

NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Domestic Relations

New Case Electronically Filed: COMPLAINT, PETITION OR APPLICATION FOR
August 24, 2020 10:37

By: ROBERT A. MARCIS 0070169

Confirmation Nbr. 2056601

ALLISON HORNER

DR 20 382383

vs.

Judge: TONYA R. JONES

WILLIAM EASTON HORNER

Pages Filed: 6

4. Plaintiff further states that the parties are incompatible to an extent that their marriage can no longer endure.

5. Plaintiff further states that Defendant, William Easton Horner, has been guilty of gross neglect of duty, extreme cruelty and habitual drunkenness, the facts of which will be more fully set forth, if necessary, at trial on the merits of this matter.

6. Plaintiff further states Defendant's current deteriorating mental illness, his drug and alcohol abuse and/or his threatening, erratic and unstable behavior will result in irreparable harm (physical, mental and/or financial) to Plaintiff and the parties' minor children if additional temporary restraining orders are not imposed upon Defendant. For these reasons, Plaintiff requests this Court grant Ex Parte Temporary Restraining Orders pursuant to Local Rule 24 (Form 2.0) and as set forth more fully by Plaintiff's affidavit attached hereto and incorporated herein as Exhibit A.

7. Plaintiff states the parties are not owners of any real property.

8. Plaintiff states the parties are owners of or have acquired certain personal property and incurred certain debts during the marriage that have yet to be fully divided and/or assigned.

8. Plaintiff states the parties are owners of a limited liability corporation, EA Horner Holdings, LLC, the ownership interests, assets and liabilities of which have has yet to be fully divided.

WHEREFORE, Plaintiff demands judgment on her complaint for divorce and prays for relief in the following manner:

- a) Judgment granting her Ex Parte Temporary Restraining Orders as outlined by Local Rule 24 (Form 2.0);
- b) Judgment granting her a final and absolute divorce from Defendant;

- c) Judgment granting a fair and equitable division of marital property;
- d) Judgment granting her temporary and permanent custody of the minor children with Defendant to be given visitation rights pursuant to ORC 3109.051 and as the Court finds appropriate;
- e) Judgment granting her temporary and permanent child support;
- f) Judgment granting her temporary and ongoing spousal support;
- g) Judgment granting her attorney fees and costs of the within action; and
- h) Judgment for such other relief, legal or equitable, as shall be just and equitable.

Respectfully Submitted,

/s/ Robert A. Marcis, II

Robert A. Marcis, II (0070169)
Law Offices of Robert A. Marcis, II
P.O. Box 210
Avon Lake, Ohio 44012
Phone: (216) 313-0069
Fax: (216) 373-0602
[REDACTED]

Attorneys for Plaintiff Allison Horner

STATE OF OHIO)

SS. **AFFIDAVIT OF ALLISON HORNER**

COUNTY OF CUYAHOGA)

I, Allison Horner, having been duly sworn, state as follows:

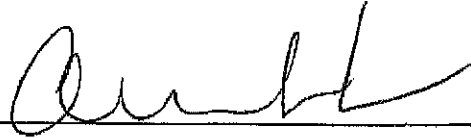
1. I am currently married to William Easton Horner, DOB 09/13/1986. We currently have two children born of our marriage, to wit: [REDACTED] Horner (DOB: [REDACTED]) and [REDACTED] Horner (DOB: [REDACTED]).
2. I currently reside with my minor children at my Mother's residence. My husband voluntarily moved out of my Mother's residence on or about August 14, 2020.
3. I am the Plaintiff in the foregoing Divorce action and have reviewed the Complaint for Divorce in its entirety, including my specific request for temporary restraining orders contained therein. I attest that all of the facts, allegations and averments contained therein and provided are true.
4. My husband, William Easton Horner, is and has for several months been using and/or abusing alcohol and non-prescription marijuana on a daily basis. While under the influence of drugs and/or alcohol, William's behavior is unstable, irrational, threatening, harassing and/or scary to me and my children. Because of his daily use of drugs and alcohol, William is a danger to himself, to me, to my young children and to anyone else he is around. I have asked my husband to get help for his substance abuse. He has refused.
5. In the last [REDACTED] since our son was born, my husband's mental health (PTSD, chronic and manic depression) has also deteriorated and in combination with his worsening drug and alcohol use, he is out of control and his harassment of me and others continues to progress. In addition to his erratic behavior and daily verbal harassment, he has recently sent me disturbing texts/emails with scary, lude, and/or prurient suggestions involving me and those close to me. I have asked him to seek emergency health care for his current mental instability and



exacerbated mental illnesses. He had refused to be seek additional and/or emergency medical treatment.

6. Due to his current and deteriorating mental illnesses and erratic behavior as described above, as well as his facebook postings promoting violence and his access to firearms, William was ordered by the Cuyahoga County Probate Court to be apprehended by police and detained at St Vincent Charity Hospital Psychiatric Emergency Room on August 20, 2020. Per that order, William was admitted to St. Vincent on August 20, 2020 and remains as a patient at the hospital. William has declined to consent to providing his spouse or family any medical information and I have no indication if or when he will be released.
7. William's behavior and drug use has placed his employment in jeopardy. In addition to compromising his earning capacity, he is also threatening to use marital funds to make unilateral and irrational financial investments that could compromise our financial savings if he is not restrained or does not receive immediate and ongoing treatment for his mental health and his substance abuse.
8. My husband, William Easton Horner, has also on numerous occasions in the past month threatened to "permanently" take our minor children from me and transport the minor children out-of-state to live in Tennessee without my consent and without my presence.
9. After voluntarily moving out of my Mother's residence, it is my understanding that he has traveled out of the state of Ohio and has frequented out-of-state bars and/or restaurants.
10. I believe that if the temporary restraining orders requested are not granted, I and my children will be placed in danger and we will all suffer irreparable physical, mental, emotional and/or financial harm.

AFFIANT FURTHER SAYETH NAUGHT.



Allison Horner

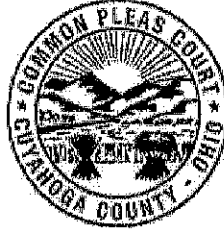
SWORN TO BEFORE ME and subscribed in my presence this 23rd day of August, 2020.



NOTARY PUBLIC



ROBERT A. MARCIS, II, Attorney
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Domestic Relations

New Case Electronically Filed: SERVICE REQUEST
August 24, 2020 10:37

By: ROBERT A. MARCIS 0070169

Confirmation Nbr. 2056601

ALLISON HORNER

DR 20 382383

vs.

Judge: TONYA R. JONES

WILLIAM EASTON HORNER

Pages Filed: 1



CUYAHOGA COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS

THE STATE OF OHIO
Cuyahoga County

IN THE COURT OF COMMON PLEAS
INSTRUCTIONS FOR SERVICE

Allison Horner

v.

William Easton Horner

Case No. DR _____

Judge _____

Method of Service

☐ CERTIFIED MAIL

☐ ORDINARY MAIL

☐ FEDERAL EXPRESS

☐ REGISTERED MAIL

☒ PERSONAL (Please specify type)

☐ RESIDENCE (Please specify type)

☐ CUYAHOGA COUNTY SHERIFF

☐ CUYAHOGA COUNTY SHERIFF

☐ OUT OF COUNTY SHERIFF _____

☐ OUT OF COUNTY SHERIFF _____

☒ PROCESS SERVER Tim Shaver

☐ PROCESS SERVER _____

Name and Address of Party to Serve:

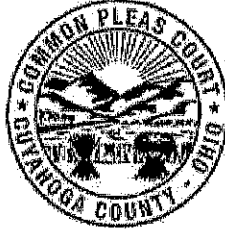
Name: William Easton Horner

Street Address: Address unknown. Please contact Attorney Robert A. Marcis, II at 216.313.0069 for instructions

City/State/Zip: *** Please serve Ex Parte Temporary Restraining Orders (if issued) by Court with Summons

Robert A. Marcis, II

Filing Party/ Attorney of Record



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Domestic Relations

ANSWER TO COMPLAINT AND COUNTERCLAIM (WITH CHILDREN)
October 9, 2020 15:47

By: STEPHEN E S DARAY 0068653

Confirmation Nbr. 2092024

ALLISON HORNER

DR 20 382383

vs.

WILLIAM EASTON HORNER

Judge: TONYA R. JONES

Pages Filed: 4

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
CUYAHOGA COUNTY, OHIO

ALLISON HORNER

Plaintiff,

-vs-

WILLIAM HORNER

Defendant.

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CASE NO. DR 20 382383

JUDGE TONYA R. JONES

DEFENDANT'S ANSWER AND
COUNTERCLAIM FOR DIVORCE

Now comes Defendant, WILLIAM HORNER, by and through undersigned counsel, and respectfully submits this as and for his Answer to *Plaintiff's Complaint for Divorce*.

1. Defendant admits the allegations contained in Paragraph 1 of Plaintiff's Complaint for Divorce.
2. Defendant admits the allegations contained in Paragraph 2 of Plaintiff's Complaint for Divorce.
3. Defendant admits the allegations contained in Paragraph 3 of Plaintiff's Complaint for Divorce.
4. Defendant admits the allegations contained in Paragraph 4 of Plaintiff's Complaint for Divorce.
5. Defendant denies the allegations contained in Paragraph 5 of Plaintiff's Complaint for Divorce.
6. Defendant denies the allegations contained in Paragraph 6 of Plaintiff's Complaint for Divorce.

7. Defendant admits the allegations contained in Paragraph 7 of Plaintiff's Complaint for Divorce.

8. Defendant admits the allegations contained in Paragraph 8 of Plaintiff's Complaint For Divorce.

9. Defendant admits the allegations contained in Paragraph 9 of Plaintiff's Complaint for Divorce.

COUNTERCLAIM

Now comes Defendant, **WILLIAM HORNER**, by and through undersigned counsel, and for his Counterclaim against Plaintiff, **ALLISON HORNER**, states as follows:

10. Defendant has been a resident of the State of Ohio for more than six (6) months immediately preceding the filing of the Counterclaim.

11. Defendant states that he and Plaintiff were married in , Ohio on August 20, 2011. There are two (2) children born as issue of said marriage to wit: [REDACTED] Horner, born on [REDACTED]; and [REDACTED] Horner, born on [REDACTED].

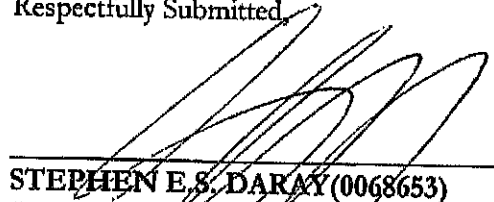
12. Defendant states that he and Plaintiff are incompatible by reason of which each is entitled to a divorce pursuant to R.C. 3105.01(K).

WHEREFORE, Defendant prays:

- a. That Plaintiff's Complaint be dismissed at her sole cost;
- b. That he be granted a complete and absolute divorce from Plaintiff;
- c. That he be granted a reasonable and equitable division of property;
- d. That the rights and responsibilities regarding the unemancipated children be allocated as determined to be in their best interest;
- e. That the Court award Defendant child and spousal support as it deems appropriate;
- f. That he be granted a reasonable amount for his attorney's fees and other expenses in

- the defense and prosecution of the within action;
- g. That the costs of this action be assessed against Plaintiff;
- h. That he be granted such other and further relief as this Court deems just and equitable.

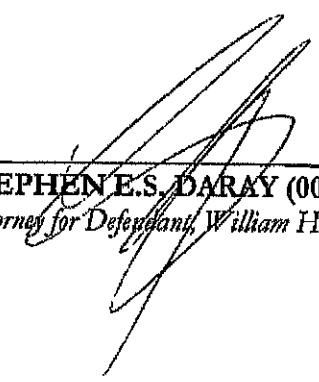
Respectfully Submitted,



STEPHEN E. S. DARAY (0068653)
DARAY LAW, LLC
905 Canterbury Road, Suite E
Westlake, OH 44145
(440) 482-0801 / Fax (440) 471-7100
steve@daraylaw.com
Attorney for Defendant, William Horner

CERTIFICATE OF SERVICE

A copy of the foregoing ANSWER AND COUNTERCLAIM was served upon Robert A. Marcis, Attorney for Plaintiff, via email at rmarcis@marcislaw.com on this 9th day of October 2020.



STEPHEN E.S. DARAY (0068653)
Attorney for Defendant, William Horner