

PRE-DECREE ( ) POST-DECREE

( ) Chg. of Cust.  
( ) Vis. Enforce/Mod.

IN THE COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

ELLEN L. TURNER	:	CASE NO. DR0500131
Plaintiff,	:	
vs.	:	JUDGE PANIOTO
	:	MAGISTRATE THEILE
JON H. ENTINE	:	<u>MOTION FOR COMMISSION TO</u>
Defendant.	:	<u>ISSUE SUBPOENA DUCES TECUM</u>

Now comes Defendant Jon H. Entine, by and through counsel, and requests this Court for a Commission to Issue Subpoena Duces Tecum to Google, Inc., a California corporation. In support of this Motion, Mr. Entine states as follows:

1. Google, Inc. is a corporation which supplies internet information and email system.
2. Mr. Entine believes that Ms. Turner is withholding documents which he has requested of Ms. Turner for the period of June 1, 2002 to present which are available through this internet corporation.
3. Mr. Entine requests the release of these documents from Google, Inc. for his review.
4. Attached hereto is a true and correct copy of the Commission to Issue Subpoena Duces Tecum.

**WHEREFORE**, Mr. Entine requests this Court to authorize and execute the attached Commission to Issue Subpoena Duces Tecum to obtain the documents requested for the use at trial within the State of Ohio, Domestic Relations Court of Hamilton County.

FILED

2008 AUG 21 P 2:43

GREGORY HARTMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH



D69673236

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

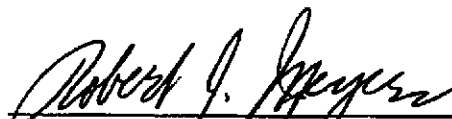
Respectfully submitted,



Gloria S. Haffer (Ohio Reg. No. 0014333)  
Robert J. Meyers (Ohio Reg. No. 0014589)  
Trial Attorneys for Defendant, Jon H. Entine  
BUECHNER, HAFFER, MEYERS  
& KOENIG CO., L.P.A.  
105 East Fourth Street  
300 Fourth & Walnut Centre  
Cincinnati, Ohio 45202  
Telephone No.: 513-579-1500  
Fax No.: 513-977-4361

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Motion for Commission to Issue Subpoena Duces Tecum has been served upon Sallee M. Fry, Esq., Law Office of Sallee M. Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and upon Randal S. Bloch, Esq., Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, on this 21<sup>st</sup> day of August, 2006.



Gloria S. Haffer #0014333  
Robert J. Meyers #0014589  
Attorneys for Defendant

108380

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.

Suite 300

105 East Fourth Street  
Cincinnati, Ohio 45202

(513) 579-1500

GREGORY HASTMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH

2006 AUG 21 A 10:41

FILED

GREGORY HARTI  
CLERK OF COU  
11000 MAIN ST  
CINCINNATI OH

**CERTIFIED MAIL**



7194 5168 6310 0282 5220

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature (  Address ) or  Agent

*[Handwritten Signature]*

B. Received By: (Please Print Clearly)

B Humbert

C. Date of Delivery

8/14 *[Signature]*

D. Addressee's Address (If Different From Address Used by Sender.)

Article Addressed To:  
08/04/2006 MOTION  
DR0500131 OS1 WAIVER  
MR BRUCE HUMBERT  
9130 LEWIS AVE  
BLUE ASH OH 45242

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

City State ZIP + 4 Code

**RETURN RECEIPT REQUESTED**



D69666629

COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

Ellen L Turner

CASE NO DR0500131

-vs-

Jon H. Entine

WRITTEN REQUEST FOR SERVICE  
(TYPE OF PAPERS BEING SERVED)

Motion

PLAINTIFF / DEFENDANT REQUESTS

CERTIFIED MAIL SERVICE

REGULAR MAIL SERVICE

PERSONAL SERVICE

RESIDENCE SERVICE

PROCESS SERVICE

FOREIGN SHERIFF



IN ACCORDANCE WITH CIVIL RULE 4.6(C) OR (D) AND 4.6(E) AN ORDINARY MAIL WAIVER IS REQUESTED

2006 AUG 15 3:25 PM  
GREGORY J. STAMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH

LIST NAME AND ADDRESS OF PERSON(S) TO BE SERVED

Ellen L. Turner  
7719 Shawnee Run Road  
Cincinnati, OH 45243



D69603418

Robert J. Meyers  
SIGNATURE

513.579.1500  
PHONE NUMBER

105 East Fourth St.  
ADDRESS 300 Fourth & Walnut Centre  
Cincinnati, OH 45202

0014589  
ATTORNEY NUMBER

**FILED**  
 CLERK OF COURTS  
 HAMILTON COUNTY  
 AUG 15 2006  
 GREGORY HARTMANN  
 COMMON PLEAS COURTS

**COURT OF COMMON PLEAS  
 DIVISION OF DOMESTIC RELATIONS  
 HAMILTON COUNTY, OHIO**

**ELLEN TURNER,** : **Case No:DR0500131**  
 :  
**Plaintiff,** : **Magistrate Theile**  
 : **Judge Panioto**  
 v. :  
**JON ENTINE,** : **AFFIDAVIT IN SUPPORT OF**  
 : **MOTION FOR CONTEMPT**  
**Defendant.** :

STATE OF OHIO :  
 :SS  
 COUNTY OF HAMILTON :

I, Jon Entine, being first cautioned and sworn, state that I am over eighteen years of age, and have personal knowledge of the facts as set forth below:

1. I am the Defendant/Father in the above case.
2. This Affidavit supports my Motion for Contempt.
3. Plaintiff/Mother and I and entered into a Shared Parenting Plan which was approved by Magistrate Theile and entered of record with this Court on November 30, 2005.
4. Pursuant to the terms of the Shared Parenting Plan, "parents shall pay for the activity selected by them except for piano, which both parents shall support and share equally in the cost as long as Maddie is at CCDS."
5. Plaintiff/Mother has failed to comply with the provisions of the Shared Parenting Plan by failing to equally share the costs of the minor child's piano lessons, despite demand.
6. I have paid \$1,500.00 for the piano lessons in full by check, copies of which are attached.
7. Currently Plaintiff/Mother owes me \$375.00 for one-half of the Spring, 2006 semester and \$375.00 for the Fall, 2006 semester

GREGORY HARTMANN  
 CLERK OF COURTS  
 HAMILTON COUNTY, OH  
 2006 AUG 15 10:18 AM  
**FILED**

SUECHNER, HAFFER,  
 MEYERS & KOENIG  
 CO., L.P.A.  
 Suite 300  
 105 East Fourth Street  
 Cincinnati, Ohio 45202  
 (513) 579 1500

  
 D69596925

8. Currently Plaintiff/Mother owes me for various doctor and hospital bills, despite demand, as follows:

a. \$10.00 for one-half of the fees for services rendered at Madeira Family Practice to cover the expense of document production to Ms. Kent for the court ordered custody-evaluation

b. \$5.40 for one-half of \$10.80 fees for services rendered at Madeira Family Practice on March 1, 2005.

c. \$5.40 for one-half of \$10.80 fees for services rendered at Madeira Family Practice on May 27, 2005.

d. \$5.40 for one-half of \$10.80 fees for services rendered at Madeira Family Practice on August 5, 2005.

e. \$3.40 for one-half of \$6.80 fees for services rendered at Madeira Family Practice on November 9, 2005.

f. \$4.79 for one-half of \$9.58 fees for services rendered at Madeira Family Practice on December 12, 2005.

9. I request that the Court find Plaintiff in contempt of Court for her violation of the previous Order of this Court

10. I further request sanctions, reimbursement of \$784.39 for Plaintiff/Mother's share of the above expenses, incarceration, and any and all other remedies which the Court finds equitable.

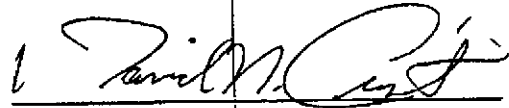
11. I further request that the Court order Plaintiff to reimburse me in the amount of \$1,500.00 for attorneys' fees that I have incurred in processing this contempt motion

**FURTHER AFFIANT SAYETH NAUGHT.**

BUCHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

  
Jon Entine

Sworn to before me and subscribed in my presence this 14<sup>th</sup> day of August, 2006.




Notary Public

DAVID N. CRIST  
Notary Public - State of Ohio  
My Commission Expires October 30, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Motion for Contempt has been served upon Sallee M. Fry, Esq, Law Office of Sallee M. Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and upon Randal S. Bloch, Esq, Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, on this 15<sup>th</sup> day of August, 2006.



Robert J. Meyers #0014589  
Attorney for Defendant

108798

SUECHNER, HAFFER,  
MEYERS & KOENIG  
CO, L P A  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

**JON ENTINE**  
**INDIAN HILL**  
 RUN JONENTINE@EARTHINK.NET  
 CINCINNATI, OH 45243

20-448/740  
 CHECKNO **1732**

DATE 12/05/05

PAY TO THE ORDER OF CCDS \$ 750-

Seven hundred and fifty — 00/100 DOLLARS

**FIRST INTERNET BANK**

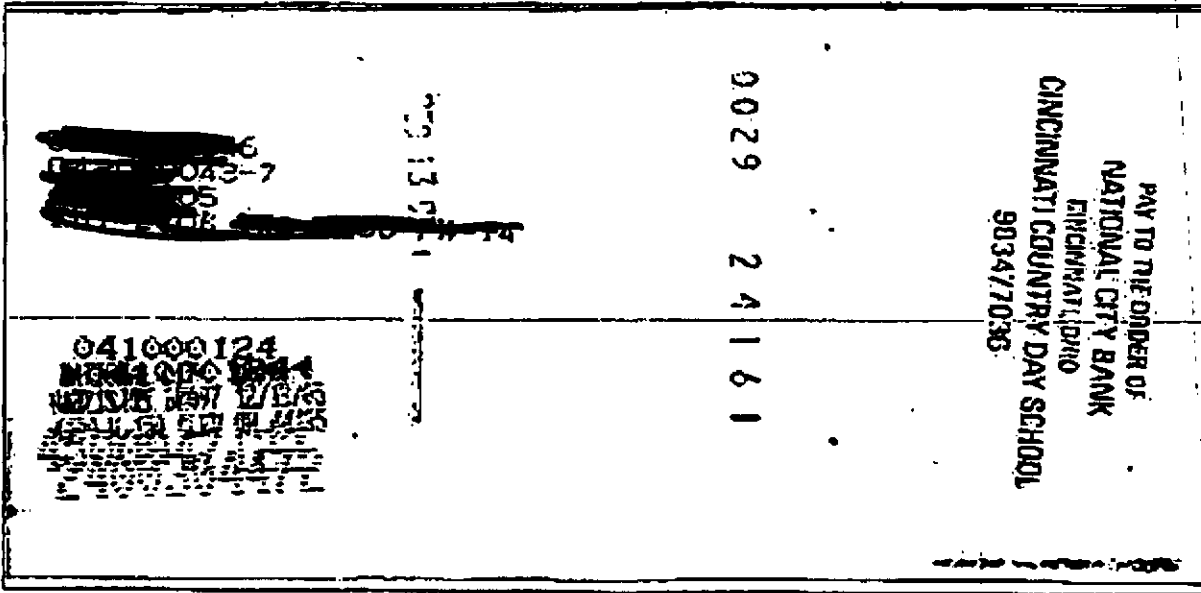
address 12505 Lesonsie Spring Jon Entine

Front

Back

Close






Back

Front

Close

**JON ENTINE**  
**INDIAN HILL**  
 1815  
 2-11/70  
 1188203  
 18 5411829 1 920738129 195 81  
 05/18/2006  
 DATE: 4-6-06  
 CINCINNATI, OH 45245

PAY TO THE ORDER OF CINCINNATI COUNTRY DAY \$ 7.50  
Seven hundred and fifty — 00/100 DOLLARS

  
 FIRST INTERNET BANK  
 18  
 FROM Elementary piano lessons / fall John Ent  
 5 ~~XXXXXXXXXXXX~~

Front

Back

Close



PRE-DECREE ( ) POST-DECREE

( ) Chg. of Cust.  
( ) V's Enforce/Mod.  
( ) Sup. Enforce/Mod.  
Childs

COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

ELLEN TURNER,	:	Case No:DR0500131
Plaintiff,	:	Magistrate Theile
v.	:	Judge Panioto
JON ENTINE,	:	<u>AMENDED MOTION</u>
Defendant.	:	<u>FOR CONTEMPT</u>

Now comes Defendant Jon Entine, hereafter "Father," by and through counsel, and hereby moves the Court to find Plaintiff, Ellen Turner, hereafter "Mother," in contempt for her failure to equally share the costs of the minor child's piano lessons and various medical bills. This Motion is supported by the following Memorandum and Affidavit of Jon Entine



Robert J. Meyers  
Ohio Reg. No. 0014589  
Attorney for Defendant, Jon Entine  
BUECHNER, HAFFER, MEYERS  
& KOENIG CO., LPA  
105 East Fourth Street  
300 Fourth & Walnut Centre  
Cincinnati, Ohio 45202  
Telephone No. 513-579-1500  
Fax No. 513-977-4361

GREGORY HARTMAN  
CLERK OF COURTS  
- HAMILTON COUNTY, OH

2006 AUG 15 P 3:17

FILED

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., LPA  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500



D69596804

**MEMORANDUM**

The parties entered into a Shared Parenting Plan which was approved by Magistrate Theile and entered of record with this Court on November 30, 2005

Pursuant to the terms of the Shared Parenting Plan, "parents shall pay for the activity selected by them except for piano, which both parents shall support and share equally in the cost as long as Maddie is at CCDS."

Mother has violated the provisions of the parties' Shared Parenting Plan by failing to pay her half of the cost of the piano lessons. Currently, Mother owes Father \$375.00 for one-half of the Spring, 2006 semester and \$375.00 for one-half of the Fall, 2006 semester, despite demand by Father.

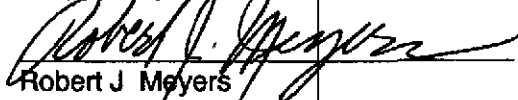
Mother has also violated the provisions of the parties' Shared Parenting Plan as regards uncovered medical expenses. Pursuant to the terms of the plan, "The parties shall exchange/reconcile the out of pocket health care costs and other medical receipts, once a year, on or about January 31 each year. Reimbursement shall occur within 30 days of the exchange." Father submitted in a timely fashion documentation of all such expenses incurred during 2005, but has not been reimbursed

- 1 Mother owes Father \$5.40 for one-half of \$10.80 for office visit on March 1, 2005
- 2 Mother owes Father \$5.40 for one-half of \$10.80 for office visit on May 27, 2005
- 3 Mother owes Father \$5.40 for one-half of \$10.80 for office visit on August 5, 2005
- 4 Mother owes Father \$10 for one-half of the fees for services rendered on August 5, 2005 at Madeira Family Practice to cover the expense of document production to Ms Kent for the court ordered custody-evaluation
- 5 Mother owes Father \$3.40 for one-half of \$6.80 for office visit on November 4, 2005
- 6 Mother owes Father \$4.79 for one-half of \$9.58 for office visit on December 12, 2005

**WHEREFORE**, Father hereby moves the Court for a finding of contempt of court, judgment of \$784.39 against Mother, sanctions, incarceration, and any and all other remedies which the court finds equitable

Father further moves the Court for costs of this action, for attorney fees of \$1,500.00 and for such other relief as may be equitable and proper

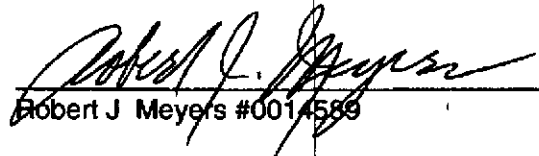
Respectfully submitted,



Robert J. Meyers  
Ohio Reg No 0014589  
Attorney for Defendant, Jon Entine  
BUECHNER, HAFFER, MEYERS  
& KOENIG CO, LPA  
105 East Fourth Street  
300 Fourth & Walnut Centre  
Cincinnati, Ohio 45202  
Telephone No · 513-579-1500  
Fax No · 513-977-4361

**NOTICE OF HEARING**

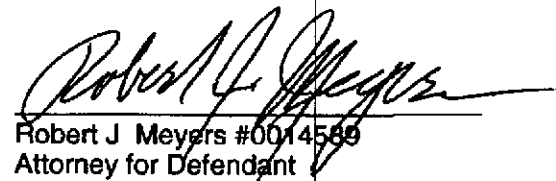
Please take notice that a hearing on the foregoing has been scheduled for the 12<sup>th</sup> day of October, 2006 at 3:00 p.m. before Magistrate Theile, at the Hamilton County Court of Common Pleas, Division of Domestic Relations, 800 Broadway, Cincinnati, Ohio 45202



Robert J. Meyers #0014589

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Motion for Contempt has been served upon Sallee M. Fry, Esq., Law Office of Sallee M. Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and upon Randal S. Bloch, Esq., Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, on this 15<sup>th</sup> day of August, 2006.



Robert J. Meyers #0014589  
Attorney for Defendant

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO, LPA  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

108954

COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

ELLEN TURNER, : Case No: DR0500131  
Plaintiff, : Magistrate Theile  
v. : Judge Panioto  
JON ENTINE, : AFFIDAVIT IN SUPPORT OF  
Defendant. : MOTION FOR CONTEMPT

STATE OF OHIO :  
COUNTY OF HAMILTON :SS

I, Jon Entine, being first cautioned and sworn, state that I am over eighteen years of age, and have personal knowledge of the facts as set forth below:

- 1 I am the Defendant/Father in the above case.
- 2 This Affidavit supports my Motion for Contempt.
- 3 Plaintiff/Mother and I and entered into a Shared Parenting Plan which was approved by Magistrate Theile and entered of record with this Court on November 30, 2005.
- 4 Pursuant to the terms of the Shared Parenting Plan, "parents shall pay for the activity selected by them except for piano, which both parents shall support and share equally in the cost as long as Maddie is at CCDS."
- 5 Plaintiff/Mother has failed to comply with the provisions of the Shared Parenting Plan by failing to equally share the costs of the minor child's piano lessons, despite demand.
- 6 I have paid \$1,500.00 for the piano lessons in full by check, copies of which are attached.
- 7 Currently Plaintiff/Mother owes me \$375.00 for one-half of the Spring, 2006 semester and \$375.00 for the Fall, 2006 semester

8. Currently Plaintiff/Mother owes me for various doctor and hospital bills, despite demand, as follows:

a. \$10.00 for one-half of the fees for services rendered at Madeira Family Practice to cover the expense of document production to Ms Kent for the court ordered custody-evaluation

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f. \$4.79 for one-half of \$9.58 fees for services rendered at Madeira Family Practice on December 12, 2005.

9. I request that the Court find Plaintiff in contempt of Court for her violation of the previous Order of this Court.

10. I further request sanctions, reimbursement of \$784.39 for Plaintiff/Mother's share of the above expenses, incarceration, and any and all other remedies which the Court finds equitable.

11. I further request that the Court order Plaintiff to reimburse me in the amount of \$1,500.00 for attorneys' fees that I have incurred in processing this contempt motion

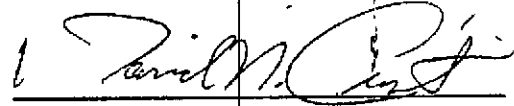
**FURTHER AFFIANT SAYETH NAUGHT.**

3UECHNER, HAFFER,  
MEYERS & KOENIG  
CO, LPA  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

  
Jon Entine



Sworn to before me and subscribed in my presence this 14<sup>th</sup> day of August, 2006.

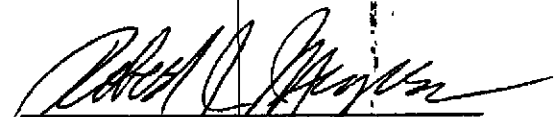


Notary Public

DAVID N. CRIST  
Notary Public - State of Ohio  
My Commission Expires October 30, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Motion for Contempt has been served upon Sallee M. Fry, Esq., Law Office of Sallee M. Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and upon Randal S. Bloch, Esq., Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, on this 15<sup>th</sup> day of August, 2006.



Robert J. Meyers #0014589  
Attorney for Defendant

108798

SUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.

Suite 300

105 East Fourth Street  
Cincinnati, Ohio 45202

(513) 579-1500

checkimage

<p><b>JON ENTINE</b>  <b>INDIAN HILL</b>          RUNJONER@EARTHLINK.NET          CINCINNATI, OH 45243</p> <p>FAX TO THE ORDER OF</p> <p><b>CCDS</b></p>	<p>23-448740          128220</p> <p>DATE <u>12/05/05</u></p>	<p>1732</p> <p>\$ 750-</p>
<p>Seven hundred and fifty — 07/100 DOLLARS</p>		
<p><b>FIRST INTERNET BANK</b></p> <p>from Lesone Spring</p>	<p><i>[Signature]</i></p>	<p>1732 #0000075000</p>

Front

Back

Close

checkimage

05/18/2006 04 23 PM

<p>0225051546  0420-0043-7  12362005  ENT=2406 TRC=2406 PK=14</p>	<p>05/13/06  1</p>	<p>9029  24161</p>	<p>PAY TO THE ORDER OF  NATIONAL CITY BANK  CINCINNATI, OHIO  CINCINNATI COUNTRY DAY SCHOOL  9834/7030</p>
<p>041000124  MAY 19 2006  NATIONAL CITY BANK  CINCINNATI, OHIO</p>			

Back

Front

Close

JON ENTINE INDIAN HILL 100 JONHILL RD CINCINNATI, OH 45245		0-111670 12185203 1815 04/18/2006 420738129 1495 81 DATE: <u>4-6-06</u>
PAY TO THE ORDER OF: <u>CINCINNATI COUNTRY DAY</u>		<u>\$ 750.00</u>
<u>Seven hundred and fifty — 00/100</u> DOLLARS		
FIRST INTERNET BANK MEMO: <u>Private piano lessons / Fall</u>		<u>Debit Card</u> *0000075000*

Front



Close

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<p>PER 04/18/2006 14 15 580172630 4723 POSITION        APR 13 2006 1 10 27 11 11 11 11</p>	<p>6027 90098</p>	<p>PAY TO THE ORDER OF        NATIONAL CITY BANK        CINCINNATI, OHIO        CINCINNATI COUNTY DAY SCHOOL        983477036</p>
<p>0826425257        0420-0043-7        04382006        ENT-1495 TRC=1-98 PR=R</p>	<p>APR 13 2006</p>	<p>041006124        NATIONAL CITY BANK        300 N. 159 CLEV OH 43102</p>
<p>041006124        NATIONAL CITY BANK        04/17/06</p>		
<p>000045746</p>		

Back

Close

COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

Ellen L. Turner

Plaintiff

-vs-

Jon H. Entine

Defendant

Case No. DR0500131  
File No E233969  
CSEA. 7053135062

MAGISTRATE'S ORDER

Judge Pamoto  
Magistrate Theile

An Entry, captioned "General Order of Reference" which is a matter of record in this Court, provides " . . . that all matters be and are hereby referred to a Magistrate in accordance with Rule 53 of Ohio Rules of Civil Procedure"

This cause came on for hearing on August 3, 2006 on Plaintiff/Wife's Motion For Protective Order filed July 25, 2006

Present were. Randal S Bloch, Esquire and Salle M Fry, Esquire, attorneys for Wife and Gloria S Haffer, Esquire and Robert J Meyers, Esquire, attorneys for Defendant/Husband

Plaintiff requests a protective order,

prohibiting the disclosure of information sought by Defendant, Jon H Entine, in the subpoenas issued by Defendant as listed on Exhibit A on the grounds that the subpoenas required disclosure of information that is not relevant to the subject matter involved in the pending action and that they are designed to annoy, embarrass, oppress, and cause undue burden and expense

Ohio Civil Rule 26(C) provides,

"Upon motion by any party or by the persons from whom the discovery is sought, and for good cause shown, the court in which the action is pending can make any order the justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense "

The information at issue is being requested by way of subpoena, which is governed by Ohio Civil Rule 45(C)(2)(b) which provides in relevant part,

**ENTERED**  
AUG 11 2006



D69550794

"A person commanded to produce under this rule may, within fourteen days after service of the subpoena or before the time specified for compliance of such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to the production" (emphasis added)

Clearly the protection from a subpoena is a right of the "person commanded to produce", not a party. Furthermore, the protection afforded parties under Civil Rule 26 apply to the discovery rules designated as Rule 26 through 37, not to Rule 45.

**Based upon the evidence presented at the hearing and upon due consideration of the applicable law, the Order of the Magistrate is as follows:**

Therefore, the motion for protective order is not well taken and is denied.

Copies of this order have been mailed to the parties or their counsel. This Order is effective immediately. Either party may appeal this order by filing a Motion to Set the Order Aside within ten days of the date this order is entered. The pendency of a Motion to Set the Order Aside does not stay the effectiveness of this order unless the Magistrate or Judge grants a stay.

  
Magistrate Gregory R Theile

08/08/2006

Copies sent by Clerk of Courts to

Randal S. Bloch, Esquire, Attorney For Plaintiff

Sallee M Fry, Esquire, Attorney for Plaintiff


Gloria S Haffer, Esquire, Attorney For Defendant

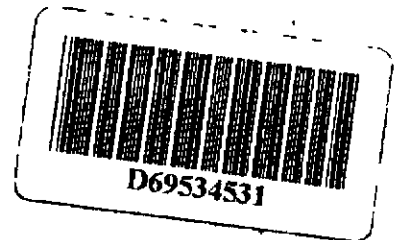
Robert J. Meyers, Esquire, Attorney for Defendant

GREGORY HARMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH

2006 AUG 10 A 11 16

FILED

GREGORY-HA CLERK-OF-CC 1000 MAIN STREET RM 115 CINCINNATI OH 45202-1288		 7194 5168 6310 0262 5237	
<b>COMPLETE THIS SECTION ON DELIVERY</b>		<b>RETURN RECEIPT REQUESTED</b>	
A Signature of Addressee or Agent <i>X. Gregory Harmann</i>		Article Addressed To 08/04/2006 MOTION DR0500131 OS1 MR BRUCE HUMBERT 10200 ALLIANCE DRIVE SUITE 310 CINCINNATI OH 45242	
B Received By (Please Print Clearly) <i>M. GRASHER</i>		AUG 07 2006 USPS	
C Date of Delivery <i>8/7</i>			
D Addressee's Address (if Different From Address Used by Sender) Secondary Address / Suite / Apt / Floor (Please Print Clearly)			
Delivery Address City State ZIP+4 Code			





GREGORY HARTMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH

2006 AUG 10 A 11 16

FILED

GREGORY HARTMANN  
CLERK OF COURTS  
1000 MAIN STREET RM 115  
CINCINNATI OH 45202-1288

**CERTIFIED MAIL**



**COMPLETE THIS SECTION ON DELIVERY**

Signature  Addressee  Agent  Other

**A** Signature *[Handwritten Signature]*

**B** Received by (Please Print Clearly)  
*JOHN ENTINE*

**C** Date of Delivery  
*8/2/2006*

**D** Addressee's Address (Different From Address Used by Sender)  
*JOHN ENTINE*  
6255 S CLIPPINGER  
CINCINNATI OH 45243

Secondary Address (Suite / Apt. / Floor) (Please Print Clearly)

Delivery Address

City State ZIP + 4 Code

RETURN RECEIPT REQUESTED

Article Addressed To  
08/03/2006 AMENDED MOTION  
DR0500131 D1 WAIVER  
JOHN ENTINE  
6255 S CLIPPINGER  
CINCINNATI OH 45243



D69534601

( ) PRE-DECREE ( ) MUST INCLUDE  
 ( ) Chg. of Cust.  
 ( ) Vis. Enforcement  
 ( ) Sup. Enforcement  
 ( ) Others

IN THE COURT OF COMMON PLEAS  
 DIVISION OF DOMESTIC RELATIONS  
 HAMILTON COUNTY, OHIO

ELLEN L. TURNER : CASE NO. DR0500131  
 Plaintiff, :  
 v. : JUDGE PANIOTO  
 : MAGISTRATE THEILE  
 JON H. ENTINE : DEFENDANT'S MOTION FOR  
 Defendant. : CONTINUANCE

Defendant Jon H Entine ("Husband"), by and through counsel, moves this Court for a continuance of the hearings scheduled for September 13, 15, and 19, 2006 on the grounds that Plaintiff Ellen L. Turner ("Wife") has not cooperated in discovery and has failed and refused to provide Husband with documents in her possession that are necessary for him to prepare and prosecute his case and to defend against Wife's case as to the validity and enforceability of the prenuptial agreement

The September hearings are related to the parties' Premarital Agreement which will ultimately affect the disposition of the parties' assets and the award of spousal support. Wife is in exclusive possession of the parties' legal and financial documents that she removed from the marital residence and/or she retained at her business office.

Husband has vigorously sought production of the documents in discovery. He served Wife with multiple discovery requests but Wife failed and refused to produce complete, accurate responses. Husband then attempted to obtain the documents from other sources. He served subpoenas *duces tecum* on non-parties who are in possession of the documents he sought from Wife. Upon information and belief, Wife's counsel advised these non-parties that they need not respond to the subpoenas *duces tecum*, interfering with Husband's efforts to obtain discovery. Wife also filed for a protective order to prevent Husband from obtaining these documents. On August 3, 2006, the Court denied Wife's

FILED  
 2006 SEP - 13  
 GREGORY A. HANNAH  
 CLERK OF COURTS  
 HAMILTON COUNTY, OH

BUECHNER, HAFFER,  
 MEYERS & KOENIG  
 CO., LPA  
 Suite 300  
 105 East Fourth Street  
 Cincinnati, Ohio 45202  
 (513) 579 1500



Motion for a Protective Order

On May 24, 2006, Husband filed a Motion to Compel in connection with a Motion to Vacate the Discovery Cut-off Date. The Court did not rule on the Motion to Compel. On August 1, 2006, Wife served her responses to the outstanding discovery requests. She objected to each and every request on the grounds that the requests were not subject to the Court's June 30, 2006 discovery order, which allows the parties to engage in discovery related to the parties' Premarital Agreement up until September 1, 2006.

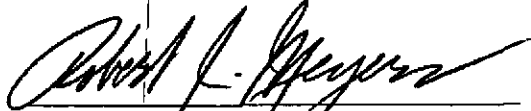
Wife has also filed a Motion to Modify the Temporary Support Order which she has scheduled for hearing on September 13<sup>th</sup>. The discovery is also needed for this hearing.

On August 3, 2006, Husband filed a Supplemental Motion to Compel against Wife. Husband anticipates that Wife will oppose the motion and continue to refuse to produce the requested documents. The hearing on the motion is scheduled for August 25, 2006. If the Court grants the motion and orders Wife to produce documents, it is not likely that Wife will immediately produce the documents and perhaps will continue to resist discovery. Husband will not receive documents in time to properly prepare for the hearings in September.

Finally, on August 3, 2006, the Court ordered the parties to mediation. The parties have agreed to hire Lawrence A. Glassman as the mediator. Due to conflicts in the schedules of counsel and the parties, the mediation cannot be held until September. All are available on September 13, 2006, the scheduled first day of hearing on the prenuptial issues. If the matter is not successfully mediated, the parties can proceed with depositions in California on the subsequent September hearing dates. The Court hearing can begin on the October 4<sup>th</sup> date.

Based upon the foregoing, Husband respectfully requests that this Court continue the above September hearing dates, and schedule additional dates to follow the October 4<sup>th</sup> date. A proposed Order of Continuance is attached hereto for the Court's convenience.

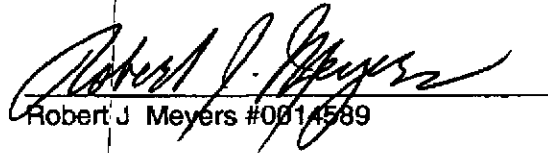
Respectfully submitted,



Gloria S Haffer (# 0014333)  
Robert J. Meyers (# 0014589)  
Trial Attorneys for Defendant Jon H Entine  
BUECHNER, HAFFER, MEYERS  
& KOENIG CO , L PA  
105 East Fourth Street  
300 Fourth & Walnut Centre  
Cincinnati, Ohio 45202  
Telephone No 513-579-1500  
Fax No 513-977-4361

**NOTICE OF HEARING**


Please take notice that a hearing on the foregoing has been scheduled for the 25<sup>th</sup> day of August, 2006 at 8.45 (a.m) p m before Magistrate Theile, at the Hamilton County Court of Common Pleas, Division of Domestic Relations, 800 Broadway, Cincinnati, Ohio 45202.



Robert J Meyers #0014589

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Defendant's Motion for Continuance has been served upon Sallee M Fry, Esq , Law Office of Sallee M Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and upon Randal S Bloch, Esq , Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, on this 8<sup>th</sup> day of August, 2006



Gloria S Haffer #0014333  
Robert J Meyers #0014589  
Attorneys for Defendant

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO , L PA  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

108699

COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

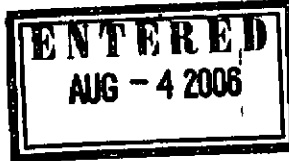
Ellen L. Turner

Plaintiff

-vs-

Jon H Entine

Defendant



Case No DR0500131  
File No. E233969  
CSEA 7053135062

MAGISTRATE'S ORDER

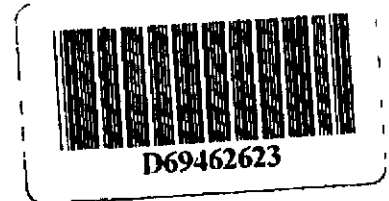
Judge Panioto  
Magistrate Theile

Parties and counsel shall meet with a mediator for a settlement conference prior to the next scheduled hearing in this case

Copies of this order have been mailed to the parties or their counsel This Order is effective immediately Either party may appeal this order by filing a Motion to Set the Order Aside within ten days of the date this order is entered The pendency of a Motion to Set the Order Aside does not stay the effectiveness of this order unless the Magistrate or Judge grants a stay

  
Magistrate Gregory R Theile 08/03/2006

*given*  
Copies sent by Clerk of Courts to  
Randal S Bloch Esq, Attorney For Plaintiff  
Gloria S Haffer Esq, Attorney For Defendant



**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO**

Ellen Turner

CASE NO DR0500131

-VS-

**WRITTEN REQUEST FOR SERVICE  
(TYPE OF PAPERS BEING SERVED)**

Jon Entine

Defendant's Motion for Contempt  
Affidavit of Robert J Meyers in Support  
of Defendant's Motion for Contempt

**PLAINTIFF / DEFENDANT REQUESTS:**

CERTIFIED MAIL SERVICE

REGULAR MAIL SERVICE

PERSONAL SERVICE

RESIDENCE SERVICE

PROCESS SERVICE

FOREIGN SHERIFF

GREGORY HARTMAN  
CLERK OF COURTS  
HAMILTON COUNTY, OH  
2008 AUG 3 P 2:21  
**FILED**



**IN ACCORDANCE WITH CIVIL RULE 4.6(C) OR (D) AND  
4.6(E) AN ORDINARY MAIL WAIVER IS REQUESTED**

**LIST NAME AND ADDRESS OF PERSON(S) TO BE SERVED**

**Mr. Bruce Humbert  
9130 Lewis Avenue  
Blue Ash, Ohio 45242**

**Mr. Bruce Humbert  
10200 Alliance Drive, Suite 310  
Cincinnati, Ohio 45242**

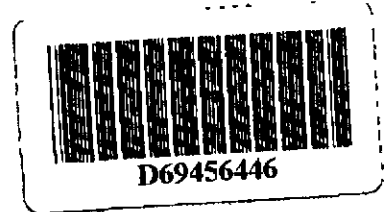
Robert J Meyers  
ATTORNEY

(513) 579-1500  
PHONE NUMBER

105 E Fourth Street, Cincinnati, Ohio  
ADDRESS

00014589  
ATTORNEY NUMBER

108126



**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO**

<p><b>ELLEN TURNER,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>JON ENTINE,</b></p> <p style="padding-left: 40px;"><b>Defendant.</b></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p><b>Case No:DR0500131</b></p> <p><b>Magistrate Theile</b> <b>Judge Panioto</b></p> <p><b><u>AFFIDAVIT OF ROBERT J. MEYERS IN SUPPORT OF DEFENDANT'S SUPPLEMENTAL MOTION TO COMPEL DISCOVERY</u></b></p>
--	---	---

STATE OF OHIO            )  
                                  )        **SS:**  
COUNTY OF HAMILTON    )

I, Robert J Meyers, being first cautioned and sworn, state that I am over eighteen (18) years of age, and have personal knowledge of the facts as set forth below

- 1 I am the trial attorney for Defendant Jon H Entine
- 2 This Affidavit serves to support Defendant's Supplemental Motion to Compel Discovery against Plaintiff Ellen L Turner
- 3 On March 31, 2006, Defendant Jon H Entine served Plaintiff Ellen L Turner with a Third Request for Production of Documents seeking documents and items related to the premarital agreement issues
- 4 By letter dated April 19, 2006, counsel for Plaintiff advised counsel for Defendant that she and her client refused to respond to the discovery as the cutoff date had since passed A copy of the April 19, 2006 letter is attached hereto as Exhibit A
- 5 By letter dated June 30, 2006, counsel for Defendant requested counsel for Plaintiff to provide her responses to the outstanding discovery A copy of the June 30, 2006 letter is attached hereto as Exhibit B
- 6 On June 30, 2006, Magistrate Theile lifted the discovery stay in the divorce action

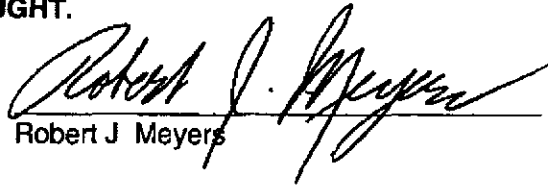
2006 AUG -3 A 8 20  
 FILED  
 CLERK OF COURT  
 HAMILTON COUNTY OHIO

**BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., LPA**  
 Suite 300  
 105 East Fourth Street  
 Cincinnati, Ohio 45202  
 (513) 579 1500



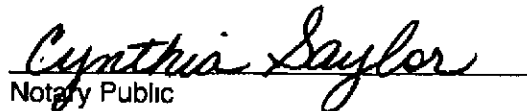
- 7 On August 1, 2006, Plaintiff Ellen L Turner served her objections to Third Request for Production of Documents claiming that the June 30, 2006 Magistrate's Order did not cover the requests. A copy of Plaintiff's Response to Defendant's Third Request for Production of Documents is attached hereto as Exhibit C.
- 8 I have made a reasonable attempt to resolve this matter with Plaintiff and her counsel through informal means as required by the Civil Rules and the Local Rules of this Court.
- 9 Having been unsuccessful, I now request that the Court order Plaintiff to fully and accurately respond to the Third Request for Production of Documents.
- 10 I also request that the Court award Defendant his reasonable expenses and attorney fees that he has incurred in preparing and prosecuting this motion in an effort to obtain full and accurate responses to the discovery requests.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Robert J. Meyers

Sworn to and subscribed in my presence, a Notary Public, this 2<sup>nd</sup> day of August,

2006

  
Notary Public

108674

CYNTHIA SAYLOR  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires 02-15-2010

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO, LPA  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500



# WAGNER & BLOCH, LLC

ATTORNEYS AT LAW

2345 ASHLAND AVENUE • CINCINNATI, OHIO 45206-2204 • PHONE (513) 751-4420 • FAX (513) 751-4555  
EMAIL wagbloch@yahoo.com

HAROLD WAGNER (1920-2000)  
RANDAL S. BLOCH \*

\* Certified Family Law Specialist

April 19, 2006

Gloria Haffer, Esq  
Robert Meyers, Esq  
105 East Fourth Street  
Suite 300  
Cincinnati, OH 452024057

Re Turner/Entine

Dear Gloria and Bob

I am in receipt of the letter and Third Request for Productions of Documents Propounded upon Plaintiff. Attached is the Magistrate's Order dated March 31, 2005 setting the discovery cutoff at 120 days thereafter. That date has long since passed, and we have already started trial. We will not be responding to the above discovery. If you wish to discuss this issue, please do not hesitate to contact me.

Further, you have sent a number of subpoenas. Neither Sallee nor I have received copies of the documents you received in response thereto. Please provide by return mail. Additionally, you have a continuing obligation to supplement the discovery previously served upon you. If there are to be additional witnesses or exhibits, please provide same forthwith.

Thank you in advance for your cooperation and assistance in this matter.

Yours very truly,

  
Randal S. Bloch  
RSB/tp

Enc

Cc Ellen Turner  
Sallee Fry

**EXHIBIT A**

COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

Ellen L Turner

Case No DR0500131  
File No E233969  
CSEA No

Plaintiff  
- vs -

MAGISTRATE'S ORDER  
Scheduling Conference  
Judge Panoto  
Magistrate Theile

Jon H Entine

Defendant

- I A  Counsel and Parties agree to this order which the Court approves
- B  A (1) scheduling conference, (2) property pre-trial was held in accordance with Civil Rules 53 and 16
- C  Present were (1) Plaintiff, (2) Plaintiff's Counsel, (3) Defendant, (4) Defendant's Counsel, (5) Other \_\_\_\_\_
- II Based upon the conference and the filings in this matter, the Magistrate finds and orders as follows
  - A  All discovery (1) is, (2) is not completed
  - B  Issues remaining unresolved include (1) all, (2) real property, (3) personal property, (4) vehicles, (5) funds, (6) stocks & bonds, (7) retirement/pension, (8) tax refunds, (9) life insurance, (10) debts, (11) spousal support
  - C  Child Support issues are as follows: \_\_\_\_\_
  - D  (1) Settlement is likely, (2) The parties are in mediation, (3) There's a possibility of reconciliation
  - E  Other \_\_\_\_\_
- III A  The matter is set for (1) formal pre-trial, (2) report, (3) scheduling conference on TUES., AUG. 23, 2005 at 8:45 am for 1 1/4 hrs Parties (1) do, (2) do not need to be present.
- B  The matter is set for trial on \_\_\_\_\_ at \_\_\_\_\_ for \_\_\_\_\_ hrs/days
- C  All general discovery shall be completed within (1) 45, (2) 60, (3) 90 days, (other) 120 days except as otherwise provided by further Court order
- D  If either party will be claiming that certain items are separate property, that party shall submit to the Court and to the other party a typed list of those items which are claimed to be separate and a short explanation as to why the items are claimed to be separate
- E  Written stipulations shall be submitted by (1) date of trial, (2) date of pre-trial, (3) other \_\_\_\_\_
- F  Witness lists to be exchanged (1) 1 wk, (2) 2 wks before trial, (3) Other \_\_\_\_\_
- G  (1) Husband's (2) Wife's property statement to be filed within 2 weeks/30 days, Other \_\_\_\_\_
- H  Real estate appraisal(s) shall be obtained (1) individually, (2) jointly by [a] court appraiser, [b] non-court appraiser with costs to be paid by [c] Husband, [d] Wife, [e] both parties equally
- I  Parenting is not an issue (1) Husband (2) Wife shall be the residential parent and legal custodian
- J  (1) Husband, (2) Wife shall initiate a parenting investigation within (1) 30, (2) 45, (3) 60 days or shall forego the right to be a residential parent and legal custodian unless there is a change of circumstances which change is of substance and not slight or inconsequential. The costs shall be paid by (1) Husband, (2) Wife, (3) both parties equally
- K  Counsel/Parties shall meet for a settlement conference on June 5/25/05 at \_\_\_\_\_ in the office of (1) Plaintiff's, (2) Defendant's counsel
- L  The parties agree that "during the marriage" is defined as \_\_\_\_\_ to \_\_\_\_\_
- M  In the event that neither party appears at the property hearing, the above cause of action may be dismissed
- N  Counsel shall notify his/her client and the witness(es) (s)he subpoenaed of continuances so that the witness(es) does not appear.
- O  Father (1) has (2) has not complied with this Court's order regarding Parent Education class
- P  Mother (1) has (2) has not complied with this Court's order regarding Parent Education class

*See attached to EIM. If wife shall initiate parenting investigation within 14 days of filing mediation session or parenting agreement will be signed by BOTH parties within that time period. Failure to comply with orders contained herein may result in sanctions.*

**NO CONTINUANCE SHALL BE GRANTED FOR ANY HEARING OR PRE-TRIAL IN EXCESS OF ONE HOUR EXCEPT BY PERSONAL APPEARANCE OF COUNSEL 7 DAYS PRIOR TO THE HEARING DATE (EXCEPT EMERGENCIES)**

Copies of this order have been personally given to/mailed to the parties or their counsel. This Order is effective immediately. Either party may appeal this order by filing a Motion to Set the Order Aside within ten days of the date this order is filed. The pendency of a Motion to Set the Order Aside does not stay the effectiveness of this order unless the Magistrate or Judge grants a stay.

*Gregory E. Theile*  
Magistrate Gregory E. Theile 03/31/2005

By signature below, the party and counsel acknowledge receipt of this Order and waive the requirement that the Clerk serve him/her

Plaintiff  
*Julian*  
Attorney for Plaintiff

Defendant  
*Sharon J. Stanger # 001433*  
Attorney for Defendant

BUECHNER, HAFFER, O'CONNELL, MEYERS, HEALEY & KOENIG Co., L.P.A.  
ATTORNEYS AT LAW

ROBERT W BUECHNER<sup>1 2</sup>  
GLORIA S HAFFER<sup>1</sup>  
EDWARD M O'CONNELL, JR.<sup>1</sup>  
ROBERT J MEYERS  
ROGER W HEALEY  
PETER E KOENIG<sup>1</sup>  
STEPHEN B HOFFSIS  
DAVID R VALZ<sup>1</sup>  
MICHAEL E NEIHEISEL  
LAURIE M HARMON  
ANDREW J SAMOCKI

300 FOURTH & WALNUT CENTRE  
105 EAST FOURTH STREET  
CINCINNATI, OHIO 45202-4057  
TELEPHONE (513) 579-1500  
FACSIMILE (513) 977-4361

e-mail address  
rmeyers@bhmklaw.com

<sup>1</sup> ALSO ADMITTED IN KENTUCKY  
<sup>2</sup> ALSO ADMITTED IN FLORIDA

June 30, 2006

Randal S. Bloch, Esq  
Wagner & Bloch, LLC  
2345 Ashland Avenue  
Cincinnati, Ohio 45206

Re: *Ellen L. Turner v. Jon H. Entine*  
Case No. DR0500131

Dear Randy.

As you know, Magistrate Theile has lifted the discovery stay in the divorce action. It is now incumbent on Ellen to respond appropriately to our prior discovery requests. Please advise us when we can expect Ellen's supplemental answers to Interrogatories and supplemental response to Request for Production of Documents, both of which are outstanding.

Please consider this letter our last effort to resolve this discovery dispute outside of proceeding with a motion to compel.

Very truly yours,

BUECHNER, HAFFER, O'CONNELL,  
MEYERS, HEALEY & KOENIG CO., L.P.A.



Robert J Meyers

RJM cgs  
cc: Mr. Jon Entine  
107547

**EXHIBIT B**

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO**

Ellen Turner, : CASE NO. DR 0500131  
Plaintiff : JUDGE:  
vs. :  
Jon Entine, : PLAINTIFF'S RESPONSES TO  
Defendant : DEFENDANT'S THIRD REQUEST FOR  
: PRODUCTION OF DOCUMENTS,  
: PROPOUNDED UPON PLAINTIFF

Plaintiff, Ellen Turner, by and through her counsel, submits the following responses to Defendant's Third Request for Production of Documents. This response is made without waiving but expressly preserving

1. Objection, as not subject of the discovery order set by the Court. Without waiving said objection, Plaintiff has no records of checking accounts for 1994.
2. Objection as not subject of the discovery order set by the Court.
3. Objection as not subject of the discovery order set by the Court. Without waiving said objection, the documents were previously provided in earlier discovery.
4. Objection as not subject of the discovery set by the Court. Without waiving said objection, the documents were previously provided in earlier discovery.
5. Objection as not subject of the discovery set by the Court.
6. Attached records of photographer's letter, purchase order and wedding agenda.
7. Objection as not subject of the discovery order set by the Court.
8. Objection as not subject of the discovery order set by the Court.

**EXHIBIT C**

- 9 Objection as not subject of the discovery order set by the Court
- 10 Objection as not subject of the discovery order set by the Court.
11. Objection as not subject of the discovery order set by the Court
12. Objection as not subject of the discovery order set by the Court
13. Objection as not subject of the discovery order set by the Court.
- 14 Objection as not subject of the discovery order set by the Court
- 15 Objection as not subject of the discovery order set by the Court
- 16 Objection as not subject of the discovery order set by the Court
- 17 Objection as not subject of the discovery order set by the Court
- 18 Objection as not subject of the discovery order set by the Court
- 19 Objection as not subject of the discovery order set by the Court
20. Objection as not subject of the discovery order set by the Court

---

RANDAL S BLOCH #0010124  
Attorney for Plaintiff  
WAGNER & BLOCH, LLC  
2345 Ashland Avenue  
Cincinnati, Ohio 45206  
(513) 751-4420  
Fax (513) 751-4555  
wagbloch@yahoo.com

**STATE OF OHIO, COUNTY OF HAMILTON) SS:**

I, Ellen Turner, being first duly cautioned and sworn, state that the information contained herein is true and accurate to the best of my knowledge and belief

---

ELLEN TURNER

Sworn to before me and subscribed in my presence this 1<sup>st</sup> day of August,  
2006.

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

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been served upon Gloria S. Haffer and Robert J Meyers, Attorneys for Defendant, 105 E. Fourth Street, 300 Fourth & Walnut Centre, Cincinnati, Ohio 45202, by first class mail this 1<sup>st</sup> day of August, 2006.

\_\_\_\_\_  
RANDAL S BLOCH  
Attorney for Plaintiff

(X) PRE-DECREE ( ) POST-DECREE

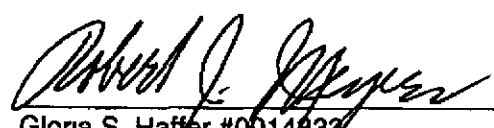
- ( ) Chg. of Cuet.
- ( ) Vis. Enforce/Mod.
- ( ) Sup. Enforce/Mod.
- (X) Others

COURT OF COMMON PLEAS  
 DIVISION OF DOMESTIC RELATIONS  
 HAMILTON COUNTY, OHIO

ELLEN L. TURNER : CASE NO. DR0500131  
 Plaintiff, :  
 v. : JUDGE PANIOTO  
 : MAGISTRATE THEILE  
 JON H. ENTINE : DEFENDANT'S SUPPLEMENTAL  
 Defendant. : MOTION TO COMPEL DISCOVERY

Pursuant to Civil Rules 26 and 37 of the Ohio Rules of Civil Procedure, Defendant Jon H Entine ("Husband"), by and through counsel, respectfully moves this Court for an Order compelling Plaintiff Ellen L Turner ("Wife") to fully and accurately answer Husband's Third Request for Production of Documents Directed to Wife, which was served on March 31, 2006 Husband previously sought an order compelling Wife in his Motion to Vacate Discovery Cut-off Date and to Compel Discovery, which has not been ruled upon

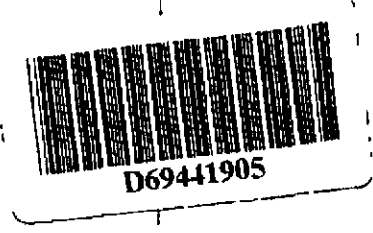
This Supplemental Motion is supported by the following Memorandum A copy of Husband's Third Request for Production of Documents Directed to Wife is attached hereto as Exhibit A



Gloria S Haffer #0014833  
 Robert J Meyers #0014589  
 Attorneys for Defendant Jon H Entine  
 BUECHNER, HAFFER, MEYERS  
 & KOENIG CO , L PA  
 105 East Fourth Street  
 300 Fourth & Walnut Centre  
 Cincinnati, Ohio 45202  
 Telephone No 513-579-1500  
 Facsimile No 513-977-4361  
 Email ghaffer@bhmklaw.com  
 Email rmeyers@bhmklaw.com

GREGORY J. MANN  
 CLERK OF COURTS  
 HAMILTON COUNTY, OH  
 2006 AUG - 3 A 9 19

BUECHNER, HAFFER,  
 MEYERS & KOENIG  
 CO, L P A  
 Suite 300  
 105 East Fourth Street  
 Cincinnati, Ohio 45202  
 (513) 579-1500



## MEMORANDUM IN SUPPORT

### I. STATEMENT OF THE RELEVANT FACTS

On March 31, 2006, Husband served his Third Request for Production of Documents upon Wife. This set of discovery was a follow-up to the previous set served in March 2005. It seeks documents and items related to the premarital agreement issues that were not previously produced by Wife. This discovery requests the following:

1. Copies of all check registers, checking account ledger summaries and/or other summaries of documents reflecting your accounting for all deposits, withdrawals and checks written for all checking accounts out of which you operated from January 1, 1993 to the present.
2. Copies of all records and statements pertaining to any interest that you may have (or had) in any account at the following banking institutions during the period of your marriage:
  - a. National City Bank (former Provident Bank),
  - b. NationsBank
  - c. Wells Fargo Bank
  - d. Chase Bank (former Bank One)
3. Copies of all mortgage documents pertaining to real estate (other than the S Clippinger residence).
4. Copies of all purchase documents and closing statements for real estate in which you acquired an interest during the period of your marriage located in the following cities: Laguna Niguel, Atlanta, Georgia, Columbus, Ohio, Agora Hills, California, and Portland, Oregon.
5. Copies of all records verifying the moving expenses associated with each of the parties' relocation during the period of your marriage.
6. Copies of all records related to the parties' wedding, including without limitation, receipts, invoices, contracts, correspondence, planning documents, gift registry lists, and lists of all gifts received.
7. Copies of all correspondence including without limitation e-mails you have received or sent to executive headhunters, recruiters, colleagues, professionals, acquaintances, and friends regarding your "job searches" from the period of January 1, 2002 through December 31, 2005.
8. Copies of all documents that substantiate Plaintiff's Exhibit 20 at the property trial (copy attached hereto).
9. Copies of all monthly credit card statements and annual summaries for all credit card accounts you used from January 1, 1993 to the present.

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.

Suite 300

105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500



- 10 Identify any recruiting companies and recruiters you have worked with since 1995
- 11 Copies of all federal, state and local income tax returns filed by you for the year 2004
- 12 Copies of all federal, state and local income tax returns filed or prepared by you (or prepared by someone else on your behalf) for the year 2005. If the 2005 returns have not yet been prepared, then identify the expected date of preparation and produce copies of all W-2s, 1099s and all other documents reflecting income you received or plan to claim in 2005 and copies of all expenses
- 13 Copies of all the iterations of her business plans, including the current plan, and identify the date when each plan was prepared
14. A copy of your contract with Bruce Humbert
- 15 Copies of all contracts in any form including without limitation letters or e-mails of agreements with all past, current, and prospective clients
- 16 An itemized list of all jewelry with a value of at least \$100.00 that you own or have in your possession or under your control and include the following information
  - a a detailed description of each piece,
  - b the date each piece was acquired,
  - c a detailed description of the circumstances surrounding the acquisition (e.g., gift, purchase, inheritance),
  - d the price of each piece,
  - e the current fair market value of each piece,
  - f a photograph of each piece,
  - g copies of all appraisals for any or all pieces, and
  - h copies of any policies of insurance insuring any or all pieces
- 17 A copy of your agreement with Sara Lee regarding your Lexus automobile and all other documents or agreements that relate in any way to your agreement with Sara Lee regarding the Lexus
- 18 Copies of all personal diaries and/or notes or lists maintained in any form (including without limitation tape recordings, handwritten journals, computer files, etc.) that you compiled or prepared in connection with your employment starting with your employment with Cadbury-Schweppes through Sara Lee
- 19 Copies of all personal diaries and/or notes or lists maintained in any form (including without limitation tape recordings, video recordings, handwritten journals, computer files, etc.) that you compiled or prepared during the period of your marriage regarding your marriage and/or Defendant
- 20 Copies of all personal diaries and/or notes or lists maintained in any form (including without limitation tape recordings, video recordings, handwritten

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MEYERS & KOENIG  
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journals, computer files, etc ) that you compiled or prepared during the period of your first marriage regarding your first marriage and/or your first husband which you retained in your possession during your second marriage

Wife initially refused to respond to Husband's Third Request for Production of Documents claiming that the discovery cut-off date passed <sup>1</sup>

On May 24, 2006, Husband filed his Motion to Vacate Discovery Cut-off Date and to Compel Discovery. Husband requested that the Court issue an order compelling Wife to fully and accurately respond to Husband's March 2005 and March 2006 discovery requests.

Thereafter, on June 30, 2006, the Court issued an order allowing discovery to continue in this case until September 1, 2006. The Court did not rule upon the Husband's Motion to Compel.

By letter dated June 30, 2006, Husband's counsel demanded that Wife fully and completely respond to Husband's Third Request for Production of Documents <sup>2</sup>

On July 20, 2006, Wife filed a Motion to Terminate Spousal Support and Child Support, which makes the parties' income a central issue. Wife has also filed a Motion for Protective Order on July 25, 2006 in an attempt to defeat the proper subpoenas served by Husband upon non-parties seeking the relevant, non-privileged documents that Wife refuses to produce.

On August 1, 2006, Wife submitted her objections to Husband's Third Request for Production of Documents in which she reiterated her refusal to produce the requested documents based upon the June 30, 2006 Magistrate's Order, which expressly allows the parties to engage in discovery. Wife also claimed that she previously produced documents in response to Request Nos. 3 and 4 but Husband has not received all of the documents he requested in those two requests.

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<sup>1</sup> See Exhibit A to Affidavit of Robert J. Meyers in Support of Defendant's Supplemental Motion to Compel Discovery, which is Randal S. Bloch's April 19, 2006 letter refusing to engage in discovery.

<sup>2</sup> See Exhibit B to Affidavit of Robert J. Meyers in Support of Defendant's Supplemental Motion to Compel Discovery, which is Robert J. Meyers' June 30, 2006 letter.

To date, Husband has not obtained all of the information he requested in discovery that is necessary for him to meaningfully prepare and prosecute his case and defend against Wife's case. An order compelling Wife to cooperate in discovery and produce the requested non-privileged, highly relevant documents is warranted.

### **III. LAW AND ARGUMENT**

Civil Rule 37(A)(2) permits a party to move for an order compelling discovery if an opposing party fails to answer an interrogatory submitted under Rule 33 or fails to comply with a request for production of documents made under Rule 34. Local Rule 14(D) of the Rules of Practice of the Hamilton County Court of Common Pleas, applicable to this Court pursuant to Rule 10 of the Local Rules and Guidelines of the Court of Domestic Relations, complements Civ R 37 and permits the filing of a motion to compel discovery upon the failure of informal, out-of-court attempts at discovery.

Husband's third set of discovery requests were made in good faith, and he is entitled to discover all of the information sought in the requests. There is no logical good faith reason to deny Husband copies of the parties' important legal and financial documents. The June 30, 2006 Magistrate's Order extends the discovery date and allows the parties to continue to engage in discovery through September 1, 2006 in connection with the parties' premarital agreement.

The sole reason Wife will not produce the documents is because she claims the Magistrate's discovery order does not cover the requested legal and financial documents. Wife is wrong. The Magistrate's discovery order allows discovery concerning the premarital agreement. The premarital agreement guides the disposition of the parties' assets and spousal support. All documents related to the parties' assets and income are relevant and encompassed by the June 30, 2006 Magistrate's Order. Wife recently filed a Motion to Terminate Spousal Support and Child Support, which makes the parties' income a central

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issue Wife cannot hide behind the June 30, 2006 Magistrate's Order to deny Husband crucial documents that pertain to the pending issues in this case

Wife will not be prejudiced by having to produce relevant, non-privileged documents She should have produced the documents in response to Husband's initial discovery requests served more than a year ago The only reason that Husband did not pursue a motion to compel sooner is because the parties had agreed that the premarital agreement was not an issue in the case Wife placed the premarital agreement into play in January 2006 Since that date, Husband has vigorously sought relevant, material documents from Wife

By contrast, Husband will be severely prejudiced if he is not permitted access to these important legal documents and items When Wife vacated the marital residence unexpectedly in January 2005, she removed volumes of the parties' documents, among other things He is at a significant disadvantage now that Wife has belatedly decided to pursue the premarital agreement and has exclusive possession of the parties' legal documents

For example, at the February 7, 2006 property hearing, Wife's testimony included a number of allegations concerning the conduct of the parties and the handling of their assets during the marriage She presented an exhibit book containing documents and/or summaries that support her position Husband disputes Wife's allegations and exhibits but does not have access to many of the parties' documents that would support his position because Wife has refused to produce them

Husband attempted to seek the relevant, necessary documents from sources other than Wife because of her unreasonable refusal to cooperate in discovery Wife filed an untimely, unsupported Motion for Protective Order to stop Husband from obtaining the much-needed documents from other sources Wife failed to state any good faith logical reason for her request for a protective order Her motion is frivolous and interposed for

improper purposes of harassing and annoying Husband and needlessly increasing Husband's legal fees and expenses. Husband has separately filed a Memorandum in Opposition to Plaintiff's Motion for Protective Order.

Wife also recently filed a motion seeking to terminate spousal support and child support. By this motion, Wife has placed the matter of the parties' respective current income at the forefront of this case. Wife cannot seriously argue that the financial documents sought by Husband are irrelevant in light of her motion on spousal support and child support. Wife has opened the door to the discovery on all financial matters by seeking to enforce the parties' premarital agreement and by seeking an order terminating spousal support and child support. Husband is entitled to each and every document he has requested.

#### **IV. CONCLUSION**

Fairness and equity demand that Husband have access to the relevant, non-privileged discovery documents he seeks. Based upon the foregoing, Husband respectfully requests that this Court grant his Supplemental Motion to Compel Discovery and issue an order compelling Wife to immediately produce the documents requested in Husband's Third Request for Production of Documents.

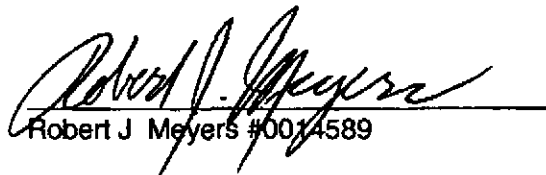


Gloria S. Haffer #0014333  
Robert J. Meyers #0014589  
Attorneys for Defendant Jon H. Entine  
BUECHNER, HAFFER, MEYERS  
& KOENIG CO., L.P.A.  
105 East Fourth Street  
300 Fourth & Walnut Centre  
Cincinnati, Ohio 45202  
Telephone No. 513-579-1500  
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Email [ghaffer@bhmklaw.com](mailto:ghaffer@bhmklaw.com)  
Email [rmeyers@bhmklaw.com](mailto:rmeyers@bhmklaw.com)

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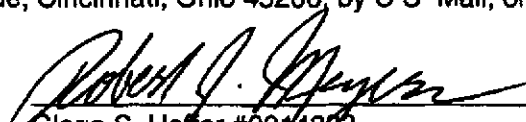
**NOTICE OF HEARING**

Please take notice that a hearing on the foregoing has been scheduled for the 25 day of AUGUST, 2006 at 8:30 a m /p.m before Magistrate Theile, at the Hamilton County Court of Common Pleas, Division of Domestic Relations, 800 Broadway, Cincinnati, Ohio 45202

  
Robert J Meyers #0014589

**CERTIFICATE OF SERVICE**

I hereby certify that true and accurate copies of the foregoing Defendant's Supplemental Motion to Compel and Affidavit of Robert J. Meyers in Support of Defendant's Supplemental Motion to Compel has been served upon Sallee M. Fry, Esq., Law Office of Sallee M. Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and upon Randal S. Bloch, Esq., Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, by U.S. Mail, on this 3rd day of August, 2006

  
Gloria S Haffer #0014383  
Robert J Meyers #0014589  
Attorneys for Defendant

108463

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COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

ELLEN L. TURNER : CASE NO. DR0500131  
Plaintiff, :  
v. : JUDGE PANIOTO  
JON H. ENTINE : MAGISTRATE THEILE  
Defendant. : DEFENDANT'S THIRD REQUEST  
: FOR PRODUCTION OF  
: DOCUMENTS PROPOUNDED  
: UPON PLAINTIFF

---

Pursuant to Rules 26 and 34 of the Ohio Rules of Civil Procedure, Defendant Jon H Entine, by and through counsel, demands that Plaintiff Ellen L Turner produce and permit Defendant's counsel to inspect and copy all of the documents requested on Exhibit A (attached hereto and incorporated herein by reference)

The response to this Request should be made at the offices of Gloria S Haffer and Robert J Meyers, the trial attorneys for Jon H Entine, located at 300 Fourth and Walnut Centre, 105 East Fourth Street, Cincinnati, Ohio, within 28 days subsequent to the date of service of Defendant's Third Request for Production of Documents Directed to Plaintiff

The responses to this Request should be supplemented in accordance with Ohio Civil Rule 26(E)

DEFINITIONS

1 "Plaintiff," "you" or "your" shall refer to Ellen L Turner and her authorized agent(s), attorney(s), employee(s), and representative(s)

2 "Defendant," shall refer to Jon H Entine, his authorized agent(s), attorney(s), employee(s), and representative(s)

3 The term "person" means any natural person, corporation, partnership, association, joint venture, firm, or other business enterprise or legal entity, and means both the singular and plural

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CONNELL, MEYERS,  
HEALEY & KOENIG  
CO, L P A  
Suite 300  
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**EXHIBIT A**

4 The term "document" refers to any written, printed, typed, photostatic, photographed, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sounds or symbols, or any combination thereof. Production of data in machine or computer readable form may satisfy the definition of "document" if information sufficient to permit the data to be read and interpreted is provided. This definition includes copies of duplicates or documents contemporaneously or subsequently created which have any non-conforming notes or other markings. Without limiting the generality of the foregoing, the term "documents" includes, but is not limited to, all correspondence, memoranda, notes, documents, letters, envelopes, telegrams, facsimiles, messages, studies, analyses, contracts, agreements, projections, estimates, working papers, summaries, statistical statements, financial statements or work papers, accounts, checks, check stubs, receipts, invoices, orders, analytical documents, reports and/or summaries of investigations, opinions or reports, trade letters, press releases, comparisons, books, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circular, bulletins, notices, forecasts, drawings, diagrams, instructions, minutes of meetings or of other communication, questionnaires, and surveys, charts, graphs, photographs, phonograph recordings, tape recordings, video recordings, electronic mail communications, films, discs, data cells, drums, printouts, electronically recorded or stored data, diskettes, compact disks, DVD disks, chips, all other data compilations from which information can be obtained, any preliminary versions, drafts or revisions of any of the foregoing, and other writings or documents of whatever description or kind.

5 The term "communication" means any statement, whether written or oral, made by one person to another, whether in person or otherwise.

6 To "identify" or "state the identity of" has the following meanings:

a When used with reference to a natural person, means to state in the answer that person's full name, present or last known home address, present employer



(occupation or business if self employed), present place of business, employer (occupation or business if self-employed) at the time in question, and position (including a description of the person's duties and responsibilities) at the time in question. When used with reference to any particular person, this information, other than the full name, need be given only once.

b. When used with reference to a corporation, partnership, association, joint venture, firm, or other business enterprise or legal entity, means to state in the answer the full name and address and brief description of the primary business in which such entity is engaged, and the identity of all persons who acted or were authorized to act on its own behalf in connection with the matter referred to.

c. When used in connection with a document or writing, means to state in the answer: (1) whether or not such document is known to be in existence at the time of making the answer, (2) the date of the document, (3) type of document (e.g., letter, memorandum, computer printout, estimate, etc.), (4) identity of each author, addressee, and any other person to whom the document was shown or distributed, (5) any filing or identifying number, and (6) the present or last known location and/or custodian thereof.

d. When used in connection with an oral communication, means to state in the answer: (1) the identity of each person communication, (2) the identity of each recipient and intended recipient of the communication, (3) the identity of each person present or otherwise aware of the substance of the communication, (4) the date and time when the place where it was made, (5) the identity of any document or writing that embodies, includes, reflects, concerns, relates, refers to, or is based upon such oral communication, and (6) a detailed description of substance of the communication.

e. Should the Plaintiff deem any document requested to be identified herein to be privileged, Plaintiff is requested to list, for each such document, the type of document, the date, the identity of the document, the identity of the author, the identity of

any signatories to the document, the location of the document, the identity of all persons who have received a copy of the document, the identity of the custodian of the document, and a statement of the grounds on which the claim of privilege rests

7 To "identify the source of" means to state in the answer, with respect to each and every particular fact and piece of information contained in your answer, each and every person and/or document from who or which you learned or obtained such facts or received such information, and if the facts or information were learned, obtained, or received from more than one person or document, a description of which facts or information were obtained, learned, or received from which person or document

8 The term "date" shall mean to state the exact day, month and year an event occurred. If you are unable to state the exact date, state the close approximation thereto, including the date in reference to specific events, i.e., close to Christmas, Easter, Fourth of July, etc

9 The term "refer to", "relate to" and "concerning" when used herein mean, directly or indirectly, referring to, relating to, connected with, commenting on, impinging or impacting upon, affecting, responding to, showing, describing, analyzing, reflecting or constituting

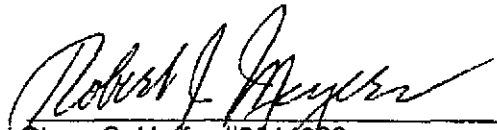
10 The "case," "matter" or "action" shall mean *Ellen L. Turner v. Jon H. Entine*, Court of Common Pleas, Division of Domestic Relations, Hamilton County, Ohio, Case No DR0500131

11 Unless specified otherwise, each individual request for documents covers the period January 1, 2002 to the present, and includes documents written, dated or distributed during that period or which relate or refer to any transaction, event, or occurrence during the period

12 This document request is deemed to be continuing insofar as Rule 26(E) of the Ohio Rules of Civil Procedure requires supplementation

**INSTRUCTIONS**

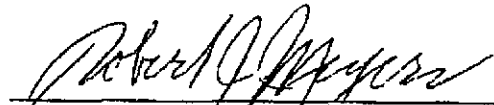
In answering these requests for production of documents, you are requested to furnish all information that is available to you subject to reasonable inquiry, including information in possession of your attorneys, accountants, advisors, consultants, agents, authorized dealers, investigators, or any other persons directly or indirectly employed by you



Gloria S Haffer #0014333  
Robert J Meyers #0014589  
Attorneys for Defendant Jon H Entine  
BUECHNER, HAFFER, O'CONNELL,  
MEYERS, HEALEY & KOENIG CO , L PA  
105 East Fourth Street  
300 Fourth & Walnut Centre  
Cincinnati, Ohio 45202  
Telephone No 513-579-1500  
Fax No 513-977-4361

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Defendant's Second Request for Production of Documents has been served upon Sallee M Fry, Esq , Law Office of Sallee M Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and upon Randal S Bloch, Esq , Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, on this 21<sup>st</sup> day of March, 2006



Gloria S Haffer #0014333  
Robert J Meyers #0014589  
Attorneys for Defendant

BUECHNER, HAFFER,  
O'CONNELL, MEYERS,  
HEALEY & KOENIG  
CO , L P A  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

**EXHIBIT "A"**

**DOCUMENTS TO BE PRODUCED**

- 1 Copies of all check registers, checking account ledger summaries and/or other summaries of documents reflecting your accounting for all deposits, withdrawals and checks written for all checking accounts out of which you operated from January 1, 1993 to the present
- 2 Copies of all records and statements pertaining to any interest that you may have (or had) in any account at the following banking institutions during the period of your marriage
  - a National City Bank (former Provident Bank),
  - b NationsBank
  - c Wells Fargo Bank
  - d Chase Bank (former Bank One)
- 3 Copies of all mortgage documents pertaining to real estate (other than the S Clippinger residence)
- 4 Copies of all purchase documents and closing statements for real estate in which you acquired an interest during the period of your marriage located in the following cities Laguna Niguel, Atlanta, Georgia, Columbus, Ohio, Agora Hills, California, and Portland, Oregon
- 5 Copies of all records verifying the moving expenses associated with each of the parties' relocation during the period of your marriage
- 6 Copies of all records related to the parties' wedding, including without limitation, receipts, invoices, contracts, correspondence, planning documents, gift registry lists, and lists of all gifts received
- 7 Copies of all correspondence including without limitation e-mails you have received or sent to executive headhunters, recruiters, colleagues, professionals, acquaintances, and friends regarding your "job searches" from the period of January 1, 2002 through December 31, 2005
- 8 Copies of all documents that substantiate Plaintiff's Exhibit 20 at the property trial (copy attached hereto)
- 9 Copies of all monthly credit card statements and annual summaries for all credit card accounts you used from January 1, 1993 to the present
- 10 Identify any recruiting companies and recruiters you have worked with since 1995
- 11 Copies of all federal, state and local income tax returns filed by you for the year 2004

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HEALEY & KOENIG  
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- 12 Copies of all federal, state and local income tax returns filed or prepared by you (or prepared by someone else on your behalf) for the year 2005. If the 2005 returns have not yet been prepared, then identify the expected date of preparation and produce copies of all W-2s, 1099s and all other documents reflecting income you received or plan to claim in 2005 and copies of all expenses
- 13 Copies of all the iterations of her business plans, including the current plan, and identify the date when each plan was prepared
- 14 A copy of your contract with Bruce Humbert
- 15 Copies of all contracts in any form including without limitation letters or e-mails of agreements with all past, current, and prospective clients
- 16 An itemized list of all jewelry with a value of at least \$100.00 that you own or have in your possession or under your control and include the following information
  - a a detailed description of each piece,
  - b the date each piece was acquired,
  - c a detailed description of the circumstances surrounding the acquisition (e.g., gift, purchase, inheritance),
  - d the price of each piece,
  - e the current fair market value of each piece,
  - f a photograph of each piece,
  - g copies of all appraisals for any or all pieces, and
  - h copies of any policies of insurance insuring any or all pieces
- 17 A copy of your agreement with Sara Lee regarding your Lexus automobile and all other documents or agreements that relate in any way to your agreement with Sara Lee regarding the Lexus
- 18 Copies of all personal diaries and/or notes or lists maintained in any form (including without limitation tape recordings, handwritten journals, computer files, etc.) that you compiled or prepared in connection with your employment starting with your employment with Cadbury-Schweppes through Sara Lee
- 19 Copies of all personal diaries and/or notes or lists maintained in any form (including without limitation tape recordings, video recordings, handwritten journals, computer files, etc.) that you compiled or prepared during the period of your marriage regarding your marriage and/or Defendant
- 20 Copies of all personal diaries and/or notes or lists maintained in any form (including without limitation tape recordings, video recordings, handwritten journals, computer files, etc.) that you compiled or prepared during the period of your first marriage regarding your first marriage and/or your first husband which you retained in your possession during your second marriage

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103314

*OT*

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

Ellen Turner

Plaintiff

vs.

Jon Entine

Defendant

CASE NO. DR0500131

WRITTEN REQUEST FOR SERVICE  
OF: AMENDED VERIFIED MOTION  
FOR CONTEMPT

DEFENDANT REQUESTS

CERTIFIED MAIL  REGULAR MAIL SERVICE \_\_\_\_\_

PERSONAL SERVICE \_\_\_\_\_ RESIDENCE SERVICE \_\_\_\_\_ PROCESS SERVER \_\_\_\_\_

FOREIGN SHERIFF \_\_\_\_\_

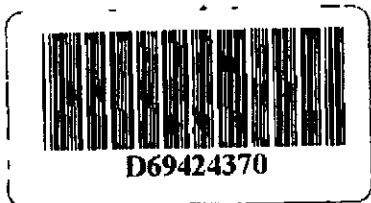
IN ACCORDANCE WITH CIVIL RULE 4.6(C) OR (D) AND 4.6(E) AN  
ORDINARY MAIL WAIVER IS REQUESTED

FILED  
2008 AUG -2 A 9:07  
GREGORY HARTMAN  
CLERK OF COURT  
HAMILTON COUNTY, OH

ON

Jon Entine  
6255 S Chippenger  
Cincinnati, OH 45243

RANDAL S BLOCH 0010124  
Attorney for Plaintiff  
2345 Ashland Avenue  
Cincinnati, OH 45206  
(513) 751-4420



Randal S Bloch, #0010124  
Attorney for Plaintiff

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO**

~~PRE-DECREE~~ ( ) POST DECREE  
( ) CHD. of Cust.  
( ) Vis. Enforcement  
( ) Sup. Enforcement  
( ) Others

**ELLEN TURNER**

Plaintiff

-vs-

**JON ENTINE**

Defendant

Case No. DR 0500131

File No. E233969

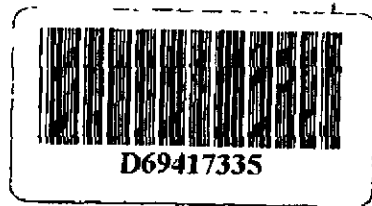
Judge Panioto  
Magistrate Theile

**AMENDED VERIFIED  
MOTION FOR CONTEMPT**

FILED  
2006 AUG -23A  
GREGORY HARTMAN  
CLERK OF COURTS  
HAMILTON COUNTY OH

Now comes Ellen Turner, Plaintiff herein, by and through her counsel, and hereby amends the Verified Motion for Contempt as filed with this Court on January 19, 2006, so as to update the medical expenses owed by Defendant to Plaintiff through July, 2006. Plaintiff has provided Defendant with a chart (attached hereto) reflecting the medical expenses she paid on behalf of the minor child. As Plaintiff has made payment on these bills, she is entitled to reimbursement from Defendant. In addition, COBRA costs are to be paid equally by both parties and Defendant has failed to make payment to Plaintiff. Plaintiff has made demand of Defendant for payment as indicated in Exhibit A attached hereto and made a part hereof and Defendant has failed to make payment to Plaintiff.

WHEREFORE, Plaintiff respectfully requests that Defendant be ordered to appear and show cause, if any, why he should not be punished according to law for failure to comply with previous court order, for costs of this action, for attorney fees, and for such other relief as may be equitable and proper.





RANDAL S BLOCH #0010124  
Attorney for Plaintiff  
2345 Ashland Avenue  
Cincinnati, OH 45206  
(513) 751-4420  
Fax (513) 751-4555  
Wagbloch@yahoo.com



SALLEE M. FRY #0042625  
Attorney for Plaintiff  
2345 Ashland Avenue  
Cincinnati, OH 45206  
(513) 421-6000  
Fax (513) 763-3522  
Postmaster@salleeatlaw.com

**STATE OF OHIO, COUNTY OF HAMILTON) SS:**

I, Ellen Turner, being first duly cautioned and sworn, state that the facts contained herein are true and accurate to the best of my knowledge and belief



ELLEN TURNER

Sworn to before me and subscribed in my presence this 1 day of August, 2006



Notary Public

MARGRIT OLVER  
NOTARY PUBLIC, STATE OF OHIO  
PROFESSIONAL LICENSE #0042347



**NOTICE OF HEARING**

The within Motion will be heard on the 12 day of October, 2006, at 3:00 pm  
before Magistrate Theile, in Room 02-102 of the Hamilton County Domestic Relations Court,  
800 Broadway, Cincinnati, Ohio 45202

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by facsimile and ordinary  
mail the 12 day of August, 2006 to Gloria S. Haffer and Robert J Meyer, Attorneys for  
Defendant, 105 E. Fourth Street, Suite 300, Cincinnati, Ohio 45202

  
\_\_\_\_\_  
RANDAL S BLOCH

Jon Entine  
6255 S Clippinger Drive  
Cincinnati, OH 45243

8/1/06

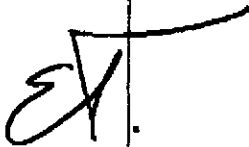
RE MEDICAL BILLS - YOUR PAYMENTS ARE OVERDUE

Dear Jon,

In addition to the August COBRA bill attached - of which your 50% of these payments are now approaching a year in arrears - your portion of an outstanding Definity bill is \$60 07 and your half of Maddie's Children's bill is \$7 55

Your total medical payments in arrears that are owed to me now total \$6257.42.

Ellen



Cc: Randal Bloch

MEDICAL BILLS - 2005

Service Provider	Date	Amount	Status/ck #	Jon's Payment?	Jon is In Arrears 365+ days
Bethesda Hospital	27-Apr	\$492 00	ET Paid #1040	no	
Children's Hospital	15-Oct	\$259 99	ET Paid #1041	no	300 days
Aug/Sept	24-Dec	\$15 10	ET Paid #1081	no	210 days
Nov/Dec	8-Nov	\$19 00	ET Paid #1149	no	240 days
COBRA	1-Sep	\$905 82	ET Paid	0	Paid from 5th3rd
COBRA	1-Oct	\$905 82	ET Paid	0	Paid from 5th3rd
COBRA	1-Nov	<del>\$905 82</del>	<del>ET Paid</del>	<del>no</del>	<del>270 days</del>
COBRA	1-Dec	\$805 82	ET Paid #1059	no	240 days
COBRA	1-Jan	\$911 13	ET Paid #1011	no	210 days
Definity	18-Oct	\$118 25	ET Paid #1033	no	270 days
Definity	5-Oct	\$62 98	ET Paid #1026	no	300 days
Dr Jackson	5-Dec	\$291 20	ET Paid #1068	no	240 days
SubTTL 2005 (75N order) =		<u>\$5,792 93</u>			<u>\$1990.66 is still owed by Jon</u>

MEDICAL BILLS - 2006

Definity Health	12/31/2005	\$69 93	ET Pd #1095	no	210 days
COBRA	1-Feb	\$911 13	ET Pd #1019	no	180 days
COBRA	1-Mar	\$911 13	ET Pd #1021	no	150 days
Dr Jackson	6-Feb	\$39	ET Pd #1103	no	180 days
Children's Hospital	20-Mar	\$12 94	ET Pd #1131	no	120 days
COBRA	28-Mar	\$911 13	ET Pd #1025	no	120 days
Children's Hospital	2-Feb	\$816 90	ET Pd #1148	no	150 days
Children's Hospital	3-Feb	\$75 51	ET Pd #1149	no	150 days
COBRA	28-Apr	\$911 13	ET Pd #1030	no	90 days
COBRA	1-Jun	\$911 13	ET Pd #1035	no	60 days
Children's Hospital	3-Jun	\$876 85	ET Pd #1037	no	60 days
COBRA	1-Jul	\$911 13	ET Pd #1042	no	30 days
Definity Health	5-Jul	\$80 23	ET Pd #1203	no (owes 64 63)	30 days
Definity Health	30-Jul	\$69 89	ET Pd #1218	no (owes 60 07)	0
COBRA	1-Aug	\$911 13	ET Pd #1046	no	0
Children's Hospital	30-Jul	\$15 10	ET Pd #1217	no	0
SubTTL '06 (Shared Parenting)		<u>\$8,434 26</u>			<u>\$4266 77 is still owed by Jon</u>
<b>2006-06 TOTALS</b>		<b><u>\$14,227.19</u></b>			<b><u>\$6257.42 owed to E. Turner</u></b>

\$6257.42 TOTAL OWED ELLEN  
as of 8/1/06



For current information, go to our website  
www.ceridian-benefits.com

Ceridian COBRA Continuation Coverage Invoice

Customer Service Hotline  
800-877-7994

Group Benefits with: SLFRS EXECUTIVES  
Coverage Medical: Indiv+2/Fam, Dental: Indiv+2/Fam

60074503347901 5072906 001

|||||.....  
NCS-AB-0106-230  
Ellen L. Turner  
7719 Shawnee Run Road  
Cincinnati, OH 45243

Date: 07/19/06  
ID# NC-18664147

Period of Coverage	Premium	Amount Paid	Amount Due	Date Due	Grace Period Ends
08/01/06 to 08/31/06	911.13	0.00	911.13	08/01/06	08/31/06
			\$ 911.13		

CALL 800-877-7994 ANYTIME FOR UPDATED PAYMENT AND BILLING  
INFORMATION SERVICE REPS ARE AVAILABLE 8:00AM - 8:00PM ET.

Coverage will be cancelled if premium payment is not made on or before each grace period ending date shown above. If coverage is cancelled for non-payment of premium, reinstatement of coverage is not allowed. No partial payments will be accepted. Acceptance of payments by Ceridian, as collection agent for the employer, is without prejudice and with reservation of all rights. Please see reverse for important information regarding eligibility, premium billing and payment requirements.

	TURNER + HUMBERT, LLC	1046
	10200 ALLIANCE DRIVE CINCINNATI, OH 45242 (513) 503-1288	
PAY TO THE ORDER OF	COBRA-Serv	DATE <u>7/30/06</u> 25-1-440
		\$ <u>911.13</u>
	<i>nine hundred eleven &amp; 13/100</i>	DOLLARS
	National City. National City Bank Cincinnati, Ohio	
FOR	<u># NC-18664147</u>	<u>Ellen Turner</u>

Rx Date/Time 07/31/2006 09 26

JUL-31-2006(MON) 10 23 2480290

TODD CRONIN

P 005 PAGE 05



Cincinnati Children's Location 0242 Cincinnati, OH 45264-0242

ELLEN L TURNER 7719 SHAWNEE RUN RD CINCINNATI, OH 45243-3119

25-1 915 440 104597580

1217

DATE 7/30/06

PAY TO THE ORDER OF Cincinnati Children's \$ 15.10

fifteen & 10/100 DOLLARS

National City.

National City Bank Cincinnati, Ohio

MEMO Maddie # 111991602

Ellen Turner

Physician Billing Statement

ELLEN LEE TURNER 7719 SHAWNEE RUN RD CINCINNATI OH 45243-3119

Account Summary

Table with 2 columns: Description and Amount. Rows include Statement Date (07/15/06), Account Number, Patient Name (MADELEINE ROSE ENTINE), Total Charges (\$ 88.00), Insurance Payments/Adjustments (\$ -70.90), Parent Payments (\$ 0.00), Total Account Balance (\$ 15.10), Pending With Insurance (\$ 0.00), and Please Pay by 08/02/06 (\$ 15.10).

Contact Us - Póngase En Contacto Con Nosotros

- Customer Service (513) 636-4427 or (800) 344-2462
Customer Service Reps available M-F 8 00 a m - 5 30 p m
Billing questions or changes to your insurance
Tenemos interpretes que hablan español, disponibles para contestar las preguntas relacionadas a su cuenta. Por favor llame al (513) 636-0789.
E-mail patientbilling@cchmc.org

Please see the reverse side to view your account details.

This statement is for your physician services only. The hospital may bill separately for their services.

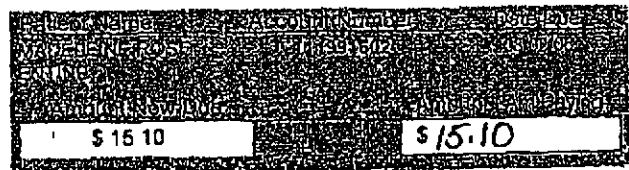


Statement Date 07/15/06

Check here if your address or insurance information has changed. Please indicate changes on the back of this page.

MAKE CHECK PAYABLE TO

Cincinnati Children's Location 0242 Cincinnati, OH 45264-0242



Select One Payment Enclosed Charge



Card #

Exp Date

Print Cardholder's Name

Signature

79000111991602000000015103

CCHMC01-PHY-BA

**Summary of Services and Charges**

PATIENT NAME: MADEIRA ROSE ESTIVE CASE NUMBER: 118900895 DOCTOR(S): SALLY SHOTT  
 LOCATION: CINCINNATI CHILDREN'S HOSPITAL

Date	CPT Code	Description	Charges	Payment/Adj	Pending Insurance	Parent Balance
06/23/06	99212	OV EST PT PROB FOCUSED	\$ 86 00			
07/11/06		706267/LEO/COMMERCIAL		\$ -60 41		
07/11/06		HMO/PPO OTHER ADJUST/DISCOUNT		\$ -10 49		\$ 15 10
<b>TOTAL</b>			<b>\$ 86 00</b>	<b>\$ -70 90</b>	<b>\$ 0 00</b>	<b>\$ 15 10</b>
<b>GRAND TOTAL</b>			<b>\$ 86 00</b>	<b>\$ -70 90</b>	<b>\$ 0 00</b>	<b>\$ 15 10</b>

**HAS YOUR INSURANCE OR ADDRESS INFORMATION CHANGED?**

If you have new health insurance information or a new address, please enter the information below

PATIENT NAME		NEW PHONE #	
NEW ADDRESS		CITY	STATE
POLICY HOLDER		Policy/ID #	GROUP #
IF GROUP INSURANCE, NAME OF GROUP (EMPLOYER, UNION/ASSOCIATION)		INSURANCE PHONE #	
INSURANCE COMPANY NAME	EFFECTIVE DATE	INSURANCE ADDRESS	
EMPLOYER	EMPLOYER ADDRESS		

I authorize the hospital to submit any or all medical data to my insurance company and authorize the assignment of any benefits or payments to the hospital. I understand I am financially responsible to the hospital for charges not covered by this authorization.

Signed

Date



Member Number Statement Period  
 06/01/2006 - 06/30/2006

INVOICE - Please pay upon receipt

New Balance Due \$150.12

ad \$ **69.89**

ELLEN L TURNER  
 7719 SHAWNEE RUN RD  
 CINCINNATI OH 45243-3119

1218  
 DATE 8/1/06

complete back if paying by or   
 United Healthcare, and mail to

ire  
 N 55480-7723

PAY TO THE ORDER OF United Healthcare \$69.89

sixty-nine & 89/100 DOLLARS

National City  
 National City Bank  
 Cincinnati, Ohio  
 MEMO # 800-568-665  
 (JON OWES 60.07)

Ellen Turner MD

attach at perforation

Member Number Statement Period  
 06/01/2006 - 06/30/2006

**Balance Summary**

previous balance	\$80.23
payments and credits	\$0.00
new purchases	\$69.89
<b>NEW BALANCE DUE</b>	<b>\$150.12</b>

Handwritten notes: PA. 7/5/06, JON = 64.63, 60.07, 9.82 ET

**You Have a New Balance Due**

The New Balance Due field on this statement indicates the amount of pharmacy charges that your employer initially paid on your behalf. They made this payment so you don't have to pay up-front at the pharmacy. Even though they made this payment, the cost of these prescriptions is still your responsibility. Your employer has asked us to recover the amounts they paid. Please pay your New Balance Due promptly or contact us to set up a payment plan.

See the last page for more help. **JON NOW OWES \$124.70**

**Account Balances**

Account Balances	Initial	Applied	Remaining
Definity <sup>SM</sup> Health Reimbursement Account (HRA)	\$2,000.00	(\$2,000.00)	\$0.00
Deductible	\$4,000.00	(\$4,000.00)	\$0.00
Health Coverage		\$10,552.38	

See the back of this page for information on how to read your health statement.

Balances may not match what is on your member website. This health statement reflects the balances as of the end of a statement period, while balances on your member website are updated daily.

**Claims Details**

Claims Details	Amount Billed	Cost of Care	Paid by NRA	Applied to Deductible	Health Coverage	You May Owe Provider	You Owe UHC
JON ENTINE on 05/26/06 (processed 05/31/06) Secured for patient's privacy 206EP440100 Pharmacy	\$165.89	\$165.89	\$0.00	\$0.00	\$165.89	\$0.00	\$0.00
ELLEN L TURNER on 05/29/06 (processed 06/30/06) CVS PHARMACY #6103 206EP980800	\$24.53	\$24.53	\$0.00	\$0.00	\$24.53	\$0.00	\$0.00

Claim details continued on page 3

\* Amounts may include deductible, co-insurance, brand/generic drug price difference, amounts over what is Usual and Customary (U&C), or amounts for services or products not covered by your plan.

Attention FSA/HCSA administrators: Any pharmacy charges listed above are eligible medical expenses per Federal guidelines. Definity Health only administers pharmacy claims for eligible prescription benefits. Some medication names may not appear on this statement to maintain the privacy of our members.

**YOUR HEALTH STATEMENT**

Member Number Statement Period  
 06/01/2006 - 06/30/2006

Claims Details	Amount Billed	Cost of Care	Paid by HRA	Applied to Deductible	Health Coverage	You May Owe Provider	You Owe UHC
JON ENTINE on 04/06/06 (processed 05/31/06) Secured for patient's privacy 206ET894300 Medical	\$56.00	\$51.74	\$0.00	\$0.00	\$41.30	\$10.35	\$0.00
JON ENTINE on 04/19/06 (processed 05/31/06) Secured for patient's privacy 206ET896800 Medical	\$549.00	\$490.20	\$0.00	\$0.00	\$392.16	\$98.04	\$0.00
JON ENTINE on 02/27/06 (processed 05/31/06) Secured for patient's privacy 206EU482000 Medical	\$407.64	\$257.51	\$0.00	\$0.00	\$172.84	\$43.21	\$0.00
JON ENTINE on 03/15/06 (processed 06/02/06) Secured for patient's privacy 206FB428600 Medical	\$130.00	\$43.95	\$0.00	\$0.00	\$35.16	\$8.79	\$0.00
JON ENTINE on 04/19/06 (processed 06/02/06) Secured for patient's privacy 206FE320600 Medical	\$153.00	\$77.85	\$0.00	\$0.00	\$62.28	\$15.57	\$0.00
JON ENTINE on 06/02/06 (processed 06/06/06) Secured for patient's privacy 206FM246600 Pharmacy	\$105.25	\$86.21	\$0.00	\$0.00	\$81.07	\$0.00	\$0.00
JON ENTINE on 02/16/06 (processed 06/06/06) Secured for patient's privacy 206FN917200 Medical	\$600.00	\$350.00	\$0.00	\$0.00	\$280.00	\$70.00	\$0.00
MADELEINE ENTINE on 04/25/06 (processed 06/12/06) Secured for patient's privacy 206GL482900 Medical	\$130.00	\$130.00	\$0.00	\$0.00	\$78.00	\$52.00	\$0.00
MADELEINE ENTINE on 04/19/06 (processed 06/12/06) Secured for patient's privacy 206GL530600 Medical	\$130.00	\$130.00	\$0.00	\$0.00	\$78.00	\$52.00	\$0.00
JON ENTINE on 08/25/05 (processed 06/15/06) Secured for patient's privacy 206ENU68700 Pharmacy	\$50.26	\$48.26	\$0.00	\$0.00	\$38.81	\$0.00	\$8.85
JON ENTINE on 04/27/06 (processed 06/16/06) Secured for patient's privacy 206GY917200 Medical	\$280.00	\$280.00	\$0.00	\$0.00	\$220.00	\$56.00	\$0.00
MADELEINE ENTINE on 05/03/06 (processed 06/20/06) Secured for patient's privacy 206HR834700 Medical	\$130.00	\$130.00	\$0.00	\$0.00	\$78.00	\$52.00	\$0.00
JON ENTINE on 04/03/06 (processed 06/21/06) Secured for patient's privacy 206HM974300 Medical	\$278.00	\$238.90	\$0.00	\$0.00	\$224.11	\$14.79	\$0.00

Claim details continued on page 4

\* Amounts may include deductible, co-insurance, brand/generic drug price difference, amounts over what is Usual and Customary (U&C) or amounts for services or products not covered by your plan.

Attention FSA/HCSA administrators: Any pharmacy charges listed above are eligible medical expenses per Federal guidelines. Definity Health only administers pharmacy claims for eligible prescription benefits. Some medication names may not appear on this statement to maintain the privacy of our members.



**YOUR HEALTH STATEMENT**

Member Number: [REDACTED] Statement Period: 06/01/2006 - 06/30/2006

Claims Details	Amount Billed	Cost of Care	Paid by HRA	Applied to Deductible	Health Coverage	You May Owe Provider	You Owe UHC
ELLEN L TURNER on 06/19/06 (processed 06/21/06) CVS PHARMACY #6103 206HT992900	\$28.19	\$24.53	\$0.00	\$0.00	\$18.82	\$0.00	\$4.31
JON ENTINE on 04/26/06 (processed 06/29/06) Secured for patient's privacy 206JA670100 Medical	\$725.00	\$651.55	\$0.00	\$0.00	\$651.55	\$0.00	\$0.00
Previous Balance							\$80.23
<b>TOTALS</b>	<b>\$753.19</b>	<b>\$676.08</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$670.37</b>	<b>\$472.75</b>	<b>\$150.12</b>

\* This may include amounts paid to your provider/pharmacy at the time of service, deductible, co-insurance, brand/generic drug price difference, amounts over what is Usual and Customary (U&C), or amounts for services or products not covered by your plan

Attention FSA/HCSA administrators: Any pharmacy charges listed above are eligible medical expenses per Federal guidelines. United Healthcare only administers pharmacy claims for eligible prescription benefits. Some medication names may not appear on this statement to maintain the privacy of our members.

**Consumer Alerts**

**Pay Your Balance Online**

You can now easily pay your balance right from your member website with your VISA or MasterCard. Just visit our new "Statements and Payments" page in the My Account section of your member website. Here you will find your current balance, recent payment activity, and a link to our Make a Secure Payment page. From this page, you can confirm the payment amount, click Continue, and then enter your credit card information.



D69387456

COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO

ELLEN L. TURNER	:	CASE NO. DR0500131
Plaintiff,	:	
v.	:	JUDGE PANIOTO
	:	MAGISTRATE THEILE
JON H. ENTINE	:	<u>DEFENDANT'S MEMORANDUM IN</u>
Defendant.	:	<u>OPPOSITION TO PLAINTIFF'S</u>
	:	<u>MOTION FOR PROTECTIVE</u>
	:	<u>ORDER</u>

**I. INTRODUCTION**

Defendant Jon H. Entine ("Husband"), by and through counsel, submits his Memorandum in Opposition to Plaintiff Ellen Turner's ("Wife") Motion for Protective Order. Wife's Motion lacks merit and must be denied. Pursuant to Civ.R. 26(C) and (A), Husband requests an award of his reasonable attorney's fees and costs incurred defending against Wife's frivolous motion.

2006 JUL 1 P 2:52  
FILED  
REGISTRY CLERK  
CLERK OF COURTS  
HAMILTON COUNTY, OH

**II. BACKGROUND**

In March 2005, Husband served Wife with his initial relevant, non-privileged discovery requests seeking relevant documents and information, and Wife did not completely comply with the requests. In March 2006, Husband served Wife with follow-up discovery requests seeking financial information that Wife removed from the marital home when she vacated it in January 2005. Again, Wife did not fully comply with the discovery requests. In fact, she failed and refused to provide any response to the March 2006 requests claiming that the discovery cut-off date had passed.

Because the documents and information sought by Husband are relevant and necessary for him to prepare and prosecute his case, he served subpoenas upon non-parties who Husband reasonably believes has possession and control over the relevant documents and information that Wife refuses to produce. Exhibit A to Wife's Motion for

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

Protective Order lists subpoenas for which Wife seeks a protective order. A majority of the subpoenas were served in March, April, May and June 2006, and the non-party recipients have already responded.

On June 30, 2006, the Court issued an order allowing discovery to continue up through and until September 1, 2006.

### **III. LAW AND ARGUMENT**

Wife's Motion is procedurally and substantively defective. First, it does not comport with the Civil Rules and the Local Rules of this Court. Civ. R. 37(E) provides:

Before filing a motion authorized by this rule, the party shall make a reasonable effort to resolve the matter through discussion with the attorney, unrepresented party, or person from whom discovery is sought. The motion shall be accompanied by a statement reciting the efforts made to resolve the matter in accordance with this section.

Local Rule 14(D) of the Rules of Practice of the Hamilton County Court of Common Pleas, applicable to this Court pursuant to Rule 1.0 of the Local Rules and Guidelines of the Court of Domestic Relations, complements Civ.R. 37(E) and mandates that counsel exhaust all extrajudicial means for the resolution of discovery disputes. It also requires the moving party to file an affidavit of counsel setting forth the extrajudicial means attempted.

Wife did not comply with the requirements of Civ.R. 37(E) and Local Rule 14(D). Wife and her counsel have not made any effort to resolve this purported dispute extrajudicially with Husband and his counsel. Wife is not entitled to a protective order.

Second, Wife's Motion is moot as to a majority of the subpoenas. A large number of the subpoenaed individuals and entities have responded to the subpoenas.

Third, Wife's Motion lacks merit. Wife has not met her burden under Civ.R. 26(C) to show good cause as to why the Court should issue a protective order that completely bars Husband from discovering the information he seeks. Her motion is nebulous. Wife failed to provide a good faith basis for a protective order. She has not even attempted to articulate

why the documents sought are not relevant to the action or how the subpoenas are designed to annoy, embarrass, oppress and cause undue burden and expense to her or anyone else. She merely inserts boilerplate language from the Civil Rules without any rhyme or reason or application to the facts of this case. She did not attach the subpoenas or otherwise enumerate the exact documents sought.

Wife's true agenda is to prevent Husband at any cost from obtaining relevant, non-privileged documents to support his position and/or to refute her position. She will stop at nothing and will say anything to prevent Husband from gaining access to her financial documents and the parties' marital financial documents.

Civ.R. 26(B) defines the scope of discovery and states, in part, "[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." Ohio requires that the material sought to be discovered be relevant to the subject matter of the pending action.<sup>1</sup> Husband's discovery requests fully comply with the Civil Rules. He is entitled to the documents and information he seeks and in some cases has already obtained. Wife has failed to demonstrate otherwise.

#### **IV. CONCLUSION**

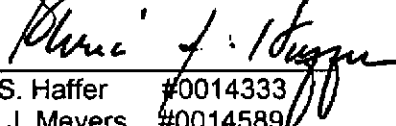
Based upon the foregoing, Husband respectfully requests that the Court deny Wife's Motion for Protective Order. Husband further requests the Court to issue an order directing Wife to pay Husband's reasonable attorney's fees in the amount of \$2,000.00 for having to defend against Wife's frivolous motion.

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

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<sup>1</sup> Civ.R. 26(B)(1); *Shopco Group v. Springdale* (Hamilton, 1989), 64 Ohio App.3d 373, 375, 581 N.E.2d 1101, 1102.

Respectfully submitted,

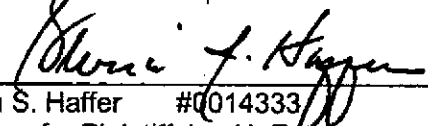


Gloria S. Haffer #0014333  
Robert J. Meyers #0014589  
Attorneys for Defendant Jon H. Entine  
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E-mail: [ghaffer@bhmklaw.com](mailto:ghaffer@bhmklaw.com)  
E-mail: [rmeyers@bhmklaw.com](mailto:rmeyers@bhmklaw.com)

Of Counsel:  
Buechner, Haffer, Meyers  
& Koenig Co., L.P.A.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copies of the foregoing Memorandum in Opposition to Plaintiff's Motion for Protective Order have been served upon Sallee M. Fry, Esq., Law Office of Sallee M. Fry, 2345 Ashland Avenue, Cincinnati, Ohio 45206 and Randal S. Bloch, Esq., Wagner & Bloch, LLC, 2345 Ashland Avenue, Cincinnati, Ohio 45206, on this 31<sup>st</sup> day of August, 2006.



Gloria S. Haffer #0014333  
Attorney for Plaintiff Jon H. Entine

108431

BUECHNER, HAFFER,  
MEYERS & KOENIG  
CO., L.P.A.  
Suite 300  
105 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-1500

GREGORY HARTMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH

2006 JUL 31 A 10 10

FILED

GREGORY HARTMANN  
CLERK OF COURTS  
1000 MAIN STREET RM 115  
CINCINNATI OH 45202-1288

PS Form 3800, 6/02

**CERTIFIED MAIL**

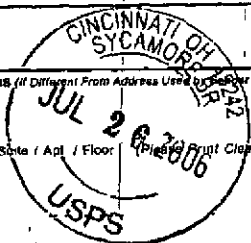


7194 5168 6310 0280 5000

RETURN RECEIPT REQUESTED

**COMPLETE THIS SECTION ON DELIVERY**

A Signature ( <input type="checkbox"/> Addressee or <input type="checkbox"/> Agent )	
X <i>[Signature]</i>	
B Received By (Please Print Clearly)	
Gary Barbrink	
C Date of Delivery	
JUL 26 2006	
D Addressee's Address (if Different From Address Used by Sender)	
Secondary Address / Suite / Apt. / Floor (Please Print Clearly)	
Delivery Address	
City	State ZIP + 4 Code



(Article Addressed To)  
07/24/2006 MOTION  
DR0500131 OS2 WAIVER  
LEGAL COMPLIANCE DEPARTMENT  
SARA LEE FOODS  
10151 CARVER RD  
CINCINNATI OH 45242



D69380239

PRE-DECREE ( ) POST-DECREE

- ( ) Chg. of Cuet.
- ( ) Vis. Enforce/Mod.
- ( ) Sup. Enforce/Mod.
- (  ) Others

Randal S. Bloch, #0010124  
Attorney for Plaintiff

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO**

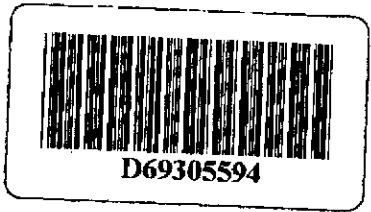
<b>ELLEN TURNER</b>	:	<b>Case N. DR05000131</b>
Plaintiff	:	<b>File No.E233969</b>
-vs-	:	<b>Judge Panioto Magistrate Theile</b>
<b>JON ENTINE</b>	:	<b><u>MOTION FOR PROTECTIVE ORDER</u></b>
Defendant	:	

Pursuant to Rules 26 and 45 of the Ohio Rules of Civil Procedure, Plaintiff, Ellen Turner, respectfully requests this Court to issue a protective order prohibiting the disclosure of information sought by Defendant, Jon Entine, in the subpoenas issued by Defendant as listed on Exhibit A on the grounds that the subpoenas require disclosure of information that is not relevant to the subject matter involved in the pending action and that they are designed to annoy, embarrass, oppress, and cause undue burden and expense. This Court had issued a stay of discovery June 22, 2006 yet subpoenas were filed. That stay was lifted but discovery is only to be on the issues of the validity and enforceability of the parties prenuptial agreement. The subpoenas issued are not addressed to those issues.

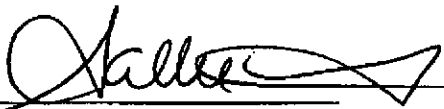
2006 JUN 22  
GREGORY HARTMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH

Plaintiff also seeks an award of reasonable attorney's fees.

Wherefore, for the above noted reasons, Plaintiff respectfully moves this Court to issue a protective order and prohibit the disclosure of information sought by the subpoenas and for her attorneys fees in this matter.



  
RANDAL S. BLOCH 00101241P  
Attorney for Plaintiff  
2345 Ashland Avenue  
Cincinnati, OH 45206-2204  
(513) 751-4420  
Fax: (513) 751-4555  
[wagbloch@yahoo.com](mailto:wagbloch@yahoo.com)


  
SALLEE M. FRY #0042625  
Attorney for Plaintiff  
2345 Ashland Avenue  
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**NOTICE OF HEARING**

A hearing on the within matter has been scheduled for AUGUST 3, 2006 at  
8:30 A.m. before Magistrate Theile, Room 02-102 of the Hamilton County  
Domestic Relations Court, 800 Broadway, Cincinnati, Ohio 45202.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion has this 25 day of July,  
2006 been served by ordinary mail upon Gloria S. Haffer and Robert J. Meyers, Attorney  
for Defendant, 300 Fourth & Walnut Centre, 105 E. Fourth Street, Cincinnati, Ohio  
45202.

  
RANDAL S. BLOCH



<b>Turner/Entine</b>	
<b>Subpoenas Issued by Jon</b>	
<b>Exhibit A</b>	
	<b>Date Issued</b>
National City	03/17/2006
NationsBank of Georgia	03/17/2006
Chase Bank	03/17/2006
Bruce Humbert	03/31/2006
Joel Green, Brand Strategy	03/31/2006
Egon Zehnder International	04/03/2006
Heidrick & Struggles	04/03/2006
Boyden	04/03/2006
DHR Executive Research	04/03/2006
Sharon Flanagan, McKinsey Corporation	04/03/2006
Mark Mitten, McKinsey Corporation	04/03/2006
James Mead	04/03/2006
Element 79	04/03/2006
STI, Inc.	04/03/2006
O'Keefe & Partners	04/03/2006
Spencer Stuart	04/03/2006
Korn/Ferry International	04/03/2006
McKinsey Corporation	04/12/2006
Nina Paul Jewelers	04/17/2006
James Free Jewelers	04/17/2006
Cincinnati Bell	04/19/2006
Cingular Wireless	04/19/2006
Renaissance Platinum	04/20/2006
Carol Moss, Brand Strategy	05/08/2006
Sara Lee Foods	06/07/2006
Joel Goren	06/07/2006
Susan Marocco Interiors, Inc.	06/07/2006
Yahoo	07/05/2006
Google, Inc.	07/05/2006
AOL, LLC	07/05/2006

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
HAMILTON COUNTY, OHIO**

Ellen Turner

CASE NO. DR0500131

-VS-

**WRITTEN REQUEST FOR SERVICE  
(TYPE OF PAPERS BEING SERVED)**

Jon Entine

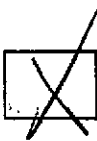
Defendant's Motion for Contempt  
Affidavit of Robert J. Meyers in Support  
of Defendant's Motion for Contempt

**PLAINTIFF / DEFENDANT REQUESTS:**

CERTIFIED MAIL SERVICE   X   REGULAR MAIL SERVICE   ●  

PERSONAL SERVICE \_\_\_\_\_ RESIDENCE SERVICE \_\_\_\_\_

PROCESS SERVICE \_\_\_\_\_ FOREIGN SHERIFF \_\_\_\_\_



IN ACCORDANCE WITH CIVIL RULE 4.6(C) OR (D) AND  
4.6(E) AN ORDINARY MAIL WAIVER IS REQUESTED

**FILED**

2006 JUL 21 P 3:27

GREGORY HARTMANN  
CLERK OF COURTS  
HAMILTON COUNTY, OH

**LIST NAME AND ADDRESS OF PERSON(S) TO BE SERVED**

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**Legal Compliance Department**

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**Sara Lee Foods**

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**10151 Carver Road**

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**Cincinnati, Ohio 45242**

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Robert J. Meyers  
ATTORNEY

(513) 579-1500  
PHONE NUMBER

105 E. Fourth Street, Cincinnati, Ohio  
ADDRESS

00014589  
ATTORNEY NUMBER

108126

