

**IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO**

<p>MEMBER WILLIAMS, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">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>Reply in Support of Plaintiffs' Motion for Extension of Time regarding the Plaintiffs' Depositions</b></p>
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In their opposition brief, the KNR Defendants emphasize that the two-month extension requested by Plaintiffs in which to complete their depositions is too long, and assert that this is part of an effort by Plaintiffs to delay a ruling on class certification. Defs' Opp. at 1–2. Here, Defendants ignore that Plaintiffs offered to complete the depositions in late May or early June, and Defendants rejected this offer. *See* correspondence attached as Exhibit 2 to Plaintiffs' motion. Had Defendants agreed to dates within this offered timeframe, there would have been no reason to request the longer extension, which Plaintiffs only suggested to facilitate the parties' ability to find mutually agreeable dates. In any event, a two-month extension to complete these depositions is not unreasonable given the current posture of this case.

Defendants nevertheless maintain that their opposition is justified, and further ask the Court to continue the May 16 hearing, because, they claim, the Plaintiffs' depositions will reveal their lawsuit to be "simply a sham," and will "assist the Court with resolving many of the discovery disputes at issue in this case." Defs' Opp. at 2–3. Here, Defendants reveal that their opposition is merely part and parcel of their sustained efforts to deny Plaintiffs discovery based on the

unsupported notion that their claims lack merit, and obtain summary disposition of Plaintiffs' claims based on incomplete discovery. As much as Defendants might wish to deflect from their conduct that is the proper focus of this case, Plaintiffs' deposition testimony has not and will not diminish their entitlement to discovery under the Civil Rules. The Court did not require these depositions to be completed before the discovery hearing when it originally set the schedule, and there is no need to do so now.

Respectfully submitted,

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### Certificate of Service

The foregoing document was served on all necessary parties by operation of the Court's e-filing system on May 7, 2018.

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