SANDRA KURT

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IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

SUMMIT COUNTY CLERK OF COURTS

MEMBER WILLIAMS, et al.,	)	CASE NO.: CV2016-09-3928
	)	
Plaintiffs,	)	JUDGE PATRICIA A. COSGROVE
	)	(Sitting by Assignment)
vs.	)	
	)	
KISLING, NESTICO & REDICK, LLC, et al.,	)	**ENTRY & ORDER**
	)	(Defendants' Motions to Strike
Defendants.	)	Class-action Allegations; Plaintiffs' Civ.R. 56(F) Motion to Stay)

This matter comes before the Court upon Defendants' (Kisling, Nestico & Redick, LLC ("KNR"), Alberto Nestico, Robert Redick, and Minas Floros, D.C) Motions to Strike the Class-action Allegations in Plaintiffs' Third Amended Complaint. Plaintiffs have responded in opposition.

(1) Upon review, the Third Amended Complaint and Defendants' Motions to Strike the Class-action Allegations, the Court finds the Motion to Strike is premature.

Plaintiffs' Third Amended Complaint is well-pleaded. It is fifty-six (56) pages of well-defined allegations, proposing four (4) separate classes. And, each proposed class has a named representative. Defendants' Motions to Strike are premature because discovery in this case has been delayed for various reasons, including a present discovery dispute. Further, Plaintiffs have not yet moved for certification of any of their proposed classes; nor are they required to when discovery has been delayed in such fashion as present in the circumstances of this case.

A hearing has been scheduled for **May 16, 2018 at 10:00 a.m.** to address the cross-motions in the present discovery dispute and to discuss the potential for bifurcating the discovery process.

(2) This matter is also before the Court upon Plaintiffs' Motion to Stay Summary Judgment Proceedings pursuant to Civ.R. 56(F). Considering the procedural posture and circumstances of this case, the Civ.R. 56(F) motion is well-taken and granted.

Finally, as the undersigned was only recently assigned and still trying to get up to date on the various pending motions, counsel are encouraged to work together to present a joint brief for the Court to addressing each pending motion and the status of counsel's efforts to resolve the

pending motion(s). Preferably, counsel's joint motion will be presented to the Court at the May 16, 2018 hearing.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants' (KNR, Nestico, Redick, and Floros) Motions to Strike Class-action Allegations from Plaintiffs' Third Amended Complaint are OVERRULED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion for Stay of Summary Judgment Proceedings pursuant to Civ.R. 56(F) is GRANTED. The Summary Judgment proceedings in this case are stayed until discovery is completed.

IT IS SO ORDERED.

Patricia A. Cosgrove

JUDGE PATRICIA A. COSGROVE
(Sitting by Assignment #17JA3545)

cc: All counsel of record