

COPY

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June 29, 2011

Ralph Armand
1365 West Dawson Smith Road
Madison, IN 47250

Re: Attorney's Fees and Litigation Expenses

Dear Mr. Armand:

You have informed me that the County Attorney, Wil Goering, has received an opinion from the Attorney General of the State of Indiana finding that your reasonable attorney's fees and litigation expenses incurred in defense of the criminal charges filed by the Prosecutor of Jefferson County should be paid by Jefferson County in accordance with I.C. 36-1-17-3. You have asked that I put together for submission to the Jefferson County Council the attorney's fees statements that were submitted and paid by you, the litigation expenses from the Court Reporter that were submitted and paid by you, and a brief summary, along with a sampling of pleadings, outlining the extent of your efforts to gain dismissal of all charges.

As requested, I have enclosed with this letter, all of my monthly statements for legal services which totaled \$33,237.82. A few entries are redacted due to the confidential nature of the entry. I have also enclosed statements from the Court Reporter for all depositions which totaled \$1,365.00. These represent your attorney's fees and expenses while represented by this office. I do not know what fees or expenses (grand jury transcript) you might have incurred while represented by Mark Wynn, who preceded me as your legal counsel in the matter.

Also enclosed is a copy of the Court's docket showing all of the pleadings filed in your case. The summary should give the Council some idea of the length and breadth of your defense, as well as your efforts in being forced to deal with Health Department records when the Prosecutor subpoenaed many years of files wholly unrelated to the Ardizzone inspection in attempt to intimidate and harass the Department when you refused to enter a plea. Mr. Goering was required to spend his time dealing with the harassing subpoena as well.

As I advised, your defense files fill two litigation boxes which customarily hold

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5,000 pages of materials. From the docket sheet, the Council can see that you had to file four motions to compel discovery, and that you had to retake the deposition of the complaining witness, Ardizzone, following his refusal to answers questions at the direction of the Prosecutor. The Council will also see that you were involved in extensive litigation to be able to use the Grand Jury transcript in your defense where the Prosecutor threatened to further prosecute you and me for use of the transcript even though the Indiana Supreme Court had held long ago that you had the right, like any other accused citizen, to use it. The Court ruled in your favor in every discovery dispute.

Finally, you had to extensively litigate the motions to dismiss all charges. I have attached for the information of the Council copies of the significant litigation pleadings, including all motions to compel discovery, your motions concerning the use of the Grand Jury transcript and your four motions to dismiss. The Council will be able to see clearly from the motions to dismiss the manner in which you were wrongly prosecuted for doing your job and how the Prosecutor improperly tried to use the charges to remove you from your position as a county employee.

If you need anything further from me, please let me know. I will presume that you will make a claim with the Auditor and may deliver these materials to the Council with the opinion Mr. Goering received from the Indiana Attorney General.

Sincerely,

Joseph A. Colussi

JAC:dag

Enclosures