

COURT OF COMMON PLEAS
ADAMS COUNTY, OHIO

FILED
ADAMS COUNTY
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SHAWN D. COOLEY, et. al,

Plaintiffs,

v.

JOSEPH EDGAR FOREMAN,
A/K/A AFROMAN, et. al,

Defendants,

CASE NO. 2023-0069

Judge Jonathan P. Hein

PLAINTIFFS' MOTION IN LIMINE TO
EXCLUDE IRRELEVANT EVIDENCE

Lucy Heller
CLERK

Plaintiffs move the Court for an order excluding irrelevant or unfairly prejudicial evidence, including evidence that relates exclusively to Defendant's counterclaims, which the Court has dismissed. Evidence that is irrelevant, and that is likely to confuse the jury and cause undue delay at trial, should be excluded. The specific evidence to be excluded and the grounds supporting its exclusion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Robert A. Klingler
Robert A. Klingler (0031603)
Natalie R. Gratzter (0104684)
ROBERT A. KLINGLER CO., L.P.A.
895 Central Ave., Suite 300
Cincinnati, Ohio 45202
Telephone: (513) 665-9500
Facsimile: (513) 621-3240
Email: rak@klinglerlaw.com
Attorneys for Plaintiffs

MEMORANDUM IN SUPPORT OF MOTION

Defendant Joseph Edgar Foreman's Proposed Exhibits For Trial makes it clear that he intends to defend this case with irrelevant and sensational exhibits that attack and belittle the plaintiff deputy sheriffs who executed a legal and valid search warrant on his property. Defendant Foreman lists several exhibits that the Court should exclude or limit the use of during trial because they are not relevant to any of the claims or defenses in this case.

A. "Will you help me repair my door" and "Lemon Pound Cake" Music Videos are not relevant, risk confusing the issues, and should be excluded.

Defendant lists as his Exhibit 4, "Music Video—Will you help me repair my door?" and as Exhibit 5, "Music Video—Lemon Pound Cake." These exhibits should be excluded because they are irrelevant to Plaintiffs' claims and Defendant's defenses to those claims. These music videos, posted by Defendant on various social media platforms, depict Plaintiffs' execution of the search warrant at Mr. Foreman's residence, and feature Mr. Foreman singing and rapping about the execution of the warrant, alleged damage to Defendant's property, and the involved officers. Plaintiffs have not identified, and do not intend to introduce, either of these videos as evidence supporting their claims, and they do not contain facts or information relevant to any defense against Plaintiffs' defamation claims. They should be excluded as irrelevant evidence under Evid. R. 401.

In addition to being entirely irrelevant, introduction of these videos would create a substantial risk of confusing the issues for the jury. Defendant has sung, rapped, and posted on social media about Plaintiffs dozens, if not hundreds, of times since August 2022. Many of these videos, while offensive and disrespectful to the officers, do not contain defamatory or otherwise actionable content. Nor do they contain evidence of the truth Defendant's defamatory statements, or otherwise support or relate to any legitimate defense to the claims. Their introduction as evidence would only serve to confuse the jury about what is or is not relevant to the case. The

music videos should be excluded pursuant to Evid. R. 403(A). The Defendant's goal in introducing such evidence appears to be to create a circus atmosphere in the courtroom and to belittle Plaintiffs' claims with videos disparaging their activities and demeaning their dignity as law enforcement officers and human beings.

B. The Trinity White Knights Flyer is irrelevant and unfairly prejudicial, and should be excluded.

Defendant lists as his Exhibit 9, "Trinity White Knights Flyer." This exhibit should be excluded. The flyer is not probative of any fact of consequence in this. The flyer, attached as Exhibit A, has not been referenced in any pleadings, depositions, or discovery in this case. Plaintiffs learned about this flyer for the first time when they received Defendant's proposed list of exhibits. In addition to not having been identified before now, the exhibit should be excluded because there is no connection between it and any of the claims or defenses, or any of the Plaintiffs, in this case.

And even if there were some arguable, tenuous connection between this flyer and the issues or parties, any probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues, or of misleading the jury. See Evid. R. 403(A). The flyer is unfairly prejudicial evidence that "appeals to the jury's emotions rather than intellect." *Oberlin v. Akron Gen. Med. Ctr.*, 2001-Ohio-248, citing Weissenberger's Ohio Evidence (2000) 85-87, Section 403.3. This offensive and irrelevant exhibit is indicative of how Mr. Foreman apparently intends to "defend" against plaintiffs' claims—by casting them as racist, white supremacist, Ku Klux Klan supporting law enforcement officers who were out to kill a black man when they executed their search warrant. This exhibit should be excluded, and the Court should prohibit any reference to or testimony about it or its content.

C. The Search Warrant and Return have limited relevance and their introduction should be accompanied by a limiting instruction to the jury.

Defendant lists as his Exhibit 1, "Search Warrant for the residence of Mr. Foreman" and as his Exhibit 2, "Return on the Search Warrant for the residence of Mr. Foreman." Plaintiffs do not object to the introduction of this evidence if its introduction is accompanied by a limiting instruction to the jury. See Evid. R. 105. The warrant and return are only relevant to Plaintiffs' claims or Defendant's defenses as context explaining why Plaintiffs were present at Mr. Foreman's residence, and to establish that cash was seized from the residence. Defendant's counterclaims concerning the legality of the warrant, property allegedly damaged during its execution, and the sufficiency of supporting evidence for the warrant have been dismissed by the Court, and are not relevant to the remaining issues.

Plaintiffs believe that Defendant will attempt to relitigate his counterclaims, and will attempt to introduce irrelevant and potentially prejudicial and confusing evidence, by attacking the accuracy of the warrant affidavit and the way the warrant was executed by the Plaintiffs. Upon the introduction of the search warrant and return, the Court should instruct the jury that the warrant was legally valid, lawfully obtained, and lawfully executed, and that the contents of the warrant and the way it was executed are not issues for their consideration, except with respect to the cash seized during the execution.

D. Body Camera and Security Footage have limited relevance, and their introduction should be accompanied by a limiting instruction to the jury.

Defendant lists as his Exhibit 7, "ACSO Officer Body Camera Footage of the Search of Mr. Foreman's residence," and as his Exhibit 8, "Security footage of the execution of the Search Warrant for Mr. Foreman's residence." Plaintiffs do not object to the introduction of this evidence if its introduction is accompanied by a limiting instruction. See Evid. R. 105. This footage is only

relevant to Mr. Foreman's claim that Plaintiffs stole money from him during the warrant execution. The footage is relevant to proving the falsity of Mr. Foreman's claims about Plaintiffs, and its use should be limited to that purpose. The Court should exclude the footage except for the portions relevant to the seizure and counting of the money by Detective Newland. Plaintiff requests that, upon introduction of the Body Camera Footage and Security Camera Footage, the Court give a limiting instruction to the jury. Such instruction should inform the jurors that their consideration of the footage is limited to determining the truth or falsity of Mr. Foreman's statements that Plaintiffs stole money from his residence during the search.

E. Policies and Procedures for Adams County Sheriff's Office have limited relevance and their introduction should be accompanied by a limiting instruction to the jury.

Defendant lists as his Exhibit 3, "Policies and Procedures for the Adams County Sheriff's Office." Plaintiffs do not object to the introduction of this evidence so long as its introduction is accompanied by a limiting instruction to the jury. See Evid. R. 105. The only policy or procedure that is relevant to Plaintiffs' claims relates to the seizure of the money during the execution of the search warrant. Any discussion of other policies or procedures would relate only to Mr. Foreman's already adjudicated counterclaims against Plaintiffs. These policies are irrelevant to Plaintiff's claims and should be excluded. Plaintiff requests that, upon introduction of the policies and procedures, the Court instruct the jurors that their consideration of the policies is limited to determining the truth or falsity of Mr. Foreman's statements that Plaintiffs stole money from his residence during the search.

F. The testimony of Rhonda Grooms, Natasha Purdin, Carly Patterson, Dorothy Chandler, and Tabitha Spires is irrelevant and should be excluded.

Defendant lists Rhonda Grooms, Natasha Purdin, Carly Patterson, Dorothy Chandler, and Tabitha Spires as proposed witnesses for trial. These proposed witnesses are current and former

romantic partners of Plaintiffs. Plaintiffs object to their inclusion as witnesses because they have no information relevant to Plaintiffs' claims or Defendant's defenses of those claims. Defendant did not disclose them as potential witnesses during discovery. Their testimony should be excluded under Evid. R. 401.

Respectfully submitted,

/s/ Robert A. Klingler
Robert A. Klingler (0031603)
Natalie R. Gratzter (0104684)
ROBERT A. KLINGLER CO., L.P.A.
895 Central Ave., Suite 300
Cincinnati, Ohio 45202
Telephone: (513) 665-9500
Facsimile: (513) 621-3240
Email: rak@klinglerlaw.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served this 9th day of March, 2026, via electronic mail upon the following:

David S. Osborne, Jr. (0096879)
Law Offices of Dr. David Osborne, Jr., LLC
115 West Main Street
West Union, Ohio 45693
Phone: (877) 436-2328
Fax: (937) 202-0205
Email: attorneydavidosbornejr@gmail.com
Attorney for Defendants Joseph Foreman and Hungry Hustler Records

Daniel T. Downey (0063753)
Sara L. McElroy (0099672)
Fishel Downey Albrecht & Riepenhoff LLP
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054
Phone: (614) 221-1216
Fax: (614) 221-8769

ddowney@fisheldowney.com

smcelroy@fisheldowney.com

Attorneys for Plaintiffs as to Counterclaim

/s/ Robert A. Klingler

Robert A. Klingler

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City Manager, and all 9 of
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