SANDRA KURT

IN THE COURT OF COMMON PLEAS
2017 APR -4 PM 2:58 COUNTY OF SUMMIT

SUMMIT COUNTY CLERK OF COURTS

MEMBER WILLIAMS,	(	CASE NO.: CV-2016-09-3928
	)	
	(	JUDGE ALISON BREAUX
	)	
Plaintiff,	(	
	)	
-vs-	(	**ORDER**
KISLING, NESTICO & REDICK, LLC, et al.	)	(Denying Plaintiff's Motion for Stay or
	(	Continuance of April 5, 2017 Hearing)
	)	
Defendants;	(	

***

This matter comes before the Court on the Motion for Stay or Continuance of April 5, 2017 Hearing filed by Plaintiff, Member Williams, on April 3, 2017. Defendant, Kisling, Nestico & Redick, LLC and proposed Defendants Alberto R. Nestico and Robert Redick (Defendants), filed their Brief in Opposition to Plaintiff's Motion for Stay or Continuance of April 5, 2017 Hearing on April 3, 2017. Plaintiff filed her Reply in Support of Motion for Stay or Continuance of April 5, 2017 Hearing on April 4, 2017.

Plaintiff has indicated she is preparing an affidavit of disqualification to be filed with the Chief Justice of the Supreme Court of Ohio and therefore requests a stay or continuance of the hearing set in this matter April 5, 2017. Defendants have opposed the motion to stay, arguing an affidavit has not been timely filed in accordance with O.R.C. §2701.03.

After careful consideration, the Court concludes it has no substantial political or personal relationship with any of the parties or their respective counsel requiring recusal from this matter. The Court finds pursuant to O.R.C. §2701.03(B), an affidavit of disqualification shall be filed with the clerk of the supreme court not less than seven calendar days before the day on which the next hearing in the proceeding is scheduled. An affidavit of disqualification has not been timely filed in this matter.

The Court further finds Plaintiff has not asserted any facts in its motion necessitating a stay or continuance based on her or her counsel's ability to effectively argue her position with respect to the numerous pending motions before this Court. Moreover, given Plaintiff's lead counsel's recitation of his professional background in Plaintiff's Reply in Support of Motion for Stay or Continuance of April 5, 2017 Hearing, this Court finds no reason to question

Plaintiff's lead counsel's ability to effectively and zealously represent his client's interests at a hearing that has been set with all parties since March 9, 2017. Based on the foregoing, the Court finds Plaintiff's Motion for Stay or Continuance of April 5, 2017 Hearing is not well-taken and must be DENIED.

COURT ORDERS

Based on the foregoing, this Court determines Plaintiff's Motion for Stay or Continuance of April 5, 2017 Hearing is not well-taken and must be DENIED.

The hearing on all pending motions in this matter is confirmed for **April 5, 2017 at 9:00 a.m.**

IT IS SO ORDERED

JUDGE ALISON BREAUX