

**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 A. Brogan

**BRIEF IN OPPOSITION TO
PLAINTIFFS' MOTION FOR LEAVE
TO EXTEND THE CLASS
DISCOVERY DEADLINE**

NOW COME Non-Party Deponents Aaron Czetli and AMC Investigations, Inc. and hereby oppose Plaintiffs' Motion for Leave to Extend the Class Discovery Deadline to the November 1, 2018 discovery cut-off for class certification. Counsel has included a small reference to the undersigned counsel's trial calendar as an excuse.

In order to give context to the reference as a basis for extension, a few facts should be added to the record:

1. Plaintiff was to complete the depositions of said investigator by September 24, 2018 by Court Order dated July 24, 2018 (see **Exhibit A**).
2. Although the Court allowed 60 days for the completion of the depositions, or until September 24, 2018, Plaintiffs' counsel did not contact the undersigned until two business days before the expiration of the Order.
3. Plaintiff requested said deposition(s) for the first time via email dated September 19, 2018 (see **Exhibit B**). It was under this scenario that Plaintiff requested the deposition. It was not an ongoing situation where dates were being discussed and/or accepted or rejected. This was a last minute, two business days before the

expiration of the Order type of request, at which time undersigned counsel was already committed to various Courts for hearings and jury trials during the requested time period.

4. Plaintiff requested said deposition(s) to be conducted on October 15, October 22 and/or October 23, 2018, all of which were dates well outside of the expiration date indicated in the Court's July 24, 2018 Order.

The delay in scheduling is borne strictly by Plaintiff who never even bothered to ask until it was too late. The extension request should be denied.

Respectfully submitted,

GRIFFIN LAW, LLC

/s/ Stephen P. Griffin

Stephen P. Griffin, Esq. (0039655)

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*Attorney for Non-Party Deponents Aaron Czetli
& AMC Investigations, Inc.*

CERTIFICATE OF SERVICE

Pursuant to Civ.R. 5(B)(2)(f), the undersigned certifies that a copy of the foregoing BRIEF IN OPPOSITION TO MOTION FOR LEAVE was filed electronically with the Court on this 26th day of September, 2018. The parties, through counsel, may access this document through the Court's electronic docket system.

/s/ Stephen P. Griffin
Stephen P. Griffin, Esq. (0039655)

SANDRA KURT

2018 JUL 24 AM 9:13


SUMMIT COUNTY
CLERK OF COURTS
IN THE COURT OF COMMON PLEAS

COUNTY OF SUMMIT

MEMBER WILLIAMS, et al.)	CASE NO. CV 2016 09 3928
)	
Plaintiffs)	JUDGE JAMES A. BROGAN
)	(Sitting by Assignment #18JA1214
-vs-)	
)	
KISLING, NESTICO & REDICK, LLC, et al.)	<u>DECISION AND ORDER</u>
)	
Defendants)	

The Plaintiffs' motion to compel discovery from KNR "investigators" Aaron Czetli, AMC Investigations, Inc., Eduardo Mateo, Gary Monto, and Dennis Rees is hereby GRANTED. The above named KNR "investigators" shall comply with the Plaintiffs' subpoenas within 30 days of this Order and also appear for depositions at times mutually agreed upon by counsel, but no later than 60 days from this Order. The Plaintiffs' request for attorneys' fees in connection with their motion is hereby OVERRULED.

IT IS SO ORDERED.


 JUDGE JAMES A. BROGAN
 Sitting by Assignment #18JA1214
 Pursuant to Art. IV, Sec. 6
 Ohio Constitution

The Clerk of Courts shall serve all parties of record.

JAB:lcb
16-3928b

EXHIBIT A

Stephen P. Griffin

From: Stephen P. Griffin
Sent: Wednesday, September 26, 2018 11:35 AM
To: Deena Valentine
Subject: FW: Aaron Czetli deposition



GRIFFIN LAW

LLC

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From: Stephen P. Griffin
Sent: Saturday, September 22, 2018 1:31 PM
To: Peter Pattakos <peter@pattakoslaw.com>
Subject: RE: Aaron Czetli deposition

Same problem Peter. JT's
Steve

From: Peter Pattakos <peter@pattakoslaw.com>
Sent: Wednesday, September 19, 2018 11:23 AM
To: Stephen P. Griffin <sgriffin@griff-law.com>
Subject: Re: Aaron Czetli deposition

How about 10/22 or 10/23?

Peter Pattakos
The Pattakos Law Firm LLC
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330.836.8533 office; 330.285.2998 mobile
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On Wed, Sep 19, 2018 at 11:15 AM, Stephen P. Griffin <sgriffin@griff-law.com> wrote:

Sorry Peter
I have two JT in October and not available 10/15.
Steve

Sent from my iPad

On Sep 19, 2018, at 10:55 AM, Peter Pattakos <peter@pattakoslaw.com> wrote:

Mr. Griffin,

We would like to proceed with Mr. Czetli's deposition on October 15. Please let us know if he is available on that day.

Thank you.

Peter Pattakos
The Pattakos Law Firm LLC
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