

**IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO**

IN RE:
Nancy B. McArthur
Nancy C. Schuster

CASE NO.: 22M000323

JUDGE: DAVID M. ONDREY

**AFFIDAVIT AND MEMORANDUM OF PERSON
HAVING KNOWLEDGE OF OFFENSE
R.C. 2935.09-.10**

**Offense: Theft by Deception: R.C. 2913.02(A)
(3) and (B)(3), a felony of the fourth degree.**

State of Ohio)
)SS
County of Portage)

Now comes Brian M. Ames (“Mr. Ames”), who, having first been duly cautioned and sworn deposes and says as follows:

1. I am, and have been during all time periods relevant to this affidavit, a citizen and taxpayer residing in Portage County, Ohio.
2. I am of sufficient age and competent to make this Affidavit.
3. I have personal knowledge of the facts stated herein.
4. The facts stated herein are true and accurate to the best of my information, knowledge, and belief.
5. This affidavit is in relation to the acts done by Nancy B. McArthur and Nancy C. Schuster in seeking to gain the award money from Affiant by working a fraud and deception on the Geauga County Court of Common Pleas.
6. Ms. McArthur is a citizen and elector who resides at 117 Cedar Glen, Chardon, OH 44024 as shown in the Ohio Secretary of State’s voter rolls for August 20, 2022.
7. Ms. McArthur is a defendant in case 22M000323 in the Geauga County Court of Common Pleas.
8. Ms. Schuster is a citizen and elector who resides at 2195 Valley View Dr, Rocky River, OH 44116 as shown in the Ohio Secretary of State’s voter rolls for August 20, 2022.

9. Ms. Schuster purports to be counsel for defendants in case 22M000323.
10. On October 13, 2022, Ms. Schuster filed a motion asked the Court to reimburse Defendant's reasonable attorney fees and the costs and expenses *incurred* in defending the lawsuit.
11. A true and accurate copy of said motion is attached hereto as Exhibit 1.
12. On October 31, 2022, Affiant served discovery on Defendants including requests for the production of a copy of any Fee Agreements, invoices for attorney fees, any documents establishing the authority of the signatories to any and all Fee Agreements to execute same, and any documents reflecting motions and votes by the Central Committee to retain Counsel "relating to this case".
13. A true and accurate copy of Plaintiff's First Discovery: Requests for Production of Documents, Requests for Admission and Interrogatories is attached hereto as Exhibit 2.
14. Ms. Schuster and Ms. McArthur have not produced any of the requested documents to substantiate a claim that attorney fees have been occurred.
15. On November 28, 2022, Ms. Schuster sought a stipulation for "an additional seven (7) days from November 28, 2022, i.e. to December 5, 2022, in which to respond to Plaintiff's combined First Requests for Production of Documents, Requests for Admission and Interrogatories to Defendant."
16. A true and accurate copy of said stipulation is attached hereto as Exhibit 3.
17. On December 5, 2022, Ms. Schuster caused an email to be sent to Affiant attaching the responses to Affiant's requests for admission but no response to the interrogatories or request for production of documents: no copy of any Fee Agreements, invoices for attorney fees, any documents establishing the authority of the signatories to any and all Fee Agreements to execute same, and any documents reflecting motions and votes by the Central Committee to retain Counsel.
18. A true and accurate copy of said email message and attachment is attached hereto as Exhibit 4.
19. On December 8, 2022, Ms. Schuster caused another email to be sent to Affiant attaching a letter and the responses to Affiant's requests for admission but again no response to the interrogatories or request for production of documents: no copy of any Fee Agreements, invoices for attorney fees, any documents establishing the authority of the signatories to any and all Fee Agreements to execute same, and any documents reflecting motions and votes by the Central Committee to retain Counsel.
20. A true and accurate copy of said email message and attachment is attached hereto as Exhibit 5.
21. On December 23, 2022, in a good faith effort to resolve the discovery issue without court action, Affiant sent an email message to Ms. Schuster reminding her that she had stipulated to

providing responses to all discovery by December 5, 2022, and warning her of the appearance of an attempt to perpetrate a fraud against the court and theft by deception against Affiant.


22. A true and accurate copy of said email message is attached hereto as Exhibit 6.
23. On December 28, 2022, Ms. Schuster caused another email to be sent to Affiant attaching purported responses to but again no response to the request for production of documents: no copy of any Fee Agreements, invoices for attorney fees, any documents establishing the authority of the signatories to any and all Fee Agreements to execute same, and any documents reflecting motions and votes by the Central Committee to retain Counsel.
24. A true and accurate copy of said email message and attachment is attached hereto as Exhibit 7.
25. Ms. Schuster and Ms. McArthur have committed deceptive acts in seeking to obtain an award of money without producing evidence that any attorney fees were in fact incurred.
26. It is reasonable to a court to infer that a party who refuses to produce evidence to support a claim for money seeks to gain an unjust award by working a deception on the court.
27. Said acts, if successful, would constitute theft by deception from a member a protected class as defined by R.C. 2913.02(A)(3) and (B)(3), a felony of the fourth degree.
28. Said acts, if unsuccessful, would constitute attempted theft by deception from a member a protected class as defined by R.C. 2923.02(A) and R.C. 2913.02(A)(3) and (B)(3), a felony of the fifth degree.

Further, Affiant sayeth naught.


Brian M. Ames

Before me, a Notary Public in and for said county and state, personally appeared Brian M. Ames who swore to the truth of the foregoing Affidavit of Verification and subscribed same in my presence at Rootstown, Ohio on this 6th day of January, 2023.




Notary Public

MEMORANDUM IN SUPPORT OF AFFIDAVIT

A. R.C. 2935.09 Person having knowledge of offense to file affidavit – official review before complaint filed.

R.C. 2935.09 states in its entirety:

(A) As used in this section, "reviewing official" means a judge of a court of record, the prosecuting attorney or attorney charged by law with the prosecution of offenses in a court or before a magistrate, or a magistrate.

(B) In all cases not provided by sections 2935.02 to 2935.08 of the Revised Code, in order to cause the arrest or prosecution of a person charged with committing an offense in this state, a peace officer or a private citizen having knowledge of the facts shall comply with this section.

(C) A peace officer who seeks to cause an arrest or prosecution under this section may file with a reviewing official or the clerk of a court of record an affidavit charging the offense committed.

(D) A private citizen having knowledge of the facts who seeks to cause an arrest or prosecution under this section may file an affidavit charging the offense committed with a reviewing official for the purpose of review to determine if a complaint should be filed by the prosecuting attorney or attorney charged by law with the prosecution of offenses in the court or before the magistrate. A private citizen may file an affidavit charging the offense committed with the clerk of a court of record before or after the normal business hours of the reviewing officials if the clerk's office is open at those times. A clerk who receives an affidavit before or after the normal business hours of the reviewing officials shall forward it to a reviewing official when the reviewing official's normal business hours resume.

B. R.C. 2935.10 Filing of affidavit or complaint procedure.

R.C. 2935.10 states in its entirety:

(A) Upon the filing of an affidavit or complaint as provided by section 2935.09 of the Revised Code, if it charges the commission of a felony, such judge, clerk, or magistrate, unless he has reason to believe that it was not filed in good faith, or the claim is not meritorious, shall forthwith issue a warrant for the arrest of the person charged in the affidavit, and directed to a peace officer; otherwise he shall forthwith refer the matter to the prosecuting attorney or other attorney charged by law with prosecution for investigation prior to the issuance of warrant.

(B) If the offense charged is a misdemeanor or violation of a municipal ordinance, such judge, clerk, or magistrate may:

(1) Issue a warrant for the arrest of such person, directed to any officer named in section 2935.03 of the Revised Code but in cases of ordinance violation only to a police officer

or marshal or deputy marshal of the municipal corporation;

(2) Issue summons, to be served by a peace officer, bailiff, or court constable, commanding the person against whom the affidavit or complaint was filed to appear forthwith, or at a fixed time in the future, before such court or magistrate. Such summons shall be served in the same manner as in civil cases.

(C) If the affidavit is filed by, or the complaint is filed pursuant to an affidavit executed by, a peace officer who has, at his discretion, at the time of commission of the alleged offense, notified the person to appear before the court or magistrate at a specific time set by such officer, no process need be issued unless the defendant fails to appear at the scheduled time.

(D) Any person charged with a misdemeanor or violation of a municipal ordinance may give bail as provided in sections 2937.22 to 2937.46 of the Revised Code, for his appearance, regardless of whether a warrant, summons, or notice to appear has been issued.

(E) Any warrant, summons, or any notice issued by the peace officer shall state the substance of the charge against the person arrested or directed to appear.

(F) When the offense charged is a misdemeanor, and the warrant or summons issued pursuant to this section is not served within two years of the date of issue, a judge or magistrate may order such warrant or summons withdrawn and the case closed, when it does not appear that the ends of justice require keeping the case open.

C. Theft by Deception: R.C. 2913.02(A)(3) and (B)(3), a felony of the fourth degree.

R.C. 2913.02 states in pertinent parts:

(A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

* * *

(3) By deception;

* * *

(B)(1) Whoever violates this section is guilty of theft.

(2) Except as otherwise provided in this division or division (B)(3), (4), (5), (6), (7), (8), or (9) of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is seven

thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more and is less than seven hundred fifty thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is seven hundred fifty thousand dollars or more and is less than one million five hundred thousand dollars, a violation of this section is aggravated theft, a felony of the second degree. If the value of the property or services stolen is one million five hundred thousand dollars or more, a violation of this section is aggravated theft of one million five hundred thousand dollars or more, a felony of the first degree.

* * *

D. What Affiant seeks.

Mr. Ames seeks the issuance of summons, to be served by a peace officer, bailiff, or court constable, commanding Ms McArthur and Ms. Schuster to appear forthwith, or at a fixed time in the future, before a court of common pleas in Geauga County.

Respectfully Submitted,



Brian M. Ames
Relator *pro se*
2632 Ranfield Rd
Mogadore, OH 44260
bmames00@gmail.com

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

STATE OF OHIO EX REL.	)	Case No. 22-M-000323
BRIAN AMES)	
	)	Judge David M. Ondrey
<i>Plaintiff,</i>)	
)	
-vs-)	
	)	MOTION FOR FEES, COSTS AND
GEAUGA COUNTY REPUBLICAN	)	EXPENSES UNDER R.C. 2323.51
PARTY CENTRAL COMMITTEE, <i>et al</i>)	
)	
<i>Defendants.</i>)	
_____)	

Now come Defendants, by and through counsel, and in accord with R.C. 2323.51, ask the Court to reimburse them their reasonable attorney fees and the costs and expenses incurred as a result of the frivolous filing of this lawsuit; as set out in the Memorandum attached.

Respectfully submitted,

/s/ Nancy C. Schuster
NANCY C. SCHUSTER (#0020690)
Schuster & Simmons Co. LPA
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 (T) - (216) 348-0013 (F)
ss@apk.net (e-mail)

Counsel for Defendants



MEMORANDUM

Mr. Ames first sued Defendants on February 28, 2021, claiming that Defendant Geauga County Republican Party Central Committee was a public body and that Defendant Nancy McArthur was its Chairman. This Court found, and the 11th District affirmed, that, the Committee is not a public body and does not act as a public body unless exercising certain specifically described functions.

On September 13, 2022, this Court granted Defendants' Motion to Dismiss this second lawsuit which was again based on allegations that the County Party Central Committee is a public body and as to Ms. McArthur, that she is its Chairman. An appeal is currently pending in the 11th District Court of Appeals.

R.C. 2323.51 provides in pertinent part that the conduct of a "party to a civil action" is frivolous if it "obviously serves merely to harass . . . or is for another improper purpose, [or] is not warranted under existing law . . . [or] consists of allegations or other factual contentions that have no evidentiary support . . .".

No evidentiary support can be found for the basic allegation that the Committee is a public body and the suit therefore serves no discernable purpose except to harass. It is not warranted under law but was nevertheless filed and required this committee of volunteers to again spend time and money defending a frivolous action.

WHEREFORE, Defendants respectfully ask the Court to award them their reasonable attorney fees and the costs and expenses incurred as a result of Plaintiff Brian Ames' frivolous lawsuit.

Respectfully submitted,

/s/ Nancy C. Schuster
NANCY C. SCHUSTER (#0020690)
Schuster & Simmons Co. LPA
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 (T) - (216) 348-0013 (F)
ss@apk.net (e-mail)

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October 2022, a copy of the foregoing has been served upon the following via e-mail:

Brian M. Ames
2632 Ranfield Road
Mogodore, Ohio 44260
bmames00@gmail.com

Plaintiff

/s/ Nancy C. Schuster
Counsel for Defendants

**IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO**

BRIAN M. AMES

Plaintiff,

v.

GEAUGA COUNTY REPUBLICAN
CENTRAL COMMITTEE et al.

Defendants

CASE NO.: 22M000323

JUDGE: DAVID M. ONDREY

**PLAINTIFF'S FIRST DISCOVERY:
REQUESTS FOR PRODUCTION OF
DOCUMENTS, REQUESTS FOR
ADMISSION AND INTERROGATORIES**

Plaintiff submits his First Discovery consisting of Requests for Production of Documents, Requests for Admission, and Interrogatories to be answered by Defendant Geauga County Republican Central Committee within twenty-eight (28) days in accordance with rules 26, 33, 34, and 36 of the Ohio Rules of Civil Procedure.

GENERAL INSTRUCTIONS

1. The “Central Committee” shall mean the Geauga County Republican Central Committee.
2. “Ms. McArthur” shall mean Defendant Nancy B. McArthur who purports to act in an official capacity as the chairman of the Central Committee.
3. “Counsel” shall mean attorney Nancy C. Schuster and any associates participating in this case.
4. The “Complaint” shall mean the Complaint in Declaratory Judgment and Injunction for Enforcement of R.C. 121.22.
5. The “Meeting” shall mean the meeting of the Central Committee held on June 8, 2022 at about 7:00am at the Metzenbaum Center located at 8200 Cedar Rd, Chesterland, OH 44026.
6. “Open Meetings Act” shall mean R.C. 121.22.
7. Consistent with Civil Rules 33, 34, and 36, the enclosed Requests for Production of Documents and Electronically Stored Information, Requests for Admission, and

Interrogatories are provided as an electronic copy in MS Word format.

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION OF DOCUMENTS

8. Pursuant to Rule 34, Plaintiff requests the production of documents and electronically stored information listed below.
9. Responsive documents stored electronically should be provided electronically.
10. If Defendant is aware of any responsive documents that have been lost, destroyed, or are in the possession of someone else, identify the documents and describe how the documents were lost/destroyed and/or who has them.
11. Documents produced shall be certified as to authenticity.
12. Documents produced shall be a full and accurate record of the Board's proceedings for the given meeting day and shall reflect all actions taken in that meeting.
13. Responsive documents shall be organized by and identified with the request number to which they are responsive and delivered separately.
14. Defendant shall serve upon Plaintiff at bmames00@gmail.com a written response within a period of twenty-eight days after the service of these requests for production of documents.
15. These Requests for Production of Documents shall be deemed continuing so as to require **supplemental answers** and **production** if further information is obtained between the time answers are served and the time of trial.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED INFORMATION

1. An copy of the minutes of the Central Committee's meeting of June 8, 2022.
2. An copy of any Fee Agreements relating to this case.
3. An copy of any invoices for attorney fees relating to this case.
4. An copy of any documents establishing the authority of the signatories to any and all Fee Agreements to execute same.
5. A copy of any documents reflecting motions and votes by the Central Committee to retain Counsel in this case.
6. A copy of any documents reflecting the minutes of a meeting wherein the Central Committee has adopted bylaws in the period of time from June 8, 2022 and July 11, 2022.
7. A copy of all notices of the Meeting.

INSTRUCTIONS FOR REQUESTS FOR ADMISSION

16. Pursuant to Rule 36, the matter of each request for admission contained herein is admitted unless, within the period of twenty-eight days, the Defendant serves upon the Plaintiff at bmames00@gmail.com a written answer or objection addressed to the matter, signed by the Defendant or by the Defendant's attorney.
17. The answer to each request for admission shall specifically admit or deny the matter or set forth in detail the reasons why the Defendant cannot truthfully admit or deny the matter.
18. A denial shall fairly meet the substance of the requested admission and, when good faith requires that Defendant qualify his or her answer, or deny only a part of the matter of which an admission is requested, Defendant shall specify so much of it as is true and qualify or deny the remainder.
19. Defendant may not give lack of information or knowledge as a reason for failure to admit or deny unless the Defendant states that he or she has made a reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.
20. Failure to timely respond to these requests for admission may result in them being deemed to have been admitted.

REQUESTS FOR ADMISSION

Request for Admission 1: Admit that the Central Committee is a county central committee consisting of one member from each election precinct in the county created by R.C. 3517.03 for the Republican Party in Geauga County.

ANSWER:

Request for Admission 2: Admit that the Central Committee was elected at the 2022 primary election held on May 3, 2022.

ANSWER:

Request for Admission 3: Admit that the General Assembly has established neither the Republican Party nor Republican Party in Geauga County.

ANSWER:

Request for Admission 4: Admit that the General Assembly has established the term of all county central committees, including the Committee, by including specific language in its enactment of R.C. 3517.05, to wit: “A county central committee shall serve until the sixth day after the date of the declaration of the results by the board of elections of the primary election in that county.”.

ANSWER:

Request for Admission 5: Admit that the General Assembly has not established a term for either the Republican Party or Republican Party in Geauga County.

ANSWER:

Request for Admission 6: Admit that term of the outgoing county central committee for the Republican Party in Geauga County ended on June 2, 2022.

ANSWER:

Request for Admission 7: Admit that the Central Committee held a meeting on June 8, 2022 at about 7:00am at the Metzenbaum Center located at 8200 Cedar Rd, Chesterland, OH 44026.

ANSWER:

Request for Admission 8: Admit that the purpose of the Meeting was to comply with the mandate of R.C. 3517.04.

ANSWER:

Request for Admission 9: Admit that the Central Committee has not adopted any bylaws in the period of time from June 8, 2022 and July 11, 2022.

ANSWER:

Request for Admission 10: Admit that Mr. Ames and other members of the public attended the Meeting throughout.

ANSWER:

Request for Admission 11: Admit that the Central Committee made no announcement to the public in attendance at the Meeting that R.C. 121.22, the Open Meetings Act, did not apply to the Meeting.

ANSWER:

Request for Admission 12: Admit that the notices of the Meeting did not include any statement that R.C. 121.22, the Open Meetings Act, would not apply to the Meeting.

ANSWER:

Request for Admission 13: Admit that the Committee divided the room in which the Meeting was held into two sections, one for the members-elect and another for members of the public.

ANSWER:

Request for Admission 14: Admit that in the Meeting, member-elect James MacNeal of Precinct Troy A moved that all elections be conducted by roll call vote.

ANSWER:

Request for Admission 15: Admit that no vote of the Central Committee was taken on member-elect James MacNeal's motion.

ANSWER:

INSTRUCTIONS FOR INTERROGATORIES

21. Pursuant to Rule 33, each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer.
22. The answers are to be signed by the person making them, and the objections signed by the

attorney making them.

23. Defendant shall serve upon Plaintiff at bmames00@gmail.com a copy of the answers and objections within a period of twenty-eight days after the service of these interrogatories.
24. These Interrogatories shall be deemed continuing so as to require **supplemental answers** if further information is obtained between the time answers are served and the time of trial.

INTERROGATORIES

Interrogatory 1. Why were members of the public permitted to attend the Meeting?

ANSWER:

Interrogatory 2. Why was the room wherein the Meeting held divided into two sections?

ANSWER:

Interrogatory 3. Why was no vote held on member elect James MacNeal's that all elections be conducted by roll call vote?

ANSWER:

Interrogatory 4. What provides authority for the retention of Counsel absent the consent of the Central Committee?

ANSWER:

/s Brian M. Ames

2632 Ranfield Rd
Mogadore, OH 44260
bmames00@gmail.com
Plaintiff *pro se*

CERTIFICATION OF SERVICE

I hereby certify that, on the 31st day of October, 2022, a true copy of the foregoing was, in accordance with Civ.R. 5(B)(2)(f), sent by electronic mail to:

Nancy C. Schuster (0020690)
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 telephone
(216) 348-0013 facsimile
ss@apk.net
Counsel for Defendants

/s Brian M. Ames

Brian M. Ames
Plaintiff *pro se*

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

BRIAN M. AMES	)	Case No. 22-M-000323
)	
<i>Plaintiff,</i>	)	Judge David M. Ondrey
)	
-vs-)	
	)	STIPULATION FOR LEAVE TO
GEAUGA COUNTY REPUBLICAN	)	RESPOND TO DISCOVERY
PARTY CENTRAL COMMITTEE, <i>et al</i>	)	REQUESTS
)	
<i>Defendants.</i>)	
_____)	

We, counsel for Defendants and Plaintiff, do hereby stipulate that Defendant Geauga County Republican Party Central Committee has an additional seven (7) days from November 28, 2022, i.e. to December 5, 2022, in which to respond to Plaintiff’s combined First Requests for Production of Documents, Requests for Admission and Interrogatories to Defendant.

This Stipulation is filed in an abundance of caution and understanding that the matter has been stayed.

 /s/ Nancy C. Schuster
NANCY C. SCHUSTER (#0020690)
Schuster & Simmons Co. LPA
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 (T) - (216) 348-0013 (F)
ss@apk.net (e-mail)

Counsel for Defendants

 [Per telephone consent]
BRIAN AMES
2632 Ranfield Road
Mogodore, Ohio 44260
(330) 354-3701 (T)
bmames00@gmail.com (e-mail)

Plaintiff Pro Se



CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November, 2022 a copy of the foregoing Stipulation for Leave to Respond to Discovery Requests has been served on the following via e-mail:

Brian M. Ames
2632 Ranfield Road
Mogadore, Ohio 44260
bmames00@gmail.com

Plaintiff Pro Se

/s/ Nancy C. Schuster

Counsel for Defendants



Brian Ames <bmames00@gmail.com>

From Schuster & Simmons Co. LPA

Robin Berry <robinmberry@hotmail.com>

Mon, Dec 5, 2022 at 6:46 PM

To: Brian Ames <bmames00@gmail.com>

Cc: Schuster & Simmons <ss@apk.net>

Brian:

Attached please find Defendants' Response to Plaintiff's First Requests for Admission.

Robin

Schuster & Simmons Co. LPA

216-348-1100



Geauga_Ans2ADM.pdf

88K

Attachment Geauga_Ans2ADM.pdf

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

STATE OF OHIO EX REL.
BRIAN AMES

Plaintiff,

-vs-

GEAUGA COUNTY REPUBLICAN
PARTY CENTRAL COMMITTEE, *et al*

Defendants.

) Case No. 22-M-000323

)

) Judge David M. Ondrey

)

)

) **DEFENDANTS' RESPONSE TO**
) **PLAINTIFF'S FIRST REQUESTS**
) **FOR ADMISSION**

)

)

)

)

Defendants Geauga County Republican Party Central Committee and its Chairman, Nancy McArthur object to the substance of Mr. Ames Requests for Admission in that they have no relevance to the issues presently before the Court and without waiving objection, Defendants submit their responses to Plaintiff's First Requests for Admission:

REQUESTS FOR ADMISSION

1. Admit that the Central Committee is a county central committee consisting of one member from each election precinct in the county created by R.C. 3517.03 for the Republican Party in Geauga County.

Answer: Objection. Plaintiff's Request makes no sense and is therefore not subject to admission or denial.

2. Admit that the Central Committee was elected at the 2022 primary election held on May 3, 2022.

Answer: Admit that Geauga County Republican Central Committee members were elected at the May 3, 2022 primary.

3. Admit that the General Assembly has established neither the Republican Party nor Republican Party in Geauga County.

Answer: Objection. Plaintiff's Request makes no sense and is therefore not subject to admission or denial.

4. Admit that the General Assembly has established the term of all county central committees, including the Committee, by including specific language in its enactment of R.C. 3517.05, to wit: "A county central committee shall serve until the sixth day after the date of the declaration of the results by the board of elections of the primary election in that county."

Answer: Deny. R.C. 3517.03 provides in pertinent part that the members of the committee "shall be elected for terms of either two or four years, as determined by party rules".

5. Admit that the General Assembly has not established a term for either the Republican Party or Republican Party in Geauga County.

Answer: Objection. Plaintiff's Request makes no sense and is therefore not subject to admission or denial.

6. Admit that term of the outgoing county central committee for the Republican Party in Geauga County ended on June 2, 2022.

Answer: Deny.

7. Admit that the Central Committee held a meeting on June 8, 2022 at about 7:00am at the Metzenbaum Center located at 8200 Cedar Rd, Chesterland, OH 44026.

Answer: Deny. There was a meeting at 7:00PM at the location stated.

8. Admit that the purpose of the Meeting was to comply with the mandate of R.C. 3517.04.

Answer: Admit that the meeting held on June 8, 2022 was an organizational meeting.

9. Admit that the Central Committee has not adopted any bylaws in the period of time from June 8, 2022 and July 11, 2022.

Answer: Admit that the Central Committee did not adopt new bylaws in the period between June 8 and July 11, 2022.

10. Admit that Mr. Ames and other members of the public attended the Meeting throughout.

Answer: Cannot admit or deny for lack of information sufficient to form a belief as to the truth or falsity of the statement.

11. Admit that the Central Committee made no announcement to the public in attendance at the Meeting that R.C. 121.22, the Open Meetings Act, did not apply to the Meeting.

Answer: Admit that no announcement was made referring to R.C. 121.22.

12. Admit that the notices of the Meeting did not include any statement that R.C. 121.22, the Open Meetings Act, would not apply to the Meeting.

Answer: Admit that notice of the meeting did not refer to R.C. 121.22.

13. Admit that the Committee divided the room in which the Meeting was held into two sections, one for the members-elect and another for members of the public.

Answer: Deny.

14. Admit that in the Meeting, member-elect James MacNeal of Precinct Troy A moved that all elections be conducted by roll call vote.

Answer: Deny.

15. Admit that no vote of the Central Committee was taken on member-elect James MacNeal's motion.

Answer: Admit that no vote was take on any request by James MacNeal.

/s/ Nancy C. Schuster
NANCY C. SCHUSTER (#0020690)
Schuster & Simmons Co. LPA
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 (T) - (216) 348-0013 (F)
ss@apk.net (e-mail)

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2022, a copy of the foregoing has been served upon the following via e-mail:

Brian M. Ames
2632 Ranfield Road
Mogodore, Ohio 44260
bmames00@gmail.com

Plaintiff

/s/ Nancy C. Schuster

Counsel for Defendants



Brian Ames <bmames00@gmail.com>

From Schuster & Simmons Co. LPA

Robin Berry <robinmberry@hotmail.com>
To: Brian Ames <bmames00@gmail.com>
Cc: Schuster & Simmons <ss@apk.net>

Thu, Dec 8, 2022 at 6:33 PM

Brian:

Please see the attached letter from Mrs. Schuster.

Robin M. Berry, Office Manager
Schuster & Simmons Co. L.P.A.
2913 Clinton Avenue
Cleveland, Ohio 44113
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SCHUSTER & SIMMONS CO.

A LEGAL PROFESSIONAL ASSOCIATION



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Via e-mail to bmames00@gmail.com

December 8, 2022

Brian M. Ames
2632 Ranfield Road
Mogadore, Ohio 44260

Re: *Brian Ames v. Geauga County Republican Party Central
Committee, Geauga County Case No. 22-M-00323*

Dear Brian:

Due to a computer error the following was omitted from the conclusion of Defendants' Answers to Plaintiff's First Request for Admissions:

AS TO ALL OBJECTIONS:

/s/ Nancy C. Schuster
NANCY C. SCHUSTER (#0020690)

The document as it should have been, is attached. This document replaces the previous document and it is identical except that the statement as to objections is in the empty space to the left of the signature.

Best regards,

Nancy C. Schuster

NCS:rmb
Attachment

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

STATE OF OHIO EX REL.
BRIAN AMES

Plaintiff,

-vs-

GEAUGA COUNTY REPUBLICAN
PARTY CENTRAL COMMITTEE, *et al*

Defendants.

) Case No. 22-M-000323
)
) Judge David M. Ondrey

)
) **DEFENDANTS' RESPONSE TO**
) **PLAINTIFF'S FIRST REQUESTS**
) **FOR ADMISSION**

Defendants Geauga County Republican Party Central Committee and its Chairman, Nancy McArthur object to the substance of Mr. Ames Requests for Admission in that they have no relevance to the issues presently before the Court and without waiving objection, Defendants submit their responses to Plaintiff's First Requests for Admission:

REQUESTS FOR ADMISSION

1. Admit that the Central Committee is a county central committee consisting of one member from each election precinct in the county created by R.C. 3517.03 for the Republican Party in Geauga County.

Answer: Objection. Plaintiff's Request makes no sense and is therefore not subject to admission or denial.

2. Admit that the Central Committee was elected at the 2022 primary election held on May 3, 2022.

Answer: Admit that Geauga County Republican Central Committee members were elected at the May 3, 2022 primary.

3. Admit that the General Assembly has established neither the Republican Party nor Republican Party in Geauga County.

Answer: Objection. Plaintiff's Request makes no sense and is therefore not subject to admission or denial.

4. Admit that the General Assembly has established the term of all county central committees, including the Committee, by including specific language in its enactment of R.C. 3517.05, to wit: "A county central committee shall serve until the sixth day after the date of the declaration of the results by the board of elections of the primary election in that county.".

Answer: Deny. R.C. 3517.03 provides in pertinent part that the members of the committee "shall be elected for terms of either two or four years, as determined by party rules".

5. Admit that the General Assembly has not established a term for either the Republican Party or Republican Party in Geauga County.

Answer: Objection. Plaintiff's Request makes no sense and is therefore not subject to admission or denial.

6. Admit that term of the outgoing county central committee for the Republican Party in Geauga County ended on June 2, 2022.

Answer: Deny.

7. Admit that the Central Committee held a meeting on June 8, 2022 at about 7:00am at the Metzenbaum Center located at 8200 Cedar Rd, Chesterland, OH 44026.

Answer: Deny. There was a meeting at 7:00PM at the location stated.

8. Admit that the purpose of the Meeting was to comply with the mandate of R.C. 3517.04.

Answer: Admit that the meeting held on June 8, 2022 was an organizational meeting.

9. Admit that the Central Committee has not adopted any bylaws in the period of time from June 8, 2022 and July 11, 2022.

Answer: Admit that the Central Committee did not adopt new bylaws in the period between June 8 and July 11, 2022.

10. Admit that Mr. Ames and other members of the public attended the Meeting throughout.

Answer: Cannot admit or deny for lack of information sufficient to form a belief as to the truth or falsity of the statement.

11. Admit that the Central Committee made no announcement to the public in attendance at the Meeting that R.C. 121.22, the Open Meetings Act, did not apply to the Meeting.

Answer: Admit that no announcement was made referring to R.C. 121.22.

12. Admit that the notices of the Meeting did not include any statement that R.C. 121.22, the Open Meetings Act, would not apply to the Meeting.

Answer: Admit that notice of the meeting did not refer to R.C. 121.22.

13. Admit that the Committee divided the room in which the Meeting was held into two sections, one for the members-elect and another for members of the public.

Answer: Deny.

14. Admit that in the Meeting, member-elect James MacNeal of Precinct Troy A moved that all elections be conducted by roll call vote.

Answer: Deny.

15. Admit that no vote of the Central Committee was taken on member-elect James MacNeal's motion.

Answer: Admit that no vote was take on any request by James MacNeal.

AS TO ALL OBJECTIONS:

/s/ Nancy C. Schuster

/s/ Nancy C. Schuster

NANCY C. SCHUSTER (#0020690)
Schuster & Simmons Co. LPA
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 (T) - (216) 348-0013 (F)
ss@apk.net (e-mail)

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2022, a copy of the foregoing has been served upon the following via e-mail:

Brian M. Ames
2632 Ranfield Road
Mogodore, Ohio 44260
bmames00@gmail.com

Plaintiff

/s/ Nancy C. Schuster

Counsel for Defendants



Brian Ames <bmames00@gmail.com>

Case 22M000323 Responses to Requests for Production of Documents

Brian Ames <bmames00@gmail.com>

Fri, Dec 23, 2022 at 7:23 AM

To: "Nancy C. Schuster" <ss@apk.net>

Cc: "Flaiz, James R." <james.fl aiz@gcpao.com>

Atty Schuster,

I am requesting that Defendants provide the documents included in my request for production of documents by January 3, 2023. Keep in mind that you stipulated to provide those responses by December 5, 2022.

Defendants' withholding of those documents is troubling, suggesting that they don't exist with the implication you were not retained by the Committee.

This is eerily reminiscent of the events associated with *State ex rel. Ames v. Portage County Central-Executive Committee* where you purported to represent Respondent. No fee agreement was ever produced. Respondent determined that you had never been properly retained, ousted then chairman Jonathan Jennings, and fired you, paying you nothing. That case then settled.

Numerous members of the Committee have told me that the Committee never authorized hiring an attorney to defend this matter. If true, that would constitute evidence of an attempt to perpetrate a fraud against the court and theft by deception against Plaintiff.

It is necessary for me to have the requested documents well before any hearing that may be set to allow my investigation of potential crimes as well as my identification of witnesses.

This constitutes a good-faith effort to resolve a discovery issue without court action.

Best regards,

Brian M. Ames



Brian Ames <bmames00@gmail.com>

From Schuster & Simmons Co LPA

Robin Berry <robinmberry@hotmail.com>

Wed, Dec 28, 2022 at 12:18 PM

To: Brian Ames <bmames00@gmail.com>

Cc: Schuster & Simmons <ss@apk.net>


Brian:

In spite of your communication, please see Defendants' Objections and Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents, attached.

Regards,

Nancy C. Schuster, Esq.
Schuster & Simmons Co. L.P.A.
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 (Telephone)
(216) 348-0013 (Facsimile)

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IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

STATE OF OHIO EX REL.)	Case No. 22-M-000323
BRIAN AMES)	
	)	Judge David M. Ondrey
<i>Plaintiff,</i>)	
)	
-vs-	)	DEFENDANTS' OBJECTIONS AND
	)	RESPONSES TO PLAINTIFF'S
GEAUGA COUNTY REPUBLICAN	)	FIRST SET OF INTERROGATORIES
PARTY CENTRAL COMMITTEE, <i>et al</i>	)	AND REQUESTS FOR PRODUCTION
	)	OF DOCUMENTS
<i>Defendants.</i>)	
_____)	

Pursuant to Rules 26, 33 and 34 of the Ohio Rules of Civil Procedure, Defendants Geauga County Republican Party Central Committee and its Chairman, Nancy McArthur object to the substance of Mr. Ames Interrogatories and Requests for Production in that they have no relevance to the issues presently before the Court and without waiving objection, Defendants submit their responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents:

GENERAL OBJECTIONS

The following general objections are stated with respect to each document request whether or not specifically stated in a response.

Defendants object to each request containing definitions or instructions which purport to impose burdens on Defendants that are inconsistent with or not authorized by, the Ohio Rules of Civil Procedure. For instance: Defendants object to each Discovery Request that calls for "verified" or "authenticated" documents. It is unknown what Plaintiff means by "authenticate" and there is no duty to respond to Requests for Production under oath.

Defendants will also object to production of documents protected from disclosure by the attorney-client privilege, the work product doctrine and disclosure of documents which contain

proprietary information or documents which could not be within Defendants' possession, custody or control.

Defendants object to production of documents already in Plaintiff's possession or equally available to Plaintiff through publicly available sources and to all production which is overbroad or is oppressive or which constitutes undue burden for Respondents.

For relator's information: Subject to their objections, Defendants will use reasonable diligence and judgment to locate the documents in files in which they can reasonably expect to be found.

INTERROGATORIES

Interrogatory No. 1: Why were members of the public permitted to attend the Meeting?

ANSWER: Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court and it is unclear. Without waiving objection, the admission of non-members to a meeting does not make the entity into a public body.

Interrogatory No. 2: Why was the room wherein the Meeting held divided into two sections?

ANSWER: Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court and it is ambiguous and unclear. Without waiving objection, the room was not divided into two sections. Committee members were asked to sit near the front of the room to enable the Secretary to hear them better.

Interrogatory No. 3: Why was no vote held on member elect James MacNeal's that all elections be conducted by roll call vote?

ANSWER: Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court and it is ambiguous, unclear, makes no sense and not subject to response.

Interrogatory No. 4: What provides authority for the retention of Counsel absent the consent of the Central Committee?

ANSWER: **Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court and it is ambiguous, unclear, makes no sense and not subject to response.**

REQUESTS FOR PRODUCTION

Request for Production No. 1: An [sic] copy of the minutes of the Central Committee's meeting of June 8, 2022.

ANSWER: **Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court.**

Request for Production No. 2: An [sic] copy of any Fee Agreements relating to this case.

ANSWER: **Objection to advance production. After determination that Plaintiff's conduct was frivolous, copies of the invoices will be provided for Plaintiff's review as soon as the hearing is set to determine reasonable fees.**

Request for Production No. 3: An [sic] copy of any invoices for attorney fees relating to this case.

ANSWER: **Objection to advance production. After determination that Plaintiff's conduct was frivolous, copies of the invoices will be provided for Plaintiff's review as soon as the hearing is set to determine reasonable fees.**

Request for Production No. 4: An [sic] copy of any documents establishing the authority of the signatories to any and all Fee Agreements to execute same.

ANSWER: **Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court and it is ambiguous, unclear, makes no sense and not subject to response.**

Request for Production No. 5: A copy of any documents reflecting motions and votes by the Central Committee to retain Counsel in this case.

ANSWER: **Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court and it is ambiguous, unclear, makes no sense and not subject to response.**

Request for Production No. 6: A copy of any documents reflecting the minutes of a meeting wherein the Central Committee has adopted bylaws in the period of time from June 8, 2022 and July 11, 2022.

ANSWER: Objection. The documents requested have no relevance to whether Mr. Ames' lawsuit was frivolous or whether the resulting legal fees are reasonable. Further, please see Defendants' Answer to Request for Admission No. 9.

Request for Production No. 7: A copy of all notices of the Meeting

ANSWER: Objection. This Interrogatory seeks information which is not relevant and not likely to lead to the discovery of relevant or admissible evidence related to any issue before the Court.

AS TO ALL OBJECTIONS:

/s/ Nancy C. Schuster

/s/ Nancy C. Schuster

NANCY C. SCHUSTER (#0020690)
Schuster & Simmons Co. LPA
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 (T) - (216) 348-0013 (F)
ss@apk.net (e-mail)

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of December, 2022, a copy of the foregoing has been served upon the following via e-mail:

Brian M. Ames
2632 Ranfield Road
Mogodore, Ohio 44260
bmames00@gmail.com

Plaintiff

/s/ Nancy C. Schuster

Counsel for Defendants

CERTIFICATION OF SERVICE

I hereby certify that, on the 6th day of October, 2023, a true copy of the foregoing was, in accordance with Civ.R. 5(B)(2)(f), sent by electronic mail to:

Nancy C. Schuster (0020690)
2913 Clinton Avenue
Cleveland, Ohio 44113
(216) 348-1100 telephone
(216) 348-0013 facsimile
ss@apk.net
Counsel for Defendants



Brian M. Ames
Plaintiff *pro se*