

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

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| <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 A. Brogan</p> <p>Plaintiffs' Motion to Compel Discovery from Defendant Sam Ghoubrial, M.D.</p> |
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In responding to Plaintiffs' first set of discovery requests, Defendant Ghoubrial has lodged a series of illegitimate boilerplate objections to justify his failure to produce a single document apart from 11 pages of medical records for Plaintiff Norris, and his refusal to provide a substantive response to a single interrogatory, as well as a number of Plaintiffs' Requests for Admissions. *See* Ghoubrial's Responses to Plaintiffs' First Requests for Admission, First Set of Interrogatories, and First Requests for Production of Documents, attached as **Exhibit 1**. Upon receiving these so-called "responses," Plaintiffs' counsel attempted in good faith to resolve the deficiencies evident therein in compliance with Civ.R. 37. *See* correspondence to Brad Barmen, attached as **Exhibit 2**. To date, Ghoubrial's counsel has provided no response, making this motion necessary to obtain legitimate responses to Plaintiffs' discovery requests.

Additionally, in responding to Plaintiffs' second set of discovery requests, which pertain to testimony given by Ghoubrial's wife Julie in currently pending divorce proceedings that confirms the truth of Plaintiffs' allegations against Ghoubrial in this lawsuit, Ghoubrial has claimed that the confidentiality order in the divorce proceedings bars him from producing responsive information. Under Ohio law, Ghoubrial is not excused from producing this highly relevant and responsive information.

Thus, as explained further below, Plaintiffs respectfully request that the Court issue an order overruling Ghoubrial's objections and compelling him to provide complete responses to all of Plaintiffs' discovery requests. The requested information mainly pertains to basic details about Ghoubrial's treatment of KNR clients and the financial benefit he received in doing so, and is essential to the claims at issue in this lawsuit.

1. Ghoubrial responded to only one of Plaintiffs' document requests and has categorically and incredibly represented that he possesses no responsive documents.

Of Plaintiffs' 28 document requests, Ghoubrial produced a single exhibit consisting of a few pages of medical records for Plaintiff Norris. In so doing, he denied that he possessed any other responsive documents, including communications, to 24 of the 28 document requests. Plaintiffs' document requests spanned at least five categories of documents, relating to referrals and other details about Ghoubrial's relationship with KNR leading to Ghoubrial's treating thousands of KNR clients (RFP Nos. 1, 2, 3, 4, and 22); details concerning Ghoubrial's treating and billing KNR clients, including the prices paid and charged for certain treatment and equipment, (RFP Nos. 5, 6, 7, 8, 9, 10, 11, 17, and 20); the circumstances by which Ghoubrial obtained medical supplies and devices, which he then sold and/or distributed to KNR clients (RFP Nos. 18); information about the various entities and corporations with which Ghoubrial is affiliated (RFP Nos. 13, 19, and 21); and details about the operation of Ghoubrial's medical practice and how he trains and directs his employees (RFP Nos. 12, 15, 16, 26, and 27).

For many of the categories of documents Plaintiffs have requested—including those relating to basic billing and patient processing procedures (5, 6, 12, 23), liens, letters of protection, disclosures, and other forms used in treating KNR clients (7, 10, 17), billing codes used for and the costs of supplies and treatment provided to KNR clients (8, 9, 18), training manuals and employee handbooks or memoranda (16, 27), flight manifests for his trips to various Ohio cities to treat KNR

clients at chiropractors' offices (20), medical research, studies, and guidelines supporting the procedures used in treating KNR clients (23) —Ghoubrial's representation that he does not possess any responsive documents is simply unbelievable. Additionally, the requested documents are directly relevant to the allegations against Ghoubrial in this lawsuit. Therefore, this Court should require Ghoubrial to confirm whether he actually does not possess the requested documents, to produce them if he does, to explain in detail and to identify any other person or entity that possesses them if Ghoubrial truly does not.

2. Ghoubrial failed to respond substantively to a single of Plaintiffs' Interrogatories, relying instead on a series of illegitimate objections.

Without sufficient explanation or justification, Ghoubrial has refused to provide a complete substantive response to a single one of Plaintiffs' forty-seven interrogatories.¹ Instead of providing sufficient responses containing the basic information to which Plaintiffs are entitled, Ghoubrial has asserted layers of boilerplate objections, including that the requests sought proprietary business information, information that was protected by the physician-patient privilege/HIPAA, that the information was somehow not relevant, or that it did not relate or overlap with issues of class certification.

In asserting these objections, Ghoubrial made no attempt to explain how they specifically shielded the sought-after information from discovery, which sought basic facts, such as:

- Details relating to his relationship with KNR, by which he has treated thousands of KNR clients since approximately 2011 (Interrogatory Nos. 1, 5, 6, 7, 8, 9, 10, 34, 35, 39, and 41);
- Ghoubrial's relation to, use of, or affiliation with certain persons, corporations, or entities believed to relate to his treatment of KNR clients (2, 3, 4, and 45);

¹ Ghoubrial has included in his boilerplate objections to Interrogatories No. 1-40 to 1-47, and 2-1 that these interrogatories "exceed the amount permitted by Civ.R. 33(A) without leave of court." However, Plaintiffs Norris and Harbour are each entitled to serve this number of interrogatories, and Ghoubrial was advised to consider these additional interrogatories as having been served by Mr. Harbour. *See* **Ex. 2**.

- Information concerning the processes by which Ghoubrial himself treated, or instructed his employees to treat, KNR clients (11, 12, 13, 14, 15, 37, 40, and 42);
- Ghoubrial's actions in obtaining, distributing, and selling medication and medical supplies to KNR clients, including the number of clients treated, type and quantity of medication and equipment distributed to them, how much Ghoubrial paid for it, and what he charged the clients for it (16, 17, 18, 19, 20, 21, 22, 23, 24, and 25);
- Complaints received from KNR clients relating to Ghoubrial's actions (33); and
- Disclosures made to Plaintiff Monique Norris about the cost of her treatment (38).

Ghoubrial's boilerplate objections to the production of this highly relevant and discoverable information are not legitimate and should be overruled. *See, e.g., Liguria Foods, Inc. v. Griffith Lab., Inc.*, 320 F.R.D. 168, 187, 189 (N.D. Iowa 2017) ("It has become common practice for a Party to object on the basis of any of [a number of boilerplate] reasons, and then state that 'notwithstanding the above,' the Party will respond to the discovery request, subject to or without waiving such objection. Such an objection and answer preserves nothing and serves only to waste the time and resources of both the Parties and the Court. Further, such practice leaves the requesting Party uncertain as to whether the question has actually been fully answered or whether only a portion of the question has been answered. ... The 'natural and probable consequences' of 'boilerplate' objections is delay and impediment of discovery, not the narrowing of issues and the avoidance of expense and delay toward which the discovery rules are aimed ... the impropriety of employing such frivolous objections in every single discovery response also demonstrates the parties' obstructionist attitude toward discovery and would further confirm suspicions that the responses were interposed for improper purpose. ... [D]iscovery rules and the cases interpreting them uniformly finding the 'boilerplate' discovery culture impermissible are not aspirational, they are the law.").

3. Ghoubrial failed to provide adequate admissions and denials to many of Plaintiffs' requests.

For dubious reasons, Ghoubrial also failed to adequately "admit" or "deny" a number of Plaintiffs' Requests for Admissions. For example, he denied certain requests based on the way the

request was written, and provided no explanation about the extent of his denial. Such responses are not legitimate and constitute a failure to respond. *See, e.g., Lynn v. Monarch Recovery Mgmt.*, 285 F.R.D. 350, 368 (D.Md.2012) (the phrase “deny as written” without sufficient explanation “is evasive, and is tantamount to a failure to answer.”).

Through such evasion, Ghoubrial has prevented Plaintiffs from receiving basic information in his possession, such as: whether Ghoubrial purchased TENS units from Tritec for \$27.50 per unit and sold such units to KNR clients for \$500 per unit (RFA No. 4); whether Ghoubrial disclosed to Plaintiffs his financial interest in providing TENS units to KNR clients or whether KNR clients could obtain TENS units at a lower price from a different medical provider (RFA Nos. 6, 7); whether Ghoubrial has retained and is required by law to have retained all billing and treatment records for KNR clients dating back to 2010 (RFA Nos. 16, 17, 18); whether his receiving compensation for medical services depended upon KNR’s obtaining a settlement, verdict, or judgment on behalf of the client (RFA No. 20); and whether Ghoubrial employed Richard Gunning, M.D. on an at-will basis (RFA No. 22).

Thus, Ghoubrial has failed to adequately respond to Plaintiffs’ Requests for Admissions because he provided no justification for failing to make admissions or proper denials.

4. The Court should order Ghoubrial to produce the transcript of his wife’s testimony in currently pending divorce proceedings that relates to Plaintiffs’ allegations against him in this case.

Plaintiffs’ second set of discovery requests pertain to testimony given by Ghoubrial’s wife Julie in currently pending divorce proceedings—Summit County C.P. No. DR-2018-04-1027—regarding Plaintiffs’ allegations against Ghoubrial in this lawsuit. Plaintiffs’ investigation has revealed that Attorney David Best, who represents the KNR Defendants in this lawsuit, appeared at Julie’s deposition in the divorce case to ask her questions about Plaintiffs’ allegations, the truth of which was confirmed by Julie in response to Best’s questions. In response to Plaintiffs’ requests for this

transcript and related information about Julie's testimony, Ghoubrial has claimed that the confidentiality order in the divorce proceedings bars him from producing this information. *See* Ghoubrial discovery responses attached as **Exhibit 3**. Such obstruction is not supported by Ohio law.

Contrary to Ghoubrial's position, Ohio law provides that "courts, other than [domestic relations] courts, may order disclosure of [confidential domestic relations] records when pertinent to pending civil and criminal actions." *Grantz v. Discovery for Youth*, 12th Dist. Butler Nos. CA2004-09-216, CA2004-09-217, 2005-Ohio-680, ¶ 11-19. While the *Grantz* court applied this principle to confidential information from juvenile court proceedings, the principle applies with even more force here where there is no need to protect the general health and welfare of a child, and no conceivable justification for keeping Julie's testimony confidential. *See also Johnson v. Johnson*, 134 Ohio App.3d 579, 585, 731 N.E.2d 1144 (3d Dist. 1999) (confidential juvenile records discoverable in a parenting dispute brought in the domestic relations division); *State v. Fuson*, 5th Dist. Knox Case No. 97 CA 000023, 1998 Ohio App. LEXIS 4047, at *5-6 (Aug. 11, 1998) ("The proper procedure in determining the availability of confidential records is for the trial court to conduct an *in camera* inspection to determine relevancy and necessity, and whether [the admission of the records outweighs the confidentiality considerations ... ?]").

Civ.R. 26 provides that "parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." Julie's testimony is highly relevant to and probative of the claims in this lawsuit, it is in Ghoubrial's custody and control, and the Court should order him to produce it. *See Grantz*, 2005-Ohio-680, ¶ 12 ("It is well-established that the regulation of discovery is committed to the sound discretion of the trial court and that this regulation will not be disturbed by a reviewing court absent an abuse of discretion."); *Slabinski v. Servisteel Holding Co.*, 33 Ohio App.3d 345, 346, 515 N.E.2d 1021 (9th Dist. 1986) ("Courts of general

jurisdiction possess inherent power to do all things necessary to the administration of justice and to protect their own powers and processes.”).

Conclusion

Ghoubrial has no excuse for the extent to which he has disregarded his discovery obligations in refusing to provide Plaintiffs with information relating directly to his involvement in this lawsuit. As explained above, the Court should issue an order overruling Ghoubrial’s objections and requiring him to provide complete responses to Plaintiffs’ discovery requests.

Respectfully submitted,

/s/ Peter Pattakos

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Attorneys for Plaintiffs

Certificate of Service

The foregoing document was filed on December 21, 2018, using the Court’s electronic-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos

Attorney for Plaintiffs

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Now comes Defendant, Sam N. Ghoubrial, M.D., by and through counsel, and for his Responses to Plaintiff Monique Norris's First Set of Requests for Admission, states as follows:

Requests for Admission

1. Admit that you entered into an agreement with KNR relating to referrals.

RESPONSE:

Deny

2. Admit that you do not accept payment from any health-insurance organization for the work you perform on behalf of KNR clients.

RESPONSE:

Defendant Admits he does not accept payment from health-insurance organizations for any patient injured in a motor vehicle accident. This is practice-wide and not limited to KNR clients.

3. Admit that you accept payment from health-insurance organizations for the work you perform on behalf of patients who are not KNR clients.

RESPONSE:

Deny. Defendant does not accept payment form health-insurance organizations for any patient injured in a motor vehicle accident.

4. Admit that you purchased TENS units from Tritec for a price of \$27.50 per TENS unit.

RESPONSE:

Objection. Can neither admit nor deny. Request for Admission No. 4 seeks proprietary business information protected from disclosure.

5. Admit that you sold the TENS units described in Request for Admission #4 to KNR clients for a price of \$500 per TENS unit.

RESPONSE:

Defendant admits the charge to all patients injured in motor vehicle accidents for a TENS unit is \$500. This is the standard charge and is not limited to KNR clients who are charged the same amount as all other motor vehicle accident patients.

6. Admit that when you provided TENS units to KNR clients, you never disclosed the amount of the profit that you would receive for each TENS unit for which a KNR client was ultimately charged from their lawsuit proceeds.

RESPONSE:

Deny as written.

7. Admit that when you provided TENS units to KNR clients, you never disclosed that the client could obtain the same device at a lower price than what you would ultimately collect from the KNR clients' lawsuit proceeds.

RESPONSE:

Deny as written.

8. Admit that you own Clearwater Billing Services, LLC.

RESPONSE:

Admit.

9. Admit that you operate, control, and direct the operations of Clearwater Billing Services, LLC.

RESPONSE:

Objection. Request for Admission No. 9 seeks a legal conclusion. Without waiving said objection, admit.

10. Admit that you billed KNR clients through Clearwater Billing Services, LLC.

RESPONSE:

Defendant admits he billed all patients injured in motor vehicle accidents trough Clearwater Billing Services, LLC.

11. Admit that you own Hanchrist, LLC.

RESPONSE:

Deny.

12. Admit that you operate, control, and direct the operations of Hanchrist, LLC.

RESPONSE:

Deny.

13. Admit that you billed or treated KNR clients through Hanchrist, LLC.

RESPONSE:

Deny.

14. Admit that you own TPI Airways, LLC

RESPONSE:

Deny.

15. Admit that you operate, control, and direct the operations of TPI Airways, LLC.

RESPONSE:

Deny.

16. Admit that you have retained the records of your treatment and billing of every KNR client that you have treated since 2010.

RESPONSE:

Defendant admits he has retained records of treatment and billing of all patients consistent with his professional requirements.

17. Admit that you are required by Ohio law to have retained the records of your treatment and billing of every KNR client that you have treated since 2010.

RESPONSE:

Objection. Request for Admission No. 17 seeks a legal conclusion. Further answering, and without waiving said objection, Defendant admits he has retained records of treatment and billing of all patients consistent with his professional requirements.

18. Admit that you are required by federal law to have retained the records of your treatment and billing of every KNR client that you have treated since 2010.

RESPONSE:

Objection. Request for Admission No. 18 seeks a legal conclusion. Further answering, and without waiving said objection, Defendant admits he has retained records of treatment and billing of all patients consistent with his professional requirements.

19. Admit that you traveled by airplanes owned by TPI Airways, LLC to treat KNR clients at various locations throughout the state of Ohio, including at the locations identified in your response to Interrogatory No. 13.

RESPONSE:

Deny.

20. Admit that you do not receive compensation for services rendered to KNR clients if KNR does not obtain a settlement, verdict, or judgment on the particular client's behalf.

RESPONSE:

Deny as written. All such situations are handled on a case-by-case basis and there is no separate policy for KNR clients.

21. Admit that you obtained, procured, or assisted in obtaining or procuring insurance coverage on behalf of Tritec.

RESPONSE:

Deny.

22. Admit that Richard Gunning and Lisa Esterle are your employees who are employed on an at-will basis.

RESPONSE:

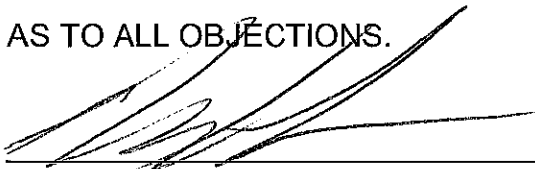
Admit that Richard Gunning and Lisa Esterle are employees. Deny that Lisa Esterle is an employee at will.

23. Admit that you have never used the Ohio Automated RX Reporting System (OARRS) to assess whether a KNR client had previously been prescribed controlled substances.

RESPONSE:

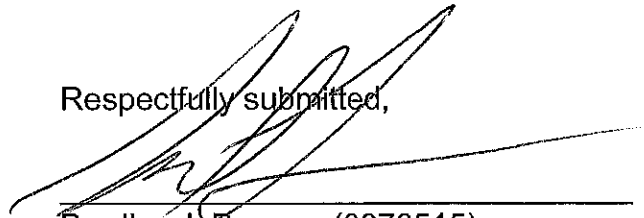
Deny.

AS TO ALL OBJECTIONS.



Bradley J. Barmen

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Plaintiff's First Set of Requests for Admission, has been served this 4th day of December, 2018 upon the following:

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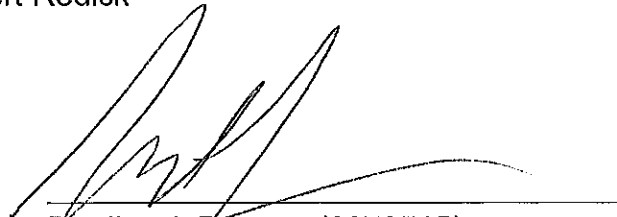
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A handwritten signature in black ink, appearing to read 'Bradley J. Barmen', is written over a horizontal line. The signature is stylized and cursive.

Bradley J. Barmen (0076515)
Attorney for Defendant
Sam N. Ghoubrial, M.D.

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

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| <p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p>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 A. Brogan</p> <p><u>ANSWERS OF DEFENDANT SAM N. GHoubrial, M.D. TO PLAINTIFF MONIQUE NORRIS'S FIRST SET OF INTERROGATORIES</u></p> |
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Now comes Defendant, Sam N. Ghoubrial, M.D., by and through counsel, and for his Answers and Objections to Plaintiff Monique Norris's First Set of Interrogatories, states as follows:

GENERAL OBJECTIONS

Defendant objects to Plaintiff's Interrogatories and Document Requests to the extent they seek information protected by the attorney-client privilege, work product doctrine, the joint defense and common interest privilege, and other applicable privileges and rules. Specifically, some of Plaintiff's Interrogatories and Document Requests seek information regarding the care and treatment of Defendant's patients in violation of the physician-patient privilege and/or HIPAA.

Defendant Objects to the "Instructions" and "Definitions" preceding Plaintiff's Interrogatories and Document Requests on the grounds they are vague, ambiguous, seek irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, and seek to impose obligations on Defendant that are greater than,

or inconsistent with, those obligations imposed by the Ohio Rules of Civil Procedure. Defendant will respond to Plaintiff's Interrogatories and Document Requests in accordance with his obligations under the Ohio Rules of Civil Procedure.

Defendant Objects to the extent there are no date limitations on these Interrogatories and Document Requests, which make them overly broad and unduly burdensome.

Defendant objects to the extent the Interrogatories and Document Requests are based on illegally obtained documents. Plaintiff should not be able to take advantage of the illegally obtained documents. See *Raymond v. Spirit AeroSystems Holdings, Inc.*, Case No. 16-1282-JTM-GEB-, 2017 U.S. Dist. LEXIS 101926 (D. Kan. June 30, 2017).

Defendant objects to Plaintiff's submission of more than forty (40) Interrogatories without leave of Court in violation of Civ. R. 33(A). Defendant will only respond to the first forty (40) Interrogatories consistent with Civ. R. 33(A). Currently, Plaintiff has exceeded the maximum number of Interrogatories permitted by Rule.

Defendant objects to the Interrogatories and Document Requests to the extent they are not related to class certification or matters the "overlap" with issues relate to class certification.

Defendant denies all allegations or statements in the Interrogatories and Document Requests, except as expressly admitted herein.

These "General Objections" are applicable to and incorporated in each of Defendant's responses to Interrogatories and Document Requests. All Defendant's responses are made subject to and without waiving these objections. Failing to state a specific objection to a particular Interrogatory or Document Request should not be

construed as a waiver of these General Objections.

Defendant reserves the right to amend or supplement his responses to these Interrogatories and Document Requests.

Defendant's discovery responses are made without waiver of, and with preservation of:

All questions are to competency, relevancy, materiality, privilege, and admissibility of the responses and subject matter thereof as evidence for any purpose in any further proceedings in this action or any other action;

The right to object to the use of any such responses or the subject matter thereof, on any ground in any further proceedings of this action and in any other action;

The right to object on any ground at any time to a demand or request for a further response to the requests or other discovery involving or relating to the subject matter of the Interrogatories and Document Requests herein responded to;

The right to revise, correct, add to, supplement, or clarify any of the responses contained herein and to provide information and produce evidence of any subsequently discovered facts;

The right to assert additional privileges; and

The right to assert the attorney-client privilege, attorney work product doctrine, or other such privilege as to the discovery produced or the information obtained therefrom, for any purpose in any further proceeding in this action and in any other action.

Interrogatories

1. Identify all agreements and/or arrangements, written or otherwise, formal or informal, regarding, relating to, or involving referrals of clients and/or patients between you and KNR including by identifying the terms of each agreement.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further answering, and without waiving said objections, there are no "agreements" or "arrangements, written or otherwise, formal or informal" regarding referrals of patients between Defendant and KNR.

2. Identify all persons, corporations, or business entities through which you have treated KNR clients, billed KNR clients for your services, or to which KNR clients have paid for your services, including by listing all known employees and owners of each entity, and the percentage of ownership of each such owner identified.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification.

3. Identify the purpose of your affiliation with or incorporation of all of the persons or entities you identify in your response to Interrogatory No. 2 above.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification.

4. To the extent you have not already done so above, identify the purpose of your affiliation with or incorporation of Clearwater Billing Services, LLC, Hanchrist LLC, and TPI Airways LLC, including by listing all known employees and owners of each entity, and the percentage of ownership of each such owner identified.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought

“overlap” with any issues related to class certification. Further, this interrogatory is overly broad, unduly burdensome and meant solely to harass.

5. Identify the circumstances by which you first entered into any referral agreement or arrangement with KNR.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further, this interrogatory assumes facts not in evidence. Further answering, and without waiving said objection, see response to Interrogatory No. 1.

6. Identify the circumstances by which you first began treating KNR clients.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

7. Identify all terms under which you have agreed to treat KNR clients.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

8. Identify in detail any representation made by KNR to you relating to any legal or ethical issues raised by any referral agreement and/or arrangement between KNR and you, including any representation by KNR that a referral agreement and/or arrangement between KNR and you was legal and/or ethical.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further, Interrogatory No. 8 seeks information protected by the attorney-client privilege. Further answering, and without waiving said objections, see response to Interrogatory No. 1.

9. Identify any other law firm with whom you have a referral agreement and terms of each such agreement.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further answering, and without waiving said objections, see response to Interrogatory No. 1.

10. Identify any other law firm from whom you have received patient referrals in the last 8 years.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification.

11. Identify the number of KNR clients you have treated whose payment for your services was deducted from the clients' KNR settlement.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting this Interrogatory is overly broad, unduly burdensome and directed to the wrong Defendant.

12. Identify each and every form that you have used in treating KNR clients whose payment for your services was deducted from the clients' KNR settlement, including all releases, lien forms, reservations of rights, informed consent forms, disclosures (including of your financial interest in any aspect of the clients' treatment), and requests for patient information. Please also identify the time period during which each form was used.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting, this Interrogatory is overly broad, unduly burdensome and directed to the wrong Defendant.

13. Identify each and every facility or location where you have treated KNR clients whose payment for your services was deducted from the clients' KNR settlement, including by identifying the address and owner of each facility or location.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification.

14. Identify all agreements, formal or informal, that you have entered regarding your use of facilities or locations identified in your response to Interrogatory No. 13 including by identifying the terms of and parties to each agreement.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification.

15. Identify the circumstances that led to your treating KNR clients at each of the facilities or locations identified in your response to Interrogatory No. 13.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification.

16. Identify each and every type of medical supply that you have sold or distributed to KNR clients and were reimbursed or paid for the supplies from the KNR clients' settlement proceeds, including TENS units and orthopedic braces.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting, this Interrogatory is overly broad, unduly burdensome and virtually impossible to answer with any certainty. This Interrogatory also improperly seeks proprietary business information as we as information protected by the physician-patient privilege, HIPAA and related laws. Moreover, this Interrogatory is not limited to any specific period of time and requests Defendant review thousands of records to accurately respond..

17. Identify the cost you paid and the amount that you charged KNR clients for each medical supply that you identified in your response to Interrogatory No. 16. To the extent these amounts changed over time, please identify the cost and amount charged for each relevant time period. In responding to this interrogatory, please do not account for any discount or write-off that any particular KNR client might have received on any occasion, but rather the price initially billed to the client regardless of whether that price was eventually discounted or written down in settling the client's claim.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting, this Interrogatory is overly broad, unduly burdensome and virtually impossible to answer with any certainty. This Interrogatory also improperly seeks proprietary business information as well and information protected by the physician-patient privilege, HIPAA and related laws. Moreover, this Interrogatory is not limited to any specific period of time and requests Defendant review thousands of records to accurately respond.

18. Identify the quantity of each medical supply identified in your response to Interrogatory No. 16 above that you have sold or distributed to KNR clients.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further answering; see response to Interrogatory No. 16.

19. Identify the number of KNR clients to whom you have sold or distributed the medical supplies described in your response to Interrogatory No. 16, above.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further answering; see response to Interrogatory No. 16.

20. Identify all costs associated with your distribution and sale of each medical supply that you identified in your response to Interrogatory No. 16.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further answering; see response to Interrogatory No. 16.

21. Identify each and every type of injection that you have administered to KNR clients for which you were paid or reimbursed from the KNR clients’ settlement proceeds, including all “trigger point” injections and all injections of corticosteroids or Bupivacaine (Marcaine).

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory seeks information protected by the physician-patient privilege, HIPAA and related laws. Moreover, this Interrogatory is not limited to any specific period of time and requests that Defendant review thousands of records to accurately respond.

22. Identify the cost you paid and the amount that you charged KNR clients for each type of injection identified in your response to Interrogatory No. 21 above. To the extent these amounts changed over time, please identify the cost and amount charged for each relevant time period. In responding to this interrogatory, please do not account for any discount or write-off that any particular KNR client might have received on any occasion, but rather the price initially billed to the client for each injection regardless of whether that price was eventually discounted or written down in settling the client’s claim.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory seeks information protected by the physician-patient privilege, HIPAA and related laws. Moreover, this Interrogatory is not limited to any specific period of time and requests that Defendant review thousands of records to accurately respond.

23. Identify the quantity of each type of injection identified in your response to Interrogatory No. 21 above that you have administered to KNR clients.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory seeks information protected by the physician-patient privilege, HIPAA and related laws. Moreover, this Interrogatory is not limited to any specific period of time and requests that Defendant review thousands of records to accurately respond.

24. Identify the number of KNR clients to whom you have administered the injections identified in your response to Interrogatory No. 21, above.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory seeks information protected by the physician-patient privilege, HIPAA and related laws. Moreover, this Interrogatory is not limited to any specific period of time and requests that Defendant review thousands of records to accurately respond.

25. Identify all costs associated with your administration of the injections identified in your response to Interrogatory No. 21, above.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory seeks information protected by the physician-patient privilege, HIPAA and related laws, as well as proprietary business information. Moreover, this Interrogatory is not limited to any specific period of time and requests that Defendant review thousands of records to accurately respond.

26. Identify all evidence-based studies, medical research, or surveys of which you are aware that supports or informs your treatment of KNR clients with injections.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

27. Identify all evidence-based studies, medical research, or surveys of which you are aware that supports or informs your treatment of KNR clients with TENS units.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

28. Identify all published guidelines or standards of which you are aware that support or inform your treatment of KNR clients with injections.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

29. Identify all published guidelines or standards of which you are aware that support or inform your treatment of KNR clients with TENS units.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

30. Identify all training that you've received to provide treatment for acute pain resulting from automobile accidents.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

31. Identify all modalities of which you are aware for treating acute pain resulting from automobile accidents that are less invasive than the administration of injections.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the

discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

32. Identify all modalities of which you are aware for treating acute pain resulting from automobile accidents that are less expensive than the administration of injections.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

33. Identify any complaints received from KNR clients regarding TENS units, orthopedic braces, other medical supplies, or injections, including the nature of the complaint, the date of the complaint, and your response to the complaint.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory seeks information protected by the physician-patient privilege, HIPAA and related laws, and is not limited to any specific time period.

34. Identify any expense advanced by KNR and/or received by you, including travel, lodging, or meals or entertainment, not related to a specific patient.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

35. Identify all persons—including their true, full and correct names, employers, positions, supervisors, and present addresses and phone numbers—who is now or at any time was responsible for developing or maintaining your relationship with KNR.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further answering, see response to Interrogatory No. 1.

36. Identify all persons—including their true, full and correct names, employers, positions, supervisors, and present addresses and phone numbers—employed by you as a biller or coder from 2010-present.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

37. Identify all billing or treatment codes relating to treatment provided to KNR clients, including your providing TENS units, orthopedic braces, other medical supplies, or administering injections to KNR clients.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory is overly broad, unduly burdensome and not reasonably limited in time period or scope.

38. Identify all disclosures made to Monique Norris regarding the cost of the TENS unit provided to her, and how you would receive payment for the treatment you provided to her.

RESPONSE:

Objection. Interrogatory assumes facts not in evidence. Specifically, this Interrogatory assumes a physician is required to disclose to his or her patients the costs associated with care and how, if at all, the physician is reimbursed for the care and treatment provided. No such requirement exists. Further answering, and without waiving said objections, Plaintiff Norris, like the vast majority of patients, never asked a single question regarding the costs of the treatment being provided and/or how that treatment would be reimbursed.

39. Identify the purpose for your attendance on the trip to Cancun discussed in Paragraph 50 of the Fourth Amended Complaint.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification.

40. Identify all expenses you incurred from 2011 to the present relating to transporting yourself, your employees, or KNR clients to facilitate the treatment of KNR clients.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

41. State, with as much particularity as possible from the date of the first referral by KNR to you, what percentage of your yearly gross business revenue was and/or is attributable to referrals from KNR.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

42. Identify the reasons why you do not accept payment from Medicare or any health-insurance organization for the work you perform on behalf of KNR clients.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. Further objecting, this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

43. Identify all laws and regulations of which you are aware pertaining to doctors' or doctors' offices' maintenance of patient treatment and billing records in the state of Ohio.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting, this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

44. Identify all document retention policies maintained by you and every entity through which you have treated KNR clients, including with respect to the maintenance of patient treatment and billing records, including by identifying the terms of each policy.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting, this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

45. Identify the reasons why you obtained, procured, or assisted in obtaining or procuring insurance coverage on behalf of Tritec.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting, this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

46. If your response to any Request for Admission is anything but an unqualified admission, identify the basis for your qualification or denial of each such request.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting,

this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

47. Identify every person who participated in the preparation of these responses and each Defendant's responses to the Requests for Admission and Requests for Production of Documents, including their true, full and correct names, employers, positions, supervisors, and present addresses and phone numbers, the specific discovery requests to which each person's participation pertained, and each task that each person performed in preparing the responses.

RESPONSE:

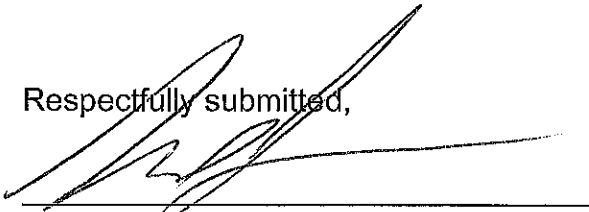
Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought "overlap" with any issues related to class certification. Further objecting, this Interrogatory exceeds the amount permitted by Civ. R. 33(A) without leave of court.

AS TO ALL OBJECTIONS.



Bradley J. Barmen

Respectfully submitted,



Bradley J. Barmen (0076515)
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brad.barmen@lewisbrisbois.com
Attorney for Defendant
Sam N. Ghoubrial, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answers of Sam Ghoubrial to Plaintiff's First Set of Interrogatories has been served this 4th day of December, 2018 upon the following:

Peter Pattakos, Esq.
The Pattakos Law Firm, LLC
101 Ghent Road
Fairlawn, OH 44333
peter@pattakoslaw.com
Counsel for Plaintiff

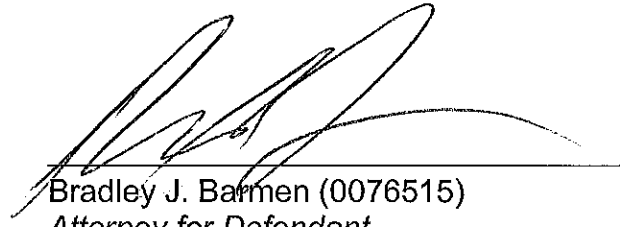
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Counsel for Defendants Kisling, Nestico
& Redick, LLC, Alberto R. Nestico and Robert Redick

A handwritten signature in black ink, appearing to read 'Bradley J. Barmen', is written over a horizontal line. The signature is stylized and cursive.

Bradley J. Barmen (0076515)
Attorney for Defendant
Sam N. Ghoubrial, M.D.

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>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 A. Brogan</p> <p><u>RESPONSES OF DEFENDANT SAM N. GHOUBRIAL, M.D. TO PLAINTIFF MONIQUE NORRIS'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS</u></p> |
|---|---|

Now comes Defendant, Sam N. Ghoubrial, M.D., by and through counsel, and for his Responses to Plaintiff Monique Norris's First Set of Requests for Production of Documents, states as follows:

GENERAL OBJECTIONS

Defendant objects to Plaintiff's Interrogatories and Document Requests to the extent they seek information protected by the attorney-client privilege, work product doctrine, the joint defense and common interest privilege, and other applicable privileges and rules. Specifically, some of Plaintiff's Interrogatories and Document Requests seek information regarding the care and treatment of Defendant's patients in violation of the physician-patient privilege and/or HIPAA.

Defendant Objects to the "Instructions" and "Definitions" preceding Plaintiff's Interrogatories and Document Requests on the grounds they are vague, ambiguous, seek irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, and seek to impose obligations on Defendant that are greater than, or inconsistent with, those obligations imposed by the Ohio Rules of Civil Procedure.

Defendant will respond to Plaintiff's Interrogatories and Document Requests in accordance with his obligations under the Ohio Rules of Civil Procedure.

Defendant Objects to the extent there are no date limitations on these Interrogatories and Document Requests, which make them overly broad and unduly burdensome.

Defendant objects to the extent the Interrogatories and Document Requests are based on illegally obtained documents. Plaintiff should not be able to take advantage of the illegally obtained documents. See *Raymond v. Spirit AeroSystems Holdings, Inc.*, Case No. 16-1282-JTM-GEB-, 2017 U.S. Dist. LEXIS 101926 (D. Kan. June 30, 2017).

Defendant objects to Plaintiff's submission of more than forty (40) Interrogatories without leave of Court in violation of Civ. R. 33(A). Defendant will only respond to the first forty (40) Interrogatories consistent with Civ. R. 33(A). Currently, Plaintiff has exceeded the maximum number of Interrogatories permitted by Rule.

Defendant objects to the Interrogatories and Document Requests to the extent they are not related to class certification or matters the "overlap" with issues relate to class certification.

Defendant denies all allegations or statements in the Interrogatories and Document Requests, except as expressly admitted herein.

These "General Objections" are applicable to and incorporated in each of Defendant's responses to Interrogatories and Document Requests. All Defendant's responses are made subject to and without waiving these objections. Failing to state a specific objection to a particular Interrogatory or Document Request should not be construed as a waiver of these General Objections.

Defendant reserves the right to amend or supplement his responses to these Interrogatories and Document Requests.

Defendant's discovery responses are made without waiver of, and with preservation of:

All questions are to competency, relevancy, materiality, privilege, and admissibility of the responses and subject matter thereof as evidence for any purpose in any further proceedings in this action or any other action;

The right to object to the use of any such responses or the subject matter thereof, on any ground in any further proceedings of this action and in any other action;

The right to object on any ground at any time to a demand or request for a further response to the requests or other discovery involving or relating to the subject matter of the Interrogatories and Document Requests herein responded to;

The right to revise, correct, add to, supplement, or clarify any of the responses contained herein and to provide information and produce evidence of any subsequently discovered facts;

The right to assert additional privileges; and

The right to assert the attorney-client privilege, attorney work product doctrine, or other such privilege as to the discovery produced or the information obtained therefrom, for any purpose in any further proceeding in this action and in any other action.

Requests for Production of Documents

Please produce the following documents:

1. All documents reflecting the number of referrals between you and KNR over any period of time, where such documents *do not* relate or refer to a specific patient.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

2. All documents reflecting any agreement, arrangement, or understanding with KNR concerning KNR’s referral of clients to you.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

3. All documents reflecting any payment made between KNR and you, *not associated* with medical services provided for a *specific* KNR client.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

4. All documents reflecting solicitations or communications to you asking, suggesting, urging or incentivizing any referral agreement and/or arrangement with KNR.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

5. All documents reflecting policies, procedures, or guidance on how to treat or bill KNR clients.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

6. All documents reflecting policies, procedures, or guidance on how to process new patients.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is

therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

7. All documents that you presented to KNR clients relating to any lien on any settlement, judgment, or verdict obtained by KNR.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

8. All documents relating to billing codes used for medical supplies or services provided to KNR clients, including TENS units, orthopedic braces, and/or trigger-point injections.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request may seek proprietary business information and is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

9. All documents relating to your purchasing, procuring, or obtaining TENS units and orthopedic braces from Tritec.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought

“overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

10. All documents relating to your making financial disclosures to, or obtaining consent pertaining to financial disclosures from, KNR clients.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

11. All documents relating to the existence of a quota, goal, metric, or expectation of any person employed by you for the administration of trigger-point injections to KNR clients.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

12. All documents regarding billing procedures, processes, or policies relating to treating patients who are not KNR clients.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms,

and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

13. All documents relating to your operation, control, or direction of Clearwater Billing Services, LLC and any other entity identified in your response to Interrogatory Nos. 2 and 4.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

14. All documents relating to Monique Norris, including all patient ledgers, billing records, and any record of financial disclosures made to Ms. Norris.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, see chart, attached as Exhibit “A”.

15. All documents regarding the circumstances under which you accept or do not accept insurance from patients.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

16. All documents that you use to train your employees, including any manuals, handbooks, memos, or new-employee guides.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

17. All documents reflecting fee agreements that are associated with KNR and/or that KNR provided to your office.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

18. All documents reflecting communications between you and any person at Tritec relating to obtaining TENS units or orthopedic braces for KNR clients, where such documents are not related to any *specific* KNR client.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

19. All documents relating to your ownership and affiliation with TPI Airways LLC

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

20. All documents relating to arranging, planning, or contracting for transportation services for the purpose of treating KNR clients outside of your office(s), including the flight manifests for all flights that you took to treat KNR clients, including at the locations listed in your response to Interrogatory No. 13.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is

therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

21. All documents reflecting or consisting of a summary of the revenues and expenses for TPI Airways

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

22. All documents reflecting communication with KNR relating to trips, retreats, vacations, or that you have attended with KNR employees or representatives.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

23. All documents supporting or relating to your response to any Interrogatory served by Plaintiffs in this lawsuit, including all documents consisting of or relating to the agreements or terms referenced in any Interrogatory, the forms referenced in Interrogatory No. 12, the studies, research, and surveys referenced in Interrogatory Nos. 25 and 26, the guidelines or standards referenced in Interrogatory Nos. 27 and 28, the patient complaints referenced in Interrogatory No. 32, the expenses referenced in Interrogatory No. 33, and the document retention policies referenced in Interrogatory No. 43.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

24. All documents supporting the truth of your denial of any Request for Admission served by Plaintiffs in this lawsuit.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

25. All insurance policies that do or could provide coverage for the defense or payment of the claims at issue in this lawsuit, and documents sufficient to determine the full extent of any such coverage.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, will supplement if necessary once the issue of class certification is resolved.

26. All contracts or employment agreements with Richard Gunning, M.D., Joshua Jones, M.D., and Lisa Esterle, D.O.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request seeks proprietary information. Will supplement if necessary after the issue of class certification is resolved subject to a Stipulated Protective Order (SPO).

27. All employment manuals, handbooks, or job descriptions pertaining to your employment of Richard Gunning, M.D., Joshua Jones, M.D., and Lisa Esterle, D.O.

RESPONSE:

Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is

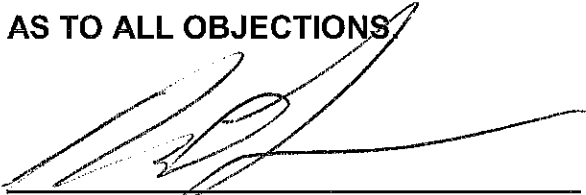
therefore overly broad and unduly burdensome. Further answering, and without waiving said objections, none.

28. Records reflecting each and every instance where you have used the Ohio Automated RX Reporting System (OARRS) to assess whether a KNR client had previously been prescribed controlled substances.

RESPONSE:

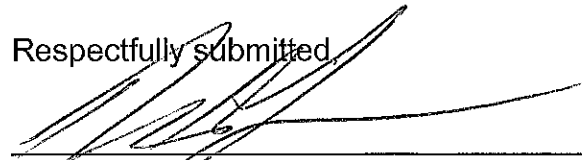
Objection. This Request is not reasonably calculated to lead to the discovery of admissible evidence, it contains vague and undefined terms, and it is not related to class certification, nor does the information sought “overlap” with any issues related to class certification. In addition, this Request is not reasonably limited to any specific time period and is therefore overly broad and unduly burdensome. Further objecting, this Request seeks information protected by the physician-patient privilege, HIPAA and related laws.

AS TO ALL OBJECTIONS



Bradley J. Barmen

Respectfully submitted,



Bradley J. Barmen (0076515)
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Fax: 216.344.9421
brad.barmen@lewisbrisbois.com
Attorney for Defendant
Sam N. Ghoubrial, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Plaintiff's First Set of Requests for Production of Documents, has been served this 4th day of December, 2018 upon the following:

Peter Pattakos, Esq.
The Pattakos Law Firm, LLC
101 Ghent Road
Fairlawn, OH 44333
peter@pattakoslaw.com
Counsel for Plaintiff

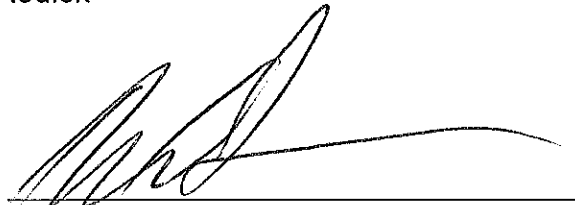
Joshua R. Cohen, Esq.
Cohen Rosenthal & Kramer, LLP
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Cleveland, OH 44113
jcohen@crklaw.com
Counsel for Plaintiff

Thomas P. Mannion, Esq.
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1375 E. 9th Street, Suite 2250
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jpopson@sutter-law.com
broof@sutter-law.com

George D. Jonson, Esq.
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gjonson@mrjlaw.com

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

A handwritten signature in black ink, appearing to read 'Bradley J. Barmen', is written over a horizontal line. The signature is fluid and cursive.

Bradley J. Barmen (0076515)
Attorney for Defendant
Sam N. Ghoubrial, M.D.



Peter Pattakos <peter@pattakoslaw.com>

Member Williams, et al. vs. Kisling Nestico & Redick, et al.

Peter Pattakos <peter@pattakoslaw.com>

Tue, Dec 4, 2018 at 6:01 PM

To: Brad.Barmen@lewisbrisbois.com

Also, to the extent you intend to maintain that we're only entitled to a certain number of interrogatories, you may consider some of them as served by Mr. Harbour and we can go to the Court about the total number allowed later if necessary.

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, Dec 4, 2018 at 5:20 PM Peter Pattakos <peter@pattakoslaw.com> wrote:

Brad,

I am sure you know that the extreme obstruction reflected in these responses is contrary to the Civil Rules. Apart from denying that a relationship exists between Ghoubrial and KNR at all (which is absurd in itself) you literally did not answer a single interrogatory. Also, apart from some records of Ms. Norris's treatment, you did not produce a single responsive document.

I do not suppose that such extreme discovery abuses require me to break anything down for you, and that I might do just as well to go to the Court immediately to get an order that your client provide lawful responses to these, but before I do I will ask you to reconsider supplementing your responses and withdrawing your objections. If there is some particular reason you believe that any given request is not a relevant subject of discovery prior to class-certification, please explain.

Also, I am serving with this email a third set of RFAs and Interrogatories to Dr. Ghoubrial that would not have been necessary but for your obstructive responses to our first set.

Thank you.

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

Exhibit 2

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

On Tue, Dec 4, 2018 at 3:49 PM Szucs, Helen <Helen.Szucs@lewisbrisbois.com> wrote:

Dear Counsel:

Attached please find Defendant Dr. Ghoubrial's responses to Plaintiff's First Requests for Admission, First Set of Interrogatories and First Request for Production of Documents.

Thank you.

Helen Szucs
Assistant to Bradley J. Barmen,
Theresa A. Sherman and Daniel A. Leister
1375 E. Ninth Street, Suite 2250
Cleveland, OH 44114
Direct Dial: 216 586-8820

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>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 A. Brogan</p> <p><u>RESPONSES OF DEFENDANT SAM N. GHOUBRIAL, M.D. TO PLAINTIFFS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS</u></p> |
|---|---|

Now comes Defendant, Sam N. Ghoubril, M.D., by and through counsel, and for his Responses to Plaintiffs' Second Set of Requests for Production of Documents, states as follows:

GENERAL OBJECTIONS

Defendant objects to Plaintiff's Interrogatories and Document Requests to the extent they seek information protected by the attorney-client privilege, work product doctrine, the joint defense and common interest privilege, and other applicable privileges and rules. Specifically, some of Plaintiff's Interrogatories and Document Requests seek information regarding the care and treatment of Defendant's patients in violation of the physician-patient privilege and/or HIPAA.

Defendant Objects to the "Instructions" and "Definitions" preceding Plaintiff's Interrogatories and Document Requests on the grounds they are vague, ambiguous, seek irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, and seek to impose obligations on Defendant that are greater than, or inconsistent with, those obligations imposed by the Ohio Rules of Civil Procedure.

Defendant will respond to Plaintiff's Interrogatories and Document Requests in accordance with his obligations under the Ohio Rules of Civil Procedure.

Defendant Objects to the extent there are no date limitations on these Interrogatories and Document Requests, which make them overly broad and unduly burdensome.

Defendant objects to the extent the Interrogatories and Document Requests are based on illegally obtained documents. Plaintiff should not be able to take advantage of the illegally obtained documents. See *Raymond v. Spirit AeroSystems Holdings, Inc.*, Case No. 16-1282-JTM-GEB-, 2017 U.S. Dist. LEXIS 101926 (D. Kan. June 30, 2017).

Defendant objects to Plaintiff's submission of more than forty (40) Interrogatories without leave of Court in violation of Civ. R. 33(A). Defendant will only respond to the first forty (40) Interrogatories consistent with Civ. R. 33(A). Currently, Plaintiff has exceeded the maximum number of Interrogatories permitted by Rule.

Defendant objects to the Interrogatories and Document Requests to the extent they are not related to class certification or matters the "overlap" with issues relate to class certification.

Defendant denies all allegations or statements in the Interrogatories and Document Requests, except as expressly admitted herein.

These "General Objections" are applicable to and incorporated in each of Defendant's responses to Interrogatories and Document Requests. All Defendant's responses are made subject to and without waiving these objections. Failing to state a specific objection to a particular Interrogatory or Document Request should not be construed as a waiver of these General Objections.

Defendant reserves the right to amend or supplement his responses to these Interrogatories and Document Requests.

Defendant's discovery responses are made without waiver of, and with preservation of:

All questions are to competency, relevancy, materiality, privilege, and admissibility of the responses and subject matter thereof as evidence for any purpose in any further proceedings in this action or any other action;

The right to object to the use of any such responses or the subject matter thereof, on any ground in any further proceedings of this action and in any other action;

The right to object on any ground at any time to a demand or request for a further response to the requests or other discovery involving or relating to the subject matter of the Interrogatories and Document Requests herein responded to;

The right to revise, correct, add to, supplement, or clarify any of the responses contained herein and to provide information and produce evidence of any subsequently discovered facts;

The right to assert additional privileges; and

The right to assert the attorney-client privilege, attorney work product doctrine, or other such privilege as to the discovery produced or the information obtained therefrom, for any purpose in any further proceeding in this action and in any other action.

Requests for Production of Documents

Please produce the following documents:

1. Portions of the transcript of Julie Ghoubrial's deposition taken in Summit County Court of Common Pleas Case No. DR-2018-04-1027 where Julie was questioned about any allegation relating to this lawsuit.

RESPONSE:

Objection. This Request seeks information not reasonably calculated to lead to the discovery of admissible evidence and it seeks information in no way related to class certification or the allegations raised in the 5th Amended Complaint. Further objecting, this Request seeks information protected from disclosure by a Confidentiality Order in place in Summit County Court of Common Pleas Case No. DR-2018-04-1027. Finally, if the requested information were not protected from disclosure by the Confidentiality Order, which it is, Plaintiff herein could order it herself.

Respectfully submitted,

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
Lewis Brisbois Bisgaard and Smith
1375 East Ninth Street, Suite 2250
Cleveland, OH 44114
Phone: 216.344.9422
Fax: 216.344.9421
brad.barmen@lewisbrisbois.com
Attorney for Defendant
Sam N. Ghoubrial, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Plaintiff's First Set of Requests for Production of Documents, has been served this 20th day of December, 2018 upon the following:

Peter Pattakos, Esq.
The Pattakos Law Firm, LLC
101 Ghent Road
Fairlawn, OH 44333
peter@pattakoslaw.com
Counsel for Plaintiff

Joshua R. Cohen, Esq.
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The Hoyt Block Building, Suite 400
Cleveland, OH 44113
jcohen@crklaw.com
Counsel for Plaintiff

Thomas P. Mannion, Esq.
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Cincinnati, OH 45252
gjonson@mrjlaw.com

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

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
Attorney for Defendant
Sam N. Ghoubrial, M.D.

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

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|---|--|
| <p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p>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 A. Brogan</p> <p><u>ANSWERS OF DEFENDANT SAM N. GHOUBRIAL, M.D. TO PLAINTIFFS' SECOND SET OF INTERROGATORIES</u></p> |
|---|--|

Now comes Defendant, Sam N. Ghoubril, M.D., by and through counsel, and for his Answers and Objections to Plaintiffs' Second Set of Interrogatories, states as follows:

GENERAL OBJECTIONS

Defendant objects to Plaintiff's Interrogatories and Document Requests to the extent they seek information protected by the attorney-client privilege, work product doctrine, the joint defense and common interest privilege, and other applicable privileges and rules. Specifically, some of Plaintiff's Interrogatories and Document Requests seek information regarding the care and treatment of Defendant's patients in violation of the physician-patient privilege and/or HIPAA.

Defendant Objects to the "Instructions" and "Definitions" preceding Plaintiff's Interrogatories and Document Requests on the grounds they are vague, ambiguous, seek irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, and seek to impose obligations on Defendant that are greater than, or inconsistent with, those obligations imposed by the Ohio Rules of Civil Procedure.

Defendant will respond to Plaintiff's Interrogatories and Document Requests in accordance with his obligations under the Ohio Rules of Civil Procedure.

Defendant Objects to the extent there are no date limitations on these Interrogatories and Document Requests, which make them overly broad and unduly burdensome.

Defendant objects to the extent the Interrogatories and Document Requests are based on illegally obtained documents. Plaintiff should not be able to take advantage of the illegally obtained documents. See *Raymond v. Spirit AeroSystems Holdings, Inc.*, Case No. 16-1282-JTM-GEB-, 2017 U.S. Dist. LEXIS 101926 (D. Kan. June 30, 2017).

Defendant objects to Plaintiff's submission of more than forty (40) Interrogatories without leave of Court in violation of Civ. R. 33(A). Defendant will only respond to the first forty (40) Interrogatories consistent with Civ. R. 33(A). Currently, Plaintiff has exceeded the maximum number of Interrogatories permitted by Rule.

Defendant objects to the Interrogatories and Document Requests to the extent they are not related to class certification or matters the "overlap" with issues relate to class certification.

Defendant denies all allegations or statements in the Interrogatories and Document Requests, except as expressly admitted herein.

These "General Objections" are applicable to and incorporated in each of Defendant's responses to Interrogatories and Document Requests. All Defendant's responses are made subject to and without waiving these objections. Failing to state a specific objection to a particular Interrogatory or Document Request should not be construed as a waiver of these General Objections.

Defendant reserves the right to amend or supplement his responses to these Interrogatories and Document Requests.

Defendant's discovery responses are made without waiver of, and with preservation of:

All questions are to competency, relevancy, materiality, privilege, and admissibility of the responses and subject matter thereof as evidence for any purpose in any further proceedings in this action or any other action;

The right to object to the use of any such responses or the subject matter thereof, on any ground in any further proceedings of this action and in any other action;

The right to object on any ground at any time to a demand or request for a further response to the requests or other discovery involving or relating to the subject matter of the Interrogatories and Document Requests herein responded to;

The right to revise, correct, add to, supplement, or clarify any of the responses contained herein and to provide information and produce evidence of any subsequently discovered facts;

The right to assert additional privileges; and

The right to assert the attorney-client privilege, attorney work product doctrine, or other such privilege as to the discovery produced or the information obtained therefrom, for any purpose in any further proceeding in this action and in any other action.

Interrogatories

1. Identify the court reporter who recorded and/or transcribed the deposition of Julie Ghoubrial in divorce proceedings against you in Summit County Court of Common Pleas Case. No. DR-2018-04-1027, including the court reporter's contact information and the name of the entity by which the court reporter is employed to perform court reporting services.

RESPONSE:

Objection. Plaintiff's Second Interrogatories to Defendant Ghoubrial were propounded in violation of Local Rule 17.01 as Plaintiff never sought or received leave of Court. Further objecting, this Interrogatory seeks information not reasonably calculated to lead to the discovery of admissible evidence and it seeks information wholly unrelated to class certification or any mater relating to the allegations in the 5th Amended Complaint. Further answering, and without waiving said objections, the requested information is protected from disclosure by a Confidentiality Order and the deposition of Julie Ghoubrial in Summit County Court of Common Pleas Case No. DR-2018-1027 has not been transcribed.

Respectfully submitted,

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
Lewis Brisbois Bisgaard and Smith
1375 East Ninth Street, Suite 2250
Cleveland, OH 44114
Phone: 216.344.9422
Fax: 216.344.9421
brad.barmen@lewisbrisbois.com
*Attorney for Defendant
Sam N. Ghoubrial, M.D.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answers of Sam Ghoubril to Plaintiff's First Set of Interrogatories has been served this 20th day of December, 2018 upon the following:

Peter Pattakos, Esq.
The Pattakos Law Firm, LLC
101 Ghent Road
Fairlawn, OH 44333
peter@pattakoslaw.com
Counsel for Plaintiff

Joshua R. Cohen, Esq.
Cohen Rosenthal & Kramer, LLP
The Hoyt Block Building, Suite 400
Cleveland, OH 44113
jcohen@crklaw.com
Counsel for Plaintiff

Thomas P. Mannion, Esq.
Lewis Brisbois Bisgaard and Smith
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James M. Popson, Esq.
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broof@sutter-law.com

George D. Jonson, Esq.
Montgomery, Rennie & Jonson
36 East Seventh Street, Suite 2100
Cincinnati, OH 45252
gjonson@mrjlaw.com

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

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
Attorney for Defendant
Sam N. Ghoubrial, M.D.

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>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 A. Brogan</p> <p>DEFENDANT SAM N. GHOUBRIAL, M.D.'S ANSWERS TO PLAINTIFFS' SECOND SET OF REQUESTS FOR ADMISSION</p> |
|---|---|

Now comes Defendant, Sam N. Ghoubrial, M.D., by and through counsel, and for his Responses to Plaintiffs' Second Set of Requests for Admission, states as follows:

Requests for Admission

1. Admit that attorney David Best asked questions of Julie Ghoubrial at her deposition in Summit County Court of Common Pleas Case. No. DR-2018-04-1027 that relate to the allegations in this lawsuit.

RESPONSE:

Objection. Can neither admit nor deny. Request for Admission No. 1 seeks information protected from disclosure by a Confidentiality Order in place in Summit County Court of Common Pleas Case No. DR-2018-04-1027.

2. Admit that some of the questions referred to in Request No. 1 above pertained to specific allegations set forth in this lawsuit.

RESPONSE:

Objection. Can neither admit nor deny. Request for Admission No. 2 seeks information protected from disclosure by a Confidentiality Order in place in Summit County Court of Common Pleas Case No. DR-2018-04-1027.

3. Admit that Julie provided substantive responses to questions referred to in Requests No. 1 and No. 2 above.

RESPONSE:

Objection. Can neither admit nor deny. Request for Admission No. 3 seeks information protected from disclosure by a Confidentiality Order in place in Summit County Court of Common Pleas Case No. DR-2018-04-1027.

4. Admit that Julie testified that the allegations referred to in Request No. 2 above were true.

RESPONSE:

Objection. Can neither admit nor deny. Request for Admission No. 4 seeks information protected from disclosure by a Confidentiality Order in place in Summit County Court of Common Pleas Case No. DR-2018-04-1027.

AS TO ALL OBJECTIONS.

/s/ Bradley J. Barmen

Bradley J. Barmen

Respectfully submitted,

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
Lewis Brisbois Bisgaard and Smith
1375 East Ninth Street, Suite 2250
Cleveland, OH 44114
Phone: 216.344.9422
Fax: 216.344.9421
brad.barmen@lewisbrisbois.com
Attorney for Defendant
Sam N. Ghoubrial, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Plaintiff's Second Set of Requests for Admission, has been served this 20th day of December, 2018 upon the following:

Peter Pattakos, Esq.
The Pattakos Law Firm, LLC
101 Ghent Road
Fairlawn, OH 44333
peter@pattakoslaw.com
Counsel for Plaintiff

Joshua R. Cohen, Esq.
Cohen Rosenthal & Kramer, LLP
The Hoyt Block Building, Suite 400
Cleveland, OH 44113
jcohen@crklaw.com
Counsel for Plaintiff

Thomas P. Mannion, Esq.
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