IN THE COURT OF COMMON PLEAS
BROWN COUNTY, OHIO
CIVIL DIVISION

George Dunning, *et al.*,	:	Case No. 2015-0001
Plaintiffs,	:	Judge Scott T. Gusweiler
vs.	:	
Judith A. Varnau,	:	
Defendant.	:	

PLAINTIFFS' BRIEF IN SUPPORT OF APPLICATION FOR PRELIMINARY INJUNCTION AND MOTION FOR CONTEMPT

I. Introduction

Before December 11, 2014, Brown County Coroner Dr. Judith Varnau believed – as Ohio law requires – that "the coroner's duty and authority to investigate is limited solely to that necessary to determine the CAUSE and MANNER of death." (Plaintiff's Exhibit 4, p. 2; hereafter "Ex. 4"); R.C. 313.17. But two days after a Brown County Grand Jury found no criminal liability for Zachary Goldson's death, and more than a year after filing her coroner's verdict and preparing a coroner's report on Goldson's death, Dr. Varnau unlawfully exceeded her statutory powers by declaring that she was going to conduct an inquest. (Ex. 6.) Ohio law does ~~not~~ afford the coroner such authority.

Plaintiffs presented clear and convincing evidence of the many investigative efforts taken by the Coroner's Office that resulted in Dr. Varnau certifying on November 30, 2013, the cause, manner, and mode of Goldson's death. (Ex. 2.) ~~By~~ her own words, her ~~authority~~ to investigate ended at that time. But she ignored the limitations of her power – ~~and admittedly~~ the Temporary Restraining Order of this Court – when she resumed her investigation into Goldson's death beginning in December 2014.

Accordingly, the Court should declare that Dr. Varnau exceeded the scope of her statutory authority under R.C. 313.17; permanently enjoin her from wasting taxpayer dollars by using her office to investigate Goldson's death any further; and find her in contempt for treating this Court's Temporary Restraining Order as a suggestion rather than an Order.

II. Facts established at the preliminary injunction hearing.

On October 5, 2013, Dr. Varnau learned that Brown County jail inmate Zachary Goldson had died while in custody. Dr. Varnau drove to the jail that morning and immediately began her investigation into his death. She recorded conversations with several Brown County Sheriff employees on duty that morning. She also examined and took photographs of Goldson's body, and had her investigator take measurements of Goldson's cell.

As Dr. Varnau lacks any formal education or training in forensic pathology, she had Goldson's body transported to the Coroner's Office of Montgomery County for further postmortem examination. Along with toxicology results, a report was prepared by the Montgomery County Coroner's Office dated November 18, 2013, and supplied to Dr. Varnau for use in her investigation. (Ex. 1.) Notably absent from the report is any reference to the cause and manner of Goldson's death, other than to reference "a white bed sheet ligature" as the evidence of injury. Id., p. 3. Dr. Varnau testified that she had no criticism of the autopsy report as far as it went BUT

Notwithstanding the lack of any evidence indicating foul play in the report, Dr. Varnau signed her Supplementary Medical Certification on November 30, 2013. (Ex. 2.) In so doing, she certified the cause ("strangulation"), mode ("ligature around neck"), and manner ("homicide") of Goldson's death.

In support of her certifications, Dr. Varnau compiled a comprehensive investigative report. (Ex. 3.) Dr. Varnau began her analysis by listing her "**Final Determination**: Homicide due to strangulation; found with ligature around neck." Id., p. 1. Her report then outlined:

'the presence of a ligature' DOES NOT MEAN IT CAUSED THE DEADLY BLOODED MARKS and the physics analysis of the marks shows that the deadly action was from a STRAP-like LIGATURE (not a sheet, indicating that the sheet was a decoy), further the strap ligature had been PULLED FROM *BEHIND* THE INMATE'S HEAD whereas the sheet as seen in the autopsy was tied from the SIDE, showed no sign of having been pulled against any resisting weight and the tail would have pulled up from that side, leaving no blooded marks on the side where the weight resisted but blooded marks extended around that side.

a) a listing of events from the Sheriff's Office employees on duty that morning;
b) an evidentiary construct of Goldson's cell;
c) the impressions of an anonymous "6'6" consultant who examined Goldson's cell;
d) an analysis of the autopsy photographs;
e) an analysis of livor mortis found on Goldson's body;
f) a summary of reasons why the evidence contradicts the Sheriff's Office statements;
g) an engineering analysis designed to show why Goldson could not have hung himself; and
h) a chronological order of events from 11:00 p.m. on October 4, 2013, leading up to the time Dr. Varnau informed Goldson's mother of his death, with select portions highlighted and/or bolded for added effect.

The 23-page report makes no reference to any of the coroner's findings as being preliminary or pending further investigation. It concludes that Goldson was strangled to death. Id., p. 5. As further support for her conclusions, Dr. Varnau then prepared a power point presentation that summarized her findings. She prefaces her summary by opining on her legal authority and duty to investigate, which is found on Page 2:

1.) The coroner has total authority and control only over the dead body and everything found within the immediate surrounding area typically described as being within arm's reach of the body.

2.) The coroner is NOT a law enforcement (LE) officer. The coroner cooperates with yet operates totally independent of LE, as a separate "check and balance" entity.

3.) The coroner operates specifically to preserve the legal rights and interests of deceased individuals.

4.) The coroner's duty and authority to investigate is limited solely to that necessary to determine the CAUSE and MANNER of death.

5.) The coroner has no authority or duty to investigate "who done it," and cannot prevent LE from performing their own investigative tasks to determine whether any criminality may be involved in a death.

6.) The next-of-kin has a legal right to a complete copy of the coroner's filed, including autopsy photographs, but not LE investigative material. The media has a right to only view certain coroner information by law.

7.) A coroner's preliminary determination of cause and manner of death at any scene is tentative at best, with a final finding pending autopsy and toxicology results (which typically take two months or more to complete) and LE criminal investigative results that may take longer.

SO the coroner's findings are not final UNTIL SHE HAS THE FULL LE CRIMINAL INVESTIGATIVE RESULTS.....

Phillips is not 'paying attention' to #7 clearly acknowledged above -- and wants the court to be similarly ignorant.... [contemptible]

Having already received the autopsy and toxicology results, along with her own investigative findings, Dr. Varnau's duty as the Brown County Coroner was complete. Her authority to investigate Goldson's death ended when she signed her verdict as to the certified cause, manner, and mode of Goldson's death on November 30, 2013.

signing the death certificate is done to facilitate the direction of investigation and grand jury processing, and in no way ends her responsibility

The Ohio Bureau of Criminal Investigation (BCI) was also called to investigate Goldson's death. After months of conducting interviews and gathering facts, Special Agent Dave Hornyak presented his findings to Special Prosecutor Daniel Breyer of the Ohio Attorney General's Office in a report titled "Prosecutor's Summary." (Ex. 19.) The report was originally drafted on May 27, 2014, and updated September 30, 2014. At no time during his handling of the case was Breyer under the impression that Dr. Varnau's findings were preliminary or pending further investigation. She also never indicated to Breyer that the grand jury should be given additional time to consider indicting Plaintiffs because of her inability to review certain evidentiary items.

Breyer's lying since he was aware of the Coroner's unfulfilled requests for data from the SO and BCI.. or Breyer is stupidly ignorant of the Coroner's ORC defined responsibility#7

Plaintiffs sued Dr. Varnau, in part, to amend her coroner's verdict in federal court on December 4, 2014. One week later, the grand jury returned its report and jail visit findings, which stated in sum that it "was unable to find probable cause to warrant the indictment of any person or entity" related to Goldson's death. (Ex. 5, p. 2.) And on December 13, Dr. Varnau emailed a press statement saying she planned to conduct a coroner's inquest "to prepare for the future court hearing on this matter" because "sooner or later a court will have to decide which manner of death is appropriate for the case." (Ex. 6.) At one point, Dr. Varnau explained on cross-examination that her inquest was intended to gather information for the federal case, not because she lacked certainty as to the cause and manner of Goldson's death.

ALSO

In furtherance of her forewarned inquest, Dr. Varnau issued six subpoenas to the Brown County Sheriff on December 22. (Ex. 7.) These subpoenas sought to obtain untold documents, items, and access to Goldson's cell pursuant to her purported inquest authority under R.C. 313.17.

Plaintiffs filed this action on January 2, 2015, asking the Court to enjoin Dr. Varnau from exceeding the scope of her authority under R.C. 313.17, and asking the Court to enjoin Dr. Varnau from enforcing her subpoenas. Filed concurrently with the complaint was a motion for a temporary restraining order and affidavits in support. The court granted the Temporary Restraining Order on January 5. In its Order, the Court found in relevant part:

> 5. That Defendant concluded on November 30, 2013, the cause, mode, and manner of death to wit: strangulation, homicide.
>
> 6. That Defendant publicly revealed her findings when she filed a Supplementary Medical Certification attached to Goldson's Certificate of Death.
>
> * * *
>
> 8. That sufficient doubt exists as to the coroner's authority to conduct an inquest into Goldson's death under R.C. 313.17 that Defendant must be restrained from proceeding as indicated, and preservation of the status quo is necessary until this matter can come before the Court on a hearing.

but when this 'comes to court', she has DISCOVERY RIGHTS to 'change the status quo' this need isn't true

The Order goes on to prohibit Dr. Varnau or anyone acting in concert with her office from convening an inquest until further order of the Court. A true and accurate copy of the Order was emailed directly to Dr. Varnau and her counsel in the federal case. (Ex. 8). Notwithstanding her receipt, review, and understanding of the Order, Dr. Varnau and her office chose to ignore its contents and continued the inquest into Goldson's death. As part of her coroner's inquest, Dr. Varnau attempted to gather information by:

a.) Posting (and then re-posting) online multiple inquest web pages that provided email and postal addresses to send any information the Coroner's Office (Exs. 9, 10)[1];

b.) Maintaining a comment on Topix.com made by Dennis Varnau – the second highest ranking member of her office – that encourages viewers to forward any information to the coroner (Exs. 11, 12);

Wayne Gates had gotten access from a HACKER, likely the network security officer Harry Martin from the SO.. as the page had beenSTORED IN PRIVATE SPACE on the Coroner's rented space in the internet 'cloud' online. Private space items do not require password any more than car in your carport

[1] Although Dr. Varnau testified on direct that her inquest page had been taken off the web and was password protected, Plaintiffs' counsel was able to show on his iPad a live copy of the inquest page. Furthermore, Wayne Gates, editor of the Brown County Press, testified as a rebuttal witness that he was able to access the inquest page the night before without a password.

c.) Subpoenaing Tyco Fire Protection Products for any engineering documentation related to the sprinkler assembly found in Goldson's cell on the morning of his death (Ex. 13);

d.) Making a public records request to Sheriff Wenninger (Ex. 14); and

e.) Retaining an engineering company identified as DJL Engineering to evaluate a sprinkler head and escutcheon plate similar to that found in Goldson's cell.

Dr. Varnau testified that her office may have taken other actions in furtherance of the inquest into Goldson's death. She admittedly took no specific actions to make sure Dennis Varnau complied with the Temporary Restraining Order. In fact, she did not even produce Dennis Varnau at the Preliminary Injunction hearing of this matter because, although he wanted to be there, he refused to attend because Plaintiffs requested his appearance without using a subpoena.

as is his right when Plaintiff INSULTINGLY screws up

On March 4, 2015, just three days before the preliminary injunction hearing, the Coroner's Office prepared a nearly hour-long presentation titled "PENDING 2015 INQUEST REPORT." This "PENDING 2015 INQUEST REPORT" was posted ~~for the whole world to see on the World~~ Wide Web at varnau.us/tcoroner/did-Zach-hang-himself-03-04-15-mp4. (Ex. 16.) Imbedded in the presentation are numerous audio and video clips that Dr. Varnau believes support her verdict as to the cause, manner, and mode of death.[2]

that folder was private temporary storage for the coroner's work hence the name prefix 't'

The final image of the presentation list various conclusions reached through Dr. Varnau's "pending" inquest report. Although she testified on cross-examination that she has not reached any conclusions regarding her inquest because she is still gathering information, on Slide 97 of her presentation, titled **"CONCLUSIONS,"** (Ex. 18.) she dubs Plaintiffs' account of the accident as "bogus;" theorizes that Goldson remained cuffed and shackled in his cell when he was strangled to death by a hobble strap; and lastly concludes:

maybe Plaintiffs need to learn the meaning of 'pending' including 'conclusions'..... 'bogus' is MUCH MORE POLITE than is deserved!

Determination of cause and manner of death is reinforced by all the information contained in BCI's Investigative Files – Strangulation Homicide

[2] Most if not all of the video clips appear to come from videos obtained or produced by BCI related to its investigation.

all of which were NEW to the coroner and constitute a data base addition to her own figuring.....

Dr. Varnau made clear that she approved and engaged in the above inquest efforts, whether to aid her in the defense of the federal lawsuit pending against the Coroner's Officer and her individually, or whether to bolster her conclusions reached over a year ago as to the manner, mode, and cause of Goldson's death. She also admitted that posting the inquest web pages would violate the Temporary Restraining Order. And although she claimed the web pages were password protected, she admitted that she prepared the video after the Court's Temporary Restraining Order was issued, and she admitted that she shared the web pages with certain individuals, whom she claimed to have given the password.[3] Furthermore, her testimony on password protection lacked any credibility as Plaintiffs were able to show the inquest web page, (Ex. 10), and Plaintiffs were able to show and to play the "PENDING 2015 INQUEST REPORT" (Ex. 16) to the Court on an IPad. Additionally, Wayne Gates testified on rebuttal that he accessed both web pages (Ex. 10 and Ex. 16) without the need for a password just the evening before the Preliminary Injunction hearing.

PASSWORDS ARE IRRELEVANT ON PRIVATE SPACE.. per CASE LAW which the fraud Phillips (pretending to be a lawyer) should have known

having been given the owners' private URL by the SO hacker

III. Preliminary Injunction Standard

In deciding whether to grant a preliminary injunction, a court must look at: (1) whether there is a substantial likelihood that the plaintiff will prevail on the merits; (2) whether the plaintiff will suffer irreparable injury if the injunction is not granted; (3) whether third parties will be unjustifiably harmed if the injunction is granted; and (4) whether the public interest will be served by the injunction. *Battelle Memorial Inst. v. Big Darby Creek Shooting Range*, 192 Ohio App.3d 287, 2011-Ohio-793, 948 N.E.2d 1019, ¶ 21. Clear and convincing evidence must be offered in support of each factor. *Id.*

the PUBLIC was not served ! an UNSOLVED HOMICIDE is highly undesireable to the public --especially when the SUSPECTS ARE LAW OFFICERS

No one factor is determinative; all must be balanced before reaching a decision. *Toledo Police Patrolman's Assn., Local 10, IUPA, AFL-CIO-CLC v. Toledo*, 127 Ohio App.3d 450, 469, 713 N.E.2d

[3] Although asked by Judge Gusweiler and by Plaintiffs' counsel, Dr. Varnau never did provide specific names of individuals allegedly given access to the web pages through use of a password.

78 (6th Dist. 1998). Deciding whether to grant an injunction, and how much weight to accord the evidence, is solely within the discretion of the trial court. *Id.* at ¶ 22, 25.

assuming the court HAD JURISDICTION in the 1st place

Under Civ.R. 65(B)(2), after a hearing on application for a preliminary injunction, the Court may order the trial of the action on the merits to be advanced and consolidated with the hearing of the application. Plaintiffs submit that the clear and convincing facts in this case cry out for the Court to order the trial of the action on the merits to be advanced and consolidated with the hearing of the Preliminary Injunction.

IV. Dr. Varnau should be enjoined from conducting a second inquest into Goldson's death more than a year after she certified the cause, manner, and mode of his death.

R.C. 313.17 provides in its entirety:

> The coroner or deputy coroner *may* issue subpoenas for such witnesses as are necessary, *administer to such witnesses the usual oath*, and proceed to *inquire how the deceased came to his death*, whether by violence to self or from any other persons, by whom, whether as principals or accessories before or after the fact, and all circumstances relating thereto. The testimony of such witnesses shall be reduced to writing and subscribed to by them, and with the findings and recognizances mentioned in this section, shall be kept on file in the coroner's office, unless the county fails to provide such an office, in which event all such records, findings and recognizances shall be kept on file in the office of the clerk of the court of common pleas. The coroner may cause such witnesses to enter into recognizance, in such sum as is proper, for their appearance to give testimony concerning the matter. He may require any such witnesses to give security for their attendance, and, if any of them fails to comply with his requirements he shall commit such person to the county jail until discharged by due course of law. In case of the failure of any person to comply with such subpoena, or on the refusal of a witness to testify to any matter regarding which he may lawfully be interrogated, the probate judge, or a judge of the court of common pleas, on application of the coroner, shall compel obedience to such subpoena by attachment proceedings as for contempt. *A report shall be made from the personal observation by the coroner or his deputy of the corpse, from the statements of relatives or other persons having any knowledge of the facts, and from such other sources of information as are available, or from the autopsy*. (Emphasis added.)

As mandated under R.C. 313.17, Dr. Varnau was required to compose "a report" detailing her inquest findings, which she authenticated as Plaintiffs' Exhibit 3.[4] The statute does not authorize the coroner to issue "multiple reports," nor does it authorize the coroner to conduct

[4] It is not clear if the coroner attached to her report a copy of the autopsy results, as required under Ohio law. R.C. 313.09. No one denies the existence or availability of the autopsy report. (Ex. 1.)

NOR DOES IT PRECLUDE DOING ANOTHER INQUEST for example IF more evidence becomes available and/or more witnesses provide missing pieces of the events AS HAS HAPPENED IN THIS CASE being provided with hallway video evidence after being denied same originally for over a year when earlier deadline was required for filing the death certificate... the statute of limitations for murder is infinite for a reason, requiring coverage of the rights of the deceased and the public

Clearly there was no inquest since Dr Varnau was unable to acquire the items of evidence on phone calls as she had requested and IF IT WERE AN INQUEST THE USE OF COERCION WOULD HAVE FOLLOWED including jail time for certain Chief Deputy for tampering with evidence under subpoena

"multiple inquiries as to how the deceased came to his death." Dr. Varnau testified that her investigative efforts into Goldson's death did not constitute an inquest because she did not obtain witness statements under oath. But the last sentence of R.C. 313.17, which Dr. Varnau routinely cites as her authority for gathering information, provides that a coroner is not required to swear in persons from whom she acquires information to hold an inquest. Furthermore, the first sentence of R.C. 313.17 states that "The coroner or deputy coroner ***may*** . . . ***administer to such witnesses the usual oath***, and proceed to ***inquire how the deceased came to his death***, ..." The Supreme Court of Ohio confirmed that witnesses need not be sworn as part of an inquest in *State v. Sharp*, 162 Ohio St. 173, 122 N.E.2d 684 (1954).

Dr Varnau's requirement for OATHS is based on the untruthfulness of certain SO authorities determined to protect their offspring as you may surmise would have satisfied the Supreme Court's opinion

but MAY NEED TO BE SWORN IN for appropriate coroner responsibility in certain untruthfulness circumstances

In *Sharp*, the defendant was convicted of manslaughter based largely on unsworn statements made to and documented by the coroner. The defendant moved to obtain a written copy of his statements to the coroner, but the trial court sustained the State's objection that no proof was presented that a coroner's inquest had been held. The Supreme Court found that the coroner's questioning of a criminal suspect not under oath, viewing of the death scene and body of the deceased, taking charge of the body, and signing of a death certificate showing the cause, manner, and mode of death constituted the holding of a coroner's inquest. *Id.*, at 179. Citing the statutory language of R.C. 313.17, the Supreme Court also held that the coroner is not required to swear persons from whom he (or she) acquires information in order for an inquest to be occurring. The coroner in the *Sharp* case had refused to disclose the unsworn witness statements, claiming that no inquest was performed. Because the unsworn statements in the *Sharp* case were procured through the coroner while investigating a death, the Supreme Court of Ohio deemed the investigation an inquest, and the unsworn statements were subject to disclosure as a public record under R.C. 313.10. The defendant in the *Sharp* case was granted a new trial based on the Supreme Court's holding that the coroner had performed an inquest, and the evidence from the inquest was subject to disclosure.

apparently THAT coroner TRUSTED the statements of SOME of the witnesses but a report should have been filed with full disclosure.. transparency is this Coroner's virtue

this stupid lawyer can't read, there is no place in the law that precludes another inquest should there be a need and more evidence

Applying the same analysis in *Sharp* shows that Dr. Varnau already conducted her inquest into Goldson's death. She questioned Plaintiffs at the scene, viewed Goldson's body in his cell, had his body transported for autopsy purposes to the Montgomery County Coroner's Office, signed her verdict as to the cause, manner, and mode of his death, and most importantly, issued her report as required by R.C. 313.17.[5]

Her conclusions regarding the cause, manner, and mode of death are factual determinations that create non-binding, rebuttable presumptions. *Vargo v. Travelers Ins. Co., Inc.*, 34 Ohio St.3d 27, 30, 516 N.E.2d 226 (1987). A coroner is a medical expert who renders expert opinions on medical questions. *Id.* Thus, when Dr. Varnau filed the Supplementary Medical Certification, she certified to a reasonable degree of medical certainty the cause, manner, and mode of Goldson's death. See *Shumaker v. Oliver B. Cannon & Sons, Inc.*, 28 Ohio St.3d 367 (1986) (medical opinion testimony must be based upon a reasonable degree of medical certainty or probability). Conducting another inquest at this late time suggests ~~she was not competent to give such certifications back in November 2013~~. However, Dr. Varnau testified that she is not looking to change her results through an inquest, she is only looking to reinforce her results. According to Dr. Varnau, the BCI investigation files only reinforced her prior conclusion that Goldson's death was a homicide.

a coroner is also expected to exercise FORENSIC SKILLs however acquired.. which is so obvious as to question this lawyer's HONESTY

and the PUBLIC DESERVES TO HAVE A RECORD OF THAT EVIDENCE-BASED CONCLUSION as does the next of kin and the deceased

Dr. Varnau is not performing a legitimate inquest. If she were, the Conclusions page of the "PENDING 2015 INQUEST REPORT" video (Ex. 16.) would not already state "Homicide" (Ex. 18.) as the cause of death. Dr. Varnau is on a witch hunt, and she is using her public office as authority to advance her own hidden agenda. Dr. Varnau testified that she could have just certified the cause of death as "pending," or as "undetermined," and left it at that if she were truly trying to determine how Goldson died. Under R.C. 3705.16(C), "pending" or "undetermined" is an acceptable result. She instead chose to certify her results after less than two months because she

the evidence was strong enough to determine the death certificate BUT NOT *MAYBE* STRONG ENOUGH FOR A GRAND JURY -- UNLIKE WHAT'S TAKING SHAPE WITH THE HALLWAY VIDEO properly analyzed BY THE PUBLIC.. in open court

[5] The employees of the Brown County Sheriff's Office testified under oath at the hearing that their answers to Dr. Varnau's questions would not have been different if placed under oath before Dr. Varnau did her questioning.

Pompously this lawyer fails to decently respect the technical process work of layout of screens and other programming design work that would simply use the current status of the project as the basis for page creation... to be edited at the final version!

believed then – as she does now – that Goldson was murdered.[6] An inquest at this point advances no legitimate government or public interest.

WRONG, an inquest serves THE PUBLIC's right to know as can be seen in the nickname Death-Squad as widely known

In the absence of this Court enjoining the Coroner's Office from conducting a second inquest into Goldson's death, Plaintiffs and others will be unnecessarily subject to her statutory inquest power to subpoena information, evidence, and testimony. R.C. 313.17. They will be forced to participate without the assistance of counsel, as attorneys are not allowed to participate at the inquest hearing in any way during questioning. 2 Op. Att'y Gen. 1397 (1935). Considering the pending federal action that Plaintiffs have against Dr. Varnau individually, and her own testimony that she is conducting this second inquest to drum up information for her defense, the potential for abuse of both the legal system, and her governmental authority is considerable during this unauthorized second inquest.

as well they should be thus treated in an inquest on a homicide in the public's jail

what lawschool did this lawyer drop out of... Dr Varnau is ENTITLED to BOTH, and in the federal case SHE WOULD HAVE DISCOVERY RIGHTS to the information, so getting it now would save the effort later..... ;) especially if guilt is determined ahead of time !

Conversely, if the coroner is enjoined from conducting a second inquest into Goldson's death, she may still acquire the same information through the discovery process – where all parties will have notice of her attempts to acquire such information and the opportunity to object if needed. Dr. Varnau already testified that she learned nothing through the BCI file that would alter her coroner's verdict as to homicide. And a second inquest at this late time will not assist either BCI or Special Prosecutor Breyer. The grand jury already reached its conclusion that no probable cause exists to warrant the indictment of any person or entity. (Ex. 5.) The public interest would be well-served by this Court capping any further time and expense spent by the Coroner's Office in investigating Goldson's death. Especially when the inquest is just a ruse to justify a preconceived conclusion. (Ex. 18.)

OTC, she learned crucial confirmation of your client's guilt

as well it shouldn't help Hornyak nor Breyer who messed up the first time since they had enough evidence and WITHHELD it from the Coroner and the Grand Jury

no evidence, not probable cause

Justice would be served ! to the benefit of the Court IF NOT THE JUDGES

[6] Dr. Varnau testified that she only had six months to certify the mode, manner, and cause of Goldson's death. Plaintiffs' counsel cannot find any statute, rule, or case law to explain the coroner's position that she had only six months to certify the cause and manner of Goldson's death. Despite her testimony to the contrary, it appears she was under no compulsion to certify her findings within six months of the date of death.

can this 'lawyer' say 'death certificate'

conclusion fails for lack of basis

In sum, the law and the evidence are clear and convincing. Preliminarily and permanently enjoining the Brown County Coroner's Office from investigating any further into the death of Zachary Goldson is the only decision that can be reached in this case. Judgment for Plaintiffs should be rendered accordingly, and permanently.

V. Dr. Varnau should be held in contempt after openly admitting that her office continued to investigate Goldson's death after receiving this Court's Temporary Restraining Order.

apparently this bunch can't read. the ORDERS said do not CONVENE AN INQUEST. it did not say cease working on facts and logic

Contempt of court is an act or omission that interferes with the administration of justice, through conduct which disobeys judicial orders, shows disregard and disrespect for the authority and dignity of the law, or tends to embarrass, impede or obstruct the court in the performance of its functions. *In re Green* (1961), 172 Ohio St. 269, 15 O.O.2d 449, 175 N.E.2d 59 paragraph one of the syllabus, reversed on other grounds, *In re Green* (1962), 369 U.S. 689, 82 S.Ct. 1114, 8 L.Ed.2d 198; *Windham Bank v. Tomaszczyk* (1971), 27 Ohio St.2d 55, 56 O.O.2d 31, 271 N.E.2d 815, paragraph one of the syllabus; *Denovchek v. Trumbull Cty. Bd. of Commrs.* (1988), 36 Ohio St.3d 14, 15, 520 N.E.2d 1362, 1363–1364. The purpose of the law of contempt is to uphold and ensure the unimpeded and effective administration of justice, secure the dignity of the court, and affirm the fundamental supremacy of the law. *Windham Bank, supra,* paragraph two of the syllabus; *Cramer v. Petrie* (1994), 70 Ohio St.3d 131, 133, 637 N.E.2d 882, 884–885.

The admit that she did NOT CONVENE AND INQUEST..

so END OF DISCUSSION of contempt by this contemptible lawyer

"A direct contempt is one committed in the presence of or so near the court as to obstruct the due and orderly administration of justice." *In re Lands* (1946), 146 Ohio St. 589, 595, 33 O.O. 80, 83, 67 N.E.2d 433, 437. "It is said that direct contempt takes place in the presence of the court, and indirect contempt is all other contempt." *Cincinnati v. Cincinnati Dist. Council 51* (1973), 35 Ohio St.2d 197, 202, 64 O.O.2d 129, 132, 299 N.E.2d 686, 691. The significance of the location is directly related to the issue whether the judge has *personal knowledge* of the contumacious act. *In re Contemnor Caron*, 110 Ohio Misc. 2d 58, 89, 744 N.E.2d 787, 809 (Com. Pl. 2000) (emphasis in original).

Indirect contempt of court occurs when an individual shows "[d]isobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or an officer" outside the presence of the court. R.C. 2705.02; *ITS Fin., LLC v. Gebre*, Montgomery Nos. 25416, 25492, 2014-Ohio-2205, ¶ 31. Proving indirect contempt requires clear and convincing evidence that: (1) a valid court order existed, (2) the individual knew of the order, and (3) a violation occurred. *Gebre, supra.* Dr. Varnau clearly, convincingly, and willfully committed indirect contempt of court in this case.

On January 5, 2015, this Court issued a Temporary Restraining Order that prohibited Dr. Varnau from conducting an inquest into Goldson's death until the Court had an opportunity to conduct the preliminary injunction hearing to be held on March 7, 2015. She personally received a copy of the Order via email, reviewed it, and claimed to understand its contents. Despite this Court's Temporary Restraining Order, Dr. Varnau continued to investigate under R.C. 313.17. She continued to gather information as part of her coroner's inquest by:

(1.) Posting (and then re-posting) online multiple inquest web pages that provided email and postal addresses to send any information the Coroner's Office;

(2.) Maintaining a comment on Topix.com made by Dennis Varnau – the second highest ranking member of her office – that encourages viewers to forward any information to the coroner;

(3.) Subpoenaing Tyco Fire Protection Products for any engineering documentation related to the sprinkler assembly found in Goldson's cell on the morning of his death;

(4.) Making a public records request to Sheriff Wenninger; and

(5.) Retaining an engineering company identified as DJL Engineering to evaluate a sprinkler head and escutcheon plate similar to that found in Goldson's cell.

Dr. Varnau's actions were undeniably ~~clandestine~~, and the exact nature of any other investigatory actions taken by the Coroner's Office since the Temporary Restraining Order was issued and served is unknown. She did not inform any counsel, nor did she inform the Court of her

actions intended to advance the efforts of her inquest.[7] She also took no specific actions to make sure Dennis Varnau complied with the Temporary Restraining Order. She also admitted that her web pages, which she failed to password protect, would violate the Temporary Restraining Order. Dr. Varnau clearly and convincingly had no interest in obeying this Court, nor did she have any interest in maintaining the status quo. Her actions were not accidental, nor were they incidental; her actions were willful. Dr. Varnau's actions were deliberate, willful, and calculated to ignore this Court's authority. Her claim that she interprets an inquest as the swearing of witnesses in order to obtain testimony ignores both the spirit and the clear language of the Court's order to maintain the status quo.

Because of Dr. Varnau's willful violations of the Temporary Restraining Order, her inquest findings are now published to the world on http://indymichael.net/, and are available for download at https://www.dropbox.com/s/hj2siik1h71s1c5/did-zach-hang-himself-03-04-15.mp4, and are allegedly posted on YouTube,[8] and likely on other sites to follow. Her web pages, inquest presentation, subpoena to Tyco, and foregone conclusions presented in a video are evidence of Dr. Varnau's bad faith and willful violation of this Court's Temporary Restraining Order. The Temporary Restraining Order never caused her to retreat from her investigation, nor to keep the status quo. Additional harm has resulted to the reputation of every Brown County Sheriff's Officer implicated in her "pending" 2015 inquest video.

Dr. Varnau has demonstrated a repeated and willful contempt for this Court's Temporary Restraining Order. She would rather debate what it means to "convene an inquest" rather than

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[7] If Dr. Varnau was not trying to be clandestine, or if she truly believed she had the authority to issue her subpoenas regarding Goldson's death, she would have applied for this Court's assistance in compelling obedience from Tyco and the Sheriff's Office. See R.C. 313.17. Of course, doing so would have tipped off everybody of her actions in violation of the Temporary Restraining Order.

[8] The author could not find it, but the content on http://indymichael.net/ alleges that the "PENDING 2015 INQUEST REPORT" is posted on YouTube.

ABSOLUTE HILARITY-- The posting of the EVIDENCE SUBMITTED BY THIS MORON LAWYER WAS ACQUIRED UNDER PUBLIC RECORDS REQUEST AND CIRCULATED AS PUBLIC INFORMATION..... the moron Phillips GAVE IT OUT HIMSELF as part of the court's public record and NOW BLAMES THE CORONER when he's the fool who gave it away.

IT WAS NEVER POSTED ON YOUTUBE UNTIL THE FOOL PHILLIPS PUT IT IN THE PUBLIC RECORD... what lawschool did the fool drop out of... HIS CLIENTS SHOULD SUE HIM

Clearly this idiot lawyer NEVER PREPARES FOR COURT and expects that Dr Varnau should be required to be as stupid as he is... the DEATH SQUAD SHOULD SUE PHILLIPS and Holman

simply maintain the status quo, and suspend her investigation into Goldson's death until the matter could be heard and decided by the Court. Instead, she imposed her will, abused her discretion, and illegally exercised quasi-judicial tasks[9] after this Court issued its Temporary Restraining Order. Only when caught in the act does Dr. Varnau conform her behavior to the Court's order. The court is well aware that it was not until after lunch at the Preliminary Injunction Hearing that the web pages allegedly were taken down.

any access that Phllips and Gates had was obtained by a HACKER since the file URL shows it was a PRIVATE STORED file not a 'published' on the internet file and they are the CRIMINALS SINCE WHAT THEY ACCESSED constitutes FELONY 5

Simply put, Dr. Varnau refused to maintain the status quo, and blatantly violated the Temporary Restraining Order. The court has discretion to award attorney fees in contempt proceedings. *In re Contemnor Caron* (Ohio Com.Pl., 04-27-2000) 110 Ohio Misc.2d 58, 744 N.E.2d 787. Plaintiffs' ask that this Court find Defendant in contempt, and that she and her office be sanctioned in an amount to include attorney's fees, and any other relief as the Court deems just.

and the COURT REFUSED TO TEST THE ACCESS to determine CULPABILITY though it's seeable NOW

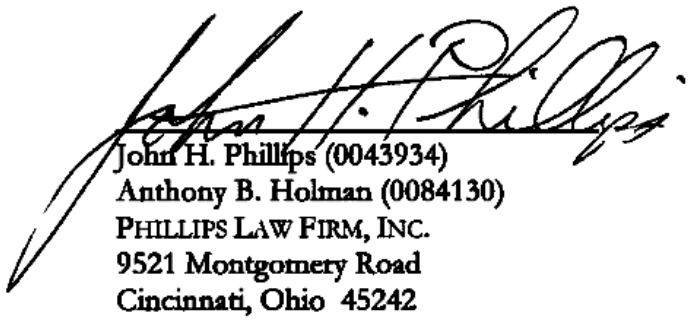
VI. Conclusion

Dr. Varnau has already "inquire[d] how the deceased came to his death" and certified her results without compulsion to do so. Clear and convincing evidence of Dr. Varnau's investigative tasks and findings show she has already conducted an inquest once into Goldson's death for purposes of R.C. 313.17. She lacks authority to do so a second time. Furthermore, violating this Court's Temporary Restraining Order is inexcusable behavior. If Dr. Varnau did not believe her actions would run afoul of the Court, she would not have attempted to keep them secret and hidden from the Court. Dr. Varnau's behavior willfully violated the Temporary Restraining Order, and shows contempt for this Court.

rotfl at this pompous idiot..... somebody ought to sue him just to find out if he defends himself any better than he did these clients.....

[9] In determining the necessity or propriety of an inquest, as well as the actual conduct of the proceedings, a coroner acts in a quasi-judicial capacity. *State ex rel. Harrison v. Perry*, 113 Ohio St. 641, 150 N.E. 78 (1925); *Owens v. Anderson*, 39 Ohio App. 3d 196, 530 N.E.2d 942 (2nd Dist. 1987). Whatever limited immunity was afforded to Dr. Varnau in the exercise of her discretionary acts while investigating Goldson's death was destroyed by her bad faith and corrupt motive to evade the Temporary Restraining Order.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed and served via regular U.S. mail postage prepaid this 16th day of March, 2015, on the following:

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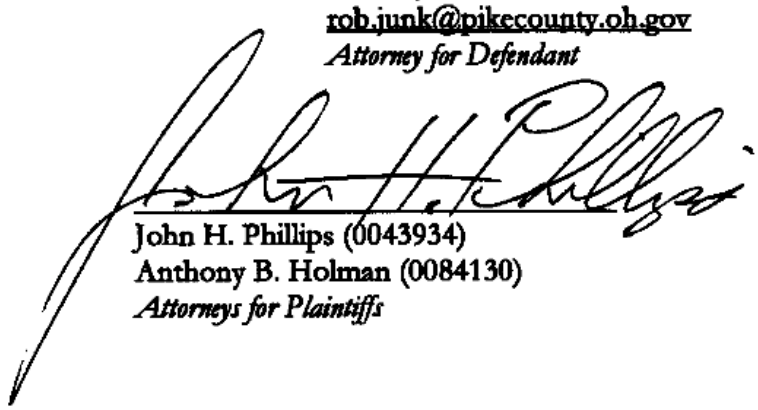

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