

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Plaintiffs,

v.

KISLING, NESTICO & REDICK, LLC,
et al.

Defendants.

Case No. CV-2016-09-3928

Judge James Brogan

**Dr. Sam Ghoubrial's Supplemental
Memorandum in Opposition to Plaintiffs'
Motion to Compel Discovery**

Now comes Defendant Sam Ghoubrial, M.D., ("Dr. Ghoubrial") by and through counsel, and supplements his January 7, 2019, Memorandum in Opposition to Plaintiffs' Motion to Compel Discovery. In Plaintiffs' Motion to Compel Discovery, Plaintiffs sought, among other things, excerpts of the deposition transcript of non-party witness Julie Ghoubrial taken in Dr. Ghoubrial's on-going divorce matter, Summit County Court of Common Pleas Domestic Relations Division Case No. DR 2018-04-1027.

Dr. Ghoubrial objected to Plaintiffs' discovery requests related to his divorce matter on several grounds. Not only are these requests wholly irrelevant to any issue to be determined in this matter, they are primarily meant to embarrass and harass Dr. Ghoubrial. Moreover, and as indicated in Dr. Ghoubrial's Memorandum in Opposition to Plaintiffs' Motion to Compel, the transcript of Julie Ghoubrial's deposition in the Domestic Relations matter had not been ordered. Notwithstanding Dr. Ghoubrial's valid objections, Dr. Ghoubrial simply could not produce a transcript that did not exist. And, he was in no way obligated to order the transcript solely for the purpose of producing it to Plaintiffs in this case.

Since this matter has been briefed, the transcript of Julie Ghoubrial's deposition has now been ordered by her lawyer in the Domestic Relations matter. However, on January 25, 2019, Judge

John Quinn, the judge presiding over Dr. Ghoumbrial's divorce case, issued an Order marking the entirety of Julie Ghoumbrial's deposition transcript confidential. *See* 1/25/19 Order signed by Judge John Quinn in Case No. DR 2018-04-1027 (attached as Exhibit A). This Order also mandates the transcript:

- 1) be kept under seal;
- 2) only be used by the Parties to the Domestic Relations action;
- 3) is subject to the Protective Order in place in that matter; and
- 4) can only be used by the parties and counsel in the divorce action "and for no other purposes of any kind or nature." *See Id.* (attached as Exhibit A).

As an Order is in place preventing the disclosure and/or use of Julie Ghoumbrial's deposition transcript from the divorce action for any reason outside of the divorce action, Plaintiffs' Motion to Compel the production of any portion of Julie Ghoumbrial's deposition transcript must be denied. *See Id.* (attached as Exhibit A). Further, Dr. Ghoumbrial respectfully requests this Court preclude Plaintiffs from any and all attempts to obtain the transcript of Julie Ghoumbrial's deposition from the divorce action.

Respectfully Submitted,

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
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CERTIFICATE OF SERVICE

The foregoing Defendant Sam Ghoubrial, M.D.'s Supplemental Memorandum in Opposition to Plaintiffs' Motion to Compel Discovery has been filed on the 25th day of January, 2019 using the Court's electronic filing system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)

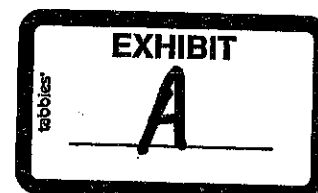
Counsel for Defendant Dr. Sam Ghoubrial, M.D.

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO

Julie Ghoubrial	*	Case No.: DR 2018-04-1027
Plaintiff	*	Judge Quinn
vs.	*	Magistrate Dennis
Sameh N. Ghoubrial, et al.	*	<u>ORDER TO MARK DEPOSITION</u>
Defendants	*	<u>TRANSCRIPT AS CONFIDENTIAL</u>
		<u>INFORMATION</u>

Based upon written motion and for good cause shown, the following terms shall apply:

1. The deposition transcript of Plaintiff taken on or about October 12, 2018, shall remain under seal of this Court and shall not be distributed, copied, or provided to any third parties.
2. The deposition transcript shall only be used by the parties to the within action.
3. The Court Reporter shall mark each and every one of the pages contained in the deposition as confidential and subject to the Protective Order previously executed by the parties and filed with this Court.



4. This deposition transcript shall only be used by parties and counsel for the limited purposes of the within divorce case and for no other purposes of any kind or nature.

IT IS SO ORDERED.

Judge Quinn

Approved By:

/s/ Adam R. Morris

Adam R. Morris (0086513)

Randal A. Lowry (0001237)

Mora Lowry (0070852)

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The foregoing document styled 'ORDER TO MARK DEPOSITION TRANSCRIPT AS CONFIDENTIAL INFORMATION' and consisting of 2 pages plus this signature page is hereby approved and made an Order of this Court.

IT IS SO ORDERED

A handwritten signature in black ink, appearing to read "John P. Quinn". The signature is written in a cursive, slightly slanted style.

Judge QUINN, JOHN