

IN THE SUPREME COURT OF OHIO

**THE STATE OF OHIO, ex rel.
JOHN DAMSCHRODER**

RELATOR

v.

OHIO PUBLIC EMPLOYEES, *et al.*

RESPONDENTS.

Case No.

Affidavit of John Damschroder

I, JOHN DAMSCHRODER, being first duly sworn as if upon oath, do swear and affirm as follows:

1. I am not a minor, I have personal knowledge of the facts in this affidavit, and I am competent to testify to these facts.
2. On June 14, 2018, I sent an email to OPERS requesting that it produce to him, under the Ohio Public Records Act, “a copy of the contract between the Ohio Public Employees Retirement System and each hedge fund, private equity fund, real estate fund and or property manager.” The request also sought “a list of the investment holdings for Ohio for each contractor, the acquisition price and the estimated current value of the investment or the liquidation date and price of the holding.”
3. Over the next several months, OPERS sporadically provided the requested contract documents. Most of the provided documents, however, were heavily redacted.
4. Included in the records provided by OPERS to me were contract documents of Ohio Midwest I, Ohio Midwest II, Ohio Midwest III, and Equity Opportunities, as those entities are defined in the Complaint. The contract documents were heavily redacted. A copy of the produced Amended and Restated Limited Partnership Agreement between OPERS and Ohio Midwest I, as well as Amendment No. 1 to that Agreement

are collectively attached to the Complaint as Exhibit A. A copy of the produced Amended and Restated Limited Partnership Agreement between OPERS and Ohio Midwest II is attached to the Complaint as Exhibit B. A copy of the produced Amended and Restated Limited Partnership Agreement between OPERS and Ohio Midwest III is attached to the Complaint as Exhibit C. Copies of the produced Second Amended and Restated Limited Partnership Agreement and two Side Letter agreements between OPERS and Equity Opportunities are attached to the Complaint as Exhibit D.

5. Accompanying the contract documents from Ohio Midwest and Equity Opportunities was a letter from Glouston dated August 24, 2018. In the letter, Glouston asserts that the redactions made to the produced documents are necessary to protect Glouston's trade secrets. A copy of the letter produced is attached here as Exhibit E.
6. At the time OPERS provided me with the contract documents, they did not provide any of the requested financial information for any of its hedge fund investments.
7. On November 15, 2018, I sent OPERS a follow-up email again requesting financial documents for all Glouston funds. The request specifically requested:
 - (i) balance sheets;
 - (ii) income statements;
 - (iii) cash flow statements;
 - (iv) statements of changes in net assets of the partnership;
 - (v) detailed statements concerning the contributions, distributions, earnings, and charges to the capital account of each partner;
 - (vi) accountings of all amounts deposited into and withdrawn from any reserve;
 - (vii) statements of operations showing the profit or loss of the partnership;
 - (viii) schedules of the investments of the partnership showing the estimated value and a narrative description of the current status of the partnership's investments.

- (ix) Internal Revenue Service Schedule K-1s (Partner's Share of Income, Credits, Deductions, Etc.)
- (x) any other documents provided to OPERS by the funds or which OPERS had the right to review.

13. To date, I have not received any of the requested financial documents.

AFFIANT FURTHER SAYETH NAUGHT.

John Damschroder

STATE OF OHIO)
) ss
COUNTY OF)

Sworn to and subscribed before me by the above affiant on this ____ day of _____, 2019.

[seal]

Notary Public
My Commission Expires: _____