

# Exhibit B

**THE LAW OFFICE OF R. KELLY HAMILTON, LLC**

January 30, 2009

Jessica Philemond  
250 East Broad Street  
Suite 900  
Columbus, Ohio 43215-3742

Email Transmission – [Jkp@isaacbrant.com](mailto:Jkp@isaacbrant.com)

RE: Doe, et al. v. Mount Vernon City School, et al  
2:08-cv-575

Dear Jessica Philemond,

Attached please find Defendant/Counterclaimant Freshwater's *supplemental* responses to Plaintiff's First Interrogatories and Plaintiff's First Request for Production of Documents, and Defendant/Counterclaimant Freshwater's response to Plaintiff's Supplemental Interrogatory Requests.

Your letter dated January 2, 2009, identifies issue with responses made to interrogatories 4, 5, 6, 7, and 8. However, your withdrawn motion to compel takes issue with interrogatories 4, 5, 6 and 9. Similarly, your letter dated January 2, 2009, identifies issues with responses made to request for production of documents at requests numbers 3, 6, 7, 9, 10, 11, and 14. However, your withdrawn motion to compel takes issue with responses to requests numbers 3, 6, 7, 9, 10 and 11. Despite the confusion stated above, I have attempted to resolve all identified issues by providing more detail to the answer and responses contained in this most recent communication.

**Interrogatory 4 and 5**

Although noted on the interrogatory response, I specifically note herein that Mr. Freshwater continues to review materials to supplement interrogatory numbers 4 and 5.

**Interrogatory 6**

Although you have attended each day of testimony, it is important to note that testimony has been provided detailing that Mr. Freshwater did not remove items from his room in preparation for his suspension from teaching. Therefore, Mr. Freshwater is adamant he only removed personal items such as his wallet, keys, pictures of his children and maybe some cards given to him by students.

**Interrogatory 7**

Your letter dated January 2, 2009, indicates a misunderstanding on your part of any testimony by Mr. Freshwater in that you believe he somehow had a practice of collecting handouts. You can develop your understanding through a deposition. But I assert to you your characterization is incorrect as stated in your letter.

**Interrogatory 8**

Your letter dated January 2, 2009, identifies issue with interrogatory number 8 however your withdrawn motion to compel identifies issue with interrogatory number 9. To the

note:  
not  
verified  
no def.  
docs.

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extent of my understanding that you are requesting names of those persons Mr. Freshwater applied the tesla coil, I assert the extent of Mr. Freshwater's memory is complete as depicted by the supplemental response.

**Document 3**

The information requested will accompany this letter via the United States Postal Service.

**Document 6**

The information requested will accompany this letter via the United States Postal Service.

**Document 7**

The information requested consists of Mr. Freshwater's wallet, keys, pictures of his family and maybe some cards gifted to him from students. You can contact me to make arrangements to see those items.

**Document 9**

I assert that Mr. Freshwater has not knowingly destroyed anything referenced in this request.

**Document 10**

I assert that Mr. Freshwater has not knowingly destroyed anything referenced in this request. Any documents you request of this nature are a public record and contained in the investigative report of HR on Call. If you need assistance obtaining originals or copies of the originals I commit to obtain those from the court reporter who would have an unblemished copy.

**Document 11**

Due to copyright protections I cannot obtain a copy of the original. You may make arrangements with me to inspect the original but we will not relinquish control of the document.

**Document 14**

I assert that Mr. Freshwater does not have any copy or replica of the Bibles formerly in the back of his classroom.

If you have any questions or further concerns regarding these items please contact me immediately.

Respectfully,



R. Kelly Hamilton