

Exhibit B

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

JOHN DOE and JANE DOE, as the	:	CASE NO. 2:08-CV-575
Natural Parents and Next Friends of	:	
Their Minor Child, JAMES DOE,	:	Judge Frost
	:	Magistrate Judge King
Plaintiffs,	:	
- vs -	:	
MOUNT VERNON CITY SCHOOL	:	<u>AFFIDAVIT OF</u>
DISTRICT BOARD OF EDUCATION,	:	<u>JOHN FRESHWATER</u>
et al.,	:	
Defendants.	:	

STATE OF OHIO


COUNTY OF KNOX

John Freshwater, an adult of sound mind, being first duly cautioned and sworn, states as follows:

1. I am a defendant in the above-captioned matter.
2. I am making this affidavit based on my personal knowledge pursuant to the Court's May 26, 2010 Order to provide an affidavit regarding discovery issues in this case.
3. Attorney Billing Records: I received paper copies of some bills from my attorney, R. Kelly Hamilton, but I do not recall the time period to which those bills related. At some point I asked Mr. Hamilton to stop sending me bills because they were depressing. I no longer have paper copies of any bills I did receive.
4. Book Covers Containing "Good Thinking" and "The 10 Commandments" and Other Quotations: There were three book covers that contained "Good Thinking" and "The 10 Commandments" covering the window between my classroom at Mount Vernon Middle School and the hallway. I took them down when told to do so by School Administration in April 2008. I left the book covers in my classroom once they were taken down. I did not destroy them. I do not know what happened to them, and can only state that they have been in the School's possession and control.

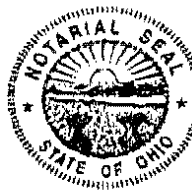
5. Replica of Book Covers Referenced in Paragraph 4: I understand that Mr. Hamilton located an item that was similar to the book covers referenced in paragraph 4, and that this similar item was marked as an exhibit at the administrative hearing taking place regarding my employment with Mount Vernon City School District. I do not personally have a copy of this similar item.
6. Inspirational/Motivational Posters: As with the book covers referenced in paragraph 4, I took other posters that had inspirational or motivational sayings on them down when instructed to do so by School Administration in April 2008. As with the book covers referenced in paragraph 4, I left the posters in my classroom once they were taken down. I did not destroy them. I do not know what happened to them, and can only state that they have been in the School's possession and control.
7. Books or Other Media: There were some such items that were kept in a cabinet in my classroom. That is where I left them. I did not destroy them. I do not know what happened to them, and can only state that they have been in the School's possession and control.
8. "Five Armloads": In Summer 2008, Superintendent Short provided me with what I have described as "five armloads" of materials from my classroom. I took those materials home. I threw away 20-30 letters because they got wet. I did not throw away anything else from that material. I later gave all of that material to my former attorneys at Mazanec, Raskin, Ryder & Keller. It is my understanding that counsel for the Plaintiffs in this matter had an opportunity to inspect all of that material. It is my further understanding that all of that material is now in the office of my attorneys at Freund, Freeze & Arnold and is available for further inspection if necessary.
9. Copies of Documents Made At Church: I brought various items from my former classroom at Mount Vernon Middle School to my church so my attorney, R. Kelly Hamilton, could inspect them and make copies as he deemed necessary. I did not personally copy any of the materials. I do not know what items Mr. Hamilton chose to copy and what items he did not. I took all of the items back to Mount Vernon Middle School, retaining nothing myself.
10. Cells, Heredity & Classifications Textbook: I understand that copies of some pages of the textbook were provided to Plaintiffs' counsel in this case by Mr. Hamilton. Mr. Hamilton may have made copies of those pages at church as referenced in paragraph 9 above. I do not personally have any additional pages from this textbook, nor do I have the original textbook.

11. I believe this affidavit addresses all discovery issues raised with the Court on May 26, 2010. If that is not the case, I would be happy to further cooperate in any way necessary.


John Freshwater

Sworn to before me and subscribed in my presence by John Freshwater, this 28th day of May, 2010.


Notary Public, State of Ohio



THERESA J DUNNAVANT, NOTARY
STATE OF OHIO
MY COMMISSION EXPIRES: 4/27/2014