

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

<p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>KISLING, NESTICO &amp; REDICK, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. CV-2016-09-3928</p> <p>Judge James A. Brogan</p> <p><b>Plaintiffs' Motion for Clarification of the Court's January 8, 2019 Order Extending the Class-Discovery Deadline</b></p>
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On January 8, 2019, the Court issued an ruling, attached as **Exhibit 1**, in which it “extend[ed] the deadline for class certification to May 1, 2019” and ordered the parties to “work professionally ... in order to complete discovery within this extended time-line.” By Plaintiffs’ reading of this order, the parties are free to conduct discovery until the new class-certification deadline of May 1. Defendants have taken a contrary view, insisting that the January 8 order provides for a discovery deadline of April 1. Plaintiffs attempted to obtain Defendants’ agreement on a May 1 deadline to no avail. Thus Plaintiffs request clarification as to whether the January 8 order provides for a class-discovery deadline of May 1, or whether there exists a deadline separate from the newly extended class-certification deadline.

Respectfully submitted,

/s/ Rachel Hazelet

Peter Pattakos (0082884)

Dean Williams (0079785)

Rachel Hazelet (00097855)

THE PATTAKOS LAW FIRM LLC

101 Ghent Road

Fairlawn, Ohio 44333

Phone: 330.836.8533

Fax: 330.836.8536

peter@pattakoslaw.com

dwilliams@pattakoslaw.com

rhazelet@pattakoslaw.com

Joshua R. Cohen (0032368)  
Ellen Kramer (0055552)  
COHEN ROSENTHAL & KRAMER LLP  
The Hoyt Block Building, Suite 400  
Cleveland, Ohio 44113  
Phone: 216.781.7956  
Fax: 216.781.8061  
jcohen@crklaw.com

*Attorneys for Plaintiffs*

### **Certificate of Service**

The foregoing document was filed on January 18, 2019, using the Court's e-filing system, which will serve copies on all necessary parties.

/s/ Rachel Hazelet  
*Attorney for Plaintiffs*

IN THE COURT OF COMMON PLEAS  
COUNTY OF SUMMIT

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

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This matter is before the Court upon several pending motions. Upon due consideration of the issues raised in each, the Court makes the following rulings and orders:

- (1) Plaintiffs’ December 6, 2018 Motion for Sanctions against Defendant Ghoubril is **OVERRULED.**<sup>1</sup>
- (2) Plaintiffs’ December 6, 2018 Motion to Strike the Confidentiality Designations regarding Brandy Gobrogge’s Deposition Testimony is **GRANTED**. It is apparent from a review of the motion, brief in opposition, and reply brief that most of the information Defendants assert is “Confidential” has already been made public or is the subject of documents independently obtained by Plaintiffs. The remainder is general information that is not legitimately designated as “sensitive or proprietary” or protectable as a “trade secret.”
- (3) Plaintiffs’ December 6, 2018 Second Motion to Compel Discovery from KNR and Motion for Sanctions is **OVERRULED**. KNR should continue to make a good faith and comprehensive search of documents relevant in this case and supplement as necessary. However, as it stands there is no proof that KNR is not conducting its search for documents or supplementing discovery in good faith.

<sup>1</sup> The Court already issued a partial Entry & Order granting and compelling the deposition of Richard Gunning. M.D.

- (4) Defendants' (KNR, Nestico, Redick) December 12, 2018 Motion for Protective Order is OVERRULED. Counsel shall only ask questions about the underlying conduct at issue without making reference to the Ohio Rules of Professional Conduct.<sup>2</sup>
- (5) Defendant Floros' December 12, 2018 Motion to Dismiss is OVERRULED. The Court carefully considered the motion and brief in opposition and finds the issues raised premature as Plaintiffs' claims are sufficiently pleaded to withstand a Civ.R. 12(B)(6) Motion to Dismiss. Defendant Floros may renew his arguments on these issues at a later stage in these proceedings.
- (6) Plaintiffs' December 20, 2018 Motion for Protective Order Barring Speaking Objections is OVERRULED, however the Court admonishes counsel to avoid speaking objections suggesting answers to witnesses.
- (7) Plaintiffs' January 2, 2019 Motion for a Status Conference Regarding the Scheduling of Depositions and Extension for Class-Discovery is GRANTED IN PART. The Court extends the deadline for class certification to May 1, 2019. However, the Court is not inclined to conduct a status conference merely to order counsel to work together professionally in conducting discovery. The working relationship between counsel in completing the tasks at hand requires that counsel meet and confer to reach agreement on mutually available deposition dates/times, and to timely answer correspondence, etc., in order to complete discovery within this extended time-line.

IT IS SO ORDERED.



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

CC: ALL PARTIES OF RECORD

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<sup>2</sup> Defendants' (KNR, Nestico, Redick) January 4, 2019 Motion for Leave to File *Instante*r Reply Brief in Support of Motion for Protective Order is GRANTED. The Reply Brief is considered filed *Instante*r with the Clerk of Court.