

COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
PROBATE DIVISION

ARTHUR P. DUECK, et al.) CASE NUMBER: 2012ADV179424
)
) Plaintiffs)
) JUDGE ANTHONY J. RUSSO
v.)
)
THE CLIFTON CLUB COMPANY, et al.) CLIFTON PARK TRUSTEE PHILIP W.
) HALL'S ANSWERS AND OBJECTIONS TO
) DEFENDANT JEFF MANSELL'S FIRST
) SET OF COMBINED DISCOVERY
) REQUESTS
)

INTERROGATORY NO. 1:

How long have you been a Clifton Park Sublot Owner?

ANSWER:

Since 1984.

INTERROGATORY NO. 2:

How long have you been a Trustee?

ANSWER:

Since 2004.

INTERROGATORY NO. 3:

In what years were you the Head Trustee?

ANSWER:

2010 and 2011.

INTERROGATORY NO. 4:

Have you reviewed the historical documents of the Trust containing the minutes and correspondence of your Trustee predecessors?

ANSWER:

No.

INTERROGATORY NO. 5:

Identify all Trust documents you reviewed wherein your predecessor Trustees confirmed that they considered the Club's members to be beneficiaries of the Trust.

ANSWER:

Not applicable.

INTERROGATORY NO. 6:

Identify all Trust documents you reviewed wherein your predecessor Trustees confirmed that the Club's members had a right under the Trust to enjoy Beach access?

ANSWER:

Not applicable.

INTERROGATORY NO. 7:

In the minutes and correspondence of the prior Trustees which you reviewed, identify all instances in which your predecessor Trustees confirmed that the Club's members had an inherent right on any other basis than requested in Interrogatories No. 5 and 6, to enjoy Beach access?

ANSWER:

Not applicable.

INTERROGATORY NO. 8:

Is it your view that the Club's members have a right to Beach use?

ANSWER:

Yes.

INTERROGATORY NO. 9:

When did you adopt this view? Give approximate date?

ANSWER:

1964.

INTERROGATORY NO. 10:

Is it your view, that the Club's members have a right to Beach use, the same as the views of your predecessor Trustees as recorded in the minutes and correspondence of the prior Trustees which you reviewed?

ANSWER:

Not applicable.

INTERROGATORY NO. 11:

Do you agree that the prior Trustees position was to allow the Club members yearly permissive negotiated Beach use in exchange for an annually determined payment?

ANSWER:

I am not familiar with specific positions of the prior Trustees.

INTERROGATORY NO. 12:

Is your often stated position, that the Club's members have a right to Beach use, consistent with your predecessor Trustees as stated in the prior Interrogatory No. 11?

ANSWER:

Yes.

INTERROGATORY NO. 13:

Identify all legal opinions which the Trustees obtained regarding the question of the Club's members' entitlement to use the Beach during the years you were a Trustee prior to 2011.

ANSWER:

None to my knowledge.

INTERROGATORY NO. 14:

Are the Trustees obligated to treat all beneficiaries equally?

ANSWER:

Not to my knowledge.

INTERROGATORY NO. 15:

If the Club's members have the right to use the Beach, is said access subject to any limitations not applicable to Park residents?

ANSWER:

Yes, since 2012.

INTERROGATORY NO. 16:

If the Club's members have the right to use the Beach, explain how and on what authority the Trustees could selectively restrict the number of Club members using the Beach.

ANSWER:

1912 Trust Deed, Ohio Revised Code and trust law.

INTERROGATORY NO. 17:

If the Club's members have the right to use the Beach, explain how and on what authority the Trustees could limit the use of the Beach by the club's members aside from reducing their numbers?

ANSWER:

1912 Trust Deed, Ohio Revised Code and trust law.

INTERROGATORY NO. 18:

If the Club's members have the right to use the Beach, and the Club chooses to pay only the yearly assessment based on the land value of their 4 sub lots as specified in the Trust, explain how and on what authority the Trustees could do anything to increase the Club's financial contribution.

ANSWER:

Objection. This is a speculative, hypothetical question that is beyond the scope of discovery.

INTERROGATORY NO. 19:

Identify all sources of authority relied upon for the answers to Interrogatories numbered 14 through 18.

ANSWER:

1912 Trust Deed, Ohio Revised Code and trust law.

INTERROGATORY NO. 20:

Identify the years you or your family have been Club members.

ANSWER:

For perhaps two or three years in the early 1990's, two or three years ending in about 2005, and since September 2012 as a Park Associate member.

INTERROGATORY NO. 21:

Identify any financial interest you or any of your family had or have in the Club or its property.

ANSWER:

None.

INTERROGATORY NO. 22:

Identify all past records of the Trust in your possession which are not also stored with the Trust historical documents.

ANSWER:

None.

INTERROGATORY NO. 23:

Were you invited to a meeting of Clifton Park lot owners hosted by Ms. Connie Mansell at her house on July 18, 2011, to discuss their concerns regarding the Beach overcrowding?

ANSWER:

Possibly, but I really don't recall.

INTERROGATORY NO. 24:

Did you attend the meeting referenced in Interrogatory No. 23?

ANSWER:

Probably not.

INTERROGATORY NO. 25:

If you did not attend the meeting referenced in Interrogatory No. 23, identify what efforts you made to contact Ms. Mansell after the meeting to learn what the concerned lot owners thought about the Beach overcrowding problem.

ANSWER:

I don't recall.

INTERROGATORY NO. 26:

During your tenure as a Trustee, identify all public and confidential agreements either written and/or oral made between the Trustees and the Clifton Club.

ANSWER:

None that I am aware of.

INTERROGATORY NO. 27:

During all meetings with lot owners concerned with Beach crowding during 2011, did you state at any time that the Club's members were all beneficiaries?