

Exhibit C

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

JOHN DOE, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

DECLARATION OF LESLIE E. MCCARTHY

Leslie E. McCarthy, pursuant to 28 U.S.C. § 1746, declares as follows:

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

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

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

4. Douglas Mansfield gave me a stapled, 18-page document that R. Kelly Hamilton had provided to him while we were at the termination hearing.

5. I looked at the document. I remember seeing only photocopied pages of a science textbook. I do not remember seeing any affidavits attached to the document.

6. After the termination hearing had concluded for the day, I took the document back to our offices in Columbus, and gave it to Matthew Johnson, another Jones Day attorney who is also representing the Dennises in this case, and asked him to add it to our case files.

7. I never saw or received the affidavits contained in Exhibit 3 to Freshwater's Reply To Plaintiff's Response To Defendant's Motion For Continuance And Motion For Sanctions For Defendant's Failure To Comply With This Court's Discovery Orders (Doc. 97) until Mr. Hamilton filed this exhibit with the Court on May 10, 2010.

8. Mr. Johnson and I reviewed all of the materials from Freshwater's classroom that the Mount Vernon City School Board of Education produced for inspection on January 29, 2010. The religious posters, books, tapes and CDs that Freshwater admitted to having in his classroom were not contained in the materials that the School Board produced.

9. I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 14, 2010.

/s Leslie E. McCarthy
Leslie E. McCarthy