

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Plaintiffs,

v.

KISLING, NESTICO & REDICK, LLC, et  
al.,

Defendants.

Case No. 2016 09 3928

Judge James Brogan

**DEFENDANT'S MOTION TO COMPEL  
DEPOSITION OF PLAINTIFF NAOMI  
WRIGHT**

Defendant, Kisling, Nestico & Redick, LLC (“KNR”) moves this Court for an Order compelling Plaintiff, Naomi Wright, to appear for deposition. In compliance with the Rules of Civil Procedure and Summit County Local Rules, Defendant has made good faith attempts to schedule this deposition dating back to November, 2017. Most recently, Plaintiffs’ counsel has delayed producing Ms. Wright for deposition by indicating that he would be filing a dismissal of her claims. However, to date, no dismissal has been filed by Ms. Wright and there is no agreement to produce her for deposition. Defendant respectfully requests that the Court order her appearance for deposition within thirty (30) days.

The deposition of Naomi Wright was noticed three times prior to August, 2018. (See Ex. A, B, C). The date was moved on these occasions to accommodate the schedules of the witness and the numerous counsel involved in the case. The depositions of the three other Plaintiffs (Williams, Reid, and Johnson) have been commenced, although not completed. As it relates to Ms. Wright, the most recent discussions regarding her deposition were initiated on June 19, 2018. (Ex. D). The parties were considering dates in late July, but were unable to reach an agreement to accommodate all schedules. (Id.) On July 6, 2018, counsel for Defendants

proposed four dates in August. (Ex. E). Plaintiffs did not respond to the request, and on July 19, 2018, counsel for Defendant sent a letter to Plaintiffs' counsel attempting to resolve any dispute. (Ex. F).

Receiving no response, defense counsel sent a deposition notice and additional correspondence to Plaintiffs' counsel on August 1, 2018. (Ex. G) Plaintiffs' counsel responded by email on August 7, 2018, indicating that he expected Ms. Wright "will shortly be seeking to withdraw her claims in this litigation." (Ex. H). After a week, no dismissal was filed and defense counsel followed up to ascertain plaintiff's intentions – to either appear for the deposition noticed for August 17, or dismiss her claims. (Ex. I). Plaintiffs' counsel confirmed that he did intend to dismiss Ms. Wright's claims on or before "the end of next week" (August 24, 2018) and that Ms. Wright would not appear for the deposition noticed for August 17. (Id.). August 24 has come and gone Ms. Wright has not dismissed her claims or agreed to appear for deposition.

Based upon the foregoing, Defendant respectfully requests that this court issue an order compelling Ms. Wright to appear for deposition within 30 days, and that the order state that her claims are subject to dismissal should she fail to appear. A proposed Order is attached.

Respectfully submitted,

/s/ James M. Popson

James M. Popson (0072773)

Sutter O'Connell

1301 East 9th Street, 3600 Erieview Tower

Cleveland, OH 44114

(216) 928-2200 phone

(216) 928-4400 facsimile

[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)

Counsel for Defendants Kisling, Nestico &  
Redick, LLC, Alberto R. Nestico, and Robert  
Redick

**CERTIFICATE OF SERVICE**

Pursuant to Civ.R. 5(B)(2)(f), the undersigned certifies that a copy of the foregoing *Motion to Compel* was filed electronically with the Court on this 27th day of August, 2018. The parties, through counsel, may access this document through the Court's electronic docket system.

*/s/ James M. Popson*

\_\_\_\_\_  
James M. Popson (0072773)

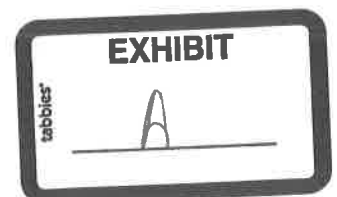
IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,	)	CASE NO. CV-2016-09-3928
	)	
Plaintiffs,	)	JUDGE ALISON BREAUX
	)	
v.	)	
	)	
KISLING, NESTICO & REDICK, LLC, et al.,	)	<b><u>DEFENDANTS' NOTICE OF VIDEOTAPED</u></b>
	)	<b><u>DEPOSITION OF NAOMI WRIGHT</u></b>
Defendants.	)	

Please take notice that, pursuant to the Ohio Rules of Civil Procedure, Defendants Kisling, Nestico & Redick, LLC, Alberto R. Nestico, and Robert Redick, by and through undersigned counsel, will take the discovery deposition of Plaintiff Naomi Wright, upon oral examination, on Tuesday, December 5, 2017 at 9:00 a.m. at the offices of Sutter O'Connell, 1301 E. 9<sup>th</sup> Street, 3600 Erievew Tower, Cleveland, Ohio 44114 (Phone: 216-928-2200), before a notary public. The deposition will be taken stenographically and by audiovisual recording. Said deposition will continue from day to day until completed.

Respectfully submitted,

/s/ Brian E. Roof  
 James M. Popson (0072773)  
 Brian E. Roof (0071451)  
 Sutter O'Connell  
 1301 East 9th Street  
 3600 Erievew Tower  
 Cleveland, OH 44114  
 (216) 928-2200 phone  
 (216) 928-4400 facsimile  
[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)  
[broof@sutter-law.com](mailto:broof@sutter-law.com)  
 Counsel for Defendants Kisling, Nestico & Redick, LLC,  
 Alberto R. Nestico, and Robert Redick



**CERTIFICATE OF SERVICE**

A copy of the foregoing *Notice of Videotaped Deposition of Naomi Wright* was sent this 10<sup>th</sup> day of November, 2017 to the following via electronic Mail:

Peter Pattakos  
Daniel Frech  
The Pattakos Law Firm, LLC  
101 Ghent Road  
Fairlawn, Ohio 44333  
[peter@pattakoslaw.com](mailto:peter@pattakoslaw.com)  
[dfrech@pattakoslaw.com](mailto:dfrech@pattakoslaw.com)

Counsel for Plaintiff

Joshua R. Cohen  
Cohen Rosenthal & Kramer LLP  
The Hoyt Block Building, Suite 400  
700 West St. Clair Avenue  
Cleveland, Ohio 44114  
[jcohen@crklaw.com](mailto:jcohen@crklaw.com)

John F. Hill  
Buckingham, Doolittle & Burroughs, LLC  
3800 Embassy Parkway, Suite 300  
Akron, OH 44333-8332  
[jhill@bdblaw.com](mailto:jhill@bdblaw.com)

Counsel for Defendant Minas Floros, D.C.

/s/ Brian E. Roof  
Brian E. Roof (0071451)

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,	)	CASE NO. CV-2016-09-3928
	)	
Plaintiffs,	)	JUDGE PATRICIA A. COSGROVE
	)	
v.	)	
	)	
KISLING, NESTICO & REDICK, LLC, et al.,	)	<b><u>DEFENDANTS' SECOND AMENDED</u></b>
	)	<b><u>NOTICE OF VIDEOTAPED DEPOSITION OF</u></b>
Defendants.	)	<b><u>NAOMI WRIGHT</u></b>
	)	

Please take notice that, pursuant to the Ohio Rules of Civil Procedure, Defendants Kising, Nestico & Redick, LLC, Alberto R. Nestico, and Robert Redick, by and through undersigned counsel, will take the discovery deposition of Plaintiff **Naomi Wright**, upon oral examination, on **Monday, May 14, 2018 at 9:00 a.m.** at the offices of **Sutter O'Connell, 1301 E. 9<sup>th</sup> Street, 3600 Erievew Tower, Cleveland, Ohio 44114** (Phone: 216-928-2200), before a notary public. The deposition will be taken stenographically and by audiovisual recording. Said deposition will continue from day to day until completed.

Respectfully submitted,

/s/ James M. Popson  
 James M. Popson (0072773)  
 Sutter O'Connell  
 1301 East 9th Street  
 3600 Erievew Tower  
 Cleveland, OH 44114  
 (216) 928-2200 phone  
 (216) 928-4400 facsimile  
[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)

Counsel for Defendants  
 Kising, Nestico & Redick, LLC,  
 Alberto R. Nestico, and Robert Redick



**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of April, 2018, the Second Amended Notice of Videotaped Deposition of Naomi Wright was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system:

Peter Pattakos  
Dean Williams  
Daniel Frech  
The Pattakos Law Firm, LLC  
101 Ghent Road  
Fairlawn, Ohio 44333

Counsel for Plaintiff

Joshua R. Cohen  
Cohen Rosenthal & Kramer LLP  
The Hoyt Block Building, Suite 400  
700 West St. Clair Avenue  
Cleveland, Ohio 44114

Shaun H. Kedir  
Kedir Law Offices LLC  
1400 Rockefeller Building  
614 West Superior Avenue  
Cleveland, Ohio 44113

Counsel for Defendant Minas Floros, D.C.

/s/ James M. Popson  
James M. Popson (0072773)

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,	)	CASE NO. CV-2016-09-3928
	)	
Plaintiffs,	)	JUDGE JAMES A. BROGAN
	)	
v.	)	
	)	
KISLING, NESTICO & REDICK, LLC, et al.,	)	<u>DEFENDANTS' NOTICE OF DEPOSITION OF</u>
	)	<u>PLAINTIFF NAOMI WRIGHT DUCES TECUM</u>
Defendants.	)	
	)	

Please take notice that, pursuant to the Ohio Rules of Civil Procedure, Defendants Kisling, Nestico & Redick, LLC, Alberto R. Nestico, and Robert Redick, by and through undersigned counsel, will take the discovery deposition of **Plaintiff Naomi Wright**, upon oral examination, on **Monday, July 2, 2018 at 9:30 a.m.** at the offices of Kisling, Nestico & Redick, 3412 West Market St., Akron, OH 44333 (Phone: 330-869-9007), before a notary public. The deposition will be taken stenographically and by audiovisual reporting. Said deposition will continue from day to day until completed.

In addition to appearing for oral examination, it is requested that the deponent bring with her to the deposition the documents listed on Exhibit A attached hereto.

Respectfully submitted,

/s/ James M. Popson  
 James M. Popson (0072773)  
 Sutter O'Connell  
 1301 East 9th Street  
 3600 Erieview Tower  
 Cleveland, OH 44114  
 (216) 928-2200 phone  
 (216) 928-4400 facsimile  
[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)

Counsel for Defendants  
 Kisling, Nestico & Redick LLC, Alberto R.  
 Nestico, and Robert Redick





## EXHIBIT A

### A. DEFINITIONS

For the purpose of these requests, unless otherwise stated, the following terms shall have the meanings indicated:

1. "Plaintiff" or "you" or "your" means Plaintiff Naomi Wright, as well as all of her employees, attorneys, agents, partners, members, affiliates, representatives, and all other persons acting on her behalf.
2. "KNR" means Defendant Kisling, Nestico & Redick, LLC, and all of its officers, directors, employees, agents, partners, members, shareholders, affiliates, representatives, and all other persons acting on its behalf.
3. "Nestico" means Defendant Alberto R. Nestico, a member of KNR.
4. "Redick" means Defendant Robert W. Redick.
5. "Communication" means any written or oral statement or notation of any nature, including but not limited to conversations, correspondence, dialogue, discussions, e-mails, interviews, consultations, meetings, telephone calls, letters, telecopies, telephone logs, diaries, agreements and other understandings between or among two or more persons, and all other forms of oral or written expression by which information may be conveyed.
6. "Document" or "documents" means any and all records, statements, memoranda, reports, letters, notes, messages, written communications, correspondence, emails, text messages, social media communications (e.g., Twitter and Facebook), contracts, forms, manuals, charts, graphs, data sheets, spreadsheets, bulletins, computer runs, journals, ledgers, books, bills, transcripts, checks, drafts, photographs, audio and/or video tape recordings, mechanical and/or electrical records, electronic documents, computer documents, punch cards, print-out sheets, notes, books of account, brochures, circulars, magazines, notebooks, diaries, calendars, appointment books, tables, papers, minutes of meetings of any kind, drafts of any documents, data processing disks or tapes or computer produced interpretations of the above, and any and all tangible items or written matter whatsoever of any kind or nature in Plaintiff's possession or control or within the possession and control of Plaintiff's attorney, agents, or other representative of Plaintiff and Plaintiff's attorney.
7. "Relating to" or "relate to" shall include, without limitation, embodying, pertaining to, reflecting, referring to, regarding, referencing, concerning, constituting, comprising, discussing, or having any bearing upon or logical or factual connection with the subject matter in question.

**B. DOCUMENTS TO BE PRODUCED**

You are requested to bring with you any and all documents in your possession or in the possession of your attorney relating to the following:

1. All documents relating to income earned by Plaintiff from January 1, 2013 to the present, including, but not limited to, Plaintiff's federal and state income tax forms, W-2 forms, 1099 forms, payroll forms, and payroll stubs.
2. All documents relating to communications between Plaintiff and KNR at any time.
3. All documents relating to communications between Plaintiff and Nestico at any time.
4. All documents relating to communications between Plaintiff and Redick at any time.
5. Any and all documents you have reviewed in preparation for your deposition.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of May, 2018, the Notice of Deposition of Plaintiff Naomi Wright Duces Tecum was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ James M. Popson \_\_\_\_\_  
James M. Popson (0072773)

**Barb Day**

---

**From:** James M. Popson  
**Sent:** Thursday, June 21, 2018 10:12 AM  
**To:** Peter Pattakos  
**Cc:** Shaun Kedir; Nathan F. Studeny; Barb Day  
**Subject:** RE: Naomi Wright

I have passed this on to the folks in my camp. Will let you know when I hear back.

Jim

**From:** Peter Pattakos [mailto:peter@pattakoslaw.com]  
**Sent:** Wednesday, June 20, 2018 8:38 PM  
**To:** James M. Popson  
**Cc:** Shaun Kedir; Nathan F. Studeny; Barb Day  
**Subject:** Re: Naomi Wright

I'm currently unsure about Ms. Wright's availability for early that morning. Would July 24 or 25 work instead?

Peter Pattakos  
The Pattakos Law Firm LLC  
101 Ghent Road  
Fairlawn, OH 44333  
330.836.8533 office; 330.285.2998 mobile  
[peter@pattakoslaw.com](mailto:peter@pattakoslaw.com)  
[www.pattakoslaw.com](http://www.pattakoslaw.com)

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This email might contain confidential or privileged information. If you are not the intended recipient, please delete it and alert us.

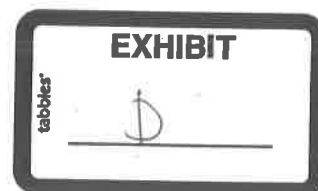
On Wed, Jun 20, 2018 at 11:35 AM, James M. Popson <[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)> wrote:

18 is out for us. I will try to confirm morning of July 19. We would need to get started pretty early. I would say 8 or 8:30 – nine at the latest. Like Shaun, my afternoon is unavailable. I will let you know if I get the confirmation from my end ASAP. I won't ask for alternatives right now. Hopefully this will work out.

Jim

James M. Popson

**Sutter O'Connell Co.**  
Direct: 216.928.4504  
Mobile: 216.570.7356



This is a privileged and confidential communication. If you are not the intended recipient, you must: (1) notify the sender of the error; (2) destroy this communication entirely, including deletion of all associated attachment files from all individual and network storage devices; and (3) refrain from copying or disseminating this communication by any means.

---

**From:** Shaun Kedir [mailto:[shaunkedir@kedirlaw.com](mailto:shaunkedir@kedirlaw.com)]  
**Sent:** Wednesday, June 20, 2018 10:15 AM  
**To:** Peter Pattakos; James M. Popson  
**Cc:** Nathan F. Studeny; Barb Day  
**Subject:** RE: Naomi Wright

July 18<sup>th</sup> in the afternoon and July 19<sup>th</sup> in the morning will work for me. Thanks.

Shaun Kedir

Shaun H. Kedir  
KEDIR LAW OFFICES LLC  
Rockefeller Building 1400  
614 West Superior Avenue  
Cleveland, OH 44113  
Office Phone: 216 (696)-1080 ext. 268  
Direct Dial: 216-696-2852  
Office Fax: 216-696-3177

#### CONFIDENTIALITY NOTE

The information contained in this electronic message is legally privileged and confidential. It is intended for the use of only an above-named individual or entity. If you are the reader of this message and are not an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this electronic message is prohibited. If you have received this electronic message in error, please immediately delete the original message and notify us by telephone – (216) 696-1080.

---

**From:** Peter Pattakos  
**Sent:** Wednesday, June 20, 2018 10:06 AM  
**To:** James M. Popson  
**Cc:** shaunkedir@kedirlaw.com; Nathan F. Studeny; Barb Day  
**Subject:** Re: Naomi Wright

July 18 or 19?

Peter Pattakos

The Pattakos Law Firm LLC

101 Ghent Road

Fairlawn, OH 44333

330.836.8533 office; 330.285.2998 mobile

peter@pattakoslaw.com

www.pattakoslaw.com

---

This email might contain confidential or privileged information. If you are not the intended recipient, please delete it and alert us.

On Tue, Jun 19, 2018 at 4:51 PM, James M. Popson <[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)> wrote:

Peter,

We now have depositions set for Johnson and Reid. Please advise as to available dates for Ms. Wright. Thanks.

Jim

**SUTTER  
O'CONNELL**  
ATTORNEYS

**James M. Popson**  
3600 Erieview Tower  
1301 E. 9th Street  
Cleveland, OH 44114

Direct: 216.928.4504

Mobile: 216.570.7356  
Fax: 216.928.4400

[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)  
[www.sutter-law.com](http://www.sutter-law.com)

This is a privileged and confidential communication. If you are not the intended recipient, you must: (1) notify the sender of the error; (2) destroy this communication entirely, including deletion of all associated attachment files from all individual and network storage devices; and (3) refrain from copying or disseminating this communication by any means.



Please consider the environment before printing this e-mail.

**Barb Day**

---

**From:** James M. Popson  
**Sent:** Friday, July 06, 2018 10:31 AM  
**To:** Peter Pattakos  
**Cc:** shaunkedir@kedirlaw.com; Dan Goetz; 'ekennedy@weismanlaw.com'; Tom Mannion; Barb Day  
**Subject:** Naomi Wight

The July dates are now out due to conflicts. I have 4 alternative dates to propose-

August 6, 7, 16, or 17.

Jim

Sent from my iPhone





**SUTTER  
O'CONNELL**  
ATTORNEYS

James M. Popson  
Phone: 216.928.4504  
Fax: 216.928.4400  
Cell: 216-570.7356  
jpopson@sutter-law.com

July 19, 2018

**VIA FACSIMILE (330) 836-8536**

Peter Pattakos  
The Pattakos Law Firm LLC  
101 Ghent Road  
Fairlawn, OH 44333

Re: Williams, et al. v. Kisling, Nestico and Redick, LLC, et al.  
Summit County, Court of Common Pleas Case No. CV-2016-09-3928  
Our File No. 10852-00001

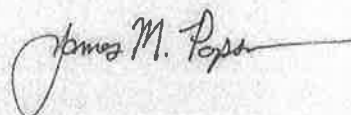
Dear Peter:

I have attempted to communicate with you via email regarding the deposition of Naomi Wright. On July 6, 2018, I proposed several dates: August 6, 7, 16, or 17. I have sent multiple follow up e-mails and have not received a response. Please select a date by the end of the week. I intend to send a notice on Monday.

Please consider this correspondence a good faith effort to resolve a discovery issue. I look forward to hearing from you.

Sincerely,

Sutter O'Connell



James M. Popson

JMP:bmd





James M. Popson  
Phone: 216.928.4504  
Fax: 216.928.4400  
Cell: 216-570.7356  
jpopson@sutter-law.com

August 1, 2018

Peter Pattakos  
The Pattakos Law Firm LLC  
101 Ghent Road  
Fairlawn, OH 44333

Re: Williams, et al. v. Kisling, Nestico and Redick, LLC, et al.  
Summit County, Court of Common Pleas Case No. CV-2016-09-3928  
Our File No. 10852-00001

Dear Mr. Pattakos:

Enclosed is an Amended Notice of Deposition of your client Ms. Wright. I have complied with Local Rule 17.02(b)(1) and conferred with you on scheduling. I remain willing to do so. However, you have not provided any dates and you have not filed any motion for a protective order. If the date identified in the notice is inconvenient for you or your client, please provide alternative dates.

Sincerely,

Sutter O'Connell

A handwritten signature in cursive script that reads "James M. Popson".

James M. Popson

JMP:bmd  
Enclosure



IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,	)	CASE NO. CV-2016-09-3928
	)	
Plaintiffs,	)	JUDGE JAMES A. BROGAN
	)	
v.	)	
	)	
KISLING, NESTICO & REDICK, LLC, et al.,	)	<u>DEFENDANTS' AMENDED NOTICE OF</u>
	)	<u>DEPOSITION OF PLAINTIFF NAOMI WRIGHT</u>
Defendants.	)	<u>DUCES TECUM</u>
	)	

Please take notice that, pursuant to the Ohio Rules of Civil Procedure, Defendants Kisling, Nestico & Redick, LLC, Alberto R. Nestico, and Robert Redick, by and through undersigned counsel, will take the discovery deposition of **Plaintiff Naomi Wright**, upon oral examination, on **Friday, August 17, 2018 at 9:30 a.m.** at the offices of Kisling, Nestico & Redick, 3412 West Market St., Akron, OH 44333 (Phone: 330-869-9007), before a notary public. The deposition will be taken stenographically and by audiovisual reporting. Said deposition will continue from day to day until completed.

In addition to appearing for oral examination, it is requested that the deponent bring with her to the deposition the documents listed on Exhibit A attached hereto.

Respectfully submitted,

/s/ James M. Popson  
 James M. Popson (0072773)  
 Sutter O'Connell  
 1301 East 9th Street  
 3600 Erieview Tower  
 Cleveland, OH 44114  
 (216) 928-2200 phone  
 (216) 928-4400 facsimile  
[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)

Counsel for Defendants  
 Kisling, Nestico & Redick LLC, Alberto R.  
 Nestico, and Robert Redick



## EXHIBIT A

### A. DEFINITIONS

For the purpose of these requests, unless otherwise stated, the following terms shall have the meanings indicated:

1. "Plaintiff" or "you" or "your" means Plaintiff Naomi Wright, as well as all of her employees, attorneys, agents, partners, members, affiliates, representatives, and all other persons acting on her behalf.
2. "KNR" means Defendant Kisling, Nestico & Redick, LLC, and all of its officers, directors, employees, agents, partners, members, shareholders, affiliates, representatives, and all other persons acting on its behalf.
3. "Nestico" means Defendant Alberto R. Nestico, a member of KNR.
4. "Redick" means Defendant Robert W. Redick.
5. "Communication" means any written or oral statement or notation of any nature, including but not limited to conversations, correspondence, dialogue, discussions, e-mails, interviews, consultations, meetings, telephone calls, letters, telecopies, telephone logs, diaries, agreements and other understandings between or among two or more persons, and all other forms of oral or written expression by which information may be conveyed.
6. "Document" or "documents" means any and all records, statements, memoranda, reports, letters, notes, messages, written communications, correspondence, emails, text messages, social media communications (e.g., Twitter and Facebook), contracts, forms, manuals, charts, graphs, data sheets, spreadsheets, bulletins, computer runs, journals, ledgers, books, bills, transcripts, checks, drafts, photographs, audio and/or video tape recordings, mechanical and/or electrical records, electronic documents, computer documents, punch cards, print-out sheets, notes, books of account, brochures, circulars, magazines, notebooks, diaries, calendars, appointment books, tables, papers, minutes of meetings of any kind, drafts of any documents, data processing disks or tapes or computer produced interpretations of the above, and any and all tangible items or written matter whatsoever of any kind or nature in Plaintiff's possession or control or within the possession and control of Plaintiff's attorney, agents, or other representative of Plaintiff and Plaintiff's attorney.
7. "Relating to" or "relate to" shall include, without limitation, embodying, pertaining to, reflecting, referring to, regarding, referencing, concerning, constituting, comprising, discussing, or having any bearing upon or logical or factual connection with the subject matter in question.

**B. DOCUMENTS TO BE PRODUCED**

You are requested to bring with you any and all documents in your possession or in the possession of your attorney relating to the following:

1. All documents relating to income earned by Plaintiff from January 1, 2013 to the present, including, but not limited to, Plaintiff's federal and state income tax forms, W-2 forms, 1099 forms, payroll forms, and payroll stubs.
2. All documents relating to communications between Plaintiff and KNR at any time.
3. All documents relating to communications between Plaintiff and Nestico at any time.
4. All documents relating to communications between Plaintiff and Redick at any time.
5. Any and all documents you have reviewed in preparation for your deposition.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of August, 2018, the Amended Notice of Deposition of Plaintiff Naomi Wright Duces Tecum was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ James M. Popson

James M. Popson (0072773)

**Barb Day**

---

**From:** Peter Pattakos <peter@pattakoslaw.com>  
**Sent:** Tuesday, August 07, 2018 1:47 PM  
**To:** James M. Popson  
**Cc:** Nathan F. Studeny; Barb Day  
**Subject:** Re: Williams, et al. v. KNR, et al.

Hi Jim. I can't confirm this yet but, given Defendants' representations about the numerosity of the chiropractor-liens class and the Court's recent order sustaining Defendants' objections to document requests that we'd need to contest these representations, I expect Ms. Wright will shortly be seeking to withdraw her claims in this litigation. I will confirm one way or another as soon as possible. Thanks.

Peter Pattakos  
The Pattakos Law Firm LLC  
101 Ghent Road  
Fairlawn, OH 44333  
330.836.8533 office; 330.285.2998 mobile  
[peter@pattakoslaw.com](mailto:peter@pattakoslaw.com)  
[www.pattakoslaw.com](http://www.pattakoslaw.com)

---  
This email might contain confidential or privileged information. If you are not the intended recipient, please delete it and alert us.

On Wed, Aug 1, 2018 at 2:41 PM, Barb Day <[bday@sutter-law.com](mailto:bday@sutter-law.com)> wrote:

Mr. Pattakos,

Attached please find correspondence from Jim Popson and an Amended Notice of Deposition of Plaintiff Naomi Wright Duces Tecum.

**Barb Day**

Assistant to James Popson and Derek Hartman  
3600 Erieview Tower  
1301 E. 9th Street  
Cleveland, OH 44114  
Direct: 216.928.4524  
Fax: 216.928.4400  
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**Barb Day**

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**From:** James M. Popson  
**Sent:** Thursday, August 16, 2018 1:21 PM  
**To:** Peter Pattakos  
**Cc:** Nathan F. Studeny; shaunkedir@kedirlaw.com; Barb Day  
**Subject:** RE: Naomi Wright

Ok. We will take you at your word. I will expect to see the dismissal by the end of next week. Thanks.

Jim

**From:** Peter Pattakos [<mailto:peter@pattakoslaw.com>]  
**Sent:** Thursday, August 16, 2018 10:14 AM  
**To:** James M. Popson  
**Cc:** Nathan F. Studeny; [shaunkedir@kedirlaw.com](mailto:shaunkedir@kedirlaw.com); Barb Day  
**Subject:** Re: Naomi Wright

Hopefully by the end of next week.

Peter Pattakos  
The Pattakos Law Firm LLC  
101 Ghent Road  
Fairlawn, OH 44333  
330.836.8533 office; 330.285.2998 mobile  
[peter@pattakoslaw.com](mailto:peter@pattakoslaw.com)  
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On Wed, Aug 15, 2018 at 2:16 PM, James M. Popson <[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)> wrote:  
Thanks for letting me know. Do you have a time table for your proposed dismissal?

Jim

Sent from my iPad

James M. Popson

Sutter O'Connell Co.  
Direct: 216.928.4504  
Mobile: 216.570.7356



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On Aug 15, 2018, at 12:35 PM, Peter Pattakos <[peter@pattakoslaw.com](mailto:peter@pattakoslaw.com)<<mailto:peter@pattakoslaw.com>>> wrote:

Yes we intend to dismiss Ms. Wright's claims and do not intend to go forward with her deposition on Friday.

Peter Pattakos  
The Pattakos Law Firm LLC  
101 Ghent Road  
Fairlawn, OH 44333  
330.836.8533 office; 330.285.2998 mobile  
[peter@pattakoslaw.com](mailto:peter@pattakoslaw.com)<<mailto:peter.pattakos@chandralaw.com>>  
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On Wed, Aug 15, 2018 at 1:28 PM, James M. Popson <[jpopson@sutter-law.com](mailto:jpopson@sutter-law.com)<<mailto:jpopson@sutter-law.com>>> wrote:

Peter,

Am I correct that you do not intend to produce Ms. Wright on Friday? Please confirm your intentions with regard to this issue. You had discussed possibly dismissing her claim. If you do not intend to dismiss the claim, then let me know if we are going forward Friday or if you have alternative dates. Thanks.

Jim

Sent from my iPad

James M. Popson  
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3600 Erieview Tower  
1301 E. 9th Street  
Cleveland, OH 44114  
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