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FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES***
NORMAN R. KELLY
ROBERT A. MARTIN
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BRENDAN J. BURKE

Attorneys at Law

*Of Counsel
**Admitted in Kansas and Nebraska
***Fellow American Academy of Matrimonial Lawyers

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LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538
E-Mail: ram@nwjklaw.com

January 5, 2010

Scott Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott and Christine Ostermann v. Lisa M. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

Enclosed please find a Discharge of Debtor that I received from the bankruptcy court in Ms. Weaver's bankruptcy matter. This copy is for your records.

If you have any questions, please advise.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

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January 18, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

I attended the hearing on your behalf on January 15, 2010. Mr. Prophet also appeared, as did his client. She did not say anything, but just spoke with Russ for a period of time prior to the hearing, as it was delayed significantly. In any event, Russ then came back and spoke to me and told me that I would be receiving discovery responses shortly. He stated that part of their defense is that since the utilities are not parties to this matter and have an easement, that the prior judgment was void and/or that nothing can be done in this case. I told him that I did not agree with any of these different claims. Next, he indicated that she is telling him that they can not do anything to the bar as it is somehow a historical building. My only response to that was a laugh and repeating back to him "a bar is a historical building?" I have not seen any documentation on any of their claims. He reiterated to me that they are still willing to pay the $2,500.00.

Let me know if you have any thoughts. I am enclosing herewith a copy of my letter to Mr. Prophet as well as the proposed Order regarding the court's ruling on that date which primarily involved the deadlines.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

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January 18, 2010

Russel B. Prophet
Hampton & Royce, L.C.
119 W. Iron, 9th Floor
P.O. Box 1247
Salina, Kansas 67402-1247

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Russ:

Enclosed please find a Case Management Order that I have prepared for the above referenced matter. Please look over the enclosed document and let me know if you have any requested changes. Alternatively, if the document meets with your approval, please sign the same in the space indicated and return it to me. I will forward it to the judge for his signature and filing with the court and return a file stamped copy to you once the same is received.

I look forward to hearing from you regarding acceptability of the enclosed Case Management Order.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

cc: Scott and Christine Ostermann

HAMPTON & ROYCE, L.C.
9TH FLOOR - UNITED BUILDING
119 WEST IRON - P.O. BOX 1247
SALINA, KANSAS 67402-1247
(785) 827-7251 - TELEPHONE
(785) 827-2815 - FACSIMILE

IN THE DISTRICT COURT OF DICKINSON COUNTY, KANSAS

SCOTT L. OSTERMANN AND CHRISTINE C. OSTERMANN, **Plaintiffs,**	)	
vs.	)	**Case No. 09 CV 150**
AMANDA DOHE, **Defendant.**	)	

NOTICE OF SERVICE OF RESPONSES TO
PLAINTIFFS' FIRST COMBINED DISCOVERY REQUESTS

Defendant Amanda Dohe, by and through her attorney, Russel B. Prophet of Hampton & Royce, L.C., advises the Court that she has served upon Plaintiffs' attorney, Robert A. Martin, of Norton, Wasserman, Jones & Kelly, L.L.C., her responses to Plaintiffs' First Combined Discovery Requests.

DATED: January 20, 2010.

Russel B. Prophet (#20392), of
Hampton & Royce, L.C.
United Building, Ninth Floor
119 West Iron Avenue
P.O. Box 1247
Salina, Kansas 67402-1247
(785) 827-7251
Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Russel B. Prophet, hereby certify that on January 21, 2010, I served a true and correct copy of the above and foregoing Notice of Service of Discovery Responses upon counsel of record by depositing same in the United States mail, first class postage prepaid, addressed to:

Mr. Robert A. Martin
Norton, Wasserman, Jones & Kelly, L.L.C.
P.O. Box 2388
Salina, Kansas 67402-2388
Attorneys for Plaintiffs

and on that same date, I mailed the original hereof to the:

Clerk of the District Court
Dickinson County Courthouse
P.O. Box 127
Abilene, Kansas 67410-0127

for filing in accordance with the law.

Russel B. Prophet

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E-Mail: ram@nwjklaw.com

January 25, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Enclosed please find a Notice of Service and the Defendant's responses to the written discovery that I served upon her. Please review her responses and give me a call to discuss any question and/or thoughts you may have on the same.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

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January 26, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

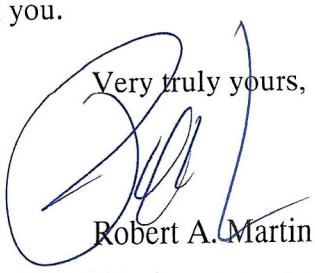
RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

After we talked again, I discussed settlement with Russ Prophet. Russ is indicating that he believes, per his client, that it would cost about $1,000.00 to move one of the meters. However, they have been quoted that it would cost $10,000.00 to move the other meter, which he believes to be the gas meter. Have you ever heard of anything like this? Do you think that you can contact both of these entities to see what they would quote to move the meters? That may be beneficial for us and we should at least know if the prices change.

I look forward to hearing from you.

Very truly yours,



Robert A. Martin

RAM/slb

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February 16, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

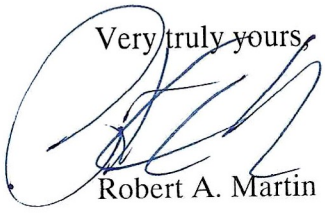
RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

I am in receipt of your letter dated February 12, 2010. I understand that you are going to offer the property for sale. You need to be aware that given the pending lawsuit and the fact that a counterclaim was made by the Defendant, there may be a cloud on your title to the property. In other words, you may have trouble closing on any sale.

If you have any questions, please advise. I am sure that you are not going to quit claim deed the property like your neighbors did.

Very truly yours,



Robert A. Martin

RAM/slb

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E-Mail: ram@nwjklaw.com

February 22, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

I received the packet from you dated February 17, 2010. I reviewed its contents extensively. I am not sure that it would be in your best interest to provide this information to real estate agents in town. It can be, at a minimum, confusing to those that were not involved. Further, the disclosure of what was said between your attorneys and you could be a waiver of your attorney-client privilege. In addition, I am not sure that this is actually going to benefit you in the sale if that is in fact your intent.

You may want to discuss this with the real estate agent that you are dealing with, but I really think that just providing copies of the contact between the City and you, as well as a copy of the pleadings and deeds, may be the extent to which you would want to disclose matters, leaving the rest to be by word of mouth.

Very truly yours,

Robert A. Martin

RAM/slb

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E-Mail: ram@nwjklaw.com

February 3, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

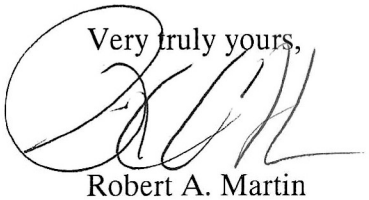
RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Enclosed please find a file stamped copy of a Notice of Intent to Issue Business Records Subpoenas with the three attached Business Records Subpoenas that I am planning to serve upon Wyatt Land & Title, Vicki Faulkner, and Mike Teasley. I will issue the subpoenas on February 15, 2010, and will forward to you a copy of any records I receive thereafter.

If you have any questions, please advise.

Very truly yours,



Robert A. Martin

RAM/slb
Enclosure(s)

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Fax 785-827-0538

E-Mail: ram@nwjklaw.com

February 11, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Enclosed please find a file stamped copy of the Motion to Join Party that I filed on your behalf. Please note that this matter has been set for hearing on February 26, 2009, at 9:00 a.m. You do not need to be present at this time, but I wanted to make you aware of the upcoming hearing.

If you have any questions, please advise. The enclosed copy is for your records.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

NORTON • WASSERMAN • JONES • KELLY LLC

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E-Mail: ram@nwjklaw.com

February 23, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Enclosed please find file stamped copies of the Business Records Subpoenas and Requests for Service that I filed on your behalf to obtain the records with regard to the above referenced matter from Vicki Faulkner, Mike Teasley, and Wyatt Land & Title. I will forward a copy of the records to you once the same are received.

If you have any questions, please advise. The enclosed copies are for your records.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

N. ROYCE NELSON
SIDNEY A. REITZ
DAVID D. MOSHIER
DEBRA EGLI JAMES
JEFFREY E. KING
TERRY D. CRISS
BRIAN W. WOOD
TISHA S. MORRICAL
TODD W. DAVIDSON
RUSSEL B. PROPHET
NATHANAEL W. BERG
DANIELLE A. RIDER
OF COUNSEL
C. STANLEY NELSON

□
OF COUNSEL
JOHN A. O'LEARY
103 NORTH MAIN
THE POST ROCK
BUILDING
P.O. BOX 304
LURAY, KANSAS
67649-0304
PHONE:
785-698-2501

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SALINA, KANSAS 67402-1247
PHONE: 785-827-7251 | FAX: 785-827-2815
WWW.HAMPTONLAW.COM

February 25, 2010

Mr. Robert A. Martin
Norton, Wasserman, Jones & Kelly, L.L.C.
P.O. Box 2388
Salina, Kansas 67402-2388

Re: Ostermann vs. Dohe
Case No. 09 CV 150
Dickinson County District Court

Dear Mr. Martin:

Enclosed please find a copy of the Affidavit of Custodian of Business Records that Vicki Faulkner has filed in the above-referenced case. As we discussed in our telephone conversation on Tuesday, February 23, 2010, Vicki does not have any documents other than the documents previously produced by Amanda in response to your discovery requests.

If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

HAMPTON & ROYCE, L.C.

Russel B. Prophet
rprophet@hamptonlaw.com

RBP/dh

Enclosure

cc: Client

02-25-10A09:29 RCVD

IN THE DISTRICT COURT OF DICKINSON COUNTY, KANSAS

SCOTT L. OSTERMANN AND CHRISTINE C. OSTERMANN,	)	
Plaintiffs,	)	
vs.	)	**Case No.09 CV 150**
AMANDA DOHE,	)	
Defendant.	)	

AFFIDAVIT OF CUSTODIAN OF BUSINESS RECORDS

THE STATE OF KANSAS, COUNTY OF DICKINSON:

I, Vickie Faulkner being first duly sworn on oath depose and say that:

1. I am a duly authorized custodian of the business records of _____ and have the authority to certify those records.

2. The copy of the records attached to this Affidavit is a true copy of the records described in the Subpoena.

3. The records were prepared by the personnel or staff of the business, or persons acting under their control, in the regular course of the business at or about the time of the act, condition or events recorded.

Vickie Faulkner
SIGNATURE OF CUSTODIAN

Subscribed and sworn to before me the undersigned on this 23 day of February 2010.

Russell B. Prophet
NOTARY PUBLIC

RUSSEL B. PROPHET
Notary Public - State of Kansas
My Appt. Expires 6/22/11

NORTON • WASSERMAN • JONES • KELLY LLC

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February 25, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Russ Prophet contacted me this week. He indicated that they will agree to have Vicki Faulkner joined as a party. He further indicated that he would sign an agreed order without a hearing. Hence, the hearing for Friday is off.

Secondly, Mr. Prophet indicated that his clients are not interested in selling the bar to you. At this point, it is for them a very personal, meaning non-economic, matter. I asked Russ if his clients were interested in buying your place. He said that he did not know your place was for sale. I said that I was not saying that it is or is not, but that most things are for sale even if his client does not so believe. He said he didn't know.

On the issue of the replacement of the meters, he said that his client would be agreeable to moving the electric meter, but not the gas given his understanding. When I discussed at length with Russ why I did not think that the gas meter would cost as much as he is claiming, he said he would check on it himself. I will let you know when I hear back from him on that issue.

Next, the issue of mediation was broached by Mr. Prophet, as that is typical in cases like these at this point. I told him that I personally did not have any problem with conducting mediation, particularly if we had a hard headed mediator who could potentially get an agreement reached. I told him that I would have to check with you to see if that is something that you are interested in.

Finally, I enclose herewith copies of the Returns of Service from the Dickinson County Sheriff's Department as well as a copy of the business records that I received from Wyatt Land & Title in response thereto.

Once you have had a chance to look at this letter, give me a call regarding your thoughts involving the same. In addition, let me know if you ever got anything from Kansas Gas Service.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on the 2 day of March, 2010, I mailed a copy of the above Affidavit of Custodian of Business Records by depositing it with the United State Postal Service for delivery with postage pre-paid, to:

Robert A. Martin
Norton Wasserman Jones & Kelly, L.L.C.
213 S. Santa Fe
P.O. Box 2388
Salina, Kansas 67402-2388

Mike Leasley
SIGNATURE OF CUSTODIAN

Subscribed and sworn to before me the undersigned on this 2 day of March, 2010.

NOTARY PUBLIC - State of Kansas
TIMBERLY J. BOWERS
My Appt. Exp. 01-23-2011

Timberly J. Bowers
NOTARY PUBLIC

I have no records that you are looking for

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E-Mail: ram@nwjklaw.com

March 12, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe and Vicki Faulkner; District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

I am in receipt of your letter dated February 17, 2010. There are several issues in it. However, I wanted to make you aware of and/or reiterate what my approach is. I am attempting, on my own, to contact Kansas Gas Services as I have not heard back from Mr. Prophet regarding his contacts and/or attempts. I know that you were not having any luck.

Secondly, with regard to the items that were subpoenaed and/or the work that has been completed on your case, I am setting this matter up for summary judgment. You will find enclosed herewith a document that was drafted by me and includes references to items that we have received either through discovery, from the other case, or through a Business Records Subpoena. I hope this makes more sense on what my approach is in the matter.

With regard to other contacts for safety issues involving the city and utility company, I am discussing those options with Ken Wasserman at this time given his prior involvement in those matters.

Finally, I have enclosed a file stamped copy of the Order Granting Motion to Add Party, First Amended Petition, Notice of Service, and the written discovery requests that I served on Vicki Faulkner recently for your records.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

P.S. I have enclosed a draft of a Pretrial Questionnaire that I have prepared in this matter. Please look this document over and let me know what changes and/or additions need to be made.

NORTON • WASSERMAN • JONES • KELLY LLC

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March 16, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe and Vicki Faulkner; District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Enclosed please find a file stamped copy of the Motion to Extend Deadlines. Since we have now added Vicki Faulkner as a party hereto and have served discovery upon her, as well as the fact that we are contemplating mediation, we need to extend the deadlines that were previously set in this matter to accommodate the same. The motion has been set for hearing on April 2, 2010. You will not need to be present at this time as I will appear on your behalf. This copy is for your records.

Additionally, I received contact from Kansas Gas Service indicating that they have forwarded my letter to their in-house attorney and are awaiting his/her response before carrying out the requests in said letter. Once I hear from them, I will be in touch to keep you updated.

If you have any questions, please advise.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

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March 30, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe and Vicki Faulkner; District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Ken Wasserman spoke to me about your March 24, 2010, letter. With regard to the contents, he may contact with the Kansas Attorney General's office directly at (785) 296-2215 to bring up a complaint involving the city attorney's office. However, they are typically not counsel for the cities or counties. I will also tell you that within the past month, I have attempted to contact their office to look at a matter involving a police department in another town and certain questionable investigative procedures that were utilized in the death of a young lady. They were of no assistance. Further, the city does not need to request the opinion of the Attorney General in any matter.

Returning to what Mark Guilfoyle has done, a review of his actions would be completed by several different entities. Obviously, the disciplinary administrator would have the ability to review his efforts. As you are aware, the disciplinary administrator has, on at least two occasions now, issued his unofficial position that he did not find anything completed wrong by Mr. Guilfoyle. The second person to review the matter would be his own client, which I understand also do not have any objection to the way he is carrying out matters. The third entity that could review his actions would be the City of Abilene, which is one of his own clients as well, but also has certain additional discretionary authority. It is my understanding that the City is aware, not just through Lauren Bristow, but also through your appearance at meetings and otherwise of your objection to what Mr. Guilfoyle has completed. Apparently, once again, the City has no objection and hence, would not

use its authority in any way contrary to Mr. Guilfoyle. We obviously have no control over the last two matters whatsoever. The only other person who could have any control over Mr. Guilfoyle and/or the actions he has taken or not taken would be a judge in a particular lawsuit. However, Mr. Guilfoyle is not involved in any pending litigation for these clients.

Finally, I enclose herewith a file stamped copy of the Plaintiff's Pretrial Questionnaire that I filed on your behalf. This copy is for your records.

Please let me know if you have any questions.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)

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March 31, 2010

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

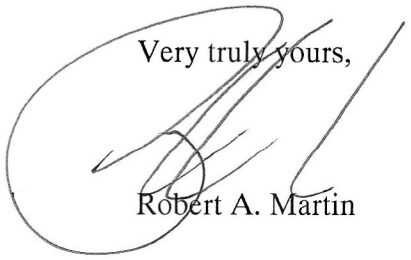
RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe and Vicki Faulkner; District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

I am writing to inform you that mediation has been set for May 6, 2010, at 9:00 a.m. at Mike Montoya's office, 256 South Santa Fe, Salina. I would like to meet with you about ½ hour before the mediation so that we can discuss matters. We can then walk to Mr. Montoya's office together.

If you have any questions about this process, please call me.

Very truly yours,



Robert A. Martin

RAM/slb