



COURT OF COMMON PLEAS
PROBATE / JUVENILE DIVISION
GEAUGA COUNTY

TIMOTHY J. GRENDELL – JUDGE

Courthouse Annex, 2nd Floor
231 Main Street, Suite 200
Chardon, Ohio 44024
Voice: 440-279-1830
Fax Probation: 440-285-5025
Fax Court: 440-285-8751
www.geaugacourts.org

August 13, 2015

Dear Editor,

This letter is in response to the July 23, 2015 article in the Geauga Maple Leaf entitled “Grendell Drops Efforts to Hold McArthur in Contempt”, and in particular the erroneous claim that “Grendell’s pursuit of McArthur has cost the county \$19,545 in legal fees”.

The Court has a duty to defend the best interests of the children who come before it in protective custody cases, and so, the initial order for McArthur to participate in a show cause hearing was simply to determine if her interactions did in fact negatively impact the child protective case. This initial action did not require involvement from outside counsel, meaning it did not and would not result in any taxpayer expense; nor was it an attempt to hold her in contempt. Also, as a side note, despite what some may imagine, Judge Grendell would not have been the sitting judge for the hearing, as an unbiased third party Judge would have heard the case in Judge Grendell’s stead.

Rather than participate in the show cause process legally designated for a situation such as this, McArthur chose to file a baseless suit against the court, which was dismissed by the Ohio Supreme Court panel and resulted in McArthur admitting she did not win her litigation. The legal fees were in fact the result of Nancy McArthur’s suit against Geauga County (McArthur v. Geauga County Court of Common Pleas, Juvenile Division, et al., Case No.: 2015-G-0002 - note the accuser is listed first), not the other way around.

It should also be clarified that any allegation or insinuation that the County is paying for Ms. McArthur’s legal fees is patently untrue. Ms. McArthur is solely responsible for her own legal fees. The legal fees the County is responsible for stem from the outside counsel the Court was forced to pursue because County Prosecutor Jim Flaiz declined to represent the Court, even though he admits the Court is his client. Had the Prosecutor represented the Court in the case, it would have cost the County nothing.

Additionally, the article stated that “a visiting panel [of] the Ohio supreme Court... effectively rejected Grendell’s view of the case”. This allegation that the ruling was based on merit is a false statement because, in fact, it was strictly a preliminary procedural ruling that was premised upon

misrepresentations made by McArthur. In fact, the Court wasn't even asked to address her false statements at that point in the legal process, and furthermore, if they truly had ruled in McArthur's favor why would she have dismissed her case against Geauga County?

Finally, Judge Grendell's position is further defended in a Letter to the Editor printed in the August 6th addition of the Chagrin Valley Times, submitted by none other than former Ohio Supreme Court Justice Andy Douglas, who had presided over the mediation between Judge Grendell and Nancy McArthur. In it, Justice Douglas stated that the confidentiality agreement of the mediation was breached by Ms. McArthur and because of this, he feels that he "[has] an obligation to the parties, and now to the public, to be sure that any part of the mediation that is disclosed by one or more parties presents an accurate picture." He goes on to say that, "without revealing any of the mediation proceedings, the public should know that there were other emails written by Ms. McArthur, and, in the interest of good journalism, the paper maybe should take a look at those." Finally, Justice Douglas says "suffice to say that the account presented to the newspaper was done so in false light."

Sincerely,



Kimberly Laurie
Budget/Fiscal Director & County Liaison

cc: Timothy J. Grendell, Judge
David Lubecky, Court Administrator
Gauga County Commissioners