

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, <i>et al.</i> , Plaintiffs, vs. KISLING, NESTICO & REDICK, LLC, <i>et al.</i> , Defendants.	Case No. 2016-CV-09-3928 Judge James Brogan Plaintiffs' Response to Defendant Ghoubrial's Sur-Reply re: Julie's deposition transcript
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Defendant Ghoubrial is extremely desperate to keep the Court (not to mention Plaintiffs) from laying eyes on the deposition testimony of his wife Julie in their currently pending divorce proceedings in which Julie was questioned by David Best (who represents the Defendants in this case) specifically about Plaintiffs' allegations in this lawsuit. In what is essentially his second sur-reply brief on this issue, filed late yesterday, Ghoubrial variously accuses Plaintiffs counsel of having the "unmitigated gall," to make "blatant misrepresentations" to the Court, as well as a "flagrant disregard for the truth and professional ethics [that are] a fraud on the court that must be stopped," in addition to "narcissism and omnipotence," and "resort[ing] to verbal tantrums akin to a toddler who is told no." Ghoubrial Sur-reply at 3, 5.

Two primary and demonstrably baseless complaints can be filtered from the histrionics in Ghoubrial's latest filing. First, Ghoubrial attacks Plaintiffs' counsel for suggesting that Ghoubrial sought the confidentiality order in the divorce case precisely to obstruct its discovery in this case, stating that "Attorney Pattakos ... does not know why any motions were filed in the divorce action and he certainly does not know why Judge Quinn saw fit to enter his January 25, 2019 Order." *Id.* at 5. Attorney Pattakos does know, however, as much as anyone who accesses the docket in the divorce case (Summit County D.R. No. 2018-04-1027) knows, that the order was granted on

Defendant Ghoumbrial's motion that he filed just last week, the only stated grounds for which being that the transcript contains "confidential business information regarding [his] business." See **Ex. 1** to Plaintiffs' Jan. 30 response to Ghoumbrial's "Supplemental Memorandum." Additionally, Attorney Pattakos (and anyone who accesses the docket) similarly knows that Julie herself opposed this order, stating in her opposition that (1) Ghoumbrial's request to mark the transcript as confidential is "inappropriate and based upon inaccurate and misleading information;" (2) the transcript is "plainly not covered by the terms of" the previously applicable confidentiality agreement and protective order in the divorce case (again contrary to Ghoumbrial's misstatements to this Court that he repeats at page 4 of his Sur-reply)), and (3) Julie's "deposition testimony is not the testimony of any of the business entities" but "rather," "hers and hers alone." See **Ex. 2** to Plaintiffs' Jan. 30 response to Ghoumbrial's "Supplemental Memorandum." Thus, Plaintiffs have simply referred to the very grounds on which Ghoumbrial himself requested the order at issue, over Julie's opposition. These grounds, purported concerns about "confidential business information," are plainly insufficient to justify keeping Julie's testimony secret in this case, which pertains precisely to Ghoumbrial's business practices.

Second, and more troubling, Ghoumbrial falsely represents to this Court that Julie's testimony is not relevant to this action. See Ghoumbrial Sur-reply at 6 ("Attorney Pattakos' unsupported assertion Julie Ghoumbrial's testimony in the divorce case is somehow relevant to his clients' claims in this case does not make his assertions true. Dr. Ghoumbrial's divorce is in no way relevant to this class action. The only reason attorney Pattakos is trying so hard to drag Dr. Ghoumbrial's divorce into this matter is to embarrass and harass in an effort to gain an unfair advantage.").¹

¹ Ghoumbrial also accuses Plaintiffs' counsel of defrauding the Court by citing *Grantz v. Discovery for Youth*, 12th Dist. Butler Nos. CA2004-09-216, CA2004-09-217, 2005-Ohio-680, ¶ 19 for the proposition that a court "may order disclosure" of information sealed in unrelated proceedings when that information is "pertinent to pending civil and criminal actions" after holding "an in

Fortunately, the truth of this matter can be easily resolved by this Court simply ordering an *in camera* inspection of the transcript at issue. Indeed, Plaintiffs' investigation has revealed that Attorney Best was one of two attorneys who questioned Julie on Defendant Ghoubril's behalf at her deposition, and Best's questioning, which lasted approximately one hour, pertained entirely to the allegations *in this case*. Thus, all the Court would have to do is briefly refer to the limited set of questions asked by Attorney Best on the transcript to confirm the relevance of this testimony to the instant case and reveal that if anyone is perpetrating a "fraud on this Court," it certainly isn't the Plaintiffs.

Obviously, Plaintiffs' counsel would not be making these representations about the contents of Julie's deposition transcript if he were not confident in the information on which they are based. Rather than accede to Defendants' desperate and overheated efforts to keep this entire matter in the dark, the Court should simply order the transcript be produced for an *in camera* inspection that will easily, fairly, and properly resolve this matter one way or another.

Respectfully submitted,

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camera inspection to determine: 1) whether the records are necessary and relevant to the pending action; 2) whether good cause has been shown by the person seeking disclosure; and 3) whether their admission outweighs ... confidentiality considerations." *Id.* at ¶ 13, 19. Ghoubril claims that this case obviously does not apply here because it involved to juvenile court as opposed to domestic relations proceedings, but there is no basis for limiting this case's holding in this manner, particularly where confidentiality is generally far more justified in juvenile courts, which have a special mission of protecting children, and particularly here where Julie herself has opposed the notion that her transcript should be kept confidential.

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The foregoing document was filed on February 1, 2019, using the Court's electronic-filing system, which will serve copies on all necessary parties.

/s/ Rachel Hazelet

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