

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMMIT

MEMBER WILLIAMS)	CASE NO. CV-2016-09-3928
)	
Plaintiff)	JUDGE ALISON BREAUX
-vs-)	
)	
KISLING NESTICO & REDICK LLC, et)	<u>ORDER</u>
al.)	
)	
Defendants)	
)	

- - -

This matter comes before the Court on the Motion for Leave to File First Amended Complaint filed by Plaintiff, Member Williams (Plaintiff) on October 13, 2016. Defendants, Kisling, Nestico & Redick, LLC; Alberto R. Nestico; and Kisling Legal Group, LLC, (Defendants), filed their Response to Plaintiff’s Motion for Leave to File First Amended Complaint on October 20, 2016. The matter has been fully briefed and is ripe for consideration.

Upon due consideration of the evidence presented, the facts of this case, Civil Rule 15, and applicable law, this Court finds that the Plaintiff’s motion is well-taken and must be GRANTED.

ANALYSIS

A. FACTS AND ARGUMENTS PRESENTED

Plaintiff alleges Defendants have engaged, and continue to engage, in a deliberate scheme to defraud their clients by charging them expenses for investigations that are never actually performed. Defendant filed a counterclaim asserting Plaintiff has engaged in frivolous conduct, an abuse of process, tortuous interference, and deceptive trade practices on September 20, 2017.

Plaintiff has made a Motion for Leave to File First Amended Complaint. Defendants do not oppose Plaintiff’s Motion and have reserved the right to file a motion to dismiss and/or motion for judgment on the pleadings in response to the First Amended Complaint.

Based on the foregoing the motion for leave to plead first amended complaint must be GRANTED.

COURT ORDERS

This Court determines Defendants do not oppose Plaintiff's Motion for Leave to Plead First Amended Complaint. The motion for leave to plead first amended complaint is GRANTED.

It is so ORDERED.



JUDGE ALISON BREAU

CC: ATTORNEY PETER PATTAKOS
ATTORNEY DONALD P. SCREEN
ATTORNEY SUBODH CHANDRA
ATTORNEY LAWRENCE A. SUTTER
ATTORNEY BRIAN E. ROOF
ATTORNEY R. ERIC KENNEDY

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