_\_\_\_\_  
Notary Public



R. KELLY HAMILTON, ATTORNEY AT LAW  
Notary Public  
In and for the State of Ohio  
My Commission Has No Expiration Date  
Section 147.06 R.C.