

DR20382383

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Cuyahoga County

Court Address: Ohio Allison Horner Plaintiff/Petitioner v. William Easton Horner Defendant/Respondent	Case/Docket No. <u>DR 20 382383</u> Division: <u>Division of Domestic Relations</u> Judge: <u>Tonya R. Jones</u> [ABOVE FOR COURT USE ONLY]
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Affidavit of Kathy H. Horner

State of Tennessee
 County of Hamblen

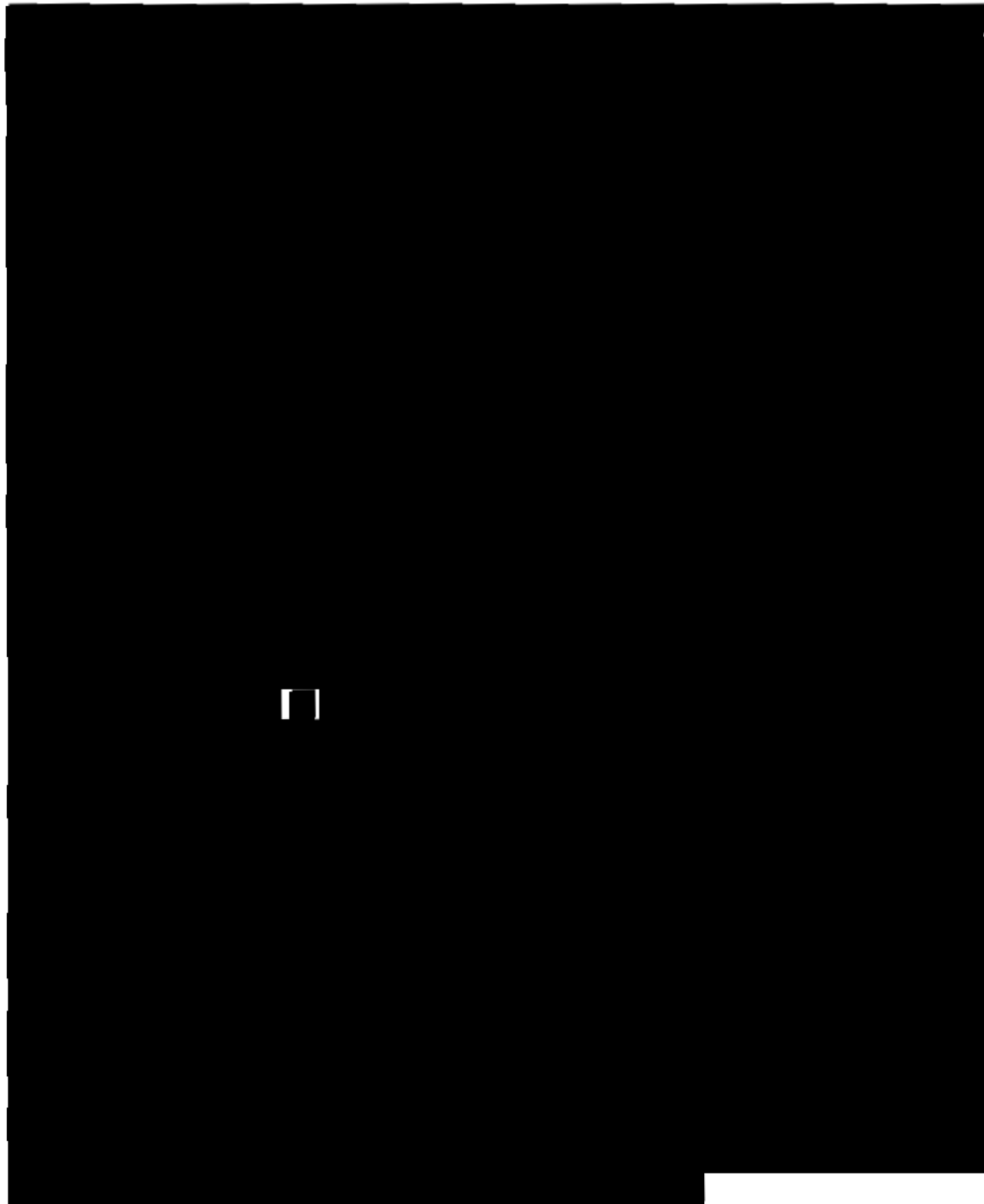
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 COURT USE ONLY

OCT 05 2021

CUYAHOGA COUNTY
 CLERK OF COURTS

BEFORE ME, the undersigned Notary Public, personally appeared Kathy H. Horner, who makes the following statement and affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth are true and correct to the best of his or her knowledge:

1. My name is Kathy H. Horner, and I currently reside at 2551 Indian Trail, Morristown, Tennessee 37814 in Hamblen County.
2. I am either over the age of 18 or a legally emancipated minor.
3. I am the paternal grandmother and currently reside with my husband William Dean Horner (paternal grandfather of [REDACTED] Horner (DOB [REDACTED]) and [REDACTED] Horner ([REDACTED])). I am writing this statement as a response to the Opposition to Grandparents' Rights filed by Mr. Marcis, attorney for the Plaintiff, and lack of timely progress in the request for grandparents' visitation of grandchildren submitted to Judge Tonya Jones dated January 15, 2021.
4. Neither I or my husband have seen our granddaughter, [REDACTED], since January 12, 2020, (20 months) or our grandson, [REDACTED] since July, 2020. (14 months). We have had no communication about the welfare of our grandchildren during this same time period of excommunication by the Plaintiff who has temporary custody of the children granted by the Court of Cuyahoga County, Judge Tonya Jones. Prejudicial bias has occurred in this court by granting the Maternal grandmother daily unsupervised visitation even though concerns of fact concerning self-proclaimed [REDACTED] by the maternal grandmother have been brought to the attention of this court in the sworn affidavit submitted by Kathy H. Horner dated April 21, 2021. The paternal grandparents concerns about our grandchildren's



5. The Plaintiff has submitted disparaging remarks to the court against the Defendant and the paternal grandparents in her sworn statement submitted by her attorney, Mr. Marcis, in his Opposition to Grandparents' Complaint for Visitation dated February 3, 2021. The Plaintiff, Allison Horner, along with her mother Cathy Stark, have also stated [REDACTED] about my son and me recorded on the police video cam recorded around October, 2020. This video was brought to my attention on September 5, 2021, and is evidence of [REDACTED] [REDACTED] told to the police department by The Plaintiff and her mother, Cathy Stark. The

Plaintiff reiterated [REDACTED] about our son, William Easton Horner, taking guns from our locked gunsafe. Allison [REDACTED] in August, 2020, and she was corrected by me directly that this was not true. An inventory of all of our guns locked in the safe was conducted in August, 2020, and none were missing. I told the Plaintiff on the phone and by text message that she was mistaken about this belief, [REDACTED] to the police and to the court of Cuyahoga county as evidenced in the later expunged probate order and the police video cam. [REDACTED] on the video cam to the police when she stated that I, Kathy Horner, was responsible for getting my son, William Easton Horner out of the St. Vincent's Hospital in Cleveland, Ohio. The only contact I had with the hospital was to ask the operator to speak to my son. I never spoke to any medical staff about my son's stay in the hospital. The doctors' at St. Vincents released Easton because there was no reason to keep him there as his commitment was based on [REDACTED] by the Plaintiff in the probate order.. The probate order that the Plaintiff [REDACTED] [REDACTED] was later expunged from any record by the Court of Cuyahoga county. It is my belief that this probate order was created to [REDACTED] [REDACTED]

The maternal grandmother, Cathy Stark, made [REDACTED] about me in regards to me being witness to some very disparaging text messages that she wrote in January, 2020, to her brother, Danny. [REDACTED]

[REDACTED] What appeared on the tablet were text messages to another family member depicting nasty comments about me. [REDACTED]

[REDACTED] On the police video cam, both Cathy Stark and Allison Horner [REDACTED] the police into action against our son. Cathy Stark and Allison Horner have [REDACTED]

[REDACTED] It is my belief that the Horner children are being raised [REDACTED] by two women, the Plaintiff and her mother, who have exhibited [REDACTED] and abuse of the Elderly (paternal grandparents) and abuse of someone with a medical problem (PTSD of the Defendant). [REDACTED]

[REDACTED] Children should not be raised by persons who abuse others so easily and readily.

6. Mr. Marcis made misrepresentations to the court when he stated in his brief in opposition that the paternal grandparents have had no regular visitation with the grandchildren. Evidence was submitted in the affidavit of Kathy H Horner dated April 21, 2021.

7. Mr. Marcis made representations about the Plaintiff being forced to interact with the paternal grandparents before and after the separation of the parents. The Plaintiff willingly allowed us to babysit each of the grandchildren on various occasions. The Plaintiff willingly accepted the paternal grandparents' gifts and money for the care and welfare of the grandchildren. The Plaintiff willingly accepted large loans of monies made by the paternal grandparents' family in order to purchase homes and to help operate business ventures. [REDACTED] The Plaintiff has exhibited the inability to get along with the paternal grandparents and her spouse. [REDACTED]

8. In Opposition to Grandparents' rights dated February, 2021, Counsel argues that parents of William Easton Horner enable "Easton's behavior". Plaintiff and Defendant were married almost ten years. [REDACTED]

[REDACTED] It is unfathomable to understand how the paternal grandparents had an enabling affect on the Defendant's behavior when he was living solely with the Plaintiff in other states between 2011-2018. During the years of 2019-2020, William Easton Horner was living solely with the Plaintiff, her mother, and the children. [REDACTED]

[REDACTED] Cathy Stark and Allison Horner also made it clear that I was no longer welcome in Cathy's home as evidenced on the police video cam filmed around October, 2020. Mr. and Mrs. William Horner maintained the best long distance relationship possible with their son, William Easton Horner, Allison Horner, and the Horner children offering both emotional and financial support. Physical visitations were as frequent as possible until the problems in the marriage became so dire, [REDACTED] Alienation of grandparents is Elder Abuse as documented in research submitted with this affidavit.

9. In winter, 2020 through 2021, offers were made to the Plaintiff by paternal grandparents to help retrieve personal items of William Easton Horner from the home of Cathy Stark in [REDACTED], Ohio. These offers were declined by the Plaintiff. We were informed that we could not come to the residence of the maternal grandmother where the Plaintiff lives with the children. This is stated by Cathy Stark in police video cam filmed October, 2020. A court order was scheduled by the court for us to come up and retrieve the personal possessions, but unfortunately the court scheduled the wrong date. The paternal grandfather had tests to be run for upcoming surgery and could not leave on that date. No new date has been scheduled by the court. Mr. Marcis, counsel for the Plaintiff, stated that we could come and get Easton's possessions without the court order. However, since the Plaintiff and her mother planned an entrapment event with the police by luring Easton to come and get his belongings but having the police there instead to have Easton arrested, we did not feel safe to go to the residence of Cathy Stark without a properly dated court order. William Easton Horner still

does not have his personal possessions, personal documents, or business machines and supplies. William Easton Horner has been trying to get his personal possessions since October, 2020 which includes the title to his car, birth certificate, passport, final will and testament and trust documents, social security card, his business computer, and some treasured family heirlooms/furniture and other personal belongings. It is difficult to understand how the court expects a person to battle an extremely difficult divorce without his possessions needed to sustain livelihood activities. At the same time, William Easton Horner has been abused by [REDACTED] the Court [REDACTED] involving his biological children. For this reason, it became necessary for the Defendant to move closer to his Nuclear Family where needed support was available. However, counsel for the Plaintiff has used this change of residence to accentuate the denial for child visitation as evidenced in Opposition to Grandparents' Complaint for Visitation dated February 3, 2021.

10. The divorce between this Plaintiff and Defendant has been extremely bitter and lengthy. The actions of the Plaintiff [REDACTED]

[REDACTED] 5. Not permitting her spouse to gain access to the marital residence in a timely fashion which had a direct negative result in his ability to earn a living. 6. Refusing to allow the paternal grandparents to have access to the grandchildren, which is a form of elder abuse 7. Refusing to contact the paternal grandparents on the health, safety, and welfare of the grandchildren, which is a form of elder abuse [REDACTED]

[REDACTED] and not allowing the Defendant access to his personal belongings to help him earn a living.

11. In conclusion: It was incumbent upon the Honorable Judge Jones of the Domestic Relations Court System of Cuyahoga County, Ohio, to make decisions on child custody and visitation of the biological father and paternal grandparents of [REDACTED] and [REDACTED] Horner. This case has all of the markings of [REDACTED] Acute Interference of the Inalienable Rights of a biological parent and paternal grandparents to have access to the Horner children while obtaining a divorce. [REDACTED] It has been over one year since the biological father has seen or held his children. This is abuse of a Disabled Person who suffers from PTSD. It has been almost two years since the paternal grandparents have seen or held their grandchildren. This is Elder Abuse. (see reference materials attached to this affidavit) Judge Jones was charged with the important decision on visitation of the

paternal grandparents and the father. Judge Jones showed prejudice when she allowed her designee, Melissa Segro, Director of Family Services, to obtain "counsel only" police reports while pretending to be a prosecutor. (See evidence on police report dated October, 2020.) Melissa Segro also had possession of the expunged probate order filed August, 2020, which tainted her decision about the father's visitation. Melissa Segro demanded the records be released from St. Vincent's hospital, but these medical records were protected under HIPPA laws, and were perceived as not relevant since they were a product of an expunged probate order [REDACTED]. Because Melissa Segro did not get the records released from St. Vincent's, her report to Judge Jones was negative and Judge Jones closed the case with Ms Segro, and kept the Horner children from seeing their father.. [REDACTED]

[REDACTED] Easton Horner has not received a fair pretrial in the courtroom of the Honorable Judge Jones based on bias against a person with disabilities, unlawful actions by Melissa Segro, an agent of the court, [REDACTED], unlawful actions by the police department of [REDACTED] who took Easton into custody without producing a valid probate order at the time of incarceration and then later the falsely produced probate order being expunged from the record, and attorneys for both Plaintiff (Mr. Duraye and Mr. Essa) and Defendant (Mr. Marcis and County Prosecutor, [REDACTED] to ruin the reputations of William Easton Horner and the Paternal Grandparents with no credible evidence. It is obvious that there has been a calculated and coordinated effort by the officials of the Cuyahoga County Judicial System [REDACTED] to take away the rights of a biological father and his children. This effort reaches over to the Paternal Grandparents and entire Horner Family. Therefore, it is requested that this trial be negated and moved to a higher court out of the jurisdiction of Cuyahoga County, Ohio. William Easton Horner deserves a new venue of justice as do the paternal grandparents. Most importantly [REDACTED] and [REDACTED] Horner deserve the right to know their Father and Horner relatives.

12. Attached to this affidavit is a true copy of:

a. Research documents relating to child alienation from family members. Exhibit A

I declare under penalty of perjury under the laws of the State of Tennessee that the foregoing is true and correct.

Kathy D. Horner Date: 9/22/21
(Affiant's signature)

Notary Public

STATE OF TENNESSEE
COUNTY OF HAMBLEN

On this the 22 day of Sept, 2021, the foregoing instrument was sworn to (or affirmed) and subscribed before me by **Kathy H. Horner**, known or proven to me to be the person whose name is subscribed to the within instrument.

WITNESS my hand and official seal.

Felicia Bishop
(Print Name)

Felicia Bishop [Affix seal]
(Signature)



NOTARY PUBLIC

My Commission Expires: 2-21-22

Grievance Form

☐ Mrs. ☒ Miss. ☐ Mr. ☐

YOUR NAME: Horner Kathy H 321-332-3445
Last First MI Phone No.
PERMANENT ADDRESS: 2551 Indian Trail Kathy@flyingcracker.com
Street Email Address
Morristown Hamblen TN 37814
City County State Zip Code

ABOUT WHOM ARE YOU COMPLAINING?

(Please circle) ATTORNEY or JUDGE or UPL

NAME: Jones Tonya R
Last First MI Phone No.
ADDRESS: 1 W. Lakeside Avenue
Street
Cleveland Cuyahoga OHIO 44113
City County State Zip Code

Have you filed this grievance with any other agency or bar association? ☐ Yes ☒ No

If yes, provide name of that agency and date of filing: _____ date: _____

Do you receive a response? ☐ Yes ☐ No

IF YES, PLEASE ATTACH A COPY

Does this attorney represent you? ☐ Yes ☐ No

Type of case: Divorce/Child Custody/Grandparents Rights

When was the attorney hired: _____ Does s/he still represent you? ☐ Yes ☐ No

Do you pay the attorney a fee/retainer? ☐ Yes ☐ No If yes, how much?: _____

Do you sign a written fee agreement/contract? ☐ Yes ☐ No IF YES, PLEASE ATTACH A COPY

Has the attorney sued you for fees? ☐ Yes ☐ No

Have you brought civil or criminal court action against this attorney or judge? ☐ Yes ☒ No

If yes, provide name of court and case number DR 20 382383

Result of court action: Abuse of biological father and elder abuse of paternal grandparents of _____ and _____ Horner.
Provide name and contact information for attorney currently representing you, if different than attorney about whom you are complaining:
none

Does this grievance involve a case that is still pending before a court? ☒ Yes ☐ No

If yes, provide name of court and case number: Division of Domestic Relations, Cuyahoga County Case # DR 20 382383

What action or resolution are you seeking from this office? Change of venue and judge of Cuyahoga County, Ohio. Visitation of the

WITNESSES:

List the name, address, and daytime telephone number of persons who can provide information, IF NECESSARY, in support of your grievance.

NAME	ADDRESS	PHONE NO.
William Dean Horner	2551 Indian Tr. Morristown, TN 37814	407-314-3421
William Easton Horner	2889 Blue Ridge Dr. Morristown, TN 37814	865-322-9331

FACTS OF THE GRIEVANCE

Briefly explain the facts of your grievance in chronological order, including dates and a description of the conduct committed by this legal professional. Attach copies (DO NOT SEND ORIGINALS) of any correspondence and documents that support your grievance.

For a biological father to be refused visitation from his children for close to one year is psychological abuse of a parent.

For paternal grandparents to be denied visitation with their biological grandchildren for 20 months and 14 months ([REDACTED], [REDACTED]) is elder abuse.

For the mother to have sole custody of children for over a year during pre-trial of a divorce is abusive to the biological father and paternal grandparents, especially when said mother denies the children contact with the father and grandparents.

See research attached which documents abuse of father and paternal grandparents.

Kathy H. Horner affidavit dated 9/22/21

Affidavit dated 3/21/21 by Kathy H. Horner previously submitted to the court, Tonya Jones, Judge.

The Rules of the Supreme Court of Ohio require that investigations be confidential. Please keep confidential the fact that you are submitting this grievance. The party against whom you are filing your grievance will receive notice of your grievance and may receive a copy of your grievance and be asked to respond to your allegations.

If submitting this grievance electronically via the Online Grievance Portal, you do NOT need to sign this form. However, you must check the box in the Online Grievance Portal attesting that you are the person listed as the grievant in the "Your Name" portion of this form, or that you have permission from the person listed as the grievant in the "Your Name" portion of this form before uploading the form.

If submitting this grievance by US mail, you MUST sign below. WE WILL NOT PROCESS AN UNSIGNED GRIEVANCE.

Kathy H. Horner
Signature (If submitting by US mail)

9/27/21
Date