

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FRESHWATER, <i>et al.</i>,	)	CASE NO. 2:09 cv 464
)	
Plaintiffs,	)	JUDGE FROST
	)	MAGISTRATE JUDGE KING
vs.)	
	)	DEFENDANT MOUNT VERNON CITY
MOUNT VERNON CITY SCHOOL	)	SCHOOL DISTRICT BOARD OF
DISTRICT BOARD OF EDUCATION, <i>et</i>	)	EDUCATION'S FIRST SET OF
<i>al.</i>	)	INTERROGATORIES PROPOUNDED TO
	)	PLAINTIFF JOHN FRESHWATER
Defendants.		

Defendant Mount Vernon City School District Board of Education ("Defendant"), pursuant to Civ. R. 33 propounds the following First Set of Interrogatories upon Plaintiff John Freshwater ("Plaintiff"). The following discovery is to be answered separately and fully, in writing and under oath and a copy thereof is to be served upon counsel for the Board within thirty (30) days of service thereof at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., Three Summit Park Drive, Suite 400, Cleveland, Ohio 44131.

I. INSTRUCTIONS

As required by law, your responses should supply documents not only in your possession, custody, or control, but also such documents that are available to all other persons acting on your

behalf in this case (e.g., your attorney). If you do not have information to answer the interrogatory, you are under a duty to make a reasonable effort to obtain such information. If any of your responses to an interrogatory are supported by or refer to documents, the documents shall be annexed to your response or shall be produced to the undersigned counsel for inspection and copying at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., at the address listed in the paragraph above. If your interrogatory responses refer to any document which is more than 5 pages in length, note the specific page(s) containing the responsive information.

If you claim privilege for any document or any communication encompassed by the Interrogatories, please set forth the basis for such claim of privilege and give a sufficient description to identify specifically each such document or communication, the authors and the persons to whom it was addressed, and the basis for your claim of privilege (i.e., the nature of the privileged claim and the facts upon which such claim is based). If any of your answers to an interrogatory cannot fit within the space provided, attach additional page(s) to your responses, identifying the interrogatory answer for which additional page(s) are attached, so that your full and complete answer to such interrogatory is given. When the Interrogatory calls for a document which, while known to you, is not in your possession or control, identify the present location and custodian if known, or otherwise its last known location and custodian.

Where the context of the Interrogatory makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. The words "any," "and," and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: "each," "every," "all"

and "any." The present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense.

These Interrogatories are continuing in nature and require that you serve, in the form of supplementary responses, and documents herein which are unavailable to you, or of which you are unaware at the time you submit your responses, but which becomes available to you, or of which you become aware, up to and including the time of trial. Similarly, any documents provided in response to these Interrogatories which is later found to be incorrect and/or incomplete or have become incorrect and/or incomplete because of changed circumstances shall be corrected and/or completed by means of supplementary answers. If any change occurred or occurs during the relevant period which affects the correctness, accuracy or intelligibility of any answer to any of these Interrogatories, the exact nature of each and the date thereof should be set forth in each supplementary answer to each such Interrogatories. You are further requested to produce additional responsive documents as and when they become available.

If you cannot answer any of the following Interrogatories in full, after exercising due diligence to secure the information to do so, you shall state so, and shall answer in as detailed a manner as possible, based on such information as is available or accessible, including estimates and identification and description of the manner in which any such estimate is made.

Each item of discovery is intended to, and does, request that each and every part thereof be answered with the same force and effect as if each part were the subject of and were asked by a separate discovery request. When an item of discovery calls for a response in more than one part, each part should be separate in the answer so that the response is clearly understandable.

Once a person has been identified in response to any Interrogatory, and provided no requested information concerning such person is different from that provided for an earlier identification, it shall be sufficient thereafter to identify such person by name only.

Unless otherwise indicated, these interrogatories refer to the time, place and circumstances of the occurrence(s) which is or are the subject of the First Amended Complaint.

When knowledge or information of a party is requested, the request includes knowledge of the party's family, directors, officers, agents, representatives, employees and attorneys.

Where addresses are requested, please set forth home and business addresses as known.

II. DEFINITIONS

1. "Defendant" means the Mount Vernon City School District Board of Education.
2. "Defendants" means the Mount Vernon City School District Board of Education, Ian Watson, Jody Goetzman, Stephen Short, and Bill White.
3. "Plaintiff," "You," or "Your" refers to John Freshwater.
4. "Plaintiffs" refer to John Freshwater and Nancy Freshwater.
5. "Person" and "Persons" means any natural person, proprietorship, corporation, firm, agency, partnership, joint stock association, business, trust, joint venture group, association, foundation, organization, governmental body or agency or quasi-public entity, regulatory authority or any other legal entity recognized by law.
6. The conjunctions "and" and "or" each mean "and/or" which shall be construed both conjunctively and disjunctively so as to require the broadest possible response to any given request.
7. "Complaint" means the First Amended Complaint filed in this action by Plaintiff in the United States District Court for the Southern District of Ohio styled *John Freshwater, et*

al. v. Mount Vernon City School District Board of Education, et al., Case No. 2:09 cv 464.

8. "Document" or "Documents" means any medium in the custody, control or possession of, or available or accessible to Plaintiff and/or Plaintiff's counsel, upon which information is recorded or from which information can be recorded, including, but not limited to, any written, typed, photostatic, photographed, electronically stored information, recorded, or otherwise produced, reproduced or stored communication or representation, including, but not limited to, all correspondence, memoranda, notes, records, letters, emails, envelopes, telegrams, messages, studies, analyses, contracts, agreements, schedules, appointments books and calendars, projections, estimates, working papers, summaries, statistical statements, financial statements or work papers, accounts, analytical records, scientific or technical data, reports and/or summaries of investigations, transcriptions, opinions or reports of consultants, opinions or reports of investigators, consultants, laboratories, messages (including reports of telephone conversations and conferences or any other reports), books, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, forecasts, drawings, diagrams, instructions, minutes of meetings, communications of any type, including inter-or intra-office communications (including e-mail), questionnaires and surveys, charts, tables, graphs, reports, photographs, pictures, films, video or audio tapes, recordings, discs, drums, printouts, all other data compilations from which information can be obtained and other writings or documents of whatever description or kind, whether produced or authored by you or anyone else, and any preliminary versions, drafts or revisions of the foregoing, including non-identical copies of all of the foregoing. If any such document was, but is no longer in your possession or control, state what disposition was made of it and when.

9. Whenever you are asked the “identity” of a person or business entity or asked to “identify” a person or business entity, state, to the extent known, each person’s or entity’s full name, present or last known business and residence addresses, present or last known business and residence telephone number, and each person’s job title and employer, if any, and relationship to Plaintiff; or if such person is a student, then so state and give the name of the educational institution where such person is a student.

10. Whenever you are asked to “identify” a document, state the type of document, its author, its date, a general description of its contents, and the identity of its present or last known custodian.

11. “Communication” means any statement, question, command or interjection, whether made orally, visually or in writing or by mechanical or electronic device, and whether for internal or external use.

12. “Healthcare Professional” means any medical doctor, doctor of osteopathy, psychiatrist, psychologist, nurse, physician’s assistant, therapist, social worker, dentist, or any other individual providing physical or mental treatment, consultation, therapy, diagnosis or assistance.

III. INTERROGATORIES

1. Please identify by name, address, and telephone number all individuals who participated in, prepared and/or supplied information for any of the answers to these Interrogatories.

ANSWER:

2. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count One of the First Amended Complaint.

ANSWER:

3. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Two of the First Amended Complaint.

ANSWER:

4. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Three of the First Amended Complaint.

ANSWER:

5. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Four of the First Amended Complaint.

ANSWER:

6. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Five of the First Amended Complaint.

ANSWER:

7. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Six of the First Amended Complaint.

ANSWER:

8. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Seven of the First Amended Complaint.

ANSWER:

9. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Eight of the First Amended Complaint.

ANSWER:

10. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Nine of the First Amended Complaint.

ANSWER:

11. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Ten of the First Amended Complaint.

ANSWER:

12. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Eleven of the First Amended Complaint.

ANSWER:

13. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Twelve of the First Amended Complaint.

ANSWER:

14. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Fourteen of the First Amended Complaint.

ANSWER:

15. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Fifteen of the First Amended Complaint.

ANSWER:

16. Please identify the specific acts or omissions taken by Defendant Board that constitute the factual basis for your claims against Defendant Board under Count Seventeen of the First Amended Complaint.

ANSWER:

17. Please identify any bodily injury or physical harm suffered by you from January 1, 2003 to present, which you claim was directly and proximately caused by Defendant Board.

ANSWER:

18. Please identify any emotional distress suffered by you from January 1, 2003 to present.

ANSWER:

19. Identify any and all Healthcare Professionals you have seen from January 1, 2003 to present.

ANSWER:

20. Please identify all individuals you intend to have testify at trial, hearing or other proceeding in this matter.

ANSWER:

21. Please identify the amount of any legal fees and expenses incurred by you in the prosecution of this action as against Defendant Board.

ANSWER:

22. Please identify all compensatory damages you seek to recover from Defendant Board in this action, specifying the nature of each category of damage.

ANSWER:

23. Please identify any expert witness(es) who you anticipate will testify on your behalf at the trial on this case and please provide the following additional information:

- a. The subject matter upon which each expert is expected to testify;
- b. The mental impressions and opinions held by each expert;
- c. The facts known to each expert which relate to or form the basis of the expert's mental impressions or opinions; and
- d. Whether each expert has rendered a written report or reports in connection with his or her services.

ANSWER:

24. Please identify each exhibit, book, document, and/or tangible thing that you or your attorney may offer into evidence at trial, or otherwise utilize at trial or any hearing or proceeding in this matter.

ANSWER:

Respectfully Submitted,



David K. Smith (0016208)

Krista Keim (0067144)

Sarah J. Moore (0065381)

BRITTON, SMITH, PETERS

& KALAIL CO., L.P.A.

3 Summit Park Drive, Suite 400

Cleveland, Ohio 44131

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kkeim@ohioedlaw.com

sjmoore@ohioedlaw.com

*Attorneys for Defendants Mount Vernon City
School District Board of Education*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2010, a copy of the foregoing *Defendant Mount Vernon City School District Board of Education's First Set of Interrogatories Propounded to Plaintiff John Freshwater* was served via e-mail upon the following:

R. Kelly Hamilton (0066403)
3800 Broadway
Grove City, Ohio 43213
Tele: (614) 875-4174; Fax: 614-875-4188
hamiltonlaw@sbcglobal.net

Counsel for Plaintiffs

Larry Craig Greathouse (0008513)
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6th Floor, Bulkley Building
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Counsel for Defendant H.R. On Call, Thomas Herlevi & Julia Herlevi

Nicole M. Donovan (0072262)
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and

C. Joseph McCullough (0069844)
White Getgey & Meyer Co., LPA
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Loveland, Ohio 45140
Tele: (513) 583-8888; Fax: (513) 583-8892
jmccullough@wgmlpa.com

Counsel for Defendant Lynda Weston



One of the Attorneys for Defendants Mount
Vernon City School District Board of
Education

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FRESHWATER, <i>et al.</i>,	)	CASE NO. 2:09 cv 464
)	
Plaintiffs,	)	JUDGE FROST
	)	MAGISTRATE JUDGE KING
vs.)	
	)	DEFENDANT JODY GOETZMAN'S
MOUNT VERNON CITY SCHOOL	)	FIRST SET OF INTERROGATORIES
DISTRICT BOARD OF EDUCATION, <i>et</i>	)	PROPOUNDED TO PLAINTIFF JOHN
<i>al.</i>	)	FRESHWATER
)	
Defendants.)	

Defendant Jody Goetzman (“Defendant”), pursuant to Civ. R. 33 propounds the following First Set of Interrogatories upon Plaintiff John Freshwater (“Plaintiff”). The following discovery is to be answered separately and fully, in writing and under oath and a copy thereof is to be served upon counsel for the Board within thirty (30) days of service thereof at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., Three Summit Park Drive, Suite 400, Cleveland, Ohio 44131.

I. INSTRUCTIONS

As required by law, your responses should supply documents not only in your possession, custody, or control, but also such documents that are available to all other persons acting on your

behalf in this case (e.g., your attorney). If you do not have information to answer the interrogatory, you are under a duty to make a reasonable effort to obtain such information. If any of your responses to an interrogatory are supported by or refer to documents, the documents shall be annexed to your response or shall be produced to the undersigned counsel for inspection and copying at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., at the address listed in the paragraph above. If your interrogatory responses refer to any document which is more than 5 pages in length, note the specific page(s) containing the responsive information.

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Where the context of the Interrogatory makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. The words "any," "and," and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: "each," "every," "all"

and "any." The present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense.

These Interrogatories are continuing in nature and require that you serve, in the form of supplementary responses, and documents herein which are unavailable to you, or of which you are unaware at the time you submit your responses, but which becomes available to you, or of which you become aware, up to and including the time of trial. Similarly, any documents provided in response to these Interrogatories which is later found to be incorrect and/or incomplete or have become incorrect and/or incomplete because of changed circumstances shall be corrected and/or completed by means of supplementary answers. If any change occurred or occurs during the relevant period which affects the correctness, accuracy or intelligibility of any answer to any of these Interrogatories, the exact nature of each and the date thereof should be set forth in each supplementary answer to each such Interrogatories. You are further requested to produce additional responsive documents as and when they become available.

If you cannot answer any of the following Interrogatories in full, after exercising due diligence to secure the information to do so, you shall state so, and shall answer in as detailed a manner as possible, based on such information as is available or accessible, including estimates and identification and description of the manner in which any such estimate is made.

Each item of discovery is intended to, and does, request that each and every part thereof be answered with the same force and effect as if each part were the subject of and were asked by a separate discovery request. When an item of discovery calls for a response in more than one part, each part should be separate in the answer so that the response is clearly understandable.

Once a person has been identified in response to any Interrogatory, and provided no requested information concerning such person is different from that provided for an earlier identification, it shall be sufficient thereafter to identify such person by name only.

Unless otherwise indicated, these interrogatories refer to the time, place and circumstances of the occurrence(s) which is or are the subject of the Complaint.

When knowledge or information of a party is requested, the request includes knowledge of the party's family, directors, officers, agents, representatives, employees and attorneys.

Where addresses are requested, please set forth home and business addresses as known.

II. DEFINITIONS

1. "Defendant" means Jody Goetzman.
2. "Plaintiff," "You," or "Your" refers to John Freshwater.
3. "Person" and "Persons" means any natural person, proprietorship, corporation, firm, agency, partnership, joint stock association, business, trust, joint venture group, association, foundation, organization, governmental body or agency or quasi-public entity, regulatory authority or any other legal entity recognized by law.
4. The conjunctions "and" and "or" each mean "and/or" which shall be construed both conjunctively and disjunctively so as to require the broadest possible response to any given request.
5. "Complaint" means the First Amended Complaint filed in this action by Plaintiff in the United States District Court for the Southern District of Ohio styled *John Freshwater, et al. v. Mount Vernon City School District Board of Education, et al.*, Case No. 2:09 cv 464.
6. "Document" or "Documents" means any medium in the custody, control or possession of, or available or accessible to Plaintiff and/or Plaintiff's counsel, upon which

information is recorded or from which information can be recorded, including, but not limited to, any written, typed, photostatic, photographed, electronically stored information, recorded, or otherwise produced, reproduced or stored communication or representation, including, but not limited to, all correspondence, memoranda, notes, records, letters, emails, envelopes, telegrams, messages, studies, analyses, contracts, agreements, schedules, appointments books and calendars, projections, estimates, working papers, summaries, statistical statements, financial statements or work papers, accounts, analytical records, scientific or technical data, reports and/or summaries of investigations, transcriptions, opinions or reports of consultants, opinions or reports of investigators, consultants, laboratories, messages (including reports of telephone conversations and conferences or any other reports), books, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, forecasts, drawings, diagrams, instructions, minutes of meetings, communications of any type, including inter-or intra-office communications (including e-mail), questionnaires and surveys, charts, tables, graphs, reports, photographs, pictures, films, video or audio tapes, recordings, discs, drums, printouts, all other data compilations from which information can be obtained and other writings or documents of whatever description or kind, whether produced or authored by you or anyone else, and any preliminary versions, drafts or revisions of the foregoing, including non-identical copies of all of the foregoing. If any such document was, but is no longer in your possession or control, state what disposition was made of it and when.

9. Whenever you are asked the "identity" of a person or business entity or asked to "identify" a person or business entity, state, to the extent known, each person's or entity's full name, present or last known business and residence addresses, present or last known business and residence telephone number, and each person's job title and employer, if any, and

relationship to Plaintiff; or if such person is a student, then so state and give the name of the educational institution where such person is a student.

10. Whenever you are asked to "identify" a document, state the type of document, its author, its date, a general description of its contents, and the identity of its present or last known custodian.

11. "Communication" means any statement, question, command or interjection, whether made orally, visually or in writing or by mechanical or electronic device, and whether for internal or external use.

12. "Healthcare Professional" means any medical doctor, doctor of osteopathy, psychiatrist, psychologist, nurse, physician's assistant, therapist, social worker, dentist, or any other individual providing physical or mental treatment, consultation, therapy, diagnosis or assistance.

III. INTERROGATORIES

1. Please identify by name, address, and telephone number all individuals who participated in, prepared and/or supplied information for any of the answers to these Interrogatories.

ANSWER:

2. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count One of the First Amended Complaint.

ANSWER:

3. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Two of the First Amended Complaint.

ANSWER:

4. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Three of the First Amended Complaint.

ANSWER:

5. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Seven of the First Amended Complaint.

ANSWER:

6. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Eight of the First Amended Complaint.

ANSWER:

7. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Nine of the First Amended Complaint.

ANSWER:

8. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Ten of the First Amended Complaint.

ANSWER:

9. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Eleven of the First Amended Complaint.

ANSWER:

10. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Fifteen of the First Amended Complaint.

ANSWER:

11. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claims against Defendant Goetzman under Count Seventeen of the First Amended Complaint.

ANSWER:

12. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claim that Defendant Goetzman acted with improper or evil motive to injure you.

ANSWER:

13. Please identify the specific acts or omissions taken by Defendant Goetzman that constitute the factual basis for your claim that Defendant Goetzman's actions were fraudulent, oppressive, malicious and in conscious disregard for your rights.

ANSWER:

14. Please identify any bodily injury or physical harm suffered by you from January 1, 2003 to present, which you claim was directly and proximately caused by Defendant Goetzman.

ANSWER:

15. Please identify all compensatory damages you seek to recover from Defendant Goetzman in this action, specifying the nature of each category of damage.

ANSWER:

Respectfully Submitted,



David K. Smith (0016208)
Krista Keim (0067144)
Sarah J. Moore (0065381)
BRITTON, SMITH, PETERS
& KALAIL CO., L.P.A.
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Cleveland, Ohio 44131
Telephone: (216) 503-5055
Facsimile: (216) 503-5065
Email: dsmith@ohioedlaw.com
kkeim@ohioedlaw.com
sjmoore@ohioedlaw.com

*Attorneys for Defendant Jody Goetzman in her
professional and individual capacities*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2010, a copy of the foregoing *Defendant Jody Goetzman's First Set of Interrogatories Propounded to Plaintiff John Freshwater* was served via e-mail upon the following:

R. Kelly Hamilton (0066403)
3800 Broadway
Grove City, Ohio 43213
Tele: (614) 875-4174; Fax: 614-875-4188
hamiltonlaw@sbcglobal.net

Counsel for Plaintiffs

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Gallagher, Sharp
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lgreathouse@gallaghersharp.com

Counsel for Defendant H.R. On Call, Thomas Herlevi & Julia Herlevi

Nicole M. Donovan (0072262)
Richard W. Ross (0009363)
Stacy V. Pollock (0080229)
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ndonovskymbbblaw.com
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spollockmbbblaw.com

and

C. Joseph McCullough (0069844)
White Getgey & Meyer Co., LPA
8977 Columbia Road, Ste. A
Loveland, Ohio 45140
Tele: (513) 583-8888; Fax: (513) 583-8892
jmccullough@wgmlpa.com

Counsel for Defendant Lynda Weston



One of Attorneys for Defendant Jody Goetzman in her professional and individual capacities

VERIFICATION

I, John Freshwater, being first duly sworn, deposes and states that the foregoing Answers to Defendant Jody Goetzman's First Set of Interrogatories are true and accurate to the best of my belief and knowledge.

JOHN FRESHWATER

STATE OF OHIO)
) SS:
COUNTY OF _____)

SWORN TO BEFORE ME and subscribed in my presence this ____ day of
_____, 2010.

Notary Public

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FRESHWATER, <i>et al.</i>,	)	CASE NO. 2:09 cv 464
)	
Plaintiffs,	)	JUDGE FROST
	)	MAGISTRATE JUDGE KING
vs.)	
	)	DEFENDANT STEPHEN SHORT'S FIRST
MOUNT VERNON CITY SCHOOL	)	SET OF INTERROGATORIES
DISTRICT BOARD OF EDUCATION, <i>et</i>	)	PROPOUNDED TO PLAINTIFF JOHN
<i>al.</i>	)	FRESHWATER
)	
Defendants.)	

Defendant Stephen Short (“Defendant”), pursuant to Civ. R. 33 propounds the following First Set of Interrogatories upon Plaintiff John Freshwater (“Plaintiff”). The following discovery is to be answered separately and fully, in writing and under oath and a copy thereof is to be served upon counsel for the Board within thirty (30) days of service thereof at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., Three Summit Park Drive, Suite 400, Cleveland, Ohio 44131.

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Where the context of the Interrogatory makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. The words "any," "and," and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: "each," "every," "all"

and "any." The present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense.

These Interrogatories are continuing in nature and require that you serve, in the form of supplementary responses, and documents herein which are unavailable to you, or of which you are unaware at the time you submit your responses, but which becomes available to you, or of which you become aware, up to and including the time of trial. Similarly, any documents provided in response to these Interrogatories which is later found to be incorrect and/or incomplete or have become incorrect and/or incomplete because of changed circumstances shall be corrected and/or completed by means of supplementary answers. If any change occurred or occurs during the relevant period which affects the correctness, accuracy or intelligibility of any answer to any of these Interrogatories, the exact nature of each and the date thereof should be set forth in each supplementary answer to each such Interrogatories. You are further requested to produce additional responsive documents as and when they become available.

If you cannot answer any of the following Interrogatories in full, after exercising due diligence to secure the information to do so, you shall state so, and shall answer in as detailed a manner as possible, based on such information as is available or accessible, including estimates and identification and description of the manner in which any such estimate is made.

Each item of discovery is intended to, and does, request that each and every part thereof be answered with the same force and effect as if each part were the subject of and were asked by a separate discovery request. When an item of discovery calls for a response in more than one part, each part should be separate in the answer so that the response is clearly understandable.

Once a person has been identified in response to any Interrogatory, and provided no requested information concerning such person is different from that provided for an earlier identification, it shall be sufficient thereafter to identify such person by name only.

Unless otherwise indicated, these interrogatories refer to the time, place and circumstances of the occurrence(s) which is or are the subject of the Complaint.

When knowledge or information of a party is requested, the request includes knowledge of the party's family, directors, officers, agents, representatives, employees and attorneys.

Where addresses are requested, please set forth home and business addresses as known.

II. DEFINITIONS

1. "Defendant" means Stephen Short.
2. "Plaintiff," "You," or "Your" refers to John Freshwater.
3. "Person" and "Persons" means any natural person, proprietorship, corporation, firm, agency, partnership, joint stock association, business, trust, joint venture group, association, foundation, organization, governmental body or agency or quasi-public entity, regulatory authority or any other legal entity recognized by law.
4. The conjunctions "and" and "or" each mean "and/or" which shall be construed both conjunctively and disjunctively so as to require the broadest possible response to any given request.
5. "Complaint" means the First Amended Complaint filed in this action by Plaintiff in the United States District Court for the Southern District of Ohio styled *John Freshwater, et al. v. Mount Vernon City School District Board of Education, et al.*, Case No. 2:09 cv 464.
6. "Document" or "Documents" means any medium in the custody, control or possession of, or available or accessible to Plaintiff and/or Plaintiff's counsel, upon which

information is recorded or from which information can be recorded, including, but not limited to, any written, typed, photostatic, photographed, electronically stored information, recorded, or otherwise produced, reproduced or stored communication or representation, including, but not limited to, all correspondence, memoranda, notes, records, letters, emails, envelopes, telegrams, messages, studies, analyses, contracts, agreements, schedules, appointments books and calendars, projections, estimates, working papers, summaries, statistical statements, financial statements or work papers, accounts, analytical records, scientific or technical data, reports and/or summaries of investigations, transcriptions, opinions or reports of consultants, opinions or reports of investigators, consultants, laboratories, messages (including reports of telephone conversations and conferences or any other reports), books, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, forecasts, drawings, diagrams, instructions, minutes of meetings, communications of any type, including inter-or intra-office communications (including e-mail), questionnaires and surveys, charts, tables, graphs, reports, photographs, pictures, films, video or audio tapes, recordings, discs, drums, printouts, all other data compilations from which information can be obtained and other writings or documents of whatever description or kind, whether produced or authored by you or anyone else, and any preliminary versions, drafts or revisions of the foregoing, including non-identical copies of all of the foregoing. If any such document was, but is no longer in your possession or control, state what disposition was made of it and when.

9. Whenever you are asked the "identity" of a person or business entity or asked to "identify" a person or business entity, state, to the extent known, each person's or entity's full name, present or last known business and residence addresses, present or last known business and residence telephone number, and each person's job title and employer, if any, and

relationship to Plaintiff; or if such person is a student, then so state and give the name of the educational institution where such person is a student.

10. Whenever you are asked to "identify" a document, state the type of document, its author, its date, a general description of its contents, and the identity of its present or last known custodian.

11. "Communication" means any statement, question, command or interjection, whether made orally, visually or in writing or by mechanical or electronic device, and whether for internal or external use.

12. "Healthcare Professional" means any medical doctor, doctor of osteopathy, psychiatrist, psychologist, nurse, physician's assistant, therapist, social worker, dentist, or any other individual providing physical or mental treatment, consultation, therapy, diagnosis or assistance.

13. "Public Statement" means any statement made by you, or a person acting as your spokesperson, inclusive of your attorney(s), to the public through either print media, radio, television, or internet forums.

III. INTERROGATORIES

1. Please identify by name, address, and telephone number all individuals who participated in, prepared and/or supplied information for any of the answers to these Interrogatories.

ANSWER:

2. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count One of the First Amended Complaint.

ANSWER:

3. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Two of the First Amended Complaint.

ANSWER:

4. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Three of the First Amended Complaint.

ANSWER:

5. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Four of the First Amended Complaint.

ANSWER:

6. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Six of the First Amended Complaint.

ANSWER:

7. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Seven of the First Amended Complaint.

ANSWER:

8. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Eight of the First Amended Complaint.

ANSWER:

9. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Nine of the First Amended Complaint.

ANSWER:

10. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Ten of the First Amended Complaint.

ANSWER:

11. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Eleven of the First Amended Complaint.

ANSWER:

12. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Twelve of the First Amended Complaint.

ANSWER:

13. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Fifteen of the First Amended Complaint.

ANSWER:

14. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claims against Defendant Short under Count Seventeen of the First Amended Complaint.

ANSWER:

15. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claim that Defendant Short acted with improper or evil motive to injure you.

ANSWER:

16. Please identify the specific acts or omissions taken by Defendant Short that constitute the factual basis for your claim that Defendant Short's actions were fraudulent, oppressive, malicious and in conscious disregard for your rights.

ANSWER:

17. Please identify any bodily injury or physical harm suffered by you from January 1, 2003 to present, which you claim was directly and proximately caused by Defendant Short.

ANSWER:

18. Please identify all compensatory damages you seek to recover from Defendant Short in this action, specifying the nature of each category of damage.

ANSWER:

19. Please identify every public statement made by you from January 1, 2003 to present in regard to your 2003 proposal to Defendant Board.

ANSWER:

20. Please identify every public statement made by you from January 1, 2008 to present in regard to your employment with Defendant Board, including but not limited to statements about the factual allegations contained in your First Amended Complaint.

ANSWER:

Respectfully Submitted,



David K. Smith (0016208)
Krista Keim (0067144)
Sarah J. Moore (0065381)
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& KALAIL CO., L.P.A.
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Email: dsmith@ohioedlaw.com
kkeim@ohioedlaw.com
sjmoore@ohioedlaw.com

*Attorneys for Defendant Stephen Short in his
professional and individual capacities*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2010, a copy of the foregoing *Defendant Stephen Short's First Set of Interrogatories Propounded to Plaintiff John Freshwater* was served via e-mail upon the following:

R. Kelly Hamilton (0066403)
3800 Broadway
Grove City, Ohio 43213
Tele: (614) 875-4174; Fax: 614-875-4188
hamiltonlaw@sbcglobal.net

Counsel for Plaintiffs

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6th Floor, Bulkley Building
1501 Euclid Avenue
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lgreathouse@gallaghersharp.com

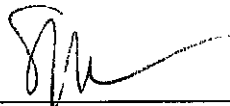
Counsel for Defendant H.R. On Call, Thomas Herlevi & Julia Herlevi

Nicole M. Donovsky (0072262)
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Stacy V. Pollock (0080229)
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and

C. Joseph McCullough (0069844)
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Tele: (513) 583-8888; Fax: (513) 583-8892
jmccullough@wgmlpa.com

Counsel for Defendant Lynda Weston



One of Attorneys for Defendant Stephen Short in his professional and individual capacities

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FRESHWATER, <i>et al.</i>,	)	CASE NO. 2:09 cv 464
)	
Plaintiffs,	)	JUDGE FROST
	)	MAGISTRATE JUDGE KING
vs.)	
	)	DEFENDANT IAN WATSON'S FIRST
MOUNT VERNON CITY SCHOOL	)	SET OF INTERROGATORIES
DISTRICT BOARD OF EDUCATION, <i>et</i>	)	PROPOUNDED TO PLAINTIFF JOHN
<i>al.</i>	)	FRESHWATER
)	
Defendants.)	

Defendant Ian Watson (“Defendant”), pursuant to Civ. R. 33 propounds the following First Set of Interrogatories upon Plaintiff John Freshwater (“Plaintiff”). The following discovery is to be answered separately and fully, in writing and under oath and a copy thereof is to be served upon counsel for the Board within thirty (30) days of service thereof at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., Three Summit Park Drive, Suite 400, Cleveland, Ohio 44131.

I. INSTRUCTIONS

As required by law, your responses should supply documents not only in your possession, custody, or control, but also such documents that are available to all other persons acting on your

behalf in this case (e.g., your attorney). If you do not have information to answer the interrogatory, you are under a duty to make a reasonable effort to obtain such information. If any of your responses to an interrogatory are supported by or refer to documents, the documents shall be annexed to your response or shall be produced to the undersigned counsel for inspection and copying at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., at the address listed in the paragraph above. If your interrogatory responses refer to any document which is more than 5 pages in length, note the specific page(s) containing the responsive information.

If you claim privilege for any document or any communication encompassed by the Interrogatories, please set forth the basis for such claim of privilege and give a sufficient description to identify specifically each such document or communication, the authors and the persons to whom it was addressed, and the basis for your claim of privilege (i.e., the nature of the privileged claim and the facts upon which such claim is based). If any of your answers to an interrogatory cannot fit within the space provided, attach additional page(s) to your responses, identifying the interrogatory answer for which additional page(s) are attached, so that your full and complete answer to such interrogatory is given. When the Interrogatory calls for a document which, while known to you, is not in your possession or control, identify the present location and custodian if known, or otherwise its last known location and custodian.

Where the context of the Interrogatory makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. The words "any," "and," and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: "each," "every," "all"

and "any." The present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense.

These Interrogatories are continuing in nature and require that you serve, in the form of supplementary responses, and documents herein which are unavailable to you, or of which you are unaware at the time you submit your responses, but which becomes available to you, or of which you become aware, up to and including the time of trial. Similarly, any documents provided in response to these Interrogatories which is later found to be incorrect and/or incomplete or have become incorrect and/or incomplete because of changed circumstances shall be corrected and/or completed by means of supplementary answers. If any change occurred or occurs during the relevant period which affects the correctness, accuracy or intelligibility of any answer to any of these Interrogatories, the exact nature of each and the date thereof should be set forth in each supplementary answer to each such Interrogatories. You are further requested to produce additional responsive documents as and when they become available.

If you cannot answer any of the following Interrogatories in full, after exercising due diligence to secure the information to do so, you shall state so, and shall answer in as detailed a manner as possible, based on such information as is available or accessible, including estimates and identification and description of the manner in which any such estimate is made.

Each item of discovery is intended to, and does, request that each and every part thereof be answered with the same force and effect as if each part were the subject of and were asked by a separate discovery request. When an item of discovery calls for a response in more than one part, each part should be separate in the answer so that the response is clearly understandable.

Once a person has been identified in response to any Interrogatory, and provided no requested information concerning such person is different from that provided for an earlier identification, it shall be sufficient thereafter to identify such person by name only.

Unless otherwise indicated, these interrogatories refer to the time, place and circumstances of the occurrence(s) which is or are the subject of the Complaint.

When knowledge or information of a party is requested, the request includes knowledge of the party's family, directors, officers, agents, representatives, employees and attorneys.

Where addresses are requested, please set forth home and business addresses as known.

II. DEFINITIONS

1. "Defendant" means Ian Watson.
2. "Plaintiff," "You," or "Your" refers to John Freshwater.
3. "Person" and "Persons" means any natural person, proprietorship, corporation, firm, agency, partnership, joint stock association, business, trust, joint venture group, association, foundation, organization, governmental body or agency or quasi-public entity, regulatory authority or any other legal entity recognized by law.
4. The conjunctions "and" and "or" each mean "and/or" which shall be construed both conjunctively and disjunctively so as to require the broadest possible response to any given request.
5. "Complaint" means the First Amended Complaint filed in this action by Plaintiff in the United States District Court for the Southern District of Ohio styled *John Freshwater, et al. v. Mount Vernon City School District Board of Education, et al.*, Case No. 2:09 cv 464.
6. "Document" or "Documents" means any medium in the custody, control or possession of, or available or accessible to Plaintiff and/or Plaintiff's counsel, upon which

information is recorded or from which information can be recorded, including, but not limited to, any written, typed, photostatic, photographed, electronically stored information, recorded, or otherwise produced, reproduced or stored communication or representation, including, but not limited to, all correspondence, memoranda, notes, records, letters, emails, envelopes, telegrams, messages, studies, analyses, contracts, agreements, schedules, appointments books and calendars, projections, estimates, working papers, summaries, statistical statements, financial statements or work papers, accounts, analytical records, scientific or technical data, reports and/or summaries of investigations, transcriptions, opinions or reports of consultants, opinions or reports of investigators, consultants, laboratories, messages (including reports of telephone conversations and conferences or any other reports), books, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, forecasts, drawings, diagrams, instructions, minutes of meetings, communications of any type, including inter-or intra-office communications (including e-mail), questionnaires and surveys, charts, tables, graphs, reports, photographs, pictures, films, video or audio tapes, recordings, discs, drums, printouts, all other data compilations from which information can be obtained and other writings or documents of whatever description or kind, whether produced or authored by you or anyone else, and any preliminary versions, drafts or revisions of the foregoing, including non-identical copies of all of the foregoing. If any such document was, but is no longer in your possession or control, state what disposition was made of it and when.

9. Whenever you are asked the "identity" of a person or business entity or asked to "identify" a person or business entity, state, to the extent known, each person's or entity's full name, present or last known business and residence addresses, present or last known business and residence telephone number, and each person's job title and employer, if any, and

relationship to Plaintiff; or if such person is a student, then so state and give the name of the educational institution where such person is a student.

10. Whenever you are asked to "identify" a document, state the type of document, its author, its date, a general description of its contents, and the identity of its present or last known custodian.

11. "Communication" means any statement, question, command or interjection, whether made orally, visually or in writing or by mechanical or electronic device, and whether for internal or external use.

12. "Healthcare Professional" means any medical doctor, doctor of osteopathy, psychiatrist, psychologist, nurse, physician's assistant, therapist, social worker, dentist, or any other individual providing physical or mental treatment, consultation, therapy, diagnosis or assistance.

III. INTERROGATORIES

1. Please identify by name, address, and telephone number all individuals who participated in, prepared and/or supplied information for any of the answers to these Interrogatories.

ANSWER:

2. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count One of the First Amended Complaint.

ANSWER:

3. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Two of the First Amended Complaint.

ANSWER:

4. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Three of the First Amended Complaint.

ANSWER:

5. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Six of the First Amended Complaint.

ANSWER:

6. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Seven of the First Amended Complaint.

ANSWER:

7. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Eight of the First Amended Complaint.

ANSWER:

8. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Nine of the First Amended Complaint.

ANSWER:

9. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Ten of the First Amended Complaint.

ANSWER:

10. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Eleven of the First Amended Complaint.

ANSWER:

11. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Fifteen of the First Amended Complaint.

ANSWER:

12. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claims against Defendant Watson under Count Seventeen of the First Amended Complaint.

ANSWER:

13. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claim that Defendant Watson acted with improper or evil motive to injure you.

ANSWER:

14. Please identify the specific acts or omissions taken by Defendant Watson that constitute the factual basis for your claim that Defendant Watson's actions were fraudulent, oppressive, malicious and in conscious disregard for your rights.

ANSWER:

15. Please identify any bodily injury or physical harm suffered by you from January 1, 2003 to present, which you claim was directly and proximately caused by Defendant Watson.

ANSWER:

16. Please identify all compensatory damages you seek to recover from Defendant Watson in this action, specifying the nature of each category of damage.

ANSWER:

Respectfully Submitted,



David K. Smith (0016208)
Krista Keim (0067144)
Sarah J. Moore (0065381)
BRITTON, SMITH, PETERS
& KALAIL CO., L.P.A.
3 Summit Park Drive, Suite 400
Cleveland, Ohio 44131
Telephone: (216) 503-5055
Facsimile: (216) 503-5065
Email: dsmith@ohioedlaw.com
kkeim@ohioedlaw.com
sjmoore@ohioedlaw.com

*Attorneys for Defendant Ian Watson in his
professional and individual capacities*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2010, a copy of the foregoing *Defendant Ian Watson's First Set of Interrogatories Propounded to Plaintiff John Freshwater* was served via e-mail upon the following:

R. Kelly Hamilton (0066403)
3800 Broadway
Grove City, Ohio 43213
Tele: (614) 875-4174; Fax: 614-875-4188
hamiltonlaw@sbcglobal.net

Counsel for Plaintiffs

Larry Craig Greathouse (0008513)
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6th Floor, Bulkley Building
1501 Euclid Avenue
Cleveland, Ohio 44115
Tele: (216) 241-5310; Fax: (216) 241-1608
lgreathouse@gallaghersharp.com

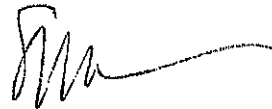
Counsel for Defendant H.R. On Call, Thomas Herlevi & Julia Herlevi

Nicole M. Donovan (0072262)
Richard W. Ross (0009363)
Stacy V. Pollock (0080229)
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Columbus, Ohio 43221
Tele: (614) 485-2010; Fax: (614) 485-2019
ndonovsky@mabbblaw.com
ross@mabbblaw.com
spollock@mabbblaw.com

and

C. Joseph McCullough (0069844)
White Getgey & Meyer Co., LPA
8977 Columbia Road, Ste. A
Loveland, Ohio 45140
Tele: (513) 583-8888; Fax: (513) 583-8892
jmccullough@wgmlpa.com

Counsel for Defendant Lynda Weston



One of Attorneys for Defendant Ian Watson
in his professional and individual capacities

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FRESHWATER, <i>et al.</i>,	)	CASE NO. 2:09 cv 464
)	
Plaintiffs,	)	JUDGE FROST
	)	MAGISTRATE JUDGE KING
vs.)	
	)	DEFENDANT WILLIAM WHITE'S
MOUNT VERNON CITY SCHOOL	)	FIRST SET OF INTERROGATORIES
DISTRICT BOARD OF EDUCATION, <i>et</i>	)	PROPOUNDED TO PLAINTIFF JOHN
<i>al.</i>	)	FRESHWATER
)	
Defendants.)	

Defendant William White (“Defendant”), pursuant to Civ. R. 33 propounds the following First Set of Interrogatories upon Plaintiff John Freshwater (“Plaintiff”). The following discovery is to be answered separately and fully, in writing and under oath and a copy thereof is to be served upon counsel for the Board within thirty (30) days of service thereof at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., Three Summit Park Drive, Suite 400, Cleveland, Ohio 44131.

I. INSTRUCTIONS

As required by law, your responses should supply documents not only in your possession, custody, or control, but also such documents that are available to all other persons acting on your

behalf in this case (e.g., your attorney). If you do not have information to answer the interrogatory, you are under a duty to make a reasonable effort to obtain such information. If any of your responses to an interrogatory are supported by or refer to documents, the documents shall be annexed to your response or shall be produced to the undersigned counsel for inspection and copying at the law offices of Britton, Smith, Peters & Kalail Co., L.P.A., at the address listed in the paragraph above. If your interrogatory responses refer to any document which is more than 5 pages in length, note the specific page(s) containing the responsive information.

If you claim privilege for any document or any communication encompassed by the Interrogatories, please set forth the basis for such claim of privilege and give a sufficient description to identify specifically each such document or communication, the authors and the persons to whom it was addressed, and the basis for your claim of privilege (i.e., the nature of the privileged claim and the facts upon which such claim is based). If any of your answers to an interrogatory cannot fit within the space provided, attach additional page(s) to your responses, identifying the interrogatory answer for which additional page(s) are attached, so that your full and complete answer to such interrogatory is given. When the Interrogatory calls for a document which, while known to you, is not in your possession or control, identify the present location and custodian if known, or otherwise its last known location and custodian.

Where the context of the Interrogatory makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. The words "any," "and," and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: "each," "every," "all"

and "any." The present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense.

These Interrogatories are continuing in nature and require that you serve, in the form of supplementary responses, and documents herein which are unavailable to you, or of which you are unaware at the time you submit your responses, but which becomes available to you, or of which you become aware, up to and including the time of trial. Similarly, any documents provided in response to these Interrogatories which is later found to be incorrect and/or incomplete or have become incorrect and/or incomplete because of changed circumstances shall be corrected and/or completed by means of supplementary answers. If any change occurred or occurs during the relevant period which affects the correctness, accuracy or intelligibility of any answer to any of these Interrogatories, the exact nature of each and the date thereof should be set forth in each supplementary answer to each such Interrogatories. You are further requested to produce additional responsive documents as and when they become available.

If you cannot answer any of the following Interrogatories in full, after exercising due diligence to secure the information to do so, you shall state so, and shall answer in as detailed a manner as possible, based on such information as is available or accessible, including estimates and identification and description of the manner in which any such estimate is made.

Each item of discovery is intended to, and does, request that each and every part thereof be answered with the same force and effect as if each part were the subject of and were asked by a separate discovery request. When an item of discovery calls for a response in more than one part, each part should be separate in the answer so that the response is clearly understandable.

Once a person has been identified in response to any Interrogatory, and provided no requested information concerning such person is different from that provided for an earlier identification, it shall be sufficient thereafter to identify such person by name only.

Unless otherwise indicated, these interrogatories refer to the time, place and circumstances of the occurrence(s) which is or are the subject of the Complaint.

When knowledge or information of a party is requested, the request includes knowledge of the party's family, directors, officers, agents, representatives, employees and attorneys.

Where addresses are requested, please set forth home and business addresses as known.

II. DEFINITIONS

1. "Defendant" means William White.
2. "Plaintiff," "You," or "Your" refers to John Freshwater.
3. "Person" and "Persons" means any natural person, proprietorship, corporation, firm, agency, partnership, joint stock association, business, trust, joint venture group, association, foundation, organization, governmental body or agency or quasi-public entity, regulatory authority or any other legal entity recognized by law.
4. The conjunctions "and" and "or" each mean "and/or" which shall be construed both conjunctively and disjunctively so as to require the broadest possible response to any given request.
5. "Complaint" means the First Amended Complaint filed in this action by Plaintiff in the United States District Court for the Southern District of Ohio styled *John Freshwater, et al. v. Mount Vernon City School District Board of Education, et al.*, Case No. 2:09 cv 464.
6. "Document" or "Documents" means any medium in the custody, control or possession of, or available or accessible to Plaintiff and/or Plaintiff's counsel, upon which

information is recorded or from which information can be recorded, including, but not limited to, any written, typed, photostatic, photographed, electronically stored information, recorded, or otherwise produced, reproduced or stored communication or representation, including, but not limited to, all correspondence, memoranda, notes, records, letters, emails, envelopes, telegrams, messages, studies, analyses, contracts, agreements, schedules, appointments books and calendars, projections, estimates, working papers, summaries, statistical statements, financial statements or work papers, accounts, analytical records, scientific or technical data, reports and/or summaries of investigations, transcriptions, opinions or reports of consultants, opinions or reports of investigators, consultants, laboratories, messages (including reports of telephone conversations and conferences or any other reports), books, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, forecasts, drawings, diagrams, instructions, minutes of meetings, communications of any type, including inter-or intra-office communications (including e-mail), questionnaires and surveys, charts, tables, graphs, reports, photographs, pictures, films, video or audio tapes, recordings, discs, drums, printouts, all other data compilations from which information can be obtained and other writings or documents of whatever description or kind, whether produced or authored by you or anyone else, and any preliminary versions, drafts or revisions of the foregoing, including non-identical copies of all of the foregoing. If any such document was, but is no longer in your possession or control, state what disposition was made of it and when.

9. Whenever you are asked the "identity" of a person or business entity or asked to "identify" a person or business entity, state, to the extent known, each person's or entity's full name, present or last known business and residence addresses, present or last known business and residence telephone number, and each person's job title and employer, if any, and

relationship to Plaintiff; or if such person is a student, then so state and give the name of the educational institution where such person is a student.

10. Whenever you are asked to “identify” a document, state the type of document, its author, its date, a general description of its contents, and the identity of its present or last known custodian.

11. “Communication” means any statement, question, command or interjection, whether made orally, visually or in writing or by mechanical or electronic device, and whether for internal or external use.

12. “Healthcare Professional” means any medical doctor, doctor of osteopathy, psychiatrist, psychologist, nurse, physician’s assistant, therapist, social worker, dentist, or any other individual providing physical or mental treatment, consultation, therapy, diagnosis or assistance.

III. INTERROGATORIES

1. Please identify by name, address, and telephone number all individuals who participated in, prepared and/or supplied information for any of the answers to these Interrogatories.

ANSWER:

2. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count One of the First Amended Complaint.

ANSWER:

3. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Two of the First Amended Complaint.

ANSWER:

4. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Three of the First Amended Complaint.

ANSWER:

5. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Four of the First Amended Complaint.

ANSWER:

6. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Six of the First Amended Complaint.

ANSWER:

7. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Seven of the First Amended Complaint.

ANSWER:

8. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Eight of the First Amended Complaint.

ANSWER:

9. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Nine of the First Amended Complaint.

ANSWER:

10. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Ten of the First Amended Complaint.

ANSWER:

11. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Eleven of the First Amended Complaint.

ANSWER:

12. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Twelve of the First Amended Complaint.

ANSWER:

13. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Fifteen of the First Amended Complaint.

ANSWER:

14. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claims against Defendant White under Count Seventeen of the First Amended Complaint.

ANSWER:

15. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claim that Defendant White acted with improper or evil motive to injure you.

ANSWER:

16. Please identify the specific acts or omissions taken by Defendant White that constitute the factual basis for your claim that Defendant White's actions were fraudulent, oppressive, malicious and in conscious disregard for your rights.

ANSWER:

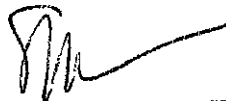
17. Please identify any bodily injury or physical harm suffered by you from January 1, 2003 to present, which you claim was directly and proximately caused by Defendant White.

ANSWER:

18. Please identify all compensatory damages you seek to recover from Defendant White in this action, specifying the nature of each category of damage.

ANSWER:

Respectfully Submitted,



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*Attorneys for Defendant William White in his
professional and individual capacities*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2010, a copy of the foregoing *Defendant William White's First Set of Interrogatories Propounded to Plaintiff John Freshwater* was served via e-mail upon the following:

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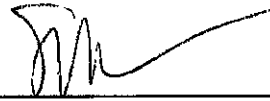
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