

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

<p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>KISLING, NESTICO & REDICK, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2016-CV-09-3928</p> <p>Judge James Brogan</p> <p>Plaintiffs' Third Amended Notice of Video Deposition of Richard Gunning, M.D.</p>
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Counsel for Defendant Ghoubril has again, for dubious reasons,¹ demanded a last-minute postponement of the duly scheduled and noticed deposition of Defendant Ghoubril's employee Dr. Gunning. *See* correspondence attached as **Exhibit 1**. Thus, all parties need take notice that, under Civ.R. 30 and Civ.R. 45, the videotaped deposition upon oral examination of Richard Gunning, M.D. by the undersigned counsel has again been rescheduled, this time for 10:00 A.M. on December 12, 2018, at The Pattakos Law Firm LLC, 101 Ghent Road, Fairlawn, OH 44333. Said deposition shall continue from day-to-day until completion, shall be recorded by video and stenographic means, and shall occur before a qualified Notary Public. This notice amends the notice

¹ Ghoubril's counsel claimed that "Dr. Gunning was prepared to be deposed on the allegations and issues raised in the 4th amended complaint," but "in light of the fact that the motion for leave to file the 5th amended complaint was granted just before lunch today, we need additional time to properly address those allegations that were not in play before today." It is unclear (and Ghoubril's counsel has refused to explain) why any subject pertaining to the Fifth Amended Complaint would not be a perfectly acceptable subject of inquiry regarding the Fourth Amended Complaint under Civ.R. 26's "reasonably calculated to lead to the discovery of admissible evidence" standard. Additionally, it is unclear why Dr. Gunning would need additional time to "prepare" to "properly" answer questions truthfully based on his own knowledge, as he was apparently fully prepared to do when this deposition was set to proceed weeks ago, before Ghoubril's counsel asserted his influence on the witness and began to repeatedly insist on the postponement of his testimony.

of video deposition Plaintiffs filed on November 20, 2018 and reflects an agreement by the parties and witness to proceed on December 12.

Respectfully submitted,

/s/ Peter Pattakos

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Certificate of Service

The foregoing document was filed on November 28, 2018, using the Court's electronic-filing system, which will serve copies on all necessary parties. Counsel for deponent Gunning, John Myers, Esq. (johnmyerscolpa@gmail.com), was also emailed a copy of this document on this date

/s/ Peter Pattakos

Attorney for Plaintiffs



Peter Pattakos <peter@pattakoslaw.com>

Williams v KNR

Barmen, Brad <Brad.Barmen@lewisbrisbois.com> Wed, Nov 28, 2018 at 4:28 PM
To: "Mannion, Tom" <Tom.Mannion@lewisbrisbois.com>, "James M. Popson" <jpopson@sutter-law.com>, David Best <dmb@dmbestlaw.com>, "peter@pattakoslaw.com" <peter@pattakoslaw.com>, Joshua Cohen <jcohen@crklaw.com>
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Counsel:

Be advised that Dr. Gunning will not be appearing for deposition tomorrow. Dr. Gunning was prepared to be deposed on the allegations and issues raised in the 4th amended complaint as agreed tomorrow. However, in light of the fact that the motion for leave to file the 5th amended complaint was granted just before lunch today, we need additional time to properly address those allegations that were not in play before today. There are also personal reasons relative to Dr. Gunning that were brought to my attention today was warrant a postponement of the depo.

I have confirmed with Dr. Gunning that he can be available to appear for deposition on the 5th amended complaint on 12/12, 12/13, or 12/14.

I apologize for any inconvenience.

your attention to this matter is appreciated.

regards
Brad



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From: Mannion, Tom
Sent: Wednesday, November 28, 2018 10:17 AM
To: James M. Popson; Barmen, Brad; David Best; peter@pattakoslaw.com; Joshua Cohen
Subject: Williams v KNR

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