

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

<p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>KISLING, NESTICO &amp; REDICK, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. CV-2016-09-3928</p> <p>Judge Patricia A. Cosgrove</p> <p><b>Plaintiffs' Notice of Service of Subpoena on Robert Horton, Esq.</b></p>
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Plaintiffs hereby give notice that they served, under Civ.R.45, the attached subpoena on Robert Horton, Esq. by U.S. certified mail, return-receipt requested.

Respectfully submitted,

/s/ Peter Pattakos

Peter Pattakos (0082884)  
Dean Williams (0079785)  
Daniel Frech (0082737)  
THE PATTAKOS LAW FIRM LLC  
101 Ghent Road  
Fairlawn, Ohio 44333  
Phone: 330.836.8533  
Fax: 330.836.8536  
peter@pattakoslaw.com  
dwilliams@pattakoslaw.com  
dfrech@pattakoslaw.com

**CERTIFICATE OF SERVICE**

The foregoing document was served on all necessary parties by operation of the Court's e-filing system on February 9, 2018.

/s/ Peter Pattakos  
*Attorney for Plaintiffs*

SUBPOENA  
SUMMIT COUNTY COMMON PLEAS COURT (CIV. RULE 45)

MEMBER WILLIAMS,

CASE NO: 2016-CV-09-3928

Plaintiff,

SUBPOENA IN A CIVIL CASE

vs.

ATTORNEY: Peter Pattakos

KISLING, NESTICO & REDICK, LLC, *et al.*,ADDRESS: The Pattakos Law Firm,  
101 Ghent Rd.

Defendants.

Fairlawn, OH 44333

peter@pattakoslaw.com

SUPREME CT. NO. 0082884

TO: Robert Horton  
1484 Buckhurst Run  
Wadsworth, Ohio 44281

YOU ARE HEREBY COMMANDED TO

XX. PRODUCE AND PERMIT INSPECTION AND COPYING OF ANY DESIGNATED DOCUMENTS OR ELECTRONICALLY STORED INFORMATION THAT ARE IN YOUR POSSESSION, CUSTODY, OR CONTROL.

DESCRIPTION OF ITEMS TO BE PRODUCED:

- All communication with Kisling, Nestico & Redick (KNR), Alberto R. Nestico, Robert Redick, or any representative thereof, since you ceased to be employed there, up to and including any documents or communications related to their pending lawsuit against you or your recent affidavit sworn on August 8, 2017 in the above captioned case.
- Any documents relevant to or bearing on the issues discussed in the August 8, 2017 affidavit.
- Any documents relating to or bearing on the allegations made in the Third Amended Complaint in the above-captioned lawsuit, including any documents relating to KNR's termination of your employment with the firm.

You may comply with this subpoena by providing readable copies of the items to be produced to the Plaintiffs or their attorney, Peter Pattakos, The Pattakos Law Firm LLC, 101 Ghent Road, Fairlawn, Ohio 44333, 330.836.8533, peter@pattakoslaw.com, on or before February 16, 2018. You may condition the preparation of the copies upon payment in advance of the reasonable cost of preparation.

HEREOF FAIL NOT UNDER PENALTY OF THE LAW

WITNESS MY SIGNATURE AND SEAL OF SAID COURT, THIS 2nd DAY OF NOVEMBER, 2017



\_\_\_\_\_  
Attorney Peter Pattakos

RETURN OF SERVICE

Received this Subpoena on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_ M. and on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ M., I served the same upon \_\_\_\_\_ by delivering to \_\_\_\_\_

Personally or Residential a true copy of this subpoena. \_\_\_\_\_ Sheriff-Attorney-Process Server-Notary

Mileage: \_\_\_\_\_ miles@ \_\_\_\_\_: TOTAL \$ \_\_\_\_\_

PROTECTION OF PERSONS SUBJECT TO SUBPOENAS:

1. A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

2. (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv) or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii),(iii),(iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

3. On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following – Fails to allow reasonable time to comply; requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by CIV R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by the expert that was not made at request of any party; subjects a person to undue burden.

4. Before filing a motion pursuant to division (C) (3) (d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C) (3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

5. If a motion is made under division(C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

DUTIES IN RESPONDING TO SUBPOENAS:


1. A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents or electronically stored information pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.
2. If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information responding is ordinarily maintained if that form is reasonable useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.
3. A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ. R. 26(B)(4) when determining if good

cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for discovery of the electronically stored information.

4. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.
5. If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for determination of the claim of privilege or of protection as trial-preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

SANCTIONS:

1. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed contempt of the court from which the subpoena issued. A subpoenaed person or that person's attorney who frivolously resists discovery under this rule may be required by the court to pay the reasonable expenses, including reasonable attorney's fees of the party seeking discovery. The court from which a subpoena was issued may impose upon a party or attorney in breach of the duty imposed by division (C)(1) of this rule an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Jennifer Horton</i> <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)   C. Date of Delivery  <i>Jennifer Horton</i>   <i>12218</i></p>
<p>1. Article Addressed to:</p> <p><i>Robert Horton  1484 Buckhurst  Rm  Wadsworth OH 44281</i></p>  <p>9590 9402 2100 6132 3291 26</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Insured Mail</li> <li><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</li> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input type="checkbox"/> Return Receipt for Merchandise</li> <li><input type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>