

SANDRA KURTZ
IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

2017 APR -5 PM 3: 07
MEMBER WILLIAMS, (CASE NO.: CV-2016-09-3928
)
SUMMIT COUNTY (JUDGE ALISON BREAUX
CLERK OF COURTS)
)
Plaintiff, ()
)
-vs- (ORDER
) (On Several Pending Motions; Case
KISLING, NESTICO & REDICK,) (Management Order)
LLC, et al.)
)
Defendants; ()
)

This matter comes before the Court on the Hearing set by the parties for April 5, 2017 at 9:00 a.m. on several pending motions. Counsel for both parties was present and presented arguments for their respective positions. The Court issues the following orders:

COURT ORDERS

This Court determines Defendants' Motion for Summary Judgment is premature at this stage of the proceedings. The Court therefore finds the Plaintiff's Motion to Stay Defendants' Motion for Summary Judgment is well-taken and must be **GRANTED**.

After having taken the matter under advisement, the Court determines granting Defendants' Request for Admissions Deemed Admitted as a matter of law due to Plaintiff's late submission would be an extreme penalty, despite being within the Court's discretion to do so under the Rules of Civil Procedure. Therefore, the Court finds Plaintiff's Motion to Withdraw and Amend Admissions is well-taken and must be **GRANTED**.

The Parties' respective motions relating to the discovery are **GRANTED AND DENIED IN PART**. Accordingly, the Court orders the parties to submit **all** documents relating to the respective requests for discovery to the Court for an in camera review by August 2, 2017. The parties may then submit their position regarding the confidentiality of relevant documents to the Court by September 15, 2017. Subsequent to these submissions, the Court

will make a determination with respect to the competing protective orders, if applicable, and will issue an order accordingly.

The parties have indicated their intent to brief the issue of the gag order issued by this Court and the matter of online access to the docket. Plaintiff's motion to lift gag order is due on or before April 19, 2017. Defendants' response is due May 1, 2017.

Plaintiff's Motion for Leave to Plead Second Amended Complaint is **GRANTED**. Plaintiff is barred from attaching any documents to her Second Amended Complaint **unless** the document is the subject of a **breach of contract claim**. Plaintiff shall re-file her Second Amended Complaint on or by May 10, 2017.

The Court **HOLDS IN ABEYANCE** its rulings on the following: 1) Defendants' Motion for Declaratory Judgment and Injunctive Relief; 2) Plaintiff's Motion to Dismiss Counterclaims; 3) Defendants' Motion for Sanctions; 4) Defendants' Motion to Show Cause; and 4) Plaintiff's Motion to Reconsider.

A status conference in this matter shall be held on **September 18, 2017 at 10:00 a.m.** Counsel must appear **in person**.

IT IS SO ORDERED



JUDGE ALISON BREAU