

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN DOE, et al.,

Plaintiffs,

v.

MOUNT VERNON CITY SCHOOL
DISTRICT BOARD OF EDUCATION, et al.,

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

DECLARATION OF DOUGLAS M. MANSFIELD

Douglas M. Mansfield, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner with the law firm of Jones Day and one of the attorneys representing Plaintiffs Stephen and Jenifer Dennis, individually and as the natural parents and next friends of their minor child, ZD (hereinafter the “Dennises”), in this case.

2. I have knowledge regarding the various discovery requests that the Dennises, by and through counsel, have served upon Defendant John Freshwater (“Freshwater”), and of Freshwater’s responses to those requests.

3. On April 30, 2010, I attended the afternoon session of the state administrative proceedings to terminate Freshwater (“termination hearing”) at the offices of the Mount Vernon City School District Board of Education.

4. At the termination hearing, R. Kelly Hamilton, counsel for Freshwater, approached me and stated that he was providing a copy of Employee Exhibit 161. He then handed me an 18-page, stapled document.

5. I looked at all 18 pages of the document. The first page was a photocopy of the title page of a science textbook entitled "Science Interactions." The remaining 17 pages were photocopied pages from that science textbook containing Freshwater's handwritten notes.

6. The document that Mr. Hamilton gave me on April 30, 2010 at the termination hearing did not contain the affidavits that are attached as pages 19-22 of Exhibit 3 to Freshwater's Reply To Plaintiff's Response To Defendant's Motion For Continuance And Motion For Sanctions For Defendant's Failure To Comply With This Court's Discovery Orders (Doc. No. 97) ("Freshwater's Response").

7. Mr. Hamilton never mentioned the affidavits when he gave me Employee Exhibit 161, never used the word "affidavit" in our discussion, and did not provide any written acknowledgment that he was providing the affidavits along with Exhibit 161.

8. I never saw or received the affidavits contained in Exhibit 3 to Freshwater's Response until Mr. Hamilton filed this exhibit with the Court on May 10, 2010.

9. After examining Employee Exhibit 161, I gave it to Leslie McCarthy, another Jones Day attorney who also is representing the Dennises in this case.

10. The four email exchanges between Mr. Hamilton and me that Mr. Hamilton filed as Exhibits 4, 5, 6, and 8 to Freshwater's Response principally concerned the cancellation of Freshwater's scheduled deposition because Mr. Hamilton refused to defend him.

11. In addition to the emails, Mr. Hamilton and I had a phone conversation on May 6, 2010 during which I raised, among other things, the issue of Freshwater's failure to produce various documents and referred Mr. Hamilton to the Dennises' April 22 letter detailing what materials Freshwater still needed to produce.

12. Mr. Hamilton delivered the “inspirational poster” to my office during the afternoon of May 11, 2010. I have never received Mr. Hamilton’s billing records, nor any of the other materials detailed in the April 22, 2010 letter.

13. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2010.

s/ Douglas M. Mansfield
Douglas M. Mansfield