

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.)	CASE NO. CV-2016-09-3928
)	
Plaintiffs,)	JUDGE ALISON BREAU
)	
v.)	
)	
KISLING, NESTICO & REDICK, LLC, et al.,)	<u>DEFENDANTS' MOTION TO STRIKE CLASS</u>
)	<u>ALLEGATIONS IN PLAINTIFFS'</u>
Defendants.)	<u>CORRECTED THIRD AMENDED</u>
)	<u>COMPLAINT</u>

Pursuant to Ohio Civ. R. 23(D)(1)(d), Defendants respectfully move this Court to issue an Order striking all class allegations in the corrected Third Amended Complaint. The corrected Third Amended Complaint fails to establish that Plaintiffs can satisfy the elements necessary to proceed with any class action claim. Additional discovery would not affect Plaintiffs' ability to certify any of the four proposed class actions.

Defendants previously filed a Memorandum attached to their Motion to Strike Class Allegations in Plaintiffs' Third Amended Complaint. Thereafter, Plaintiffs filed a corrected Third Amended Complaint. The Memorandum attached hereto addresses the class allegations in the corrected Third Amended Complaint and is identical to the previously filed Memorandum with two (2) exceptions. First, the citations to Plaintiffs' Complaint have been changed to coincide with the paragraph numbering that appears in the corrected Third Amended Complaint as opposed to the Third Amended Complaint. Second, an additional argument (at pp 30-31) has been included to address Plaintiffs' Class C Fraud Claim. This claim was not included in Plaintiffs' Third Amended Complaint, but has been added to Plaintiffs' corrected Third Amended Complaint. The corrected Third Amended Complaint shall be referred to as "Third Amended Complaint" or "Complaint" in the attached Memorandum in Support.

Defendants requests that the Court schedule Oral Argument to address the issues herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing Defendants' Motion to Strike Class Allegations in Plaintiffs' Corrected Third Amended Complaint with attached Memorandum was filed electronically with the Court on this 21st day of November, 2017. The parties may access this document through the Court's electronic docket system.

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