

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

<p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>KISLING, NESTICO & REDICK, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. CV-2016-09-3928</p> <p>Judge James A. Brogan</p> <p>Opposition to the KNR Defendants' Motion to Strike Supplement to Plaintiffs' Motion for Leave to File Fourth Amended Complaint</p>
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On last Thursday's telephonic status conference, the Court gave the Plaintiffs permission to file, by the end of this week, a revised proposed Fourth Amended Complaint to incorporate claims by former KNR client Richard Harbour, who first contacted Plaintiffs' counsel after Plaintiffs' motion to file a Fourth Amended Complaint was submitted. Plaintiffs filed this revised proposed Complaint yesterday, and the KNR Defendants have now moved to strike it, claiming that it constitutes an effort to "circumvent KNR's right to brief and oppose a proposed amendment to add these new claims against them." KNR Mot. at 2.

Thus, Plaintiffs wish to clarify that they aren't trying to circumvent anything. While it is doubtful that the Defendants would have anything new to say in response to Plaintiffs' request to add Mr. Harbour's claims that they didn't already say regarding Ms. Norris's claims, Plaintiffs would not object to Defendants making any such arguments to the Court.

In any event, the Court has broad discretion to permit amendments to pleadings, as well as to regulate motion practice on its docket. Rather than take up more time by requiring Plaintiffs to refile Mr. Harbour's claims in a separate motion, to the extent a separate motion is necessary, the Court may and should consider the supplemental filing as that separate motion

and entertain any responses from the Defendants in its discretion.

Respectfully submitted,

/s/ Peter Pattakos

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Certificate of Service

The foregoing document was filed on October 5, 2018 using the Court's e-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos

Attorney for Plaintiffs