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Cleveland, Ohio 44113

Court of Common Pleas

MOTION FOR...
October 5, 2021 14:47

By: LARRY W. ZUKERMAN 0029498

Confirmation Nbr. 2368498

MAX LEONARD MILLER

CV 21 953971

vs.

STEPHANIE ANN GRISHAM

Judge: EMILY HAGAN

Pages Filed: 20

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2
3 IN THE COURT OF COMMON PLEAS
4 CUYAHOGA COUNTY, OHIO

5 MAX LEONARD MILLER

: CASE NO.: 21-CV-953971



: JUDGE EMILY HAGAN

7 Plaintiff,

8 -vs-

9 STEPHANIE ANN GRISHAM

: MOTION FOR *EX PARTE* TEMPORARY
: RESTRAINING ORDER



11 Defendant.

: (ORAL HEARING REQUESTED)

12
13 Now comes the Plaintiff, MAX LEONARD MILLER, by and through undersigned counsel,
14 Larry W. Zukerman, Esq., S. Michael Lear, Esq., Brian A. Murray, Esq., and Adam M. Brown, Esq.,
15 and pursuant to Ohio Rule of Civil Procedure 65, moves this Honorable Court for an *ex parte*
16 Order granting a *Temporary Restraining Order* against the Defendant STEPHANIE ANN
17 GRISHAM compelling, restraining, and/or enjoining Defendant as follows: (*Proposed order*
18 *attached hereto*)
19

- 20
- 21 1. Publishing false and defamatory statements about and/or concerning Plaintiff (either
22 specifically by name or by words used to otherwise identify Plaintiff such as "my ex", "my
23 boyfriend" and/or a "fellow White House staffer"), without privilege, to any non-
24 privileged third party including, but not limited to, making any oral or written statements
25 to said non-privileged third parties that the Plaintiff was "abusive" towards Defendant
26 Grisham; "got physical" with Defendant Grisham; and/or in any way became "violent"
27 with Defendant Grisham;
 - 28 2. Publishing false and defamatory statements about and/or concerning Plaintiff (either
specifically by name or by words used to otherwise identify Plaintiff such as "my ex", "my
boyfriend" and/or a "fellow White House staffer"), without privilege, to any non-
privileged third party including, but not limited to, writing, publishing, posting, blogging,
and/or posting any message, whatsoever, about and/or concerning Plaintiff on the
internet, including any "social media" internet sites including, but not limited to, twitter,

Instagram, facebook, and/or any other internet site or cellular phone “application” or “app” including, but not limited to, posting any content on any such internet site and/or application and/or app that Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham; and/or

3. Publishing false and defamatory statements about and/or concerning Plaintiff (either specifically by name or by words used to otherwise identify Plaintiff such as “my ex”, “my boyfriend” and/or a “fellow White House staffer”), without privilege, to any non-privileged third party including, but not limited to, writing and/or communicating by any electronic means, including, but not limited to: text messaging, electronic mail (e-mail), fax transmission, facebook instant messaging, Instagram instant messaging, and/or any other form of electronic communication any content that Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham.

The facts set forth in Plaintiff’s *Verified Complaint for Temporary, Preliminary and Permanent Injunctive and Other RELief* (“Complaint”) are incorporated herein as if they are fully restated and have been verified by Plaintiff under penalty of perjury.

The factual recitations and legal arguments in Plaintiff’s *Brief in Support of his Motion for ex parte Temporary Restraining Order* (“Brief in Support”), are hereby attached hereto and incorporated herein.

As more fully stated in the Complaint and this Brief In Support, Plaintiff has a strong likelihood of prevailing on the merits of the claims against Defendant.

Unless Defendant is restrained or enjoined by order of this Honorable Court, Plaintiff will suffer, and continues to suffer, immediate and irreparable injury, loss, and damages set forth more fully in the *Complaint* and this *Brief in Support*.

The granting of injunctive relief will not cause greater harm to the Defendant than to Plaintiff.

It is in the public interest to enjoin Defendant against violating Ohio common law and against continuing her harmful, tortious conduct against Plaintiff.

WHEREFORE, Plaintiff prays for the issuance of an *ex parte Temporary Restraining Order* for the reasons more fully set forth in the Brief in Support, attached hereto and incorporated herein by reference.

Respectfully Submitted,

/s/ Larry W. Zukerman

LARRY W. ZUKERMAN, Esq. (#0029498)

S. MICHAEL LEAR, Esq. (#0041544)

BRIAN A. MURRAY, Esq. (#0079741)

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Counsel for Plaintiff Max Leonard Miller

BRIEF IN SUPPORT

I. **FACTS**

Plaintiff seeks the issuance of an *ex parte Temporary Restraining Order* restraining and enjoining the Defendant from continuing to defame the Plaintiff by publishing false and defamatory statements, without privilege, to third parties, including, but not limited to, that Plaintiff and Defendant's past relationship had "turned abusive"; that the end of their "relationship had become violent"; that Plaintiff had "got physical with me"; that Plaintiff had engaged in "physical abuse" of Defendant; and/or that Plaintiff had "anger issues and a violent streak".

As set forth in the *Complaint* herein, Plaintiff is a resident of Cuyahoga County, Ohio and was a former aide for President Donald John Trump. Plaintiff is currently a candidate for the Republican nomination for a seat in the United States House of Representatives for Ohio's 16th congressional district in the 2022 election.

Defendant Grisham was a former White House official who served at various times under the Trump Administration as Press Secretary, Communications Director, and Chief of Staff and Press Secretary for the first lady of the United States, Melania Trump.

Defendant Grisham is the author of a book entitled "I'll Take Your Questions Now: What I Saw at the Trump White House", which is scheduled to be released today - October 5, 2021.

Defendant Grisham is currently promoting her book by sitting for interviews that have been and will be broadcast nationwide.

As part of her book promotion, on October 5, 2021, Defendant Grisham authored a written article that was published online by the Washington Post entitled "Opinion: Stephanie

Grisham: I told the Trumps my relationship with a White House staffer had turned abusive. They didn't seem to care", hereinafter, "the article".

The article is replete with libelous and defamatory false statements about Plaintiff.

The article references Defendant Grisham's "relationship with my boyfriend, a fellow White House staffer". It is widely publicly known that the person referred to in the article, i.e., Defendant Grisham's previous "boyfriend" and "fellow White House staffer" is Plaintiff. In fact, Defendant Grisham highlights this by stating in her article that "Trump has endorsed my ex's bid for Congress".

Within the article, Defendant Grisham writes numerous false and defamatory statements about Plaintiff, including, but not limited to, "the relationship turned abusive"; "the end of our relationship had become violent"; "he got physical with me"; "I confided the same story about the physical abuse"; and "this 'great guy' had anger issues and a violent streak".

As a further part of her book promotion tour, Defendant Grisham is scheduled to give an interview to Jake Tapper of CNN on October 5, 2021 at 4:00 p.m. Eastern Standard Time in New York City. Further, thereafter, Defendant Grisham is scheduled to appear on Chris Cuomo's "Cuomo Prime Time" show on CNN. It is believed, based on her article published today, that Defendant Grisham will further defame Plaintiff during these scheduled interviews and, given Plaintiff's candidacy for office, such defamation will result in Plaintiff suffering immediate and irreparable harm.

Defendant's false statements that were published today in the article referred to above and in the Complaint herein are defamatory *per se* because said statements unambiguously

accuse Plaintiff of committing crimes of moral turpitude (domestic violence/domestic abuse) and have caused special harm to the Plaintiff.

Further, Defendant published these false and defamatory statements about Plaintiff with actual malice in retaliation for Defendant's failed relationship with Plaintiff, in retaliation against persons associated with the Trump Administration for her failed stint as White House Press Secretary, in a malicious attempt to secure personal financial gain by selling more books and/or for other reasons to be more fully established at trial.

As a result of Defendant's false and *per se* defamatory statements about him, Plaintiff has suffered, and continues to suffer, significant harm and damages, including but not limited to the public ridicule, public hatred, impairment of reputation and standing in the community, public and personal humiliation, damage to his public reputation and fitness for office, damage to his the voting population, and damage to his campaign for Congress.

Plaintiff further submits that without the issuance of an *ex parte* Temporary Restraining Order herein, Defendant will continue to publish without privilege further false and defamatory statements about Plaintiff, thus causing Plaintiff further irreparable harm and damage.

Further, time is of the essence as Defendant Grisham will be interviewed by Jake Tapper of CNN on October 5, 2021 at 4:00 p.m. and, thereafter, by Chris Cuomo on national television. On information and belief, Defendant Grisham will use these forums to further defame Plaintiff and attempt to destroy Plaintiff's campaign for United States Congress.

II. LAW AND ARGUMENT

The Plaintiff respectfully asserts that this Honorable Court must grant and/or issue an *ex parte Temporary Restraining Order* in this matter to prevent continuing damage and loss to

Plaintiff as a direct result of Defendant's anticipated future false and defamatory statements that Defendant Grisham will publish without privilege to third parties about Plaintiff, specifically including but not limited to, repeating and/or elaborating on the false and defamatory statements referenced herein and referenced in the Complaint herein.

A review of Rule 65 of the Ohio Rules of Civil Procedure clearly establishes that the Plaintiff is entitled to relief in the instant case. Ohio R. Civ. P. 65(a) provides in pertinent part:

(A) Temporary restraining order; notice; hearing; duration.

A temporary restraining order may be granted without written or oral notice to the adverse party or his attorney only if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting his claim that notice should not be required.

I. The herein requested Temporary Restraining Order must be granted by this Honorable Court because: (a) immediate and irreparable injury, loss of damage will result to the applicant before the adverse party or his attorney can be heard in opposition; and (b) Plaintiff's undersigned counsel certifies herein that notice should not be required.

As referenced above, Civ.R. 65(A) provides for this Court to issue a temporary restraining order without written or oral notice to the adverse party or counsel for the adverse party in situations where (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting his claim that notice should not be required.

A. It clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition.

As noted above and within the Complaint herein, Defendant Grisham's book was released today, October 5, 2021. As part of Defendant's book promotion tour, Defendant Grisham will appear on national television this day – October 5, 2021 – starting at 4:00 p.m. for interviews that will be aired on Jake Tapper's CNN show and will thereafter appear on Chris Cuomo's Prime Time live show. Not coincidentally, also earlier today, Defendant Grisham authored an article published online by The Washington Post within which Defendant Grisham published numerous false and defamatory statements about Plaintiff.

Defendant Grisham will assuredly be asked questions and/or volunteer further defamatory and false statements about Plaintiff during her planned national appearances later today either re-stating and/or elaborating on the already published false and defamatory statements about Plaintiff.

Given Plaintiff's current candidacy for the Republican nomination for a seat in the United States House of Representatives for Ohio's 16th Congressional District, Plaintiff will suffer immediate and irreparable damage and injury to his campaign unless this Court issues the herein requested *ex parte Temporary Restraining Order*.

Given the time constraints – again, Defendant Grisham is scheduled to begin her series of interviews on October 5, 2021 at 4:00 p.m., it is clear that immediate and irreparable injury, loss or damage will result to Plaintiff before the adverse party or his attorney can be heard in opposition.

B. Plaintiff's attorney certifies to the court in writing that no efforts have been made to give notice and the reasons supporting Plaintiff's claim that notice should not be required.

Undersigned counsel certifies that no efforts have been made to give notice to Defendant Grisham because of the time constraints involved herein. Again, as previously noted, Defendant Grisham's false and defamatory article was only published this morning and Plaintiff has learned that Defendant Grisham will be in New York City this afternoon for her national televised appearances on Jake Tapper and Chris Cuomo's CNN shows. It is unknown if Defendant Grisham has counsel. Given these extreme time constraints, Plaintiff did not have sufficient time to attempt to notify Defendant Grisham of the herein requested *Motion for ex parte Temporary Restraining Order*. Further, there is insufficient time within which to notify Defendant Grisham to enable her to be heard before Defendant Grisham will appear on national television and further defame Plaintiff and cause irreparable injury, loss or damage to his campaign for United States Congress.

Accordingly, Civ.R. 65(A) permits this Court to grant the herein requested *ex parte Temporary Restraining Order*.

THE TEST FOR INJUNCTIVE RELIEF:

The test for injunctive relief pursuant to Civ.R. 65 is set forth in *Cleveland v. Cleveland Elec. Illuminating Co.*, 115 Ohio App. 3d 1 (8th App. Dist. 1996). In deciding whether to issue injunctive relief, a court must consider:

- (1) Whether the party seeking injunctive relief is likely to succeed on the merits;**
- (2) Whether issuing injunctive relief will prevent irreparable harm for which there exists no adequate remedy at law;**
- (3) Whether and to what extent others will be injured by granting such relief; and**
- (4) Whether the public interest will be served by granting injunctive relief.**

See, Cleveland Elec. Illuminating Co. (1996), 115 Ohio App. 3d at 12, 684 N.E. 2d 343; See also Procter & Gamble Co. v. Stoneham (2000), 140 Ohio App.3d 260, 267, 747 N.E.2d 268.

The answers to the above questions mandate the issuance of the herein requested *ex parte* temporary restraining order in the within matter.

1. *Plaintiff has made a strong showing that he is likely to prevail on the merits.*

As alleged and averred in the *Verified Complaint* filed simultaneously herewith and incorporated by reference herein, Defendant Grisham has published defamatory and false statements about Plaintiff. In her article Defendant Grisham admits that “I also had no proof” of her false and defamatory statements about Plaintiff. By virtue of verifying the statement and assertions within his *Verified Complaint*, Plaintiff has attested to the falsity of Defendant Grisham’s statements about Plaintiff.

Further, Defendant Grisham is an admitted liar and, accordingly, has no credibility. During her shameful book promotion tour, Defendant Grisham has characterized herself as a liar and manipulator, but, not surprisingly, has attempted to lay blame for her own lies on others.

During a recent CNN interview, Defendant Grisham admitted that she “probably wasn’t” honest during Fox News interviews during her time in the Trump administration.

Further, Defendant Grisham has well-documented substance abuse issues that further contribute to her total lack of credibility.

2. *Plaintiff has shown that without the relief requested, he will be irreparably harmed for which there exists no adequate remedy at law.*

As alleged in the *Verified Complaint*, as a result of Defendant’s false, *per se* defamatory statements against him, Plaintiff has suffered, and continues to suffer, significant harm and damages, including but not limited to damage to his current campaign for office.

Generally, a plaintiff is not required to demonstrate actual harm, but is only required to demonstrate a threat of harm. *Procter & Gamble Co. v. Stoneham*, 140 Ohio App.3d 260, 274, 747 N.E.2d 268 (2000). Furthermore, in an action for defamation *per se*, actual malice and damages are presumed. *See JP v. TH*, 2020 Ohio 320 at ¶ 10 - Ohio: Court of Appeals, 9th Appellate Dist. 2020.

The Plaintiff nevertheless avers that he has suffered, and continues to suffer, significant harm and damages as previously referenced herein and in the Complaint, including significant harm to his character and reputation, which will translate into damage to his candidacy for public office.

Accordingly, the, Plaintiff has clearly shown that without the relief requested, he will be irreparably harmed. Thus, the second *Cleveland v. Cleveland Electric Illuminating Co.*, *supra*, element, as well as Civ.R. 65(A)'s first prong of "immediate and irreparable injury or harm" occurring without the temporary restraining order and/or preliminary injunction, has been established by Plaintiff herein.

3. *The issuance of injunctive relief will not substantially harm the Defendant in the within matter.*

On information and belief, the temporary restraining order sought by Plaintiff herein will not substantially harm the Defendant in the within matter. Defendant cannot be harmed by an injunction preventing her from continuing to publish, without privilege, false and defamatory statements about Plaintiff to third parties and further preventing her from posting false and/or defamatory statements about and/or referencing Plaintiff, on the internet.

Significantly, the herein requested ex parte temporary restraining order will not prevent Defendant Grisham from appearing for her scheduled interviews – rather, the ex parte temporary

restraining order will only prevent her from further defaming Plaintiff during said interviews. As such, the third *Cleveland v. Cleveland Electric Illuminating Co., supra*, element has been established by Plaintiff herein.

4. *Public interest favors granting Plaintiff the requested relief.*

Nothing could be clearer than the public interest lies in favor of enjoining the Defendant herein as requested. The public interest favors the granting of Plaintiff's requested relief because it is in the public interest for individuals – and in this case candidates for public office - who have been and who are actively being defamed to seek and obtain immediate relief from the Courts from the ongoing and irreparable injury that defamation *per se*, such as false and defamatory allegations of domestic violence and/or domestic abuse, can cause.

Absent immediate intervention by this Honorable Court through the issuance of the requested *ex parte* Temporary Restraining Order, Defendant can continue, and will continue, to publish, without privilege, further false and defamatory statements about Plaintiff to others, thereby causing further harm to Plaintiff including, but not limited to, damage to Plaintiff's campaign for public office.

Therefore, Plaintiff's requested relief is in the best interests of the public for individuals who have been and who are actively being defamed to seek and obtain immediate relief from the Courts from the ongoing and irreparable injury that defamation *per se*, such as false allegations of domestic violence and/or domestic abuse can cause and therefore, this Court should find that the requested relief would benefit and protect the public interest.

III. Conclusion

WHEREFORE, Plaintiff by and through undersigned counsel, hereby moves this Honorable Court to issue an immediate ex parte Temporary Restraining Order ordering, compelling, restraining, and/or enjoining Defendant STEPHANIE ANN GRISHAM as follows:

1. Publishing false and defamatory statements about and/or concerning Plaintiff (either specifically by name or by words used to otherwise identify Plaintiff such as “my ex”, “my boyfriend” and/or a “fellow White House staffer”), without privilege, to any non-privileged third party including, but not limited to, making any oral or written statements to said non-privileged third parties that the Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham;
2. Publishing false and defamatory statements about and/or concerning Plaintiff (either specifically by name or by words used to otherwise identify Plaintiff such as “my ex”, “my boyfriend” and/or a “fellow White House staffer”), without privilege, to any non-privileged third party including, but not limited to, writing, publishing, posting, blogging, and/or posting any message, whatsoever, about and/or concerning Plaintiff on the internet, including any “social media” internet sites including, but not limited to, twitter, Instagram, facebook, and/or any other internet site or cellular phone “application” or “app” including, but not limited to, posting any content on any such internet site and/or application and/or app that Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham; and/or
3. Publishing false and defamatory statements about and/or concerning Plaintiff (either specifically by name or by words used to otherwise identify Plaintiff such as “my ex”, “my boyfriend” and/or a “fellow White House staffer”), without privilege, to any non-privileged third party including, but not limited to, writing and/or communicating by any electronic means, including, but not limited to: text messaging, electronic mail (e-mail), fax transmission, facebook instant messaging, Instagram instant messaging, and/or any other form of electronic communication any content that Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham.

Although such an order is necessary to prevent "immediate and irreparable injury or harm to Plaintiff", such an order will clearly result in no harm or injury to Defendant, as discussed above.

Respectfully Submitted,

/s/ Larry W. Zukerman

LARRY W. ZUKERMAN, Esq. (#0029498)

S. MICHAEL LEAR, Esq. (#0041544)

BRIAN A. MURRAY, Esq. (#0079741)

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing has been sent via U.S.

Mail, postage prepaid, on this 5th day of October, 2021 to:

STEPHANIE ANN GRISHAM
502 S. Madison Street
Plainville, KS 67663,

/s/ Larry W. Zukerman

LARRY W. ZUKERMAN, Esq. (#0029498)

S. MICHAEL LEAR, Esq. (#0041544)

BRIAN A. MURRAY, Esq. (#0079741)

ADAM M. BROWN, Esq. (#0092209)

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

MAX LEONARD MILLER	:	CASE NO.: 21-CV-953971
12 Chippenham Court	:	
Rocky River, Ohio 44116,	:	JUDGE EMILY HAGAN
	:	
Plaintiff,	:	
	:	
-vs-	:	
	:	
STEPHANIE ANN GRISHAM	:	JUDGMENT ENTRY
502 S. Madison Street	:	EX PARTE TEMPORARY RESTRAINING
Plainville, KS 67663,	:	ORDER
	:	
Defendant.	:	
	:	

For good cause shown, Plaintiff MAX LEONARD MILLER'S *Motion For ex parte Temporary Restraining Order* in the above-captioned matter is hereby GRANTED.

Pursuant to Civ.R. 65, THE COURT FINDS THE FOLLOWING:

It clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the Plaintiff before the adverse party or his attorney can be heard in opposition; and

The Plaintiff's attorney has certified to the court in writing that no efforts, have been made to give notice to Defendant, but has set forth to the Court's satisfaction the reasons supporting his claim that notice should not be required.

That notice to Defendant Grisham should therefore not be required due to the time-constraints involved and due to the immediacy of immediate and irreparable injury, loss or damage that will result to the Plaintiff before Defendant Grisham and/or her counsel could be heard in opposition.

That Plaintiff may and/or will suffer immediate and/or irreparable injury, loss or damage if *ex parte* temporary injunctive relief is not granted.

THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that Defendant STEPHANIE ANN GRISHAM is hereby enjoined and/or restrained and/or prohibited from doing any of the following until further Order of the Court:

1. Publishing false and defamatory statements about and/or concerning Plaintiff (either specifically by name or by words used to otherwise identify Plaintiff such as “my ex”, “my boyfriend” and/or a “fellow White House staffer”), without privilege, to any non-privileged third party including, but not limited to, making any oral or written statements to said non-privileged third parties that the Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham;
2. Publishing false and defamatory statements about and/or concerning Plaintiff (either specifically by name or by words used to otherwise identify Plaintiff such as “my ex”, “my boyfriend” and/or a “fellow White House staffer”), without privilege, to any non-privileged third party including, but not limited to, writing, publishing, posting, blogging, and/or posting any message, whatsoever, about and/or concerning Plaintiff on the internet, including any “social media” internet sites including, but not limited to, twitter, Instagram, facebook, and/or any other internet site or cellular phone “application” or “app” including, but not limited to, posting any content on any such internet site and/or application and/or app that Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham; and/or
3. Publishing false and defamatory statements about and/or concerning Plaintiff (either specifically by name or by words used to otherwise identify Plaintiff such as “my ex”, “my boyfriend” and/or a “fellow White House staffer”), without privilege, to any non-privileged third party including, but not limited to, writing and/or communicating by any electronic means, including, but not limited to: text messaging, electronic mail (e-mail), fax transmission, facebook instant messaging, Instagram instant messaging, and/or any other form of electronic communication any content that Plaintiff was “abusive” towards Defendant Grisham; “got physical” with Defendant Grisham; and/or in any way became “violent” with Defendant Grisham.

4.

This Order was granted without notice to Defendant.

This Order shall expire, unless otherwise extended by further order of this Court or by agreement of the parties fourteen (14) days from the issuance of the within Judgment Entry or on _____, 2021.

It is ordered that this Judgment Entry is effective upon Plaintiffs posting a bond in the amount of _____.

IT IS SO ORDERED.

JUDGE

DATE

STATE OF OHIO

)

)

AFFIDAVIT

CUYAHOG COUNTY


)

Now comes S. MICHAEL LEAR, Esq. who, having first been duly sworn according to law, hereby deposes and states:

1. I am an adult male with personal knowledge of the matters set forth in this Affidavit;
2. I submit this Affidavit as certification to this Court as to why no efforts have been made to give notice to Defendant Stephanie Ann Grisham relative to Plaintiff's Motion for Ex Parte Temporary Restraining Order, pursuant to and in accordance with Civ.R. 65(A);
3. I am one of the attorneys for Plaintiff in the within matter;
4. I certify that no efforts have been made to give notice to Defendant Stephanie Grisham for the following reasons:
 - a. Defendant Grisham's article published online on the Washington Post website entitled "Opinion: Stephanie Grisham: I told the Trumps my relationship with a White House staffer had turned abusive". They didn't seem to care" was published online this morning, October 5, 2021;
 - b. Given the defamatory content and tone of this article – as it relates to Plaintiff – it is feared that providing advance notice to Defendant Stephanie Grisham will result in her further defaming Plaintiff prior to the issuance of the herein requested ex parte Temporary Restraining Order;
 - c. Given the time constraints involved – it is known, on information and belief, that Defendant Grisham has interviews scheduled with Jake Tapper and Chris Cuomo of CNN to commence on October 5, 2021 at approximately 4:00 p.m., there is insufficient time within which to notify Defendant Grisham of the pendency of the within motion for ex parte Temporary Restraining Order;
 - d. Given the time constraints involved and the danger to Plaintiff of Defendant Grisham further defaming Plaintiff if notice is provided to Defendant Grisham in advance of the issuance of an ex parte Temporary Restraining Order, no notice was provided to Defendant Grisham;
 - e. Immediate and irreparable injury, loss or damage will result to Plaintiff before Defendant Grisham can be heard in opposition;

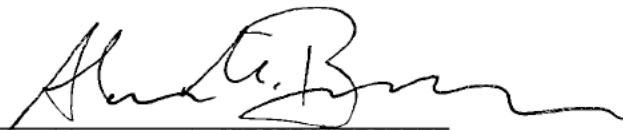
5. Therefore, based on the foregoing, undersigned counsel certifies that he has not made efforts to notify Defendant Grisham in advance and hereby certifies the reasons that notice should not be required under these circumstances.

FURTHER AFFIANT SAYETH NAUGHT.



S. MICHAEL LEAR, Esq.

SWORN TO BEFORE ME and subscribed in my presence this 5th day of October, 2021.



NOTARY PUBLIC

