

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

MEMBER WILLIAMS)	
)	CASE NO. CV-2016-09-3928
Plaintiff,)	
)	JUDGE ALISON BREAUX
vs.)	
)	
KISLING, NESTICO & REDICK, LLC, et al.)	
)	<u>DEFENDANTS' MOTION FOR</u>
Defendants.)	<u>EMERGENCY HEARING ON MOTION TO</u>
)	<u>STRIKE CONFIDENTIAL AND</u>
)	<u>PROPRIETARY INFORMATION AND SEAL</u>
)	<u>AND RESTRICT ACCESS, AND MOTION</u>
)	<u>FOR SANCTIONS</u>

Defendant Kisling, Nestico & Redick, LLC and proposed Defendants Alberto R. Nestico and Robert Redick (collectively "Defendants") hereby request that this Court immediately schedule a hearing to take place on the record with regard to Defendants' Motion to Strike Confidential and Proprietary Information and Seal and Restrict Access, and Motion for Sanctions (collectively "Motion"), which is being filed contemporaneously with the filing of this request.

As this Court is aware, Plaintiff has filed a putative class action against Defendants for breach of contract, fraud, and unjust enrichment surrounding KNR's representation of Plaintiff in an automobile matter. Plaintiff and Defendants have attempted to reach an agreement on a stipulated order protecting the exchange of confidential and proprietary information during discovery in this matter, but the parties have been unable to reach a consensus. Defendants have since filed an individual Motion for Protective Order on this crucial issue, which is fully brief and pending before this Court.

Despite this, on March 22, 2017, Plaintiff and her attorneys sought to take matters into their own hands by maliciously filing improperly obtained documents containing confidential and proprietary business information, which were attached as Exhibits B, E, and F (collectively "Exhibits") to Plaintiff's proposed Second Amended Class-Action Complaint with Jury Demand ("Proposed Amended Complaint"), which were further collectively attached as Exhibit 1 to Plaintiff's Motion for Leave to File Second Amended Class-Action Complaint with Jury Demand. Plaintiff also referenced and quoted these materials in the Amended Complaint and a Motion for Reconsideration of the Court's March 16, 2017 Order Regarding Dismissal of Claims Against Defendant Nestico ("Motion for Reconsideration") filed that same day. The documents attached as Exhibits to the Amended Complaint, which are both quoted and referred to in the Amended Complaint and Motion for Reconsideration, are the exact same types of materials that Defendant has sought to protect with the filing of its Motion for Protective Order with this Court, and the action taken by Plaintiff can only be seen as an attempt to circumvent the Court's review and decision on that motion.

The Amended Complaint, Exhibits, and Motion for Reconsideration not only contain clearly confidential and proprietary information, but they also contain information being unlawfully obtained and disseminated by a disgruntled former employee in direct violation of his confidentiality agreements. Furthermore, Exhibit F discloses personal identifiable information, including the name of a minor child. As a result, Defendants seek an immediate hearing on their Motion to shield this confidential and proprietary information from ongoing view by the public and competitors of KNR as a result of the Amended Complaint, Exhibits, and Motion for Reconsideration being maliciously filed by Plaintiff and her attorneys.

Additionally, Defendants have reason to believe that Plaintiff will continue to publically disseminate Defendants' confidential and proprietary information, which is presumably being improperly obtained and shared with Plaintiff and her attorneys by a former employee of KNR in

direct violation of a confidentiality agreement. In light of this ongoing conduct, Defendants have moved the Court for sanctions against Plaintiff and her attorneys and seek an immediate hearing on this motion pursuant to R.C. 2323.51(B)(2) to swiftly bring an end to this frivolous conduct.

In light of the continuous and ongoing harm to Defendants through the public display of their confidential and proprietary information on this Court's docket and the current and anticipated future frivolous conduct of Plaintiff and her attorneys in producing such materials to obtain a competitive advantage in this case, Defendants request that this Court schedule and conduct an immediate hearing on Defendants' Motion to discuss and dispose of these issues.

Respectfully submitted,

/s/ Brian E. Roof

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically with the Court on this 23rd day of March, 2017. The parties may access this document through the Court's electronic docket system.

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