

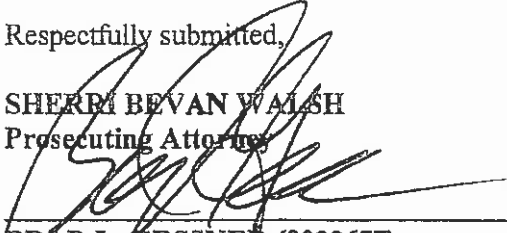
MEMORANDUM IN SUPPORT

It is the desire of the County of Summit to defend itself in the litigation matter of *Gabrielle J. Tyree v. County of Summit, et al.*, U.S. Dist. Court, N. D. Ohio, E.D., Case No. 5:12-CV-02627. The Plaintiff, Gabrielle J. Tyree, is a former employee of the County of Summit Fiscal Office and has alleged the following causes of action: First Cause of Action is a Title VII claim for sexual harassment under the Civil Rights Act of 1964, as amended; Second Cause of Action is a violation of R.C. § 4112 for sexual discrimination in an official capacity claim; Third Cause of Action is a violation of R.C. § 4112 for sexual discrimination in an individual claim; Fourth Cause of Action is for a civil assault; and the Fifth Cause of Action is for an intentional infliction of emotional distress. The named Defendants are: County of Summit, County of Summit Fiscal Office, Kristen M. Scalise in her individual capacity and Andrew Baumann in his official and individual capacity. In the event of a possible conflict of interest with representation provided by the Prosecutor's Office, the Applicants hereby request that pursuant to R.C. § 305.14, this Court grant permission to allow outside legal counsel to represent Kristen M. Scalise in her individual capacity. The Applicants have a statutory duty to provide legal counsel to represent Kristen M. Scalise in her individual capacity as required by R.C. §§ 9.86 and 2744.07. (See *Whaley v. Franklin Cty. Bd. of Commrs.*, 92 Ohio St.3d 574, 752 N.E.2d 267 (2001)).

R.C. § 305.14(A) states that “[t]he court of common pleas, upon the application of the prosecuting attorney and the board of county commissioners, may authorize the board to employ legal counsel to assist the prosecuting attorney, the board, or any other county officer in any matter of public business coming before such board or officer, and in the prosecution or defense of any action or proceeding in which such board or officer is a party or has an interest, in its official capacity.”

In accordance with R.C. § 305.14, the Applicants respectfully request this Court to grant the Application and authorize the County Executive, in accordance with County procedures for engaging professional services, to employ Roetzel & Andress LPA as outside legal counsel to defend the County of Summit Fiscal Officer, Kristen M. Scalise, in her individual capacity in the litigation matter.

Respectfully submitted,


SHERRI BEVAN WALSH
Prosecuting Attorney

BRAD L. GESSNER (0033677)
Assistant Prosecuting Attorney
53 University Avenue, 6th Floor
Akron, OH 44308
(330) 643-2800
(330) 643-8708 – Facsimile
gessner@prosecutor.summitoh.net
Attorney for Applicants

JANIEL M. HOBIGAN

2013 JAN 31 AM 8 IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

SUMMIT COUNTY
CLERK OF COURTS

COUNTY OF SUMMIT
RUSSELL M. PRY, EXECUTIVE
175 S. Main St., 8th Floor
Akron, Ohio 44308

) CASE NO.: Misc 458

) JUDGE: TOM PARKER

and


COUNTY OF SUMMIT PROSECUTOR
SHERRI BEVAN WALSH
53 University Ave., 6th Floor
Akron, Ohio 44308

) JUDGMENT ENTRY

Applicants.

Upon consideration of the Application *sub judice* and pursuant to R.C. § 305.14, the Court hereby authorizes the County of Summit Executive, in accordance with the County procedures for engaging professional services, to employ the outside legal counsel of Roetzell & Andress, LPA to defend the County of Summit Fiscal Officer Kristen M. Scalise in her individual capacity in the matter of *Gabrielle J. Tyree v. County of Summit, et al.*, U.S. Dist. Court, N. D. Ohio, E.D., Case No. 5:12-CV-02627. This Court shall retain jurisdiction upon any further motion by the Applicants to revise, expand or terminate the authorization granted herein.

IT IS SO ORDERED.


HONORABLE TOM PARKER
ADMINISTRATIVE JUDGE