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ADAMS COUNTY  
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*Larry Heller*  
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IN THE COURT OF COMMON PLEAS  
CIVIL DIVISION  
ADAMS COUNTY, OHIO

**SHAWN D. COOLEY, et al.**

PLAINTIFFS,

VS.

**JOSEPH EDGAR FOREMAN, et al.**

DEFENDANTS,

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CASE NO. CVH 2023-0069

**ORAL HEARING  
REQUESTED**

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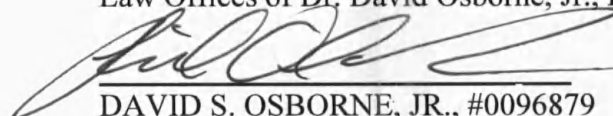
**DEFENDANT JOSEPH EDGAR FOREMAN MOTION TO DISMISS FOR  
FAILURE TO ADD/JOIN NECESSARY PARTIES**

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Comes now the Defendant, Joseph Foreman, by and through their Counsel and prays that this honorable court will issue a judgment for him against the Plaintiffs dismissing this case as the Plaintiffs have failed to add parties that Plaintiffs have acknowledged should be added and may have claims and rights that are being decided in this case without their representation. A memorandum in support has been attached and is incorporated hereto by reference.

Respectfully submitted,

Law Offices of Dr. David Osborne, Jr., LLC



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### **MEMORANDUM IN SUPPORT**

The case at hand can best be described as a SLAPP case brought by the Law Enforcement Officers of the Adams County Sheriff's Office against an Adams County Citizen who has made statements via his music, and associated publication, and promotion about the search of his residence and local public officials. The majority of the officers who took part in the search of Mr. Foreman's home started a lawsuit against him for the use of their image, hurtful things said towards them, including cameos in his music video, and due to the reaction of social media posts. The current lawsuit was initiated by only a few of the officers involved. Further, depositions revealed that there are additional involved parties that the Plaintiffs knew of that have not been added as of the filing of this Motion and would have their rights effected by the lawsuit.

### **LAW IN RELATION TO SUMMARY JUDGMENT**

The Ohio Rules of Civil Procedure outline who the parties involved in a case are to be, and when they are mandated to be joined, and when their joining into the case is not required. This is outlined in Rule 19, which states in part (A) which persons must be joined if feasible, to wit:

A person who is subject to service of process shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (a) as a practical matter impair or impede his ability to protect that interest or (b) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest, or (3) he has an interest relating to the subject of the action as an assignor, assignee, subrogor, or subrogee.... O. R. Civ. Pro. 19(A).

Thus, a party is supposed to add all persons who have an interest in a case so that a full adjudication of all legal rights can be rendered. This is further supported by Rule 12(B)(7) of the Ohio Rules of Civil Procedure which provides the “failure to join a party under Rule 19” as a basis for the Defendant to Motion a Dismissal.

### **ARGUMENT**

The Plaintiffs were deposed between 8/6/2025 and 8/8/2025. During those depositions it was learned that the Plaintiffs knew of other people who should be parties but were not added. Some Plaintiffs even indicated they would not add these people to the lawsuit. Since the time depositions the Plaintiffs have taken no actions to add these parties. The representations of each Plaintiff can be summed up below:

#### **Plaintiff Shawn Cooley**

Shawn Cooley testified that he was seeking damages for his whole family. (Shawn Cooley Depo 82:25-83:13) He stated that his wife and daughter had been through hell due to this and the damages that he was asking for included their harm. Id. When asked why they were not parties to the lawsuit so that they could assert their own claims Shawn Cooley said he “did not know.” Id.

#### **Plaintiff Shawn Grooms**

Shawn Grooms testified that he was seeking damages because that the results of the search had on his marriage with his ex-wife, Rhonda Grooms. (Shawn Grooms Depo. 26:9-27:14) Mr. Grooms claims that she could not take the effects and thus the parties were divorced and Mr. Grooms is seeking damages. Id. His testimony would indicate that he is pursuing rights of another individual, Rhonda Grooms, and that she should have been added as a party to the suit.

#### **Plaintiff Lisa Phillips**

Lisa Phillips testified that she was seeking damages for her and her family but did not want to drag

them into this. (Phillips Depo 50:3-11) Thus her testimony would indicate that she is pursuing rights of others who have not been added as parties to this case.

**Plaintiff Randy Walters**

Randy Walters testified that his family had been effected. (Walters Depo 69:8-19) When asked if his family should be parties he responded "yeah, they should be involved in it." (Walters Depo 69:12-19). Yet as of the date of this Motion they have not been added as parties. The answer is simple, Mr. Walters does not want to put his wife and children through that. (Walters Depo 69:20-22).

**Plaintiff Justin Cooley**

Justin Cooley was the only officer to indicate that there was no other person he knew who should be a party to the lawsuit.

**Plaintiff Mike Estep**

Mike Estep testified that he was concerned about the image of the Adams County Sherriff's department and how all of this has affected the department.(Estep Depo 45:3-14) This would seem to indicate that the Adams County Sherriff's Office should be a party as they have been harmed by the actions of the Defendants. Further when asked if the damages and harm he was discussing included his family he answered in the affirmative. (Estep Depo 51:24-52:8) This was followed up by asking Mr. Estep if his family (wife) should be a party and he said "they probably should have, but it's not something that we ever looked into consideration". Id. Thus, Plaintiff Estep clearly indicates that at least his wife should be a party but is not.

**Plaintiff Brian Newland**

Brian Newland testified that he was seeking damages for him and his "entire family." (Newland Depo 127:9-14) When asked to expand on who his family was he indicated it was his daughters.

(Newland Depo 127:15-16) In fact, Mr. Newland went on to pull out one of his children from damages due to them being a fan of Afroman's music. (Newland Depo 127:22). This brings up a lot of issues as the children he is referring to is not in his custody and would be in the custody of their mother(s). Therefore, it appears that Mr. Newland has also indicated that he is seeking damages on behalf of people who are not parties to the suit.

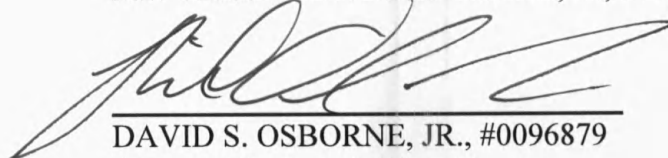
When identifying the necessary parties to a case the best people to ask are those who brought the suit. In the case at hand all the Plaintiffs indicate that not all of the Law Enforcement Officers who were there that day are Plaintiffs. In fact we do not know how many officers were there that day. Adult's over 18 years of age have not been added nor has the legal custodian of the minor children. In this way the Plaintiffs have failed to bring in all parties necessary to reach a full settlement to these legal issues. More troubling is that at least one Plaintiff would tend to indicate that he is worried about the reputation of the ACSO, a governmental entity, which would indicate some self-awareness of the Officers' actions.

### **CONCLUSION**

The Plaintiff has filed a lawsuit to seek money damages for harm to them and their families. At this point, no members of the family have been added. Every Officer who was involved is not a party to the suit. Thus, without these people added all necessary parties are not party to this suit and the case should be dismissed under Ohio Rule of Civil Procedure 12(B)(7) for failure to add a necessary parties. The Defendant prays for such an order from this court

Respectfully submitted,

Law Offices of Dr. David Osborne, Jr., LLC



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Attorney for Joseph Edgar Foreman

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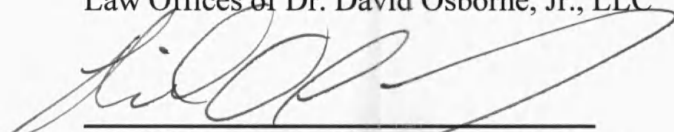
### **TO THE COURT**

The undersigned hereby certifies that used the Artificial Intelligence program ChatGPT 5 Pro.

This program has been used to summarize and find specific instances of statements by the person being deposed. Further, AI was used to create the timeline of events and to correct some grammar and spelling mistakes. No legal research was completed using the AI program.

Respectfully submitted,

Law Offices of Dr. David Osborne, Jr., LLC



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DAVID S. OSBORNE, JR., #0096879  
Attorney for Joseph Edgar Foreman

### **PROOF OF SERVICE**

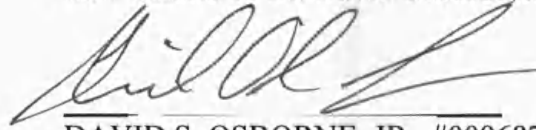
The undersigned hereby certifies that a true copy of the foregoing was served upon to following:

1. **Robert A. Klinger**, Robert A. Klinger Co., LPA, 895 Central Ave. Ste. 300, Cincinnati, Ohio 45202;
2. **Arthur West**, 120 State Ave. NE, #1497, Olympia, WA 98501;
3. **David J. Caray**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
4. **Amy R. Gilbert**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
5. **Freda J. Levenson**, ACLU of Ohio Foundation, 4506 Chester Ave., Cleveland, Ohio 44102;
6. **Vera Eidelman**, American Civil Liberties Union Foundation, 125 Broad Street, 18<sup>th</sup> Floor, New York, NY 10004;
7. **David Moser**, Fishel Downey Albrecht and Riepenhoff, LLP, 7775 Walton Parkway,

Suite 200, New Albany, Ohio 43054.

by regular U.S. mail, hand delivery, email, fax, by dropping off in the Attorney box at Adams County Court, or email this \_16\_ day of \_January\_, 2026.

Law Offices of Dr. David Osborne, Jr., LLC

A handwritten signature in black ink, appearing to read "David S. Osborne, Jr.", written over a horizontal line.

DAVID S. OSBORNE, JR., #0096879  
Attorney for Joseph Edgar Foreman