

AFFIDAVIT

I, THOMAS W. NOE, currently housed at Hocking Correctional Center, Nelsonville, Ohio, Inmate #589407, do hereby aver and swear to the truthfulness of my following statement.

“During the course of legal representation of me by Thompson Hine, L.L.P., I disclosed to my attorneys William Wilkinson, Jud Schaef, and John Mitchell, that during my marriage to Bernadette Noe, I committed adultery with a woman named [redacted]. I revealed all of the details of this adulterous affair to my lawyers including the length of time, gifts for the woman and trips with the woman. At the time I disclosed this information to my lawyers, I had not been truthful to my wife, Bernadette Noe, regarding this affair. There was a real and significant threat that [redacted] would be called by the State of Ohio to testify in my criminal trial, and had this occurred, it would have caused great harm to my marriage, to Bernadette and to my family.

Although I wanted to disclose the details of this affair to my wife, my attorneys advised and insisted that I not tell Bernadette. Instead, I continued to lie to Bernadette on advice of counsel. This lie continued throughout the course of my criminal trial.

Most importantly, this lie continued during the negotiations with Thompson Hine to secure the payment of legal fees using Bernadette’s sole remaining assets, 139 Stinger Road, Tavernier, Florida, as a guarantee. The negotiations between Thompson Hine, me, Bernadette, and Bernadette’s attorney, Charles Ticknor, were contentious. Bernadette was very resistant to signing over a \$1,865,000.00 mortgage on her homesteaded property. Bernadette and I sought marriage counseling during this time to assist us in making the decision as to whether or not to have this attorney lien/mortgage placed on Bernadette’s home. Still, even after all of this counseling and negotiations, Thompson Hine continued to advise me to withhold the details of the affair from Bernadette, in an effort, I believe, to insure that Bernadette would sign the attorney lien/mortgage for the purpose of paying their legal fees.

I have no doubt that if I had told Bernadette the entire truth about my affair with [redacted] prior to her signing the attorney lien on her home, she would have never signed the attorney lien. Even so, she signed the lien against advice of Counsel. Had she and her attorney been given the truth of the circumstances, and had I not purposely withheld pertinent and relevant information from her, Bernadette would never have given Thompson Hine an attorney lien/mortgage on her homestead.

I believe that Thompson Hine advised me in such a manner that Bernadette was fraudulently induced to sign an attorney lien/mortgage lien on her home to Thompson Hine.

[Signature]
Thomas W. Noe

7/23/09
Date

State of Ohio
County of Hocking

On this 23 day of July, 2009, appeared before me, Thomas W. Noe, whom produced personal identification, and being duly sworn, signed the above statement.

[Signature]

Notary Public, State of Ohio
My Commission Expires 1-26-10
Commission Recorded In 1-28-09