## IN THE SUPREME COURT OF OHIO

TAMMY SMATHERS, individually and on behalf of the ESTATE OF HARMONY	:	
BROOKLYN RAYNE CARSEY,	:	Case No. 2020-1062
Plaintiff-Appellant,	:	On Appeal from the Fifth District Court of Appeals, Perry County, Ohio
vs.	:	
		Court of Appeals Case No. 19 CA 00018
RICK GLASS, Executive Director of Perry County Children's Services, <i>et al.</i> ,	:	
	:	
Defendants-Appellees.		

### APPELLEES RICK GLASS, KATIE HURSEY, BEN TAYLOR, AND NICK PEASE'S SUPPLEMENT

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### IN THE COURT OF COMMON PLEAS OF PERRY COUNTY, OHIO GENERAL DIVISION

TAMMY SMATHERS,	•	
Plaintif	f, :	Case No. 17-CV-00278
vs.	:	Assigned Judge Michael Ward
PERRY COUNTY CHILDRE AND FAMILY SERVICES, e		
Defenda	: ants.	

#### AFFIDAVIT OF NICK PEASE

STATE OF OHIO	:
	: ss.
COUNTY OF PERRY	:

Now comes Nick Pease and, being duly cautioned and sworn, deposes and says based on personal knowledge as follows:

1. I was a case worker for Perry County Children Services ("PCCS") during the time period including November 2015 through January of 2016.

2. In November 2015, it was reported to PCCS that there was suspected neglect or abuse at the home of Crystal Carsey, that Crystal Carsey throws dirty diapers on the floor, and that Crystal's new boyfriend beat up the father Tylor Carsey.

3. As a result of this complaint, I took the following steps, as reflected in the true and accurate Activity Log Report (highlighted copy through date of death is attached) which was kept in the ordinary course of business at PCCS as matters developed.

4. <u>November 15, 2015</u> - I made an unannounced visit to the Crystal Carsey residence along with New Straitsville Police Chief Kevin Groves. I learned that the father

Tylor Carsey (son of the complainant) had moved out and left Crystal and the three children without a vehicle or their WIC card.

The house was extremely cluttered and it appeared there was a hoarding issue. However, there was plenty of food in the residence, there was access to water, and the home was heated. The refrigerator was broken, but food was stored at a neighbor's house or outside when it was cold enough, and Crystal was trying to purchase a new refrigerator but indicated money was tight, as Crystal did not work and the father had taken the food stamp card when he moved out.

All three children were observed and appeared to be fine. The cleanliness was questionable, and so I advised 1 would return to check the status of it getting cleaned up and Crystal advised she would work on getting the home cleaned.

5. <u>November 20, 2015</u> – I returned on November 20, 2015 and observed the residence was in better condition than the last visit. Items were picked up off the floor and the rest of the home was improving. I encouraged Crystal to keep up the good work and suggested assistance with Integrated Services and offered counseling to help Crystal with her children and hoarding issue. She agreed to that assistance.

6. <u>November 21, 2015</u> - PCCS was notified that 2-year-old Harmony Carsey was taken to O'Bleness Hospital and being transported to Cabell Huntington Hospital in West Virginia for suspected neglect or abuse. There had been a home visit just the day before.

Supervisor Amy Frame advised that unless a physician reports child abuse or neglect, PCCS did not have enough evidence at that time to interfere, and Chief Groves confirmed that he had been to the home only 5 days earlier and the child was fine.

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November 24, 2015 - I learned that Harmony was discharged on November 23,
 2015, so the next day I made an unannounced visit to the Carsey home, but no one answered the door.

8. <u>December 3, 2015</u> - I finally reached Crystal Carsey by phone and set up a home visit for the next day. I also called the father Tylor Carsey and grandmother Tammy Smathers. Tammy said they were going to look into custody and were coming to the Perry County Courthouse to file the necessary paperwork. I asked to meet with them and they agreed to stop in at PCCS. We were advised that Tammy Smathers has the child at her home in Athens County.

9. <u>December 4, 2015</u> - I went to the Crystal Carsey residence again, but no one answered the door. I later received a call from Crystal Carsey that she was sick and staying with her father.

I then met with grandmother Tammy Smathers, father Tylor Carsey, and daughter Harmony Carsey at PCCS. Tammy showed me some undated photographs and noted that Harmony's hair was growing back from where she would rock herself and bump her head against the wall.

I asked for the Cabell medical records and Tylor said he though Crystal may have them.

I understood that Tammy and Tylor now had the child and, since the parents were not divorced, I advised that Tylor had as much right to the children as did Crystal. When they left, I understood that they were keeping custody of Harmony and heading to the Courthouse to formalize that custody.

I then tried to call Crystal Carsey again, by phone with no answer.

10. **December 7, 2015** – I attempted a home visit to Crystal Carsey's and left a letter on the door asking her to call.

11. <u>December 10, 2015</u> - I received a call from Crystal Carsey who had found my letter on the door. A home visit was scheduled.

12. <u>December 11, 2015</u> - I made a home visit to Crystal Carsey. The home condition appeared to be improving. The house was still cluttered, but much of the items were stacked against a wall in what appeared to be an organized manner. I encouraged Crystal to keep up the good work.

Crystal advised that the children had been with their father Tylor Carsey. (Consistent with what Tammy Smathers and Tylor had told me.)

I asked Crystal for the Cabell Hospital records and she said Tylor may have them. I advised that Tylor said she had them. Since I did not have a medical authorization with me, I advised I would return with one.

Crystal said they keep cold items in the neighbor's refrigerator and I suggested that St. Vincent DePaul in Corning might help in obtaining a refrigerator.

13. <u>December 18, 2015</u> - I again met with Crystal Carsey at her residence. Items had been picked up off the floor and although still cluttered, they appeared to be organized. Dirty diapers were off the floor in the bedroom. Crystal signed the medical release so that I could see if the hospital had any concerns about Harmony.

14. **December 21, 2015** - The medical release was faxed to the hospital.

15. <u>December 22, 2015</u> - The Cabell Hospital records were received. This was the first time I learned that Cabell staff felt there had been abuse and/or neglect, so I took that information to my Director Rick Glass.

16. <u>December 29, 2015</u> – I called Crystal Casey to discuss the medical records and ongoing voluntary case service, but got no answer.

I then tried to call Tylor Casey and left him a voicemail.

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 <u>December 31, 2015</u> – I made an unannounced home visit to the residence of Crystal Casey, but there was no answer, so a business card was left in the door.

18. January 6, 2016 – I called Crystal Carsey again, but still no answer.

19. January 8, 2016 – I learned that Harmony had died at the Crystal Carsey residence.

20. I had understood that Tammy Smathers and Tylor Carsey had custody of Harmony since she got out of Cabell Hospital and I did not learn until after the death that they voluntarily returned Harmony to her mother without notice to me.

21. I felt terrible that this young child died, but throughout I was trying to help keep the family together, not trying to break them up. I felt sympathy for Crystal who was left by the children's father with no vehicle, no transportation, and no money.

22. While both parents had issues and problems, I did not believe that there was any immediate danger to their children, and I tried to provide the family with services and support.

Further, affiant sayeth not.

Nicholas Pease

Sworn to before me and subscribed in my presence this  $27^{\circ}$  day of 2019.

Notary Public



J. Stephen Teetor, Attorney At Law NOTARY PUBLIC - STATE OF OHIO My commission has no expiration date Sec. 147.03 R.C.

#### **ACTIVITY LOG REPORT** Case Name: Crystal Reed Case ID: 1944578 Report Date: 12/05/2017 **Report Parameters** Activity From Date: Activity To Date: **Responsible Worker: Case Category:** Category: Contact Type: Intake ID: Sub Category: **Contact Status:** Participant: Beall, Betty L, Hursey, **Created By:** Katie, Pease, Nick, Taylor, Benjamin, White, Misty M, Beall, Betty L, Hursey, Katie, Pease, Nick, Taylor, Benjamin, White, Misty M Activity State: Completed Activity Date: 11/13/2015 . Pease, Nick Created By: Taylor, Benjamin Responsible Worker: Case Category: Assess/Invest Contact Type: Unannounced Home Visit ACV Face to face; AP Face to Face; Assessment/Investigation Assessment/Investigation Category: Sub Category: Mandate Initiated: RMS(Random Moment Sample) Other Sub Category: Location Type: Originator Of Information: Start Time: 11:00 AM End Time: 12:00 PM Intake ID: 10796167 Initial Contact: No Case Associated Participants / Contact Status: Case Participants / Contact Status: Carsey Izayiah Grant / Attempted Carsey Joselynn / Attempted Reed Crystal / Attempted **Placement Providers / Contact Status:** Narrative Accompanied CW Pease to visit. UHV. No contact. RMS # 3154699 Activity Date: 11/16/2015 Activity State: Completed Created By: Pease, Nick Responsible Worker: Pease, Nick

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	ACTIVITY	LOG REPOR	Î.
Report Date: 12/05/	2017 Case Name: Crysta	Reed	ase ID: 1944578
Case Category:	Assess/Invest	Contact Type:	General, Phone Call To Adult Subject of Report;
Category:	Assessment/Investigation Mandate	Sub Category:	Child Subject of Report; RMS(Random Moment Sample)
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	10:38 AM	End Time:	10:38 AM
Intake ID:	10796167	Initial Contact:	No
Case Participants Carsey Izayiah Gra Carsey Joselynn / I Reed Crystal / In R	ant / In Regards To In Regards To	Case Associated Par	ticipants / Contact Status:
		Placement Providers	/ Contact Status:
Narrative			
Participant Name I Phone No 74034 Moment 11/16/20 Observation Type Observation ID 31	-2-38 Ext 225 15 10:38:00 AM Electronic		
On the telephone v	vith NF Tylor Carsey at the time	of RMS. Discussing ret	erral.
Nothing further.			
Activity Date: Created By:	11/16/2015 Pease, Nick	Activity State: Responsible Worker:	Completed Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Face-to-Face , Unannounced Home Visit
Category:	Assessment/Investigation Mandate	Sub Category:	ACV Face to face; AP Face to Face; Home Visit
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	12:00 PM	End Time:	12:00 PM
Intake ID:	10796167	Initial Contact:	No

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## Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

Case Participants / Contact Status: Carsey Izayiah Grant / Completed Carsey Joselynn / Completed Reed Crystal / Completed **Case Associated Participants / Contact Status:** 

**Placement Providers / Contact Status:** 

#### Narrative

On Monday November 16th, 2015 CW Pease conducted an unannounced home visit at the residence of NM Crystal Carsey (Reed) located at 106 Ewing Street New Straitsville Ohio with New Straitsville Police Chief Kevin Groves. Upon arrival to the residence, CW Pease met with Crystal and explained why he was present. CW Pease asked Crystal if she could come into the residence to speak about the matter. Crystal permitted CW Pease and NSPD into the residence. CW Pease observed the residence to be cluttered with large amount of items stacked throughout the residence. It appeared that Crystal may have some hoarding issues, but also acknowledged that NF Tylor Carsey recently left the home approximately a month ago and this situation would not appear to have occurred in just a month.

CW Pease spoke with Crystal regarding the matter. Crystal advised that she and Tylor recently separated due to her seeing neighbor Joe Spencer. Crystal advised that she has been frustrated that Tylor does not help around the home when they were together and that she felt overwhelmed. CW Pease asked Crystal about alleged drug use where she advised that she takes Suboxone, but does not use other substances. Crystal advised that she keeps the Suboxone at her grandmother's residence. Crystal showed CW Pease an old empty bottle of Buprenorphine. CW Pease asked Crystal if she would take a drug screen, where she refused. Crystal did not appear at this time to be under the influence of a substance and appeared coherent during the conversation. Crystal advised that she does not use meth and that this allegation is false and was more than likely created by Tylor's family who is upset that they have separated.

CW Pease asked about the home and why it was cluttered. Crystal advised that she believes that she may have hoarding issues due to not having things when she was a child. CW Pease observed plenty of food in the residence. CW Pease observed that the family had access to water and that the home was heated. Electricity was present in the home as well as a television was on in the living room. Crystal advised that she keeps refrigerated items outside where it is cold, but keeps other items at Joe Spencer's house which is next door. Crystal advised that she is trying to purchase a new refrigerator, but money is tight at this time. Crystal does not work. Crystal further advised that Tylor has the food stamp card and has not given it back since he left. Crystal did not permit CW Pease to take pictures in the residence.

As CW Pease walked through the residence with Crystal, he observed items such as dirty diapers on the floor near the basinet. CW Pease inquired about this where Crystal advised that she picks them up at the end of the day and throws them away. CW Pease advised that they cannot lay on the floor as the children may get into them. CW Pease advised that the diapers should be thrown away immediately. Crystal threw them away.

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**ACTIVITY LOG REPORT** Case ID: 1944578 Report Date: 12/05/2017 Case Name: Crystal Reed 4. CW Pease inquired about Harmony who was upstairs in the residence in a crib/toddler bed. CW Pease heard some rocking/knocking noises from upstairs. Crystal advised that Harmony does this to help her sleep. Crystal advised that Harmony may have some cognitive issues because of these actions, but she has not been diagnosed. CW Pease asked for Crystal to bring Harmony down so that he may see her. Crystal did get Harmony. CW Pease observed all three children where they appeared to be fine. CW Pease asked about bathing practices. Crystal advised that she bathes the children regularly, but that they get dirty from playing and getting into things. CW Pease advised that he understood. CW Pease advised that his main concern at this point was the cleanliness of the residence as it was questionable. CW Pease advised Crystal that he would like to return to the residence to check the status of it getting cleaned up. CW Pease further advised that he knew that this was not all her fault as Tylor lived here up until a month ago. Crystal advised that she will work getting the home cleaned. CW Pease advised that he would return at a later date to check on this. CW Pease and NSPD then left the residence. Activity Date: 11/20/2015 Activity State: Completed Created By: Pease, Nick Responsible Worker: Pease, Nick Face-to-Face, Case Category: Assess/Invest Contact Type: Unannounced Home Visit ACV Face to face; AP Face to Face; Assessment/Investigation Category: Home Visit: Sub Category: Mandate RMS(Random Moment Sample) Location Type: Other Sub Category: Originator Of Information: Start Time: End Time: 01:15 PM 02:00 PM Intake ID: 10796167 Initial Contact: No Case Participants / Contact Status: Case Associated Participants / Contact Status: Carsey Izayiah Grant / Completed Carsey Joselynn / Completed Reed Crystal / Completed Placement Providers / Contact Status: Narrative Moment 11/20/2015 1:40:00 PM

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Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

Observation Type Paper Observation ID 3154465

On Friday November 20th, 2015 CW Pease conducted a follow-up home visit at the residence of NM Crystal Carsey. Upon arrival to the residence, CW Pease met with Crystal and was permitted into the home. CW Pease observed the residence to be in better condition than last visit. CW Pease observed the living room to be cluttered, but items off the floor and stacked in a neat manner. CW Pease walked through the rest of the residence where he observed that items were picked up off of the floor where the children have access to. CW Pease observed that the rest of the home was improving and CW Pease encouraged her to keep up the good work. CW Pease also spoke to Crystal about Integrated Services and some counseling services that might help her with the children and her hoarding issues. Crystal advised that she would work with them if a referral was made. Crystal advised that she has worked with them in the past. CW Pease advised that he would make a referral for her.

CW Pease also brought a new Pack N' Play for Crystal to use and had her sign the necessary forms for the Pack N' Play. CW Pease encouraged her to use this instead of the bassinet that she was using for Joselynn. Crystal advised that she would.

Activity Date:	11/21/2015	Activity State:	Completed
Created By:	Hursey, Katie	Responsible Worker:	Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Phone Call From , Phone Call To
Category: Location Type:	Provider	Sub Category: Other Sub Category: Originator Of Information:	Hospital
Start Time:	02:49 PM	End Time:	09:30 PM
Intake ID:	10796167	Initial Contact:	No
Case Participants Reed Crystal / In F		Case Associated Par	ticipants / Contact Status:
		Placement Providers	/ Contact Status:
Narrative			

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#### ON CALL

249pm PC from Steph McDaniel, ACCS. Tammy called them, intake put in 10883642.

335pm. PC from ACCS. Tammy called the ACSO and they dispatched a squad to the home. Harmony has bruises on her back and a knot on her head. Harmony's private region is swollen and bruised. Dep. Kulchar from the ACSO responded, he would like to talk with worker 740-593-5551.

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### Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

PC to Obleness, ER. Advised KH is worker.

PC to ACSO, spoke with Kulchar. He is at the ER and is awaiting to hear what the dr will say. The children' physical health does not appear good.

PC from Dep. Kilter. He advised that the dr is concerned for internal injuries. Kh requested to speak with the dr. Dr. advised that Harmony has bruising on her left belly, he thinks there may be fluid in the belly, which could be a liver injury. She has an older bruise on her forehead and has some bruising on her back and spine. She has a diaper rash. She is weak and appears emaciated. He feels that she needs further evaluation. He is sending her to Children's.

Spoke with Dep Kulchar. child can not be sent to Children's due to no fly zone. Child will be went o Cabell Huntington in W Va. The father is with the mother at the home. Tammy and her daughter, Tiffany are with the child. Tammy can be reached at 591-0748,

4:18pm PC to Cabell Huntington, 304-526-2200. Advised of transport and to contact KH.

534pm. PC from PCSO. Cheif Groves was advised of situation. Tammy called in and reported that child is being flown to W Va for trauma. Please call Groves 394-2522. Tammy wants custody.

PC to Amy Frame, Advised of situation. She advised that unless a physican reports child is abuse for neglected we do not have evidence to intervene.

PC to Chief Groves. Advised of situation. He advised that he went to the home with NP. Child was fine. He will go to the residence and inform parents about what is going on and where the child is headed.

8:51 pm. PC to Cabell Huntington. Spoke with pediatric resident, Christina Hensley. The family has just arrived so they do not have much info. They have completed X-ray studies, all negative. Child was sent to them from ER in Athens. Physician there did not run any tests. child does have some bruising on her stomach, and she is a bit distended, but it is probably gas. ultrasound was negative for fluid. Child was activated as a trauma and has been admitted to PICU. Trauma team already cleared her. She has some tiny bruises-peticia on her belly. She has a narly diaper rash. Older bruises on her spine and cradle cap. She has some chaffing between her legs. She does look thin, but not malnourished. They will continue to watch her and she may be discharged tomorrow. They will notify worker of further concerns and when child is discharged.

Activity Date:	11/24/2015	Activity State:	Completed
Created By:	Pease, Nick	Responsible Worker:	Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Unannounced Home Visit
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
Location Type:		Other Sub Category:	5 1
		Originator Of	
		Information:	

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Report Date: 12/05/	ACTIVITY I 2017 Case Name: Crystal	Reed	Case ID: 1944578	
Start Time:	02:00 PM	End Time:	02:00 PM	
Intake ID:	10796167	Initial Contact:	No	
Case Participants Carsey Izayiah Gr Carsey Joselynn / Reed Crystal / Att	ant / Attempted Attempted	Case Associated Part	ticipants / Contact Status:	
		Placement Providers	/ Contact Status:	
Narrative				
	V Taylor attempted unannounced the door several times and no an			
Activity Date: Created By: Case Category:	12/03/2015 Pease, Nick Assess/Invest	Activity State: Responsible Worker: Contact Type:	Completed Pease, Nick Phone Call To	
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report	
Location Type: Start Time:	mandado	Other Sub Category: Originator Of Information: End Time:		
Intake ID:	10796167	Initial Contact:	No	
		Case Associated Par	ticipants / Contact Status:	
		Placement Provider	s / Contact Status:	
Narrative				
CW Pease conducted a telephone call to Crystal regarding setting up a home visit and to discuss with her the incident with Harmony being transported to the hospital. Crystal advised that Harmony was released from the hospital on Wednesday 11/25/2015 which is why she was not home when CW Pease stopped by.				
Crystal also stated that in regards to Harmony being transported to the hospital, she was fine at her residence prior to leaving to visit with grandmother Tammy and NF Tylor. Crystal was concerned that something may have happened while Harmony was at the visit. CW Pease asked what the hospital had				

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## Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

said regarding the incident. Crystal stated that they really didn't tell her anything.

CW Pease advised that he would like to meet with Crystal to check on the status of the home and to see the children. A date and time of tomorrow December 4th, 2015 around noon was set up for a home visit.

Nothing further.

	and the second		and the second
Activity Date:	12/03/2015	Activity State:	Completed
Created By:	Pease, Nick	Responsible Worker:	Pease, Nick Phone Call To
Case Category:	Assess/Invest Assessment/Investigation	Contact Type:	Adult Subject of Report;
Category:	Mandate	Sub Category:	Child Subject of Report
Location Type:		Other Sub Category: Originator Of Information:	un al anno 1999 ann ann a ch
Start Time:		End Time:	
Intake ID:	10796167	Initial Contact:	No
Case Participants / Contact Status: Carsey Izayiah Grant / In Regards To Carsey Joselynn / In Regards To Reed Crystal / In Regards To		Case Associated Part	ticipants / Contact Status:
		<b>Placement Providers</b>	/ Contact Status:
Narrative			
CW Pease made a phone call to NF Tylor Carsey and PGM Tammy Smathers in regards to the case. Of Pease spoke with Tammy who advised that she and Tylor were going to look into custody as discussed before. Tammy advised that they planned on coming to Perry County courthouse to look into filing ar necessary paperwork. CW Pease discussed meeting with them if they were going to be in town. Tam advised that they would stop by the agency when in New Lexington to discuss the current status of the case. Nothing further.			k into custody as discussed house to look into filing any going to be in town. Tammy
Activity Date: Created By:	12/04/2015 Page Niek	Activity State:	Completed
	Pease, Nick	Responsible Worker:	Pease, Nick Announced Home Visit,
Case Category:	Assess/Invest	Contact Type:	Face-to-Face
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report; Home Visit

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	ACTIVITY I		A faithful and the second state of the second state of the second state of the second state of the second state
eport Date: 12/05/2	2017 Case Name: Crystal	Reed	Case ID: 1944578
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	11:45 AM	End Time:	11:45 AM
Intake ID:	10796167	Initial Contact:	No
Case Participants Carsey Izayiah Gra Carsey Joselynn / / Reed Crystal / Atte	int / Attempted Attempted	Case Associated Part	icipants / Contact Status:
		<b>Placement Providers</b>	/ Contact Status:
Narrative	<i>¥</i>		
	Taylor knocked on the door seven d upon by CW Pease and NM C		nswering. This scheduled
Nothing further.	d upon by CW Pease and NM Co 12/04/2015 Pease, Nick	Activity State: Responsible Worker:	Completed Pease, Nick
Nothing further. Activity Date: Created By: Case Category:	d upon by CW Pease and NM C 12/04/2015 Pease, Nick Assess/Invest Assessment/Investigation	Activity State: Responsible Worker: Contact Type:	Completed Pease, Nick Phone Call From Adult Subject of Report;
Meeting was agree Nothing further. Activity Date: Created By: Case Category: Category: Location Type:	d upon by CW Pease and NM C 12/04/2015 Pease, Nick Assess/Invest Assessment/Investigation Mandate	Activity State: Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of Information:	Completed Pease, Nick Phone Call From
Nothing further. Activity Date: Created By: Case Category: Category:	d upon by CW Pease and NM C 12/04/2015 Pease, Nick Assess/Invest Assessment/Investigation	Activity State: Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of	Completed Pease, Nick Phone Call From Adult Subject of Report;
Meeting was agree Nothing further. Activity Date: Created By: Case Category: Category: Location Type:	d upon by CW Pease and NM C 12/04/2015 Pease, Nick Assess/Invest Assessment/Investigation Mandate	Activity State: Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of Information:	Completed Pease, Nick Phone Call From Adult Subject of Report;
meeting was agree Nothing further. Activity Date: Created By: Case Category: Category: Location Type: Start Time: Intake ID: <b>Case Participants</b>	d upon by CW Pease and NM Ca 12/04/2015 Pease, Nick Assess/Invest Assessment/Investigation Mandate 11:46 AM 10796167 / Contact Status: ant / In Regards To In Regards To	Activity State: Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of Information: End Time: Initial Contact:	Completed Pease, Nick Phone Call From Adult Subject of Report; Child Subject of Report
meeting was agree Nothing further. Activity Date: Created By: Case Category: Category: Location Type: Start Time: Intake ID: Case Participants Carsey Izayiah Gra Carsey Joselynn /	d upon by CW Pease and NM Ca 12/04/2015 Pease, Nick Assess/Invest Assessment/Investigation Mandate 11:46 AM 10796167 / Contact Status: ant / In Regards To In Regards To	Activity State: Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of Information: End Time: Initial Contact:	Completed Pease, Nick Phone Call From Adult Subject of Report; Child Subject of Report No <b>ticipants / Contact Status:</b>
Meeting was agree Nothing further. Activity Date: Created By: Case Category: Category: Location Type: Start Time: Intake ID: Case Participants Carsey Izayiah Gra Carsey Joselynn /	d upon by CW Pease and NM Ca 12/04/2015 Pease, Nick Assess/Invest Assessment/Investigation Mandate 11:46 AM 10796167 / Contact Status: ant / In Regards To In Regards To	Activity State: Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of Information: End Time: Initial Contact: <b>Case Associated Par</b>	Completed Pease, Nick Phone Call From Adult Subject of Report; Child Subject of Report No <b>ticipants / Contact Status:</b>

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Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

#### her father and would not be present for the scheduled home visit.

## CW Pease attempted to return the phone call upon receiving it when getting back from the attempted home visit with CW Taylor. No answer and a no available voicemail.

Nothing further.

	Activity Date:	12/04/2015	Activity State:	Completed
	Created By:	Pease, Nick	Responsible Worker:	Pease, Nick
	Case Category:	Assess/Invest	Contact Type:	Meetings
	Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
	Location Type:		Other Sub Category: Originator Of Information:	
	Start Time:	02:05 PM	End Time:	02:05 PM
	Intake ID:	10796167	Initial Contact:	No
and the second se	Case Participants / C Carsey Izayiah Grant Carsey Joselynn / In F Reed Crystal / In Reg	/ In Regards To Regards To	Case Associated Par	ticipants / Contact Status:

#### Placement Providers / Contact Status:

#### Narrative

CW Pease and CW Taylor met with PGM Tammy Smathers and NF Tylor Carsey and ACV Harmony Carsey at PCCSB to discuss matters of the case and to examine any medical records related to Harmony's recent visit to the hospital. CW Pease spoke with the family where Tammy showed some undated photographs regarding the living conditions of the home. Tammy also showed some photographs regarding bald spots on the back of Harmony's head. Tammy did say that Harmony's hair was growing back and showed CW Pease. (This was explained to CW Pease by Crystal during a visit that this was caused by Harmony either rocking herself and/or bumping her head against the wall. Crystal had explained that this may be some type of comfort behavior that Harmony does to sleep).

CW Pease did explain to Tammy and Tylor that the living conditions were being worked on. CW Pease further explained that Tylor had lived in the home up until approximately one month ago and is responsible for those conditions as well and that these conditions of the home could not have occurred in this short of time as it appeared that hoarding issues/tendencies were present. Crystal had stated that when Tylor lived at the home, he did little to help.

CW Pease asked about the medical records or discharge paperwork that was given to the parents. Tylor

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## Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

stated that he did not get the paperwork and that Crystal may have the discharge paperwork.

CW Pease spoke about custody and divorce. Tylor stated that he didn't want to divorce at this time.

CW Pease explained to Tammy that because she was not directly involved with the case, that he didn't have to explain the case with her and that he was doing this because Tylor had permitted the case to be discussed with her.

Both Tammy and Tylor became upset by this and stated that they were leaving and calling Athens County CPS. CW Pease explained to them that because the children's current address in Perry, that it would be referred back to PCCSB.

Nothing further.

Activity Date: Created By: Case Category:	12/04/2015 Pease, Nick Assess/Invest	Activity State: Responsible Worker: Contact Type:	Completed Pease, Nick Phone Call To
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	03:41 PM	End Time:	03:41 PM
Intake ID:	10796167	Initial Contact:	No
Case Participants / C Carsey Izayiah Grant Carsey Joselynn / In F Reed Crystal / Attemp	/ In Regards To Regards To	Case Associated Part	ticipants / Contact Status:
Narrative			=
CW Pease attempted	a telephone call to NM Crystal	Carsey. No answer. V	oicemail not available.
Nothing further.			
Activity Date:	12/07/2015	Activity State:	Completed
Created By:	Taylor, Benjamin	Responsible Worker:	Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Unannounced Home Visit
Category:	Parties to the Case	Sub Category:	Custodian; Mother;

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			RMS(Random Moment
Location Type:		Other Sub Category: Originator Of	Sample)
Start Time:	11:00 AM	Information: End Time:	11:40 AM
Intake ID:	10796167	Initial Contact:	No
Case Participants Reed Crystal / Atte		Case Associated Part	icipants / Contact Status:
		<b>Placement Providers</b>	/ Contact Status:
Narrative			
Attempted UHV w	vith CW Pease.		
CW Pease left a le	tter on the door requesting a call	regarding specific case is	ssues.
RMS # 3245160			
Activity Date: Created By: Case Category:	12/07/2015 Pease, Nick Assess/Invest	Activity State: Responsible Worker: Contact Type:	Completed Pease, Nick Unannounced Home Visit
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report; Home Visit
Location Type:		Other Sub Category: Originator Of Information:	Tomo visit
Start Time:	11:20 AM	End Time:	11:20 AM
Intake ID:	10796167	Initial Contact:	No
Case Participants Carsey Izayiah Gra Carsey Joselynn / J Reed Crystal / Atte	ant / Attempted Attempted	Case Associated Par	ticipants / Contact Status:
		<b>Placement Providers</b>	/ Contact Status:

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Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

## LETTER) explaining how PCCSB may proceed if contact is not made with Crystal.

CW Pease knocked on the door several times with no person answering the door. The letter was left in the door.

Nothing further.

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A IL IL DI			
Activity Date: Created By:	12/10/2015 Pease, Nick	Activity State: Responsible Worker:	Completed Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Phone Call From
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	01:30 PM	End Time:	01:30 PM
Intake 1D:	10796167	Initial Contact:	No
Case Participants / C Carsey Izayiah Grant Carsey Joselynn / In F Reed Crystal / Compl	/ In Regards To Regards To	Case Associated Part	ticipants / Contact Status:
*		<b>Placement Providers</b>	/ Contact Status:
Narrative			
just recently received available for a home v	telephone call from NM Cryst the letter that was in her door visit to check the status of the	left by CW Pease. Crys home conditions. CW P	tal advised that she is ease scheduled a home visit
Nothing further.	now December Trui, 2015 at	12:00pm. Crystal advise	ed that she will be available.
	12/11/2015	Activity State:	ed that she will be available.
Nothing further.	12/11/2015 Pease, Nick Assess/Invest		Completed Pease, Nick General
Nothing further. Activity Date: Created By:	12/11/2015 Pease, Nick	Activity State: Responsible Worker:	Completed Pease, Nick

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eport Date: 12/03/	2017 Case Name: Crystal	Treasure and the second second	lase ID: 1944578
Start Time:	11:47 AM	Information: End Time:	
Intake ID:	10796167	Initial Contact:	No
			icipants / Contact Status:
		Placement Providers	/ Contact Status:
Narrative			·
en route to home v	visit of NM when RMS occurred.		
Observation Type	15 11:53:00 AM Electronic		
	Electronic 245309 12/11/2015	Activity State: Responsible Worker:	Completed Pease, Nick
Observation ID 32 Activity Date: Created By:	Electronic 245309	Responsible Worker:	Pease, Nick Announced Home Visit,
Observation ID 32 Activity Date: Created By: Case Category:	Electronic 245309 12/11/2015 Pease, Nick		Pease, Nick Announced Home Visit, Face-to-Face Adult Subject of Report; Child Subject of Report; RMS(Random Moment
Observation ID 32 Activity Date: Created By: Case Category: Category: Location Type:	Electronic 245309 12/11/2015 Pease, Nick Assess/Invest Assessment/Investigation	Responsible Worker: Contact Type:	Pease, Nick Announced Home Visit, Face-to-Face Adult Subject of Report; Child Subject of Report;
Observation ID 32 Activity Date: Created By: Case Category: Category: Location Type:	Electronic 245309 12/11/2015 Pease, Nick Assess/Invest Assessment/Investigation	Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of	Pease, Nick Announced Home Visit, Face-to-Face Adult Subject of Report; Child Subject of Report; RMS(Random Moment
Observation ID 32 Activity Date: Created By: Case Category: Category: Location Type: Start Time:	Electronic 245309 12/11/2015 Pease, Nick Assess/Invest Assessment/Investigation Mandate	Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of Information:	Pease, Nick Announced Home Visit, Face-to-Face Adult Subject of Report; Child Subject of Report; RMS(Random Moment Sample)
Observation ID 32 Activity Date: Created By: Case Category: Category: Location Type: Start Time: Intake ID:	Electronic 245309 12/11/2015 Pease, Nick Assess/Invest Assessment/Investigation Mandate 12:05 PM 10796167 5/ Contact Status: ant / Completed Attempted	Responsible Worker: Contact Type: Sub Category: Other Sub Category: Originator Of Information: End Time: Initial Contact:	Pease, Nick Announced Home Visit, Face-to-Face Adult Subject of Report; Child Subject of Report; RMS(Random Moment Sample) 12:45 PM

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Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

#### Narrative

On Friday December 11th, 2015 CW Pease made contact with NM Crystal Carsey at her residence located at 106 Ewing Street in New Straitsville. CW Pease was permitted into the home where he also made contact with Joe Spencer. Joe is the current paramour of Crystal. Joe stated that he lives a few houses down at 102 Ewing Street.

CW Pease was permitted to walk through the home where he observed the conditions to be improving. Crystal stated that she has been trying to get rid of some of the food that is piling up. CW Pease observed that the house was cluttered, but much of the items were stacked against a wall in what appeared to be an organized manner. CW Pease encouraged Crystal to keep up the good work. Crystal also advised that the children have been visiting with their father Tylor Carsey. CW Pease encouraged this also as it gives Crystal some down time to work on the home. CW Pease noticed some dirty diapers on the floor of the upstairs bedroom. CW Pease inquired about this. Crystal advised that she changes the diapers and puts them on the floor and cleans them up at the end of the day. CW Pease did not agree with this and stated that the children may get into them if laying on the floor. Crystal advised that the children do not play upstairs and are not allowed up there unattended. CW Pease advised that she will need to pick them up and that CW Pease would continue to check on this.

CW Pease asked about the medical records from the hospital and asked if she had them. Crystal stated that she was not given any discharge papers and that Tylor may have them. CW Pease advised that Tylor stated that she had them. CW Pease did not have a medical release on him and advised that he would return with a medical release to have her sign so that he may look at the records for any concerns. Crystal advised that this was fine.

CW Pease did see Harmony and it appeared that her diaper rash was getting better. Crystal advised that she was using an ointment on it and changing her diaper more frequently.

The home conditions appeared to continue to improve. CW Pease advised that he would return at a later date with a medical release and would again check the residence to make sure that Crystal was improving the condition. CW Pease stated that he would put in the referral for Integrated Services to help her with some counseling services and housing. Crystal advised that this would be fine. CW Pease advised Crystal that if they should call, she needs to answer the telephone as difficulty reaching seems to exist.

Crystal and Joe inquired about a refrigerator and explained that they keep some of the cold items at Joe's residence. CW Pease talked to them about St. Vincent DePaul in Corning about obtaining a refrigerator.

After speaking with Crystal, CW Pease left the residence.

Nothing further.

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Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

Participant Name Pease, Nickolas Phone No 740--34-2-38 Ext 225

Moment 12/11/2015 12:13:00 PM Observation Type Electronic Observation ID 3245237

Activity Date:	12/18/2015	Activity State:	Completed
Created By:	Pease, Nick	Responsible Worker:	Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Announced Home Visit
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	12:00 PM	End Time:	
Intake ID:	10796167	Initial Contact:	No
Case Participants / C Carsey Izayiah Grant Carsey Joselynn / Atta Reed Crystal / Compl	/ Completed empted	Case Associated Par	ticipants / Contact Status:

Placement Providers / Contact Status:

#### Narrative

On December 18th, 2015 CW Pease and CW Taylor met with NM Crystal Carsey at her residence located at 106 Ewing Street in New Straitsville, Ohio. Upon arrival to the residence, CW Pease and CW Taylor were permitted into the home. CW Pease walked through the home and observed that items were picked off of the floor and that although cluttered, the items appeared to be organized against walls.

CW Pease observed that the dirty diapers were off of the floor in the bedroom. CW Pease also advised that a referral was made to Integrated Services and that she should answer the door and/or telephone if they should call to schedule an appointment. Crystal advised that she would. CW Pease asked about the children. Crystal advised that they have been visiting with their father and that Joselynn was currently with Tylor.

CW Pease advised he brought a medical release to obtain copies of the medical records. Crystal advised that she would sign the medical release. CW Pease advised that he wanted to see if the hospital had any concerns regarding Harmony. CW Pease advised that if there were not any concerns in the medical records, he would move toward closing the case as she it making progress toward the home and this

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## Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

appears to be the only concerns at this point. Crystal advised that this would be fine.

After signing the medical release, CW Pease and CW Taylor left the residence.

Nothing further.

Activity Date: Created By:	12/21/2015 Pease, Nick	Activity State: Responsible Worker:	Completed Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Fax, General Adult Subject of Report;
Category:	Assessment/Investigation Mandate	Sub Category:	Child Subject of Report; RMS(Random Moment Sample)
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	04:16 PM	End Time:	04:16 PM
Intake ID:	10796167	Initial Contact:	No
Case Participants / C Carsey Izayiah Grant, Carsey Joselynn / In F	/ In Regards To	Case Associated Part	ticipants / Contact Status:
Reed Crystal / In Reg	ards To		
<ul> <li>The second s second second se second second sec second second sec</li></ul>	ards To	Placement Providers	/ Contact Status:
and the second	ards To	Placement Providers	/ Contact Status:
Reed Crystal / In Rega	ecords Request Forms to fax to		
Reed Crystal / In Rega Narrative Filling out Medical Re	ecords Request Forms to fax to 1/21/2015. se, Nickolas		
Reed Crystal / In Rega Narrative Filling out Medical Re Harmony Carsey on 1 Participant Name Pea	ecords Request Forms to fax to 1/21/2015. se, Nickolas 38 Ext 225 4:16:00 PM ectronic		
Reed Crystal / In Rega Narrative Filling out Medical Re Harmony Carsey on 1 Participant Name Pea Phone No 74034-2-2 Moment 12/21/2015 4 Observation Type Ele	ecords Request Forms to fax to 1/21/2015. se, Nickolas 38 Ext 225 4:16:00 PM ectronic		

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eport Date: 12/05/2	017 Case Name: Crysta	Reed	Tase ID: 1944578			
Category: Location Type: Start Time:	Assessment/Investigation Mandate	Sub Category: Other Sub Category: Originator Of Information: End Time:	Adult Subject of Report; Child Subject of Report			
Intake ID:	10796167	Initial Contact:	No			
Case Participants , Reed Crystal / In R		Case Associated Part	ticipants / Contact Status:			
		<b>Placement Providers</b>	/ Contact Status:			
Narrative						
Medical release fay	ed to O'Bleness Hospital and C	abell Huntington Hospitz	d. /			
Nothing further.						
Activity Date: Created By: Case Category:	12/22/2015 Pease, Nick Assess/Invest	Activity State: Responsible Worker: Contact Type:	Completed Pease, Nick Meetings			
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report			
Location Type: Start Time:	mundulo	Other Sub Category: Originator Of Information: End Time:				
Intake ID:	10796167	Initial Contact:	No			
Case Participants	/ Contact Status:	Case Associated Par	ticipants / Contact Status:			
*		Placement Providers / Contact Status:				
Narrative						
	I fax from Cabell Huntington H	ospital regarding medical	records for Harmony Carse			
CW Pease received	Director Rick Glass regarding					
CW Pease received CW Pease met with	Director Rick Glass regarding					

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## Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

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Created By: Case Category:	Pease, Nick Assess/Invest	Responsible Worker: Contact Type:	Pease, Nick Phone Call To
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
Location Type:	Mandate	Other Sub Category: Originator Of Information:	Child Subject of Report
Start Time:	11:33 AM	End Time:	11:33 AM
Intake ID:	10796167	Initial Contact:	No
Case Participants A Reed Crystal / Atte		Case Associated Par	ticipants / Contact Status:
		Placement Providers	s / Contact Status:
Narrative	<i>t</i>		
	all to NM Crystal Carsey regard	ling medical records and	to discuss ongoing voluntary
Nothing further.			
Activity Date:	12/29/2015	Activity State:	Completed
Created By: Case Category:	Pease, Nick Assess/Invest	Responsible Worker: Contact Type:	Pease, Nick Phone Call To
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	12:05 PM	End Time:	12:05 PM
Intake ID:	10796167	Initial Contact:	No
Case Participants Reed Crystal / In R		Case Associated Par	rticipants / Contact Status:
		<b>Placement Provider</b>	s / Contact Status:
Narrative			
Attempted telephon Voicemail left at te	ne call to NF Tylor Carsey regar elephone number 740-591-0748.	rding medical records an	d to discuss ongoing services.

Nothing further.

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#### ACTIVITY LOG REPORT Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578 Activity Date: 12/30/2015 Activity State: Completed Responsible Worker: Pease, Nick Created By: Hursey, Katie General Case Category: Assess/Invest Contact Type: RMS(Random Moment Category: General Sub Category: Sample) Other Sub Category: Location Type: Originator Of Information: End Time: 11:25 AM Start Time: 11:25 AM Initial Contact: Intake ID: 10796167 No **Case Associated Participants / Contact Status:** Case Participants / Contact Status: Reed Crystal / In Regards To Placement Providers / Contact Status: Narrative RMS occurred while discussing medical report with caseworker NP. Activity Date: 12/31/2015 Activity State: Completed Created By: Pease, Nick Pease, Nick Responsible Worker: Case Category: Assess/Invest Contact Type: Unannounced Home Visit Assessment/Investigation Adult Subject of Report; Category: Sub Category: Mandate Child Subject of Report Location Type: Other Sub Category: Originator Of Information: Start Time: 11:15 PM End Time: 11:15 PM Intake ID: Initial Contact: 10796167 No Case Participants / Contact Status: **Case Associated Participants / Contact Status:** Carsey Izayiah Grant / Attempted Carsey Joselynn / Attempted Reed Crystal / Attempted Placement Providers / Contact Status: Narrative CW Pease and CW Taylor attempted an unannounced home visit at the residence of NM Crystal Carsey located at 106 Ewing Street New Straitsville, Ohio. CW Pease knocked on the door several times with no person answering the door. A business card was left in the door.

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Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

Nothing further.

	01/06/2016	Activity State:	Completed
Activity Date: Created By:	Hursey, Katie	Responsible Worker:	Pease, Nick
Case Category:	Assess/Invest	Contact Type:	General
Category:	General	Sub Category:	Other
Location Type:		Other Sub Category:	
and the second		Originator Of	
		Information:	
Start Time:	01:07 PM	End Time:	01:07 PM
Intake ID:	10796167	Initial Contact:	No
Case Participants Carsey Izayiah Gra		Case Associated Par	ticipants / Contact Status:
		Placement Providers	s / Contact Status:
Narrative			
RMS occurred at 1	:07pm. KH was discussing case	with NP and MW.	
Activity Date:	01/06/2016	Activity State:	Completed
Created By:	Pease, Nick	Responsible Worker:	Pease, Nick
Created By: Case Category:	Pease, Nick Assess/Invest	Responsible Worker: Contact Type:	Pease, Nick Phone Call To
			Phone Call To Adult Subject of Report;
Case Category: Category:	Assess/Invest Assessment/Investigation	Contact Type: Sub Category:	Phone Call To
Case Category:	Assess/Invest Assessment/Investigation	Contact Type: Sub Category: Other Sub Category:	Phone Call To Adult Subject of Report;
Case Category: Category:	Assess/Invest Assessment/Investigation	Contact Type: Sub Category:	Phone Call To Adult Subject of Report;
Case Category: Category:	Assess/Invest Assessment/Investigation	Contact Type: Sub Category: Other Sub Category: Originator Of	Phone Call To Adult Subject of Report;
Case Category: Category: Location Type:	Assess/Invest Assessment/Investigation Mandate	Contact Type: Sub Category: Other Sub Category: Originator Of Information:	Phone Call To Adult Subject of Report; Child Subject of Report
Case Category: Category: Location Type: Start Time: Intake ID: Case Participants	Assess/Invest Assessment/Investigation Mandate 02:00 PM 10796167 / Contact Status: ant / In Regards To in Regards To	Contact Type: Sub Category: Other Sub Category: Originator Of Information: End Time: Initial Contact:	Phone Call To Adult Subject of Report; Child Subject of Report 02:00 PM
Case Category: Category: Location Type: Start Time: Intake ID: Case Participants Carsey Izayiah Gra Carsey Joselynn / J	Assess/Invest Assessment/Investigation Mandate 02:00 PM 10796167 / Contact Status: ant / In Regards To in Regards To	Contact Type: Sub Category: Other Sub Category: Originator Of Information: End Time: Initial Contact:	Phone Call To Adult Subject of Report; Child Subject of Report 02:00 PM No ticipants / Contact Status:

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20

Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

Voicemail was not available.

Nothing further.

Activity Date:	01/08/2016	Activity State:	Completed
Created By:	Taylor, Benjamin	Responsible Worker:	Taylor, Benjamin Critical Safety Issue,
Case Category:	Assess/Invest	Contact Type:	Face-to-Face, Parental Visit, Unannounced Home Visit ACV Face to face;
Category:	Assessment/Investigation Mandate	Sub Category:	AP Face to Face; Assessment/Investigation Initiated; Child Subject of Report; Home Visit
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	06:05 PM	End Time:	11:00 PM
Intake ID:	11164240	Initial Contact:	No
Case Participants Carsey Izayiah Gra Carsey Joselynn / C Reed Crystal / Con	nt / Completed Completed	Case Associated Par	ticipants / Contact Status:
		Placement Provider:	s / Contact Status:
Narrative			

CW received a call from PCSO at approximately 6 PM stating a child was found dead in the home of Crystal Carsey. CW Taylor contacted Sup White who said she would meet CW Taylor at PCSO to go to the home. CW Taylor and Supervisor White went to the scene at the home where ACV was found deceased.

At the scene, Crystal did sign a safety plan allowing Izayiah and Joselynn to stay with NF Tylor Carsey and PGM Tammy Smathers. Crystal did not want to sign the safety plan but did so when informed PCCSB would request custody of the children. Crystal asked about visitation and was told she would need to work with the agency to see the children but that visitation would be set up.

Crystal initially agreed to submit to a drug screen but refused. Crystal said she would have prescribed medicine in her system but that she would not be able to show prescriptions to CW. CW assured Crystal

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### IN THE COURT OF COMMON PLEAS OF PERRY COUNTY, OHIO GENERAL DIVISION

TAMMY SMATHERS,	:	
Plaintiff,	:	Case No. 17-CV-00278
vs.	:	Assigned Judge Michael Ward
PERRY COUNTY CHILDREN AND FAMILY SERVICES, et al.,	:	
Defendants.	:	

#### AFFIDAVIT OF RICK GLASS

STATE OF OHIO	:
	: ss.
COUNTY OF PERRY	:

Now comes Rick Glass and, being duly cautioned and sworn, deposes and says based on personal knowledge as follows:

- 1. I was Executive Director of Perry County Children Services in 2015 and 2016.
- 2. On December 22, 2015, Nick Pease notified me that he had just received records

from Cabell Hospital indicating evidence of neglect or abuse of Harmony Carsey.

3. I reviewed these records as they were finally provided from Cabell (a true copy as

provided by Cabell is attached hereto and highlighted by counsel) and noted that:

- When the patient arrived in the ED as a trauma alert, it was found that there was no traumatic event or trauma involved per flight crew information and records;
- Harmony had some bruising but the records indicated she had fallen twice while in the custody of plaintiff Tammy Smathers; had been pushed down by her brother the day before; had been sick

with a cold for 2-3 weeks; and had bruising on the back of her head from rocking in her bed or against the wall;

- The FAST exam and x-rays were negative;
- Harmony's distended stomach was due to gas;
- There were no acute findings;
- The trauma service elected to sign off as there were no apparent signs of trauma.

4. This appeared inconsistent with the notation in the discharge note that there was "overwhelming evidence" concerning physical abuse and neglect.

5. However, by the time these records were received, Harmony had already been observed by a caseworker at Children's Services and reported to be doing fine, her hair was growing back, she was now in the custody of her father and plaintiff Tammy Smathers, and she was no longer in the custody of the mother Crystal Carsey.

6. During the two weeks before Harmony's death, caseworker Nick Pease tried to reach Crystal Carsey on December 29, 2015; tried to reach Tylor Carsey on December 29, 2015; visited the residence of Crystal Carsey on December 31, 2015; and tried to reach Crystal Carsey on January 6, 2016.

7. In none of the records I reviewed did I find sufficient evidence of immediate threat of harm to the Carsey children which would allow them to be removed from their parents. Further, I understood that plaintiff Tammy Smathers had custody of Harmony, along with the father, and that they were seeking Court approval to formalize that custody.

8. Our intention was to try to help the family, not try to break them up. We offered counseling, Integrated Services, and other assistance, such as a playpen and help getting a replacement refrigerator.

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9. After the hospital visit, plaintiff Tammy Smathers and father Tylor Carsey took custody of the child and, since the parents were not divorced, Tylor Carsey had as much right to custody as the mother. Neither Tylor nor plaintiff Tammy Smathers ever told our office that they had returned the child to her mother several weeks before the death.

Further, affiant sayeth not.

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**Rick Glass** 

97r Sworn to before me and subscribed in my presence this day of JUNE , 2019. Notary Public J. Stephen Teetor, Attorney At Law NOTARY PUBLIC - STATE OF OHIO My commission has no expiration date Sec. 147.03 R.C.

Scanned By: Billie Hutchinson 6/16/2016 1:19:02 PM

## #Cabell Huntington Hospital

Health Information Management

1340 Hal Greer Blvd. Huntington, WV 25701 Phone 304.526.2010 Fax 304.526.2012

Date/Time:

States and the states of

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12/22/2015 10:16:55 AM

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Pages:

To:

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CABELL001

See.

## Scanned By: Billie Hutchinson 6/16/2016 1:18:40 PM

CabellHuntington

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Patient;	CARSEY , HARMONY	в		. 1340	Hal Greek	Blvd Hu	ntington	WV 257	01		1
MRN:	05649454				+ P .				12		
FIN:	069792331			4. 4.	. 2 *			WDIS: 1	1 M 1	A	1/23/2015
DOB/Age/Sex:	8/17/2013 2 years	Female ;	4.14		÷ *	· · .	Adml	tung: R	INO MD	EDUARD	0
Location:	58					54.	Requ	lestori . H	ARDY I	SANDRA	1.5
		Emerg	ency l	Docum	entatio	n · · .	15				1.4 1
OCUMENT NAM		·. ·	11	ED No	te-Physl	tian.			1.1	1	
ERVICE DATE/T					2015 17:			**		·	
ESULT STATUS				In Prog	iress		3		200	2	
ERFORMED INF				BALDE	RA MD.	ALFRE	D.(11/	21/201	5 17:31	EST)	2
GNED INFORM	ATION:						10		· · · ·		
auma - screeni	ng oyam				-1			31	1.1	3.3	
auma = scieem	ny exam				2. 3.	12.				· · · · · ·	1
atient CARS	EY ; HARMONY	MRN.	05649	454	FIN	: 0697	92834	1220	A.6		A. Carl
		DOB: 08/17		1	1. 181	1140	34-1	MA .	Pere :	12 141	1. 1. 1.
	gnoses: None	44111		1	-			124	1.2		
	ERA MD, ALFRE	D					3	1 17	1.1. 1	二、就	1.1.1
		2									
asic Informati	on		4	1	** .		i,	.Es			
	nmediately upon	arrival.	·		7		4.	A 4 4	1 1		1
History source					5						事件词
	: Air ambulance.				*	1. 1.		23.2			Per all
History limita	tion: Clinical con	dition, patie	nt's ag	je.		1.					
Additional in	formation: Patien	t's physician	(s): 2	year of	d child	found	byg	m and	aunt	to be le	ss than
	ith marked abd d			er rash	If eval	uated	at oth	er faci	lity at	id tran	stered as
possible peo	liatric trauma/ neg	glect abuse.		3. 20.0	· · · · · · ·		E.	1.	1. 1		
					1	- 4		1,12	(19 ) (19 )	1.14	1 4. 14
istory of Pres					· · ·			14.	11: 1		1
	is unknown. The				onstan	t. Typ	ebfi	njury:	unkno	wn, T	he
cation where	the incident occu	urred was at	home.					2.0	in .	1	1. 1. 1.
								. 7	1.1	2 1	1
eview of Syste							3		1.1.1		
Additio	nal review of sys	tems inform	ation:	Unable	to obt	ain du	e to:	Clinica	l con	Illion .	age.
					de.		24	11	Net 1	1	1 2 23
ealth Status					· · ·		.1	1993			1 - 1 - 10
Allergies:	and a state of the						4	·		1	
No active	allergies have be	en recorded	w 2		-			Ale.	118	1	
					1		11	nie!	198		Sec. and
	amily/ Social Hist	tory			1.1			4.1		A. M	1
	start I in I to a start								1.5	12 1 4	
											14 10 54 1 1 154
	ory: Unknown.							1.1.1	1. 1. A.	5 34	
				2				÷7.			12
Surgical histo	ory: Unknown.			ç			×.				
Surgical histo		al C=Critical	L=Lov	v ÷ , H=H	ligh t <del>e</del> f	odnole	₩≕ln	lerprélive	Dale	Renetta	
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# Scanned By: Billie Hutchinson 6/16/2016 1.18:42 PM

Patient: CARSEY, HARMONY B	MRN: 05649454	A de la				06979233
	Emergency Docume	ntation		· · · ·	1	1
Physical Examination		e de la				
General: Alert, appropriate	for age.		4. 3	1. 1 to	«·	
Skin: Warm, dry, posterior s	calp alopecia with mild	dermatitis //	neck su	iple // d	iscolor	ation of
abd wall with minima	I swelling perineal rash	7 veast // no	evidence	of trai	ima pre	sendy.
Eye: Pupils are equal, round	and reactive to light e	xtraocular m	ovement	s ate in	tact	
Ears, nose, mouth and throa					1.12.50	A Sala
Neck: Supple, trachea midli		1	10 . 1. 1.	W. 4.7.	. Si	
Cardiovascular: Regular rat		¥	1	200		
Respiratory: Lungs are clea		1 at 11	. "	1.131	they yet	
Chest wall: No tendemess.	i to auscultation.	A de las		化分析	1.1	1. 1
Back: Nontender, no step-o	ffe superficial old brite	ing iningue	1700000		1.1 3	126.5
Musculoskeletal; Normal R		ing aprilous (	piecesa	- 1 A. I		
Gastrointestinal: Normal bo		tion	ration .	S 1.22.	1.20	19.4
Genitourinary: Normal geni		and the second	1. 1. 1. 1.	S. Aster	1. 19-24	A Charles
Neurological: No focal neur	ological deficit observe	d. CN II-XII in	tact.	1.14		
Psychiatric: Cooperative.			77 °, °	1 - 1		1
· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	1. 1. T.	e 1			
Medical Decision Making				· · · · · · · · · · · · · · · · · · ·		1 North
Trauma team: Trauma criteria	met, trauma team asser	nbled.	1.1.0	1. H. A.	1. A.	
Differential Diagnosis: Contus		a and a second			14.44	
Orders Launch Orders					4. II	1
Laboratory:				9 - 91 <b>1</b> 9	18.3	1.
Sed Rate (Order): Blood, St	at collect, 11/21/2015 11	1:43 EST, Nur	se colle	ct. 1x (c	nce), S	top date
11/21/2015 18:43 E	ST	12. 11	11 . 11			· · · ·
Urinalysis Routine (Order):	Urine Voided, Stat colle	ct, 11/21/201	5 18:42	EST, CI	ean Cat	ch. Nurs
	ate 11/21/2015 18:42 ES		×.22	1. 41 S.	1. 14. 2.64	
PT and INR (Order): Blood,			urse co	lect 1x	Stop a	late
	ST, Reason for Lab: Los					
CCP (Order): Blood, Stat co						21/2015
	for Lab: Electrolyte Ab					新聞
CBC w/ diff (Order): Blood,			urse co	lect, 1x	, Stop	late
11/21/2015 18:41 E	ST, Reason for Lab: Info	ection	-01 . I Y	N. Y	1 19.1	
Blood Culture anaerobic/ae			ect, 11/2	1/2016	18:41 E	ST, Nuri
collect, 1x (once),	Stop date 11/21/2015 11	:41 EST	1		4.4.4	
Blood Culture anaerobic/ae	robic Site #1 (Order Pro	cessing), La	unch Or	ders	Sec. 4	
Patient_Care:		1 2 1 4		1. 2.	1. 19	in the sa
ED Consults (Order)				nd of	14. 6	1
Consults:	······	Carlos Sa	A. 1. 18		. And	
Consult Physician Service				15 18:4	SEST.	1. 2.3
Emergency Dept C	onsult ONLY, Resident,	Launch Orde	ers .	C	- m. B	
Patient_Care:			· • •	us califi	120	
ED Bed Request (Order): 11		diatric Intens	ivist, ab	use neg	lect, Pl	oµ.
Electronically Signed by BALDERA MD, ALFF	RED			1. 1. 11		
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Report Request ID: 3892811	Page 2 of 4		Print:	ate/Time;	12/22/201	DIS EST
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Patient: CARSEY, HARMONY B	MRN; 05649454			FIN	069792331
	Emergency Docume	ntation			
DOCUMENT NAME:	ED Note	Physician			
SERVICE DATE/TIME:		15 17:23 EST			
RESULT STATUS: PERFORMED INFORMATION:	in Progra BALDER	A MD, ALFRED (	1/21/2015 17	n esti	
SIGNED INFORMATION:					
Trauma - screening exam	· .		Ň		
-	· · · · · · · · · · · · · · · · · · ·	́			
Patient: CARSEY, HARMONY		FIN: 0697923	31		
Age: 2 years Sex: Female E Associated Diagnoses: None	OB: 08/17/2013				
Author: BALDERA MD, ALFRED	I				
		*•			
Basic Information Time seen: Immediately upon a	rrival.				
History source: EMS.		• -			
Arrival mode: Air ambulance.	Jilin				
History limitation: Clinical conc Additional information: Patient	ittion, patient's age. 's physician(s): 2 vear old	child found by	um and aun	to be le	ss than
responsive with marked abd di	stention and diaper rash /	I evaluated at o	ther facility a	ind tran	sfered as
possible pediatric trauma/ neg	lect abuse,				
History of Present Illness					
The onset was unknown. The		nstant. Type o	f injary: uniki	iown. T	He A
location where the incident occur	red was at home.				
Review of Systems					
	ems information: Unable (	o obțain due tr	. Cimical co	ndition,	
Health Status					
Allergies:	• • •				
No active allergies have bee	en recorded	*			
		· · · · · · · · · · · · · · · · · · ·			
Past Medical/ Family/ Social Histo Medical history: Unknown.	bry				
Surgical history: Unknown.					
	· · · · · · · · · · · · · · · · · · ·	• • • • •			
Physical Examination General: Alert, appropriate	e for ane.				
Skin: Warm, dry, posterior	scalp alopecia with mild	dermatitis // ne	ck supple 1	discolor	ation of
	al swelling perineal rash				isently.
Eye: Pupils are equal, rou Ears, nose, mouth and thro	nd and reactive to light, e nat: Tymnanic membrane	xtraocular moy	ements are i	ntact	
Neck: Supple, trachea mid	lline.	, ,			
Cardiovascular: Regular r					
Respiratory: Lungs are clo Chest wall: No tenderness					
Back: Nontender, no step-		Ing spinous pr	ocesses .	2	
Musculoskeletal: Normai I					
		·····	۵. مربع المربع ا	<u> <u> </u></u>	
Report Request IO: 9692811	Page 3 of 4	•	Rrint Date/Time	12/22/201	<b>DOTE:</b>
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Patient: CARSEY, HARMONY B	MRN: 056494	154	••		FIN	069792331
· · · · · · · · · · · · · · · · · · ·	Emergency Doc	umentation				
Gastrointestinal: Normal bo	wel sounds, mild d	istention/kdis	coloration	<b>I.</b>		
Genitourinary: Normal geni	talia for age.				11 前	
Neurological: No focal neuro	ological deficit obs	erved, CN II-)	(Il intact.	1 - 4 - 4 - 5		
Psychiatric: Cooperative.		•	•			
Medical Decision Making			1. A.			
Trauma team: Trauma criteria		assembled.				
Differential Diagnosis: Contus Orders Launch Orders	ion.		<u>'</u> .		·	
Laboratory:	• 、 .				4	<b>i</b> 19 193
Sed Rate (Order): Blood, St		15 18:43 EST	, Nurse co	illect, 1x (o	nce), Sto	p date
11/21/2015 18:43 E Urinalysis Routine (Order):		collect 13/21	/2015 18:	12 EST. CI	an Catel	NUTSE
collect, 1x, Stop d	late 11/21/2015 18:4	2 EST				۱. ۲
PT and INR (Order): Blood,	Stat collect, 11/21/	2015 18:42 E	ST, Nurse	collect, ix	, Stop da	te
CCP (Order): Blood, Stat co	ST, Reason for Lab	B:41 EST. Nur	use or An se collect	1x Stop	on date 11/2	1/2015
18:41 EST, Reason	for Lab: Electrolyt	e Abnormalit	y i			<b>1</b>
CBC w/ diff (Order); Blood,			ST, Nurse	collect, 1x	, Stop da	ite 🗧
Blood Culture anaerobic/ae	ST, Reason for Lab	); intecuon ): Blood Stat	collect 1	1/01/2016	18·41-ES	Nirrea
collect, 1x (once),	Stop date 11/21/20	15 18:41 EST				
Blood Culture anaerobic/ae	erobic Site #1 (Orde	er Processing	), Launch	Orders	1	
Patient_Care: ED Consults (Order)			•			
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Consult Physician Service Emergency Dept C Patlent_Care: ED Bed Request (Order): 1	onsult ONLY, Resit	dent, Launch T, Pediatric in	Orders tensivist			
Consult Physician Service Emergency Dept C Patlent_Care: ED Bed Request (Order): 1 Electronically Signed by BALDERA MD, ALF	ionsult <u>ONLY, Res</u> t 1/21/2015 19:27 ES RED	dent, Launch T, Pediatric in	Orders tensivist	abuse neg		

## Scanned, By, Billie Hutchinson 6/16/2016-1:19:25 PM

Female

## Your Partners for Life CabellHuntington Hospital

Patient: CARSEY , HARMONY B MRN: FIN: DOB/Age/Sex: Location:

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05649454 069792331 8/17/2013 2 years 55

AdmIUDis: 11/21/2015

MD, Laura (11/24/2015 22:48 EST)

Trauma Consultation Note

11/21/2015 22:32 EST Auth (Verified)

1340 Hal Greer Blvd Huntington, WV 25701

11/23/2015 Admitting: PINO MD.EDUARDO Requestor: HARDY SANDRA

Fagen

CABELL006

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Consultation Notes

DOCUMENT NAME: SERVICE DATE/TIME: RESULT STATUS: PERFORMED INFORMATION: SIGNED INFORMATION:

TRAUMA CONSULTATION

CARSEY , HARMONY B Patient: Age: 2 years Sex: Yemale Associated Diagnoses: None Author: Fagen MD, Laura

MRN: 05649454 DOB: 08/17/2013

069792331

Fagen MD, Laura (11/24/2015 22:48 EST) HENSON MD, DOUGLAS W (11/30/2015 09:10 EST)

Basic Information

Time Seen: Date 11/22/2015.

Consult Information: Consulted for ? TRAUMA.

#### Histories

Patient is a 2 yo F brought in originally to CHH,ED as a P2 trauma, secondary to PICU team being notified by transfer line of the patient. Per reports by transfer line and air-crew upon arrival, patient was found to have "opulsing on the abdomen" and PICU team decided to alert it as a trauma activation. Patient arrived in the ED and was found to have petechiae on anterior abdominal wall, brown/plitple in color, appearing old and not acute onset. Retaint also had cradle cap and calluses on the back of her scalp along with a diaper rash and a "cat's cry". Ber air flight crew, patient was ... taken from local hospital in Athens Ohio, without any reports, labs or imaging back because it was thought to be a suspected Child abuse/neglect case. When patient arrived in the ED as a trauma aleri, it was found that there was no traumatio event or any trauma involved per flight crew information and record, they also reported that the child lived in a dirty home, with 2 other children and a large cage found atop the steps, and trauma team was told the child possibly lived in this cage, after all this information and trauma workup (including tull physical exam. FAST negative and bone scans) PICU team was called, as they were not at bedside during arrival of alerted trauma or during the first 10-20 of patient examination. It was deemed that she would be admitted to the peds/PIGU team for r/o neglect/child abuse and : Information that a CPS caseworker was already involved in her care in Chio. PICU was notified, and was told to ball trauma team if any traumatic findings were found or assistance was needed in her care,

Airway: intact . breathing: lungs CTAB circulation: 1 IV in place, pulses paip in all extremities FAST: negative

LEGEND: "=Corrected @=Abnormal C=Critical L=Low HeHigh f=Footnote #=Interpretive Date: R=Ref Lin Report Request ID: 9692816 Page 1 of Print Bale/Time: 12/22/2015 0:15 ES

Scanned	<u>By:</u> Billie Hutchins	son.6/16/2016-1:19:28	РМ	

Vital Signs 11/21/2015 20:00 EST Température Avillary 99.2 F HZ Ferkpherel Fulse Rate 127 bjm HZ Heart Rate Monftored 117 bjm HZ Respiratory Rate 30 br/min Systolic Blood Fressure NEP 11 mm He HZ Mean Arterial Pressure NEP 77 mm Hr HZ Mean Arterial Pressure NEP 88 Sp02 94 t General: Mild distress. Bye: Pupils are equal, round and reactive to light, Extraocular movements are intact, Normal conjunctiva. HENT: Normocephalic, Typenic membranes are clear, Normal heating, calimes of persenter occupital skul with stim secontation. Neck: Supple, Non-tender, No carotid bruit. Respiratory: Lungs are clear to auscultation, Respirations are non-Imbored, Branth sounds are equal. Cardiovascular: Normal rate, Regular rhythm, No murmur, No galler, Scod pulses squal in all extremities. Gastrointestinal: Soft, Non-tender, Normal howel sounds, sith small personse pupit colored, subscut 49 on and tad wall. Genitourinary: extensive disper rate on vegina and buttorb noted w vesicle appearing lender Raview / Management Results review: Lab results 11/21/2015 17:20 EST WEC 5.7 k/cmm HGC 4.10 Hgb 11.9 Hct 35.3 t Platelet 207 k/cmm MCV 86.1 MCH 29.0 MCHC 33.7 t NDW 13.4 t		2n.6416/2016-1:19:28 PM		
Consultation Noises  allengues: NKDA MDDS: UNFROWN PSH: UNFROWN PSH: UNFROWN PSH: UNFROWN PSH: UNFROWN PSH: UNFROWN Constitutional: Negative except as documented in history of pinsenit illness. teaties of Systems Constitutional: Negative except as documented in history of pinsenit illness. teaties constitutions: (Selected) Ergenzitions Prescribed mupfrocth 2s topical ointment) 1 app, fopical, q6h, 30 gm Physical Examination Vital Signs 11/21/2015 20:00 EST Prespiratory Pains Teate Painter Apillary 11/21/2015 17:00 EST Prespiratory Painter Apillary 99.2 Painter 11/21/2015 17:20 EST Prespiratory Painter Apillary 94.4 Paeneral: Mild distress. Physe Pupils are equal, cound and reactive to light, Extraoculat morements are inflort. Passing Pupils Nortender, No carolid brutt. Passing Pupils Nortender, No carolid brutt. Passing Pupils Nortender, No carolid brutt. Passing Pupils Painter Soft, Non-tender, No carolid brutt. Passing Pupils Painter Painter Soft, Non-tender, No carolid brutt. Passing Pupils Painter Soft, Non-tender, No carolid brutt. Passing Pupils Painter Soft, Non-tender, No carolid brutt, Passing Pupils Painter Soft, P	·			
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<pre>alergies: NKDA MEDS: unknown PSH: unknown PSH: unknown PSH: unknown SH: sa showe FH: unknown SH: sa showe FH: unknown SH: sa showe FH: unknown SH: sa showe FH: unknown PSH: unknown PSH: unknown SH: sa showe FH: unknown PSH: unknown Series of Systems Consectational: Negative except as documented in history of present illness. Health Status Current madiustions: (Selected) Prescribed mupicotin 2% topical ointment: 1 app, Topical, qth, 30 gm Pryseical Examination Vital Signs 11/21/2015 20:00 EST Tempism ture Addillary 95.2 T HT Perhyberial Bulae, http:// Jin NG Masset: Rate Notal Creasure NHP Distollow Pressure NHP Distollow Pressure NHP Mean Attorial Pressure NHP Spo2 94 1 General: Mild distress. Rys: Popils are equal, round and meative to light, Extraocular movements are infact, Normal conjunctive. Neek: Supple, Non-tender, No carotid bruit. Hespiratory: Lubs are clear to suscoltation, Respirations are non-imagned, Breach sounds are equal. Candiovascular: Normal rate, Regular thythm No murmur, No galler, Sood pulses: scular if all extremities. Sature interstinal: Soft, Non-tender, Normal howel sounds, sitemating induces pupie closed, subsect age on ant and yall. Genitourinary: entersized ages rank on veging and buttoris noted with small perpende pupie closed, subsect age on ant and yall. Genitourinary: entersized ages rank on veging and buttoris noted wields. spharing lender Hest 1991 Norma 2007 k/cmm Nov MCH 2007 k/cmm Nov 13.4 t</pre>	Patient: CARSEY, HARMONY B	MRN: 05849454	FIN: 0897	92331
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RDW 13.4 6		MCV 86.1		
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Patient: CARSEY, HARMONY	в .	MRN: 06649454		··		FIN	0697923	31
		Consultation Notes		_ <u></u>				
		Consultation Notes	····				- <u></u>	<u> </u>
•		MPV	8.6					
		Segmented Neutrophils Lymphocyte	34. 50.	- •				
		Monocyte	13.		.,			
•		Eosinophil	1.5					
		Lymph Absolute		k/cmm.	14 Jul	·		. i.i.i. 4 }
		Mono Absolute Eos Absolute		k/cmm k/cmm				• •
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		Basophil	0.3	<b>.</b> .				
		Total Neutrophil Abs			189			
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		INR	; 1.1			·	9000	2
		Potassium Ivl	3.1	TOM .				1.
		Sodium Lvl	140					4 5
		Chloride CO2	102 25.					
		AGAP	13	-	· · · · ·			, K
		BUN		g/dL		· · · ·		
		Crestinine Glucose Lvl	0.5	0 babg∕d0 	LON .			`
		Calçium Lvl		mg/dL mg/dL			÷.	
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		Total Protein	6.3	÷		• • • • •		
		Globulin Albumin/Globulin Leve	''2.5 ≡l'1.5	•			uranu	
		Alk Phos	-1 1.7	·				
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		Bili Total Blood Culture Aerobia		ng/dL ⊐ro		Blood O		, 1 1 50
Aerobic	and Anaero	(Unauth) +		010,				
Result Type:	CR Bone Surv	ou Complete :	•					୍ବିତ୍ୟୁ
Result Date;		2015 17:52 EST	• • •					
Result Status:	Auth (Verified)				·			
Result Title;	CR Bone Surv		• .	<i></i>		č		
Performed By;		Natthew on 21 November 2011		•		2 - 97 X		
Verified By:		Mailinew on 21 November 2011			\$.			
Encounter info:							11	
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		* #1		-				
		* Final Report						
Reason For Exam		, ,					1.	
TRAUMA ALERT, SUSF	PECTED ABUSE							
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REPORT								3 C 4
History: TRAUMA	ALERT, SUSPE	ECTED ABUSE	,	•••			ž Naj	ې بو لر . مەربى
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. Report Request ID: 9892816		Page 3 of 4		Print	Date/Time;	12/22/2015	1036 68	<b>n</b> )
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Patient: CARSEY, HARMONY B	MRN: 05849454	-	· .		FIN:	069792331
	Consultation Note	75	1.1			
Technique: None	· · · · · · · · · · · · · · · · · · ·					
Comparison: None		•				
					-	
Interpretation: No calvarial abnormalities,		•				
Cervical spine is unremarkab	le. Thoracic and lumb	ar vertebra	r bodies	are		
normal in height and alignme						
No airspace consolidation,	Normal cardiothymic si	Inouette:	No rib 1	ractur	es 🔹	
are identified.			· · ,			
Gaseous distention of the st	comach.	• •				
No extremity fractures are	dentified.	•		, 1 		
Impression:			د بر . بر			
No acute findings.						
Electronically Signed by: Ma	atthew Maxwell, MD					
Signature Line		•		•		
************** Final Report * Dictated By:Maxwell MD, Mat		•	•	· · · .	1/21/2	2015
06:34 pm Signed By (Electronic Sign	ature):Maxwell MD, Ma	atthew		· · · · · ·	1/21/	015
06:36 pm Transcribed By: MM			۰ <i>۴۰</i>			
	•	•		•	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
Impression and Plan				i.		
<ul> <li>A/P: 2 yo F w suspected neglect/child</li> <li>-admitted to PICU team for further ca</li> </ul>		; · · ·				
-SW for CPS notification -no acute surgical/trauma interventior			1			
-please call with questions or concern	15					
Discussed w Sr. Team and on-call att						
Electronically Signed by Fagen MD, Laure o Electronically Co-Signed by HENSON MD, I	n 11/24/15 10:48 PM EST DOUGLAS W on 11/30/15 08:10 .	AM EST	•		7	
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Report Request ID; 9892816	Page 4 of 4		Print Date	5/Time: 12	12272015	10:15 EST
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Appellee Supp. 039

CARSEY , HARMONY B 05543454 069792331 x 8/17/2013 2 years 5S IAME: E/TIME: US: INFORMATION: RMATION: on H&P	Female .	1340 Hal 1d Physical R History är 11/22/201 Auth (Veri Hensley M	eports of Physical 5 05:00 EST (fied)	Spitch ngton, WV 26 Admit/Dis: Admitting: Requestor	000 701 11/21/2015 PINO MP.ED		<b>у</b> 5
05649454 069792331 x 8/17/2013 2 years 5S IAME: E/TIME: US: INFORMATION: RMATION:	Female .	1340 Hal 1d Physical R History är 11/22/201 Auth (Veri Hensley M	eports of Physical 5 05:00 EST (fied)	ntington, WV 25 Admit/Dis: Admit/Dis: Requestor.	000 701 11/21/2015 PINO MP.ED		715
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05649454 069792331 x 8/17/2013 2 years 5S IAME: E/TIME: US: INFORMATION: RMATION:	Female .	1340 Hal 1d Physical R History är 11/22/201 Auth (Veri Hensley M	eports of Physical 5 05:00 EST (fied)	Spitch ngton, WV 26 Admit/Dis: Admitting: Requestor	701 11/21/2015 PINO MD.ED		715
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x 6/17/2013 2 years 5S IAME: E/TIME: US; INFORMATION: RMATION:		History än 11/22/201 Auth (Veri Hensley M	eports nd Physical 5 05:00 EST fied)	Requestor:			
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US; INFORMATION: RMATION:	• • • • •	Auth (Veri Hensley M	fied)	5		注意した。	
RMATION:		Hensley N	ID Sheleting /				
on H&P			EDUARDO (1	1/22/2015	08:20 EST 14:11 EST	) Hensley	MD,
on Her		Christina	(11/22/2015 0/	8:28 EST).			
CARSEY , HARMONY B		MRN: 056494	54	FTN	06979253		
azs Sex: Fena		OB/17/2013					
	ina .						
	Father	a.					
	, rather,						
a 2 yr old female who pre	esented as traur	na last night for	possible acute	abdomen	/ bruising: l	nitially PIC	U
grandmother had taken p	physical custody	of child followin	g concerns of	abuse. Too	k Child to i	eatiat	3 1
up on her own. Again trie	ied to get her to	walk at home an	nd she fell aga	in, Family I	hen called	EMS and s	she -
so noted severe rash on							
s arrival to CHH. They re	port Harmony h	ad been sick wi	th cold like svi	notoms ab	out 2-3 we	ks ago. Fe	w.k
of vomiting over the last 2	2-3 weeks as we	II. Main noted th	hat she has los	t up to 10	bs in the la	ist 2 month	15.
n "coming down with the	e flu". On day pri	lor to admission	brother push	ed her dow	n but Mon	n did not	
n abdomen on morning	of admission. Pa	arents also repo	ort that Harmon	ny rocks in	her bed or	against-wa	IJ,
grandmother, who took h	er to eat and the	en said she fell,	Grandma ther	i took her't	o ED for ev	aluation.	
		exam negative	, skeletal surv	ey xrays ne	gative. Tra	uma team l	then .
-Corrected @=Abnormal	I C=Crilical	L=Low H=High	f=Fodnole	##Interpreta	e Date R=	Rel Lab	<u></u> .
; 9692814	Pa	ge 1 of 4	••	Print C	ste/Time: 12	22/2015 10:1	5 EST
					. X.		
	Diagnoses: None tensley MD, Christ mation at bedside: Mother Present Illness a 2 yr old female who pro- call for transport from Ob- grandmother had taken p d's and she eat lots of for up on her own. Again tri n to Obleness ED. ED ph so noted severe rash on r evaluation. s arrival to CHH. They re of vomiting over the last 2 ad out of the home about en "coming down with the She her getting up from for n abdomen on morning s how she got bruising of grandmother, who took h trauma team evaluated o admit patient to PICU f "=Corrected @=Abnorma	Diagnoses: None tensley MD, Christina mation at bedside: Mother, Father. Present Illness a 2 yr old female who presented as traur call for transport from Obleness hospital- grandmother had taken physical custody d's and she eat lots of food, then tried to up on her own. Again tried to get her to n to Obleness ED. ED physician reported so noted severe rash on vulva, buttucks r evaluation. s arrival to CHH. They report Harmony h of vomiting over the last 2-3 weeks as we ad out of the home about 1 month ago an en "coming down with the flu". On day pri She her getting up from floor following"fa on abdomen on morning of admission. Pr s how she got bruising on back of her he grandmother, who took her to eat and the trauma team evaluated and found FAST o admit patient to PICU for observation, "=Corrected @=Abnormal C=Critical page 9692814 Pa	Diagnoses: None tensley MD, Christina mation It bedside: Mother, Father. Present Illness a 2 yr old female who presented as trauma last night for call for transport from Obleness hospital for possible abu grandmother had taken physical custody of child followin d's and she eat lots of food, then tried to get, her to walk at up on her own. Again tried to get her to walk at home ar n to Obleness ED. ED physician reported large fresh bru so noted severe rash on vulva, buttucks and thigh. We d r evaluation. s arrival to CHH. They report Harmony had been sick with of vomiting over the last 2-3 weeks as well. Mom noted the ad out of the home about 1 month ago and feels she man en "coming down with the flu". On day prior to admission, She her getting up from floor following fall", did not she a on abdomen on morning of admission. Parents also report s how she got bruising on back of her head. Report that grandmother, who took her to eat and then said she fell. trauma team evaluated and found FAST exam negative o admit patient to PICU for observation. "=Corrected @=Abnormal C=Critical L=Low H=High Page 1 of 4	Diagnoses: None tensley MD, Christina mation It bedside: Mother, Father. Present Illness a 2 yr old female who presented as trauma last night for possible acutt call for transport from Obleness hospital for possible abuse. ED physic grandmother had taken physical custody of child following concerns of d's and she eat lots of food, then tried to get, her to walk out of the rest up on her own. Again tried to get her to walk at home and she feil aga no Obleness ED ED physician reported large. fresh bruise on abdome so noted severe rash on vulva, buttucks and thigh. We decided to send r evaluation. s arrival to CHH. They report Harmony had been sick with cold like syn of vomiting over the last 2-3 weeks as well. Mom noted that she has foo ad out of the home about 1 month ago and feels she may have been s an "coming down with the flu". On day prior to admission, brother push She her getting up from floor following "fail", did not she anything she m on abdomen on morning of admission. Parents also report that Harmons s how she got bruising on back of her head. Report that on day of admi grandmother, who took her to eat and then said she fell. Grandma ther trauma team evaluated and found FAST exam negative, skeletal surv o admit patient to PICU for observation.	Diagnoses: None tensley MD, Christina mation it bedside: Mother, Father. Present Illness a 2 yrold female who presented as trauma last night for possible acute abdoment call for transport from Obleness hospital for possible abuse. ED physician reporte grandmother had taken physical custody of child following concerns of abuse. Too d's and she eat lots of food, then tried to get her to walk out of the restuarant and up on her own. Again tried to get her to walk at home and she fell again. Family the no Obleness ED. ED physician reported large fresh bruise on abdoman, and dig so noted severe rash on vulva, buttucks and thigh. We decided to send fire to CH revaluation. s arrival to CHH. They report Harmony had been sick with cold like symptoms ab of vomiting over the last 2-3 weeks as well. Mom noted that she has fost up to 100 adout of the home about 1 month ago and feels she may have been stressed by an "coming down with the fill". On day prior to admission, brother pushed her dow She her getting up from floor following "fall", did not she anything she may have fall on abdomen on morning of admission. Parents also report that Harmony rooks in show she got bruising on back of her head. Report that Harmony rooks in grandmother, who took her to eat and then said she fell. Grandma then took her't trauma team evaluated and found FAST exam negative, skeletal survey xrays me o admit patient to PICU for observation. "=Corrected @=Abnormal C=Critical L=Low H=High f=Fodnole ##Inferpiella r: 9692814 Page 1 of 4 Prior	Diagnoses: None ensley MD, Christina mation it bedside: Mother, Father. Present Illness a 2 yr old female who presented as trauma last night for possible acute abdomerv bruising. call for transport from Obleness hospital for possible abuse. ED physician reported that pate grandmother had taken physical custody of child following concerns of abuse. Took Child to d's and she call too food, then tried to get her to walk out of the restuarant and she fell year up on her own. Again tried to get her to walk at home and she fell again. Family then called n to Obleness ED. ED physician reported large fresh bruise on abdomen, and dideryellow b so noted severe rash on vulva, buttucks and thigh. We decided to send her to CHH ED as the revaluation. s arrival to CHH. They report Harmony had been sick with cold like symptoms <b>ebout 2.3</b> were of vomiting over the last 2-3 weeks as well. Mom noted that she has fost up to 10 besimite is adout of the home about 1 month ago and feels she may have been stressed by the Date the revaluation. s arrival to CHH. They report Harmony had been sick with cold like symptoms <b>ebout 2.3</b> were of vomiting down with the flut. On day prior to admission, brother pushed her down, but Mon She her getting up from floor following 'fail', cld not she anything she may have failen onto. In an abdome on morning of admission. Parents also report that Harmony rocks in her bed or s how she got bruising on back of her head. Report that harmony rocks in her bed for ev- trauma team evaluated and found FAST exam negative, skeletal survey xrays negative. Tra o admit patient to PICU for observation. "=Corrected @=Abnormal C=Crilical L=Low H=High f=Founcie #Eintententententententententententententen	Diagnoses: None ensley MD, Christina mation t bedside: Mother, Father. Present Illness a 2 yr old female who presented as trauma last night for possible aoute abdomen' bruising: Initially PIC call for transport from Obleness hospital for possible abuse. ED physician reported that paternal aunt and grandmother had taken physical usodov, of hild following concerns of abuse. Topic Child to east at d's and she eat lots of food, then tried to get, her to walk out of the restuarant and she fall over and could up on her own. Again tried to get her to walk at home and she fall again. Family then called EMS and s to Obleness ED. ED physician reported large fresh bruise on abdomen, and diger, yellow bruising on h so noted severe rash on vulva, buttucks and thigh. We decided to send fire to CH-FED as trauma patie revaluation. s arrival to CHH. They report Harmony had been sick with cold like symptoms about 2-3 weeks ago. Fe of vomiting over the last 2-3 weeks as well. Mom noted that she has lost up to 10 be mithe last 2 month ad out of the home about 1 month ago and feels she may have been stressed DB this. Dad thought she at "coming down with the flu". On day priot to admission, brother pushed her down, but would not she her getting up from floor following fall", did not she anything she may have fallen onto. Mom noted on abdomen on morning of admission. Parents also report that Harmony you's lin her. Bed or against wa show she got bruising on back of her head. Report that her nony you's lin her. Bed or against show she got bruising on back of her head. Report that on day diadmission, Harmony was staying wit grandmother, who took her to eat and then said she fell. Grandma then took her to ED for evaluation. Trauma team evaluated and found FAST exam negative, skeletal survey xrays negative. Trauma team to a dmit patient to PICU for observation. *=Corrected @=Abnormal C=Critical L=Low H=High f=Fodnote Weinfepfellow Date R=Ref Lab *=Getter Page 1 of 4

## Scanned By: Billie Hutchinson 6/16/2016 1:19:18 PM

P	atient: CARSEY, HARMONY B	MRN: 03648454			- FRAM	06979233
L		History and Physical Reports		<u></u>	1	¥
	made to CPS on 11/12 by paternal g (also Mom's neighbor) were cooking the home. Found home to be dirty, bi Friday 11/20, and noted home still di	ty Ohlo, where family has open case. CPS randmother, staling that the house was un meth in boyfriend's apt, CPS worker was ut instructed mother to clean the apt, CPS rly but had been cleaned up some, CPS v is no signs of meth making in mother's ho	nclean and sent with Sworker w worker sav	i Mom ar law enfor ent back / Harmor	id new bo cement to to evaluat in that da	yfriend i evaluate tion on y said she
R	eview of Systems Constitutional: decreased weigh	nt 10 # in last 2 months per Mon. , No	fever.	un an	,  	
	Eye: no redness, No discharge,	the second of the second s			 	
2	Respiratory: No cough, No wh Cardiovascular: No periphera	1 edema.	i	hroat.		
2	· · ·	appetite, No vomiting, No diarr	hea.	(		
	Musculoskeletal: possible trave	omised, No recurrent infection ma?, No decreased range of motio				Creating and the second
	Integumentary: Rash, bruising	No. 10 10 10 10 10 10 10 10 10 10 10 10 10	:	·	: ,	141
	Neurologic: Alert, No headac		•			
н	listories					
	Past Medical History: No chroni	ic medical conditions	e	····		
	Rospitalized for NAS for 1 month @ N	Nationwide for 1 month (admitted at 1 w	weak of ag	•)		
	Meds; Multi Vit,		1.			
	Immunizations: behind, needs another	set per parents.	a. * : 5			
	Birth: 36 6/7 weeks gestation, 8 obl 1 wk of age for NAS and morphine	ences hospital. Pregnancy complicated wean.	by gubute	n use. W	ent to M	clionwide
	Diebe Merical diversity with	,		98. je	· · · · · · · · · · · · · · · · · · ·	
	Diet: Typical 2 yr old diet per Mom.	12 No 121	i.	N. 19		
	Development: Speech delay?	· •		19. ju		
	Family History: Sibling 2 we be	cother - Autism, 5 month sister healthy	K Stor he	other ha	althur fa	una with
	PGM).		ί, ο λι <sup>.</sup> Βι	OPHOP. He	Arres (41	
	5 D.		•	$h \ge 1$		
	MOm; anemia, vit D def., Calcium def	1. C.	5-	: : :		3450
	MGM and MGE; not sure			10.1		
÷	Dad: healthy	1			1	
	PGM: HTN PGF: deceased car accident.	ð			• <u>`</u> • •	
	Procedure history: None		*		÷.,	
	Social History	2		24 .		
	Lives at home with Mom, Brother, 1	Sister, Dad visits some, Dad smokes, N	to daycare	City w	ater, Gas	heat, NC
	pets, NO recent travel, ,	42			19 (M. 19)	
				S 19	: • <u>1</u> 4 x	1
.2	hysical Examination		э <b>г</b>			
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R	eport Request ID: 9692814	Page 2 of 4	Print	Date/Time	12/22/201	5 10:15 EST
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	MRN: 05649454		FINE	059702331
allent: CARSEY, HARMONY B				
	History and Physical Rep	10/15		1.0.2
General: No acute distress,	mildly interactive on exam, C	rying at times.		
Normal conjunctiva.	d and reactive to light;			
HENT: Normocephalic, Tympan:	ic membranes are clear,	Oral mucosa	is moist.	
Neck: Supple, No lymphadenou Respiratory: Lungs are clea.	r to auscultation, Respi	rations are	non-labored, Brea	4
sounds are equal, Symmetric Cardiovascular: Normal rate	cal chest wall expansion Regular rhythm. No mur	mir. Normal	pericheral perfus	ion'
Gastrointestinal: Soft, Nor	mal bowel sounds, distand	ed abdomen. did	nor sprar to be tan	er on
ен <u>ы</u> п,				
Genitourihary: genital area wi Musculoskeletal	th large overlying rash, pustu	187.		
Normal range of motion.				
No swelling. No deformity.				
Integumentary; Warm, yellowis	sh bruises along lumbar spinou	s processes, pu	rple colored circuids	STATE:
bruising about 3-4 mm in diameter	around umbilicus. also noted	to have large	Elet arythematous: pat	a in
vulvar area with overlying pustul		r, bilghe bilite	cally Ares. of hain's	ots with
some mild crythema and skin flak: Neurologic: Alert, Normal m	otor function. No focal	deficits.		
		'. · ·	· 注意: [1] [1] [1] [1] [1] [1] [1] [1] [1] [1]	
Review / Management Results review: Lab results		• •		
11/21/2015 17:20 EST	WBC ·	5.7 k/c	nim	
	RBC Hgb	4.10 11.9		
	Het .	35.3		
	Platelet MCV	207 k/c B6.1	uman .	
	MCH	29.0		
	MCHC RDW	33.7 1		
•	MPV	B.6		
	Segmented Neutrophile Lymphocyte	5 34.4 50.4 <del>\$</del>		
	Monocyte	13.4		
	Eosinophil Lymph Absolute	1.5 1 2.9 k/s	zmin	
	Mono Absolute	0.8 k/( 0.1 k/	2003	
	Eos Absolute Basophil Absolute	· 0.0 k/		
	Basophil Total Neutrophil Abs	0.3 % olute 1.961	c / motiv	
	ESR	3 mm/h:	r #	
	PT INR	12.4 s 1.17	econd(s)	
	Potassium Ivl	3.1 1	and the second	
	Sodium Lvl Chloride	140 102		
	C02	25.3		
	AGAP BUN	13 9 mg/d		
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Report Request ID: 9692614	Page 3 of 4		Print Date/Time: 12/22/2015	to is est
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	2	9		
Patient: CARSEY, HARMONY B	MRN: 05649454		FI	N: 089792331
	History and Physical F	Reports		
e E	Greatinine Glucose Lvl Calgium Lvl Albumin Lvl Total Protein Globylin Albumin/Globulin La Alk Phos AST	101 mg 8.6 mg 3.8 6.3 2.5 svel 1.5 88 37		
	ALT Bili Total	23 0.3 mg		
Aerobic and Anaero	Blood Culture Aerob (Unauth)	ic and Anaero	Blood	Culture
Skeletal survey;		8° .		
Interpretation:				
No calvarial abnormalities.	·			
Cervical spine is unremarkad normal in height and alignm		oar vertebral	bodies are	
No airspace consolidation. are identified.	Normal cardiothymic s	llhouette, No	rib fractures	and the second sec
Gaseous distention of the s	tomach.	· · ·		
No extremity fractures are	identified.	·, . :		
Impression: No acute findings.		•		
Impression and Plan Harmony is a 2 yr old female admitte	d with bruising and possible tra	auma, Initially adm	litted to Trauma serv	ice.
-Trauma service chose to admit her t -Vitals q 1 -Diet for age, -Mupirocin cream q 6 hr for rash/follio	ulltis			
- <u>Trauma service elected to sign off, a</u> - <u>Consult social work and CPS.</u> -Continue to monitor closely.	a no apparent aldi di rtaruja.	5 <b>4</b> ;		
Discussed case with Dr. Pino who ag	read with above accomment	and plan		
Electronically Signed by Hensley MD, Chris Electronically Co-Signed by PINO MD, EDU				
		•		
Report Request ID: 9692814	Page 4 of 4		Print Date/Time: 12/22/	015 10 15 EST
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name and the			· •.	CABELLO

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			. 1		0.11	ters for Life		1.1.30
•			Cat	ellH	untir	ngton tal	34	
	·							
	Patient: CARSEY , HARMONY B MRN: 05649454	3	1340 Hel (	Greet Blvd Hu				拉激
	FIN: 069792331 DOB/Age/Sex: 8/17/2013 2 years	Female		·		11/21/201	and the second second second	123/2015
	Location: 55			1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.		tor: HARDY		12 2
		Progr	ress Notes		- 22			
	DOCUMENT NAME: SERVICE DATE/TIME:		PICU Atten	ding Progr	ess Note	a di sela k		
	RESULT STATUS: PERFORMED INFORMATION:		Auth (Verifi	ed)		015 11:47 E	ST	
	SIGNED INFORMATION:		PINO MD, E	DUARDO	(11/22/2	015 12:00 E	STI	後。當時
	This is a 2 year old female admitted with	suspicion of child	abuse and n	eglect	÷.,†	Se dige		了激
	She has done through the night	· · ·	ar 4					To Cher
	Physical exam reveals her to be quite pa	ssive.					1.16	
	Lungs are clear and heart is without mur Some bruising is noted on the abdomen		slightly disten	ded but no	intender	and with nor	mal bowe	lisounds
	she also has old linear bruises along the		dlaner rash.	÷ .			16.	物的
	Skeletal survey shows no fractures CBC			is normal é	except fo	r potessium	of 3.1. V	
	repeat BMP in the morning.			5		( 1 K)		
	findings and historyare suspicious for ab CPS is involved.	use and neglect						
•	Patient may be transferred to pediatric s		.T. and	19				
	Electronically Signed by PINO MD, EDUARD	0 on 11/22/15 12;0	X PM EST		252			
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### Your Partners for Life CabellHuntington Hospital

1340 Hel Greer Blvd Hunington, WV 25701 Patient: CARSEY, HARMONY B 05649454 MRN: 11/23/2015 Admit/Dis: 11/21/2015. 069792331 FIN: Admitting: PINO MD,EDUARDO DOB/Age/Sex: 8/17/2013 2 years Female Requestat: HARDY SANDRA Location: 55 Discharge Documentation 1.1 11 Discharge Summary 11/23/2015 14:59 EST DOCUMENT NAME: ÷., SERVICE DATE/TIME: Auth (Verified) RESULT STATUS: Fetty MD, Lora B (11/23/2015 15:24 EST) PERFORMED INFORMATION: Dolan MD, Jehna B (11/24/2015 13:32 EST); Fefty MD, Lora B SIGNED INFORMATION: (11/23/2015:15:46 EST) Discharge/Transfer Summary CHH FIN: 069792331 MRN: 05649454 Patient: CARSEY , HARMONY B Sex: Famale DOB: 08/17/2013 Age: 2 years Physical child abuse, suspected; Bruised; Physical child abuse Associated Diagnoses: suspected Author: Fetty MD, Lora B Discharge Information Admitted 11/21/2015, Discharged 11/23/2015. Discharge Summary Information: Admitting physician: Admitting Provider: Jenna Dolan MD Admitting diagnosis: Physical child abuse; suspected (ICD10-CM T76.12XA, Working, Medical), Bruised (ICD10-CM T14.8, Working, Medical). Discharge diagnosis: Physical child abuse, suspected (ICD10-CM T76.12XA, Discharge; Medical). Discharge disposition: Home. Results Review General results Today's results 11/23/2015 7:40 EST Potassium Lvl 4.9 Sodium LV1 142 Chioride 108 C02 25.5 AGAP 9 BUN 16 mg/dL Creatinine 0.26 mg/dL LOW Glucose Lvl 81 mg/dli Calcium Lvl 9.4 mg/dL: Result Type: CR Bone Survey Complete -Corrected @=Abnormal C=Critical LEGEND: L=Low: H=High f=Fooinote #=Interpretive.Date : R=Ref Lab Report Request ID: 9692810 Page 1 of 4 Print Date/Time: 12/22/2015 10:15 EST

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	DI	scharge Docun	nentation				
			********				
Result Date:	21 November 2015	17:52 EST					
Result Status:	Auth (Verified)						
Result Title:	CR Bone Survey Co				- 19 A. 1		
Performed By:	Maxwell MD, Matthe						11
Verified By:	Maxwell MD, Matthe						
Encounter info:	069792331, Cabell 1	Htg Hosp, Medical	, 11/21/2015 -	тр.	•	· · ?	
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		* Final Re	port *				
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Reason For Exam	FOTED ADUAT		**	• • •			
TRAUMA ALERT, SUSP	ECTED ABUSE	-		• •	6.89		
REPORT							
	ALERT, SUSPECTE	D ABUSE				· •.*	
			a., H			1.1	
Technique: None					· · ·	· · ' • • •	
Comparison: None			· ·		11 y		
				**			
Interpretation:			•••		11		
No calvarial abnor	malities.						同心之感
Cervical spine is	un roma rkahla	Thornois and			bodie ar		
normal in height a		THOLGOTO BUG	Lumar Wer C	 	Junice dr	1	11. 公治
			4. · ·		1. A.	· · · · · **	
No airspace consol	idation. Norma	1 cardiothymi	s silhquett	e No	rib frac	tures	
are identified.							1
Gaseous distention	of the stomach			÷.		. 11	
No extremity fract	ures are identi	fied.					
Impression;		· *		÷.,	1. O. C.	6 S. 13	
No acute findings.			. • • *	::			
		÷					
Electronically Sig	ned by: Matthew	Maxwell, MD					
Signature Line	*						
************* Fina	1 Report ******	*****			10 J.	di da Ma	
Dictated By: Maxwel	1 MD, Matthew				· · ·	11/21	/2015
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Patient: CARSEY, HARM	ONYB
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MRN: 05649454

#### Discharge Documentation

FIN:

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069792331

Subjective

2 yr old girl admitted for suspected abuse due to abdominal bruising and bruising at different stages of healing on her back and 10 lb weight loss. No events overnight, Parents were present; Tolerating PO well, GOod UCP

Physical Examination

<u>Vital Signs (last 24 hrs</u>	) <u>Letet</u>	Chictod		1
Temp Anillary	1. · ·	96 9 F	(NOV 23 07:51	1
Heart Rate Feripheral	<b>N</b> 1166	pm (NOV	23.07:51)	
Resp Rate	32 br/1	min (NOV	23 07:51)	; '
SBP	H 118mm Hg (NOV 23 07:5)	<b>L)</b>	·· · · ·	
DBP	70 mm Hg (NOV 23 07:51)	· .		
Sp02	99 % (NOV 23 07:51)		-	,

No acute distress. . General: Eye: Pupils are equal, round and reactive to light, Extraocular movements are Normal conjunctiva. HENT: Normocephalic, Oral mucosa is moist, No pharyageal erythema. i i Neck: Supple, Non-tender, No lymphadenopathy. Respiratory: Lungs are clear to suscultation, Respirations are non-labored, Breath ÷ ... sounds are equal. 25 Cardiovascular: Normal rate, Regular rhythm, No murmur, Good pulses equal in a extremities, Normal peripheral perfusion. Gastrointestinal: Soft, Non-tender, Non-distended, Normal bowel sounds, No organomegaly.

Genicourinary:	collicalitis presen	t op th	e vulva,	
Lymphatics: No	lymphadenopathy	neck,	.axillá,	groin
Musculoskeletal		••	· · · ·	:
No tenderness.				•

No swelling.

Integumentary: Warm, Dry, Pink, Isrge abdominal ecohmosas and multiple ecohymosas on the fact in different stage of healing.

Neurologic: Alert, Oriented, No focal deficits, Normal deep tendon reflexes.

#### Hospital Course Hospital Course

Length of stay; Length of Stay; 2

Harmony is a 2 yr old female who presented as trauma last hight for possible acute abdomery bruising: Initially PICU received call for transport from Obleness hospital for possible abuse. ED physician reported that paternal aunt and paternal grandmother had taken physical custody of child following concerns of abuse. Took Child to eat at McDonald's and she eat lots of food, then tried to get her to walk out of the restlarant and she fell over and could not get back up on her own. Again tried to get her to walk at home and she fell again. Family then called EMS and she was taken to Obleness ED. Do physician reported large fresh bruise on abdoment, and older yellow bruising on lower spine. Also noted severe rash on vulva, buttucks and thigh. We decided to send her to CHH.ED as trauma patient for further evaluation.

Report Request ID: 9662810	Page 3 of 4	Print Date/Time: 12/22/015 10:15 EST
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		CARELLON

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Г		Discharge Documentation		1
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	episode of vomiting over the la Dad moved out of the home a have been "coming down with	y report Harmony had been sick with gold like syn ist 2-3 weeks as well. Morn noted that she has los bout 1 month ago and leels she may have been s the flu". On day prior to admission, biother push on floor following fail", did not she anything she m	tup to 10 lbs in the last 2 months. respective this, Dad thought she may be her down, but Mom did not	γ
	bruising on abdomen on morn and this is how she got bruisin	ing of admission. Parents also report that Harmor g on back of her head. Report that on day of adm ok her to eat and then said she fell. Grandma ther	y rocks in her bed or against wall, Ission, Harmony was staying with	1 · · · · · ·
	While in ED, trauma team evalua decided to admit patient to Plo	ted and found FAST exam negative, skeletal surve CU for observation.	y xrays negative. Trauma team ther	ר י
	made to CPS on 11/12 by pat (also Mom's neighbor) were of the home. Found home to be Friday 11/20, and noted home	County Ohjo, where family has open case. CPS ternal grandmother, stating that the house was uncooking meth in boyfriend's apt. CPS worker was a dirty, but instructed mother to clean the apt. CPS still dirty but had been cleaned up some. CPS we are was no signs of meth making in mother's hom	lean and Mom and new boyfriend ant with law enforcement to evaluate vorker went back to evaluation on inker saw Harmony, that day said sho	e
	Today the patient was cleared	by CPS for discharge home despite an overwhein	ning amount of evidence concerning	r.
	for physical abuse and neglec	From our	· · · · · · · · · · · · · · · · · · ·	
		oncerns about the child's safety and are reluctant	to send her back to this	
	environment. Today she is sta	ble for discharge. She nstructions given to the parents to follow up with h	or DOD on Manageday 11 DS MA	inga-
	discussed our ooncerns for th		er FGF of wednesday wize, we	1
		hat constitutes neglect and what is considered to	be abuse. The parents did not com	0
	to the hospital with a car seat	or clothing.		1
	Discharge is pending them ge	ting a car seat for transport home.		4
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	Discharge Plan	· · · · · · · · · · · · · · · · · · ·		5
	Discharge/Transfer Ins		<ul> <li>1.4</li> <li>1.5</li> <li>1.6</li> <li>1.6</li></ul>	1
	Discharge Diet: Regu		计分子语言 法复合表	
		General instructions Normal for age.	「「「注」(今日)は「読書」に、約	2
	Discharge Instruction		1 注 という観察ができ	40.5
		discharge instructions.		1
	days.	CHILD ABUSE, Suspected, / Follow up i	Arth Dr. Candola Mithin 2-	Ų.
		ns given: to family member (mother,	and a second second second	
	instructions (ac	tivity level, diet, follow-up appoint tivity level, diet, follow-up appoint tivity level, diet, follow-up appoint	ment), written discharge	11
G	eneral Information	:		1
-	General Instructions: Pharmacy:	Orders/Med Rec/Prescriptions: Or	ders/Mod Rec/Ra	
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Information regarding your	visit.			
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	•	15. No.		
Patient: CARSEY, HARMONY B	MRN: 05649454	··· • ·	FIN	69792331
	Discharge Documentation			÷
			hat there was a	report
made to CPS on 11/12 by paternal g Mom's neighbor) were cooking meth- home, Found home to be dirty, but in 11/20, and noted home still dirty but	ounty Ohio, where family has open case grandmother, staling that the house was n in boyfriend's apt. CPS worker was se nstructed mother to clean the apt. CPS had been cleaned up some. CPS work is of meth making in mother's home. C	s unclean and Mom int with law enforcer worker went back to ker saw Harmony th	and new boyfrie nent to evaluate o evaluation on F at day said she a	nd (also` the Tiday
Today the patient was cleared by CP	S for discharge home despite an overv	vhelming amount of	evidence concel	rning for
physical abuse and neglect. From our	ns about the child's safety and are reju	start to cond bot b	at to this any inv	ament '
Today she is stable for discharge, She	(Is about the crino a salety and are reid			
will be discharged home with instruc	tions given to the parents to follow up y	with her PCP on We	dnesday 11/25. \	We 🤃
discussed our concerns for this patient discussed patient safety and what or	and postitutes neglect and what is consider	ed to be abuse. The	parents did not	come to
the hospital with a car seat or clothing,				È.
Discharge is pending them getting a	car seat for transport hóme.	14. s 1		
Discharge Plan		· ·		200
Discharge/Transfer Instruct	tions			
Discharge Diet: Regular.	cal instructions Normal for a			
Discharge Instruction Detai		uge.		
General: Follow all disch	narge instructions.			<b>,</b>
Discharge Planning; CHILI days.	DABUSE, Suspected, 7 POllow	up with Dr. Ca	ndola withi	n 2-3
aujor				
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			:		
	Patient: CARSEY , HARMONY B	MRN: 05849454	•		
		Discharge Documen	tation		
	Wifal Signs Oxygen Therapy: Room air			:	
	Discharge Education Discharge Education				
	Date 11/23/15	· · ·	· ·	• •	
	Education Topics: Discharge Caring for your wound at h call the doctor	ome, Follow-up care/appoir	itment, Ne	w∖m∮dica	itions at disc

Individuals Taught Mother, Father **Barriers to Learning** None evident **Teaching Method** Printed materials given to patient/person being taught, Explanation **Teaching Evaluation** Verbalizes understanding

#### NO PENDING ORDERS DURING THIS VISITI **Smoking Status** No smoking status documented

Medication Information:

This patient was provided the following information. The FINAL MED LIST is the list deal medications that aloud be taken after leaving the hospital with the details of how to take each one. The other details are to help darify when these have been started, continued, changed or stopped. The provider has received the information exactly as was provided to the patient.

#### **Final Medication List**

mupirocin topical (mupirocin 2% topical ointment) 1 app, Topical, Every 6 hours, 10 day(s), Rangel 0

#### **Detailed Medication List**

**New Medications** 

THE DRUGSTORE AT OBLENESS, 75 HOSPITAL DRIVE, SUITE 130 ATHENS, OF 45701 (740) 556 4690

mupirocin topical (mupirocin 2% topical ointment) 1 app, Topical, Every 6 hours, 10 day(s), Reffix: 0

#### Allergies reported during visit;

#### Allergies

No known allergies

#### Comment:

Advance Directive Information:

Below is the information provided to Cabell Huntington Hospital concerning the patient's Advarias Directives:

Report Request ID; 9692813

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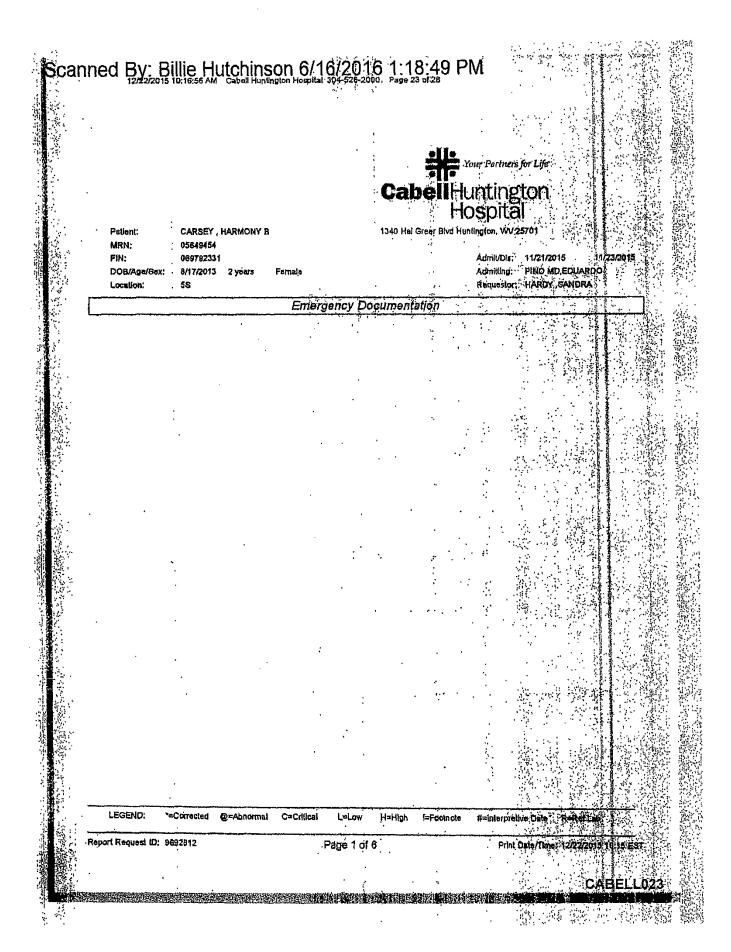
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#### IN THE COURT OF COMMON PLEAS OF PERRY COUNTY, OHIO GENERAL DIVISION

TAMMY SMATHERS,	:	
Plaintiff,	:	Case No. 17-CV-00278
vs.	:	Assigned Judge Michael Ward
PERRY COUNTY CHILDREN AND FAMILY SERVICES, et al.,	:	
Defendants.	:	

#### AFFIDAVIT OF KATIE HURSEY

STATE OF OHIO	:
	: ss.
COUNTY OF PERRY	:

Now comes Katie Hursey and, being duly cautioned and sworn, deposes and says based on personal knowledge as follows:

 I am an employee of Perry County Children Services and was so employed in 2015 and 2016.

2. On Saturday, November 21, 2015, I was notified by Athens County Children Services that Harmony Carsey was taken to O'Bleness Hospital and was being sent to Cabell Huntington Hospital for further evaluation.

3. I called Cabell Hospital at approximately 4:18 p.m. on that Saturday and advised of the transport of Harmony to their hospital. (See highlighted note attached.)

4. I advised a supervisor at Perry County of the situation and was advised that unless a physician reports the child is abused or neglected, we do not currently have the evidence to intervene. 5. I called Police Chief Groves and advised of the situation, and he had just been to the home with worker Nick Pease on November 16, 2015 and the child was fine at that time.

6. I told Cabell Hospital that there was an open case due to a report made November 12, 2015 by the paternal grandmother (Tammy Smathers) that the house was unclean and that mom (Crystal Carsey) and a new boyfriend (also mom's neighbor) were suspected of cooking meth in the boyfriend's apartment. A caseworker had gone to the home with law enforcement (Chief Groves) to evaluate the home, which was found dirty, and the mom was instructed to clean the apartment. The caseworker went back to evaluate on Friday, November 20, 2015, and the home was still dirty but had been cleaned up some. The caseworker saw Harmony that day and she appeared fine. There were no signs of meth making in the mom's home. I left my name and number so I could be notified if abuse or neglect was found. (See highlighted record attached.)

7. At 8:51 that same evening, I talked with Dr. Christine Hensley at Cabell Hospital. She advised that the x-rays were all negative; that there was some bruising on the child's stomach which was a bit distended, but it was probably gas, and that the ultrasound was negative for fluid. There were some tiny bruises-petechia on the child's belly and she had a narly diaper rash, older bruises on her spine, cradle cap, and some chaffing between her legs. I was told the child looked thin but <u>not</u> malnourished. Dr. Hensley said they would continue to monitor and that the child may be discharged tomorrow (Sunday). I was told they would notify me of further concerns and when the child is discharged. (See highlighted record attached.)

8. Because the child arrived at the hospital on a Saturday night and the child was safe in a hospital, I did not see the need to drive to West Virginia that night, as I was told the child was expected to be discharged the next day.

9. No one at the hospital <u>ever</u> advised me that they believed they had evidence of neglect or abuse, and there was no evidence of immediate danger to the child at the home visits.

10. While I feel terrible that the child died six weeks later due to neglect of her parents, I had no factual information from the home visits or hospital calls that would justify legally removing the child at that time.

11. Not until after the hospital records were received on December 22, 2015 did I first learn that negligent or abuse was suspected at Cabell, and by that time, the child was in the custody of plaintiff Tammy Smathers and her son Tylor Carsey (the father), both of whom indicated to co-workers that they were heading to court to finalize that.

12. I did not learn until after Harmony Carsey died on January 8, 2016 that plaintiff Tammy Smathers and her son had voluntarily returned Harmony to her mother and the environment they were complaining about.

Further, affiant sayeth not.

wei Katie Hursey

Sworn to before me and subscribed in my presence this  $27^{n}$  day of 2019.



J. Stephen Teetor, Attorney At Law NOTARY PUBLIC - STATE OF OHIO My commission has no expiration date Sec. 147.03 R.C.

## ACTIVITY LOG REPORT

#### Report Date: 12/05/2017 Case Name: Crystal Reed Case ID: 1944578

PC to Obleness, ER. Advised KH is worker.

PC to ACSO, spoke with Kulchar. He is at the ER and is awaiting to hear what the dr will say. The children' physical health does not appear good.

PC from Dep. Kilter. He advised that the dr is concerned for internal injuries. Kh requested to speak with the dr. Dr. advised that Harmony has bruising on her left belly, he thinks there may be fluid in the belly, which could be a liver injury. She has an older bruise on her forehead and has some bruising on her back and spine. She has a diaper rash. She is weak and appears emaciated. He feels that she needs further evaluation. He is sending her to Children's.

Spoke with Dep Kulchar. child can not be sent to Children's due to no fly zone. Child will be went o Cabell Huntington in W Va. The father is with the mother at the home. Tammy and her daughter, Tiffany are with the child. Tammy can be reached at 591-0748,

4:18pm PC to Cabell Huntington, 304-526-2200. Advised of transport and to contact KH.

534pm. PC from PCSO. Cheif Groves was advised of situation. Tammy called in and reported that child is being flown to W Va for trauma. Please call Groves 394-2522. Tammy wants custody.

PC to Amy Frame, Advised of situation. She advised that unless a physican reports child is abuse for neglected we do not have evidence to intervene.

PC to Chief Groves. Advised of situation. He advised that he went to the home with NP. Child was fine. He will go to the residence and inform parents about what is going on and where the child is headed.

8:51 pm. PC to Cabell Huntington. Spoke with pediatric resident, Christina Hensley. The family has just arrived so they do not have much info. They have completed X-ray studies, all negative. Child was sent to them from ER in Athens. Physician there did not run any tests, child does have some bruising on her stomach, and she is a bit distended, but it is probably gas. ultrasound was negative for fluid. Child was activated as a trauma and has been admitted to PICU. Trauma team already cleared her. She has some tiny bruises-peticia on her belly. She has a narly diaper rash. Older bruises on her spine and cradle cap. She has some chaffing between her legs. She does look thin, but not malnourished. They will continue to watch her and she may be discharged tomorrow. They will notify worker of further concerns and when child is discharged.

Activity Date:	11/24/2015	Activity State:	Completed
Created By:	Pease, Nick	Responsible Worker:	Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Unannounced Home Visit
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report
Location Type:		Other Sub Category:	
		Originator Of	
		Information:	

Page 6 of 34

(222)2013 10,10,00 AM Cabar Hannis	gn, 6/16/2016 -1, 19218 F	8. M.N.	
ж.			
Patient: CARSEY, HARMONY B	MRN: 03649454		FIN: 069792331
L	History and Physical Reports		
made to CPS on 11/12 by paternal ( (also Mom's neighbor) were cooking the home. Found home to be dirty, the Friday 11/20, and noted home still of	nty Ohlo, where family has open case. CPS grandmother, stating that the house was un greath in boyfriend's apt. CPS worker was but instructed mother to clean the apt. CPS dirty but had been cleaned up some. CPS is as no signs of meth making in mother's ho	nclean and Mom and sent with law enforce S worker went back to worker saw Harmon	d new boyfriend ement to evaluate o evaluation on y that day said she
Review of Systems		·	
<b>Constitutional</b> : decreased weig <b>Eye</b> : no redness, No discharge	nt 10 # in last 2 months par Mon. , No	) Tevel.	
	ar pain, No masal congestion, N	lo sore throat	
Respiratory: No cough, No w	meezing.	1 V V	
Cardiovascular: No peripher Gastrointestinal: no change in	al edema. n appetite, No vomiting, No diarr	heá.	· 注释: 《
Genitourinary: no change in 00		··	
Immunologic: Not immunocomp	romised, No recurrent infection	s.	
	uma7, No decreased range of moti	OD.	
Integumentary: Rash, bruising Neurologic: Alert, No heada	5 m N	ः हिंदे तथ	
Histories		4	
Past Medical History: No chron	urc mearcal conditions	·	
Hospitalized for NAS for 1 month 9	Nationwide for 1 month (admitted st 1	west of age	
Keds; Multi Vit.			
Reds; Autei vit.			
Immunizations: behind, needs anothe	er set per parents.		
Birth: 36 6/7 weeks gestation, 8 of	bleness hospital. Pregnancy complicated	by Hubutes use. We	mt to parionwide s
1 wh of age for NAS and morphin	e wean.		
Diet: Typical 2 yr old diet per Mon	a	an a	
· Development: Speech delay?	С 		
		·	(日本)調査会議
	brother - Autixm, 5 month sister health	y, 5 yr brother he	althy (true with
PGM) .			
MOm; anemia, vit D def., Calcium de	ef.	· • • · · :	
MGM and MGE; not sure	i se	1	
. Dad: bealtby	ा स हि		
PGH: HTN PGF: deceased car accident.	5 <b>*</b> 0		• • • • • • • • •
Procedure history: None		;	二、 制料公式
Social History Lives at home with Mom, Brother.	Sister, Dad visits some. Dad smokes, 1	No driveare. City w	ater. Gar heat. NO
pets, NO recent travel, .			Ţ
· Physical Examination			
Report Request ID: 9592814	Page 2 oF:4	Print Date/Time:	12/22/2015 10:15 EST
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			<ul> <li>Constraints</li> </ul>

#### IN THE COURT OF COMMON PLEAS OF PERRY COUNTY, OHIO GENERAL DIVISION

TAMMY SMATHERS,	:	
Plaintiff,	:	Case No. 17-CV-00278
VS.	:	Assigned Judge Michael Ward
PERRY COUNTY CHILDREN AND FAMILY SERVICES, et al.,	:	
Defendants.	:	

#### **AFFIDAVIT OF BEN TAYLOR**

STATE OF OHIO	:
	: ss.
COUNTY OF PERRY	:

Now comes Ben Taylor and, being duly cautioned and sworn, deposes and says based on personal knowledge as follows:

I was a caseworker at Perry County Children Services ("PCCS") during 2015 and
 2016.

2. On November 24, 2015, I went with caseworker Nick Pease to the Carsey home. This was the day after Harmony was released from the hospital. We knocked several times, but no one answered.

3. On December 4, 2015, I returned to the Carsey residence and again we knocked several times and no one was home.

4. Also, on December 4, 2015, I met with plaintiff Tammy Smathers, father Tylor Carsey, and Harmony Carsey at the offices of Perry County Children Services. Harmony was in the custody of Tammy Smathers and Tylor Carsey at that time, and she appeared to be doing fine.

5. Nick Pease advised that the living conditions in the home were being worked on, and that this hoarding condition long predated Tylor moving out, and that Crystal had stated Tylor did little to help the family. Tammy became angry and said she was leaving and calling Athens County Children Services.

6. Nick Pease told them that Tylor had as much right to custody of his children as Crystal did, and when they left, I understood that plaintiff Tammy Smathers and Tylor Carsey were keeping custody of Harmony and heading to the Perry County Courthouse to formalize that.

 I was never notified that plaintiff Smathers and Tylor Carsey decided to return Harmony to her mother at her home.

Further, affiant sayeth not.

Ben Taylor

Sworn to before me and subscribed in my presence this  $27^{15}$  day of TUME, 2019.

ale



Notary Public

J. Stephen Teetor, Attorney At Law NOTARY PUBLIC - STATE OF OHIO My commission has no expiration date Sec. 147.03 R.C.

1 IN THE COURT OF COMMON PLEAS 2 PERRY COUNTY, OHIO 3 - - -4 Tammy Smathers, : : 5 Plaintiff, : : 6 : Case No. 17-CV-00278 vs. : 7 Perry County Children and : Family Services, et al., : 8 : Defendants. : 9 10 \_ \_ \_ 11 DEPOSITION OF TAMMY SMATHERS 12 13 Taken at the Athens County Sheriff's Office 13 West Washington Street 14 Athens, Ohio Friday, June 22, 2018 15 10:00 a.m. 16 \_ \_ \_ 17 18 19 20 21 22 23 24

1

-	
1	then he's got a girlfriend named Penny, and they're all
2	alcoholics, they're bad, yeah.
3	Q. Did Tylor and Crystal have kind of a pattern of
4	breaking up, getting back together?
5	A. No, not really. I mean, they did fight a lot,
6	but they never ever broke up and stayed broke up or
7	anything like that.
8	Q. Were there ever occasions you can recall where
9	Tylor would move out for some period of time and then
10	come back?
11	A. No.
12	Q. So as far as you know, he and Crystal, although
13	they fought a lot, they always stayed together?
14	A. Yeah.
15	Q. Until when?
16	A. Until, I guess, he left, what year was it, 2015,
17	around the end of August, beginning of September. He
18	come to my house and he come to my house crying and said
19	that she was seeing somebody else and wanted to know if
20	he could stay there a few nights. I told him yeah.
21	Q. At your place?
22	A. Uh-huh.
23	Q. And did this somebody else that Crystal was
24	seeing then move in with Crystal?

1 Α. Uh-huh. 2 You have to answer verbally, I'm sorry. Q. 3 Yes. I'm sorry. Α. No problem. Do you know him at all? 4 Q. 5 I don't know him, but I know of him. I've been Α. 6 face to face with him, yeah. 7 Q. What's his name? 8 Joey Spencer. Α. 9 And what do you know about Joey Spencer? Q. 10 Α. The only thing I've known about him is Tylor and 11 Crystal both told me that he was a meth head, him and 12 his uncle made meth. 13 Q. And did Crystal tell you these things after --14 Α. Yeah. -- Tylor moved out --15 Q. 16 Α. Yeah. 17 -- and he moved in? Ο. 18 Because at one point in time Crystal wanted Tylor Α. 19 to come back, but he wouldn't do it. 20 This was after Joey moved in and Tylor moved out? Q. 21 Α. Yeah. And Tylor, what, just had enough? 22 Q. 23 Α. He had had enough. 24 It's my understanding -- I'm just going to say Q.

To your knowledge, as the father of Harmony and 1 Q. Izayiah and Joselynn, did Tylor have legal rights to 2 3 custody just like Crystal did? 4 Α. Yes. 5 And had you ever talked to Tylor about the fact Ο. 6 that he had as much right to his kids as Crystal? 7 Α. Yeah. 8 Tell me about that. Ο. 9 Just we tried everything. We even went to the Α. 10 courthouse in Perry County to see if we could get an ex 11 parte? 12 Yeah, that's the right term. Q. Okay. 13 Α. Okay. We did that, but the lady over there in 14 the office said there was no such thing and he had to do a divorce first. 15 16 Okay. So you and Tylor at some point went to the Q. courthouse at Perry County to see if you could get 17 18 custody away from Crystal? 19 Α. Yes. 20 And you met with some lady who told you you've Q. got to get a divorce first? 21 22 Α. Yeah. 23 Do you remember anything else about that meeting Q. 24 or that conversation?

hospital in November of 2015 near the end, close to 1 2 Thanksgiving, correct? 3 Yes. Α. 4 Q. And so the first time you would have had 5 direct -- do you want to take a break? 6 Α. No. 7 Q. Are you sure? I don't mind. 8 Α. No. 9 So let's talk about the hospital visit. If it Q. 10 helps you, Harmony went to the hospital November 21st of 11 2015 and was there for two days. Does that sound right 12 to you? 13 Α. Yeah, maybe. 14 Q. If the hospital records show those were the 15 dates, you wouldn't contest that, correct? 16 Α. No. And you're the one that directed that Harmony go 17 Ο. 18 to O'Bleness Hospital, called the squad? 19 We called the squad, and they took her to Α. 20 O'Bleness. 21 Ο. Okay. Tell me how that came about. 22 Α. Well, my mom was up from South Carolina, and 23 everything we had done to see the kids, Crystal wouldn't 24 allow it.

1 Q. Such as? Calling her, she wouldn't answer our phone calls. 2 Α. 3 We even tried reaching out on Facebook. We had went She wouldn't answer the door. 4 there. 5 So my mom actually ended up getting ahold of her. 6 She liked my mom. And my mom told her on the phone, 7 she's like, how about you and Tylor get together and 8 I'll keep the kids and you and Tylor can go pay on your 9 layaways in Parkersburg. 10 Christmas shopping? Q. 11 Christmas shopping, yeah. And she said, yeah, Α. 12 she would do that. And my mom said, Now, you know I'm 13 going to have to take the kids and go to Tammy's house. 14 She's like, yeah, that's fine. So Tylor and Crystal took off, and my mom brought 15 16 the kids to the house. All three of them? 17 Ο. All three of them. 18 Α. 19 You already had Camoren? Q. 20 I already had Camoren, yeah. Α. 21 Q. So your mom brought --22 Joselynn --Α. 23 Q. Harmony and Izayiah? 24 -- Harmony and Izayiah over to my house, yes. Α.

1	And they were filthy dirty, filthy dirty. Their feet
2	were black. Their hair was matted to their head.
3	Harmony's hair was just matted to her head. And then
4	when I seen the back of her head, she was bald. She had
5	been pulling out her hair. She didn't have no hair on
6	the back. She ripped her hair out from sitting probably
7	in that room by herself for days and nights and days and
8	nights and weeks.
9	But anyways, me and my mom and my aunt and my
10	daughter was sitting at the dining room table, and
11	Tiffany picked Harmony up and put her on her lap and was
12	talking to her. And we were all kind of like talking to
13	her and stuff. She didn't say anything. She just sat
14	there. And then the next thing I know, she's falling on
15	the floor. I mean, Tiffany didn't even have time to
16	grab ahold of her. She just fell to the floor. I
17	jumped up and grabbed her. And she was out. She was
18	out. She was not even there.
19	Q. Unconscious?
20	A. (Witness nods head.)
21	Q. Did she fall on her back or her belly, or do you
22	remember?
23	A. Her back.
24	Q. She fell on her back. Did you check her back to

see if it was bruised? 1 2 It wasn't that far. My chairs are really low to Α. 3 the floor. When Harmony fell off the chair, is that when you 4 Q. 5 called the squad? 6 Yeah. I yelled "Call 911." Α. 7 Q. Was Harmony conscious before she fell? 8 Α. Yeah. 9 It was just after the fall that she seemed Q. 10 unconscious? 11 She went unconscious before she fell, and then Α. 12 she fell. 13 Q. Okay. 14 Α. And so when the squad got there, we had somebody, I don't remember who had ahold of her, I think my mom 15 16 had ahold of her, and the ambulance guy said, "Harmony, can you come over here and see me?" He wanted her to 17 18 walk to him. And she took one step and fell down again 19 and was unconscious again. 20 So she fell twice at your house? Q. 21 Α. Yes. 22 That's when the squad took her in? Q. 23 Α. Yeah. 2.4 MR. STEVE TEETOR: Off the record.

1 Α. Yes. 2 So I'll represent to you Harmony went to West Q. 3 Virginia November 21st, 2015, and was discharged November 23rd. So they would have come to your house 4 5 the day before Thanksgiving or right around 6 Thanksgiving? 7 Α. Yeah. 8 Tell me about that when they got there. Ο. 9 As soon as they got there, I remember Crystal Α. 10 getting out of one of the diaper bags this bag of chips 11 or some kind of weird chips. I don't remember what they 12 I never seen them before. But she asked me for were. 13 bowls to put them in for the two kids, the two little 14 ones, Harmony and Izayiah. So I got her bowls. 15 Well, Harmony, she wanted both the bowls, and 16 Crystal got mad at her and smacked her hand and told her that one of them was Bubby's and that she couldn't have 17 18 both. And then she picked Izayiah up and put him on her 19 lap, and Harmony was still trying to take both the 20 And so she took Harmony's bowl away from her, bowls. 21 and Harmony started crying. 22 And so I said, "Crystal, you can't be like that 23 with her. She's just a baby. You can't take stuff away 24 from her like that. She doesn't understand ."

And then she was trying to scoot up and get close 1 2 to her mom, and she wouldn't even pick her up. I said, 3 "Crystal, she wants love from you. She wants you to pick her up." 4 5 So she picks her up and puts her beside of her, 6 but she wouldn't hold her. And then later that day she 7 was -- basically, she wanted to go home. 8 Who is she? Ο. 9 Crystal wanted to go home. And so her and Tylor Α. 10 had an out a little bit about Harmony because Tylor 11 said, "I'm not letting you take Harmony with you. I'm 12 keeping her." And so I think she took Izayiah and 13 Joselynn home, but we kept Harmony. 14 Q. For how long? We had Harmony up until Christmas Day. 15 Α. 16 So you had Harmony for a month? Q. (Witness nods head.) 17 Α. 18 Yes? Q. 19 Α. Yes. 20 And so from Thanksgiving until Christmas, Harmony Q. 21 was staying at your house, correct? 22 Α. Yes. 23 Q. And you were taking care of her? 24 Α. Yes.

1 Q. And was she doing better? 2 She was awesome. She was doing so good. Α. 3 Did her hair start coming back? Q. 4 Α. Her hair started growing back, yeah. And she had 5 just started liking her baths. She loved a bath. When 6 we first got her and tried to bathe her, she screamed 7 bloody murder. She had never been bathed before. She 8 was scared to death of it. 9 From that month, from Thanksgiving to Christmas Q. 10 when Harmony was staying with you, was it you and 11 Harmony and Tylor? 12 Tylor. Α. 13 Q. And your boyfriend and somebody else? 14 Α. And my kids. And Camoren? 15 Q. 16 Yeah, and my son Bobby. Α. Okay. And during that month that Harmony was 17 Ο. 18 with you from Thanksgiving until Christmas, what contact 19 did you have with Crystal? 20 Really not much of anything, just back and forth Α. 21 to see how the other two kids were doing. 22 Q. Did Crystal come over to your house at all during that month? 23 24 Α. No.

1	Q. Did you and she talk on the phone at all?	
2	A. No.	
3	Q. So it was basically Tylor had custody and he wa	S
4	keeping Harmony with you?	
5	A. Yeah.	
6	Q. And Harmony was doing fine?	
7	A. Yeah.	
8	Q. And then when did you let Crystal take Harmony	
9	back?	
10	A. Christmas Day.	
11	Q. Why?	
12	A. Because she kind of had come over, her dad and	
13	them brought her over to my house, and she wanted to d	0
14	Christmas with all the kids by herself. And Tylor was	
15	like, "No, I don't want you to take Harmony." And she	
16	was like, "I promise I won't put her in that room. I	
17	won't I'll let her sleep with me. Her and Izayiah	
18	can sleep with me, you know, I'll do whatever, but I	
19	just want my kids for Christmas. I want to have a	
20	Christmas with my kids."	
21	Tylor was still like, "No, you're not taking	
22	her." So they had a pretty heated discussion. They	
23	were into it hot and heavy.	
24	Q. This is at your house?	

1 Α. At my house. But finally Tylor gave in to her and said, "Okay, I'll let you have her for Christmas and 2 3 then we'll get her back in a few days." He said, "We'll 4 do this: I'll take a couple of the kids, you keep one, 5 and then we'll just switch back and forth with the kids between us," which was a good idea. 6 7 You were supportive of that? Q. I was very supportive of that. 8 Α. 9 And tell how it was going to work, a couple kids Q. 10 with Crystal, a couple kids at your house, and then switch them back and forth? 11 12 Yeah, maybe have Izayiah by himself and then the Α. 13 girls by theirself, just keep switching them back and 14 forth. This is something that was kind of worked out 15 Q. 16 between Tylor and Crystal, and you approved of it? Yes, it was a good idea. But she had to have 17 Α. 18 them all three for Christmas. So anyways, that is what 19 we did. 20 And then we went over about a week after she had 21 her, maybe four or five days, I'm not sure, but anyways 22 to get Harmony back and see if we could get Joselynn, 23 and she wouldn't answer the door for us. 2.4 So this would have been probably late December? Q.

1 Where the dirt come from, I have no clue. It was 2 just -- it was crazy. There was trash everywhere --3 Do you know --Q. 4 Α. -- empty boxes, trash bags, dirty diapers. 5 So do you know --Ο. 6 It looked like somebody deserted it. Α. 7 Q. Do you know if, when Nick went out to the house 8 the first time, a law enforcement officer was with him? 9 No, I don't know that. Α. 10 Do you know if Nick and a law enforcement officer Q. inspected all three kids and found them to be okay? 11 12 No, I don't know that. Α. 13 Q. Do you know if Nick went back on one or more 14 occasions and the house was starting to improve and get 15 cleaned up a bit? 16 No, I don't know that. Α. Did you have any phone conversations with anybody 17 Ο. at Children Services that you can remember? 18 19 Α. No, just Nick. 20 Did you ever talk to Nick on the phone? Q. 21 Α. Yeah. 22 Q. How many times? 23 Probably only once or twice. I can remember one Α. 24 phone call with him, because he was answering the phone

that day, just to see if anything new was going on or 1 2 anything had changed. That was about it. 3 Okay. Nothing really substantive? Q. Huh-uh. 4 Α. No. 5 And was that one phone call after the visit Ο. within --6 7 Α. No, that would have been before the visit. 8 So you had a phone call with Nick? Ο. 9 Α. Yeah. 10 Q. Before --The actual encounter with Nick. 11 Α. 12 I'm sorry. Was it before Harmony went into the Q. 13 hospital or after? 14 Α. I think it was before Harmony went to the 15 hospital because it was right when we first got started. 16 Q. Okay. When we were calling him. 17 Α. 18 So you would have talked to Nick one time before Q. 19 Harmony went to the hospital, then you would have met 20 with him after Thanksgiving? 21 Α. Yes. 22 Q. And then maybe had a call or two with him after that? 23 I don't even think I had a call with him after 2.4 Α.

1	that because usually we always just got the operator or					
2	whoever it was answering the phones that day is who we					
3	would have to talk to. You'd always have to leave a					
4	message and have somebody call you back. Nobody ever					
5	called us back.					
6	Q. Did you ever talk to anybody at Perry County					
7	Children Services named Rick Glass?					
8	A. Rick, I'm not sure. There's so many people. I					
9	don't remember names really good.					
10	Q. Can you give me the name of anybody you talked to					
11	other than Nick and Ben at Children Services in Perry					
12	County?					
13	A. Katie.					
14	Q. Katie?					
15	A. Uh-huh.					
16	Q. Did you meet Katie or talk to her?					
17	A. Met Katie. She was after Harmony died, after					
18	Harmony passed, that first Monday, she died on Friday,					
19	and that Monday morning they were at my house at					
20	freaking 8:00, 7:30 that morning pounding on the door.					
21	Q. Well, I'm sorry. My question was, I was trying					
22	to find out between the time you prior to Harmony					
23	A. No.					
24	Q. So Katie you would have only met after Harmony					

1 passed away? 2 After Harmony, yeah. Nobody else. Α. It was 3 just -- no, Nick or somebody, whoever was answering the 4 phones from Children Services. 5 So you would have met with Nick and Ben? Ο. 6 Α. Yeah. 7 Q. One time, correct? 8 Α. Yeah. 9 You talked to Nick on the phone before that? Q. 10 Α. Uh-huh. 11 Yes? Q. 12 Uh-huh. Yes. Α. 13 Q. And you would have called and left messages with 14 the operator? 15 Α. Yes. 16 Is that all of your contacts that you can recall Q. 17 with Perry County Children Services? 18 Α. Yes. 19 And then after Harmony passed away, did Children Q. 20 Services take custody of all of the kids, or what 21 happened? 22 Yes, after she died, they took custody, I guess, Α. of all the kids. 23 24 Q. Not Camoren, though?

1	A. Not Camoren. Cameron's mine. He's been mine
2	since he was three months old. Joselynn and Izayiah.
3	Q. And then ultimately you would have gotten custody
4	of them?
5	A. Yes.
6	Q. Does Tylor support these kids at all financially?
7	A. Yeah, he buys things for them. He buys food
8	sometimes for them.
9	Q. Most of it
10	A. Junk sometimes.
11	Q. Most of it you pay for?
12	A. Huh?
13	Q. Most of their support and food you pay for?
14	A. Yes, I pay for it.
15	MR. STEVE TEETOR: Let's take a break.
16	(Recess taken.)
17	Q. (By Mr. Steve Teetor) So let's go back on the
18	record. Ms. Smathers, I know we've established that
19	from Thanksgiving until Christmas of 2015 Harmony was
20	with you when you and Tylor agreed to let Crystal take
21	Harmony back. From that day forward, did you have any
22	conversations with anybody at Perry County Children
23	Services?
24	A. No.

Connie M. Willman, RPR, Inc. (614) 870-0998 Appellee Supp. 083

1	Q. Did you let them know that you had turned Harmony
2	back over to Crystal?
3	A. I don't think so.
4	Q. And do you know of anybody, from Christmas until
5	Harmony died, who complained to Perry County Children
6	Services?
7	A. Not that I know of, no.
8	Q. Did you ever let anybody at Perry County Children
9	Services know that you were keeping Harmony during that
10	month?
11	A. No, they didn't know that. As far as they were
12	concerned, Crystal got her out of the hospital, Crystal
13	had her. They didn't know we had her.
14	Q. And I assume that since you had Harmony for that
15	month, you weren't making a lot of complaints about her?
16	A. Probably not, no.
17	Q. Because you were able to see her every day?
18	A. Yeah.
19	Q. Do you remember hearing of any efforts by
20	Children Services to get authorizations from Tylor or
21	Crystal to get the medical records from West Virginia
22	during any of your meetings or conversations?
23	A. Say that again, please.
24	Q. Yeah. Do you remember anything about Children

1	Services asking Tylor or Crystal for authorizations to
2	get medical records?
3	A. No.
4	Q. Nothing?
5	A. Nothing.
6	Q. And Tylor never told you anything about that?
7	A. No.
8	Q. Can you tell me what it was that you asked
9	Children Services to do, what were you expecting them to
10	do?
11	A. I expected them to take custody of those kids for
12	a little while until she got that house cleaned up and
13	straightened up and to make sure Harmony wasn't up there
14	in that hot-ass room. That's what I wanted them to do.
15	I wanted Harmony out of that bedroom. It was way too
16	hot.
17	The house she lived in was an old, old house. It
18	was three stories, and Harmony was on the third story in
19	the back, in this bedroom way back, far away from
20	everybody and everything, in a cage.
21	Q. So you wanted
22	A. It was hot up there. You couldn't breathe.
23	Q. So you wanted and Crystal and Tylor at that
24	time both had the right to custody?

1

A. Yes.

Q. And was it your understanding that Children Services had the right to take those children away from Tylor and Crystal?

5 A. I figured if they could take custody of them for 6 a little bit until Crystal got the house cleaned up and 7 figure out some other place to put Harmony, it would 8 have been okay. She could have had time to get the 9 house cleaned up and to find someplace else for Harmony 10 and it all probably would have worked out okay.

Q. And did you tell someone at Perry County Children
 Services "I want you to take custody of" --

A. No, I didn't tell nobody that, but I figured because of the situation that Harmony was in, I figured that would have been enough for them to look and open their damn eyes and see that that baby was not being took care of.

18 Q. But you didn't ask them to take custody of these 19 three kids?

A. No, I never, but I figured that's what they were going to do after they seen the pictures. I didn't know Nick had already been there and looked and seen where Harmony was sleeping and seen she was in a cage and was okay with that.

1	Q. And you were up there one time?
2	A. One time.
3	Q. Do you have any idea what it looked like on the
4	occasions that Nick and Officer Groves and other people
5	went out?
6	A. I don't know what it looked like after that.
7	Q. But you thought they ought to take custody of
8	those kids until the house was clean?
9	A. Yeah, until she had a good refrigerator and got
10	Harmony out of her situation. It was bad. It was just
11	bad.
12	Q. And were you expecting them to take all three
13	kids?
14	A. Yeah, I really thought that they should have.
15	Joselynn was in a bassinet. She was way too big for the
16	bassinet. She couldn't move. She couldn't roll. She
17	couldn't do anything.
18	Q. Did you ever tell Tylor just go over and take
19	those kids and bring them over to my house?
20	A. We tried doing that. Crystal wouldn't answer the
21	door. There would have been a big old fight if we tried
22	anything like that.
23	Q. You didn't need to try it after Thanksgiving,
24	though, because you had them, right?

1 Α. We had them. 2 And after you got them at Thanksgiving and kept Q. 3 them for a month, you could have kept them for as long 4 as you wanted? 5 Yeah, and we should have now, we know that. Α. But 6 with -- never mind. 7 Can you tell me why you have custody of Tylor's Q. 8 kids and he doesn't? 9 Right now? Α. 10 Q. Yeah. 11 Because he actually didn't have no place to live. Α. 12 He got out on his own, and he had an apartment and was 13 doing good. And then the PO got ahold of him because he 14 didn't do something, I don't remember what it was, but 15 he didn't do something. So this PO put him in jail, and 16 he lost his job, and he lost his apartment. And so I 17 ended up with the kids. Children Services got involved, 18 and basically I ended up having to take custody of the 19 kids. 20 Were you willing to let Tylor and the kids all Q. stay with you? 21 22 Α. Yeah. They were, yeah. 23 Q. And Tylor could have custody of those kids and 2.4 live with you at your place?

1 Α. Yeah. 2 How's come that didn't happen? Q. 3 Because he didn't want to be involved with Α. Children Services no more. He's totally against 4 5 Children Services. 6 And when you say that, tell me -- he would be Q. 7 uncooperative with Children Services? 8 Basically, yeah, he doesn't want nothing to do Α. 9 with them after everything that happened with Harmony. 10 He doesn't want no part of them. 11 Well, you were aware that long before Harmony Q. 12 died, even when Athens County was involved, Children 13 Services were out there and Tylor wouldn't open the 14 door? No, I wasn't aware of that. 15 Α. 16 Q. He never told you that? 17 Α. No. 18 Did he ever tell you that he would lie to them Q. 19 about whether Crystal was there or not? 20 No, I never knew that. Α. 21 Ο. But you knew he didn't want anything to do with 22 Children Services? Right. 23 Α. 24 And he wouldn't cooperate with them? Q.

1	Q. But you're not a big fan of social media,
2	Facebook?
3	A. No.
4	Q. But the account that you do have is under Tammy
5	Carsey?
6	A. Yeah.
7	MR. STEVE TEETOR: I think that's all the
8	questions I have. I really appreciate your patience.
9	MR. BURNSIDE: Tammy, the court reporter has
10	taken down everything that was said here today. You
11	have the right to order what she has taken transcribed
12	and to sign off on it, or you may waive that right. And
13	I would advise you to waive it.
14	THE WITNESS: I waive that right.
15	(Signature waived.)
16	
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Connie M. Willman, RPR, Inc. (614) 870-0998 Appellee Supp. 090

6	
1	CERTIFICATE
2	State of Ohio ) ) SS:
3	County of Franklin )
4	I, Connie M. Willman, Notary Public in and for
5	the State of Ohio, duly commissioned and qualified,
6	certify that the within named Tammy Smathers was by me
7	duly sworn or affirmed to testify to the whole truth in
8	the cause aforesaid; that the testimony was taken down
9	by me in stenotypy in the presence of said witness;
10	afterwards transcribed upon a computer; that the
11	foregoing is a true and correct transcript of the
12	testimony given by said witness taken at the time and
13	place in the foregoing caption specified.
14	I certify that I am not a relative, employee or
15	attorney of any of the parties, or financially
16	interested in the action.
17	IN WITNESS WHEREOF, I have hereunto set my hand
18	and affixed my seal of office at Columbus, Ohio,
19	on this 9th day of August, 2018.
20	Connie M. Willman
21	
22	Connie M. Willman, Notary Public in and for the State of Ohio and
23	Registered Professional Reporter, Registered Merit Reporter.
24	My commission expires January 17, 2023.

# **ACTIVITY LOG REPORT**

# Report Date: 12/12/2017 Case Name: Crystal Reed

Case ID: 1944578

appointment for seeing the children. Tylor and Crystal were not present when called and the judge issued warrants for not attending.

Activity Date: Created By:	07/02/2015 Debrick, Doug	Activity State: Responsible Worker:	Completed Debrick, Doug
Case Category:	Alternative Response Assessment	Contact Type:	General
Category: Location Type: Start Time:	Case Transfer	Sub Category: Other Sub Category: Originator Of Information: End Time:	Case Transfer Summary
Intake ID:	9517709	Initial Contact:	No
Case Participants / C Carsey // In F Carsey Tylor / In Reg Reed Crystal / In Reg	/ In Regards To Regards To ards To	Case Associated Part	ticipants / Contact Status:
		Placement Providers	/ Contact Status:
Narrative			
DGD 7-2-15, SUMMARY: ACCS received a Neglect report 6/10/15, that Tylor Carsey had left three childred unattended in the car in the parking lot while he went into the Dollar Tree in Athens. Tylor and his with the children's mother, Crystal Reed, were charged with child endangerment. This CW tried to locate the family, but the addresses given to APD and to Municipal Court were false. From the Perry County Municipal Court website, CW was able to find a physical address for the family at New Straitsville, OH 43766, and at an unannounced HV CW had a FTF with Tylor Carsey, who confirmed he. Crystal, and the three children are living at this address, but they were not able to all me			

confirmed he, Crystal, and the three children are living at this address, but they were not able to all meet CW at this time. When CW returned for a scheduled HV, no one answered the door. CW had been in communication with the family's case worker at ACDJFS, and CW notified her that the family was at this address in Perry County. CW was informed on 7/2/15 that, with CW's collateral confirmation of the family's physical address, the case has been transferred to Perry County. Since CW has not been able to meet with the family and they are living in Perry County, CW will waive the Assessments and contacts, so that it can be closed and referred to Perry County.

Activity Date:	07/02/2015	Activity State:	Completed
Created By:	Debrick, Doug	Responsible Worker:	Debrick, Doug
Case Category:	Alternative Response Assessment	Contact Type:	Meetings

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ACTIVITY LOG REPORT					
Report Date: 12/12/2017         Case Name: Crystal Reed         Case ID: 1944578					
Category:	Meetings/Conferences	Sub Category:	Case Conference; Other		
Location Type: Start Time:		Other Sub Category: Originator Of Information: End Time:	ACDJFS worker		
Intake ID:	9517709	Initial Contact:	No		
Case Participants / Contact Status:       Case Associated Participants / Contact Status:         Carsey Tylor / In Regards To       Reed Crystal / In Regards To					
		Placement Providers	/ Contact Status:		
Narrative					
Athens County, and if so, CW should try to have contact again this afternoon. 7/2/2015, 11:10 AM, CW emailed the family's income worker at ACDJFS: Since talking to Tylor once, I have struck out making contact again. Whether or not I transfer the case to Perry County depends in part upon whether they are still receiving benefits through Athens County, so - I was wondering whether they still have an open case in Athens County, or if it has been closed or transferred? Thanks for your help.					
<ul> <li>Doug.</li> <li>7-2-15, 11:16 a.m., The ACDJFS worker, Rach Ledford answered back:</li> <li>I have transferred the case back to Perry County. Your collateral contact with them in Perry County is confirmation to our agency that they have not been living in Athens County.</li> <li>If they return, they will have to provide documentation of residency at this point for any benefits in</li> </ul>					
Athens County.					
Activity Date: Created By:	07/06/2015 Debrick, Doug	Activity State: Responsible Worker:	Completed Debrick, Doug		
Case Category:	Alternative Response Assessment	Contact Type:	Letter To		
Category:	Correspondence	Sub Category:	A/I Dispo Notification ACV/CSR; A/I Dispo Notification		

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	ACTIVITY	LOG REPORT	Γ
Report Date: 12/12/20	017 Case Name: Cryst	al Reed	Case ID: 1944578
Location Type: Start Time:		Other Sub Category: Originator Of Information: End Time:	AP/ASR
Intake ID:	9517709	Initial Contact:	No
Case Participants / Carsey Carsey / Co Carsey Tylor / Comp Reed Crystal / Comp	✓ Completed ompleted oleted	Case Associated Par	ticipants / Contact Status:
		<b>Placement Providers</b>	/ Contact Status:
Narrative			
teh Child Subjects o	etter notifying the Adult Subje f the Report, H erry County Children Service:	, and Carsey, the	Reed and Tylor Carsey, and at the assessment is closed and
Activity Date: Created By:	07/06/2015 Debrick, Doug	Activity State: Responsible Worker:	Completed Debrick, Doug
Case Category:	Alternative Response Assessment	Contact Type:	General
Category: Location Type: Start Time:	Case Closure	Sub Category: Other Sub Category: Originator Of Information: End Time:	Case Closure Summary
Intake ID:	9517709	Initial Contact:	No
Case Participants / Carsey / In Carsey Tylor / In Re Reed Crystal / In Re	<mark>]</mark> t / In Regards To 1 Regards To egards To	Case Associated Par	ticipants / Contact Status:
		Placement Provider:	s / Contact Status:
Narrative			
DGD			

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# **ACTIVITY LOG REPORT**

Report Date: 12/12/2017

Case Name: Crystal Reed

Case ID: 1944578

7-8-15,, CLOSING SUMMARY: ACCS received a Neglect report stating that Tylor Carsey and Crystal Reed had left their three young children unattended in the parking lot at Dollar General while they were inside the store. The police were called, and both parents were charged with Child Endangerment. The report was screened in Alternative Response. CW's attempts to locate the family were made more difficult because they did not give their true address to their worker at ACDJFS, the court, or law enforcement. CW eventually found an address for them in New Straitsville and had FTF contact with Tylor. He confirmed that they are living there at this time. CW made another appointment with the family to finish gathering information for the Safety Assessment, but they would not answer the door. In the meantime, the family's case with JFS got transferred to Perry County, so CW made a referral to Perry County Children Services and closed the case.

Activity Date:	07/09/2015	Activity State:	Completed	
Created By:	Debrick, Doug	Responsible Worker:	Debrick, Doug	
Case Category:	Alternative Response Assessment	Contact Type:	Email	
Category: Location Type: Start Time:	Community Services	Sub Category: Other Sub Category: Originator Of Information: End Time:	CDJFS	
Intake ID:	9517709	Initial Contact:	No	
Case Participants / Contact Status: Carsey Tylor / In Regards To Reed Crystal / In Regards To		Case Associated Participants / Contact Status:		
Placement Providers / Contact Status:				
Narrative				
have provided a rent	an email from Raeh Ledford, t receipt forNel they do, I'll let you know.		CDJFS: Just a heads up, they They have not reapplied in	
Activity Date:	11/13/2015	Activity State:	Completed	
Created By:	Taylor, Benjamin	Responsible Worker:	Pease, Nick Unannounced Home Visit	
Case Category:	Assess/Invest	Contact Type:	ACV Face to face;	
Category:	Assessment/Investigation Mandate	Sub Category:	AP Face to Face; Assessment/Investigation Initiated; RMS(Random Moment	

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	ACTIVITY	LOG REPOR	Γ
Report Date: 12/12/2	2017 Case Name: Crystal	Reed	Case ID: 1944578
Location Type:		Other Sub Category: Originator Of Information:	Sample)
Start Time:	11:00 AM	End Time:	12:00 PM
Intake ID:	10796167	Initial Contact:	No
Case Participants / Carsey // A Carsey // A Reed Crystal / Atte	/ Attempted	Case Associated Par	ticipants / Contact Status:
		Placement Providers	/ Contact Status:
Narrative			
Accompanied CW	Pease to visit. UHV. No contac	et.	
RMS # 3154699			
Activity Date: Created By:	11/16/2015 Pease, Nick	Activity State: Responsible Worker:	Completed Pease, Nick
Case Category:	Assess/Invest	Contact Type:	General , Phone Call To
Category:	Assessment/Investigation Mandate	Sub Category:	Adult Subject of Report; Child Subject of Report; RMS(Random Moment Sample)
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	10:38 AM	End Time:	10:38 AM
Intake ID:	10796167	Initial Contact:	No
	/ Contact Status:	Case Associated Par	ticipants / Contact Status:
Case Participants Carsey / I Carsey / I Reed Crystal / In F	in Regards To		
Carsey Carsey / 1	in Regards To	Placement Provider	s / Contact Status:

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LT.	, JL JL	A T T		LO	G	T.T.T	UNI	

Report Date: 12/12/2017 Case Name: Crystal Reed

C C

**Placement Providers / Contact Status:** 

Case ID: 1944578

Phone No 740--34-2-38 Ext 225 Moment 11/16/2015 10:38:00 AM Observation Type Electronic Observation ID 3154658

On the telephone with NF Tylor Carsey at the time of RMS. Discussing referral.

Nothing further.

Activity Date: Created By:	11/16/2015 Pease, Nick	Activity State: Responsible Worker:	Completed Pease, Nick
Case Category:	Assess/Invest	Contact Type:	Face-to-Face , Unannounced Home Visit
Category:	Assessment/Investigation Mandate	Sub Category:	ACV Face to face; AP Face to Face; Home Visit
Location Type:		Other Sub Category: Originator Of Information:	
Start Time:	12:00 PM	End Time:	12:00 PM
Intake ID:	10796167	Initial Contact:	No
Case Participants / Contact Status: Carsey / Completed Carsey / Completed Reed Crystal / Completed		Case Associated Participants / Contact Status:	
1			

### Narrative

On Monday November 16th, 2015 CW Pease conducted an unannounced home visit at the residence of NM Crystal Carsey (Reed) located at \_\_\_\_\_\_\_ New Straitsville Ohio with New Straitsville Police Chief Kevin Groves. Upon arrival to the residence, CW Pease met with Crystal and explained why he was present. CW Pease asked Crystal if she could come into the residence to speak about the matter. Crystal permitted CW Pease and NSPD into the residence. CW Pease observed the residence to be cluttered with large amount of items stacked throughout the residence. It appeared that Crystal may have some hoarding issues, but also acknowledged that NF Tylor Carsey recently left the home approximately a month ago and this situation would not appear to have occurred in just a month.

CW Pease spoke with Crystal regarding the matter. Crystal advised that she and Tylor recently separated due to her seeing neighbor Joe Spencer. Crystal advised that she has been frustrated that Tylor does not help around the home when they were together and that she felt overwhelmed. CW Pease asked Crystal

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# IN THE COURT OF COMMON PLEAS OF PERRY COUNTY, OHIO. **GENERAL DIVISION**

2019 MAY - 3 AM 9: 48

TAMMY SMATHERS,	:	TIMOTHY J WOLLENBERG CLERK OF COURT	
Plaintiff,	:	Case No. 17-CV-00278	
vs.	:	Assigned Judge Michael Ward	
PERRY COUNTY CHILDREN AND FAMILY SERVICES, et al.,	:	· · · · · · · · · · · · · · · · · · ·	
	:		

Defendants.

## **MOTION OF DEFENDANTS TO STRIKE WITNESS LIST OF PLAINTIFF** AND FOR TELEPHONE STATUS CONFERENCE

Defendants respectfully request that this Court strike plaintiff's proposed witness list and require the filing of a realistic list of actual trial witnesses or exclusion of those not timely produced for discovery.

Respectfully submitted,

J./Stephen Teetor (0023355)Matthew S. Teetor (0087009)ISAAC WILES BURKHOLDER & TEETOR, LLC Two Miranova Place, Suite 700 Columbus, Ohio 43215 (614) 221-2121 Fax (614) 365-9516 email: jteetor@isaacwiles.com mteetor@isaacwiles.com Attorneys for Defendants

4835-9313-4741.1

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### **MEMORANDUM IN SUPPORT**

This case has been pending for almost a year-and-a half. Plaintiff sued Perry County Children Services and its employees for alleged "reckless conduct" in not removing a child from the custody of her parents.

The Court's Order of January 16, 2019 included the following deadlines:

Plaintiff lay and expert witness disclosure	
Defendant lay and expert witness disclosure	03/29/19
Discovery cut-off	
Summary Judgment	

(See Order attached).<sup>1</sup>

4

The purpose of the staggered disclosure was to permit defendants an opportunity to learn of plaintiff's witnesses and experts so they could be deposed, after which defendants are to disclose their witnesses, complete discovery, and timely file summary judgment motions.

Instead, nearly 18 months into the case, plaintiff has disclosed for the first time an alleged <u>65</u> trial witnesses, mostly new and including four experts. (see attached).

This type of shot-gun witness disclosure is designed to prevent defendants from knowing and deposing the actual trial witnesses of plaintiff. There is no way 65 witnesses can be deposed before the discovery cut-off expires on May 31, 2019.

Defendants specifically sought the names of all plaintiff witnesses by interrogatory a <u>year</u> ago, in April of 2018. (See April 2018 Interrogatories attached.) Plaintiff's surprise witness list contains 44 new names not specifically identified previously, including 13 open-ended categories of witnesses. Plaintiff should not be allowed trial by ambush.

<sup>&</sup>lt;sup>1</sup> Plaintiff filed an unopposed motion to extend the witness disclosures by 60 days, which this Court granted.

Therefore, defendants respectfully request that plaintiff's witness list be stricken and that plaintiff be required to file a realistic witness disclosure listing only actual trial witnesses.

In the alternative, defendants request that plaintiff be prohibited from calling at trial any witness not produced by plaintiff for a discovery deposition prior to the May 31, 2019 discovery cut-off.

A telephone status conference is respectfully requested.

Respectfully submitted,

J. Stephen Teetor (0023355) Matthew S. Teetor (0087009) ISAAC WILES BURKHOLDER & TEETOR, LLC Two Miranova Place, Suite 700 Columbus, Ohio 43215 (614) 221-2121 Fax (614) 365-9516 email: jteetor@isaacwiles.com mteetor@isaacwiles.com Attorneys for Defendants

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by email and/or regular U.S.

mail, postage prepaid, this  $\int_{-\infty}^{2\pi}$ 

day of May, 2019, upon the following:

Jeremy Burnside (0077980) Rachel E. Daehler (0090486) BURNSIDE LAW, LLC 1118 Hutchins Street, Suite A Portsmouth, Ohio 45662 (740) 353-2363 / Fax: (740) 354-6038 email: jeremy@burnsidelaw.com rachel@burnsidelaw.com Attorneys for Plaintiff Tammy Smathers

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(0023355)

4835-9313-4741.1

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# IN THE COURT OF COMMON PLEAS, PERRY COUNTY, OHIO

### TAMMY SMATHERS,

### PLAINTIFF,

v.

PERRY COUNTY CHILDREN AND FAMILY SERVICES,

### DEFENDANT.

### <u>ORDER</u>

CASE NO

# TO: FILE COPY

- IT IS ORDERED BY THE COURT AS FOLLOWS:
- 1. This cause is assigned to a telephone conference on September 13, 2019 at 9:00
- 2. This cause is assigned to a Final Pre-Trial on October 11, 2019 at 1:00 pm
- 3. This cause is assigned for a seven (7) day trial in the Common Pleas Court, Top Floor at New Lexington, on November 6, 2019 at 9:00 am.
- 4. That Counsel for the respective parties shall furnish the Court with a trial brief at least fourteen (14) days prior to date assigned for trial of this cause. The failure to do so may result in a dismissal of this action. These briefs shall contain at least the following material:
  - (a) A succinct statement of the kind of action;
  - (b) A clear statement of the issues involved;
  - (c) A summary of the factual situation in regard to each claim or defense;
  - (d) An itemized list of the claimed special damages;
  - (e) A statement of the principles of law involved in the case supported by the citation of appropriate authority;
- 5. All documents and exhibits must be marked for identification purposes and shared with opposing counsel prior to trial. Failure to do so may result in said documents and exhibits not being admitted into evidence.
- 6. A list of all exhibits shall be submitted to the Court and opposing counsel prior to trial.
- 7. Plaintiff to disclose all lay and expert witnesses by February 28, 2019
- 8. Defendant to disclose all lay and expert witnesses by March 29, 2109
- 9. Discovery cut off shall be May 31, 2019.
- 10. Summary Judgment deadlines shall be June 28, 2019.
- 11. All depositions to be presented to the Court by way of videotape presentation shall be filed with the Court along with a transcript of the same accompanied by any objections no later than seven (7) days before trial. Failure to comply with this order shall result in sanctions being imposed including this Court not allowing the proposed testimony to be presented.

551 mut JUDGE MICHAEL WARD

COPIES TO: Jeremy Burnside Matthew & Stenhen Teetor EECEIVED PERRY COUNTY

17-CV-00278116 船 10:24

TIMOTRY J Y'OLLENBERG

CLERK OF COUNT

# IN THE COURT OF COMMON PLEAS PERRY COUNTY, OHIO

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TAMMY SMATHERS, individually and
on behalf of the ESTATE OF
HARMONY BROOKLYN RAYNE
CARSEY
v.
RICK GLASS, Executive Director of
Perry County Children's Services, et al.
Defendants.

# CASE NO.: 17 CV 278

JUDGE: MICHAEL WARD

WITNESS LIST OF PLAINTIFF

Now comes Tammy Smathers, as the Administrator of the Estate of Harmony Carsey, by and through counsel, and hereby identifies the witnesses that she plans on calling at a trial of this matter:

1. Tammy Smathers

2. Tylor Carsey

3. Tiffany Smathers

4. Bobby "Trey" Smathers

5. Pamela Jarvis - Rolling Wood Dr., Lynan, South Carolina

6. Andy Rutter - Boyfriend of Plaintiff - same address as Plaintiff

7. Gary Rutter, Sr. - Son of Tammy Smathers

8. Larry Jarvis- Rolling Wood Dr., Lynan, South Carolina

9. George Ann Strausbaugh - South Carolina

10. Mark Rutter - New Marshfield, OH - Andy's brother

### Law Enforcement:

- 11. Kevin Groves\*
- 12. Special Agent Azia Mason Ohio BCI\*
- 13. Deputy Kulchar Athens County Sheriff's Office
- 14. Zane Love New Straitsville, PD\*

15. P.O. McPherson - Athens Police Department Athens, OH 45701

16. P.O. Withers - Athens Police Department Athens, OH 45701

### Athens County Children's Services

- 17. Jami Koons \*
- 18. Stephanie McDaniel\*
- 19. Julie Hendershott
- 20. Lavonna Laughlin
- 21. Doug Debrick
- 22. Laramie Blackford
- 23. Staci Riley
- 24. Any additional agent of Athens County Children's Services.

# **Expert Witnesses:**

- 25. Dr. James Clark, Ph.D. Dean, College of Social Work, Florida State University
- 26. Stacey H. Gerber 90 Winding Trail Lane Cheshire, CT 06410

27. Bradley C. Wilson - New Lexington Coroner

28. C. Jeff Lee – Licking County Coroner

# **O'Bleness Hospital:**

- 29. Bradley Dull, M.D. O'Bleness ED Physician\*
- 30. Katie McCullough, R. N. O'Bleness ED Nurse\*

### MedFlight:

- 31. Kathleen Montgomery, R.N. MEDFLIGHT
- 32. David Ankrom, R.N. MEDFLIGHT\*

# Cabell Huntington Hospital:

33. Alfred Baldera, M.D. \*

34. Leigh Ann Perdue, CHH Social Worker\*

- 35. Christina Hensley, M.D. \*
- 36. Jenna Dolan, M.D. \*
- 37. Lora Fetty, M.D.\*
- 38. Melanie Williams, R.N. \*

### As if under cross examination:

- 39. Crystal Reed
- 40. Joey Spencer
- 41. Richard Glass

- 42. Nick Pease \*
- 43. Amy Frame
- 44. Pam Harley
- 45. Ben Taylor
- 46. Emily Strange Tarbert\*
- 47. Katie Hursey
- 48. Misty White\*
- 49. Susan Blosser account clerk\*
- 50. Betty Beal secretary\*
- 51. Laura Bobo
- 52. Rebecca Galvin
- 53. Liesl Gyurko
- 54. Any of Defendants' experts\*
- 55. Any of Defendants' witnesses\*

### Misc.:

- 56. Ohio Department Job and Family Services representative(s) emails
- 57. Unknown phone provider cell phone records of PCCS workers.
- 58. Cabell Huntington Hospital Medical Records Custodian.
- 59. O'Bleness Medical Records Custodian.
- 60. Any defendant or agent of defendant.
- 61. Any and all witnesses named in depositions or identified throughout remaining

discovery.

- 62. Any and all witnesses, including experts, named by the defendants whether or not they are called by the defendants.
- 63. Any and all witnesses necessary for the rebuttal of testimony or evidence offered at trial by the defendants.
- 64. Any additional experts necessary to address and rebut the testimony of experts subsequently identified by the defendants.
- 65. Any and all witnesses necessary to identify or authenticate any document, video, record or other tangible thing offered as evidence at trial.

As discovery is still ongoing, Plaintiff reserves the right to supplement and amend this list to name further witnesses undiscoverable by the date listed below.

Respectfully submitted, BURNSIDE LAW, LLC

Jeremy M. Burnside (SC# 0077980) 1118 Hutchins Street, Suite A Portsmouth, Ohio 45662 Telephone: (740) 353-2363; Fax: (740) 354-6038 Email: <u>feremy@burnsidelaw.com</u>

Counsel for Plaintiff

## **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing has been sent via

electronic mail this 26<sup>th</sup> day of April, 2019 to the following:

J. Stephen Teetor Matthew S. Teetor Isaac Wiles Burkholder & Teetor, LLC Two Miranova Place, Suite 700 Columbus, Ohio 43215-5098 steetor@isaacwiles.com meteetor@isaacwiles.com *Attorneys for Defendants* 

Frency M. Burnside (SC# 0077980)

## IN THE COURT OF COMMON PLEAS PERRY COUNTY, OHIO

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## TAMMY SMATHERS, individually and on behalf of the ESTATE OF HARMONY BROOKLYN RAYNE CARSEY

Plaintiff,

v.

PERRY COUNTY CHILDREN AND FAMILY SERVICES, et. al.,

Defendants.

CASE NO. 17 CV 278

JUDGE: MICHAEL WARD

PLAINTIFF, TAMMY SMATHERS INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF HARMONY BROOKLYN RAYNE CARSEY, RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Now comes the Plaintiff, Tammy Smathers, individually and on behalf of the Estate

of Harmony Brooklyn Rayne Carsey, by and through counsel, propounding the following

responses to Defendants, Perry County Children and Family Services, Rick Glass, Nick

Pease, Katie Hursey, and Ben Taylor, interrogatories as follows:

#### INTERROGATORIES

1. Please identify by name and address all lay witnesses you expect or intend to call to testify at the trial of this case.

#### **ANSWER:**

All witnesses have yet to be specifically determined, but upon final determination will be disclosed in sufficient time prior to trial of this matter. However, those witnesses may include one or more of the following:

- a. Plaintiff Tammy Smathers, 320 Burr Oak Blvd., Nelsonville, OH 45764;
- b. Defendant's representatives provided for 30(b)(5) deposition or identified in deposition testimony;
- c. Any and all persons identified in responses to these Interrogatories;
- d. Any and all employees of Perry County Children and Family Services aka Perry County Children's Services and support staff identified in any discovery responses;
- e. Any and all witnesses listed by other parties to this action;
- f. Such other witnesses as may be necessary for rebuttal;

- g. Other witnesses as may be disclosed during discovery;
- h. Any and all physicians, nurses, and social workers involved in the care or treatment of Harmony Brooklyn Rayne Carsey;
- i. Any and all investigators with the Ohio Bureau of Criminal Investigation, New Straitsville Police Department, Perry County Sheriff's Office, or any other investigative agency that were involved in the investigation and/or prosecution of Crystal M. Reed Carsey for the death of Harmony Brooklyn Rayne Carsey;
- j. Tylor Carsey, 320 Burr Oak Blvd., Nelsonville, OH 45764;
- k. Tiffany Carsey, 320 Burr Oak Blvd., Nelsonville, OH 45764;
- 1. Bobby Smathers III, 320 Burr Oak Blvd., Nelsonville, OH 45764;
- m. Nick Pease, 526 Mill Street, New Lexington, OH 43764;
- n. Katie Hursey, 526 Mill Street, New Lexington, OH 43764;
- o. Ben Taylor, 526 Mill Street, New Lexington, OH 43764;
- p. R. Rolf Whitney, 13 Park Ave. W., 3rd Floor, Mansfield, OH 44902;
- q. Deputy John Culkar, Athens County Sheriff's Department, 13 W. Washington Street, Athens, OH 45701;
- r. Jim Dye, will supplement address;
- s. Matthews Abens, will supplement address;
- t. Kevin Groves, New Straitsville Police Department, 114 W. Main Street P.O. Box 238, New Straitsville, OH 43766;
- u. Jeremy Sharp, Buchtel Police Department, 17710 N. Akron Ave., Buchtel, OH 45764.

Plaintiff reserves the right to supplement and/or amend this list a sufficient time prior to the trial or arbitration of this matter.

2. Please identify by name and address all expert witnesses you expect or intend to call to testify at the trial of this case, and the general nature of their expected testimony.

#### ANSWER:

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Other than treating physicians, any experts have yet to be specifically identified. Such experts will be identified and such information will be supplemented upon determination and in accordance with Court ordered deadlines.

- 3. Please identify by name each specific Children's Services employee who had actual knowledge of the information alleged in your Complaint as contained in:
  - a. Paragraph 9
  - b. Paragraph 10
  - c. Paragraph 11
  - d. Paragraph 12
  - e. Paragraph 13
  - f. Paragraph 46
  - g. Paragraph 47

## **ANSWER:**

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> Upon information and belief, and without the opportunity to see any documents from you or the full file from the Perry County prosecutor, the Children's Services employee who had actual knowledge of the information alleged in Paragraphs 9, 10, 11, 12, 13, 46, and 47 was Defendant Nick Pease.

The identity of others, if any, will be supplemented as discovery progresses.

- 4. Please identify the specific identity of all persons involved in the allegations of your Complaint as contained in:
  - a. Paragraph 14
  - b. Paragraph 17
  - c. Paragraph 23
  - d. Paragraph 36
  - e. Paragraph 38
  - f. Paragraph 44

#### **ANSWER:**

Upon information and belief, and without the opportunity to see any documents from you or see a complete file from the Perry County prosecutor, the person(s) involved in the allegations of the Complaint are as follows:

- a. Paragraph 14 Kevin Groves and Jeremy Sharp, current and/or former officers with the New Straitsville Police Department, and Defendant Nick Pease;
- b. Paragraph 17 Defendant Nick Pease;
- c. Paragraph 23 Defendant Nick Pease;
- d. Paragraph 36 Plaintiff Tammy Smathers and Defendant Nick Pease;
- e. Paragraph 38 Identity unknown, believed to be Leigh Ann Perdue and/or Melanie Williams; however, this information would be in the possession of Defendant Perry County Children and Family Services;
- f. Paragraph 44 Defendant Nick Pease.
- 5. When Harmony was released from Cabel Huntington Hospital, please identify:
  - a. Who she was released to; and
  - b. Everyone who had custody of her at any time before her death, and the time periods for which each such person had custody.

#### ANSWER:

OBJECTION. This request is vague, over broad, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, upon information and belief:

- a. Harmony was released from Cabell Huntington Hospital to the care of Crystal M. Reed Carsey;
- b. Crystal M. Reed Carsey birth through death; Plaintiff Tammy Smathers and Tylor Carsey cared for Harmony from approximately November 25-27, 2015 through December 23-25, 2015 when Harmony was reluctantly returned to the custody of her mother, Crystal M. Reed Carsey. Harmony remained in the custody of Crystal M. Reed Carsey from approximately December 23-25, 2015 through her death;
- c. The documents you have in your possession may aide with this timeline.
- 6. Please identify all physicians, hospitals or treaters from whom Harmony received medical evaluations or care from her date of birth until her death.

### ANSWER:

OBJECTION. This request is vague, over broad, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, upon information and belief, Harmony received medical evaluations or care from:

#### O'Bleness Hospital, Athens, OH Cabell Huntington Hospital, Huntington, WV

7. Please itemize and describe all expenses and damages for which you seek recovery in this case, indicating the amount for each damage claim and the person you claim is entitled to the same.

#### ANSWER:

#### Will supplement.

8. Please indicate all attempts by you to have a Court remove Harmony from her mother's custody, and the dates of each such attempt.

## ANSWER:

OBJECTION. This request is vague, over broad, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving said objection, in November or December of 2015, Plaintiff Tammy Smathers and Tylor Carsey inquired with an unknown representative of the Athens County Court of Common Pleas how to obtain custody of Harmony. The representative informed Plaintiff Tammy Smathers and Tylor Carsey that Tylor



must first obtain a divorce and then proceed through Perry County Children's Services to obtain custody of Harmony. Further, an overview of every attempt made by Plaintiff Tammy Smathers and/or a family member to remove Harmony from her mother's custody is outlined in the Complaint.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

Now comes the Plaintiff, Tammy Smathers, individually and on behalf of the Estate of

Harmony Brooklyn Rayne Carsey, by and through counsel, propounding the following

responses to Defendants, Perry County Children Services, Rick Glass, Nick Pease, Katie

Hursey and Ben Taylor, Request for Production of Documents as follows:

1. Please produce all documents which you claim support any of the allegations of your Complaint.

#### **RESPONSE:**

The documents that I have in my possession are included in the enclosed jump drive. They include the medical records we received from November 2015 as well as a partial file from the Perry County prosecutor that included photos and certain audio recordings, only. Further, I have been provided no documents from you to review -as discovery takes place, additional documents responsive to this request will be supplemented upon receipt of same by Plaintiff's counsel.

2. Please produce all documents or items you expect or intend to present as exhibits at the trial of this case.

#### **RESPONSE:**

Any and all exhibits which Plaintiffs intend to introduce as evidence at the trial of this matter have yet to be specifically identified, however, may include any and all of the enclosed documents/recordings/photos from the medical records and prosecutor's file. Further, Plaintiff will provide an exhibit list in accordance with court orders a sufficient time prior to the trial of this matter.

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3. Please produce all medical or treatment records of Harmony from date of birth to death.

#### **RESPONSE:**

Any and all documents from November 2015 to present which are responsive to these requests which Plaintiff has are enclosed. Additional documents responsive to this request will be supplemented upon receipt of same by Plaintiff's counsel, if any.

4. Please properly complete and sign the attached Medical Authorization for each hospital or treater of Harmony for whom you do not have records.

## **RESPONSE:**

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Plaintiff has provided the medical records from the November 2015 treatment of Harmony at O'Bleness and Cabell Huntington. If any further information is requested, please be more specific so we can work this issue out as Plaintiff is willing to sign relevant medical authorizations.

5. Please produce all notes, logs, phone bills, letters or documents which support your allegations against Defendants.

## **RESPONSE:**

None in Plaintiff's possession other than the enclosed medical records and photos and recordings from the prosecutor's office, which are also enclosed on the USB drive(s). Neither you nor the prosecutor has given me any documents from you.

6. Please produce all bills and invoices and documents which support the damages claims for which you seek recover in this case.

## **RESPONSE:**

Documents responsive to this request will be supplemented upon receipt of same by Plaintiff's counsel.

Respectfully submitted, BURNSIDE LAW, LI

Jeremy M. Burgside, SC#0077980 Rachel E. Daehler, SC#0090486 1148 Hutchins Street, Ste. A Portsmouth, Ohio 45662 Ph: 740-353-2363; fax: 740-354-6038 Email: jeremy@burnsidelaw.com

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**Counsel for Plaintiff** 

# **CERTIFICATE OF SERVICE**

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A copy of the foregoing was served via U.S. Regular Mail on the 12<sup>th</sup> day of April, 2018

upon:

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J. Stephen Teetor Matthew S. Teetor Isaac Wiles Burkholder & Teetor, LLC Two Miranova Place, Suite 700 Columbus, Ohio 43215-5098 Attorneys for Defendant Perry County Children Services, Rick Glass, Nick Pease, Katie Hursey, and Ben Taylor

my M. Burnside, SC#0077980

# PERRY COUNTY IN THE COURT OF COMMON PLEAS OF PERRY COUNTY, OHIO GENERAL DIVISION 2019 JNN -7 AM 9: 21

RECEIVED

TAMMY SMATHERS,	:	TIMOTHY J WOLLENBERG CLERK OF COURT
Plaintiff,	:	Case No. 17-CV-00278
vs.	:	Assigned Judge Michael Ward
PERRY COUNTY CHILDREN AND FAMILY SERVICES, et al.,	:	
Defendants.	:	

# <u>REPLY OF DEFENDANTS IN SUPPORT OF</u> <u>MOTION TO STRIKE WITNESSES OF PLAINTIFF</u>

The issue before the Court is much simpler than plaintiff now represents.

This case has been pending for a year-and-a-half.

Only 30 days before the discovery cut-off, plaintiff for the first time identified two retained expert witnesses (James Clark in Florida and Stacy Gerber in Connecticut).

That left defendants with only one month to depose these newly disclosed experts, and their depositions were requested multiple times (see attached). Plaintiff declined to produce either expert.

In addition, plaintiff also disclosed 63 other witnesses, placing an asterisk by the twenty witnesses plaintiff intended to depose during the thirty days prior to the discovery cut-off. Plaintiff gives no reason why these depositions were neither set up nor taken during the previous 18 months that this case has been pending.

Defendants have produced thousands of pages of documents, including the complete Perry County files, the Activity Log, the SACWIS documents, the Northwood files, the

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personnel files of employees, and the policy manuals. Defendants do not have the other documents Plaintiff is claiming.

# **CONCLUSION**

This case cannot go on indefinitely. The parties agreed to 18 months for discovery, and in fairness, those plaintiff witnesses who were not disclosed until a month before the discovery cut-off and not produced for deposition should be excluded.

Respectfully submitted,

J. Stephen Teetor (0023355) Matthew S. Teetor (0087009) ISAAC WILES BURKHOLDER & TEETOR, LLC Two Miranova Place, Suite 700 Columbus, Ohio 43215 (614) 221-2121 Fax (614) 365-9516 email: jteetor@isaacwiles.com mteetor@isaacwiles.com Attorneys for Defendants

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# **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by email and/or regular U.S.

mail, postage prepaid, this  $5^{+}$  day of June, 2019, upon the following:

Jeremy Burnside (0077980) Rachel E. Daehler (0090486) BURNSIDE LAW, LLC 1118 Hutchins Street, Suite A Portsmouth, Ohio 45662 (740) 353-2363 / Fax: (740) 354-6038 email: jeremy@burnsidelaw.com rachel@burnsidelaw.com Attorneys for Plaintiff Tammy Smathers

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J. Stephen Teetor (0023355)

4849-1906-8824.1

From:	J. Stephen Teetor
Sent:	Sunday, <mark>April 28, 2019</mark> 10:32 AM
То:	Jeremy Burnside (jeremy@burnsidelaw.com)
Subject:	FW: Smathers
Attachments:	Witness List.pdf

Jeremy:

Matt is tied up for the next several weeks with a wrongful death trial, so you will need to communicate with me.

As I have told you since this case was filed, I want to depose those witnesses you actually intend to call at trial. We both know you are not really calling all of the 65 witnesses just now disclosed, so please provide a realistic list so discovery can be completed timely.

In the meantime, I need to depose your experts asap since the discovery cutoff is in 30 days.

Please arrange the discovery depositions of your experts Dr. James Clark and Stacey Gerber asap---- and for either May 6, 7, 9, 10, 13, 15, 21, 22 or 24, 2019.

Also, please provide a copy of complete files and reports of these experts prior to the depositions.

Thanks.

Steve Teetor 4-28-19



J. Stephen Teetor Attorney at Law Two Miranova Place, Ste. 700 Columbus, OH 43215-5098 t 614.221.2121 • f 614.365.9516 d 614.220.5114 JTeetor@isaacwiles.com www.isaacwiles.com

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From:	J. Stephen Teetor
Sent:	Tuesday <mark>, April 30, 2019</mark> 12:04 PM
То:	Jeremy Burnside (jeremy@burnsidelaw.com)
Cc:	'jclark5@fsu.edu'
Subject:	Smathers v Perry County

Jeremy:

I got your disclosure last Friday (4-26-19) disclosing James Clark for the first time as an expert witness you intend to call to testify in this case.

As you know, the Court has ordered that all depositions and discovery must be completed before the end of May, and so there is little time to arrange and conduct this deposition. I therefore promptly asked you to set up his deposition and have not heard back yet.

To expedite this, I am copying James Clark on this e-mail and asking you both to respond with your availability on :

#### May 7, 10, 13, 14, 15, ,21, 22 or 24 , 2019.

Please also provide all reports, file materials and notes relative to this expert prior to the deposition.

Thanks,

Steve Teetor 4-30-19



J. Stephen Teetor Attorney at Law Two Miranova Place, Ste. 700 Columbus, OH 43215-5098 t 614.221.2121 • f 614.365.9516 d 614.220.5114 JTeetor@isaacwiles.com www.isaacwiles.com

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From: Sent: To: Subject: J. Stephen Teetor Tuesday, April 30, 2019 2:42 PM 'Jeremy Burnside' RE: Smathers

#### Jeremy:

This case is almost a year-and-a -half old. You just made a shot-gun disclosure of 65 witnesses (mostly new) and with only 30 days before the discovery cutoff date, despite our discovery requests for this information long ago. And now want to depose 20 of them in the next 23 business days. That is completely unrealistic.

Please get the depositions of the newly disclosed experts (Clark and Gerber) set on either May 7, 10, 13, 14, 15, 21, 22 or 24, 2019 so we can meet the Court's deadline of May 31. Then select the depositions you still really want/need and let's get them done under the already -extended Court schedule.

We provided you with thousands of documents in this case. The only e-mails my client located were ones saved to Northwoods and provided to you. You wanted others from the State system, so we forwarded your request exactly as you asked us to and gave you what the State provided. If you are not satisfied or have questions for the State, you should go directly to them as we do not control the State and the State is not our client in this matter.

As for cell phones, requesting unlimited access to personal cell phones is unreasonable. If you want information from the three county cell phones, and we suspect there is little if anything there based on the testimony of the witnesses, you need to tell us what specifically you want and the time period to be covered, as confidential information about other cases cannot be shared.

Steve 4-30-19



J. Stephen Teetor Attorney at Law Two Miranova Place, Ste. 700 Columbus, OH 43215-5098 t 614.221.2121 • f 614.365.9516 d 614.220.5114 JTeetor@isaacwiles.com www.isaacwiles.com

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From: Jeremy Burnside <jeremy@burnsidelaw.com> Sent: Tuesday, April 30, 2019 12:31 PM To: J. Stephen Teetor <JTeetor@isaacwiles.com>

From: Sent: To: Subject: J. Stephen Teetor Thursday, May 2, 2019 2:20 PM Jeremy Burnside (jeremy@burnsidelaw.com) RE: Smathers v Perry County

Jeremy:

May 24 is no longer available, and other dates are filling up fast.

Would you please get me dates asap to depose James Clark and Stacey Gerber, along with their files ?

Thanks.

Steve Teetor 5-2-19



J. Stephen Teetor Attorney at Law Two Miranova Place, Ste. 700 Columbus, OH 43215-5098 t 614.221.2121 • f 614.365.9516 d 614.220.5114 JTeetor@isaacwiles.com www.isaacwiles.com

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From: J. Stephen Teetor Sent: Tuesday, April 30, 2019 12:04 PM To: Jeremy Burnside (jeremy@burnsidelaw.com) <jeremy@burnsidelaw.com> Cc: jclark5@fsu.edu Subject: Smathers v Perry County

Jeremy:

I got your disclosure last Friday (4-26-19) disclosing James Clark for the first time as an expert witness you intend to call to testify in this case.

As you know, the Court has ordered that all depositions and discovery must be completed before the end of May, and so there is little time to arrange and conduct this deposition. I therefore promptly asked you to set up his deposition and have not heard back yet.

From:	J. Stephen Teetor
Sent:	Thursday, May 2, 2019 3:36 PM
То:	'Jeremy Burnside'
Cc:	Katee Neltner
Subject:	RE: Smathers v Perry County

Jeremy:

You asked for potential dates a month ago and then I never heard back from you. I have other cases too and court scheduling since then, so I simply could not hold all those dates indefinitely when I never hear back from you for a month.

We have always been willing to produce Nick Pease and Misty White, but you never asked for them until just now. We will produce them before the discovery cutoff but need you to also precedence your experts in May, something we have requested a number of times. I cannot help the Court schedule—we both agreed to it and I did not object when you asked to extend it, but I now have to meet my deadlines too unless they are changed again.

In fairness, we asked for disclosure of your witnesses a year ago in interrogatories, and just now got a 65 persons list 30 days before the discovery cutoff. There is simply no way that we can jam in all those depositions into the last 30 days.

We did exactly what you asked us to do to help you get e-malls from the State, and we gave you everything they provided. The State searched the way you requested. The fact that some e-mails were scanned into Northwoods and others went into SACWIS is not surprising to me, and if you want to challenge the State search, that is fine with me and you should contact them about it. All we did was what you asked us to do, and I have no reason to think that there were any other emails regarding this case.

You just now sent us an authorization for the first time for unlimited access to personal phones of non-parties. That is unquestionably overbroad. We asked you to limit it so that personal mattes and other confidential cases unrelated to this case are not disclosed, and you have not done that yet.

Simply continuing discovery beyond the Court's deadline does not work because of my witness disclosure dates, the discovery cutoff, and the summary judgment deadline I must meet. I cannot determine what experts I need without knowing what your experts say, which is why we had the staggered disclosure dates and why I need these depositions asap.

Let's get the important stuff done. Please schedule your new experts as we requested for May and we will schedule Pease and White for May

Steve Teetor 5-2-19



J. Stephen Teetor Attorney at Law Two Miranova Place, Ste. 700 Columbus, OH 43215-5098 t 614.221.2121 

f 614.365.9516 d 614.220.5114

From: Sent: To: Subject: J. Stephen Teetor Monday, May 6, 2019 1:39 PM Jeremy Burnside (jeremy@burnsidelaw.com) Smathers v Perry County

Jeremy:

Please let me know if you are arranging your expert's discovery depositions or not.

Thanks.

Steve Teetor 5-6-19



J. Stephen Teetor Attorney at Law Two Miranova Place, Ste. 700 Columbus, OH 43215-5098 t 614.221.2121 • f 614.365.9516 d 614.220.5114 JTeetor@isaacwiles.com www.isaacwiles.com

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From:	J. Stephen Teetor
Sent:	Friday, May 10, 2019 8:50 AM
То:	'Jeremy Burnside'
Cc:	Katee Neltner; Matthew S. Teetor
Subject:	RE: Smathers Witness List Issue

Jeremy:

Your May 7, 2019 e-mail says that you have been asking for depositions of Misty and Nick <u>for months</u>. That is simply <u>not</u> true. While you mentioned wanting to take Nick and Misty's deposition in your December 4, 2018, letter, you also stated that you wanted to receive the emails you were seeking from the State ODJFS "before any further depositions." As you know, we worked with you to obtain those emails from ODJFS for months.

We have been producing witnesses as you requested them. You indicated you wanted to depose Nick and Misty last, and the first request to actually produce them on a date certain came from Katee Neltner of your office on May 1, 2019. If you have prior requests for a specific date, please provide them. Katee asked that we check on the date of May 21. Misty can be available on that date. Nick Pease tells us he has training scheduled with the AG's office on May 20 and 21, so you will need to provide other dates so we can check with him. Any suggestion that it is our fault you waited until May 1 to ask for these two witnesses is simply misplaced.

Regarding e-mails, it is my understanding that a few emails were printed off and placed in the Northwoods file. We produced those emails to you long ago. All of the rest went into the State's server. You then asked us to request a search by the State using your search words. We did exactly as you asked, repeatedly followed up with the State, and then provided you everything we got from the State. We cannot explain why the e-mails in Northwoods were not turned up by the State when it conducted its search, and we were surprised with the State's search results too, but that is not our fault. We did what you asked and gave you what we got. You can certainly contact the State directly or depose them about this if you wish.

Regarding phone records, your December 4 letter asking for numerous records, including (in number 4) phone records and text records from any PCCS employees. Then four months later, on April 6, 2019, you sent blank phone authorizations for seven people, a number of whom are not even parties, seeking records from unnamed phone providers. Your request for unrestricted access to the personal phones (particularly of non-parties) is way overbroad, and we are told only the supervisory staff even had county cell phones. The supervisor phones would, of course, contain confidential information about numerous other cases. Disclosure of that information would violate the rights of other families and statues on confidentiality. I suspect that even if records were obtained from the phone companies, all they would tell you is the phone numbers of ingoing and outgoing calls, length of the calls, and dates of any texts sent.

Bottom line----we have given you all the records and e-mails we have located to date and produced for deposition everyone you have asked for. We will still produce Nick and Misty, but your first specific request for their depositions occurred May 1.

On the other hand, we asked for you to produce everyone you claim had direct communications with PCS and we deposed them. We also asked the Court to require you to identify your experts and trial witnesses so we could depose them and have a schedule that would allow us to have time to depose them all and determine what experts and witnesses we would need in rebuttal. We agree to give you an extra 60 days to disclose your witnesses as a professional courtesy---- only to find that now left us only 30 days to depose the list of 65 witnesses and experts you named. While many of the witnesses are listed somewhere in the volumes of documents in this case, that does not tell

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of April, 2021, I electronically filed the foregoing with

the Clerk of Court using the Court's authorized electronic filing system and a copy of the foregoing

document was served via regular U.S. Mail, postage pre-paid and email, upon the following:

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