EXHIBIT
14

CASE LAW/TENDERED BY DOWNEY FOR AVOWAL	CASE LAW IN COURT'S ORDER FOR AVOWAL
This matter came before the Court for a hearing regarding Plaintiff's attempts to put evidence in the record by avowal on May 28, 2014. The proposed avowal evidence was presented in writing, not verbally. After a lengthy hearing, Defendant's counsel asked to address the proposed avowal by responding in writing. Plaintiff submitted a Memo in Support Avowal on May 30, 2014, along with a second document entitled "Proffer of Excluded Evidence," which is Plaintiff's proposed avowal with a few amendments. Defendant's counsel submitted its response on June 4, 2014 SEE EXHIBIT 13 [ROA 738-745].	This case is before the Court on the Plaintiff's Attempts to put evidence in the record by avowal May 28, 2014. The proposed avowal evidence was presented in writing, by Plaintiff's counsel, not verbally. After a lengthy hearing, Defendant's counsel asked to address the proposed avowal evidence by responding in writing. The Plaintiff submitted a Memo in Support of Avowal on May 30, 2014, along with the second document entitled "Proffer of Excluded Evidence," which is Plaintiff's proposed avowal with a few amendments. Defendants' counsel submitted his Response on June 4, 2014 the Plaintiff submitted a reply to Defendant's response on June 5, 2014. SEE EXHIBIT N [ROA 746-756]

Defendants Proposed Order Paragraph 1:	Courts Order Verbatim Defendants Paragraph 1:
This Court having heard argument of counsel at the May 28, 2014 hearing, and having read the Plaintiff's Motion to Present Avowal, Proffer of Excluded Evidence (amended) and Supporting Memo, as well as Defendant's Response, and this Court being sufficiently advised: Rule 103, which governs rulings on evidence, states: Rule 103 Rulings on Evidence (a) Effect of erroneous ruling. Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected; and (2) Offer of proof. If the ruling is one excluding evidence, the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked. (d) Motions in limine. A party may move the court for a ruling in advance of trial on the admission or exclusion of evidence. The court may rule on such a motion in advance of trial or may defer a decision on admissibility until the evidence is	The Court has reviewed the arguments of counsel at the May 28, 2014 hearing, and has read the Plaintiff s Motion to Present Avowal, Proffer of Excluded Evidence (as amended) and Supporting Memo, as well as the Defendants ' Response and the Plaintiff s Reply. This Court finds that the Defendants have succinctly stated the prevailing law in this area and will refer to it in rendering its Opinion. Civil Rule 103 governs rulings on evidence, and states as follows: Rule 103 Rulings on Evidence (a) Effect of erroneous ruling. Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected; and (2) Offer of proof. If the ruling is one excluding evidence, the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked. (d)Motions in liminie. A party may move the court for a ruling in advance of trial on the admission or exclusion of evidence. The Court may rule on such a motion in advance of trial or may defer a decision on admissibility until the evidence is offered at trial. A motion in liminie

offered at trial. A motion in limine resolved by order of record is sufficient to preserve error for appellate review. Nothing in this rule precludes the court from reconsidering at trial any ruling made on a motion in limine.	resolved by order of record is sufficient to preserve error for appellate review. Nothing in this rule precludes the court from reconsidering at trial any ruling made on a motion in liminie.
Defendants Proposed Order Paragraph 2: It is clear offers of proof are only acceptable regarding evidence that has been excluded. KRE 103(a). If evidence was never offered, thus never excluded, it cannot be offered on avowal. "If the ruling is one excluding evidence ...." KRE 103(a)(2). "Under the Federal Rules of Evidence, a party may only make an offer of proof if the court has excluded some evidence by the party." Creative Consumer Concepts, Inc. v. Kreisler, 563 F.3d 1070, 1081 (10th Cir.2009).	**Judges Order Verbatim to Defendants Paragraph 2:** It is clear that offers of proof are only acceptable regarding evidence that has been excluded. KRE 103(a). If evidence was never offered, thus never excluded, it cannot be offered on avowal. "If the ruling is one excluding evidence . . . " KRE 103(a)(2). "Under the Federal Rules of Evidence, a party may only make an offer of proof if the court has excluded some evidence by the party." Creative Consumer Concepts, Inc. v. Kreisler, 563 F.3d 1070, 1081(10th Cir. 2009)
Defendants Proposed Order Paragraph 3: It is clear from the rule that offers of proof require the substance of the evidence be made known to the court during trial. KRE 103(a)(2) and 103(b). Vague offers of evidence do not satisfy this requirement. Vague proffers of evidence, post-trial, do not satisfy this requirement. "The offer of proof required by Rule 103(a)(2) is meant to give the trial judge contemporaneous knowledge about the proposed evidence, so that the judge can make a proper ruling on the evidence at the time it is offered. The point of an offer of proof is to preserve the issue for appeal, not to create a new evidentiary issue on appeal." U.S. v. Boulware, 558 F.3d 971, 975-976 (9th Cir.2009).	**Judge's Order Verbatim to Defendants Paragraph 3: with the Exception of adding "to the Court"** It is clear to the Court from the rule that offers of proof require the substance of the evidence to be made known to the court during trial. KRE 103(a)(2) and I 03(b). Vague offers of evidence do not satisfy this requirement. Vague proffers of evidence, post-trial, do not satisfy this requirement. "The offer of proof required by Rule 103(a)(2) is meant to give the trial judge contemporaneous knowledge about the proposed evidence, so that the judge can make a proper ruling on the evidence at the time it is offered. The point of an offer of proof is to preserve the issue for appeal not to create a new evidentiary issue on appeal." U.S. v. Boulware. 558 F.3d 971. 975-976 (9111 Cir. 2009).
Defendant's Proposed Order Paragraph 4: KRE 103(d) also clearly states that evidence excluded by a motion in limine requires an order of record specifically excluding the evidence before it is preserved for appeal. Evidence not excluded by an order in limine of record must be offered and excluded before it can be preserved by avowal.	**Judge's Order Verbatim to Defendants Paragraph 4:** KRE 103(d) also clearly states that evidence excluded by a motion in liminie requires an order of record specifically excluding the evidence before it is preserved for appeal. Evidence not excluded by an order in liminie of record must be offered and excluded before it can be preserved by avowal.

Defendants Proposed Order Paragraph 5:	Judges Order Paragraph 5 of Defendants Proposed Order verbatim except what is highlighted yellow:
Plaintiff argues there was no need to offer any evidence at trial about any occurrence after October 23, 2006 because the Court had ruled generally that evidence of acts after the will was executed would be excluded regarding the issues of undue influence and mental competency. Plaintiff claims this blanket ruling relieved him of this duty to tender evidence at trial of matters occurring after October 23, 2006. Kentucky case law addresses the need to preserve claimed error as it relates to blanket rulings. Blanket rulings do not preserve evidence for appeal without specific rulings on the types of evidence offered and specific rulings after the Court is informed why the evidence is offered. In Davis v. Commonwealth, 147 S.W.3d 709, 722 (Ky. 2004), a party opposed introduction of a specific type of evidence offered for a specified purpose. Because the Court ruled to exclude said evidence, the party did not need to object again at trial. However, a failure to object to matters outside the scope of the ruling does not preserve the claimed error. "Where a party specifies what evidence should be suppressed and why, the question has been fairly brought to the attention of the trial court and the trial court's ruling preserves the issue for appeal. In that scenario, the opponent of the evidence need not object when the same evidence is offered at trial. However the same principle does not apply to broad, generic objections. Davis, at p. 722.	Plaintiff argues there was no need to offer any evidence at trial about any occurrence after October 23, 2006 because the Court had ruled generally that evidence of acts after the will was executed would be excluded regarding the issues of undue influence and mental competency. Plaintiff claims this blanket ruling relieved him of this duty to tender specific evidence at trial of matters occurring after October 23, 2006. **The purpose of the Court entering the General Order on April 16, 2014 was to prevent numerous objections at trial and to provide notice to the parties so they could narrow the voluminous lists of both parties' witnesses who were being called to present testimony regarding events after October 23, 2006. This Order was entered based on the Court's review of relevant law that the date of the execution of the will is the pertinent time frame to be considered so it involved a block of evidence. The Order entered on April 14, 2014 addressed extensive Motions in Limine that were filed prior to trial. During the third day of trial, Plaintiff's counsel raised the issue of the evidence excluded by the General Order of April 16, 2014. Since it involved an extensive number of witnesses and a "frame or block of time evidence" that the jury was not to hear, it was the Court's understanding that the parties agreed to schedule another date to present the proposed testimony. It was further discussed that pursuant to the 2007 amendment to KRE 103(a)(2), the attorney could "proffer" what testimony he/she believed had been improperly excluded. The Court can understand why the Plaintiff argues that he was not required to offer any evidence at trial regarding any occurrence after October 23, 2006 based on the General order of April 16, 2014. However, most of the proffered had been previously revealed through the Plaintiff's proposed witness list and through various pre-trial motions. Therefore, as far as the proposed testimony that was excluded, relating to the time frame that had been excluded, the Court finds that it may be presented through avowal even if not specifically addressed at trial. Items that were**

	excluded as a result of the Motions in Liminie are properly preserved for appeal and need not be addressed in the avowal. Some of the proposed avowal testimony fits into neither of these categories. The Court address these matters below. Kentucky case law addresses the need to preserve claimed error as it relates to blanket rulings. Blanket rulings do not preserve evidence for appeal without specific rulings on the types of evidence offered and specific rulings after the Court is informed why the evidence is offered. In Davis v. Commonwealth, 147 S.W.3d 709,722 (Ky.2004), a party opposed introduction of a specific type of evidence offered for a specific purpose. Because the Court ruled to exclude said evidence, the party did not need to object again at trial. However, a failure to object to matters outside the scope of the ruling does not preserve the claimed error. The Court in Davis stated: "Where a party specifies what evidence should be suppressed and why, the question has been fairly brought to the attention of the trial court and the trial courts' ruling preserves the issue for appeal. In that scenario, the opponent of the evidence is offered at trail. However, the same principal does not apply to broad, generic objections. Id. at 722.
Defendants Proposed Order Paragraph 6: In Lanham v. Commonwealth, 171 S.W.3d 14, 21 (Ky. 2005), a blanket motion in limine was granted. Again, a failure to object does not preserve claimed error unless the evidence was strictly within the scope of the motion in limine, both as to the substance of the evidence and the purpose of the offer. "This is not to say, however, that a blanket motion in limine is sufficient to preserve an error for appellate review. As Tucker correctly observed: "An objection made prior to trial will not be treated in the appellate court as raising any question for review which is not strictly within the scope of the objection made, both as to the matter objected to and as to the grounds of the objection. It must	**Judges Order Verbatim to Defendants 6 with exception noted above:** In Lanham v. Commonwealth, 171 S.W.3d 14, 21 (Ky. 2005), a blanket motion in liminie was granted. The court determined that a failure to object does not preserve claimed error unless the evidence was strictly within the scope of the motion in liminie, both as to the substance of the evidence and the purpose of the offer. "This is not to say, however, that a blanket motion in liminie is sufficient to preserve an error for appellate review. As Tucker correctly observed: "An objection made prior to trial will not be treated in the appellate court as raising any question for review which is not strictly within the scope of the obj ection made, both to the matter objected to and as to the grounds for the objection. It

appear that the question was fairly brought to the attention of the trial court ... One claiming error may not rely on a broad ruling and thereafter fail to object specifically to the matter complained of." (emphasis added) Lanham, at page 21, quoting Tucker v. Commonwealth, 916 S.W.2d 181 (Ky. 1996). Similarly, with offers of proof, when there has been a prior blanket ruling on a type of evidence offered for a specific purpose,(for example, evidence of conduct after October 23, 2006 offered for the purpose of proving or disproving undue influence or competency), and a party wishes to introduce evidence that has either not been the subject of a prior motion, or evidence that could be offered for a different purpose than the stated exclusion, the evidence should be offered at trial to preserve claimed error. **(The Court for some reason declined to include the following paragraph in its order but by swapping out the term General Order for Motion in Limine, the Order inadvertently referenced the paragraph below.)** **Lastly, an issue raised in a motion in limine is not "resolved" if the ruling is reserved for trial. Provisional rulings must be followed up on. "If an in limine ruling excludes evidence unconditionally, the adversely-affected party need take no additional steps to preserve the issue for appeal, which means abuse of discretion review will control. But if the rulings merely tentative and clearly invite the party to offer the evidence under the rulings terms, that party must follow up on the invitation...." Rodriguez v. Senor Frog' s De La Isla, Inc., 642 F.3d 28, 35 (I5 Cir. 2011).**	must appear that the question was fairly brought to the attention of the trial court . . . One claiming error may not rely on a broad ruling and thereafter fail to object specifically to the matter complained of." Id. at 21,, *quoting* Tucker v. Commonwealth, 916 S.W.2d 181 (Ky. 1996). Similarly, with offers of proof, when there has been a prior blanket ruling on a type of evidence offered for a specific purpose, (for example, evidence of conduct after October 23, 2006 offered for the proof of proving or disproving undue influence or testamentary capacity), and a party wishes to introduce evidence that has either not been the subject of a prior motion, or evidence that could be offered for a different purpose than the stated exclusion, the evidence should be offered at trial to preserve claimed error.

Plaintiff's Paragraph ONE (1) of Avowal:

1. Plaintiff, Steve Chandler, Elwanda McDowell, Sue Darnall, Carl Coker, Mary Ellen Coker, William Chandler Testimony concerning his brother's non-performance regarding the distribution of the personal property in his mother's estate. Testimony from relatives listed above about what was promised to them by Mary Katherine, and their repeated attempts to retrieve said property.

PURPOSE: Negates the Defense position that he was competent to handle mother's estate. Furthermore, the fact that Steve Chandler never received 50% of personal property, or attempted to take by force negates the Defense assertion made at trial that Steve was a bully who wanted to take everything from Keith and took advantage of his parents. Used to establish that he couldn't do anything without being specifically instructed by someone. ALL of which goes toward Steve Chandler's equity argument AND SHOW Keith's need to be instructed. **[ROA 691]**

Said arguments can be found in (ROA; 8 & 9); (ROA; 30); (ROA; 71) Discovery RESPONSES; (ROA; 274); (ROA; 457) During the following hearing, Probate Hearing: July 20, 2011; (Clock 3:23) (Clock 5:23) (Clock 13:39-13:40) Motion in Limine Hearing; (Clock: 1:20:44 – 1:24:17; Clock: 1:27:29 – 1:30:27; Clock: 1:31:24 – 1:33:28) Motion to Strike Hearing;

(With response to Paragraph 1, Defendants tried to falsely pad record with an alleged agreement which never took place)

Defendant's proposed Order, (Paragraph 8 of tendered document; response to Avowal Paragraph (1)	**Judges Order verbatim to Defendant Proposed Order Paragraph 8:**
Paragraph 1: "Plaintiff, Steve Chandler, Elwanda McDowell, Sue Darnall, Carl Coker, Mary Ellen Coker, William Chandler Testimony concerning his brother's non- performance regarding the distribution of the personal property in his mother's estate. Testimony from relatives listed above about what was promised to them by Mary Katherine, and their repeated attempts to retrieve said property." The Court excludes Sue Darnall from this list because she was never listed as a witness by Plaintiff. **[ROA 741-745]**	**Paragraph 1:** "Plaintiff Steve Chandler, Elwanda McDowell, Sue Darnall, Carl Coker, Mary Ellen Coker and William Chandler testimony concerning his brother's non-performance regarding the distribution of the personal property in his mother's estate. Testimony from the relatives listed above about what was promised to them by Mary Katherine Chandler and their repeated attempts to retrieve said property." The Court excludes Sue Darnall from this list because she was never listed as a witness by the Plaintiff prior to the submission of the Amended Avowal. **[ROA 751]**

Plaintiff's Paragraph TWO (2) of Avowal:

2. Testimony from Elwanda McDowell, Steve Chandler, Glen Newcom, and evidence regarding the way Keith continued to treat his mother once she was placed in the nursing home, and evidence of DPOA signed by Mary Katherine in 2007 giving POA to Steve.

PURPOSE: To show the personality change of Keith after Randy Fish began coming around. **[ROA 692]**

Said Arguments can be found in Deposition of Steve Chandler at Page 55 Line 11, assertion at Deposition of Glen Newcom concerning Executor change at Page 49 Line 4-7; concerning Personality Change of Keith at Page 40 Line15-16; Page 48 Line 24-25; Deposition of Elwanda McDowell about MK saying Keith was not acting right at (Page 15 Line 18-20 Line 22-23 Page 16 7-8; 10; 13-14; (ROA; 370 & 374) (ROA; 453) (ROA; 530)

Defendants Proposed Order (Paragraph 18 & 19 of tendered document, in response to Avowal Paragraph (2)	Judges Order Verbatim with notable exception to Defendants Proposed Order (Paragraph 18 & 19):
IT IS FURTHER ORDERED that the Court specifically excludes the following Paragraphs from Plaintiff s Proffer of Excluded Evidence for the following reasons: 1. Paragraphs 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 28 (except last sentence), 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered, thus not excluded. [ROA 743-744]	IT IS FURTHER ORDERED that the Court specifically excludes the following Paragraphs from Plaintiff s Proffer of Excluded Evidence for the following reasons: Paragraphs 2, 8, 10, 15, 19, 20, 24, 26 (except the last sentence), 27, 29, 30, 31, 32.The Plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered .thus not excluded. As to Paragraph 2, the part of the time frame was prior to October 23, 2006 and thus not excluded. Further, there was no evidence offered regarding DPOA. [753-754]
Defendants Proposed Order (Paragraph 20 of tendered document, in response to Avowal Paragraph (2)	Judges Order verbatim to Defendants Proposed Order Paragraph 20 with notable exception:
Paragraphs 2, 8, 9, 10, 11, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). [ROA 744]	Paragraphs 2, 8, 10, 11, 14, 19, 30. 33. 34 and 35 for vagueness (failure to inform the Court of the substance of the testimony). As to Paragraph 8, there are no specific time frames and the Plaintiff admitted that the witnesses could not provide proof as to when they called on Keith, so this proffer is properly excluded. Further, Plaintiff states in his Reply of June 5, 2014. That William Robinson testified that he purchased the camera at Keith's request for fear of his father's safety. Rudolph Chandler died in 2004; therefore, this time frame was prior to the October 23, 2006 exclusion date and was not excluded by the Court's General Order and could have been explored by Plaintiff but was not. Therefore, it is not proper avowal testimony. As to paragraph 19, Deputy Agent was not called to testify. [ROA754]

Plaintiff's Paragraph THREE (3) of Avowal:

3. Testimony from Steve Chandler, Elwanda McDowell, relatives listed in paragraph one and from Danny Chandler, including evidence to show how he was living after the plant closed including living without water and electricity. Certified utility records and checks stubs to show that Steve Chandler was paying his water and electricity for him.

PURPOSE: To show that Keith was not able to live independently on his own, and had a lifelong dependency on others. It also negates the assertions of the Defendants that Steve was a bully, that Steve took advantage of his parents and Keith. Negates the assertion that it was Keith who was taking care of his parents, and not the other way around. [ROA 692]

SAID arguments can be found (ROA; 6); (ROA; 29); (ROA; 71); (ROA; 279 & 280); (ROA; 453); (ROA; 464)

Defendants Proposed Order (Paragraph 9 of tendered document, in response to Avowal Paragraph (3)	Judges Order verbatim to Defendants Proposed Order Paragraph 9, Avowal Paragraph (3)
Paragraph 3: "Testimony from Steve Chandler, Elwanda McDowell, relatives listed in paragraph one and from Danny Chandler, including evidence to show how he was living after the plant closed including living without water and electricity. Certified utility records and checks stubs to show that Steve Chandler was paying his water and electricity for him." The Court excludes Sue Darnall from this list because she was never listed as a witness by Plaintiff. [ROA [742]	**Paragraph 3:** •'Testimony from Steve Chandler, Elwanda McDowell and relatives listed in paragraph one (1) and from Danny Chandler, including evidence to show how Keith was living after the plant closed including living without water and electricity. Certified utility records and check stubs to show that Steve Chandler was paying Keith's water and electricity for him.'• The Court excludes Sue Darnall from this list because she was never listed as witness by the Plaintiff **prior to the submission of the Amended Avowal.** [ROA 751]

Plaintiff's Paragraph FOUR (4) of Avowal:

4. Testimony from Steve Chandler and Elwanda McDowell and evidence to show that Steve Chandler had been paying the property taxes on Keith's land after the plant closed.

PURPOSE: To show that Steve was not the bully taking advantage of his brother. That Steve was looking out for his brother. That Keith couldn't handle his own finances, or manage his own affairs. [ROA 692]

SAID arguments can be found in (ROA; 6); (ROA; 456) (taxes were paid after plant closed; Keith paid in 2007, mother paid every year prior to that.)

Defendants Proposed Order (Paragraph 10 of tendered document, in response to Avowal Paragraph (4)	Judges Order verbatim to Defendants Proposed Order Paragraph10, Avowal Paragraph (4)

Paragraph 4: "Testimony from Steve Chandler and evidence to show that Steve Chandler had been paying the property taxes on Keith's land after the plant closed." [ROA 742]	**Paragraph 4:** "Testimony from Steve Chandler and evidence to show that Steve Chandler had been paying the property taxes on Keith 's land after the plant closed ." [ROA 751]

Plaintiff's Paragraph FIVE (5) of Avowal:

5. Testimony from Steve Chandler, and letter form post master asking Steve to pick it up because box was too full and mail was being returned to sender and evidence of Keith's refusal or inability to pick up his mail and the fact that Steve Chandler had to get him an additional P.O. Box per request of post master.

PURPOSE: To show that Keith was unable to live on his own without being directed by someone else to do something. Show is inability to maintain and to do basic task of checking P.O. Box. [ROA 692, 693]

Said arguments were asserted in (ROA; 6, 8); (ROA; 18 & 30); (ROA; 456) Steve Chandler Deposition (Page 52 Lines 14-15) (Page 52 Lines 24-25) (Page 53 Line 1-5) Probate Hearing (Clock 16:08)

Defendants Proposed Order (Paragraph11 of tendered document, in response to Avowal Paragraph (5) : **Paragraph 5:** "Testimony from Steve Chandler, and letter from post master asking Steve to pick it up because box was too full and mail was being returned to sender and evidence of Keith's refusal or inability to pick up his mail and the fact that Steve Chandler had to get him an additional P.O. Box per request of post master." There was no evidence ever offered to this Court, or discussed during hearings, that purported to show that Keith Chandler became unable to live on his own until after Rayloc closed. Therefore, this proffer is limited to any such evidence of activity after Rayloc closed in 2008. [ROA 742]	**Judges Order verbatim to Defendants Proposed Order Paragraph 11, Avowal Paragraph (5)** **Paragraph 5:** •'Testimony from Steve Chandler, and letter from the postmaster asking Steve to pick it up because the box was too full and mail was being returned to sender and evidence of Keith's refusal or inability to pick up his mail and the fact that Steve Chandler had to get Keith an additional P.O. Box per request of the postmaster." There was no evidence ever offered to this Court, or discussed during hearings, that purported to show that Keith Chandler became unable to live on his own until after Raylock closed. Therefore, this proffer is limited to any such evidence of activity after Raylock closed in 2008. [ROA 751, 752]

Plaintiff's Paragraph SIX (6) of Avowal:

6. Testimony from Steve Chandler and Elwanda McDowell about having to take Keith food and water on various occasions to Keith.

PURPOSE: To show that Keith couldn't take care of his basic needs without the assistance of others. [ROA 693]

Said arguments asserted in (ROA, 6); (ROA; 54 & 55) (ROA, 71) (ROA; 455) Hearings (April 11th, Clock 37:28-43:54)

recognized in Summary Judgment ORDER (Judge acknowledges on (ROA; 331) Keith was never able to live on his own and that he needed to Aunt & brother to bring him food; Judge recognized the Plaintiff's position from the very beginning in her Summary Judgment Order)

Defendants Proposed Order (Paragraph 12 of tendered document, in response to Avowal Paragraph (6)	Judges Order verbatim to Defendants Proposed Order Paragraph 12, Avowal Paragraph (6)
Paragraph 6: "Testimony from Steve Chandler and Elwanda McDowell about having to take Keith food and water on various occasions to Keith." There was no evidence ever offered to this Court, or discussed during hearings, that purported to show that Keith Chandler became unable to live on his own until after Rayloc closed. Therefore, this proffer is limited to anv such evidence of activity after Rayloc closed in 2008. [ROA 742]	**Paragraph 6:** "Testimony from Steve Chandler and Elwanda McDowell about having to take Keith food and water on various occasions." There was no evidence ever offered to this Court or discussed during hearings,that purported to show that Keith Chandler became unable to live on his own until after Rayloc closed. Therefore, this proffer is limited to any such evidence of activity after Rayloc closed in 2008. [ROA 752]

Plaintiff's Paragraph SEVEN (7) of Avowal:

7. Testimony from Elwanda McDowell about how the last time she saw Keith alive he was wearing his mother's clothes.

PURPOSE: Without running water, Keith was unable to wash clothes or even take showers. Keith couldn't manage his basic hygiene. Goes to show his mental competency and inability to take care of himself. This information came out at the hearing in Union County, Kentucky. [ROA 693]

SAID argument was asserted at (April 11, 2014 Hearing; Clock 37:28-43:54. water getting cut off; 1:10:43 – 1:13:19, No water, electricity) (ROA; 6) Downey ---wanted judge to set his reason for round 2 or ability to argue to Court of Appeals Keith's decline was completely unrelated .... Ignores assertion of Randy helping him with day to day activities – falling apart when randy got another job --- should have let jury weigh the complete evidence.

Defendants Proposed Order (Paragraph 13 of tendered document, in response to Avowal Paragraph (7)	Judges Order Avowal Paragraph (7)
Paragraphs: 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 28 (except last sentence), 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these avowals through these witnesses; however proof was never offered, thus not excluded. [ROA 743, 744]	**Paragraph 7:** "Testimony from Elwanda McDowell about how the last time she saw Keith alive he was wearing his mother's clothes." This appears to relate to the same time frame in Paragraph 6 so is therefore limited to any such evidence of activity after Rayloc closed in 2008 .[ROA 752]

Plaintiff's Paragraph EIGHT (8) of Avowal:

8. Testimony from Steve Chandler, Elwanda McDowell, Virgie Collins, Danny Chandler, Sue Darnall, William Chandler, Mary Ellen Coker and others about Keith's refusal to come to the door when they would stop by. Which includes testimony about Keith appearing scared, and sitting around the house with loaded guns, and blankets covering the windows. Steve Chandler will testify that he saw a camera and monitor at the residence after the ice storm in 2009, but cannot say when it was purchased. Elwanda McDowell, never saw a camera or monitor at all at the residence.

PURPOSE: To show Keith's mental competency that was persistent throughout his entire life. To show that he was actually scared of somebody or something. Negates the assertion that he for his parents' safety, since it doesn't appear to have been installed until after his parents passed away. **[ROA 693-694]**

Said argument was asserted in Complaint; (ROA; 6 & 7) (ROA; 29)

Defendants Proposed Order Paragraph 18 &19 of tendered document, in response to Avowal Paragraph (8)	**Judges Order Verbatim with notable exception to Defendants Proposed Order (Paragraph 18 & 19), Avowal Paragraph (8)**
Paragraphs 2, 7, **8**, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 28 (except last sentence), 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these avowals through these witnesses; however, the proof was never offered, thus not excluded. **[ROA, 743, 744]**	**Paragraph** 2, **8,** 10, 15, 19, 20, 25, 26 (except last sentence), 27, 29, 30, 31,32. The plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses, however, the proof was never offered thus not excluded. As to Paragraph 2, the part of the time frame was prior to October 23, 2006 and thus not excluded. Further, there was no evidence regarding DPOA. **[ROA 753-754]**
Defendants Proposed Order Paragraph 20 of tendered document, in response to Avowal Paragraph (8)	**Judges Order verbatim to Defendants Proposed Order Paragraph 20, Avowal Paragraph 8 with notable exception:**
Paragraphs 2, **8**, 9, 10 11, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). **[ROA 744]**	**Paragraph** 2, **8,** 10, 11, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). Paragraph 8, there are no specific time frames and the Plaintiff admitted that the witnesses could not provide proof as to when they called on Keith, so this offer is properly excluded. Further, Plaintiff states in his reply of June 5, 2014 that William Robinson testified that he purchased a camera at Keith's request for fear of his father's safety. Rudolph Chandler died in 2004; therefore, this time frame was prior to October 23, 2006 exclusion sate and was not excluded by the Court's General Order and

	could have been explored by Plaintiff but was not. Therefore, it is not proper Avowal testimony. As to paragraph 19, Deputy Agent was not called to testify. [ROA 754]

Plaintiff's Paragraph NINE (9) of Avowal:

9. Elwanda McDowell, Steve Chandler, Glen Newcom, Mark Denton, and Wayne McDowell, and other relatives and friends, testimony regarding personal knowledge of Steve and Keith's relationship after the plant closed. Including testimony from those listed above that no other incidents between the brothers occurred after the will was made in October 2006.

PURPOSE: It negates the lifelong alleged feud between the brothers. Furthermore, it negates the allegation that Steve bullied his brother. [ROA 694]

Said argument was at raised (ROA; 6); (ROA, 54); (ROA, 456)

Defendants Proposed Order does not address Paragraph 9 but the Judge's Order does:	**REASON BEING IS THERE WAS A GREAT DEAL OF DISCUSSTION CONCERNING THIS PARAGRAPH AT THE AVOWAL HEARING→ BEGINNING AT_____** **Paragraph 9:** "Elwanda McDowell , Steve Chandler, Glen Newcom, Mark Denton, and Wayne McDowell and other relatives and friends, testimony regarding personal knowledge of Steve and Keith' s relationship after the plant closed. Including testimony from those listed above that no other incidents between the brothers occurred after the will was made in October 2006." The Defendant states that the Order dated April 14, 2014 "invited" the Plaintiff to offer this evidence at trial as it was provisionally excluded and was not to be mentioned without order of the Court. However, the General Order dated April 16, 2014 excluded all testimony after October 23, 2006 and this was also addressed in the Motion in Liminie Order. This avowal testimony will be allowed. [ROA 752]

Plaintiff's Paragraph TEN (10) of Avowal:

10. Testimony from Elwanda McDowell about Keith telling her that his truck was not working, coupled with the deposition of William Robinson stating that it only had a dead battery

PURPOSE: To show that Keith a 46 year old grown man did not know how to, or even know who to call about a possible dead batter on his truck. It also negates assertion that he called someone to put tractor on a trailer prior to Randy Fish arriving in April 2006. [ROA 694]

Said argument asserted at..... This was obviously after October 2006 – it was previously asserted that it was obviously that the man couldn't even figure out how to jump start truck – Depo of Robinson (Page 26 Line 21-25 & Page 27 Line 1-10)

Defendants Proposed Order Paragraph 18 &19 of tendered document, in response to Avowal Paragraph (10)	Judges Order Verbatim with notable exception to Defendants Proposed Order (Paragraph 18 & 19), Avowal Paragraph (10)
Paragraphs 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 28 (except last sentence), 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these avowals through these witnesses; however, the proof was never offered, thus not excluded. [ROA, 743, 744]	Paragraph 2, 8, 10, 15, 19, 20, 25, 26 (except last sentence), 27, 29, 30, 31,32. The plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses, however, the proof was never offered thus not excluded. As to Paragraph 2, the part of the time frame was prior to October 23, 2006 and thus not excluded. Further, there was no evidence regarding DPOA. [ROA 753-754]
Defendants Proposed Order Paragraph 20 of tendered document, in response to Avowal Paragraph (10)	Judges Order verbatim to Defendants Proposed Order Paragraph 20, Avowal Paragraph 10 with notable exception:
Paragraphs 2, 8, 9, 10 11, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). [ROA 744]	Paragraph 2, 8, 10, 11, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). Paragraph 8, there are no specific time frames and the Plaintiff admitted that the witnesses could not provide proof as to when they called on Keith, so this offer is properly excluded. Further, Plaintiff states in his reply of June 5, 2014 that William Robinson testified that he purchased a camera at Keith's request for fear of his father's safety. Rudolph Chandler died in 2004; therefore, this time frame was prior to October 23, 2006 exclusion sate and was not excluded by the Court's General Order and could have been explored by Plaintiff but was not. Therefore, it is not proper Avowal testimony. As to paragraph 19, Deputy Agent was not called to testify. [ROA 754]

Plaintiff's Paragraph ELEVEN (11) of Avowal:

11. Testimony by Steve Chandler, Elwanda McDowell, Danny Chandler, Kenny Myatt, Melinda McManness and Tommy Chandler, concerning their personal knowledge of Randy Fish's relationship with Keith after the plant closed,

including any knowledge about Payeton's relationship with Keith. When and how often was any vehicles seen at the Chandler family home.

PURPOSE: It negates close friendship, and goes to purpose and motive behind the friendship. [ROA 744]

Said argument was raised ..... Witnesses list can testify to lack of vehicles or visitors at the family home.

Defendants Proposed Order Paragraph 20 of tendered document, in response to Avowal Paragraph (11) **Paragraphs** 2, 8, 9, 10 **11**, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). [ROA 744]	**Judges Order verbatim to Defendants Proposed Order Paragraph 20, Avowal Paragraph 11 with notable exception:** **Paragraph** 2, 8, 10, **11**, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). Paragraph 8, there are no specific time frames and the Plaintiff admitted that the witnesses could not provide proof as to when they called on Keith, so this offer is properly excluded. Further, Plaintiff states in his reply of June 5, 2014 that William Robinson testified that he purchased a camera at Keith's request for fear of his father's safety. Rudolph Chandler died in 2004; therefore, this time frame was prior to October 23, 2006 exclusion sate and was not excluded by the Court's General Order and could have been explored by Plaintiff but was not. Therefore, it is not proper Avowal testimony. As to paragraph 19, Deputy Agent was not called to testify. [ROA 754]
Defendants Proposed Order (Paragraph 22 of tendered document, in response to Avowal Paragraph (11) **Paragraph 11.** As to Tommy Chandler, he was never listed as a witness. As to Elwanda McDowell, Danny Chandler, and Kenny Myatt, each witness said they neither knew nor had ever seen Randy Fish. Their testimony cannot have the required foundation. As to Steve Chandler, Plaintiff failed to present the substance of this testimony and its reason for same -negating testimony about Randy Fish's friendship with Keith Chandler. Plaintiff was required to raise this evidence for consideration by the Court. The **Order in Limine** excluded	**Judges Order Verbatim to Defendants Proposed Order paragraph 22, Avowal Paragraph (11) With Notable Exception:** PLEASE NOTE: Paragraph 9 The court specifically recognized the distinction in the two, **Order in Limine** tender by Defense Counsel and **General Order** tendered by the Court. **Paragraph 11**. As to Tommy Chandler, he was never listed as a witness. As to Elwanda McDowell, Danny Chandler and Kenny Myatt, each witness said they neither knew nor had ever seen Randy Fish and therefore would not have knowledge of what he looked like or what kind of vehicle he drove. Their testimony does not have the required foundation. As to Steve Chandler. Plaintiff failed to present the substance of this testimony and its reason for

post October 23, 2006 evidence as it pertained to only undue influence and competency. [ROA 744]	same negating testimony about Randy Fish's friendship with Keith Chandler. Plaintiff was required to raise this evidence for consideration by the Court. The General Order excluded post October 23, 2006 evidence as it pertained only to undue influence and mental competency. [ROA 754-755]

Plaintiff's Paragraph TWELVE (12) of Avowal:

12. Telephone and bank statements of Keith Chandler, including safety deposit box records.

PURPOSE: Used to establish lack of mental capacity, his extremely limited contact with the outside world, his inability to handle his finances once the plant closed and Randy Fish wasn't around him every day. **[ROA 694-695]**

SAID ARGUMENT RAISED AT ROA 161), (ROA 163) (ROA 297-300) April 11, 2014 Hearing (Clock 1:25:27-1:26:12) Plaintiff specifically requested to exclude them; only on the grounds to limit Defendants to same time frame at which time Defendants attempted to argue same time frame didn't apply to him.

Defendants Proposed Order Paragraph 23:	Judges Order verbatim to Defendants Proposed Order Paragraph 23:
Paragraph 12. Plaintiff moved to exclude these records. [ROA 744]	Paragraph 12. Plaintiff moved to exclude these records. [ROA 755]

Plaintiff's Paragraph THIRTEEN (13) of Avowal:

13. All RJPOUTDOORS POST and Randy Fish Facebook post and videos would have been submitted in form of evidence, or for the purpose to question Randy Fish. Including the ones where Randy Fish is holding himself out to be the owner of the land, and inviting people to his farm to hunt if they are willing to help hang stands. Likewise any and all post where Randy Fish was giving advice to others on how to get additional farm land to hunt on.

PURPOSE: To show motive and intent. **[ROA 695]**

This was a HUGE issue throughout ---- There is over one thousand posts --- This was topic of great deal of controversy this would easily negate assertion of close friends ---- and most definitely prevent Downey from asserting Fish had nothing to gain.

ROA; (163, #2, 3, 4), (171-173), (177-180), (307-308) April 1, 2014 Hearing (Clock 30:08-30:18) (Clock 30:18-30:53) (Clock 31:50-31:54) (Clock 32:57-34:58) (Clock 35:40-35:58) (Clock 39:21-39:28) (Clock 39:38-39:53) (Clock 44:50- 44:54) (Clock

44:55-44:57) (Clock 47:58-48:09) April 11, 2014 Hearing (Clock 13:25-16:35) (Clock 32:36-33:45) (Clock 58:54-1:02:14) (Clock 1:07:29-1:12:45) (Time 3:26:26-3:29:18)

Defendants Proposed ORDER (paragraph 24 of tendered document, in response to Avowal Paragraph (13)	Judges Order slight alteration to Defendants Proposed Order (Paragraph 24, Avowal Paragraph (13)
Paragraph 13. Late identification of exhibits [ROA 744]	**Paragraph 13.** These were originally excluded due to late identification of exhibits. The Plaintiff then moved for reconsideration of specific exhibits. These exhibits were reviewed by the Court and then excluded due to being after the date of the execution of the will and because the Plaintiff's stated purpose for offering them was to show the Defendants' motive in befriending the deceased. The General Order of April 16, 2014, specifically addressed this issue as to the specific posts identified by the Plaintiff in his Motion to Reconsider. As to these posts, the Plaintiff properly preserved his objections. Therefore, the posts excluded due to lateness remain properly excluded and the others are preserved. Therefore, none of the RJP posts are proper avowal testimony. [ROA 755]

Plaintiff's Paragraph FOURTEEN (14) of Avowal:

14. Testimony from Steve Chandler, Elwanda McDowell, all witnesses listed above regarding Rudolph's Chandler's personality and demeanor toward Keith and his family.

PURPOSE: Negates assertion that Keith couldn't spread his wings until after his father passed away. Also used to negate any assertions and inferences made by Defense in their closing argument that Rudolph Chandler was abusive to his family in anyway. **[ROA 695]**

Said argument and issues were presented to the court in the following hearings and/or contained in the Court Filings; ROA,

Defendants Proposed Order Paragraph 20 of tendered document, in response to Avowal Paragraph (14)	Judges Order verbatim to Defendants Proposed Order Paragraph 20, Avowal Paragraph 14 with notable exception:
Paragraphs 2, 8, 9, 10 11, **14**, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). [ROA 744]	**Paragraph** 2, 8, 10, 11, **14**, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). Paragraph 8, there are no specific time frames and the Plaintiff admitted that the witnesses could not provide proof as to when they called on Keith, so this offer is properly excluded. Further, Plaintiff states in his reply of June 5, 2014 that William

	Robinson testified that he purchased a camera at Keith's request for fear of his father's safety. Rudolph Chandler died in 2004; therefore, this time frame was prior to October 23, 2006 exclusion sate and was not excluded by the Court's General Order and could have been explored by Plaintiff but was not. Therefore, it is not proper Avowal testimony. As to paragraph 19, Deputy Agent was not called to testify. [ROA 754]

Plaintiff's Paragraph FIFTEEN (15) of Avowal:

15. Testimony and Evidence from Steve Chandler, and Elwanda McDowell regarding the disposition of his Rudolph's truck, and Mary Katherine giving Keith $14,000.00 to purchase a new truck of his own.

PURPOSE: Negates Defendants assertion that Keith told them that Steve takes advantage of his parents, and has taken everything from them and from him including his father's truck. [ROA 695]

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court Filing: (ROA 462) Steve Chandler Deposition (Page 103 Lines 8-10)

Defendants Proposed Order Paragraph 18 &19 of tendered document, in response to Avowal Paragraph (15)	Judges Order Verbatim with notable exception to Defendants Proposed Order (Paragraph 18 & 19), Avowal Paragraph (8)
Paragraphs 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 28 (except last sentence), 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these avowals through these witnesses; however, the proof was never offered, thus not excluded. [ROA, 743, 744]	Paragraphs 2, 8, 10, 15, 19, 20, 25, 26 (except last sentence), 27, 29, 30, 31,32. The plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses, however, the proof was never offered thus not excluded. As to Paragraph 2, the part of the time frame was prior to October 23, 2006 and thus not excluded. Further, there was no evidence regarding DPOA. [ROA 753-754]

Plaintiff's Paragraph SIXTEEN (16) of Avowal:

16. Testimony from Steve as to whether he kicked in Keith's bedroom door to take things that belonged to Keith or their father.

PURPOSE: Directly negates Defendants assertion that Keith told them that his brother kicked in his door to his bedroom. This information coupled with the fact that Steve never even attempted to take away 50 % of personal property of his parent's estate that he was entitled to receive. Shows Steve was not the bully that has been alleged. [ROA695-696]

This was first said by Steven Downey – when Aunt Elwanda asserted during trial --- Keith kicked in door during testimony. Randy's depo (Page 64 Lines 20-25) (Pages 65 Lines 1-25) (Pages 66 Lines 1-11) saying he didn't know why Keith asked him to hang onto guns. April 18, 2014 (Time 2:58)

These were newly asserted allegations by the defendants and was clearly a spin off testimony given on Friday by plaintiff's witnesses. – Prior to said testimony, these stories did not exist, see Depositions of Randy Fish and William Robinson.

Defendants Proposed Order (Paragraph 25 of tendered document, in response to Avowal Paragraph (16)	Judges Order Verbatim to Defendants Proposed Order (Paragraph 25, Avowal Paragraph (16); with a NOTEWORTHY distinction. The term "Order in Limine" was swapped out to read "General Order":
Paragraph 16. Again, the **Order in Limine** did not prohibit this proof for the purpose tendered. Plaintiff was required to raise this evidence for consideration by the Court. The **Order in Limine** excluded post October 23, 2006 evidence as it pertained to only undue influence and competency. [ROA 744]	**Paragraph 16.** Again, the **General Order** did not prohibit this proof for the purpose tendered. The Plaintiff was required to raise this evidence for consideration by the Court. The **General Order** excluded post October 23, 2006 evidence as it pertained only to undue influence and mental competency. [ROA 755]

Plaintiff's Paragraph SEVENTEEN (17) of Avowal:

17. Testimony and evidence from school guidance counselor concerning classes taken by Harold Keith Chandler, the difficulty of the classes, automatic enrolment in FFA program with ag classes and the fact that Keith made an 8 on the ACT. Furthermore, the guidance counselor would have read the definition of intellectual disability, including abstract traits measured and observed for diagnosis. Keith received a five (5) in English and a five (5) in Math.

PURPOSE: Negates the assertion that he socialized, and voluntarily enrolled in FFA, participating in clubs at school, negates assertion that he was only in two special education classes. The Definition gives the alternative things to consider when determining someone's mental capacity. [ROA 696]

Said argument and issue were presented to the court at the following hearings; April 17, 2014 (Clock: 24:15-35:33) (Clock 35:33 – 37:59) (Clock 46:33- 47:29) (Clock 48:52 – 48:59) (Clock 48:59- 53:33) and/or contained in the Court filings; ROA 436-439); (ROA 470- 486) (ROA 493- 515) (ROA523)

Defendants never turned school records; until April 4, 2014 --- prompted to get official records, which contained ACT scores. Plaintiff was denied because it was too late. Scheduling Order said Motion in Limine by March 13, 2014 but here Defendants allowed to exclude 60% of Plaintiff's Case less than 3 days before trial. Mr. Downey beat the time line and cutoff date so hard he showed up day one and two with employment records in attempt to exclude Robert Quatermous testimony – can't beat a dead line and then after trial – argue lack of exact time so could have occurred in those two months

---

Defendants Proposed Order Paragraph (26) of tendered document, in response to Avowal Paragraph (17):	Judges Order verbatim Defendants Proposed Paragraph (26), Avowal Paragraph (17):
Paragraph 17. Late identified witness and exhibits. [ROA 744]	**Paragraph 17**. Late identification of witness and exhibits. [ROA 755]

Plaintiff's Paragraph EIGHTEEN (18) of Avowal:

18. Testimony from Ray Agent of the events that took place on the day that they found Keith Chandler, the condition of the house, including how long that it appeared that the food had been sitting in the refrigerator

PURPOSE: To show lack of mental competency to manage and live independently on his own and take care of his basic needs. All of which goes to whether someone could be easily influenced. **[ROA 696]**

Said argument and issues present at (ROA 7); April 1, 2014 Hearing (Clock; 55:20-56:12) (Clock; 55:06-55:20) (Clock; 55:20 – 56:12) (Clock; 56:12- 56:29) (Clock; 56:29-57:17) Randy Fish Behavior (Clock; 57:51-58:47) Phone Calls (Clock; 58:47-59:11) (Clock; 59:11-59:27) Defendant Randy Fish lack of knowledge of residence. Ray Agent testifying how Randy asserted "He has a Will – I 59:40 -1:01:15) Condition of the house (Clock; 1:10:15-1:01:19) (Clock; 1:01:19- 1:01:26) (Clock; 1:01:26-1:01:30) (Clock; 1:01:30- 1:01:33) (Clock; 1:01:33-1:01:42) (Clock; 1:01:42-1:02:00) Randy Fish asserting he knows executor real well, I will call him." Likewise, Randy asserting he had guns belonging to Keith. Randy coming back to get in house with William.

Defendants Proposed Order Paragraph 13, Page 6 of tendered document, in response to Avowal Paragraph (18):	Judges Order verbatim to Defendants Proposed Order Paragraph 27, Avowal Paragraph (18):
Paragraph 18: "Testimony from Ray Agent of the events that took place on the day that they found Keith Chandler, the condition of the house, including how long it appeared that the food had been sitting in the refrigerator. [ROA 743]	**Paragraph 18:** "Testimony from Ray Agent of the events that took place on the day that they found Keith Chandler's body, the condition of the house, including how long it appeared that the food had been sitting in the refrigerator." [ROA 752]

Plaintiff's Paragraph NINETEEN (19) of Avowal:

19. Testimony of Ray Agent regarding Randy Fish informing him that he already had several of Keith's guns in his possession. Testimony of Steve Chandler, Danny Chandler, Glen Newcom and William Chandler, regarding personal knowledge of ownership of various guns.

PURPOSE: Defendant Fish has given contradictory information regarding the number of guns in his possession and why these guns came into his possession. Likewise, said information goes directly to Plaintiff's equity argument to establish a constructive trust of personal property in the residence. [ROA 696]

Said argument and issues were presented to the Court at the following hearings; and/or contained in the Court filings: (ROA 7) Randy Fish Deposition (Page 64 Lines 20-25) (Page 65 Lines 1-25) (Pages 66 Lines 1-11) Probate Hearing (Clock 6:58)

Defendants Proposed Order Paragraph 20 of tendered document, in response to Avowal Paragraph (19)	Judges Order Verbatim with notable exception to Defendants Proposed Order (Paragraph 18 & 19), Avowal Paragraph (19)
Paragraphs 2, 8, 9, 10 11, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). [ROA 744]	Paragraph 2, 8, 10, 15, 19, 20, 25, 26 (except last sentence), 27, 29, 30, 31,32. The plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses, however, the proof was never offered thus not excluded. As to Paragraph 2, the part of the time frame was prior to October 23, 2006 and thus not excluded. Further, there was no evidence regarding DPOA. [ROA 753-754]

Plaintiff's Paragraph TWENTY (20) of Avowal:

20. Testimony from Sherriff Deputy Wayne Agent, who will testify regarding his personal knowledge of the incident involving the tractor. How it was Randy Fish that called him to go with him to pick up the tractor, and how Plaintiff did not hesitate to load the tractor for his brother. He would have further testified that there were no other incidents between the brothers that required involvement of the Sheriff s Office.

PURPOSE: Used to establish that it was the Defendant Randy Fish attempting to make a record of conflict between the brothers. [ROA 697]

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings; Randy Fish Deposition (Page 32 Line 4-25) (Page 46:3, 46:8, 46: 15-21) He was prevented from offering testimony if it occurred after October 23, 2006.

Defendants Proposed Order (Paragraph 21 of tendered document, in response to Avowal paragraph (20)	Judges Order verbatim to Defendants Proposed Order (Paragraph 21, Avowal Paragraph (20) with a NOTEWORTHY distinction. The Court's prior Order was swapped out to read "General Order", in addition to the fact that the COURT's AVOWAL Order included a ruling to Plaintiff's Avowal Paragraph (9)

Paragraphs 9, 14 and 20. This evidence was never excluded. Rulings regarding this evidence were provisional. This Court's prior order invited Plaintiff to seek permission to present the type evidence mentioned in these Paragraphs. [ROA 744]	Paragraphs 14 and 20. This evidence was never excluded. Rulings regarding this evidence were provisional. The Court's prior General Order invited the Plaintiff to seek permission to present the type of evidence mentioned in these Paragraphs. Paragraph 14 specifically deals with evidence prior to October 23. 2006. Paragraph 20 - Sheriff Agent was subpoenaed and sequestered throughout the trial, but was never called to testify as a witness. (The Judge addressed Paragraph 9 above, not here.) [ROA 754]

Plaintiff's Paragraph TWENTY- ONE (21) of Avowal:

21. Plaintiff should have been allowed to question Brucie Moore about her continued involvement in the case, in representing the estate.

PURPOSE: To show that Ms. Moore was an interested witness throughout. Also negates assertion to contrary made by defense counsel in his closing. [ROA 697]

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings; ROA,

---

Defendants Proposed Order Paragraph (14) of tendered document, in response to Avowal Paragraph (21) Paragraph 21: "Plaintiff should have been allowed to question Brucie Moore about her continued involvement in the case, in representing the estate." [ROA 743]	**Judge's Order Verbatim to Defendants Proposed Order Paragraph (14), Avowal Paragraph (21):** Paragraph 21: "Plaintiff should have been allowed to question Brucie Moore about her continued involvement in the case, in representing the estate." [ROA 753]

Plaintiff's Paragraph TWENTY-TWO (22) of Avowal:

22. Plaintiff should have been allowed to question the Defendants and Brucie Moore about the counterclaim brought against him, and the false allegations and personal attack on him and his attorney.

PURPOSE: Plaintiff is accused of bullying his brother, and then the Defendants accused him of trying to bully them. All the while setting out false trumped up allegations against both him and his attorney in support of an abuse of process claim. Said information can be used to show that it has been the Defendants who have in fact engaged in various acts of bullying throughout the entire litigation process. [ROA 697-698]

Allegations can be found in (ROA 13-20) (ROA 24-34) (ROA 35-41) (ROA 42-50) (ROA 51-56) (ROA 83-87) (ROA 88-99) (ROA 110-122) (ROA 152-160) (ROA 171-173) (ROA 177-180) (ROA 225-269) (ROA 270-306) (ROA 307-313) (ROA 314-

325) (ROA 334-335) (ROA 336-337) (ROA 363-368) Counterclaim was dismissed on April 11, 2014 (Clock 12:24-13:19) just 6 days before trial. Probate Hearing (Clock 16:46) (Clock 17:55) (Clock 19:21)

Defendants Proposed Order (Paragraph 15; Page 6) of tendered document, in response to Avowal Paragraph (22)	Judges Order Verbatim to Defendants Proposed Order Paragraph 15, Avowal Paragraph (22)
Paragraph 22: "Plaintiff should have been allowed to question the Defendants and Brucie Moore about the counterclaim brought against him, and the false allegations and personal attack on him and his attorney." [ROA 743]	**Paragraph 22**: "Plaintiff should have been allowed to question the Defendants and Brucie Moore about the counterclaim brought against him, and the false allegations and personal attack on him and his attorney." [ROA 753]

Plaintiff's Paragraph TWENTY-THREE (23) of Avowal:

23. Plaintiff should have been allowed to question Brucie Moore about threatening Plaintiff with Abuse of Process claim at initial probate hearing, and in front of plaintiff informing Plaintiff's counsel that he has a farm of his own, and therefore a lot to lose. Plaintiff should also be allowed to question Ms. Moore about various Bullying tactics she has employed during the entire litigation.

SEE PURPOSE in Paragraph 20. [ROA 698]

Said argument and issues were presented to the court at the following hearings; Probate Hearing (Clock 16:43) (Clock 17:55) (Clock 19:21) (ROA 13-20) (ROA 24-34) (ROA 35-41) (ROA 42-50) (ROA 51-56) (ROA 83-87) (ROA 88-99) (ROA 110-122) (ROA 152-160) (ROA 171-173) (ROA 177-180) (ROA 225-269) (ROA 270-306) (ROA 307-313) (ROA 314-325) (ROA 334-335) (ROA 336-337) (ROA 363-368)

Defendants Proposed Order (Paragraph 27; Page 7) of tendered document, in response to Avowal Paragraph (23)	Judges Order Verbatim to Defendants Proposed Order Paragraph 27, Avowal Paragraph (23)
Paragraph 23. Repetition of Paragraph 22. [ROA 744]	**Paragraph 23**. Repetition of Paragraph 22. [ROA 755]

Plaintiff's Paragraph TWENTY-FOUR (24) of Avowal:

24. Plaintiff should have been allowed to question the Executor William Robinson and Brucie Moore, about the unaccounted for $36,000 401{k) not included on the inventory. Furthermore, Plaintiff would have questioned both Brucie Moore and Philip Clements as to the missing email documentation regarding Keith's 401K account, which revealed notice was given to William Robinson as early as July 14, 2011, and was not contained in what was purported to be the complete personal packet of Harold Keith Chandler, given to Plaintiff during Mr. Clements deposition. But less than two week later when Plaintiff's counsel went to view personal file on her own accord, the email documentation was now included in the personal file. Plaintiff would further submit evidence by way of email between counsel, where Ms. Moore acknowledge the

account, inferred that Rayloc must have removed that part of the file, but also stated that she had no intention of amending the inventory to include the 401k.

PURPOSE: Goes to question truthfulness and the intent to hide and deceive amount of assets. [ROA 698]

The judge specifically limited question to Bruce Moore ----- Can't ask about hiding assets ---- if not permitted to show she was even on case. Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings: ROA, emails about the 401K is attached as exhibit in this Brief

---

Defendants Proposed Order (Paragraph 28, Page 8) of tendered document, in response to Avowal Paragraph (24)	Judges Order verbatim to Defendants Proposed Order (Paragraph 28, Avowal Paragraph (24);
Paragraph 24. Again, the **Order in Limine** did not prohibit this proof for the purpose tendered. Plaintiff was required to raise this evidence for consideration by the Court. The **Order in Limine** excluded post October 23, 2006 evidence as it pertained to only undue influence and competency. [ROA 745]	**Paragraph 24**. Again, the -**General Order** did not prohibit this proof for the purpose tendered. The Plaintiff was required to raise this evidence for consideration by the Court. The **General Order** excluded post October 23, 2006 evidence as it pertained only to undue influence and mental competency. [ROA 755] With a NOTEWORTHY distinction. The term "Order in Limine" was swapped out to read "General Order", in addition to the fact that the COURT's AVOWAL Order included a ruling to Plaintiff's Avowal Paragraph (9), which recognized the distinction among the two.

Plaintiff's Paragraph TWENTY-FIVE (25) of Avowal

25. Judge Executive Perry Newcom would have testified as to his personal knowledge of Keith Chandler. He was familiar with him because he would always see him in his store with his father. He would have testified that he was always two to three steps behind his dad, and that he never spoke to anyone. He would have further testified as to an incident that occurred after his father passed away where Keith came in his store asking to buy 20 salt blocks. Judge Newcom told him Keith that is a lot, your dad wouldn't go through that in several years. Keith replied, okay so how many do you think I need. Judge Newcom advised him two, and that is what he purchased. Judge Newcom would testified that in his opinion Keith was very slow, and obviously couldn't function completely on his own.

PURPOSE: It goes to show mental competency, and the fact that he was so easily swayed and influenced to go from desire to purchase 20 salts blocks to only 2 salt blocks by one simple statement. [ROA 698-699]

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings; (ROA 487) Scheduling Order only seemed to apply if it limited the Defendants.

Defendants Proposed Order (Paragraph 29 of tendered document, in response to Avowal Paragraph (25)	Judges Order verbatim to Defendants Proposed Order Paragraph 27, Avowal Paragraph (23)
Paragraph 25. Late identified witness. [ROA 745]	Paragraph 25. Late Identification of witness. [ROA 755]

Plaintiff's Paragraph TWENTY-SIX (26) of Avowal:

26. Melinda McMannes has known the Chandler family all of her life. She would testify as to her personal knowledge of Keith and his family, including instructions given to Keith by Mary Katherine regarding her personal property, and She would testify as to Keith telling her that Randy brought him the chains for the locks at bottoms, and state that she saw Randy and Keith putting the locks on the gate the first time. She would testify as to how her and her mother would constantly go over and check on Keith after his mother was placed in the nursing home. She would further testify as to a conversation overheard by Randy Fish, with someone at Mary Katherine's funeral where he stated that, with Ms. Chandler gone, and Old Man Chandler out of the way, he was sure Steve wouldn't be a problem.

PURPOSE: It goes to establish lack of mental capacity, ability to live alone, failure to distribute personal property, or better stated failure to carry out his mother' wishes. Although admittedly, the first part concerning personal knowledge would have been allowed during trial, witness was only able to miss one day work, and therefore did not get to testify at trial. Said information is only used to establish that this witness had personal knowledge and relationship to the family. The relevant exclude part is having to check on Keith Chandler while mother was in the nursing home, and the conversation which occurred at Mary Katherine's funeral. [ROA 699-700]

The statement made by Randy Fish is arguably a statement against interest, or admission by party opponent. It can be used to establish and make inference that he was in fact actively drawing or encouraging conflict between the brothers.

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings; (ROA 4) (ROA 17 & 18) (ROA 28) (ROA 62) (ROA 371) (ROA 385) (ROA 389) (ROA 453) April 1, 2014 Hearing (Clock; 17:15-17:58) (Clock; 16:59-17:15) April 11, 2014 Hearing (Clock 51:21-54:35)

Defendants Proposed Order (Paragraph 16 & Paragraph 30; Pages 6 & 8) of tendered document, in response to Avowal Paragraph (26)	Judges Order verbatim to Defendants Proposed Order Paragraph 16 & 30, Avowal Paragraph (26)
Paragraph 26 (Last sentence only):"Melinda McMannes would testify as to a conversation overheard by Randy Fish, with someone at Mary Katherine's funeral where he stated that, with Ms. Chandler gone, and Old Man Chandler out of the way, he was sure Steve wouldn't be a problem." [ROA 743] Paragraph 26. Plaintiff did not call McMannes because of the witness's work schedule. No offer of proof was ever made. [ROA 745]	Paragraph 26 (last sentence only): "Melinda McMannes would testify as to a conversation overheard by Randy Fish, with someone at Mary Katherine Chandler's funeral where he stated that, "with Mrs. Chandler gone, and Old Man Chandler out of the way, he was sure Steve wouldn't be a problem ." [ROA 753] Paragraph 26. Plaintiff did not call Melinda McMannes because of the witness's work schedule. No offer of proof was ever made. --- (slight variation, Judge's order contained full name on second half) [ROA 756]

Plaintiff's Paragraph TWENTY-SEVEN (27) of Avowal

27. Deena Coleman would have testified as to her personal knowledge of Keith Chandler. She went to school with him all of his life and knew that he was made fun of and teased for being slow, and being in special education classes. Again, initial information is used to establish foundation, and personal knowledge of the parties. Furthermore, she knew and worked at Rayloc with Keith and Randy Fish. She would have testified as to hearing Randy Fish at Mary Katherine's funeral giving him direction as to what steps he had to take, and what he needed to do next.

PURPOSE: Goes to show that he was the type that needed direction from others, and that Randy Fish was in fact instructing him on things he needed to do. It shows that he was easily influenced and lacked mental competency to handle affairs on his own. [ROA 700]

Said argument and issues were presented to the court at the hearings; and/or contained in the Courting Filings; (ROA 4) (ROA 18) (ROA 28) (ROA 63) (ROA 371) (ROA 386) (ROA 389) (ROA 453) (ROA 464) (ROA 526)

Defendant's Proposed Order (Paragraph 29 of tendered document, in response to Avowal Paragraph (27)	Judges Order verbatim to Defendants Proposed Order Paragraph 29, Avowal Paragraph (27)
Paragraphs: 2, 8, 10, 15, 19, 20, 24, 26 (except last sentence), **27**, 28 (except last sentence), 29, 30, 31, 32. The plaintiff was not restricted form offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered, thus not excluded. [ROA 743]	**Paragraphs**: 2, 8, 10, 15, 19, 20, 24, 26 (except last sentence), **27**, 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered thus not excluded. [ROA 753]

Plaintiff's Paragraph TWENTY-EIGHT (28) of Avowal

28. Robert Quatermous would have testified as to Keith working in a small room by himself, and away from others at Rayloc. He would testify that he knew Keith all of his life, and knew of him only to take direction from his parents. Furthermore, that he knew that Keith never had any friends that he could recall, and it concerned him to see Keith follow two steps behind Randy like he always did his father. Furthermore, he would testify as to after he and Wayne McDowell witness Keith's trailing behind Randy at Mary Katherine's funeral they both expressed their concerns to Steve regarding Randy Fish's intention toward his brother, because they knew Keith could be easily influenced and taken advantage of.

PURPOSE: Establishes Plaintiff's position from the very beginning. That Keith was slow, he needed direction, and previously would only follow direction of his parents. It was only after Mr. Chandler died that Randy was able to control and influence him. Defense counsel presented two separate employment documentations to the court, first being date of employment with Raylock, and second being dates of employment with the temp agencies. Said documentation was presented to exclude Mr. Quatermous from testifying to any observations of the deceased and Defendants he made during the course of his employment with Rayloc. [ROA 700-701]

Said arguments and issues were presented to the court at the following hearings; and/or contained in the Court filings; (ROA 5) (ROA 18) (ROA28) (ROA 63) (ROA 371) (ROA 385) (ROA 389) (ROA 454) (ROA 526) April 1, 2015 Hearing (Clock 20:25-21:03) April 11. 2014 Hearing (Clock 27:11-30:26) (Clock 25:39-29:59)

Defendants Proposed Order (Paragraph 17 & 19 of tendered document) in response to Avowal Paragraph (28)	Judges Order Verbatim in part to Defendants Proposed Order Paragraph 17 & 19, Avowal Paragraph (28)
Paragraph 28 (Last sentence only): "Robert Quatermous would testify as to after he and Wayne McDowell witness Keith's trailing behind Randy at Mary Katherine' s funeral they both expressed their concerns to Steve regarding Randy Fish's intention toward his brother, because they knew Keith could be easily influenced and taken advantage of." [ROA 743] **Paragraphs** 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, **28 (except last sentence)**, 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered thus not excluded. [ROA 743]	**Paragraph 28:** "Robert Quatermous would have testified as to Keith working in a small room by himself and away from others at Rayloc. He would testify that he knew Keith all of his life, and knew of him only to take direction from his parents. Furthermore, that he knew that Keith never had any friends that he could recall, and it concerned him to see Keith follow two steps behind Randy like he always did his father. Furthermore, he would testify as to after he and Wayne McDowell witnessed Keith's trailing behind Randy at Mary Katherine Chandler's funeral they both expressed their concerns to Steve regarding Randy Fish's intention toward his brother, because they knew Keith could be easily influenced and taken advantage of." [ROA 753] **Paragraphs** 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 29, 30, 31,32. The Plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered thus not excluded. [ROA 753]

Plaintiff's Paragraph TWENTY-NINE (29) of Avowal

29. Testimony of Steve Chandler that he was the one who planned his brother's funeral and purchased a grave marker to be placed by his parents.

PURPOSE: It shows that Steve was not the big bully bad guy the defendants made him out to be, furthermore, the inference could be raised that if Defendants truly thought that the brothers were estranged and that there was hatred and resentment between them, surely they would have taken the liberty to plan "their best friend's" funeral. [ROA 701]

Said arguments addressed in (ROA 8) (ROA 18) (ROA 30) (ROA 65-65) (ROA 71) Included in Probate listed as exhibit by Plaintiff excluded by Defendants. April 11, 2014 Hearing (Clock 43:53-44:25)

Defendants Proposed Order Paragraph 18 &19 of tendered document, in response to Avowal	Judges Order verbatim to Defendants Proposed Order Paragraph 20, Avowal Paragraph 30 with

Paragraph (30) Paragraphs 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 28 (except last sentence), 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these avowals through these witnesses; however, the proof was never offered, thus not excluded. [ROA, 743, 744]	notable exception: Paragraph 2, 8, 10, 11, 14, 19, 30, 33, 34 and 35 for vagueness (failure to inform the Court of the substance of testimony). Paragraph 8, there are no specific time frames and the Plaintiff admitted that the witnesses could not provide proof as to when they called on Keith, so this offer is properly excluded. Further, Plaintiff states in his reply of June 5, 2014 that William Robinson testified that he purchased a camera at Keith's request for fear of his father's safety. Rudolph Chandler died in 2004; therefore, this time frame was prior to October 23, 2006 exclusion sate and was not excluded by the Court's General Order and could have been explored by Plaintiff but was not. Therefore, it is not proper Avowal testimony. As to paragraph 19, Deputy Agent was not called to testify. [ROA 754] JUDGE'S ORDER DOES NOT INCLUDE #29

Plaintiff's Paragraph THIRTY-ONE (31) of Avowal:

31. Testimony from Steve as to the computer being installed in the Chandler Family home after Rudolph died, and the exceedingly high phone records that establish time frame.

PURPOSE: It discredits Defendant William Robinson's previous assertion that he installed a computer while Rudolph was still living. [ROA 702]

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings; (ROA 53)

Plaintiff's Paragraph THIRTY-TWO (32)

32. Steve Chandler would have testified that the reason he didn't retain an expert witness is that he didn't have $10,000 for someone to review the file, and come to court and testify, but most importantly his attorney told him to hold off until after summary judgment.

PURPOSE: If Defendants are going to rely on and point to the fact that there is not medical expert or medical proof, then Plaintiff should be allowed to present testimony as to why expert testimony was not presented. [ROA 702]

Said argument and issues were presented to the court at the following hearings; and/or contained in the court filings: April1, 2014 Hearing (Clock 12:54-16:33) (Clock 17:58-20:24) (Clock 24:17 -25:20) (Clock 26:40-26:56) (Clock 1:06:53-1:08:52) (Clock 1:08:52- 1:09:37) (Clock 1:11:09-1:12:46) (Clock 1:13:09- 1:14:58) (Clock 1:15:22-1:15:45) (Clock 1:15:54-1:16:52) (Clock 1:22:06-1:26:48) (Clock 1:28:25-1:29:17) (Clock 1:29:17-1:29:38) (Clock 1;29:38-1:30:23) (Clock 1:30:43-1:31:56) (Clock 1:31:56-1:32:16) (Clock 1:33:42-1:34:48) After 15 Minute recess; put in the actual time not clock time. (Time 4:00:40-

4:06:13) (Time 4:06:13-4:07:10) (Time 4:07:10-4:08:53) (Time 4:09:28-4:10:57) (Time 4:11:04-4:11:41) (4:11:41-4:12:55) (Time 4:23:26-4:31:51) April 11, 2014 Hearing (Clock 48:00-48:52) (Clock 48:59-53:33) (Clock 58:42-1:00:59) (Clock 1:01:00-1:02:47) (Clock 1:03:41-1:05:17) (Clock 1:08:05-1:11:44) (Clock 1:11:44-1:14:16) (Clock 1:16:09-1:19:05) After 15 minute recess (Clock 29:59-31:54)

Defendants Proposed Order (Paragraph 18 & 19) of tendered document, in response to Avowal Paragraph (32)	Judges Order Verbatim to Defendants Proposed Order Paragraph 18 & 19, Avowal (32)
Paragraphs 2, 7, 8, 10, 15, 19, 20, 24, 26 (except last sentence), 27, 28 (except last sentence), 29, 30, 31, 32. The Plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered, thus not excluded. [ROA 743] Paragraph 32. Incompetent evidence for jury consideration. And this evidence was never offered by Plaintiff for consideration by the Court. [ROA 745]	Paragraphs 2, 8, 10, 15, 19, 20, 24, 26 (except the last sentence), 27, 29, 30, 31, 32.The Plaintiff was not restricted from offering the subject matter of these proposed avowals through these witnesses; however, the proof was never offered .thus not excluded. [ROA 754] Paragraph 32. Incompetent evidence for jury consideration. And this evidence was never offered by Plaintiff for consideration by the Court. [ROA 756]

Plaintiff's Paragraph THIRTY-THREE (33)

33. Plaintiff makes specific avowal to all purported testimony and evidence excluded by the Motion to Strike.

PURPOSE: To preserve purported testimony and evidence for consideration by Court of Appeals. [ROA 702-703]

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings; (ROA 1-10) (ROA 17-19) (ROA 27-31) (ROA 37-41) (ROA 52-55) (ROA 60-66) (ROA 69-72)

Defendants Proposed Order (Paragraph 32) of tendered document, in response to Avowal paragraph (33)	Judges Order Verbatim to Defendants Order Paragraph 32, Avowal Paragraph (33)
Paragraph 33. Vagueness. [ROA 745]	Paragraph 33. Vagueness. [ROA 756]

Plaintiff's Paragraph THIRTY-FOUR (34)

34. Plaintiff makes specific avowal to all evidence that was excluded through the use of Motion in Limine.

PURPOSE: To preserve purported testimony and evidence for consideration by Court of Appeals. [ROA 703]

Said argument and issues were presented to the court at the following hearings; and/or contained in the Court filings; (ROA 369-389)

Defendants Proposed Order (Paragraph 33) of tendered document, in response to Avowal Paragraph (34)	Judges Order Verbatim to Defendants Proposed Order Paragraph 33, Avowal Paragraph (34)
Paragraph 34: Preserved by Order in Limine. [ROA 745]	Paragraph 34: Preserved by the Courts General Order. [ROA 756]

Plaintiff's Paragraph THIRTY-FIVE (35)

35. Plaintiff makes specific avowal to all excluded evidence after October 2006, argued by Plaintiff and presented to the court at the various hearings on December, 8, 2011, March 13, 2014, April 1, 2014, April 11, 2014, any and all arguments raised against the exclusion. [ROA 703]

Defendants Proposed Order (Paragraph 34) of tendered document, in response to Avowal Paragraph (35)	Judges Order Verbatim to Defendants Proposed Order Paragraph 34, Avowal Paragraph (35)
Paragraph 35. Vagueness. [ROA 745]	Paragraph 35. Vagueness. [ROA 756]