

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

MEMBER WILLIAMS)	CASE NO.: CV-2016-09-3928
)	
Plaintiff)	JUDGE JAMES A. BROGAN
-vs-)	
)	
KISLING NESTICO & REDICK LLC,)	<u>ORDER</u>
et al.)	
)	
Defendants)	

- - -

Upon Motion for Leave to Amend Complaint, and for good cause shown, Plaintiff's Motion for Leave to File a Fifth Amended Complaint is GRANTED. The Court is not inclined to allow any future amendments at this stage of the proceedings absent a substantive showing of need to amend.

Further, the Court believes the above Order renders the KNR Defendants' November 7, 2018 Motion to Compel Plaintiff Matthew Johnson to Comply with Discovery MOOT. However, the Court reserves judgment on this issue until the KNR Defendants explain how Matthew Johnson is still considered a "material witness" as he is longer a class representative as set forth in the proposed Fifth Amended Complaint.

Finally, having read portions of Mr. Johnson's deposition testimony, the Court wants to impress upon counsel and all parties that discovery in this case is to be conducted pursuant to the Ohio Rules of Civil Procedure. Depositions are conducted pursuant to those Rules and counsel may not instruct a witness not to answer questions except when necessary to preserve a privilege or to present a motion under Civ.R. 30(D) (to terminate or limit examination).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion for Leave to File a Fifth Amended Complaint is GRANTED.

IT IS FURTHER ORDERED that the parties have leave to file additional briefs in relation to the potential continuation of deposition for Matthew Johnson, if in fact the Motion to Compel Matthew Johnson is not rendered moot by the filing of a Fifth Amended Complaint.

IT IS SO ORDERED.



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

CC: ALL PARTIES OF RECORD