IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al., Plaintiffs, v. KISLING, NESTICO & REDICK, LLC, et al., Defendant.	Case No.: 2016-09-3928 Judge: James Brogan **KNR DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES FROM PLAINTIFFS WILLIAMS, REID, AND NORRIS RELATING TO FAILURE TO ANSWER CONTENTION INTERROGATORIES**

Now come the KNR Defendants and hereby respectfully request that this Honorable Court issue an order compelling Plaintiffs Member Williams, Thera Reid, and Monique Norris (collectively "Plaintiffs") to provide responses to the KNR Defendants' Interrogatories requesting the factual and/or evidentiary basis of the Plaintiffs' claims. Defendants submitted these "contention" interrogatories to determine the facts and evidence supporting Plaintiffs' claims. This type of interrogatory is specifically contemplated and allowed by the Ohio Rules of Civil Procedure. The Rules of Civil Procedure more than just allow this type of discovery – the Rules PROHIBIT objecting on the basis an interrogatory relates to a "contention" of a party.

Despite the express language of the civil rules (and Defendants repeated reminders to Plaintiffs' counsel of the rules), Plaintiffs simply refuse to answer the discovery. Instead, Plaintiffs do exactly what the rules prohibit: object on the basis the interrogatories relate to contentions.

The Defendants have attempted to resolve this matter without court intervention on numerous occasions. (*See* Correspondence between Defendants' counsel and Plaintiffs' counsel, attached hereto as Exhibits A - G). Plaintiffs, however, simply refuse to follow the rules or the case law interpreting the rules.

In further hindrance of Defendants' right to know the basis of the claims against them, the individual Plaintiffs refused to answer these questions on deposition. The Defendants asked each and

every Plaintiff for the facts supporting the class claims for which that Plaintiff is a putative class representative. Strikingly, they were unable to articulate the factual basis or evidence supporting their allegations. Instead, they claimed their lawyer possessed the information and showed them, but they can't remember what it was.

Thus, the Defendants are left with the following circular dilemma:

1. In written discovery, Plaintiffs refused to answer these questions based on an objection specifically prohibited by the Ohio Rules of Civil Procedure; and

2. On deposition, the individual Plaintiffs defer to their lawyer to identify this evidence.

Plaintiffs are not permitted to hide behind their collective "lack of awareness" and use their lawyer as a "discovery shield." The bottom line is that the Ohio rules require these questions to be answered. Accordingly, the KNR Defendants respectfully request this Honorable Court to compel Plaintiffs to withdraw their objection to the "contention interrogatories" and provide full and proper answers to these discovery requests. This Motion is supported by the Ohio Rules of Civil Procedure and the attached Memorandum in Support, which are incorporated herein by reference.

Respectfully submitted,

/s/ James M. Popson

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Counsel for Defendants

MEMORANDUM IN SUPPORT OF KNR DEFENDANTS' MOTION TO COMPEL

I. INTRODUCTION

Plaintiffs' have repeatedly and improperly objected to Defendants' "contention interrogatories." (*See* response of various Plaintiffs, attached hereto as Exhibits H-M). However, these objections have no basis in Ohio law, which provides that contention interrogatories are a "perfectly permissible form of discovery" and that "parties are entitled to inquire to the factual basis of a legal claim by means of an interrogatory." *See Nationwide Agribusiness Ins. Co. v. Heidler*, 12th Dist. Clinton No. CA2015-07-013, 2016-Ohio-455, ¶ 22-24. Moreover, these interrogatories are permitted by Ohio Rule of Civil Procedure 33, which expressly prohibits objections based on a discovery directed to an opposing party's contention. Underscoring the negative impact of Plaintiffs' refusal to answer this discovery, the Plaintiffs also either refused or were simply unable to provide these answers during their depositions.

II. FACTS

The KNR Defendants have issued discovery requests to each of the Plaintiffs requesting the facts and evidence they claim support their allegations. Each and everyone one of these requests was met with the following Objection (See Exhibits H-M):

> Plaintiff objects to this contention interrogatory as overly broad and unduly burdensome. "[W]hile contention interrogatories are a perfectly acceptable form of discovery, Defendants' requests, insofar as they seek every fact, every piece of evidence, every witness, and every application of law to fact . . . are overly broad and unduly burdensome." (citations omitted)). *Ritchie Risk-Linked Strategies Trading (Ir.), Ltd. v. Coventry First LLC,* 273 F.R.D. 367, 369 (S.D.N.Y. 2010).
>
> Further, Plaintiff objects on the grounds that this is not an appropriate time for Defendant to serve or for Plaintiff to respond to contention interrogatories. "The general policy is to defer contention interrogatories until discovery is near an end, in order to promote efficiency and fairness." *Ziemack v. Centel Corp.,* 1995 WL 729295, at *2 (N.D. Ill. Dec. 7, 1995). Indeed, "[t]here is considerable authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period." *Schweinfurth v.*

> *Motorola, Inc*., No. 1:05CV0024, 2007 U.S. Dist. LEXIS 98182, 2007 WL 6025288, at *4 (N.D. Ohio Dec. 3, 2007) *aff'd*, 2009 U.S. Dist. LEXIS 8405, 2009 WL 349163 (N.D. Ohio Jan. 26, 2009). see also *Lincoln Elec. Co. v. Travelers Cas. & Sur. Co*., 2013 U.S. Dist. LEXIS 189111, *188-189 (N.D. Ohio Feb. 4, 2013) ("responses [to contention interrogatories] are inappropriate at this early stage of the proceeding."); *Hazelkorn v. Morgan*, 1980 Ohio App. LEXIS 12762, *3 (Ohio Ct. App., Trumbull County Dec. 22, 1980) ("An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion, but the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pretrial conference."); *Graber v. Graber,* 2004 Ohio App. LEXIS 5585, 2004-Ohio-6143, ¶ 33 (Ohio Ct. App., Stark County Nov. 15, 2004) (same).
>
> Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete.

The Defendants attempted on multiple occasions to point out the error of the Plaintiffs' objection. (*See* Exhibits A-G). Plaintiffs refuse to follow the rules, however.

III. LAW AND ARGUMENT

"The purpose of the liberal discovery policy contemplated by the Ohio Rules of Civil Procedure is the narrowing and sharpening of the issues to be litigated." *State ex rel. Daggett v. Gessaman*, 34 Ohio St. 2d 55, 56-57, 295 N.E.2d 659, (1973). To this end, Civ.R. 33(B) provides:

> "[A]n interrogatory otherwise proper is not objectionable merely because the answer to the interrogatory involves an opinion, contention, or legal conclusion …"

Plaintiffs have put the factual basis of the claims against the KNR Defendants at issue by filing their Complaint (now on a Fifth Amended Complaint). As such, the KNR Defendants are entitled to inquire to the factual basis of the legal claims at issue by means of an interrogatory. Pursuant to the civil rules and the case law construing those rules, Plaintiffs should be forced to comply with Ohio law by withdrawing their improper "contention interrogatory" objections and providing full and adequate responses to these discovery requests.

1. Contention Interrogatories are a "Perfectly Permissible Form of Discovery" and Require a Response

The interrogatories at issue are not properly objectionable on the grounds that they are "improper contention interrogatories." Rather, contention interrogatories are specifically recognized as a proper form of discover by the Ohio Rules of Civil Procedure and the case law construing those rules. *See, e.g.,* Ohio Civ.R. 33. *See also Nationwide Agribusiness Ins. Co. v. Heidler*, 12th Dist. Clinton No. CA2015-07-013, 2016-Ohio-455, ¶ 22-24, citing *Starcher v. Corr. Med. Sys., Inc.*, 144 F.3d 418 (6th Cir.1998), fn. 2.

Ohio courts uphold the use of the interrogatories at issue in this Motion. For example, in *Nationwide*, the Twelfth District upheld the use of contention interrogatories where one party requested the other "to identify the evidence upon which it will base its defenses, affirmative defenses, or defenses aware of but not yet pled." *Id.* at *24. Therein, the court stated that "[p]arties are entitled to inquire to the factual basis of a legal claim by means of an interrogatory." *Id.* Accordingly, the court held that after putting the information at issue by asserting the defenses in its complaint and answer to the counterclaim, the party "now cannot withhold evidence regarding these issues. *See* Civ.R. 26(B)(3)." *Id.* Moreover, the court continued, stating "interrogatories are not objectionable simply because they seek information that might contain an opinion, contention or legal conclusion." (Citations omitted.) *Id.* Likewise, Plaintiffs put the factual basis of their claims at issue by asserting the claims against the KNR Defendants. Therefore, just as the court held in *Nationwide*, the present Plaintiffs cannot withhold evidence regarding the factual basis of their claims, as the interrogatories are perfectly permissible.

Accordingly, Plaintiffs' objections are invalid and the Court must order Plaintiffs to respond appropriately.

2. Plaintiffs' objections have no basis in Ohio law, requiring withdrawal.

Initially, Plaintiffs' objections lack citation to any applicable Ohio case law. Plaintiffs repeated reliance on *Hazelkorn v. Morgan* is unavailing, as the decision surrounded post-judgment discovery and only mentioned the word "contention" during a citation to Civ.R. 33(B), which states, in relevant part:

> An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion, but the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pretrial conference.

See Hazelkorn v. Morgan, 11th Dist. Trumbull No. 2894, 1980 WL 352316, *1; Civ.R. 33(B); *see also Graber v. Graber*, 5th Dist. Stark No. 2004CA00115, 2004-Ohio-6143, ¶ 34 (similarly deciding a completely different discovery issue and only mentioning "contention" while citing to Civ.R. 33(B)). Plaintiffs' inability to cite to Ohio cases discussing contention interrogatories demonstrates the explicit lack of foundation for their objection in the present forum.

Further, Plaintiffs' objections are improper to the extent that each rests on federal court holdings interpreting federal law. Specifically, Plaintiffs' cite to *Ritchie Risk-Linked Strategies Trading (Ireland), Ltd. v. Coventry First LLC*, 273 F.R.D. 367, 369 (S.D.N.Y.2010), *Ziemack v. Centel Corp*., N.D.Ill. No. 92 C 3551, 1995 U.S. Dist. LEXIS 18192, at *4-7 (Dec. 6, 1995), and *Schweinfurth v. Motorola, Inc.*, N.D.Ohio No. 1:05CV0024, 2007 U.S. Dist. LEXIS 98182, at *10-14 (Dec. 3, 2007), each of which apply Fed. R. Civ. P. 33, rather than Ohio Civ.R. 33. Moreover, Plaintiffs' citation to *Lincoln Elec. Co. v. Travelers Cas. & Sur. Co.*, N.D.Ohio No. 1:11CV2253, 2013 U.S. Dist. LEXIS 189111, at *1 (Feb. 4, 2013) is misplaced, as the opinion does not even mention contention interrogatories.

Finally, Plaintiffs repeated reliance on *Schweinfurth* during correspondence with counsel for the KNR Defendants holds no weight in this case. First, *Schweinfurth* does not opine on the Ohio Rules of Civil Procedure and is not an appropriate basis for objection in this lawsuit. *Schweinfurth v. Motorola, Inc*., N.D.Ohio No. 1:05CV0024, 2007 WL 6025288, aff'd as modified, N.D.Ohio No. 1:05CV0242009 WL 349163. Second, *Schweinfurth* did not rely on any Ohio precedent—state or federal— when creating its contention interrogatory analysis. Instead, the opinion relies entirely on non-Sixth-Circuit federal district court holdings, which are not applicable to this case. *Id.* at *4. Third, since the decision in 2007, no court has relied on *Schweinfurth's* contention interrogatory analysis under the Federal Rules of Civil Procedure. Finally, Sixth Circuit precedent suggests that *Schweinfurth* was improperly decided, as the Sixth Circuit has stated that "[t]he general view is that contention interrogatories are a perfectly permissible form of discovery, to which a response ordinarily would be required." (Citations omitted.) *Starcher v. Correctional Med. Systems, Inc.*, 144 F.3d 418, 421 (6th Cir. 1998), aff'd sub nom. *Cunningham v. Hamilton Cty., Ohio*, 527 U.S. 198, 119 S.Ct. 1915, 144 L.Ed.2d 184 (1999).

Therefore, given the utter lack of support in both Ohio and the Sixth Circuit, Plaintiffs' objections stating that contention interrogatories are improper and do not require a response are completely inappropriate and must be withdrawn. Rather, the Plaintiffs' obligations in responding to discovery are governed by the Ohio Rules of Civil Procedure and the case law construing those rules. Civ.R. 33(B) specifically authorizes contention interrogatories and requires the interrogatories be answered within 28 days just like any other interrogatory, absent a Court Order to the contrary. No such Order exists in this case and the Plaintiffs' must provide adequate responses immediately.

Moreover, Plaintiffs' eleventh-hour claim that the Interrogatories at issue are unduly burdensome is also unavailing. The simple fact that the interrogatories request Plaintiffs' to identify

the factual basis of the claims they have brought against Defendants in this case does not *ipso facto* make the interrogatory unduly burdensome, and Plaintiffs have not articulated what actual burden exists in providing a response. This case has lingered for over two-and-a-half years, and Plaintiffs have had ample time to investigate and uncover the facts underpinning the legal claims they have brought, and no burden could seemingly exist by identifying those facts in response to the interrogatories at issue here.

V. CONCLUSION

Plaintiffs' refusal to adequately respond to "perfectly permissible" interrogatories under the guise of meritless objections must end. Accordingly, for the reasons stated, the KNR Defendants respectfully request the Court to enter an Order compelling Plaintiffs to adequately respond to the Interrogatories and requiring Plaintiffs to withdraw their baseless "contention interrogatory" objections.

Respectfully submitted,

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Counsel for Defendants

Sandra Kurt, Summit County Clerk of Courts

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically with the Court on this 6th day of February, 2019. The parties may access this document through the Court's electronic docket system.

/s/ James M. Popson
James M. Popson (0072773)

Sandra Kurt, Summit County Clerk of Courts

From: Mannion, Tom [mailto:Tom.Mannion@lewisbrisbois.com]
Sent: Wednesday, November 14, 2018 9:41 PM
To: peter@pattakoslaw.com
Cc: jcohen@crklaw.com; jpopson@sutter-law.com
Subject: Williams v KNR

Peter:

This is yet another attempt to resolve a discovery dispute without court intervention. First, have you exhausted your responses to our list of deficiencies in Matt Johnson's most recent discovery answers? If not, please advise how quickly you can do this.

Second, the Plaintiffs objected and refused to answer nearly every Interrogatory, Request for Admission, and Request for Production designed to discover the alleged factual basis for the Plaintiffs' claims. Your refusal to answer was based on an objection that "contention interrogatories" are inappropriate at this stage of litigation. (See, for example, Plaintiff Thera Reid's Answer to Interrogatory No. 2, which answer was served in December, 2017).

This objection is yet another example of your attempt to play by the "Rules according to Peter Pattakos" rather than the Ohio Rules of Civil Procedure. Not a single Ohio case supports your position.

Under Ohio law, contention interrogatories are a "perfectly permissible form of discovery" and "parties are entitled to inquire to the factual basis of a legal claim by means of an interrogatory." *See Nationwide Agribusiness Ins. Co. v. Heidler*, 12th Dist. Clinton No. CA2015-07-013, 2016-Ohio-455, ¶22-24. In fact, it is not even proper to object to an interrogatory on the basis it relates to a "contention." See, for example, Civ.R. 33(B).

In *Nationwide,* the Court examined interrogatories requesting all evidence in the answering party's possession or knowledge supporting certain allegations. That is, one party was seeking the factual and evidentiary basis for claims being made by the other party. The Court held the evidence supporting a claim does not constitute work product. The Court held:

* Parties are entitled to inquire to the factual basis of a legal claim by means of an interrogatory.

* The purpose of the liberal discovery policy contemplated by the Ohio Rules of Civil Procedure is the narrowing and sharpening of the issues to be litigated." State ex rel. Daggett v. Gessaman, 34 Ohio St. 2d 55, 56-57... To this end, Civ.R. 33(B) ... provides that "an interrogatory otherwise proper is

not objectionable merely because the answer to the interrogatory involves an opinion, contention, or legal conclusion * * *." Id.

* **These interrogatories are known as "contention interrogatories," and are generally a perfectly permissible form of discovery, to which a response ordinarily would be required.** Starcher v. Corr. Med. Sys., Inc., 144 F.3d 418 (6th Cir.1998). (Emphasis added).

We do need to mention two cases you inserted into the string cite of legal authority included in your objection. You cite to two Ohio cases which you purport support your allegations. Rather than rely on your representation, we read those two cases. Not even the most liberal interpretation of the holdings or dicta in these cases would justify their inclusion as legal support for your position. Amazingly, the cases did not even discuss contention interrogatories.

1. *Hazelkorn* (1980, Trumbull County)

   This case discussed whether interrogatories are appropriate to serve AFTER judgment has been rendered in a case. The Court ruled that interrogatories are only appropriate to use during pre-trial discovery, not post-judgment discovery. The opinion only used the word "contention" when it reiterated the language of Ohio Civil Rule 33(B). The opinion never analyzed or even commented on contention interrogatories or the timing of contention interrogatories.

2. *Graber* (2004, Stark County)

   The issue in *Graber* was whether the appellate court could consider discovery responses not admitted into evidence at trial. Just like in *Hazelkorn*, the one and only time the decision even uses the word "contention" was when the Court restated Rule 33(B): Scope and Use at Trial. However, again like in *Hazelkorn*, "contention interrogatories" were not at issue in that case, and therefore the Court never examined or commented on that portion of the rule.

You go on to state in your objection:

> "Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete."

The Ohio Rules of Civil Procedure do not give you the unilateral right to determine when and in what manner the Plaintiffs respond to discovery. Rather, the Plaintiffs' obligations in responding to discovery are governed by the Ohio Rules of Civil Procedure and the case law construing those rules. Civ.R. 33(B) specifically authorizes contention interrogatories **and** requires the interrogatories be answered within 28 days just like any other interrogatory, absent a Court Order to the contrary. No such Order exists in this case.

You can't pick and choose which law you follow. Ohio law governs discovery in this matter. Your objection was a gross misinterpretation of Ohio law. If we had done the same, you would be filing a Motion for Sanctions. We simply want the answers, though. We have a right to know all facts and evidence supporting your allegations. This includes all information in your possession or your clients' possession AND all facts and evidence within the knowledge of the Plaintiffs and/or their attorneys. Please note the Ohio Civil Rules did not authorize you to simply not Answer. Your only recourse if you needed additional time to answer these was to request an extension from us or seek an Order of the Court, per Civ. R. 33(B). You did neither. Please answer these immediately.

Thank you,

Tom

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From: Mannion, Tom <Tom.Mannion@lewisbrisbois.com>
Sent: Monday, November 19, 2018 10:29 AM
To: peter@pattakoslaw.com
Subject: [EXT] Re: Williams v KNR
Attachments: 4 5 17 Order.pdf

Peter:

The Court did not rule you don't have to ansewr contention interrogatories. Where do you see that in the 4/5/17 Order?

Also, your law is completely wrong as we described to you in prior correspondence. You have completely ignored Ohio law on this issue.

We want production on ALL discovery in which you refused to respond based on your inapplicable law re: contention interrogatories.

Apparently, we need to seek court intervention. Hopefully, not. let us know.

Tom

From: Peter Pattakos [mailto:peter@pattakoslaw.com]
Sent: Monday, November 19, 2018 8:06 AM
To: Mannion, Tom <Tom.Mannion@lewisbrisbois.com>
Subject: [EXT] Re: Williams v KNR

External Email

Tom,

If there are specific discovery requests to which you feel you are really entitled to a more specific response from us, you should identify them. Otherwise, please note that your arguments below about contention interrogatories were already rejected by the Court in its April 5, 2017 order and were further amply addressed in my letter to Brian Roof dated November 10, 2017 which is attached here for your convenience.

Again, we are not required at this stage of the litigation to inform you of every fact that we are investigating to support our claims. That is an invasion of our privileged work product. Thus, "[t]here is considerable authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period." *Schweinfurth v. Motorola, Inc.*, N.D.Ohio No. 1:05CV0024, 2007 U.S. Dist. LEXIS 98182, at *12 (Dec. 3, 2007). "The wisest course is ... to place a burden of justification on a party who seeks answers to these kinds of questions before substantial documentary or testimonial discovery has been completed." *In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 338 (N.D.Cal.1985).

We have gone out of our way to plead our claims with great detail. It is no secret what is at issue in this case, and the facts about your clients' conduct that is at issue in this case are all in your clients'

possession. Again, if there is something specific that you legitimately need clarification on you can let me know and I will do my best to address the issue for you.

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

On Wed, Nov 14, 2018 at 9:40 PM Mannion, Tom <Tom.Mannion@lewisbrisbois.com> wrote:

Peter:

This is yet another attempt to resolve a discovery dispute without court intervention. First, have you exhausted your responses to our list of deficiencies in Matt Johnson's most recent discovery answers? If not, please advise how quickly you can do this.

Second, the Plaintiffs objected and refused to answer nearly every Interrogatory, Request for Admission, and Request for Production designed to discover the alleged factual basis for the Plaintiffs' claims. Your refusal to answer was based on an objection that "contention interrogatories" are inappropriate at this stage of litigation. (See, for example, Plaintiff Thera Reid's Answer to Interrogatory No. 2, which answer was served in December, 2017).

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You go on to state in your objection:

> "Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete."

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Thank you,

Tom

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January 6, 2019

Peter Pattakos
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Fairlawn, OH 44333

In re: Williams, et al. vs. KNR, et al.
Monique Norris' discovery responses

Dear Mr. Pattakos:

This correspondence addresses the discovery responses of Monique Norris and requests depositions of witnesses identified by Ms. Norris. Some of the discovery responses are insufficient and/or nonresponsive. This correspondence is an attempt to resolve this without court intervention. The issues below are relatively simple, so we ask you to please provide proper responses and to respond to the below requests.

ADDITIONAL DEPOSITION REQUESTS

Please provide dates for the depositions of the following witnesses identified by Ms. Norris:

1) Carolyn Holsey, as identified in Norris's response to Request for Admission No. 7; and

2) Ms. Reid's cousin, referenced in response to Norris's Answer to Request for Admission No. 10.

DISCOVERY RESPONSES

1. Request for Admission No. 16

Request for Admission No. 16 requested Plaintiff Monique Norris to admit she agreed to the terms and conditions of the Contingency Fee Agreement. Rather than admit or deny, Ms. Norris responded that she signed the agreement and the agreement speaks for itself. However, that does not answer the request. Does she admit she agreed to the terms and conditions of the contingency fee agreement? If she admits this request, then please amend accordingly. If the Answer is a denial or a qualified admission, then the Answer to Interrogatory No. 2 and Request for Production No. 4 and 5 will need to be amended as well.

2. Interrogatory No. 3

The words "Please identify" were left off the beginning of this sentence. A simply email asking for clarification would have sufficed if you were unsure what we meant. With this clarification, please have your client answer Interrogatory No. 3. This will also entail an amended answer to Request for Production No. 6.

3. Request for Production No. 7

Ms. Norris's Response to Request for Production No. 7 is: N/A, which we take to mean "not applicable". We don't understand the Answer. The Request for Production is certainly applicable to this case, and the Request is not premised on answers to other discovery requests. The request asks for all documents relating to conversations with KNR attorneys, etc. regarding the fee agreement or KNR's legal representation of her. If by "N/A", Ms. Norris means "No such documents are in possession of Ms. Norris or her attorneys", then we are okay with the response. Please advise.

4. Request for Admission No. 24, Interrogatory No. 5

In Request for Admission No. 24, Ms. Norris admits the investigator came to her house to obtain her signature. In answer to Request for Admission No. 10, however, Ms. Norris indicated the investigator was being sent to her cousin's house to meet her. Please provide a proper answer or supplement the Answer to Interrogatory No. 5.

5. Request for Admission No. 26 B, Interrogatory No. 5

In her Answer to Request for Admission NO. 26 B, Ms. Norris stated: "Member Williams was charged an investigation fee where no work was done by the investigators.." However, as you well know, Ms. Williams' testimony is directly contrary to this statement. Ms. Williams asked about the investigator fee and was told (as she admitted on multiple occasions during her depositions) that, among other things, the investigator obtained the police report. Please provide a

proper answer or supplement the Answer to Interrogatory No. 5.

6. Request for Admission 27 C, Interrogatory No. 5

In response to Request for Admission 27 C, Ms. Norris denied the following request as it related to Wright, Williams, and Reid: Admit KNR's "investigators" did not "chase down" the following at their home or other locations, as alleged in Paragraph 6 of the Fourth Amended Complaint.

As you know, Member Williams was previously represented by Attorney Horton, and she had a relative who worked at KNR, which is why she called KNR herself, as opposed to being "chased down". The Answers are wrong as to Reid and Wright as well, but blatantly wrong as it relates to Member Williams, and we would ask the Answer be amended. This would be true for her answer to Request for Admission No. 27 D as well. Please provide a proper answer or supplement the Answer to Interrogatory No. 5.

7. Request for Admission No. 27 F, Interrogatory No. 5

In her response to Request for Admission No. 27 F, Ms. Norris denied the following: Admit KNR did not "aggressively pursue" the following during the class period:

1. Monique Norris;
2. Member Williams;
3. Matthew Johnson;
4. Naomi Wright;
5. Thera Reid; and
6. Any other former client of KNR during the class period.

This denial is blatantly false as it relates to Ms. Norris, Mr. Johnson, and Ms. Williams. Please revise or explain, as all 3 called KNR on their own, not as a result of KNR aggressively pursuing them. Please provide a proper answer or supplement the Answer to Interrogatory No. 5.

8. Request for Admission Nos. 27 H and 27 I, Interrogatory No. 5

In response to Request for Admission No. 27 H, Ms. Norris denied she was charged for "having been solicited" as described in Paragraph 6 of the Fourth Amended Complaint. This denial makes no sense since Ms. Norris called KNR, not the other way around. She was not "solicited" but voluntarily called. Please review and revise this Answer and the Answer to Request for Admission 27 I, which deals with the same subject, or supplement the answer to Interrogatory No. 5.

9. Request for Admission No. 27 M; Interrogatory No. 5

Ms. Norris denied she cannot identify evidence to support the claims of Paragraph 110 of the Fourth Amended Complaint. However, the Request for Admission No. 27 M but fails to identify such

evidence. Please either revise the answer to this Request for Admission, and Request for Admission No. 27 N, which is likewise inaccurate, or supplement the answer to Interrogatory No. 5.

10. Request for Admission No. 27 P, Interrogatory No. 5

Your objection to Request for Admission No. 27 P is baseless. We asked Ms. Norris to admit that HER allegations in Paragraph 111 do not apply to another fellow class member, Member Williams. You objected to " discovery as to Member Williams' case on Ms. Norris." This is not the nature of the Request for Admission. Ms. Norris and Ms. Williams are both putative class representatives or class members for the allegations contained in Paragraph 111. Please provide a proper response to this or supplement the answer to Interrogatory No. 5.

11. Request for Admission No. 27 V, Interrogatory No. 5

Based on Ms. Norris' answer to Request for Admission No. 27 V, Ms. Norris is representing she has evidence that the majority of time, investigators "never performed any task at all in connection with the client". That is, that she has facts or evidence showing the number of times an investigator performed no task at all exceeded the number of times an investigator performed some task. If she sticks by this Answer, please produce this evidence and revise your answer to Interrogatory No. 5.

12. Request for Admission No. 27 W, Interrogatory No. 5

Ms. Norris represents by her Answer to Request for Admission No. W that she has evidence KNR "never" obtained their clients' consent for the investigation fee. If she sticks by this Answer, please produce this evidence and revise your answer to Interrogatory No. 5.

13. Request for Admission Nos. 27 X, Interrogatory No. 5

Ms. Norris denies that the Fourth Amended Complaint only identifies two types of Class "A" members. This makes no sense given the allegations in the Complaint, which state the investigators either performed no work at all or only obtained the signed Contingency Fee Agreement (along with perhaps obtaining documents from the client). If another type of Class "A" member other than the two identified (and referenced in the Request for Admission) exists, please identify by supplementing this answer or the answer to Interrogatory No. 5.

14. Request for Admission Nos. 27 Y and 27 Z, Interrogatory No. 5

Even if you believe another class type exists, other than those identified in 27 X, how can you deny Member Williams and Monique Norris do not meet the criteria for class members set forth in those two types of Class A members? This is especially true of Member Williams who has already testified the investigator did more than just sign her up or obtain documents from her. Please provide an explanation for the denial to Request for Admissions No. 27 Y and 27 Z or supplement the Answer to Interrogatory No. 5.

15. Request for Admission No. 27 AA, Interrogatory No. 5

Please explain the basis for Ms. Norris' denial of Request for Admission No. 27 AA or supplement the Answer to Interrogatory No. 5 to explain the denial.

16. Request for Admission No. 27 BB, Interrogatory No. 5

You did not answer this Request for Admission. The objection is wholly inappropriate. The words "authorized" or "consented" are words you used in the complaints, and thus cannot be vague in this context. Please provide a proper answer to this or supplement the Answer to Interrogatory No. 5.

17. Request for Admission No. 27 EE and 27 FF, Interrogatory No. 5

With the denial to this request, you claim Redick and Nestico made a specific "false representation of fact" to Ms. Norris. We did not ask about his "culpability for fraud", we asked Ms. Norris to admit Mr. Redick and Mr. Nestico never made any "false representations of fact" to Ms. Norris re: the purpose of the investigation fee. As you well know, he made zero representations to her, so please revise this answer or supplement the Answer to Interrogatory No. 5.

18. Request for Admission No. 27 GG

This request relates to Mr. Horton's representations to Ms. Norris. You are in receipt of his affidavit, which directly contradicts the answer to this Request. Moreover, you have produced no evidence that Mr. Nestico or Mr. Redick instructed Mr. Horton to conceal the "true nature of the fee". Please reconsider the response to this request and have your client answer truthfully or at least state she cannot admit or deny. This is an improper unqualified denial. Please provide a proper answer or supplement the Answer to Interrogatory No. 5.

19. Request for Admission Nos. 27 II and JJ

Ohio Rule of Civil Procedure 36(A)(2) provides:

> A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his or her answer, or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.

Rather than comply with the rules, you allowed your client to provide an unqualified denial to Request for Admission Nos. II as it relates to Redick and Nestico. However, the request asked your client to admit she never had any communications with those two regarding the investigation fees. Are you saying she did have such conversations or communications? If so, please explain. This

answer was not submitted in good faith. Please provide a proper answer or supplement the Answer to Interrogatory No. 5.

20. Interrogatory No. 7

You again object to providing an answer to a "contention interrogatory", claiming it is inappropriate at this stage of proceedings. When you originally raised this objection earlier in this litigation, perhaps you had a misunderstanding of the local rules. However, we reminded you this past November of your misunderstanding of Ohio law. Ohio Rule 33(B) states, in pertinent part:

> An interrogatory otherwise proper **is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion**, but the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pretrial conference. (Emphasis added).

You have never obtained leave of court to answer these at a later time. Moreover, we are entitled to know "every piece of evidence" in possession of you or Ms. Norris re: her claims. That is the entire purpose of discovery – to DISCOVER the claims and evidence supporting the claims (or defenses) of the other party. See also the attached correspondence sent to you on November 14, 2018, which outlines the case law supporting our position and refuting your position. This is blatant and knowing disregard for the Ohio Rules of Civil Procedure.

21. Request for Production No. 12

Monique Norris states all documents supporting her contention that KNR directed her to enter into a loan agreement with Liberty Capital has already been produced. Please identify which documents you are referring to, as Monique Norris did not provide any such responsive documents other than the Settlement Memorandum, which mentioned Liberty Capital. Please produce the bank statement showing the deposit of a Liberty Capital check into Ms. Norris' bank account if such exists, as that would certainly be evidence of this. Also – Ms. Norris should be in possession of documents from Liberty Capital.

22. Request for Admission No. 68, Interrogatory No. 8

Ms. Norris denied that her initial on page 8 of Exhibit "F" was an acknowledgment that Robert Horton did not endorse or recommend the transaction between her and Liberty Capital. Yet, you did not explain the basis of this denial in Interrogatory No. 8. Please supplement.

23. Interrogatory No. 8

You raised improper objections to a "contention interrogatory", which is improper as addressed above and addressed multiple times with you in the past. Please supplement with the evidence to support the allegations at issue.

24. Request for Admission Nos. 69 through 113

To the extent Ms. Norris admitted any of these requests, we have no dispute. However, many of her answers were denials or qualified admissions/denials, which require an explanation in the answer to the Request for Admission or in her answer to Interrogatory No. 9. More specifically, Ms. Norris cannot rely on saying she does not recall if she read the document in response to many of the requests asking her to admit her signature or initials acknowledged the terms and conditions. Whether she remembers reading it or not is immaterial to the effect of the initials and signature. As you are well aware, Ohio law requires a party entering a contract to learn the terms of the contract before agreeing to its terms. *Cheap Escape Co. v. Crystal Windows, 8th Dist. No. 93739, 2010-Ohio-5002, para. 17.* Moreover, a party to a contract is presumed to have read and understood the terms and is bound by a contract the party signed. *Preferred Capital v. Power Eng. Group,* 112 Ohio St. 3d 429. This law is even in standard jury instructions. Please reconsider Ms. Norris's response to these Requests for Admissions and answer accordingly.

25. Interrogatory No. 9

Please refer above to improper "contention interrogatory" objection. Also, in light of our dispute with any answer other than an unqualified admission to Request for Admissions Nos. through 113, please supplement, as described above.

26. Interrogatory Nos. 11, 15, 16, 17, 18, 22, 24, 25, 26, 27, 28, 29, 30

Again, improper "contention interrogatory" objection. Please revise or obtain a court order giving you more time to answer. We will oppose any such Motion given how long this case has been pending. You have a duty to provide the evidence you currently have, and you can supplement later. But you are not permitted to withhold evidence.

27. Request for Admissions Nos. 126 through 129

These requests relate to the fact Ms. Norris was treated by Dr. Gunning, not Dr. Ghoubrial. Having taken Dr. Gunning's deposition and seeing the medical records, which Dr. Gunning testified he wrote contemporaneously at the time he evaluated and treated Ms. Norris, we would ask you please revise these responses.

28. 134 through 139, Interrogatory No. 18

Ms. Norris did not admit or deny these requests because she claims she is "without sufficient information to admit or deny this request" because she is not in possession of the Clearwater bill. Ohio Civil Rule of Procedure does not allow this answer unless the party "has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny." What "reasonable inquiry" did the Plaintiff make in this regard? We will send you a copy of the bill, however, and ask that the Answers be revised and/or the Answer to Interrogatory No. 18 be supplemented.

29. Request for Admission No. 140

Ms. Norris again states she has insufficient information to admit or deny this request (that Ohio permits physicians to charge a patient more for a TENS unit that the physician paid for the TENS unit). Insufficient knowledge of the law is not an appropriate objection. Ms. Norris does not need to have this independent knowledge, it also goes to your knowledge, and you have a duty to reasonably inquire, as does your client. You know this is an accurate statement of the law, and we would ask that you please comply with your duties under the Ohio Rules of Civil Procedure. Or, indicate what reasonable inquiry you undertook but were still unable to answer.

30. Request for Admission No. 148

This request reads:

> Admit the allegations contained in Paragraph 3 of the Fourth Amended Complaint are not accurate as it relates to KNR's representation of Monique Norris.

Ms. Norris answered:

> Deny. The allegations of Paragraph 3 are accurate. Whether or not they pertain to Ms. Norris is a separate question.

In her answer, Ms. Norris acknowledges that whether the allegations in Paragraph 3 pertain to her is a separate question as to whether the allegations are true as to other KNR clients. However, she doesn't answer that separate question. The Request specifically states "as it relates to KNR's representation of Monique Norris." This is yet another "end around" by you in an attempt to admit the obvious. Please revise.

31. Request for Admission No. 153

Ms. Norris objected to the term "Ohio's prohibition against direct-client solicitation" as being "unintelligible." However, these were Ms. Norris's own words, through you, in the Fourth

Amended Complaint and Paragraph 3 of the Fifth Amended Complaint. While she admits the Request for Admission, we ask you either withdraw the objection or withdraw this claim from the Fifth Amended Complaint.

32. Request for Admission No. 159

Again, you made no reasonable inquiry before using lack of information to neither admit nor deny. We will forward the Narrative Report and ask that this answer be revised accordingly.

33. Interrogatory No. 21

Ms. Norris is claiming she is seeking "disgorgement of the allegedly unlawful fees in the amount of those fees." Is she referring to the narrative fees, interest on loans, and investigation fee? Any other fees she is referring to?

34. Request for Admission Nos. 169 and 170, Interrogatory 24

Ms. Norris admits that she did not have a fee agreement or contract with Attorney Redick or Attorney Nestico (see her answers to Request for Admissions Nos. 166 and 167) and further admits an individual cannot breach a contract to which that individual is not a party (see answer to Request for Admission No. 168). She also admits Robert Horton did not breach a fee agreement with her (he was the attorney who represented her). However, she then denies the request to admit that Redick and Nestico did not breach a fee agreement with her.

If she had no fee agreement with them and if an individual cannot breach an agreement he or she is not a party to, as admitted by her, then obviously they did not breach a fee agreement with her. This obvious inconsistency was not explained in the Request for Admission response or in answer to Interrogatory No. 24. Please provide a proper explanation for the denials.

35. Interrogatory No. 25

This Interrogatory asks for the identity of every "false representation of fact", omission of fact, "misrepresentation", or any false, misleading, incomplete, or incorrect statement or communication of any KNR attorney or employee that Plaintiff Monique or any Class "A" members relied on. Ms. Norris did not provide a single date, witness, name of a person, or any other substantive response other than a regurgitation of your theory.

We know what you are claiming, despite the lack of evidence. We are not asking for your theory. We are asking for the actual facts and evidence you claim supports the claim. When were the false representations made? Who made them? What was the substance of the representations on those specific dates? Who were the witnesses? Moreover, this is again an improper objection to a "contention interrogatory", when the Ohio Civil Rules specifically state you cannot object on that basis. Please supplement the Answer to this Interrogatory.

36. Numerous Requests for Production

In most of the responses to Requests for Production of Documents, Ms. Norris responded: "All responsive documents in Ms. Norris's possession have been produced." If this refers to all responsive documents in possession of Ms. Norris AND you , then the answer is fine. But you cannot avoid providing responsive documents because you have copies but your client doesn't. This is basic Ohio discovery law. We are not asking for spreadsheets, tables, summaries, letters outlining your legal impressions, or any other items prepared by you. We are asking for documentary evidence. If you have it, it doesn't matter whether it is in Ms. Norris's possession. Please advise accordingly if you are referring to all documents in your possession as well.

Thank you for your anticipated cooperation. We look forward to your response.

Sincerely,

Thomas P. Mannion

Thomas P. Mannion

From: Mannion, Tom <Tom.Mannion@lewisbrisbois.com>
Sent: Thursday, January 17, 2019 10:49 AM
To: peter@pattakoslaw.com
Cc: Brad.Barmen@lewisbrisbois.com; jpopson@sutter-law.com; dmb@dmbestlaw.com
Subject: Williams v KNR: Contention Interrogatories

Peter:

You and your clients have brought extremely serious allegations against multiple Defendants (and even against non-parties, as mentioned below). We have served specific, direct discovery in an attempt to "discover" the facts and evidence purportedly supporting these allegations. However, you simply refuse to have your clients answer this discovery because you claim they are "contention interrogatories." What's even more baffling than your refusal to answer discovery is your purported reason for the refusal. You ignore the Ohio Civil Rule and case law construing those rules, which permit this discovery, and instead hide behind citations to inapplicable out-of-state law. We address the fallacy of your objections below, and again invite you to actually respond to controlling law on this issue.

Pattakos
Objection 1: **California law does not require a response.**

As support for the refusal to answer contention interrogatories, you state: "Please also see the well-reasoned opinion on *In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985)..."

ACTUAL LAW: **Ohio law does require a response. Ohio law not only expressly permits contention interrogatories – it PROHIBITS objecting on the basis an interrogatory relates to a contention.**

Ohio Civil Rule 33(B) specifically provides that an interrogatory "is not objectionable merely because an answer to the interrogatory involves an opinion, **contention**, or legal conclusion..." (Emphasis added). Simply put, under OHIO LAW, contention interrogatories are proper and must be answered within 28 days, just like any other interrogatory, absent a Court Order to the contrary. No such Order exists in this case.
Contention interrogatories are a "perfectly permissible form of discovery" and "parties are entitled to inquire to the factual basis of a legal claim by means of an interrogatory." *See Nationwide Agribusiness Ins. Co. v. Heidler*, 12th Dist. Clinton No. CA2015-07-013, 2016-Ohio-455, ¶22-24.

In *Nationwide,* the Court examined interrogatories requesting all evidence in the answering party's possession or knowledge supporting certain allegations. That is, one party was seeking the factual and evidentiary basis for claims being made by the other party. The Court held the evidence supporting a claim does not constitute work product. The Court held:

- Parties are entitled to inquire to the factual basis of a legal claim by means of an interrogatory.
- The purpose of the liberal discovery policy contemplated by the Ohio Rules of Civil Procedure is the narrowing and sharpening of the issues to be litigated." State ex rel. Daggett v. Gessaman, 34 Ohio St. 2d 55, 56-57... To this end, Civ.R. 33(B) ... provides that "an interrogatory otherwise proper is not objectionable merely because the answer to the interrogatory involves an opinion, contention, or legal conclusion * * *." Id.

* **These interrogatories are known as "contention interrogatories," and are generally a perfectly permissible form of discovery, to which a response ordinarily would be required.** Starcher v. Corr. Med. Sys., Inc., 144 F.3d 418 (6th Cir.1998). (Emphasis added).

You have YET to acknowledge Rule 33(B) or the case law construing the rule. You have also failed to discuss why you believe the rule applies to everyone but your clients. I have looked the rules over, including annotations, and I have yet to find the "Peter Pattakos exception" to Civ.R. 33(B). Nor have I found an asterisk wherein California law applies to Civ.R. 33(B). Please follow Ohio law and provide answers to the contention interrogatories.

Pattakos
Objection 2: **Under California law, the discovery requests are premature.**

You claim it is too early in litigation to provide responses but that "Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete."

ACTUAL LAW: **Ohio law requires timely responses absent a Court Order to the contrary.**

The Ohio Rules of Civil Procedure do not give you the unilateral right to determine when and in what manner the Plaintiffs respond to discovery. Rather, the Plaintiffs' obligations in responding to discovery are governed by the Ohio Rules of Civil Procedure and the case law construing those rules.
Civ.R. 33(B) specifically authorizes contention interrogatories **<u>and</u>** requires the interrogatories be answered within 28 days just like any other interrogatory, absent a Court Order to the contrary. No such Order exists in this case.

You can't pick and choose which law you follow. Ohio law governs discovery in this matter. Your objection was a gross misinterpretation of Ohio law. If we had done the same, you would be filing a Motion for Sanctions. We simply want the answers, though. We have a right to know all facts and evidence supporting your allegations. This includes all information in your possession or your clients' possession AND all facts and evidence within the knowledge of the Plaintiffs and/or their attorneys.

Please note the Ohio Civil Rules did not authorize you to simply not answer. Your only recourse if you needed additional time to answer these is request an extension from us or to seek an Order of the Court, per Civ. R. 33(B). You did neither.

Pattakos
Objection 3: **The Court already ruled contention interrogatories premature.**

In making this representation, you referred us "to the Court's 4/5/17 ruling on the KNR Defendants' motion to compel in which the Court denied Defendants' request that Plaintiffs to respond to numerous contention interrogatories. You have yet, however, to actually show where such a ruling is listed in the Court Order.

ACTUAL LAW: **The Court NEVER ruled on contention interrogatories in this case.**

The Court's April 5, 2017, Order does not address contention interrogatories. We sent you a copy of the Order many months ago, asking you to identify where in the Order any such ruling was made. You

did not respond. We again attach the Order and ask you to identify the language to which you are referring. The Court ruled in the April 5, 2017, Order as follows:

1. Motion to Stay Summary Judgment: Granted;
2. Motion to Withdraw and Amend Admissions: Granted
3. Discovery Motions re: document production: Granted in part, Denied in part.

Please identify where the Court ruled you don't have to respond to contention interrogatories.

Pattakos Objection 4: **We'll already provided the discovery.**

In one of your recent emails, you represented:

> We have identified every witness we intend to rely on in class certification, and have produced every such document of which we are aware.

Defendants' Response: **PUT THIS IN THE DISCOVERY RESPONSE, NOT AN INFORMAL EMAIL.**

Your answers to contention interrogatories do not make the same representation as you do in your email. Unless and until we can admit your emails as exhibits at trial, we need this answer in the discovery response, not in an informal email.

Moreover, you cannot limit this to the facts and evidence you "intend to rely on in class certification." The interrogatory did not ask for only the evidence you will cite in briefs on class certification. Rather, the discover requested all facts and evidence known to date supporting your claims.

Finally, the Interrogatory did not just ask for the identity of every witness and document. The Interrogatory requested all "facts" and "evidence."

Regarding non-parties, your clients allege serious civil, and perhaps even criminal, allegations against former KNR attorneys Rob Horton (crazy and false allegations by Norris re: the Liberty Capital loan) and Paul Steele (crazy and false allegations regarding fabricated cash payments re: Johnson's Liberty Capital loan). You should really amend some of these discovery responses and withdraw these allegations, as they could have serious impact on Attorneys Horton and Steele. You 100% know these allegations are false, and while I don't represent either of these witnesses (and whose testimony, according to you, will adverse to my clients), I nevertheless am shocked you would condone such ludicrous allegations against these attorneys, especially knowing the ramifications of such allegations.

We look forward to your supplemental discovery responses or your clarification of the above.

Thanks,

Tom

Thomas P. Mannion
Attorney | Cleveland Managing Partner
Tom.Mannion@lewisbrisbois.com

T: 216.344.9467 F: 216.344.9421 M: 216.870.3780

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From: Mannion, Tom [mailto:Tom.Mannion@lewisbrisbois.com]
Sent: Tuesday, January 22, 2019 10:52 AM
To: peter@pattakoslaw.com
Cc: Brad.Barmen@lewisbrisbois.com; jpopson@sutter-law.com; dmb@dmbestlaw.com
Subject: RE: [EXT] Re: Williams v KNR: Contention Interrogatories

Peter:

Please don't misrepresent what we have told you re: Rule 33. We have specifically indicated that you have only two choices under Rule 33: 1) answer the interrogatories; or 2) obtain a court order not requiring you to answer withing the standard 28 hours. And, we pointed out that you have yet to seek a Court Order. Just objecting and putting the onus on the other party to file a Motion to Compel is not contemplated by the Ohio Civil Rules. Rather, the Rule specifically prohibits an objection on the basis an interrogatory seeks information on contentions. So, you have two options: answer them or obtain leave to answer them later. Objecting without leave to answer is not even recognized under the Ohio Civil Rules. We told you this months ago and on multiple occasions.

Also, regarding the California case, we sent you our analysis of that case in the past. Federal rules were being analyzed by a federal court. Ohio Civil Rule 33, which specifically addresses the issue, and the case law construing Ohio Civil Rule 33 are controlling law. And those unequivocally prohibit objections to contention interrogatories on the basis the discovery relates to a contention. Absent a Court Order to the contrary, the discovery must be answered within 28 days. And yet you still cited the California case, knowing that it's not applicable to the facts of this case.

Tom

From: Peter Pattakos [mailto:peter@pattakoslaw.com]
Sent: Tuesday, January 22, 2019 10:09 AM
To: Mannion, Tom <Tom.Mannion@lewisbrisbois.com>
Cc: Barmen, Brad <Brad.Barmen@lewisbrisbois.com>; James M. Popson <jpopson@sutter-law.com>; dmb@dmbestlaw.com
Subject: [EXT] Re: Williams v KNR: Contention Interrogatories

External Email

Tom,

First, you're only citing the first part of Civ.R. 33(B) on contention interrogatories, and omitting the second part, which is highly pertinent in providing that "the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pretrial conference." That's all we have asked for here and will seek an order providing for the same if you're going to insist on involving the Court.

In light of this plainly applicable provision, it's puzzling that you'd send me such an overheated email on this issue and it's equally puzzling that you'd insult the Court's and my intelligence by suggesting that a California case that is squarely on point wouldn't be persuasive authority as to an issue that's well within the Court's discretion. Just as the *Convergent* court describes (108 F.R.D. 328, 337), what we have here is "early knee jerk filing of sets of contention interrogatories" "almost mindlessly generated" "to impose great burdens on opponents" in a case where "defendants have access to most of the evidence about their own behavior," and not only is the complaint "not facially deficient" but rather extremely detailed and supported by copious quotations from defendants' own documents, i.e., "a serious form of discovery abuse."

You can go ahead and make your arguments to the contrary but to issue personal attacks against me for merely taking this position is over the top even for you, Tom.

Again, we've identified all the witnesses and produced all documents on which we intend to rely in seeking class certification. Moreover, your clients are the ones who've insisted on dramatically limiting class discovery (vis a vis merits discovery) in the first place.

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 Thu, Jan 17, 2019 at 10:48 AM Mannion, Tom <Tom.Mannion@lewisbrisbois.com> wrote:

Peter:

You and your clients have brought extremely serious allegations against multiple Defendants (and even against non-parties, as mentioned below). We have served specific, direct discovery in an attempt to "discover" the facts and evidence purportedly supporting these allegations. However, you simply refuse to have your clients answer this discovery because you claim they are "contention interrogatories." What's even more baffling than your refusal to answer discovery is your purported reason for the refusal. You ignore the Ohio Civil Rule and case law construing those rules, which permit this discovery, and instead hide behind citations to inapplicable out-of-state law. We address the fallacy of your objections below, and again invite you to actually respond to controlling law on this issue.

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Contention interrogatories are a "perfectly permissible form of discovery" and "parties are entitled to inquire to the factual basis of a legal claim by means of an interrogatory." *See Nationwide Agribusiness Ins. Co. v. Heidler*, 12th Dist. Clinton No. CA2015-07-013, 2016-Ohio-455, ¶22-24.

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> * The purpose of the liberal discovery policy contemplated by the Ohio Rules of Civil Procedure is the narrowing and sharpening of the issues to be litigated." State ex rel. Daggett v. Gessaman, 34 Ohio St. 2d 55, 56-57… To this end, Civ.R. 33(B) … provides that "an interrogatory otherwise proper is not objectionable merely because the answer to the interrogatory involves an opinion, contention, or legal conclusion * * *." Id.
>
> * **These interrogatories are known as "contention interrogatories," and are generally a perfectly permissible form of discovery, to which a response ordinarily would be required.** Starcher v. Corr. Med. Sys., Inc., 144 F.3d 418 (6th Cir.1998). (Emphasis added).

You have YET to acknowledge Rule 33(B) or the case law construing the rule. You have also failed to discuss why you believe the rule applies to everyone but your clients. I have looked the rules over, including annotations, and I have yet to find the "Peter Pattakos exception" to Civ.R. 33(B). Nor have I found an asterisk wherein California law applies to Civ.R. 33(B). Please follow Ohio law and provide answers to the contention interrogatories.

Pattakos

Objection 2: Under California law, the discovery requests are premature.

You claim it is too early in litigation to provide responses but that "Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete."

ACTUAL LAW: Ohio law requires timely responses absent a Court Order to the contrary.

The Ohio Rules of Civil Procedure do not give you the unilateral right to determine when and in what manner the Plaintiffs respond to discovery. Rather, the Plaintiffs' obligations in responding to discovery are governed by the Ohio Rules of Civil Procedure and the case law construing those rules.

Civ.R. 33(B) specifically authorizes contention interrogatories **and** requires the interrogatories be answered within 28 days just like any other interrogatory, absent a Court Order to the contrary. No such Order exists in this case.

You can't pick and choose which law you follow. Ohio law governs discovery in this matter. Your objection was a gross misinterpretation of Ohio law. If we had done the same, you would be filing a Motion for Sanctions. We simply want the answers, though. We have a right to know all facts and evidence supporting your allegations. This includes all information in your possession or your clients' possession AND all facts and evidence within the knowledge of the Plaintiffs and/or their attorneys.

Please note the Ohio Civil Rules did not authorize you to simply not answer. Your only recourse if you needed additional time to answer these is request an extension from us or to seek an Order of the Court, per Civ. R. 33(B). You did neither.

Pattakos

Objection 3: The Court already ruled contention interrogatories premature.

In making this representation, you referred us "to the Court's 4/5/17 ruling on the KNR Defendants' motion to compel in which the Court denied Defendants' request that Plaintiffs to respond to numerous contention interrogatories. You have yet, however, to actually show where such a ruling is listed in the Court Order.

ACTUAL LAW: The Court NEVER ruled on contention interrogatories in this case.

The Court's April 5, 2017, Order does not address contention interrogatories. We sent you a copy of the Order many months ago, asking you to identify where in the Order any such ruling was made. You did not respond. We again attach the Order and ask you to identify the language to which you are referring. The Court ruled in the April 5, 2017, Order as follows:

1. Motion to Stay Summary Judgment: Granted;
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Please identify where the Court ruled you don't have to respond to contention interrogatories.

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Objection 4: We'll already provided the discovery.

In one of your recent emails, you represented:

> We have identified every witness we intend to rely on in class certification, and have produced every such document of which we are aware.

Defendants'

Response: PUT THIS IN THE DISCOVERY RESPONSE, NOT AN INFORMAL EMAIL.

Your answers to contention interrogatories do not make the same representation as you do in your email. Unless and until we can admit your emails as exhibits at trial, we need this answer in the discovery response, not in an informal email.

Moreover, you cannot limit this to the facts and evidence you "intend to rely on in class certification." The interrogatory did not ask for only the evidence you will cite in briefs on class certification. Rather, the discover requested all facts and evidence known to date supporting your claims.

Finally, the Interrogatory did not just ask for the identity of every witness and document. The Interrogatory requested all "facts" and "evidence."

Regarding non-parties, your clients allege serious civil, and perhaps even criminal, allegations against former KNR attorneys Rob Horton (crazy and false allegations by Norris re: the Liberty Capital loan) and Paul Steele (crazy and false allegations regarding fabricated cash payments re: Johnson's Liberty Capital loan). You should really amend some of these discovery responses and withdraw these allegations, as they could have serious impact on Attorneys Horton and Steele. You 100% know these allegations are false, and while I don't represent either of these witnesses (and whose testimony, according to you, will adverse to my clients), I nevertheless am shocked you would condone such ludicrous allegations against these attorneys, especially knowing the ramifications of such allegations.

We look forward to your supplemental discovery responses or your clarification of the above.

Thanks,

Tom

Thomas P. Mannion
Attorney | Cleveland Managing Partner
Tom.Mannion@lewisbrisbois.com

T: 216.344.9467 F: 216.344.9421 M: 216.870.3780

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From:	Mannion, Tom <Tom.Mannion@lewisbrisbois.com>
Sent:	Tuesday, January 22, 2019 11:20 AM
To:	peter@pattakoslaw.com
Cc:	Brad.Barmen@lewisbrisbois.com; jpopson@sutter-law.com; dmb@dmbestlaw.com
Subject:	[EXT] Re: Williams v KNR: Contention Interrogatories

Peter:

You are ignoring a big difference. Every objection on the basis of the discovery being a "contention interrogatory" should be stricken. Because the objection is specifically prohibited by the Rules. However, you are now expressly telling us your clients refuse to answer the discovery absent a court order. That is, by refusing to answer the interrogatories based on an "unduly burdensome" objection is, in effect, telling us the Plaintiffs will not answer the contention interrogatories absent a court order compelling answers. If I am misreading your intentions, let us know. Otherwise, we will proceed based on the Plaintiffs' stated position that "contention interrogatories" are unduly burdensome for the Plaintiffs to answer and therefore the Plaintiffs refuse to answer the discovery without a Court Order.

Tom

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Cc: Barmen, Brad <Brad.Barmen@lewisbrisbois.com>; James M. Popson <jpopson@sutter-law.com>; dmb@dmbestlaw.com
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330.836.8533 office; 330.285.2998 mobile
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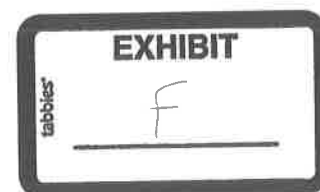

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Again, we've identified all the witnesses and produced all documents on which we intend to rely in seeking class certification. Moreover, your clients are the ones who've insisted on dramatically limiting class discovery (vis a vis merits discovery) in the first place.

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citations to inapplicable out-of-state law. We address the fallacy of your objections below, and again invite you to actually respond to controlling law on this issue.

Pattakos

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As support for the refusal to answer contention interrogatories, you state: "Please also see the well-reasoned opinion on *In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985)…"

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Sandra Kurt, Summit County Clerk of Courts

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From: Mannion, Tom <Tom.Mannion@lewisbrisbois.com>
Sent: Tuesday, January 22, 2019 6:28 PM
To: peter@pattakoslaw.com
Cc: Brad.Barmen@lewisbrisbois.com; jpopson@sutter-law.com; dmb@dmbestlaw.com
Subject: [EXT] Re: Williams v KNR: Contention Interrogatories

California law doesn't apply. Ohio law applies. You cannot object in the manner you have done. It's specifically prohibited. You like to find some random case across the United States, even if it's directly contrary to Ohio law, and argue it's authoritative. What's even more amazing is that you continue to try to argue its authority even when it flies in the face of Ohio law. You can't find a case interpreting the Ohio civil rules that supports your position, which is contrary to the rule and the cases construing the rule. You have been unable to counter - with Ohio law - the Ohio cases we cited to you months ago. If you could, you would have. So is this confirmation your clients won't answer absent a court order? Also, what is the burden and what makes it overly burdensome?

Sent from my iPhone

On Jan 22, 2019, at 5:48 PM, Peter Pattakos <peter@pattakoslaw.com> wrote:

> I'm sorry if I wasn't clearer on this in the first place but *Convergent* explicitly states that contention interrogatories aren't improper just because they're contention interrogatories, but rather because they are unduly burdensome under certain circumstances (that apply here as described below and in our previous correspondence).
>
> 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
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> ---
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>
> * **These interrogatories are known as "contention interrogatories," and are generally a perfectly permissible form of discovery, to which a response ordinarily would be required.** Starcher v. Corr. Med. Sys., Inc., 144 F.3d 418 (6th Cir.1998). (Emphasis added).

You have YET to acknowledge Rule 33(B) or the case law construing the rule. You have also failed to discuss why you believe the rule applies to everyone but your clients. I have looked the rules over, including annotations, and I have yet to find the "Peter Pattakos exception" to Civ.R. 33(B). Nor have I found an asterisk wherein California law applies to Civ.R. 33(B). Please follow Ohio law and provide answers to the contention interrogatories.

Pattakos

Objection 2: Under California law, the discovery requests are premature.

You claim it is too early in litigation to provide responses but that "Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete."

ACTUAL LAW: Ohio law requires timely responses absent a Court Order to the contrary.

The Ohio Rules of Civil Procedure do not give you the unilateral right to determine when and in what manner the Plaintiffs respond to discovery. Rather, the Plaintiffs' obligations in responding to discovery are governed by the Ohio Rules of Civil Procedure and the case law construing those rules.

Civ.R. 33(B) specifically authorizes contention interrogatories **and** requires the interrogatories be answered within 28 days just like any other interrogatory, absent a Court Order to the contrary. No such Order exists in this case.

You can't pick and choose which law you follow. Ohio law governs discovery in this matter. Your objection was a gross misinterpretation of Ohio law. If we had done the same, you would be filing a Motion for Sanctions. We simply want the answers, though. We have a right to know all facts and evidence supporting your allegations. This includes all information in your possession or your clients' possession AND all facts and evidence within the knowledge of the Plaintiffs and/or their attorneys.

Please note the Ohio Civil Rules did not authorize you to simply not answer. Your only recourse if you needed additional time to answer these is request an extension from us or to seek an Order of the Court, per Civ. R. 33(B). You did neither.

Pattakos

Objection 3: The Court already ruled contention interrogatories premature.

In making this representation, you referred us "to the Court's 4/5/17 ruling on the KNR Defendants' motion to compel in which the Court denied Defendants' request that Plaintiffs to respond to

numerous contention interrogatories. You have yet, however, to actually show where such a ruling is listed in the Court Order.

ACTUAL LAW: The Court NEVER ruled on contention interrogatories in this case.

The Court's April 5, 2017, Order does not address contention interrogatories. We sent you a copy of the Order many months ago, asking you to identify where in the Order any such ruling was made. You did not respond. We again attach the Order and ask you to identify the language to which you are referring. The Court ruled in the April 5, 2017, Order as follows:

1. Motion to Stay Summary Judgment: Granted;

2. Motion to Withdraw and Amend Admissions: Granted

3. Discovery Motions re: document production: Granted in part, Denied in part.

Please identify where the Court ruled you don't have to respond to contention interrogatories.

Pattakos

Objection 4: We'll already provided the discovery.

In one of your recent emails, you represented:

> We have identified every witness we intend to rely on in class certification, and have produced every such document of which we are aware.

Defendants'

Response: PUT THIS IN THE DISCOVERY RESPONSE, NOT AN INFORMAL EMAIL.

Your answers to contention interrogatories do not make the same representation as you do in your email. Unless and until we can admit your emails as exhibits at trial, we need this answer in the discovery response, not in an informal email.

Moreover, you cannot limit this to the facts and evidence you "intend to rely on in class certification." The interrogatory did not ask for only the evidence you will cite in briefs on class certification. Rather, the discover requested all facts and evidence known to date supporting your claims.

Finally, the Interrogatory did not just ask for the identity of every witness and document. The Interrogatory requested all "facts" and "evidence."

Regarding non-parties, your clients allege serious civil, and perhaps even criminal, allegations against former KNR attorneys Rob Horton (crazy and false allegations by Norris re: the Liberty Capital loan) and Paul Steele (crazy and false allegations regarding fabricated cash payments re: Johnson's Liberty Capital loan). You should really amend some of these discovery responses and withdraw these allegations, as they could have serious impact on Attorneys Horton and Steele. You 100% know these allegations are false, and while I don't represent either of these witnesses (and whose testimony, according to you, will adverse to my clients), I nevertheless am shocked you would condone such ludicrous allegations against these attorneys, especially knowing the ramifications of such allegations.

We look forward to your supplemental discovery responses or your clarification of the above.

Thanks,

Tom

Thomas P. Mannion
Attorney | Cleveland Managing Partner
Tom.Mannion@lewisbrisbois.com

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IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS et al., Plaintiffs, vs. KISLING, NESTICO & REDICK, LLC, *et al.*, Defendants.	Case No. 2016-CV-09-3928 Judge Allison Breaux

MEMBER WILLIAMS'S RESPONSES TO DEFENDANT ROBERT REDICK'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSION, AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Named Plaintiff Member Williams responds to Defendant Robert Redick's first set of Interrogatories and Requests for Admission as follows.

GENERAL OBJECTIONS

1. Ms. Williams's specific objections to each interrogatory or request are in addition to the General Objections set forth in this section. These General Objections form a part of the response to each and every request and are set forth here to avoid duplication. The absence of a reference to a General Objection in each response to a particular request does not constitute a waiver of any General Objection with respect to that request. All responses are made subject to and without waiver of Ms. Williams's general and specific objections.

2. To the extent that Defendant's requests are inconsistent with each other, Ms. Williams objects to such requests.

3. To the extent that Defendant's requests exceed the scope of permissible inquiry under the Ohio Rules of Civil Procedure, Ms. Williams objects to such requests. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

4. Ms. Williams objects to Defendant's requests to the extent that they are unreasonably burdensome, and to the extent they call upon Ms. Williams to investigate, collect and disclose information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

5. Ms. Williams's responses and objections herein shall not waive or prejudice any objections Ms. Williams may later assert, including but not limited to objections as to competency, relevance, materiality or admissibility in subsequent proceedings or at the trial of this or any other action.

6. Ms. Williams objects to Defendant's requests to the extent they seek information or materials that are already within Defendant's possession, custody, or control, or that are equally available to him, on the grounds that such requests are unduly burdensome and oppressive.

7. Ms. Williams objects to Defendant's requests to the extent that they call upon Ms. Williams to produce information that is not in Ms. Williams's possession, custody, or control.

8. Ms. Williams objects to Defendant's requests to the extent they purport to seek any information immune from discovery because of the attorney-client privilege, the work-product doctrine, or any other applicable law, rule or privilege.

9. Ms. Williams objects to any request to the extent that it refers to or incorporates a previous request to which an objection has been made.

10. Ms. Williams objects to Defendant's requests to the extent they are vague or ambiguous.

11. Ms. Williams objects to Defendant's requests to the extent they seek information that is confidential and proprietary. Such information will be produced only in accordance with a duly entered protective order.

12. As discovery is ongoing, Ms. Williams reserves the right to supplement these responses.

REQUESTS FOR ADMISSION AND INTERROGATORIES

REQUEST FOR ADMISSION NO. 1: Admit that Redick did not and does not have any financial interest in the Investigation Fee.

RESPONSE:

Deny

INTERROGATORY NO. 1: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE:

Plaintiff objects to this contention interrogatory as overly broad and unduly burdensome. "[W]hile contention interrogatories are a perfectly acceptable form of discovery, Defendants' requests, insofar as they seek every fact, every piece of evidence, every witness, and every application of law to fact . . . are overly broad and unduly burdensome." (citations omitted)). *Ritchie Risk-Linked Strategies Trading (Ir.), Ltd. v. Coventry First LLC,* 273 F.R.D. 367, 369 (S.D.N.Y. 2010).

Further, Plaintiff objects on the grounds that this is not an appropriate time for Defendant to serve or for Plaintiff to respond to contention interrogatories. "The general policy is to defer contention interrogatories until discovery is near an end, in order to promote efficiency and fairness." *Ziemack v. Centel Corp.,* 1995 WL 729295, at *2 (N.D. Ill. Dec. 7, 1995). Indeed, "[t]here is considerable authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period." *Schweinfurth v. Motorola, Inc.*, No. 1:05CV0024, 2007 U.S. Dist. LEXIS 98182, 2007 WL 6025288, at *4 (N.D. Ohio Dec. 3, 2007) *aff'd*, 2009 U.S. Dist.

LEXIS 8405, 2009 WL 349163 (N.D. Ohio Jan. 26, 2009). see also *Lincoln Elec. Co. v. Travelers Cas. & Sur. Co.*, 2013 U.S. Dist. LEXIS 189111, *188-189 (N.D. Ohio Feb. 4, 2013) ("responses [to contention interrogatories] are inappropriate at this early stage of the proceeding."); *Hazelkorn v. Morgan*, 1980 Ohio App. LEXIS 12762, *3 (Ohio Ct. App., Trumbull County Dec. 22, 1980) ("An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion, but the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pretrial conference."); *Graber v. Graber,* 2004 Ohio App. LEXIS 5585, 2004-Ohio-6143, ¶ 33 (Ohio Ct. App., Stark County Nov. 15, 2004) (same).

Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete. At this time and subject to the above objections, Plaintiff refers the Defendant to the documents cited in and quoted from in the Complaint showing that the investigation fee not properly charged to KNR clients, and fraudulently passed off as an "investigation fee," including at paragraphs 77–111.

REQUEST FOR ADMISSION NO. 2: Admit that at the time you filed the Complaint that you had no evidence that Redick had any financial interest in the Investigation Fee.

RESPONSE:

Deny.

INTERROGATORY NO. 2: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1. Plaintiff further states that Redick, as an equity owner of KNR, would naturally benefit from the firm collecting cash from its clients that it was not entitled to collect.

REQUEST FOR ADMISSION NO. 3: Admit that Redick did not and does not receive any direct, personal financial benefit from the Investigation Fee.

RESPONSE:

Deny.

INTERROGATORY NO. 3: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1. Plaintiff further states that the language "direct, personal financial benefit" is vague in so far as it seeks to separate (or doesn't) the interest of Redick from those of KNR, and that Redick, as an equity owner of KNR, would naturally benefit from the firm collecting cash from its clients that it was not entitled to collect.

REQUEST FOR ADMISSION NO. 4: Admit that at the time you filed the Complaint that you had no evidence that Redick ever received a direct, personal financial benefit from in the Investigation Fee.

RESPONSE:

Deny.

INTERROGATORY NO. 4: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1. Plaintiff further states that the language "direct, personal financial benefit" is vague in so far as it seeks to separate (or doesn't) the interest of Redick from those of KNR, and that Redick, as an equity owner of KNR, would naturally benefit from the firm collecting cash from its clients that it was

not entitled to collect.

REQUEST FOR ADMISSION NO. 5: Admit that Plaintiff has had no Communication with Redick.

RESPONSE:

Admit.

INTERROGATORY NO. 5: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE:

N/A

ADDITIONAL INTERROGATORIES

INTERROGATORY NO. 6: Identify all Persons who drafted, assisted in drafting, or provided information for the responses to these Discovery Requests.

RESPONSE:

Member Williams, Peter Pattakos, Dan Frech.

INTERROGATORY NO. 7: Identify all Persons who may have discoverable evidence, information, or knowledge relating to the allegations and claims in this Lawsuit or Complaint, including, without limitation, the Investigation Fee, the Quid Pro Quo Relationship, the Narrative Fees, allegations in IV.F.-IV.G. of the Complaint, class certification allegations, and Claims 1, 3, 4, and 10.

RESPONSE:

While discovery has not yet meaningfully proceeded and this list will necessarily change over the course of time, Plaintiff identifies:

- Each of the named Plaintiffs to testify about their experience with KNR
- Nestico, Redick and a corporate representative of KNR to discuss the firm's relationships with chiropractors, marketing practices, use of investigators and fees associated therewith, and use of litigation finance companies including Liberty Capital.

- Other potential witnesses who do or have worked at KNR, to be questioned on the same general topics, include but are not limited to Brandy Lamtman, Holly Tusko, Robert Horton, Gary Petti, Paul Steele, Courtney Weaver, and Megan Jennings.
- Minas Floros and other chiropractors and physicians may be called to testify regarding their referral relationships with KNR.
- Devin Oddo, Matt Ameer, Robert Horton, Jeff Allen, and others may be called to testify specifically regarding their representations of the named Plaintiffs.
- Aaron Czetli, Michael Simpson, AMC Investigations, MRS Investigations, or either company's employees, Gary Monto, Wes Steele, Paul Hillenbrand, Jon Thomas, Jeff Allen, Tom Fisher, Dave French, Glenn Jones, Gary Krebs, James Smith, Steven Tobias, Ayan Noor, or David Hoganmay be called to testify regarding their "investigations" and billing to KNR.
- Ciro Cerrato may be called to testify regarding his time at Liberty Capital and his relationship with the Defendants.

INTERROGATORY NO. 8: Identify all facts that support your contentions in Paragraph 1 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 9: Identify all facts that support your contentions in Paragraph 12 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1, and further refers Defendant to the documents cited, facts stated, and communications described paragraphs 121 and 123 of the Second Amended Complaint.

INTERROGATORY NO. 10: Identify all facts that support your contentions in Paragraph 43 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1,

further refers Defendant to the documents cited, facts stated, and communications described at paragraphs 17–76 of the Third Amended Complaint.

INTERROGATORY NO. 11: Identify all facts that support Plaintiff's contention that "KNR fraudulently charges clients 'investigation fees' for investigations that never take place."

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 12: Identify all facts that support Plaintiff's contention that "Internal KNR correspondence reveals the fraudulent nature of the 'investigation fee'"

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 13: Identify all facts that support your contentions in Paragraph 84 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 14: Identify all facts that support Plaintiff's contention that "Defendants Nestico and Redick are personally responsible for KNR's unlawful acts."

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1, and further refers Defendant to paragraphs 121–123 of the Second Amended Complaint.

INTERROGATORY NO. 15: Identify all facts relating to Plaintiff's allegations in Paragraph 121 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her objections to Interrogatory No. 1, and further states that this information can be found in publicly available news reports, including a story at Ohio.com.

INTERROGATORY NO. 16: Identify all facts relating to Plaintiff's allegations in Paragraph 122 of the Second Amended Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her objections to Interrogatory No. 1.

INTERROGATORY NO. 17: Identify all facts relating to Plaintiff's allegations in Paragraph 123 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her objections to Interrogatory No. 1.

INTERROGATORY NO. 18: Identify all facts that support your contentions in Paragraph 140 of the Second Amended Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her objections to Interrogatory No. 1.

INTERROGATORY NO. 19: Describe the uniform misrepresentations about and concealment of facts regarding the Investigation Fee as outlined in paragraph 141 and 142 of the Complaint.

RESPONSE:

The paragraphs and Complaint speak for themselves in this respect. The true nature of the fee was not disclosed, and KNR clients were uniformly misled to believing the fee was for necessary and specialized investigative services as opposed to routine administrative tasks for which the client was never advised (s)he would be charged.

INTERROGATORY NO. 20: Identify and calculate the damages that Plaintiff and her class (Class A) are seeking in this Lawsuit.

RESPONSE:

Plaintiff seeks full reimbursement of all "investigation fees" collected from the Class.

INTERROGATORY NO. 21: Identify all facts that establish or support the allegations that Redick committed fraud against Plaintiff as alleged in Claim 1.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 22: Identify all facts that establish or support the allegations that Redick breached his fiduciary duty to Plaintiff as alleged in Claim 3.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 23: Identify all facts that establish or support the allegations that Redick was unjustly enriched as alleged in Claim 4.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 24: Identify all facts that establish or support the allegations that Redick is liable for unfair or deceptive trade practices under the Ohio Consumer Sales Practices Act, as outlined in Claim 10 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 25: Identify all facts that establish or support the allegations in paragraphs 126(A) and 127-130 of the Complaint.

RESPONSE:

Plaintiff incorporates, as though fully rewritten here, her response to Interrogatory No. 1.

INTERROGATORY NO. 26: Describe how the putative members of Class A will be identified.

RESPONSE:

Plaintiffs will be able to ascertain the class members of Class A using data and information in the possession of the Defendants, including KNR's settlement memoranda, and Defendants' own admissions that the investigation fee was charged to almost all of its clients during the class period. Plaintiffs have requested a deposition with a KNR corporate representative to discuss their

communications and information systems, their document management and data systems, and document retention policies.

INTERROGATORY NO. 27: Identify all Persons that Plaintiff plans to call as fact witnesses at trial or any hearing in this Lawsuit, and identify the anticipated subject matter of each fact witnesses' testimony.

RESPONSE:

Plaintiff objects to this request as premature. Plaintiff will comply with all Local Rules and Court Orders in providing a witness list prior to Defendant in advance of trial. Subject to that objection, Plaintiff directs Defendant to those individuals identified in response to Interrogatory No. 7.

INTERROGATORY NO. 28: Identify all Persons that Plaintiff plans to call as expert or opinion witnesses (including, without limitation, expert or opinion witnesses for class certification and related issues) at trial or any hearing in this Lawsuit, and for each witness, state the subject matter on which the expert or opinion witness will testify.

RESPONSE:

Plaintiff objects to this request as premature. Plaintiff will comply with all Civil Rules, Local Rules, and Court Orders in disclosing experts, producing reports and files, and making experts available for deposition in advance of trial. Subject to that objection, Plaintiff states that no expert has yet been engaged.

INTERROGATORY NO. 29: Identify and list each exhibit, Document or any other intangible object that Plaintiff intends to introduce into evidence or use at trial or any hearing (including, without limitation, any class certification hearing) in this Lawsuit.

RESPONSE:

Plaintiff objects to this request as premature. Plaintiff will comply with all Local Rules and Court Orders in providing trial exhibits to Defendant in advance of trial.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Responding to all of Defendants' Requests for Production, Plaintiff states, subject to the above and below objections and clarifications, that all of the responsive documents in Plaintiffs's possession were provided to Plaintiff by former KNR attorneys Rob Horton and Gary Petti. Plaintiff has produced or will produce all of the documents provided by Horton and Petti and nothing written above or below should be taken as a statement that Plaintiff intends to withhold any such documents.

1. All Documents Plaintiff used, relied upon, or referred to in answering Redick's First Set of Interrogatories and Requests for Admissions.

RESPONSE: All such documents have been or will be produced.

2. All Documents relating to the requests, allegations, and responses in the above First Set of Requests for Admission and Interrogatories.

RESPONSE: Subject to the objections stated herein, all such documents have been or will be produced.

3. All Documents obtained from Robert Horton relating to this Lawsuit, KNR, Nestico, Redick, and the allegations in the Complaint, including, without limitation, the Investigation Fee, the alleged unlawful solicitation and undisclosed self-dealing with chiropractors, and the alleged undisclosed self-dealing with Liberty Capital Funding, LLC.

RESPONSE: All such documents have been or will be produced

4. All Documents obtained from Gary Petti relating to this Lawsuit, KNR, Nestico, Redick, and the allegations in the Complaint, including, without limitation, the Investigation Fee, the alleged unlawful solicitation and undisclosed self-dealing with chiropractors, and the alleged undisclosed self-dealing with Liberty Capital Funding, LLC.

RESPONSE: All such documents have been or will be produced

5. All Documents relating to all of Plaintiff's allegations in the Complaint, including, without limitation, IV.F. through IV.G. and paragraphs 1, 12, 43, 89, and 117, 121, 122, 123, 126(A), 127-130, and 140-142 of the Complaint.

RESPONSE: Plaintiffs object to this discovery request on the basis of vagueness and overbreadth. Further, the request is beyond the scope of permissible discovery. This case is about the behavior of the Defendants and they do not need to be made aware of the contents of their own documents. The request serves only to allow Defendants to determine what information the Plaintiffs have discovered. Because the second-hand knowledge of the plaintiffs and/or their attorneys is not relevant nor reasonably calculated to lead to admissible evidence, it is beyond the scope and objectives of legitimate discovery. *See Smith v. BIC Corp.*, 121 F.R.D. 235, 244-245 (E.D.Pa. 1988). In addition, Plaintiffs object to this request on the basis that the defendant has equal or greater access to the information sought. Furthermore, Plaintiffs object on the basis of the attorney work-product doctrine, insofar as the selection of the documents requested would reveal the mental impressions, opinions, and/or trial strategy of Plaintiffs' attorneys. *Gould v. Mitsui Mining & Smelthing*, 825 F.2d 676, 680 (2nd Cir. 1987); *Shelton v. American Motors*, 805 F.2d 1323, 1328-1329 (8th Cir. 1986); *Sporck v. Pell*, 759 F.2d 312, 316 (3rd Cir. 1985).

Notwithstanding these objections, Plaintiff directs the Defendants to the documents cited in and quoted from in the Plaintiffs' Complaint, and the other documents Plaintiff has produced in this lawsuit.

6. All Documents relating to the factual and legal allegations in the Counterclaim.

RESPONSE: A request for "all documents" related to the Defendants multi-claim Counterclaim is overbroad and unduly burdensome. *See, e.g. Gregg v. Local 305 IBEW,* No. 1:08-CV-160, 2009 U.S. Dist. LEXIS 40761, at *16 (N.D. Ind. May 13, 2009) ("Gregg's interrogatory encompasses virtually every factual basis for all of the Defendants' contentions. To respond would be an unduly burdensome task, since it would require the Defendants to produce veritable narratives of their entire case.").

Notwithstanding these objections, Plaintiff directs the Defendants to the documents cited in and quoted from in the Plaintiffs' Complaint, and the other documents Plaintiff has produced in this lawsuit.

7. All Documents relating to, used in, or relied upon in filing Plaintiffs' Motion for Class Certification.

RESPONSE: Plaintiff objects to this request as premature and overbroad. No depositions have been taken and few documents exchanged. Plaintiffs do not know which documents they will use or rely in their motion for class certification, apart from the documents quoted in the Complaint, and will produce any documents they intend to use as exhibits to their class certification motion prior to or upon the filing of that motion.

8. All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Redick, are liable for fraud, as outlined in Claim 1 of the Complaint.

RESPONSE: See objection to RFP No. 5. Without waiving this objection, Plaintiff will produce documents responsive to this request.

9. All Documents relating to Plaintiff's contention that KNR is liable for breach of contract as outlined in Claim 2 of the Complaint.

RESPONSE: See objection to RFP No. 5. Without waiving this objection, Plaintiff will produce documents responsive to this request.

10. All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Redick, were intentionally concealing facts and making misrepresentations to Plaintiff.

RESPONSE: See objection to RFP No. 5. Without waiving this objection, Plaintiff will produce documents responsive to this request.

11. All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Redick, are liable for breach of fiduciary duty, as outlined in Claim 3 of the Complaint.

RESPONSE: See objection to RFP No. 5. Without waiving this objection, Plaintiff will produce documents responsive to this request.

12. All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Redick, are liable for unjust enrichment, as outlined in Claim 4 of the Complaint.

RESPONSE: See objection to RFP No. 5. Without waiving this objection, Plaintiff will produce documents responsive to this request.

13. All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Redick, are liable for unfair or deceptive trade practices under the Ohio Consumer Sales Practices Act, as outlined in Claim 10 of the Complaint.

RESPONSE: See objection to RFP No. 5. Without waiving this objection, Plaintiff will produce documents responsive to this request.

14. All Documents relating to Attorney Robert Horton.

15. All Documents relating to AMC Investigations, Inc. and Aaron M. Czetli.

16. All Documents relating to MRS Investigations, Inc. and Michael R. Simpson.

17. All Documents relating to Chuck DeRemer.

18. All Documents relating to KNR.

19. All Documents relating to the Investigation Fee and the allegations relating to the Investigation Fee.

20. All Documents relating to Gary Petti.

21. All Documents relating to Redick.

22. All Documents relating to Nestico.

23. All Documents relating to the alleged damages that Plaintiff seeks to recover in this Lawsuit.

24. All Documents that allegedly demonstrate that Defendants, including, without limitation, Redick, were purportedly unjustly enriched.

25. All Documents relating to putative class members relating to the allegations in the Complaint.

RESPONSE to Requests 14–25: See objection to RFP No. 5. Without waiving this objection, Plaintiff will produce responsive documents.

26. All Documents that Plaintiff may use as exhibits, introduce as evidence, or rely upon at trial or any hearing (including, without limitation, any class certification hearing) in this Lawsuit.

RESPONSE: Objection: This request is premature. Plaintiff will comply with all Local Rules and Court Orders in providing trial exhibits to Defendant in advance of trial.

27. All Documents provided to, relied upon by, created by, generated by, or reviewed by Plaintiff's opinion or expert witness (including, without limitation, opinion or expert witnesses on class certification and related issues) in reaching his or her opinion, performing any analysis, reaching any conclusion, or drafting his or her expert report.

RESPONSE: Objection: This request is premature. Plaintiff will comply with all Local Rules and Court Orders in disclosing experts, producing reports and files, and making experts available for deposition in advance of trial.

28. To the extent not previously requested herein, all Documents that relate in any way to the Lawsuit.

RESPONSE: See objection to RFP No. 5.

Dated: October 24, 2017

Respectfully submitted,

/s/ Peter Pattakos

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Attorneys for Plaintiffs Member Williams, Matthew Johnson and Naomi Wright

CERTIFICATE OF SERVICE

The foregoing document was served on counsel for Defendants by email on October 24, 2017.

/s/ Peter Pattakos
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS et al., Plaintiffs, vs. KISLING, NESTICO & REDICK, LLC, *et al.*, Defendants.	Case No. 2016-CV-09-3928 Judge James A. Brogan Thera Reid's Responses to Defendant Nestico's Interrogatories, Requests for Admission, and Requests for Production of Documents

Thera Reid, through the undersigned attorney, responds to the above-referenced discovery requests, served on Nov. 13, 2018, as follows:

General Objections

1. Ms. Reid's specific objections to each interrogatory or request are in addition to the General Objections set forth in this section. These General Objections form a part of the response to each and every request and are set forth here to avoid duplication. The absence of a reference to a General Objection in each response to a particular request does not constitute a waiver of any General Objection with respect to that request. All responses are made subject to and without waiver of Ms. Reid's general and specific objections.

2. To the extent that Defendant's requests are inconsistent with each other, Ms. Reid objects to such requests.

3. To the extent that Defendant's requests exceed the scope of permissible inquiry under the Ohio Rules of Civil Procedure, Ms. Reid objects to such requests. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

4. Ms. Reid objects to Defendants' requests to the extent that they are unreasonably burdensome, and to the extent they call upon Ms. Reid to investigate, collect and disclose information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

5. Ms. Reid's responses and objections herein shall not waive or prejudice any objections Ms. Reid may later assert, including but not limited to objections as to competency, relevance, materiality or admissibility in subsequent proceedings or at the trial of this or any other action.

6. Ms. Reid objects to Defendant's requests to the extent they seek information or materials that are already within Defendant's possession, custody, or control, or that are equally available to him, on the grounds that such requests are unduly burdensome and oppressive.

7. Ms. Reid objects to Defendant's requests to the extent that they call upon Ms. Reid to produce information that is not in Ms. Reid's possession, custody, or control.

8. Ms. Reid objects to Defendant's requests to the extent they purport to seek any information immune from discovery because of the attorney-client privilege, the work-product doctrine, or any other applicable law, rule or privilege.

9. Ms. Reid objects to any request to the extent that it refers to or incorporates a previous request to which an objection has been made.

10. Ms. Reid objects to Defendant's requests to the extent they are vague or ambiguous.

11. Ms. Reid objects to Defendant's requests to the extent they seek information that is confidential and proprietary. Such information will be produced only in accordance with a duly entered protective order.

12. As discovery is ongoing, Ms. Reid reserves the right to supplement these responses.

INTERROGATORIES

INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit you corresponded via electronic mail (email) with one or more attorneys or staff at Kisling, Nestico & Redick, LLC regarding KNR's representation of you, the underlying accident, your injuries, settlement negotiations, and/or other issues relating to your motor vehicle accident of April 20, 2016. (This includes your therareid@yahoo.com account or any other email account utilized by you.)

ANSWER: Admit.

REQUEST FOR PRODUCTION NO. 1: Please produce copies of all correspondence, emails, electronic correspondence, handwritten notes, typed notes, voice mails, tape recordings, videos, or any other documents, papers, electronic information, or any other communications between you and KNR or between you and any employees or staff at KNR.

RESPONSE: All such documents are in the custody of the KNR Defendants and have been produced by the KNR Defendants in this lawsuit.

REQUEST FOR PRODUCTION NO. 2: Please produce copies of all correspondence, emails, electronic correspondence, handwritten notes, typed notes, voice mails, tape recordings, videos, or any other documents, papers, electronic information, or any other communications between you and your mother regarding or relating to your motor vehicle accident of April 20, 2016; the injuries and/or medical and/or chiropractic treatment you received as a result of your April 20, 2016 motor vehicle accident; and/or your settlement for personal injuries sustained in your April 20, 2016 motor vehicle accident.

RESPONSE: Ms. Reid is not in possession of any such documents.

REQUEST FOR PRODUCTION NO. 3: Please produce copies of all correspondence, emails, electronic correspondence, handwritten notes, typed notes, voice mails, tape recordings, videos, or any other documents, papers, electronic information, or any other communications between you and any other individual and/or entity regarding or relating to your motor vehicle accident of April 20, 2016; the injuries and/or medical and/or chiropractic treatment you received as a result of your April 20, 2016 motor vehicle accident; and/or your settlement for personal injuries sustained in your April 20, 2016 motor vehicle accident.

RESPONSE: Ms. Reid is not in possession of any such documents.

REQUEST FOR PRODUCTION NO. 4: Please produce copies of all correspondence, emails, electronic correspondence, handwritten notes, typed notes, voice mails, tape recordings, videos, or any other documents, papers, electronic information, or any other communications between you and Robert Horton; between you and Matthew Walker; between you and Gary Petti; between you and Peter Pattakos (before he represented you); and between you and Subodh Chandra (before he represented you).

RESPONSE: Ms. Reid is not in possession of any such documents.

REQUEST FOR PRODUCTION NO. 5: Please produce copies of all correspondence, emails, electronic correspondence, handwritten notes, typed notes, voice mails, tape recordings, videos, or any other documents, papers, electronic information, or any other communications between you and any other individual and/or entity regarding your settlement for the injuries sustained in your April 20, 2016, motor vehicle accident.

RESPONSE: Ms. Reid is not in possession of any such documents.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of all correspondence, emails, electronic correspondence, handwritten notes, typed notes, voice mails, tape recordings, videos, or any other documents, papers, electronic information, or any other communications between you and any other individual regarding or relating to any dissatisfaction, complaints, criticism, or negative comments or opinions relating to your representation by KNR prior to the time you retained counsel in this matter.

RESPONSE: Ms. Reid is not in possession of any such documents.

INTERROGATORY NO. 1: You denied the following Request for Admission served on you by KNR:

> **REQUEST FOR ADMISSION NO. 11:** Admit that at the time you filed the Complaint
>
> that you had no evidence that KNR ever received a direct financial benefit from in the
>
> Narrative Fees.
>
> RESPONSE: Deny.

Please identify the evidence you had, at the time you filed the Complaint, that KNR ever received a direct financial benefit from the $150 narrative fee paid to Dr. Floros and/or any other factual or evidentiary basis for your denial of Request for Admission No. 11.

ANSWER: This evidence is in possession of Ms. Reid's counsel, much of which is quoted extensively in the complaint. To the extent this interrogatory asks Ms. Reid to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings. *See In re Convergent*

Technologies Secs. Litigation, 108 F.R.D. 328, 337 (N.D.Cal.1985)

REQUEST FOR PRODUCTION NO. 7: Please produce all documents or other evidence, whether electronic or otherwise, in possession of you and/or your attorneys or other representatives to support your allegation KNR received a "direct benefit" from the $150 narrative fee paid to Dr. Floros.

RESPONSE: All such documents in Ms. Reid's possession, custody, or control have been produced.

REQUEST FOR ADMISSION NO. 2: Admit that, at the time you filed the Complaint, you had no evidence KNR ever received a kickback from Dr. Floros for the $150 narrative fee paid to him in your case.

ANSWER: Deny. See response to Interrogatory No. 1, above.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents or other evidence, whether electronic or otherwise, in possession of you and/or your attorneys or other representatives to support your allegation KNR received a "kickback" from the $150 narrative fee paid to Dr. Floros.

RESPONSE: All such documents in Ms. Reid's possession, custody, or control have been produced.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents or other evidence, whether electronic or otherwise, in possession of you and/or your attorneys or other representatives to support your allegation KNR received a "kickback" from Akron Square Chiropractic or Dr. Floros for your referral to KNR.

RESPONSE: All such documents in Ms. Reid's possession, custody, or control have been produced.

REQUEST FOR ADMISSION NO. 3: Admit that even as of the date you Answer these discovery requests, you have no evidence KNR ever received a "kickback" from Dr. Floros for the $150 narrative fee paid to him in your case.

ANSWER: Deny. See response to Interrogatory No. 1, above.

INTERROGATORY NO. 2: If your Answer to Request for Admission No. 2 is anything but an unqualified admission, please identify all facts and/or evidence you possess as of the date you Answer these discovery requests to support your claim KNR ever received a "kickback" from Dr. Floros for the $150 narrative fee, for your referral to KNR, or for any other reason.

ANSWER: See response to Interrogatory No. 1, above.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents or other evidence, whether electronic or otherwise, in possession of you and/or your attorneys or other representatives to support your Answer to Interrogatory No. 2 above.

ANSWER: All such documents in Ms. Reid's possession, custody, or control have been produced.

REQUEST FOR ADMISSION NO. 4: You responded as follows to Request for Admission No. 14 served on you by KNR:

> **REQUEST FOR ADMISSION NO. 14:** Admit that KNR does not add a surcharge or an upcharge on the Narrative Fee and that it is a pass through third-party expense.
>
> RESPONSE: Plaintiff is without sufficient information to admit or deny this request and further objects to the terms "upcharge" and "pass through third-party expense" as vague, undefined, and calling for legal conclusions. Plaintiff further states that the entire Narrative Fee is a "surcharge" or "upcharge" in that it is not reasonably incurred and incurred in breach of Defendants' fiduciary duties to Defendants, and admits it is possible that Defendants pass along this entire illegitimate fee as a kickback to the chiropractors.

Please admit the following:

a. You have no evidence KNR added a surcharge to Dr. Floros' $150 narrative fee;

b. You have no evidence KNR added an "upcharge" to Dr. Floros' $150 narrative fee;

c. You have no evidence KNR was reimbursed in any manner by Dr. Floros or Akron Square Chiropractic for the $150 paid to Dr. Floros for his narrative fee;

d. The $150 narrative report charge was paid to Dr. Floros;

e. Admit you claimed, in part, in Response to Interrogatory No. 14 that "it is possible that Defendants pass along this entire illegitimate fee as a kickback to the chiropractors" even though you have no evidence such Response is accurate;

f. Admit you had no evidence Defendants passed along "this entire illegitimate fee as a kickback to the chiropractors" at the time you became a Plaintiff to this lawsuit;

g. Admit you had no evidence Defendants passed along "this entire illegitimate fee as a kickback to the chiropractors" as of the date you answered Request for Admission No. 14;

h. Admit that you currently have no evidence Defendants passed along "this entire illegitimate fee as a kickback to the chiropractor";

i. Admit that, as of the date of the filing of the Complaint, you had no evidence Defendants passed along any of the narrative fee as a kickback to Dr. Floros;

j. Admit that you had no evidence Defendants passed along any of the narrative fee as a kickback to Dr. Floros as of the date you answered Request for Admission No. 14; and

k. Admit that you currently you have no evidence Defendants passed along any of the narrative fee as a kickback to Dr. Floros.

ANSWER: Deny. See response to Interrogatory No. 1, above.

REQUEST FOR ADMISSION NO. 5: You responded as follows to KNR's Request for Admission No. 15 as follows:

> **REQUEST FOR ADMISSION NO. 15:** Admit that KNR paid Dr. Floros the Narrative
>
> Fee at the same amount that was identified in the Settlement Memorandum (see Exhibit A).
>
> RESPONSE: Objection. Plaintiff is not aware of these details of Defendants' dealings with Dr. Floros and is thus without sufficient information to admit or deny this request but admits it is possible that KNR passed along the entire narrative fee to Dr. Floros.

Please admit:

1. Plaintiff Thera Reid alleged in a formal court pleading that the narrative fee was a "kickback" even though Plaintiff "is not aware of the details of Defendants' dealings with Dr. Floros."

2. Plaintiff Thera Reid alleged in a formal court pleading that the narrative fee was a "kickback" even though Plaintiff did not have "sufficient information to admit or deny" whether KNR paid Dr. Floros the narrative fee at the same amount that was identified in the Settlement Memorandum."

3. You have no evidence KNR failed to pay Dr. Floros any of the narrative fee identified in the Settlement Memorandum.

ANSWER: Deny. See response to Interrogatory No. 1, above.

REQUEST FOR ADMISSION NO. 6: Admit that, prior to your retention of Peter Pattakos or any other lawyer who now represents you or has ever represented you in the current lawsuit, you communicated via electronic correspondence (email) with individuals and/or entities other than KNR and/or its attorneys or staff regarding your motor vehicle accident of April 20, 2016, you representation by KNR, your settlement relating to the April 20, 2016 accident, your injuries from that accident, your treatment for injuries from that accident, or the narrative fee charged by Dr. Floros. This applies to any electronic communications or emails from or to your therareid@yahoo.com account or any other email account.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 7: Admit you have never produced any of the communications referenced in Request for Admission No. 7 during discovery in this case.

ANSWER: Admit. All such documents have been produced by Defendants.

REQUEST FOR PRODUCTION 11: Please produce copies of all communications referenced in Request for Admission No. 6.

RESPONSE: All such documents have already been produced by Defendants.

REQUEST FOR ADMISSION NO. 8: Admit you never produced any correspondence between you and any individual at KNR in discovery in this case.

ANSWER: Admit. All such documents have been produced by Defendants.

REQUEST FOR ADMISSION NO. 9: Admit you have never produced a single piece of written correspondence between you and any individual at KNR in discovery in this case.

ANSWER: Admit. All such documents have been produced by Defendants.

REQUEST FOR ADMISSION NO. 10: Admit you have never produced a single email correspondence between you and any individual at KNR in discovery in this case.

ANSWER: Admit. All such documents have been produced by Defendants.

REQUEST FOR ADMISSION NO. 11: Admit you do not have trouble remembering conversations with lawyers or staff at KNR. (See your testimony, July 3, 2016, at page).

ANSWER: Ms. Reid will provide a response to this Request when she is provided with her deposition transcript to review.

INTERROGATORY NO. 3: Please identify all conversations, by date, identify of individuals, and substance, of all conversations you had with lawyers and/or staff at KNR from April 20, 2016, until you were named as a Plaintiff in this lawsuit.

ANSWER: Ms. Reid estimates that she had approximately 10 conversations with KNR representatives relating to the status of her injuries, her case, and her personal circumstances. She is not able to recall the specific dates of or participants in these conversations apart from what is reflected in her deposition testimony and the documents produced by Defendants in this lawsuit.

REQUEST FOR PRODUCTION NO. 12: Please produce your records from attendance at Akron Institute College.

RESPONSE: Objection. These documents are irrelevant and any possible relevance would not justify the burden of production.

REQUEST FOR PRODUCTION NO. 13: Please produce screen shots, contact information, or other documentation of James Brumfield, Jr.'s address and telephone number, which is information you promised to provide to your attorney in July, 2016.

RESPONSE: Objection. This information is irrelevant and any possible relevance would not justify the burden of production.

REQUEST FOR PRODUCTION NO. 14: Please produce telephone records from your home and/or cellular and/or other phones for April 20, 2016, April 21, 2016, and/or April 22, 2016.

* If you recognize a phone number and such phone number is not a chiropractor or chiropractor's' office, physician or physician's office, lawyer or lawyer's office, or telemarketer, then you can redact the phone number from production.

* This Request pertains to phone number 330-999-1575 or any other phone number you utilized during the time frame in question.

RESPONSE: Objection. These documents are irrelevant and any possible relevance would not justify the burden of production.

REQUEST FOR ADMISSION NO. 12: Admit Kisling, Nestico & Redick, LLC did not contact you on the day of your accident, April 20, 2016.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 13: Admit the phone call you received from Akron Square Chiropractic on April 21, 2016, did not mention Kisling, Nestico & Redick, LLC or any attorney or other employee of Kisling, Nestico & Redick, LLC.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 14: Admit you had 20 to 30 pages of notes between the date of the accident and date your mother was evicted but you failed to retain them.

ANSWER: Ms. Reid admits that she had approximately 20 to 30 pages of paperwork relating to her accident, some of which had handwritten notes written on them, that have since been lost.

INTERROGATORY NO. 4: Thera Reid's response to Request for Admission No. 2 admits the report prepared by Dr. Floros, bates-stamped KNR 012191, "contains additional medical information and analysis that is not contained in the medical records. Plaintiff further states this "additional information is largely if not entirely cut-and-pasted boilerplate…".

ANSWER: Object. There is no question stated here.

INTERROGATORY NO. 5: Please identify all portions of the report, bates-stamped KNR 012191, which Plaintiff Thera Reid claims is "cut-and-pasted boilerplate" and the source from which the "boilerplate" was "cut" or "copied."

ANSWER: Object. There is no document bates-stamped 012191 in this case.

REQUEST FOR ADMISSION NO. 15: This Request for Admission relates to the following comment contained in Dr. Floros' narrative report, bates-stamped KNR 012191:

> "Thera Reid sustained joint, disc and ligamentous injury due to the collision and experienced a great amount of pain."

Please admit this statement: (a) was accurate; (b) was not contained in Thera Reid's medical records from Akron Square Chiropractic, (c) was not "cut-and-pasted boilerplate"; (d) provides a causal connection between the April 20, 2016, motor vehicle accident and Thera Reid's physical injuries; (e) was a chiropractic opinion; and (f) was provided to an insurance carrier to assist in obtaining a settlement for Thera Reid.

ANSWER: **Object. There is no document bates-stamped 012191 in this case.**

(a):
(b):
(c):
(d):
(e):
(f):

REQUEST FOR ADMISSION NO. 16: This Request for Admission relates to the following comment contained in Dr. Floros' narrative report, bates-stamped KNR 012191:

> "In my opinion based upon reasonable chiropractic probability the injuries Thera Reid sustained were due to the motor vehicle accident, and the treatments rendered thus far have been necessity as a result."

Please admit this statement: (a) was accurate; (b) was not contained in Thera Reid's medical records from Akron Square Chiropractic, (c) was not "cut-and-pasted boilerplate"; (d) provides a causal connection between the April 20, 2016, motor vehicle accident and Thera Reid's physical injuries; (e) provides a causal connection between the motor vehicle accident and the treatments rendered by Akron Square Chiropractic for Thera Reid; (f) was a chiropractic opinion; and (g) was provided to an insurance carrier to assist in obtaining a settlement for Thera Reid.

ANSWER: **Object. There is no document bates-stamped 012191 in this case.**

(a):
(b):
(c):
(d):
(e):
(f):
(g):

REQUEST FOR ADMISSION NO. 17: This Request for Admission relates to the following comment contained in Dr. Floros' narrative report, bates-stamped KNR 012191:

> "Based on the risk assessment alone, one would have to conclude that the risk for injury would have been moderately high in this case as would the risk for any long term symptoms."

Please admit this statement: (a) was accurate; (b) was not contained in Thera Reid's medical records from Akron Square Chiropractic, (c) was not "cut-and-pasted boilerplate"; (d) provides a causal connection between the April 20, 2016, motor vehicle accident and Thera Reid's physical injuries; (e) was a chiropractic opinion; and (f) was provided to an insurance carrier to assist in obtaining a settlement for Thera Reid.

ANSWER: **Object. There is no document bates-stamped 012191 in this case.**

(a):
(b):
(c):
(d):
(e):
(f):

REQUEST FOR ADMISSION NO. 18: This Request for Admission relates to the following comment contained in Dr. Floros' narrative report, bates-stamped KNR 012191:

> "Thera Reid sustained joint, disc and ligamentous injury due to the collision and experienced a great amount of pain. The cost to stabilize her condition over the next year is approximately $5000."

Please admit these statements: (a) were accurate; (b) were not contained in Thera Reid's medical records from Akron Square Chiropractic, (c) were not "cut-and-pasted boilerplate"; (d) provide a causal connection between the April 20, 2016, motor vehicle accident and Thera Reid's physical injuries; (e) provide information regarding the cost of Thera Reid's future medical expenses as a result of the April 20, 2016, motor vehicle accident; and (f) were provided to an insurance carrier to assist in obtaining a settlement for Thera Reid.

ANSWER: **Object. There is no document bates-stamped 012191 in this case.**

(a):
(b):
(c):
(d):
(e):
(f):

REQUEST FOR ADMISSION NO. 19: Please admit the truth of the following statement contained in Dr. Floros' narrative report, bates-stamped KNR 012191:

> "Thera Reid sustained joint, disc and ligamentous injury due to the collision and experienced a great amount of pain." Please admit this statement was true

ANSWER: Object. There is no document bates-stamped 012191 in this case.

INTERROGATORY NO. 6: Please identify and provide contact information for all individuals (other than your son) who lived with you at any time from the time you were first represented by KNR to the present.

ANSWER: Objection. This information is irrelevant and any possible relevance would not justify the burden of production.

INTERROGATORY NO. 7: If any of your Answers to any Request for Admission above is anything other than an unqualified admission, please identify the basis for your denial or qualified admission.

ANSWER: Bases are identified at each response.

REQUEST FOR ADMISSION NO. 20: Please admit the narrative report of Dr. Floros had some value greater than $0.

ANSWER: Ms. Reid is without sufficient knowledge to admit or deny the actual value of the narrative report.

REQUEST FOR ADMISSION NO. 21: Please admit you testified the $150 narrative report of Dr. Floros had a value of between $80.00 and $85.00.

ANSWER: Ms. Reid will provide a response to this Request when she is provided with her deposition transcript to review.

REQUEST FOR ADMISSION NO. 22: Please admit the narrative report of Dr. Floros had a value of at least $80.

ANSWER: Ms. Reid is without sufficient knowledge to admit or deny the actual value of the narrative report.

INTERROGATORY NO. 8: Please identify the dollar value of the narrative report of Dr. Floros, bates-stamped KNR 012191, and your basis for placing such dollar value on the narrative report.

ANSWER: Ms. Reid is without sufficient knowledge to state the actual value of the narrative report.

REQUEST FOR ADMISSION NO. 23: Please admit you posted the customer survey you completed concerning your representation by KNR on your Facebook account.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 24: Please admit you posted photographs of your arm and shoulder on Facebook after your April 20, 2016, accident.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 25: Please admit you deleted the photographs you posted on Facebook of your arm and shoulder after you retained counsel in this matter.

ANSWER: Deny. Please see photos submitted with these responses, which are still posted to Ms. Reid's facebook feed.

REQUEST FOR ADMISSION NO. 26: Please admit the photographs you posted on Facebook of your arm and shoulder were never produced by you in discovery in this case.

ANSWER: Deny. Please see photos submitted with these responses.

REQUEST FOR ADMISSION NO. 27: Please admit you posted a statement about what happened and/or what you remembered happened in your April 20, 2016, motor vehicle accident on Facebook and/or other social media. (See your testimony at page 56 of your July 3, 2018, deposition).

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 28: Please admit you deleted all social media posts about what happened and/or what you remembered happened in your April 20, 2016, motor vehicle accident on Facebook and/or other social media. (See your testimony at your July 3, 2018, deposition).

ANSWER: Deny. Please see facebook posts submitted with these responses.

REQUEST FOR ADMISSION NO. 29: Please admit you deleted all social media posts about what happened and/or what you remembered happened in your April 20, 2016, motor vehicle accident on Facebook and/or other social media after you retained counsel in this case.

ADMIT: Deny. Please see facebook posts submitted with these responses.

INTERROGATORY NO. 9: For all items or information, whether photographic, descriptive, or otherwise, you posted on Facebook or any other social media relating to your April 20, 2106, accident, your settlement of that case, or your representation by KNR, please identify:

(a) The social media name you utilized;
(b) The date such items or information were posted;
(c) Any comments or additional posts relating to your posts;
(d) The date you deleted the items or information from such social media accounts; and
(e) The reason you deleted the items or information from such social media accounts.

ANSWER: Please see facebook posts submitted with these responses. Ms. Reid did not use any other social media platform to talk about anything pertaining to this accident. The only post that was deleted was Ms. Reid's post reviewing KNR, which she deleted when she became aware of the fraudulent practices at issue in this lawsuit.

REQUEST FOR PRODUCTION NO. 15: Please produce copies of any and all social media posts you posted on Facebook or any other social media relating to your April 20, 2106, accident, your settlement of that case, or your representation by KNR.

RESPONSE: Please see facebook posts submitted with these responses.

REQUEST FOR PRODUCTION NO. 16: Please produce any and all documents or other evidence, whether electronic or otherwise, that support your answers to the above Interrogatories or Requests for Admissions.

RESPONSE: All relevant documents of which Ms. Reid is aware have been produced.

INTERROGATORY NO. 10: Please identify the basis for any unqualified admission to the above Requests for Admission.

ANSWER: All bases are identified with each response.

REQUEST FOR PRODUCTION 17: Please produce any and all documents or other evidence, whether electronic or otherwise, that support your answers to the above Interrogatories or Requests for Admissions.

RESPONSE: All relevant documents of which Ms. Reid is aware have been produced.

Dated: December 21, 2018

Respectfully submitted,

/s/ Peter Pattakos

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The foregoing document was served on counsel for the KNR Defendants by email on December 21, 2018.

/s/ Peter Pattakos
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, Plaintiff, vs. KISLING, NESTICO & REDICK, LLC, *et al.*, Defendants.	Case No. 2016-CV-09-3928 Judge Allison Breaux **Thera Reid's Responses to Defendant KNR's First Set of Interrogatories, Requests for Admission, and Requests for Production of Documents**

Named Plaintiff Thera Reid responds to Defendant Kisling Nestico & Redick's first set of Interrogatories, Requests for Admission, and Requests for Production of Documents as follows.

GENERAL OBJECTIONS

1. Ms. Reid's specific objections to each interrogatory or request are in addition to the General Objections set forth in this section. These General Objections form a part of the response to each and every request and are set forth here to avoid duplication. The absence of a reference to a General Objection in each response to a particular request does not constitute a waiver of any General Objection with respect to that request. All responses are made subject to and without waiver of Ms. Reid's general and specific objections.

2. To the extent that Defendant's requests are inconsistent with each other, Ms. Reid objects to such requests.

3. To the extent that Defendant's requests exceed the scope of permissible inquiry under the Ohio Rules of Civil Procedure, Ms. Reid objects to such requests. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

4. Ms. Reid objects to Defendant's requests to the extent that they are unreasonably burdensome, and to the extent they call upon Ms. Reid to investigate, collect and disclose information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

5. Ms. Reid's responses and objections herein shall not waive or prejudice any objections Ms. Reid may later assert, including but not limited to objections as to competency, relevance, materiality or admissibility in subsequent proceedings or at the trial of this or any other action.

6. Ms. Reid objects to Defendant's requests to the extent they seek information or materials that are already within Defendant's possession, custody, or control, or that are equally available to him, on the grounds that such requests are unduly burdensome and oppressive.

7. Ms. Reid objects to Defendant's requests to the extent that they call upon Ms. Reid to produce information that is not in Ms. Reid's possession, custody, or control.

8. Ms. Reid objects to Defendant's requests to the extent they purport to seek any information immune from discovery because of the attorney-client privilege, the work-product doctrine, or any other applicable law, rule or privilege.

9. Ms. Reid objects to any request to the extent that it refers to or incorporates a previous request to which an objection has been made.

10. Ms. Reid objects to Defendant's requests to the extent they are vague or ambiguous.

11. Ms. Reid objects to Defendant's requests to the extent they seek information that is confidential and proprietary. Such information will be produced only in accordance with a duly entered protective order.

12. As discovery is ongoing, Ms. Reid reserves the right to supplement these responses.

REQUESTS FOR ADMISSION AND INTERROGATORIES

REQUEST FOR ADMISSION NO. 1: Admit that Dr. Floros of Akron Square Chiropractic drafted a narrative report for Plaintiff's auto accident lawsuit.

RESPONSE: Ms. Reid is without sufficient information to admit or deny this request. Ms. Reid is aware that the Defendants have produced a document in discovery in this lawsuit purporting to be a narrative report drafted by Dr. Floros but she has not had the opportunity to verify when and for what purpose it was drafted.

INTERROGATORY NO. 1: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See response immediately above.

REQUEST FOR ADMISSION NO. 2: Admit that the narrative report that Dr. Floros drafted contains additional medical information and analysis that is not contained in Plaintiff's medical records from Akron Square Chiropractic.

RESPONSE: See response to RFA No. 1, above. Plaintiff is without sufficient information to admit or deny this request. To the extent the document produced by Defendants bates-stamped KNR 02191 is a true and accurate copy of the narrative report that Dr. Floros drafted for Reid, and the documents produced by Defendants bates-stamped KNR 01683-02199 contain all of Plaintiff's medical records from ASC, Plaintiff admits that the report contains additional medical information and analysis that is not contained in the medical records. Plaintiff further states that this additional information and analysis is largely if not entirely cut-and-pasted boilerplate and denies that this report was necessary or justified the $150 that she was charged for it.

INTERROGATORY NO. 2: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff objects to this contention interrogatory as overly broad and unduly

burdensome. "[W]hile contention interrogatories are a perfectly acceptable form of discovery, Defendants' requests, insofar as they seek every fact, every piece of evidence, every witness, and every application of law to fact . . . are overly broad and unduly burdensome." (citations omitted)). *Ritchie Risk-Linked Strategies Trading (Ir.), Ltd. v. Coventry First LLC,* 273 F.R.D. 367, 369 (S.D.N.Y. 2010).

Further, Plaintiff objects on the grounds that this is not an appropriate time for Defendant to serve or for Plaintiff to respond to contention interrogatories. "The general policy is to defer contention interrogatories until discovery is near an end, in order to promote efficiency and fairness." *Ziemack v. Centel Corp.,* 1995 WL 729295, at *2 (N.D. Ill. Dec. 7, 1995). Indeed, "[t]here is considerable authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period." *Schweinfurth v. Motorola, Inc.*, No. 1:05CV0024, 2007 U.S. Dist. LEXIS 98182, 2007 WL 6025288, at *4 (N.D. Ohio Dec. 3, 2007) *aff'd*, 2009 U.S. Dist. LEXIS 8405, 2009 WL 349163 (N.D. Ohio Jan. 26, 2009). see also *Lincoln Elec. Co. v. Travelers Cas. & Sur. Co.*, 2013 U.S. Dist. LEXIS 189111, *188-189 (N.D. Ohio Feb. 4, 2013) ("responses [to contention interrogatories] are inappropriate at this early stage of the proceeding."); *Hazelkorn v. Morgan*, 1980 Ohio App. LEXIS 12762, *3 (Ohio Ct. App., Trumbull County Dec. 22, 1980) ("An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion, but the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pretrial conference."); *Graber v. Graber,* 2004 Ohio App. LEXIS 5585, 2004-Ohio-6143, ¶ 33 (Ohio Ct. App., Stark County Nov. 15, 2004) (same).

Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete. At this time and subject to those objections, Plaintiff refers the Defendant to the documents cited, facts stated, and communications described in the Third Amended Complaint ("the Complaint"), and further refers to the contents of the narrative report and medical records themselves.

REQUEST FOR ADMISSION NO. 3: Admit that a KNR attorney reviewed with Plaintiff the Settlement Memorandum (attached as Exhibit A) including the itemized expenses and entries on the Settlement Memorandum.

RESPONSE: Admit.

INTERROGATORY NO. 3: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 4: Admit that the $150 Narrative Fee to Dr. Floros is

listed on the Settlement Memorandum (attached as Exhibit A).

RESPONSE: Admit.

INTERROGATORY NO. 4: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO 5: Admit that Plaintiff had the opportunity to ask the attorney questions regarding the Settlement Memorandum (attached as Exhibit A), including the $150 Narrative Fee to Dr. Floros.

RESPONSE: Admit.

INTERROGATORY NO. 5: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 6: Admit that prior to signing the Settlement Memorandum (attached as Exhibit A), Plaintiff did not ask about the $150 Narrative Fee to Dr. Floros.

RESPONSE: Admit.

INTERROGATORY NO. 6: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 7: Admit that prior to disbursing proceeds to Plaintiff, Ohio law required KNR to provide Plaintiff with a document such as Settlement Memorandum (attached as Exhibit A) that outlined the settlement amount and the fees and expenses to be paid to KNR.

RESPONSE: Admit.

INTERROGATORY NO. 7: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 8: Admit that the Settlement Memorandum (attached as Exhibit A) indicated that $150.00 of the settlement was paid to Dr. Floros.

RESPONSE: Admit.

INTERROGATORY NO. 8: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 9: Admit that after having a KNR attorney review with Plaintiff the Settlement Memorandum, Plaintiff voluntarily signed the Settlement Memorandum (Exhibit A).

RESPONSE: Admit.

INTERROGATORY NO. 9: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 10: Admit that KNR did not and does not receive a direct financial benefit from the Narrative Fees.

RESPONSE: Plaintiff objects to the vagueness of the term "direct" as applied here. Plaintiff alleges that Defendants pay the Narrative Fees to chiropractors as a kickback to sustain unlawful quid pro quo referral relationships so denies that KNR does not receive a financial benefit from the Narrative Fees.

INTERROGATORY NO. 10: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to her response to RFA No. 10 above and the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents, and the Affidavit of Gary Petti, all showing that the narrative fees were paid as a kickback.

REQUEST FOR ADMISSION NO. 11: Admit that at the time you filed the Complaint that you had no evidence that KNR ever received a direct financial benefit from in the Narrative Fees.

RESPONSE: Deny.

INTERROGATORY NO. 11: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff restates her response to Interrogatory No. 10 here.

REQUEST FOR ADMISSION NO. 12: Admit that KNR did not and does not receive any financial benefit from the Narrative Fee.

RESPONSE: Deny.

INTERROGATORY NO. 12: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff restates her response to Interrogatory No. 10 here.

REQUEST FOR ADMISSION NO. 13: Admit that at the time you filed the Complaint that you had no evidence that KNR ever received any financial benefit from the Narrative Fee.

RESPONSE: Deny.

INTERROGATORY NO. 13: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff restates her response to Interrogatory No. 10 here.

REQUEST FOR ADMISSION NO. 14: Admit that KNR does not add a surcharge or an upcharge on the Narrative Fee and that it is a pass through third-party expense.

RESPONSE: Plaintiff is without sufficient information to admit or deny this request and further objects to the terms "upcharge" and "pass through third-party expense" as vague, undefined, and calling for legal conclusions. Plaintiff further states that the entire Narrative Fee is a "surcharge" or "upcharge" in that it is not reasonably incurred and incurred in breach of Defendants' fiduciary duties to Defendants, and admits it is possible that Defendants pass along this entire illegitimate fee as a kickback to the chiropractors.

INTERROGATORY NO. 14: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents,

and the Affidavit of Gary Petti, all showing that the narrative fees were paid as a kickback.

REQUEST FOR ADMISSION NO. 15: Admit that KNR paid Dr. Floros the Narrative Fee at the same amount that was identified in the Settlement Memorandum (see Exhibit A).

RESPONSE: Objection. Plaintiff is not aware of these details of Defendants' dealings with Dr. Floros and is thus without sufficient information to admit or deny this request but admits it is possible that KNR passed along the entire narrative fee to Dr. Floros.

INTERROGATORY NO. 15: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See response to RFA No. 15 above.

REQUEST FOR ADMISSION NO. 16: Admit that KNR would have paid Dr. Floros the Narrative Fee regardless of whether KNR was successful in obtaining a recovery on Plaintiff's auto accident case.

RESPONSE: Objection. Plaintiff is not aware of these details of Defendants' dealings with Dr. Floros and is thus without sufficient information to admit or deny this request but admits it is possible that KNR would have paid Dr. Floros the Narrative Fee regardless of whether KNR was successful in obtaining a recovery on Plaintiff's auto accident case.

INTERROGATORY NO. 16: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See Response to RFA No. 16 above.

REQUEST FOR ADMISSION NO. 17: Admit that Plaintiff voluntarily signed the Contingency- Fee Agreement, which is attached as Exhibit B.

RESPONSE: Admit.

INTERROGATORY NO. 17: If Plaintiff's response to the above Request for

Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

ADDITIONAL INTERROGATORIES

INTERROGATORY NO. 18: Identify all Persons who drafted, assisted in drafting, or provided information for the responses to these Discovery Requests.

RESPONSE: Peter Pattakos and Thera Reid.

INTERROGATORY NO. 19: Identify all Persons who may have discoverable evidence, information, or knowledge relating to the allegations and claims in this Lawsuit or Complaint, including, without limitation, the Narrative Fees, allegations in IV.E. of the Complaint, the class certification allegations, and Plaintiff's Claim 10 – breach of fiduciary duty.

RESPONSE: While discovery has not yet meaningfully proceeded and this list will necessarily change over the course of time, Plaintiff identifies:

- Each of the named Plaintiffs to testify about their experience with KNR
- Nestico, Redick and a corporate representative of KNR to discuss the firm's relationships with chiropractors, marketing practices, use of investigators and fees associated therewith, and use of litigation finance companies including Liberty Capital.
- Other potential witnesses who do or have worked at KNR, to be questioned on the same general topics, include but are not limited to Brandy Lamtman, Holly Tusko, Robert Horton, Gary Petti, Paul Steele, Courtney Weaver, and Megan Jennings.
- Minas Floros and other chiropractors and physicians may be called to testify regarding their referral relationships with KNR.
- Devin Oddo, Matt Ameer, Robert Horton, Jeff Allen, Matthew Walker and others may be called to testify specifically regarding their representations of the named Plaintiffs.
- Aaron Czetli, Michael Simpson, AMC Investigations, MRS Investigations, or either company's employees, Gary Monto, Wes Steele, Paul Hillenbrand, Jon Thomas, Jeff Allen,

Tom Fisher, Dave French, Glenn Jones, Gary Krebs, James Smith, Steven Tobias, Ayan Noor, David Hogan, or any of the other so-called "investigators" who worked with KNR may be called to testify regarding their "investigations" and billing to KNR.

- Ciro Cerrato may be called to testify regarding his time at Liberty Capital and his relationship with the Defendants.

INTERROGATORY NO. 20: Identify all Persons that Plaintiff plans to call as fact witnesses at trial or any hearing in this Lawsuit, and identify the anticipated subject matter of each fact witnesses' testimony.

RESPONSE: Plaintiff objects to this request as premature. Plaintiff will comply with all Local Rules and Court Orders in providing a witness list prior to Defendant in advance of trial.. Subject to that objection, Plaintiff directs Defendant to those individuals identified in response to Interrogatory No. 19.

INTERROGATORY NO. 21: Identify all Persons that Plaintiff plans to call as expert or opinion witnesses (including, without limitation, expert or opinion witnesses for class certification and related issues) at trial or any hearing in this Lawsuit, and for each witness, state the subject matter on which the expert or opinion witness will testify.

RESPONSE: Plaintiff objects to this request as premature. Plaintiff will comply with all Civil Rules, Local Rules, and Court Orders in disclosing experts, producing reports and files, and making experts available for deposition in advance of trial. Subject to that objection, Plaintiff states that no expert has yet been engaged.

INTERROGATORY NO. 22: Identify and list each exhibit, Document or any other intangible object that Plaintiff intends to introduce into evidence or use at trial or any hearing (including, without limitation, any class certification hearing) in this Lawsuit.

RESPONSE: Plaintiff objects to this request as premature. Plaintiff will comply with all Local Rules and Court Orders in providing trial exhibits to Defendant in advance of trial.

INTERROGATORY NO. 23: State whether you have ever been involved in any legal proceeding, whether civil or criminal, and, if so, provide the venue, case number, and

outcome of the proceeding, such as acquittal, *nolle prosequi*, conviction, settlement, defense verdict, plaintiff verdict, etc.

RESPONSE: Plaintiff objects to this inquiry to the extent it seeks information about matters unrelated to this case and seeks information on criminal convictions for non-felonies and/or crimes committed more than 10 years ago. Subject to that objection, Plaintiff states that, apart from routine traffic violations, she has been evicted twice and has twice obtained a protective order in situations where she has been the victim of domestic violence.

INTERROGATORY NO. 24: State whether Plaintiff or her attorneys have communicated, either directly or indirectly, orally or in writing, with any putative member of the alleged class regarding this Lawsuit, its pendency, the allegations of the Complaint, or class certification and, if so, identify each communication (you may exclude communications between an attorney and a client or a prospective client who has, on the initiative of the client or prospective client, consulted with, employed, or proposed to employ the attorney).

RESPONSE: Any communications Plaintiff's counsel has had with potential class members were initiated by the class member.

INTERROGATORY NO. 25: Identify and calculate the alleged damages that Plaintiff is seeking to recover in this Lawsuit and that the putative class D members are seeking to recover in this Lawsuit.

RESPONSE: Plaintiff seeks to recover reimbursement of all narrative fees paid on her behalf and that of Class D members, as well as any other compensatory damages, punitive damages, and attorneys fees to which Plaintiff and the class are entitled.

INTERROGATORY NO. 26: With respect to the first communication Plaintiff had with her attorney regarding the Lawsuit, identify the date, describe the circumstances surrounding the communication, including the date of the communication, and the individual who initiated the communication.

RESPONSE: Ms. Reid first contacted Plaintiffs' counsel on March 27, 2017, by telephone, after having read about the case in the news.

INTERROGATORY NO. 27: Identify all facts that support your allegation in paragraph 12 of the Complaint that Defendants unlawfully solicited Plaintiff through their associates at Akron Square Chiropractic.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 28: Identify all facts that support Plaintiff's allegations in paragraph 12 of her Complaint that Defendants deceived and coerced her into accepting a conflicted legal representation.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 29: Describe the conflicted legal representation alleged in paragraph 12 of the Complaint.

RESPONSE: The conflicted legal representation alleged in paragraph 12 of the Complaint refers to the fact that Defendants maintain unlawful quid pro quo relationships with chiropractors whose interests Defendants prioritize at the expense of their clients, including by failing to disclose the quid pro quo relationship, pressuring the clients into unwanted and unneeded chiropractic care, and failing to advise the clients of fraud lawsuits by major insurance companies against certain chiropractors, as alleged in detail in the Third Amended Complaint.

INTERROGATORY NO. 30: Identify all facts that support Plaintiff's allegations in paragraph 12 of her Complaint that Defendants charged her a fraudulent "narrative fee," paid from her settlement proceeds directly to Dr. Floros.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to

premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 31: Describe how Defendants illegally solicited Plaintiff through Dr. Floros and Akron Square Chiropractic as alleged in paragraph 71 of the Complaint.

RESPONSE: Akron Square contacted Plaintiff through a telemarketer, advised Plaintiff not to speak with any other attorneys or chiropractors, and then solicited Plaintiff on Defendants' behalf without disclosing the quid pro quo nature of their relationship with Defendants. Akron Square did this with Defendants' knowledge and cooperation and at Defendants' instruction. On information and belief, Akron Square split marketing costs with Defendants to implement their joint-solicitation practices.

INTERROGATORY NO. 32: Describe what was illegal about the alleged solicitation of Plaintiff through Dr. Floros and Akron Square Chiropractic as alleged in paragraph 71 of the Complaint.

RESPONSE: The Ohio Rules of Professional Conduct prohibit attorneys from directly soliciting clients and from failing to disclose conflicts of interest. Further, Ohio law on fiduciary duty prohibits fiduciaries from self-dealing with respect to their agents.

INTERROGATORY NO. 33: Identify all facts that support Plaintiff's allegations in paragraph 74 that Akron Square Chiropractic maintained a quid pro quo referral relationship with KNR.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 34: Identify all facts that support Plaintiff's allegations in paragraph 220 of the Complaint that Plaintiff reposed a special trust and confidence in Defendants.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents, and further states that Defendants were Plaintiffs attorneys.

INTERROGATORY NO. 35: Identify when Plaintiff first became aware of or had knowledge of the Narrative Fees.

RESPONSE: Plaintiff first became aware of the fraudulent nature of the narrative fees in March of 2017 when she first read about this lawsuit in the news.

INTERROGATORY NO. 36: Identify all facts that support Plaintiff's allegations in paragraphs 138(D), 139, 140(B), and 141-144 of the Complaint.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 37: Describe how the putative members of Class D will be identified.

RESPONSE: Plaintiffs will be able to ascertain the class members of Class D using data and information in the possession of the Defendants, including the settlement statements reflecting payment of the narrative fees. Plaintiffs have requested a deposition with a KNR corporate representative to discuss their communications and information systems, their document management and data systems, and document retention policies.

INTERROGATORY NO. 38: Identify all Persons with whom you communicated about retaining Dan Frech, Peter Pattakos, The Pattakos Law Firm, Joshua Cohen, and Cohen Rosenthal & Kramer LLP as your attorneys to represent you in this Lawsuit.

RESPONSE: My mother.

INTERROGATORY NO. 39: State whether you have been or are currently represented in this Lawsuit by an attorney other than Dan Frech, Peter Pattakos, the Pattakos Law Firm, Joshua Cohen, and Cohen Rosenthal & Kramer LLP. If so, identify the other attorneys.

RESPONSE: Apart from the attorneys from the Chandra Law Firm who have since withdrawn as counsel for Plaintiffs, and Dean Williams who has since entered his appearance as counsel for Plaintiffs, Plaintiff Reid has not been and is not represented in this lawsuit by any additional attorneys apart from Pattakos, Cohen, and Frech.

REQUEST FOR PRODUCTION OF DOCUMENTS

Responding to all of Defendants' Requests for Production, Plaintiff states, subject to the above and below objections and clarifications, that all of the responsive documents in Plaintiff's possession

were provided to Plaintiff by former KNR attorneys Rob Horton and Gary Petti. Plaintiff has produced or will produce all of the documents provided by Horton and Petti and nothing written above or below should be taken as a statement that Plaintiff intends to withhold any such documents.

1. All Documents Plaintiff used, relied upon, or referred to in answering KNR's First Set of Requests for Admission and Interrogatories.

RESPONSE: All such documents have been or will be produced.

2. All Documents relating to the requests, allegations, and responses in the above First Set of Requests for Admission and Interrogatories.

RESPONSE: Subject to the objections stated herein, All such documents have been or will be produced.

3. All Documents obtained from Robert Horton relating to this Lawsuit, KNR, Nestico, Redick, and the allegations in the Complaint, including, without limitation, the Quid-Pro Quo Relationship, the Narrative Fees, and the alleged undisclosed self-dealing with Liberty Capital Funding, LLC.

RESPONSE: All such documents have been or will be produced

4. All Documents obtained from Gary Petti relating to this Lawsuit, KNR, Nestico, Redick, and the allegations in the Complaint, including, without limitation, the Quid-Pro Quo Relationships, the Narrative Fees, and the alleged undisclosed self-dealing with Liberty Capital Funding, LLC.

RESPONSE: All such documents have been or will be produced

5. All Documents relating to the factual and legal allegations in the Counterclaim.

RESPONSE: A request for "all documents" related to the Defendants multi-claim Counterclaim is overbroad and unduly burdensome. *See, e.g. Gregg v. Local 305 IBEW,* No. 1:08-CV-160, 2009 U.S. Dist. LEXIS 40761, at *16 (N.D. Ind. May 13, 2009) ("Gregg's interrogatory encompasses virtually every factual basis for all of the Defendants' contentions. To respond would be an unduly burdensome task, since it would require the Defendants to produce veritable narratives of their entire case.").

Notwithstanding these objections, Plaintiff directs the Defendants to the documents cited in and quoted from in the Plaintiffs' Complaint, and the other documents produced by Plaintiff in this lawsuit

6. All Documents relating to, used in, or relied upon in filing Plaintiffs' Motion for Class Certification.

RESPONSE: Plaintiff objects to this request as premature and overbroad. No depositions have been taken and few documents exchanged. Plaintiffs do not know which documents they will use or rely in their motion for class certification, apart from the documents quoted in the Complaint, and will produce any documents they intend to use as exhibits to their class certification motion prior to or upon the filing of that motion.

7. All Documents relating to the allegations in paragraphs 138(D), 139, 140(B), and 141-144 of the Complaint.

RESPONSE: Plaintiff objects to this request as premature and overbroad. No depositions have been taken and few documents exchanged. Plaintiffs will support the validity of their class claims in their motion for class certification, plaintiffs will produce any documents they intend to use as exhibits to their class certification motion prior to or upon the filing of that motion.

8. All Documents relating to Plaintiff's allegations in the Complaint, including, without limitation,

IV.A. through IV.E. of the Complaint.

RESPONSE: Plaintiffs object to this discovery request on the basis of vagueness and overbreadth. Further, the request is beyond the scope of permissible discovery. This case is about the behavior of the Defendants and they do not need to be made aware of the contents of their own documents. The request serves only to allow Defendants to determine what information the Plaintiffs have discovered. Because the second-hand knowledge of the plaintiffs and/or their attorneys is not relevant nor reasonably calculated to lead to admissible evidence, it is beyond the scope and objectives of legitimate discovery. *See Smith v. BIC Corp.*, 121 F.R.D. 235, 244-245 (E.D.Pa. 1988). In addition, Plaintiffs object to this request on the basis that the defendant has equal or greater access to the information sought. Furthermore, Plaintiffs object on the basis of the attorney work-product doctrine, insofar as the selection of the documents requested would reveal the mental impressions, opinions, and/or trial strategy of Plaintiffs' attorneys. *Gould v. Mitsui Mining & Smelthing*, 825 F.2d 676, 680 (2nd Cir. 1987); *Shelton v. American Motors*, 805 F.2d 1323, 1328-1329 (8th Cir. 1986); *Sporck v. Pell*, 759 F.2d 312, 316 (3rd Cir. 1985).

Notwithstanding these objections, Plaintiff directs the Defendants to the documents cited in and quoted from in the Plaintiffs' Complaint, and the other documents produced by Plaintiff in this lawsuit, as well as the summary response above.

9. All Documents relating to the Narrative Fees.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

10. All Documents relating to Plaintiff's contention that Defendants are liable for breach of

fiduciary duty, as outlined in Plaintiff's Claim 10.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

11. All Documents relating to Plaintiff's alleged damages that she is seeking in this Lawsuit.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

12. All Documents relating to Attorney Robert Horton.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

13. All Documents relating to Gary Petti.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

14. All Documents relating to KNR.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

15. All Documents relating to Nestico.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

16. All Documents relating to Redick.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

17. All Documents relating to Akron Square Chiropractic referred to in the Complaint.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

18. All Documents relating to the alleged damages that Plaintiff seeks to recover in this Lawsuit.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

19. All Documents relating to putative class members relating to the allegations in the Complaint.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

20. All Documents relating to paragraphs 12, 71-76, and 218-225 (paragraphs relating to Plaintiff's breach of fiduciary duty claim) of the Complaint.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

21. All Documents that Plaintiff may use as exhibits, introduce as evidence, or rely upon at trial or any hearing (including, without limitation, any class certification hearing) in this Lawsuit.

RESPONSE: Objection: This request is premature. Plaintiff will comply with all Local Rules and Court Orders in providing trial exhibits to Defendant in advance of trial.

22. All Documents provided to, relied upon by, created by, generated by, or reviewed by Plaintiff's opinion or expert witness (including, without limitation, opinion or expert witnesses on class certification and related issues) in reaching his or her opinion, performing any analysis, reaching any conclusion, or drafting his or her expert report.

RESPONSE: Objection: This request is premature. Plaintiff will comply with all Local Rules and Court Orders in disclosing experts, producing reports and files, and making experts available for deposition in advance of trial

23. To the extent not previously requested herein, all Documents that relate in any way to the Lawsuit.

RESPONSE: See objection to RFP No. 8.

Dated: December 15, 2017

Respectfully submitted,

/s/ Peter Pattakos

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The foregoing document was served on counsel for Defendants by email on December 15, 2017.

/s/ Peter Pattakos
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, Plaintiff, vs. KISLING, NESTICO & REDICK, LLC, *et al.*, Defendants.	Case No. 2016-CV-09-3928 Judge Allison Breaux **Thera Reid's Responses to Defendant KNR's First Set of Interrogatories, Requests for Admission, and Requests for Production of Documents**

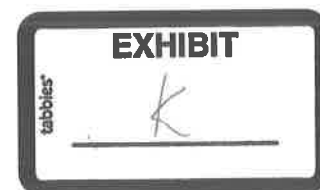
Named Plaintiff Thera Reid responds to Defendant Kisling Nestico & Redick's first set of Interrogatories, Requests for Admission, and Requests for Production of Documents as follows.

GENERAL OBJECTIONS

1. Ms. Reid's specific objections to each interrogatory or request are in addition to the General Objections set forth in this section. These General Objections form a part of the response to each and every request and are set forth here to avoid duplication. The absence of a reference to a General Objection in each response to a particular request does not constitute a waiver of any General Objection with respect to that request. All responses are made subject to and without waiver of Ms. Reid's general and specific objections.

2. To the extent that Defendant's requests are inconsistent with each other, Ms. Reid objects to such requests.

3. To the extent that Defendant's requests exceed the scope of permissible inquiry under the Ohio Rules of Civil Procedure, Ms. Reid objects to such requests. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.



4. Ms. Reid objects to Defendant's requests to the extent that they are unreasonably burdensome, and to the extent they call upon Ms. Reid to investigate, collect and disclose information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

5. Ms. Reid's responses and objections herein shall not waive or prejudice any objections Ms. Reid may later assert, including but not limited to objections as to competency, relevance, materiality or admissibility in subsequent proceedings or at the trial of this or any other action.

6. Ms. Reid objects to Defendant's requests to the extent they seek information or materials that are already within Defendant's possession, custody, or control, or that are equally available to him, on the grounds that such requests are unduly burdensome and oppressive.

7. Ms. Reid objects to Defendant's requests to the extent that they call upon Ms. Reid to produce information that is not in Ms. Reid's possession, custody, or control.

8. Ms. Reid objects to Defendant's requests to the extent they purport to seek any information immune from discovery because of the attorney-client privilege, the work-product doctrine, or any other applicable law, rule or privilege.

9. Ms. Reid objects to any request to the extent that it refers to or incorporates a previous request to which an objection has been made.

10. Ms. Reid objects to Defendant's requests to the extent they are vague or ambiguous.

11. Ms. Reid objects to Defendant's requests to the extent they seek information that is confidential and proprietary. Such information will be produced only in accordance with a duly entered protective order.

12. As discovery is ongoing, Ms. Reid reserves the right to supplement these responses.

REQUESTS FOR ADMISSION AND INTERROGATORIES

REQUEST FOR ADMISSION NO. 1: Admit that Dr. Floros of Akron Square Chiropractic drafted a narrative report for Plaintiff's auto accident lawsuit.

RESPONSE: Ms. Reid is without sufficient information to admit or deny this request. Ms. Reid is aware that the Defendants have produced a document in discovery in this lawsuit purporting to be a narrative report drafted by Dr. Floros but she has not had the opportunity to verify when and for what purpose it was drafted.

INTERROGATORY NO. 1: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See response immediately above.

REQUEST FOR ADMISSION NO. 2: Admit that the narrative report that Dr. Floros drafted contains additional medical information and analysis that is not contained in Plaintiff's medical records from Akron Square Chiropractic.

RESPONSE: See response to RFA No. 1, above. Plaintiff is without sufficient information to admit or deny this request. To the extent the document produced by Defendants bates-stamped KNR 02191 is a true and accurate copy of the narrative report that Dr. Floros drafted for Reid, and the documents produced by Defendants bates-stamped KNR 01683-02199 contain all of Plaintiff's medical records from ASC, Plaintiff admits that the report contains additional medical information and analysis that is not contained in the medical records. Plaintiff further states that this additional information and analysis is largely if not entirely cut-and-pasted boilerplate and denies that this report was necessary or justified the $150 that she was charged for it.

INTERROGATORY NO. 2: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff objects to this contention interrogatory as overly broad and unduly

burdensome. "[W]hile contention interrogatories are a perfectly acceptable form of discovery, Defendants' requests, insofar as they seek every fact, every piece of evidence, every witness, and every application of law to fact . . . are overly broad and unduly burdensome." (citations omitted)). *Ritchie Risk-Linked Strategies Trading (Ir.), Ltd. v. Coventry First LLC,* 273 F.R.D. 367, 369 (S.D.N.Y. 2010).

Further, Plaintiff objects on the grounds that this is not an appropriate time for Defendant to serve or for Plaintiff to respond to contention interrogatories. "The general policy is to defer contention interrogatories until discovery is near an end, in order to promote efficiency and fairness." *Ziemack v. Centel Corp.,* 1995 WL 729295, at *2 (N.D. Ill. Dec. 7, 1995). Indeed, "[t]here is considerable authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period." *Schweinfurth v. Motorola, Inc.*, No. 1:05CV0024, 2007 U.S. Dist. LEXIS 98182, 2007 WL 6025288, at *4 (N.D. Ohio Dec. 3, 2007) *aff'd*, 2009 U.S. Dist. LEXIS 8405, 2009 WL 349163 (N.D. Ohio Jan. 26, 2009). see also *Lincoln Elec. Co. v. Travelers Cas. & Sur. Co.*, 2013 U.S. Dist. LEXIS 189111, *188-189 (N.D. Ohio Feb. 4, 2013) ("responses [to contention interrogatories] are inappropriate at this early stage of the proceeding."); *Hazelkorn v. Morgan*, 1980 Ohio App. LEXIS 12762, *3 (Ohio Ct. App., Trumbull County Dec. 22, 1980) ("An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion, but the court may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a pretrial conference."); *Graber v. Graber,* 2004 Ohio App. LEXIS 5585, 2004-Ohio-6143, ¶ 33 (Ohio Ct. App., Stark County Nov. 15, 2004) (same).

Plaintiffs are willing to respond fully to properly formed contention interrogatories at such time as discovery is substantially complete. At this time and subject to those objections, Plaintiff refers the Defendant to the documents cited, facts stated, and communications described in the Third Amended Complaint ("the Complaint"), and further refers to the contents of the narrative report and medical records themselves.

REQUEST FOR ADMISSION NO. 3: Admit that a KNR attorney reviewed with Plaintiff the Settlement Memorandum (attached as Exhibit A) including the itemized expenses and entries on the Settlement Memorandum.

RESPONSE: Admit.

INTERROGATORY NO. 3: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 4: Admit that the $150 Narrative Fee to Dr. Floros is

listed on the Settlement Memorandum (attached as Exhibit A).

RESPONSE: Admit.

INTERROGATORY NO. 4: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO 5: Admit that Plaintiff had the opportunity to ask the attorney questions regarding the Settlement Memorandum (attached as Exhibit A), including the $150 Narrative Fee to Dr. Floros.

RESPONSE: Admit.

INTERROGATORY NO. 5: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 6: Admit that prior to signing the Settlement Memorandum (attached as Exhibit A), Plaintiff did not ask about the $150 Narrative Fee to Dr. Floros.

RESPONSE: Admit.

INTERROGATORY NO. 6: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 7: Admit that prior to disbursing proceeds to Plaintiff, Ohio law required KNR to provide Plaintiff with a document such as Settlement Memorandum (attached as Exhibit A) that outlined the settlement amount and the fees and expenses to be paid to KNR.

RESPONSE: Admit.

INTERROGATORY NO. 7: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 8: Admit that the Settlement Memorandum (attached as Exhibit A) indicated that $150.00 of the settlement was paid to Dr. Floros.

RESPONSE: Admit.

INTERROGATORY NO. 8: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 9: Admit that after having a KNR attorney review with Plaintiff the Settlement Memorandum, Plaintiff voluntarily signed the Settlement Memorandum (Exhibit A).

RESPONSE: Admit.

INTERROGATORY NO. 9: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 10: Admit that KNR did not and does not receive a direct financial benefit from the Narrative Fees.

RESPONSE: Plaintiff objects to the vagueness of the term "direct" as applied here. Plaintiff alleges that Defendants pay the Narrative Fees to chiropractors as a kickback to sustain unlawful quid pro quo referral relationships so denies that KNR does not receive a financial benefit from the Narrative Fees.

INTERROGATORY NO. 10: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to her response to RFA No. 10 above and the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents, and the Affidavit of Gary Petti, all showing that the narrative fees were paid as a kickback.

REQUEST FOR ADMISSION NO. 11: Admit that at the time you filed the Complaint that you had no evidence that KNR ever received a direct financial benefit from in the Narrative Fees.

RESPONSE: Deny.

INTERROGATORY NO. 11: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff restates her response to Interrogatory No. 10 here.

REQUEST FOR ADMISSION NO. 12: Admit that KNR did not and does not receive any financial benefit from the Narrative Fee.

RESPONSE: Deny.

INTERROGATORY NO. 12: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff restates her response to Interrogatory No. 10 here.

REQUEST FOR ADMISSION NO. 13: Admit that at the time you filed the Complaint that you had no evidence that KNR ever received any financial benefit from the Narrative Fee.

RESPONSE: Deny.

INTERROGATORY NO. 13: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff restates her response to Interrogatory No. 10 here.

REQUEST FOR ADMISSION NO. 14: Admit that KNR does not add a surcharge or an upcharge on the Narrative Fee and that it is a pass through third-party expense.

RESPONSE: Plaintiff is without sufficient information to admit or deny this request and further objects to the terms "upcharge" and "pass through third-party expense" as vague, undefined, and calling for legal conclusions. Plaintiff further states that the entire Narrative Fee is a "surcharge" or "upcharge" in that it is not reasonably incurred and incurred in breach of Defendants' fiduciary duties to Defendants, and admits it is possible that Defendants pass along this entire illegitimate fee as a kickback to the chiropractors.

INTERROGATORY NO. 14: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents,

and the Affidavit of Gary Petti, all showing that the narrative fees were paid as a kickback.

REQUEST FOR ADMISSION NO. 15: Admit that KNR paid Dr. Floros the Narrative Fee at the same amount that was identified in the Settlement Memorandum (see Exhibit A).

RESPONSE: Objection. Plaintiff is not aware of these details of Defendants' dealings with Dr. Floros and is thus without sufficient information to admit or deny this request but admits it is possible that KNR passed along the entire narrative fee to Dr. Floros.

INTERROGATORY NO. 15: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See response to RFA No. 15 above.

REQUEST FOR ADMISSION NO. 16: Admit that KNR would have paid Dr. Floros the Narrative Fee regardless of whether KNR was successful in obtaining a recovery on Plaintiff's auto accident case.

RESPONSE: Objection. Plaintiff is not aware of these details of Defendants' dealings with Dr. Floros and is thus without sufficient information to admit or deny this request but admits it is possible that KNR would have paid Dr. Floros the Narrative Fee regardless of whether KNR was successful in obtaining a recovery on Plaintiff's auto accident case.

INTERROGATORY NO. 16: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See Response to RFA No. 16 above.

REQUEST FOR ADMISSION NO. 17: Admit that Plaintiff voluntarily signed the Contingency- Fee Agreement, which is attached as Exhibit B.

RESPONSE: Admit.

INTERROGATORY NO. 17: If Plaintiff's response to the above Request for

Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

ADDITIONAL INTERROGATORIES

INTERROGATORY NO. 18: Identify all Persons who drafted, assisted in drafting, or provided information for the responses to these Discovery Requests.

RESPONSE: Peter Pattakos and Thera Reid.

INTERROGATORY NO. 19: Identify all Persons who may have discoverable evidence, information, or knowledge relating to the allegations and claims in this Lawsuit or Complaint, including, without limitation, the Narrative Fees, allegations in IV.E. of the Complaint, the class certification allegations, and Plaintiff's Claim 10 – breach of fiduciary duty.

RESPONSE: While discovery has not yet meaningfully proceeded and this list will necessarily change over the course of time, Plaintiff identifies:

- Each of the named Plaintiffs to testify about their experience with KNR
- Nestico, Redick and a corporate representative of KNR to discuss the firm's relationships with chiropractors, marketing practices, use of investigators and fees associated therewith, and use of litigation finance companies including Liberty Capital.
- Other potential witnesses who do or have worked at KNR, to be questioned on the same general topics, include but are not limited to Brandy Lamtman, Holly Tusko, Robert Horton, Gary Petti, Paul Steele, Courtney Weaver, and Megan Jennings.
- Minas Floros and other chiropractors and physicians may be called to testify regarding their referral relationships with KNR.
- Devin Oddo, Matt Ameer, Robert Horton, Jeff Allen, Matthew Walker and others may be called to testify specifically regarding their representations of the named Plaintiffs.
- Aaron Czetli, Michael Simpson, AMC Investigations, MRS Investigations, or either company's employees, Gary Monto, Wes Steele, Paul Hillenbrand, Jon Thomas, Jeff Allen,

Tom Fisher, Dave French, Glenn Jones, Gary Krebs, James Smith, Steven Tobias, Ayan Noor, David Hogan, or any of the other so-called "investigators" who worked with KNR may be called to testify regarding their "investigations" and billing to KNR.

- Ciro Cerrato may be called to testify regarding his time at Liberty Capital and his relationship with the Defendants.

INTERROGATORY NO. 20: Identify all Persons that Plaintiff plans to call as fact witnesses at trial or any hearing in this Lawsuit, and identify the anticipated subject matter of each fact witnesses' testimony.

RESPONSE: Plaintiff objects to this request as premature. Plaintiff will comply with all Local Rules and Court Orders in providing a witness list prior to Defendant in advance of trial.. Subject to that objection, Plaintiff directs Defendant to those individuals identified in response to Interrogatory No. 19.

INTERROGATORY NO. 21: Identify all Persons that Plaintiff plans to call as expert or opinion witnesses (including, without limitation, expert or opinion witnesses for class certification and related issues) at trial or any hearing in this Lawsuit, and for each witness, state the subject matter on which the expert or opinion witness will testify.

RESPONSE: Plaintiff objects to this request as premature. Plaintiff will comply with all Civil Rules, Local Rules, and Court Orders in disclosing experts, producing reports and files, and making experts available for deposition in advance of trial. Subject to that objection, Plaintiff states that no expert has yet been engaged.

INTERROGATORY NO. 22: Identify and list each exhibit, Document or any other intangible object that Plaintiff intends to introduce into evidence or use at trial or any hearing (including, without limitation, any class certification hearing) in this Lawsuit.

RESPONSE: Plaintiff objects to this request as premature. Plaintiff will comply with all Local Rules and Court Orders in providing trial exhibits to Defendant in advance of trial.

INTERROGATORY NO. 23: State whether you have ever been involved in any legal proceeding, whether civil or criminal, and, if so, provide the venue, case number, and

outcome of the proceeding, such as acquittal, *nolle prosequi*, conviction, settlement, defense verdict, plaintiff verdict, etc.

RESPONSE: Plaintiff objects to this inquiry to the extent it seeks information about matters unrelated to this case and seeks information on criminal convictions for non-felonies and/or crimes committed more than 10 years ago. Subject to that objection, Plaintiff states that, apart from routine traffic violations, she has been evicted twice and has twice obtained a protective order in situations where she has been the victim of domestic violence.

INTERROGATORY NO. 24: State whether Plaintiff or her attorneys have communicated, either directly or indirectly, orally or in writing, with any putative member of the alleged class regarding this Lawsuit, its pendency, the allegations of the Complaint, or class certification and, if so, identify each communication (you may exclude communications between an attorney and a client or a prospective client who has, on the initiative of the client or prospective client, consulted with, employed, or proposed to employ the attorney).

RESPONSE: Any communications Plaintiff's counsel has had with potential class members were initiated by the class member.

INTERROGATORY NO. 25: Identify and calculate the alleged damages that Plaintiff is seeking to recover in this Lawsuit and that the putative class D members are seeking to recover in this Lawsuit.

RESPONSE:

INTERROGATORY NO. 26: With respect to the first communication Plaintiff had with her attorney regarding the Lawsuit, identify the date, describe the circumstances surrounding the communication, including the date of the communication, and the individual who initiated the communication.

RESPONSE: Ms. Reid first contacted Plaintiffs' counsel on March 27, 2017, by telephone,

after having read about the case in the news.

INTERROGATORY NO. 27: Identify all facts that support your allegation in paragraph 12 of the Complaint that Defendants unlawfully solicited Plaintiff through their associates at Akron Square Chiropractic.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 28: Identify all facts that support Plaintiff's allegations in paragraph 12 of her Complaint that Defendants deceived and coerced her into accepting a conflicted legal representation.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 29: Describe the conflicted legal representation alleged in paragraph 12 of the Complaint.

RESPONSE: The conflicted legal representation alleged in paragraph 12 of the Complaint refers to the fact that Defendants maintain unlawful quid pro quo relationships with chiropractors whose interests Defendants prioritize at the expense of their clients, including by failing to disclose the quid pro quo relationship, pressuring the clients into unwanted and unneeded chiropractic care, and failing to advise the clients of fraud lawsuits by major insurance companies against certain chiropractors, as alleged in detail in the Third Amended Complaint.

INTERROGATORY NO. 30: Identify all facts that support Plaintiff's allegations in paragraph 12 of her Complaint that Defendants charged her a fraudulent "narrative fee," paid from her settlement proceeds directly to Dr. Floros.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 31: Describe how Defendants illegally solicited Plaintiff through Dr. Floros and Akron Square Chiropractic as alleged in paragraph 71 of the Complaint.

RESPONSE: Akron Square contacted Plaintiff through a telemarketer, advised Plaintiff not to speak with any other attorneys or chiropractors, and then solicited Plaintiff on Defendants' behalf without disclosing the quid pro quo nature of their relationship with Defendants. Akron Square did this with Defendants' knowledge and cooperation and at Defendants' instruction. On information and belief, Akron Square split marketing costs with Defendants to implement their joint-solicitation practices.

INTERROGATORY NO. 32: Describe what was illegal about the alleged solicitation of Plaintiff through Dr. Floros and Akron Square Chiropractic as alleged in paragraph 71 of the Complaint.

RESPONSE: The Ohio Rules of Professional Conduct prohibit attorneys from directly soliciting clients and from failing to disclose conflicts of interest. Further, Ohio law on fiduciary duty prohibits fiduciaries from self-dealing with respect to their agents.

INTERROGATORY NO. 33: Identify all facts that support Plaintiff's allegations in paragraph 74 that Akron Square Chiropractic maintained a quid pro quo referral relationship with KNR.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 34: Identify all facts that support Plaintiff's allegations in paragraph 220 of the Complaint that Plaintiff reposed a special trust and confidence in Defendants.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents, and further states that Defendants were Plaintiffs attorneys.

INTERROGATORY NO. 35: Identify when Plaintiff first became aware of or had knowledge of the Narrative Fees.

RESPONSE: Plaintiff first became aware of the fraudulent nature of the narrative fees in March of 2017 when she first read about this lawsuit in the news.

INTERROGATORY NO. 36: Identify all facts that support Plaintiff's allegations in paragraphs 138(D), 139, 140(B), and 141-144 of the Complaint.

RESPONSE: Plaintiff repeats her objection stated in her response to Interrogatory No. 2 as to premature contention interrogatories, and directs Defendants to the detailed allegations stated in the Third Amended Complaint, including extensive quotations from Defendants' own documents.

INTERROGATORY NO. 37: Describe how the putative members of Class D will be identified.

RESPONSE: Plaintiffs will be able to ascertain the class members of Class D using data and information in the possession of the Defendants, including the settlement statements reflecting payment of the narrative fees. Plaintiffs have requested a deposition with a KNR corporate representative to discuss their communications and information systems, their document management and data systems, and document retention policies.

INTERROGATORY NO. 38: Identify all Persons with whom you communicated about retaining Dan Frech, Peter Pattakos, The Pattakos Law Firm, Joshua Cohen, and Cohen Rosenthal & Kramer LLP as your attorneys to represent you in this Lawsuit.

RESPONSE: My mother.

INTERROGATORY NO. 39: State whether you have been or are currently represented in this Lawsuit by an attorney other than Dan Frech, Peter Pattakos, the Pattakos Law Firm, Joshua Cohen, and Cohen Rosenthal & Kramer LLP. If so, identify the other attorneys.

RESPONSE: Apart from the attorneys from the Chandra Law Firm who have since withdrawn as counsel for Plaintiffs, and Dean Williams who has since entered his appearance as counsel for Plaintiffs, Plaintiff Reid has not been and is not represented in this lawsuit by any additional attorneys apart from Pattakos, Cohen, and Frech.

REQUEST FOR PRODUCTION OF DOCUMENTS

Responding to all of Defendants' Requests for Production, Plaintiff states, subject to the above and below objections and clarifications, that all of the responsive documents in Plaintiff's possession

were provided to Plaintiff by former KNR attorneys Rob Horton and Gary Petti. Plaintiff has produced or will produce all of the documents provided by Horton and Petti and nothing written above or below should be taken as a statement that Plaintiff intends to withhold any such documents.

1. All Documents Plaintiff used, relied upon, or referred to in answering KNR's First Set of Requests for Admission and Interrogatories.

RESPONSE: All such documents have been or will be produced.

2. All Documents relating to the requests, allegations, and responses in the above First Set of Requests for Admission and Interrogatories.

RESPONSE: Subject to the objections stated herein, All such documents have been or will be produced.

3. All Documents obtained from Robert Horton relating to this Lawsuit, KNR, Nestico, Redick, and the allegations in the Complaint, including, without limitation, the Quid-Pro Quo Relationship, the Narrative Fees, and the alleged undisclosed self-dealing with Liberty Capital Funding, LLC.

RESPONSE: All such documents have been or will be produced

4. All Documents obtained from Gary Petti relating to this Lawsuit, KNR, Nestico, Redick, and the allegations in the Complaint, including, without limitation, the Quid-Pro Quo Relationships, the Narrative Fees, and the alleged undisclosed self-dealing with Liberty Capital Funding, LLC.

RESPONSE: All such documents have been or will be produced

5. All Documents relating to the factual and legal allegations in the Counterclaim.

RESPONSE: A request for "all documents" related to the Defendants multi-claim Counterclaim is overbroad and unduly burdensome. *See, e.g. Gregg v. Local 305 IBEW,* No. 1:08-CV-160, 2009 U.S. Dist. LEXIS 40761, at *16 (N.D. Ind. May 13, 2009) ("Gregg's interrogatory encompasses virtually every factual basis for all of the Defendants' contentions. To respond would be an unduly burdensome task, since it would require the Defendants to produce veritable narratives of their entire case.").

Notwithstanding these objections, Plaintiff directs the Defendants to the documents cited in and quoted from in the Plaintiffs' Complaint, and the other documents produced by Plaintiff in this lawsuit

6. All Documents relating to, used in, or relied upon in filing Plaintiffs' Motion for Class Certification.

RESPONSE: Plaintiff objects to this request as premature and overbroad. No depositions have been taken and few documents exchanged. Plaintiffs do not know which documents they will use or rely in their motion for class certification, apart from the documents quoted in the Complaint, and will produce any documents they intend to use as exhibits to their class certification motion prior to or upon the filing of that motion.

7. All Documents relating to the allegations in paragraphs 138(D), 139, 140(B), and 141-144 of the Complaint.

RESPONSE: Plaintiff objects to this request as premature and overbroad. No depositions have been taken and few documents exchanged. Plaintiffs will support the validity of their class claims in their motion for class certification, plaintiffs will produce any documents they intend to use as exhibits to their class certification motion prior to or upon the filing of that motion.

8. All Documents relating to Plaintiff's allegations in the Complaint, including, without limitation,

IV.A. through IV.E. of the Complaint.

RESPONSE: Plaintiffs object to this discovery request on the basis of vagueness and overbreadth. Further, the request is beyond the scope of permissible discovery. This case is about the behavior of the Defendants and they do not need to be made aware of the contents of their own documents. The request serves only to allow Defendants to determine what information the Plaintiffs have discovered. Because the second-hand knowledge of the plaintiffs and/or their attorneys is not relevant nor reasonably calculated to lead to admissible evidence, it is beyond the scope and objectives of legitimate discovery. *See Smith v. BIC Corp.*, 121 F.R.D. 235, 244-245 (E.D.Pa. 1988). In addition, Plaintiffs object to this request on the basis that the defendant has equal or greater access to the information sought. Furthermore, Plaintiffs object on the basis of the attorney work-product doctrine, insofar as the selection of the documents requested would reveal the mental impressions, opinions, and/or trial strategy of Plaintiffs' attorneys. *Gould v. Mitsui Mining & Smelthing*, 825 F.2d 676, 680 (2nd Cir. 1987); *Shelton v. American Motors*, 805 F.2d 1323, 1328-1329 (8th Cir. 1986); *Sporck v. Pell*, 759 F.2d 312, 316 (3rd Cir. 1985).

Notwithstanding these objections, Plaintiff directs the Defendants to the documents cited in and quoted from in the Plaintiffs' Complaint, and the other documents produced by Plaintiff in this lawsuit

9. All Documents relating to the Narrative Fees.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

10. All Documents relating to Plaintiff's contention that Defendants are liable for breach of fiduciary duty, as outlined in Plaintiff's Claim 10.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

11. All Documents relating to Plaintiff's alleged damages that she is seeking in this Lawsuit.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

12. All Documents relating to Attorney Robert Horton.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

13. All Documents relating to Gary Petti.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

14. All Documents relating to KNR.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

15. All Documents relating to Nestico.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

16. All Documents relating to Redick.

17.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

18. All Documents relating to Akron Square Chiropractic referred to in the Complaint.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

19. All Documents relating to the alleged damages that Plaintiff seeks to recover in this Lawsuit.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

20. All Documents relating to putative class members relating to the allegations in the Complaint.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce

documents responsive to this request.

21. All Documents relating to paragraphs 12, 71-76, and 218-225 (paragraphs relating to Plaintiff's breach of fiduciary duty claim) of the Complaint.

RESPONSE: See objection to RFP No. 8. Without waiving this objection, Plaintiff will produce documents responsive to this request.

22. All Documents that Plaintiff may use as exhibits, introduce as evidence, or rely upon at trial or any hearing (including, without limitation, any class certification hearing) in this Lawsuit.

RESPONSE: Objection: This request is premature. Plaintiff will comply with all Local Rules and Court Orders in providing trial exhibits to Defendant in advance of trial.

23. All Documents provided to, relied upon by, created by, generated by, or reviewed by Plaintiff's opinion or expert witness (including, without limitation, opinion or expert witnesses on class certification and related issues) in reaching his or her opinion, performing any analysis, reaching any conclusion, or drafting his or her expert report.

RESPONSE: Objection: This request is premature. Plaintiff will comply with all Local Rules and Court Orders in disclosing experts, producing reports and files, and making experts available for deposition in advance of trial

24. To the extent not previously requested herein, all Documents that relate in any way to the Lawsuit.

Dated: December 13, 2017

Respectfully submitted,

/s/ Peter Pattakos

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The foregoing document was served on counsel for Defendants by email on December 13, 2017.

/s/ Peter Pattakos
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS et al., Plaintiffs, vs. KISLING, NESTICO & REDICK, LLC, *et al.*, Defendants.	Case No. 2016-CV-09-3928 Judge James A. Brogan Monique Norris's Responses to Defendant Nestico's Interrogatories, Requests for Admission, and Requests for Production of Documents

Monique Norris, by and through counsel, hereby responds to the above-referenced discovery requests as follows:

General Objections

1. Ms. Norris's specific objections to each interrogatory or request are in addition to the General Objections set forth in this section. These General Objections form a part of the response to each and every request and are set forth here to avoid duplication. The absence of a reference to a General Objection in each response to a particular request does not constitute a waiver of any General Objection with respect to that request. All responses are made subject to and without waiver of Ms. Norris's general and specific objections.

2. To the extent that Defendant's requests are inconsistent with each other, Ms. Norris objects to such requests.

3. To the extent that Defendant's requests exceed the scope of permissible inquiry under the Ohio Rules of Civil Procedure, Ms. Norris objects to such requests. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

4. Ms. Norris objects to Defendants' requests to the extent that they are unreasonably burdensome, and to the extent they call upon Ms. Norris to investigate, collect and disclose information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

5. Ms. Norris's responses and objections herein shall not waive or prejudice any objections Ms. Norris may later assert, including but not limited to objections as to competency, relevance, materiality or admissibility in subsequent proceedings or at the trial of this or any other action.

6. Ms. Norris objects to Defendant's requests to the extent they seek information or materials that are already within Defendant's possession, custody, or control, or that are equally available to him, on the grounds that such requests are unduly burdensome and oppressive.

7. Ms. Norris objects to Defendant's requests to the extent that they call upon Ms. Norris to produce information that is not in Ms. Norris's possession, custody, or control.

8. Ms. Norris objects to Defendant's requests to the extent they purport to seek any information immune from discovery because of the attorney-client privilege, the work-product doctrine, or any other applicable law, rule or privilege.

9. Ms. Norris objects to any request to the extent that it refers to or incorporates a previous request to which an objection has been made.

10. Ms. Norris objects to Defendant's requests to the extent they are vague or ambiguous.

11. Ms. Norris objects to Defendant's requests to the extent they seek information that is confidential and proprietary. Such information will be produced only in accordance with a duly entered protective order.

12. As discovery is ongoing, Ms. Norris reserves the right to supplement these responses.

INTERROGATORIES

DEFENDANT ALBERTO NESTICO, ESQ.'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND REQUESTS FOR PRODUCTION OF DOCUMENTS

I. DISCOVERY CONCERNING PLAINTIFF'S REFERRAL TO KNR

REQUEST FOR ADMISSION NO. 1: Admit Plaintiff Monique Norris was not referred to KNR by a chiropractor.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 2: Admit Plaintiff Monique Norris was not referred to KNR by a medical service or health care provider.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 3: Admit Plaintiff Monique Norris did not obtain KNR's phone number from a chiropractor, physician, or other medical or health care provider.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 4: Admit Plaintiff Monique Norris did not obtain KNR's phone number from any of KNR's advertisements or promotional materials.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 5: Admit Plaintiff Monique Norris did not rely on any of KNR's advertisements or promotional materials in contacting KNR to represent her, including but not limited to those attached as Exhibit "D".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 6: Admit Plaintiff Monique Norris obtained KNR's phone number from her uncle (Mr. Baylor).

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 7: Admit Plaintiff Monique Norris was referred to KNR by her uncle (Mr. Baylor).

ANSWER: Deny. Ms. Norris was referred to KNR by her aunt, Carolyn Holsey.

REQUEST FOR ADMISSION NO. 8: Admit Plaintiff Monique Norris contacted KNR to discuss potential legal representation of her for injuries she sustained in a July 29, 2013, motor vehicle accident before KNR contacted her.

ANSWER: Admit.

INTERROGATORY NO. 1: If any of your answers to Request for Admissions Nos. 1 through 8 are anything but an unqualified admission, please identify the facts and evidence supporting your denial or qualified admission.

ANSWER: N/A.

REQUEST FOR PRODUCTION NO. 1: If any of the answers to Request for Admissions Nos. 1 through 8 are anything but an unqualified admission, please produce copies of all documents and evidence that forms the basis of or supports such denial or qualified admission.

RESPONSE: Ms. Norris is not aware of any responsive documents that exist.

REQUEST FOR PRODUCTION NO. 2: Produce copies of any chiropractic or legal advertising or promotional materials received in the week before, the day of, and/or the week after your July 29, 2013, motor vehicle accident.

RESPONSE: Ms. Norris does not possess any responsive documents.

REQUEST FOR PRODUCTION NO. 3: Please produce copies of all documents

relating to facts or evidence supporting your answer to Interrogatory No. 1.

RESPONSE: N/A.

II. DISCOVERY CONCERNING CONTINGENCY FEE AGREEMENT

REQUEST FOR ADMISSION NO. 9: Admit the Contingency Fee Agreement, attached hereto as Exhibit "A", is a true and accurate copy of the Contingency Fee Agreement entered into between Plaintiff Monique Norris and the law firm of Kisling, Nestico & Redick, LLC.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 10: Admit Plaintiff Monique Norris spoke with a KNR attorney on the telephone before meeting an investigator and/or KNR employee or attorney.

ANSWER: Ms. Norris admits that she spoke with someone representing himself to be a KNR attorney, who told her that he was sending an investigator to meet her at her cousin's home.

REQUEST FOR ADMISSION NO. 11: Admit during the call between Monique Norris and a KNR attorney on July 30, 2013, the KNR attorney advised Plaintiff Monique Norris of KNR's terms and conditions of legal representation.

ANSWER: Ms. Norris admits that this person spoke generally with her about a contingency fee arrangement but otherwise denies that any of the self-dealing alleged in the complaint was disclosed to her.

REQUEST FOR ADMISSION NO. 12: Admit Plaintiff Monique Norris never expressed any confusion or misunderstanding regarding the terms and conditions of the Contingency Fee Agreement to anyone at KNR at any time during KNR's representation of her.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 13: Admit Attorney Robert Horton explained the

terms and conditions of the Contingency Fee Agreement, attached hereto as Exhibit "A", to Plaintiff Monique Norris before she signed the Contingency Fee Agreement.

ANSWER: Ms. Norris admits that someone from KNR, probably Mr. Horton, briefly discussed the agreement with her before the investigator came to her home.

REQUEST FOR ADMISSION NO. 14: Admit Plaintiff Monique Norris signed the Contingency Fee Agreement, attached hereto as Exhibit "A".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 15: Admit KNR and/or Robert Horton, Esq. answered any questions of Plaintiff Monique Norris before she signed the Contingency Fee Agreement.

ANSWER: The investigator who came to Ms. Norris's home told her that he could not speak with her about her case unless and until she signed the agreement. Ms. Norris does not recall asking any questions about this.

REQUEST FOR ADMISSION NO. 16: Admit Plaintiff Monique Norris agreed to the terms and conditions of the Contingency Fee Agreement, attached hereto as Exhibit "A".

ANSWER: Admit that Ms. Norris signed the fee agreement, which speaks for itself.

REQUEST FOR ADMISSION NO. 17: Admit the Contingency Fee Agreement signed by Plaintiff Monique Norris, which is attached hereto as Exhibit "A", contained the following provision, term, and/or condition:

3) Client agrees and authorizes Attorneys to deduct, from any proceeds recovered, any expenses which may have been advanced by Attorneys in preparation for settlement and/or trial of Clients case. IN THE EVENT OF NO RECOVERY, CLIENT SHALL OWE ATTORNEYS NOTHING FOR SUCH ADVANCED EXPENSES.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 18: Admit Plaintiff Monique Norris did not express confusion regarding Paragraphs 3 of the Contingency Fee Agreement, attached hereto as Exhibit "A", before she signed the Contingency Fee Agreement or during her representation by KNR.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 19: Admit Plaintiff Monique Norris authorized Kisling, Nestico, & Redick, LLC to advance reasonable expenses in preparing her case for settlement.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 20: Admit Plaintiff Monique Norris authorized Kisling, Nestico & Redick, LLC to "deduct, from any proceeds recovered" any reasonable expenses advanced by Kisling, Nestico, & Redick, LLC in preparing her case for settlement.

ANSWER: Admit.

INTERROGATORY NO. 2: Please identify any facts, evidence, and/or witnesses supporting any denials or qualified admissions in your answers to Request for Admissions Nos. 9 through 20.

ANSWER: N/A.

INTERROGATORY NO. 3: Any communications you had with Attorneys Horton, Lindsey, Lubrani, Redick, Nestico, any other attorney at KNR, any employee of KNR, any investigator, or any other individual regarding the contingency fee agreement or the expenses of litigation from the date of your accident through your entire representation by KNR.

ANSWER: Objection. This interrogatory is unanswerable as written.

REQUEST FOR PRODUCTION NO. 4: If any of the answers to Request for Admissions Nos. 9 through 20 are anything but an unqualified admission, please produce copies of all documents and evidence that forms the basis of or supports such denial or qualified admission.

RESPONSE: N/A.

REQUEST FOR PRODUCTION NO. 5: Please produce copies of all documents relating to facts or evidence supporting your answer to Interrogatory No. 2.

RESPONSE: N/A.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of all documents relating to facts or evidence supporting your answer to Interrogatory No. 3.

RESPONSE: N/A.

REQUEST FOR PRODUCTION NO. 7: Produce any and all documents that memorialize, refer to, reference, or otherwise relate or your conversations with any KNR attorneys or employees, any third-party investigators, or any other individuals regarding the terms and conditions of the Contingency Fee Agreement and/or KNR's legal representation of you.

RESPONSE: N/A.

III. DISCOVERY RE: PLAINTIFF'S INTERACTION WITH INVESTIGATOR

REQUEST FOR ADMISSION NO. 21: Admit KNR never employed Michael R. Simpson during the class period.

ANSWER: Ms. Norris admits that KNR and Simpson hold Simpson and the other investigators out to be independent contractors despite that they are functionally KNR employees.

REQUEST FOR ADMISSION NO. 22: Admit Michael R. Simpson never held himself out as an employee of KNR.

ANSWER: Deny. The investigator who came to Ms. Norris did not in any way indicate that he was not an employee of KNR and Ms. Norris had every reason to assume that he was.

REQUEST FOR ADMISSION NO. 23: Admit Michael R. Simpson was employed by MRS Investigations, Inc. at all times during KNR's representation of Plaintiff Monique Norris.

ANSWER: Ms. Norris admits that KNR and Simpson hold Simpson and the other investigators out to be independent contractors despite that they are functionally KNR employees.

REQUEST FOR ADMISSION NO. 24: Admit Michael R. Simpson and/or MRS Investigations, Inc. completed the following tasks associated with the case KNR was retained to represent Plaintiff Monique Norris:

A. Obtained the police report;

B. Reviewed the police report;

C. Drove to and from the residence of Monique Norris to obtain items needed to support her lawsuit, including, but not limited to:

1. obtaining Plaintiff's signature on medical authorization form(s);

2. taking a photograph of the interior of Plaintiff's motor vehicle;

3. taking a photographs of the exterior of Plaintiff's motor vehicle.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is unaware of MRS Investigations doing anything apart from coming to her house and obtaining her signature on KNR's agreements.

REQUEST FOR ADMISSION NO. 25: Admit that completion of the following activities are helpful in preparation for settlement of a personal injury motor vehicle accident on a behalf of an injured victim:

A. Obtaining a copy of the police report;

B. Reviewing the police report for the facts of the accident, witness identification, statements, and other information provided in the police report;

C. Traveling to and from the residence of a client who is an accident victim to obtain items needed to support the client's lawsuit, including, but not limited to:

1. obtaining the client's signature on medical authorization form(s);

2. obtaining photographs of the client if visible injuries are present;

3. obtaining a photograph of the Plaintiff's motor vehicle.

ANSWER: Ms. Norris is without sufficient information to admit or deny whether any of these tasks would be necessary or helpful in any given case but states that obtaining a copy of the police report and reviewing it, and presenting evidence of damage, are generally necessary tasks in a car accident case.

REQUEST FOR ADMISSION NO. 26: Admit the following:

A. Admit Plaintiff has no evidence that KNR ever charged any client the Investigation Fee that KNR did not pay to the investigators.

B. Admit Plaintiff cannot identify a single case in which KNR charged a client an Investigation Fee where no work was done by the investigators.

ANSWER:

A. Admit.

B. Deny. Member Williams was charged an investigation fee where no work was done by the investigators, and Norris would likely be able to identify many others if she had access to information about other KNR client files.

REQUEST FOR ADMISSION NO. 27: Admit the following:

A. Admit none of the Defendants received any "kickback" or return of any portion of the $50 fee KNR advanced to MRS Investigations, Inc. on behalf of Monique Norris.

B. Admit you allege in Paragraph 6 of the Fourth Amended Complaint that:

1. KNR charges their clients fees for so-called "investigations" that are never actually performed.

2. KNR's so-called "investigators" do nothing more than chase down car-accident victims at their homes and other locations to sign them to KNR fee agreements as quickly as possible, for the KNR Defendants' exclusive benefit, to keep potential clients from signing with competitors.

C. Admit KNR's "investigators" did not "chase down" the following at their home or other locations, as alleged in Paragraph 6 of the Fourth Amended Complaint:

1. Monique Norris;

2. Member Williams;

3. Matthew Johnson;

4. Naomi Wright;

5. Thera Reid;

6. Any other former client of KNR during the class period.

D. Admit the allegations of Paragraph 6 of Plaintiffs' Fourth Amended Complaint is not true for:

1. Monique Norris;

2. Member Williams;

3. Matthew Johnson;

4. Naomi Wright;

5. Thera Reid;

6. Any other former client of KNR during the class period.

E. Admit you alleged in Paragraph 102 of the Fourth Amended Complaint that "KNR aggressively pursued prospective clients" during the class period.

F. Admit KNR did not "aggressively pursue" the following during the class period:

1. Monique Norris;

2. Member Williams;

3. Matthew Johnson;

4. Naomi Wright;

5. Thera Reid;

6. Any other former client of KNR during the class period.

G. Admit you gave permission to KNR to send an investigator to your home.

H. Admit KNR did not charge Monique Norris for "having been solicited" as described in Paragraph 6 of the Fourth Amended Complaint, as Monique Norris requested KNR to represent her.

I. Admit Monique Norris was not charged for having been solicited by an investigator.

J. Obtaining a police report from the investigating police department is a different task than obtaining a signature on a fee agreement or obtaining copies of documents from a client or potential client.

K. If Michael R. Simpson obtained the police report from the investigating police department, then the allegation that the "only task" Mr. Simpson "ever performed in connection with any KNR client's file" was traveling to obtain "signatures on fee agreements and, in some cases, to obtain copies of case-related documents from the potential client" is false.

L. If MRS Investigations, Inc. obtained the police report from the investigating police department, then the allegation that the "only task" an investigator "ever performed in connection with any KNR client's file" was traveling to obtain "signatures on fee agreements and, in some cases, to obtain copies of case-related documents from the potential client" is false.

M. You cannot identify any facts or evidence to support her claims in Paragraph 110 of the Fourth Amended Complaint as it relates to Aaron Czetli, Michael R. Simpson, Chuck DeRemar, Gary Monto, Wesley Steele, or any other investigator from MRS Investigations, Inc., AMC Investigations, Inc. or any other investigation firm.

N. The allegations contained in Paragraph 110 of the Fourth Amended Complaint are not true as it relates to the following during the class period:

1. Monique Norris;

2. Member Williams;

3. Matthew Johnson;

4. Naomi Wright;

5. Thera Reid;

6. Any other former client of KNR during the class period.

O. The allegations contained in Paragraph 111 of the Fourth Amended Complaint do not apply to MRS Investigations, Inc.'s or Michael R. Simpson's work on your case.

P. The allegations contained in Paragraph 111 of the Fourth Amended Complaint do not apply to MRS Investigations, Inc.'s or Michael R. Simpson's work on Member Williams' case.

Q. Plaintiff Williams is unable to identify a single KNR client for which the allegations of Paragraph 111 of the Fourth Amended Complaint are accurate

R. Admit you claim one of the common factual issues that predominate over individual issues for Class "A": "in the majority of instances where the investigation fee was charged, the so-called 'investigators' never performed any task at all in connection with the client." (See Paragraph 160, ii. of the Fourth Amended Complaint).

S. Admit obtaining the police report for the motor vehicle accident in which KNR represented Plaintiff was a "task" in "connection with the client."

T. Admit if MRS Investigations, Inc., Michael Simpson, or another investigator for MRS Investigations, Inc. obtained the police report for the motor vehicle

accident in which KNR represented Plaintiff, then MRS Investigations, Inc. completed a "task" in "connection with the client."

U. Admit obtaining photographs of the interior and/or exterior of Monique Norris's motor vehicle that was involved in the motor vehicle accident for which KNR represented her was a completion of a "task" in "connection with the client."

V. Admit you have no facts or evidence supporting your claim that an investigator "never performed any task at all in connection with the client" the "majority" of the time. (That is, you have no facts or evidence to support your claim that the number of times performed no task at all exceeded the times an investigator performed a task).

W. Admit you have no evidence or facts to support your claim in Paragraph 160, v. that Defendants "never" obtained their clients' consent for the investigation fee.

X. Admit the Fourth Amended Complaint only identifies two types of Class "A" members:

1. KNR clients charged an investigation charge even though the investigator never performed "any task at all" for the client's case; and

2.. KNR clients in which the only task the investigator performed was to travel to obtain the client's signature on the contingency-fee agreement and/or to pick up documents form the client.

Y. Admit Monique Norris does not fit the types of Class "A" members described in Request for Admission Nos. 27 X.1. or 27 X.2.

Z. Admit Member Williams does not fit the types of Class "A" members described in Request for Admission Nos. 27 X.1. or 27 X.2..

AA. Admit that if the investigation fee was an expense advanced by KNR or its attorneys in preparation for settlement and/or trial of your case, then you consented to that expense.

BB. Admit in order to know whether a particular client authorized or consented to the investigation fee, you would need to talk with, interview, depose, or somehow learn: 1) each client's memory (potential testimony) of the discussions with KNR concerning the contingency fee and consent for expenses; and 2) the memory (potential testimony) of every KNR attorney who discussed the contingency fee agreement and consent for expenses with KNR's client.

CC. Admit you were not present for any discussions between KNR attorneys and any other potential Class "A" class members, including any discussions relating to the contingency fee agreement and consent for expenses.

DD. Admit you or someone on your behalf would need to "ask each and every" investigator what work that investigator performed on a potential Class "A"

member's case in order to know the amount of work done by an investigator on that KNR client's case.

EE. Admit Robert Redick, Esq. never made any "false representations of fact" to Monique Norris about what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

FF. Admit Alberto Nestico, Esq. never made any "false representations of fact" to Monique Norris concerning "what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

GG. Admit Robert Horton, Esq. never made any "false representations of fact" to Monique Norris concerning "what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

HH. Admit no attorney, employee, or representative of KNR, Nestico, or Redick made any "false representations of fact" to Monique Norris concerning "what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

II. Admit the following never "concealed facts" from Plaintiff Monique Norris concerning the investigation fees as alleged in Paragraph 169 of the Fourth Amended Complaint.

1. Robert Redick, Esq.

2. Alberto Nestico, Esq.

3. Robert Horton, Esq.

4. Any other attorney, employee or representative of KNR, Redick, or Nestico.

JJ. Admit the following never had any communications with and never concealed any facts from Monique Norris regarding the investigation fees "with the intent of misleading" Monique Norris. (See allegations of Paragraph 171 of the Plaintiffs' Fourth Amended Complaint).

1. Robert Redick, Esq.

2. Alberto Nestico, Esq.

3. Robert Horton, Esq.

4. Any other attorney, employee or representative of KNR, Redick, or Nestico.

ANSWER:

A. Ms. Norris doesn't know what MRS did with her $50 and is thus unable to admit or deny this request.

B.

1. Admit.

2. Admit.

C. Deny as to Williams, Wright, Reid, and "any other former client." Admit as to Norris and Johnson.

D. Plaintiffs deny that the allegations of Paragraph 6 are "not true." Whether the named plaintiffs were so treated is a separate question. See answer to subpart C., above.

E. Admit.

F. Deny.

G. Admit, though Ms. Norris did not believe this "investigator" was anything but an employee of KNR.

H. Deny.

I. Deny.

J. Admit.

K. Admit.

L. Admit.

M. Deny.

N. Deny.

O. Admit.

P. Objection to serving discovery requests as to Member Williams' case on Ms. Norris.

Q. Deny. *See* Member Williams.

R. Admit.

S. Norris does not know whether the investigator actually obtained the police report so is without information to sufficiently admit or deny this request.

T. Admit.

U. Norris does not know whether the investigator actually obtained any such photographs so is without information to sufficiently admit or deny this request.

V. Deny.

W. Deny.

X. Deny. *See* Paragraph 158(A) of the Fourth Amended Complaint.

Y. Deny.

Z. Deny.

AA. Deny.

BB. Objection. The terms "authorized" or "consented" are vague in this context. It is impossible to "consent" or "authorize" the unlawful and fraudulent double-charge that the investigation fee represents.

CC. Admit.

DD. Deny.

EE. Deny. Redick's culpability for fraud on the investigation fee claim lies in the fact that he concealed the true nature of the fee—that it was for normal overhead expenses that any firm would have to incur in handling a case, and that no actual "investigations" were performed by the so-called "investigators."

FF. Deny. Nestico's culpability for fraud on the investigation fee claim lies in the fact that he concealed the true nature of the fee—that it was for normal overhead expenses that any firm would have to incur in handling a case, and that no actual "investigations" were performed by the so-called "investigators."

GG. Deny. Horton, at Nestico's and Redick's instruction, concealed the true nature of the fee—that it was for normal overhead expenses that any firm would have to

incur in handling a case, and that no actual "investigations" were performed by the so-called "investigators."

HH. Deny. See answers to subparts EE. and FF. above.

II.

1. Deny.

2. Deny.

3. Deny.

4. Deny. See the responses to subparts EE through GG, above.

JJ.

1. Deny.

2. Deny.

3. Deny.

4. Deny. See the responses to subparts EE through GG, above.

REQUEST FOR ADMISSION NO. 28: Admit the following activities had "value" to the preparation of Plaintiff Monique Norris's case for settlement:

A. Obtaining the police report;

B. Reviewing the police report;

C. Traveling to and from the residence of Monique Norris to obtain items needed to support her lawsuit, including, but not limited to:

1. obtaining Plaintiff's signature on medical authorization form(s);

2. taking a photograph of the interior of Plaintiff's motor vehicle;

3. taking a photographs of the exterior of Plaintiff's motor vehicle.

ANSWER: Deny as to subpart C. 1, as Ms. Norris could have provided the signed agreements to KNR herself. Ms. Norris cannot admit or deny this request as to any of the other subparts because she has no knowledge that the investigator actually performed any of these tasks.

INTERROGATORY NO. 4: Please identify the monetary or dollar value of the activities

performed by Michael R. Simpson and/or MRS Investigations, Inc. as it relates to Plaintiff Monique Norris's case.

ANSWER: Object. Ms. Norris does not know what "activities" were performed by MRS or Simpson apart from obtaining her signature on fee agreements, which has no value to Ms. Norris.

INTERROGATORY NO. 5: If your answer to any of Request for Admissions Nos. 21 through 28 are anything but an unqualified admission, please identify the facts, evidence, and witnesses supporting such denial or qualified admission.

ANSWER: The above denials relate mostly to the fact that the investigators are not actually investigators, and perform administrative functions that any law firm would have to perform to represent a client, charges for which are properly subsumed in the firm's overhead expenses, or the firm's expenses in soliciting clients, which are in no event properly charged to a client. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985). Additionally, Request for Admission No. 27 contained more than 65 subparts, thus, this interrogatory alone would exceed the number of interrogatories permitted by the Civil and Local Rules even if it were otherwise proper.

REQUEST FOR PRODUCTION NO. 8: Please produce copies of any documents supporting your Answers to Request for Admissions 21 through 28, Interrogatory No 4, and Interrogatory No. 5.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

IV. <u>DISCOVERY CONCERNING DECISION OF PLAINTIFF MONIQUE</u>

MORRIS TO TAKE A LOAN (NON-RECOURSE CIVIL LITIGATION ADVANCE AGREEMENT) WITH LIBERTY CAPITAL

REQUEST FOR ADMISSION NO. 29: Admit Monique Norris never discussed a loan with KNR or any of its attorneys or employees from July 30, 2013, through October 28, 2013.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 30: Admit Plaintiff Monique Norris requested information concerning how to obtain a loan when she talked with KNR on October 29, 2013.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 31: Admit KNR never provided Plaintiff Monique Norris any loan contact information prior to the time she called KNR requesting loan information.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 32: Admit that Jenna Sanzone or another KNR employee, in response to Plaintiff Monique Norris's request for information concerning a loan, provided Plaintiff Monique Norris with phone numbers for two separate loan companies, Liberty Capital and Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 33: Admit KNR did not direct Plaintiff Monique Norris to obtain a loan with Liberty Capital.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 34: Admit KNR did not suggest to Plaintiff Monique Norris a preference that she obtain a loan with Liberty Capital rather than with Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 35: Admit Plaintiff Monique Norris called both Oasis Financial and Liberty Capital regarding a loan or funding.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 36: Admit Plaintiff Monique Norris called Oasis Financial "looking for funding" or for a loan before she entered into an agreement with Liberty Capital.

ANSWER: Deny. See response to Interrogatory No. 6, below.

INTERROGATORY NO. 6: Please identify the facts and evidence to support your allegations in the Fourth Amended Complaint that KNR "recommended" or "directed" Monique Norris to take out a loan with Liberty Capital, including the following:

A. The identity of the KNR employee or attorney making the recommendation or direction.

B. The precise nature of the recommendation or direction (i.e., what was communicated to Plaintiff by the person identified in Request for Admission 36. A. above that constitutes a "recommendation to take a loan with Liberty Capital" or supports contention the Defendants "directed" Plaintiff to take out a loan with Liberty Capital).

C. The date of the recommendation or direction.

D. The identity of any witnesses to the recommendation or direction.

ANSWER: Ms. Norris never asked for a loan. At some point prior to late-October she informed a KNR attorney that she wanted her case to be resolved quickly. At that point the KNR attorney, presumably Mr. Horton, said that she could obtain part of her settlement early if she came to the office to execute some paperwork, which was apparently the Liberty Capital loan agreement. Ms. Norris does not recall who if anyone witnessed these events but presumably some KNR administrators were aware of them.

REQUEST FOR ADMISSION NO. 37: Please admit the following:

A. Admit the only KNR attorney you discussed your Liberty Capital loan with was Robert Horton.

B. Admit Nestico did not direct you to take a loan with any company.

C. Admit Nestico did not recommend you take a loan with any company.

D. Admit Nestico never even discussed a loan with you.

E. Admit Nestico did not engage in "self-dealing" with your loan with Liberty Capital.

F. Admit Redick did not direct you to take a loan with any company.

G. Admit Redick did not recommend you take a loan with any company.

H. Admit Redick never even discussed a loan with you.

I. Admit Redick did not engage in "self-dealing" with your loan with Liberty Capital.

J. Admit Attorney Robert Horton never recommended you take a loan with Liberty Capital.

K. Admit Attorney Robert Horton never directed you to take a loan with Liberty Capital.

L. Admit Attorney Robert Horton did not engage in "self-dealing" with your loan with Liberty Capital.

M. Admit no one at KNR recommended you take a loan.

N. Admit no one at KNR directed you to take a loan.

O. Admit neither KNR nor its employees or attorneys recommended you take a loan with Liberty Capital.

P. Admit no one at KNR participated in "self-dealing" as it relates to Plaintiff's loan with Liberty Capital.

ANSWER:

A. Ms. Norris denies that she ever discussed a Liberty Capital loan with anyone.

B. Deny, to the extent that Nestico is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

C. Deny, to the extent that Nestico is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

D. Admit.

E. Deny.

F. Deny, to the extent that Redick is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

G. Deny, to the extent that Redick is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

H. Admit.

I. Deny.

J. Admit.

K. Deny.

L. Admit, to the extent that Horton was following the orders of his superiors.

M. Admit.

N. Deny.

O. Admit.

P. Deny.

REQUEST FOR ADMISSION NO. 38: Admit when Plaintiff Monique Norris called Liberty Capital on October 29, 2013, no KNR attorneys or employees were parties to the conversation.

ANSWER: Ms. Norris does not recall speaking on the phone or otherwise with any representative of Liberty Capital at any time and thus cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 39: Admit a copy of an Affidavit from Attorney Robert Horton was filed in this case on November 21, 2017.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 40: Admit a copy of attached Exhibit "B", the signed, sworn Affidavit of Attorney Robert Horton, was provided to Attorney Pattakos on or about October 16, 2017, at a Status Conference before Judge Breaux in Case No. CV-

2016-09-3928.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 41: Admit a copy of the attached Exhibit "B", the signed, sworn Affidavit of Attorney Robert Horton, was filed in this case on November 21, 2017.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 42: Admit the Affidavit of Attorney Robert Horton, attached hereto as Exhibit "B" included the following sworn testimony:

> 34. I am not aware of any "quid pro quo" relationship between Liberty Capital Funding, LLC and KNR, its owners, or its employees. I discouraged KNR clients to obtain such loans.
>
> 35. I never demanded any clients borrow from Liberty Capital Funding, LLC (hereinafter "Liberty Capital"). While some of my clients borrowed from Liberty Capital, such transaction was only completed after I counseled the client against entering into the loan agreement.

ANSWER: Admit.

REQUEST FOR ADMISSION 43: Admit Attorney Robert Horton advised you against obtaining a loan with Liberty Capital prior to the time you entered into the loan.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION 44: Admit Attorney Robert Horton attempted to discourage you from taking a loan with Liberty Capital prior to the time you entered into the loan.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION 45: Admit Attorney Robert Horton never demanded, directed, or recommended that take a loan with Liberty Capital or any other loan company.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION 46: Admit Attorney Robert Horton counseled you against entering into a loan agreement.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 47: Admit Attorney Robert Horton did not engage in "self-dealing" regarding that loan as alleged in the Fourth Amended Complaint.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 48: In the Fourth Amended Complaint, Plaintiff Monique Norris alleges the KNR Defendants had a "blanket policy directing all KNR clients to take out loans with Liberty Capital .. as opposed to any of a number of established financing companies that existed at the time." Admit this claim is not true as it relates to Plaintiff Monique Norris, as KNR did not direct her to take out a loan with Liberty Capital "as opposed to" any other "established financing companies that existed at the time.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 49: Admit Oasis Financial was an established financing company that existed on October 29, 2013.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request but is not aware of any information suggesting that Oasis was not an established financing company that existed on October 29, 2013.

REQUEST FOR ADMISSION NO. 50: Admit KNR provided Plaintiff Monique Norris the contact information for Oasis Financial on October 29, 2013.

ANSWER: Ms. Norris has no memory of this but cannot say for certain that it did not happen and thus is without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 51: Admit KNR did not recommend or direct Plaintiff Monique Norris to take out a loan with Liberty Capital rather than Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 52: Admit KNR did not express to Plaintiff Monique Norris a preference between Liberty Capital and Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 53: Admit Plaintiff Monique Norris voluntarily chose to take a loan with Liberty Capital rather than Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 54: Admit KNR was permitted by Ohio law to provide Plaintiff Monique Norris the contact information for Liberty Capital.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 55: Admit KNR was permitted by Ohio law to provide Plaintiff Monique Norris the contact information for Oasis Financial.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 56: Admit KNR was permitted by Ohio law to provide Plaintiff Monique Norris the contact information for Liberty Capital after she asked KNR about a loan.

ANSWER: Ms. Norris denies that she ever asked KNR about a loan but admits that KNR would have been permitted to give her contact information for a loan company, as a general matter and notwithstanding their duty to avoid self-dealing, whether or not she had so asked.

REQUEST FOR ADMISSION NO. 57: Admit KNR was permitted by Ohio law to provide Plaintiff Monique Norris the contact information for Oasis Financial after she asked KNR about a loan.

ANSWER: Ms. Norris denies that she ever asked KNR about a loan but admits that KNR would have been permitted to give her contact information for a loan company, as a general matter and notwithstanding their duty to avoid self-dealing, whether or not she had so asked.

REQUEST FOR ADMISSION NO. 58: Admit neither KNR nor any of its employees or attorneys provided Plaintiff Monique Norris any contact information for Liberty Capital,

Oasis Financial, or any other loan company prior to the time she asked about a loan.

ANSWER: Ms. Norris denies that she ever asked about a loan. See response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 59: Admit Defendants did not recommend to Plaintiff Monique Norris that she obtain a loan with Liberty Capital as alleged in Paragraph 160 C. i. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny. See response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 60: Admit Defendants did not receive any kickback payments for the loan transaction between Liberty Capital and Plaintiff Monique Norris, as alleged in Paragraph 160 C. ii. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 61: Admit Plaintiff Monique Norris never saw Exhibit "A" to the Fourth Amended Complaint (a copy of which is attached hereto as Exhibit "D"), or any other similar advertisements or promotional material from KNR, before she entered into the agreement with Liberty Capital, a copy of which attached hereto as Exhibit "F".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 62: Admit Plaintiff Monique Norris did not rely on the materials attached as Exhibit "A" to the Fourth Amended Complaint (a copy of which is attached hereto as Exhibit "D"), or any other similar advertisements or promotional material from KNR, in deciding to enter into the agreement with Liberty Capital.

ANSWER: Admit.

INTERROGATORY NO. 7: If your answer to any of Request for Admissions Nos. 29 through 62 are anything but an unqualified admission, please identify the facts, evidence, and witnesses supporting such denial or qualified admission.

ANSWER: *See* Response to Interrogatory No. 6, above, and also note that the known details of KNR's unlawful relationship with Liberty Capital have been set forth in detail in the complaint and other pleadings. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 9: Produce copies of all documents supporting your Answer to Interrogatory No. 6.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 10: Produce copies of all documents supporting your Answer to Interrogatory No. 7.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 11: Produce copies of all documents supporting your answers to Requests for Admissions Nos. 29 through 62.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 12: Produce copies of all documents supporting your allegation that KNR or any of its attorneys or employees "recommended" or "directed" Plaintiff Monique Norris to enter into a loan agreement, or any agreement, with Liberty Capital.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 13: Produce copies of all documents relating to your loan with Liberty Capital and/or your attempts to obtain a loan with any other company during KNR's representation of you.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

V. DISCOVERY CONCERNING ROBERT HORTON'S ACKNOWLEDGMENT HE DID NOT ENDORSE OR RECOMMEND THE NON-RECOURSE CIVIL LITIGATION ADVANCE AGREEMENT (REFERRED TO BY PLAINTIFF MONIQUE NORRIS AS THE LIBERTY CAPITAL LOAN)

REQUEST FOR ADMISSION NO. 63: In the Plaintiffs' Fourth Amended Complaint, Plaintiff Monique Norris alleges a KNR attorney made the following representation on her loan agreement with Liberty Capital: "I am not endorsing or recommending this transaction." Admit the "KNR attorney" you are referring to in Paragraph 144 of Plaintiffs' Fourth Amended Complaint is Attorney Robert Horton, as it relates to your case.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 64: Admit the agreement between Monique Norris and Liberty Capital contained the following signed acknowledgment from Attorney Robert Horton of KNR (see Exhibit "F").

> While I am not endorsing or recommending this transaction, I have reviewed the contract and all costs and fees have been disclosed to my client, including the annualized rate of return applied to calculate the amount to be repaid by my client.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 65: Admit Attorney Robert Horton was truthful in the following representation he made on Exhibit "F":

> While I am not endorsing or recommending this transaction, I have reviewed the contract and all costs and fees have been disclosed to my client, including the annualized rate of return applied to calculate the amount to be repaid by my client.

ANSWER: Deny. See response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 66: Admit you initialed page 8 of attached Exhibit "F" after Robert Horton signed page 8 of Exhibit "F".

ANSWER: Ms. Norris is without sufficient memory of these events to either admit or deny this request.

REQUEST FOR ADMISSION NO. 67: Admit you read page 8 of attached Exhibit "F" before you initialized it.

ANSWER: Ms. Norris does not recall whether she read this document, which she signed on her KNR attorneys' advice so she could obtain what she understood to be the proceeds from her lawsuit.

REQUEST FOR ADMISSION NO. 68: Admit your initial on page 8 of attached Exhibit "F" was an acknowledgment by you that Robert Horton did not endorse or recommend the transaction between you and Liberty Capital.

ANSWER: Deny.

INTERROGATORY NO. 8: If any of your answers to Requests for Admission Nos. 63 through 68 are anything but an unqualified admission, please identify the facts, evidence, basis, and witnesses supporting such denial or qualified admission.

ANSWER: *See* Answers to RFAs 63 to 68, above, where facts, evidence, and bases for each denial are identified. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 14: Produce copies of any all documents supporting your Answers to Requests for Admissions Nos. 63 through 68.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 15: Produce copies of any all documents

supporting your Answer to Interrogatory No. 8.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

VI. NON-RECOURSE CIVIL LITIGATION ADVANCE AGREEMENT (REFERRED TO BY PLAINTIFF MONIQUE NORRIS AS THE LIBERTY CAPITAL LOAN)

REQUEST FOR ADMISSION NO. 69: Admit the first sentence of the entire Non-Recourse Civil Litigation Advance Agreement, attached hereto as Exhibit "F", states as follows:

> My name is Monique Norris and I reside at 1362 Doty Dr, Akron, OH 44306. I am entering into this non-recourse civil litigation advance agreement ("Agreement") with Liberty Capital Funding LLC ("Company") as of 10/30/2013.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 70: Admit the first sentence of the entire Non-Recourse Civil Litigation Advance Agreement, attached hereto as Exhibit "F", states the agreement is between Monique Norris and Liberty Capital Funding LLC., not between Monique Norris and KNR and not between Liberty Capital and KNR.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 71: Admit Plaintiff Monique Norris read the Non-Recourse Civil Litigation Advance Agreement, attached hereto as Exhibit "F", before initialing every page of the document.

ANSWER: Ms. Norris does not recall whether she read this document, which she signed on her KNR attorneys' advice so she could obtain what she understood to be the proceeds from her lawsuit.

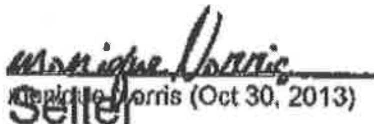
REQUEST FOR ADMISSION NO. 72: Admit the initials below appear on Exhibit "F" and are the initials of Monique Norris and were made by Monique Norris:

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 73: Admit the initials of Monique Norris at the bottom of each page of Exhibit "F" is an acknowledgment Monique Norris read and agreed to the terms and conditions on that page.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the initials to be such an acknowledgement but she denies that she ever so acknowledged these terms or conditions herself. *See also* response to RFA No. 71 above.

REQUEST FOR ADMISSION NO. 74: Admit the signature below, which is contained at the bottom of page 7 of Exhibit "F", was made by Plaintiff Monique Morris:



ANSWER: Admit.

REQUEST FOR ADMISSION NO. 75: Admit Plaintiff Monique Norris's signature at the bottom of page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged her agreement to the terms and conditions of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged these terms or conditions herself. *See also* response to RFA No. 71 above.

REQUEST FOR ADMISSION NO. 76: Admit the following was placed in bold and all uppercase letters directly above the area on the Non-Recourse Litigation Advance Agreement signed by Plaintiff Monique Norris, a copy of which is attached hereto as Exhibit "F".

DO NOT SIGN THIS CONTRACT BEFORE YOU HAVE READ IT COMPLETELY, OR IF IT CONTAINS ANY BLANK SPACES. YOU ARE ENTITLED TO A COMPLETELY FILLED IN COPY OF THIS CONTRACT. BEFORE YOU SIGN THIS CONTRACT YOU SHOULD OBTAIN THE ADVICE OF AN ATTORNEY. DEPENDING ON THE CIRCUMSTANCES, YOU MAY WANT TO CONSULT A TAX, PUBLIC OR PRIVATE BENEFIT PLANNING, OR FINANCIAL PROFESSIONAL. YOU ACKNOWLEDGE THAT YOUR ATTORNEY IN THE CIVIL ACTION OR CLAIM HAS PROVIDED NO TAX, PUBLIC OR PRIVATE BENEFIT PLANNING, OR FINANCIAL ADVICE REGARDING THIS TRANSACTION

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 77: Admit Plaintiff Monique Norris read the Non-Recourse Litigation Advance Agreement completely before signing the contract.

ANSWER: Ms. Norris does not recall whether she read this document, which she signed on her KNR attorneys' advice so she could obtain what she understood to be the proceeds from her lawsuit.

REQUEST FOR ADMISSION NO. 78: Admit Plaintiff Monique Norris was told in the Non-Recourse Litigation, in bold, uppercase letter: DO NOT SIGN THIS CONTRACT BEFORE YOU HAVE READ IT COMPLETELY."

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 79: Admit Attorney Robert Horton provided you no tax or financial advice regarding the Non-Recourse Litigation agreement.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 80: Admit you were advised to obtain the advice of an attorney before you signed the contract and you chose not to seek such advice.

ANSWER: Deny. *See* response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 81: Admit Robert Horton advised you against taking a loan with Liberty Capital or any other lending agency.

ANSWER: Deny. *See* response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 82: Admit Robert Horton did not direct you to take a loan with Liberty Capital.

ANSWER: Deny. *See* response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 83: Admit Page 1, Paragraph 2 of the Non-Recourse Litigation Advance Agreement provided the following term and/or condition:

2. I assign to Company an interest in the proceeds from my Legal Claim (defined below) equal to the funded amount of **$500.00** plus all other fees and costs to be paid out of the proceeds of my legal claim. I understand that the amount I owe at the end of the first six month interval shall be based upon the amount funded plus the displayed annual percentage rate of return (APRR) charge plus the below listed fees. Each six month interval thereafter shall be computed by taking prior six month balance owed and accessing the displayed six month APRR charge to that total (semi-annual compounding) plus the below listed fees. This shall continue for thirty-six months or until the full amount has been repaid.

MANDATORY DISCLOSURE STATEMENT

2. Total amount of funding received by consumer $500.00

3. Itemized fees:

Processing	**$50.00**
Delivery	**$75.00**
Fee Total:	**$125.00**

4. Total amount to be repaid by consumer - *(plus itemized fees)*
***(you will actually pay 24.5% based upon a 49.00% APRR with semi-annual compounding)**

if at 6 months: Must be paid by 4/30/2014	**$778.13**
if at 12 months: Must be paid by 10/30/2014	**$968.77**
If at 18 months: Must be paid by 4/30/2015	**$1,206.11**
if at 24 months: Must be paid by 10/30/2015	**$1,501.61**
If at 30 months: Must be paid by 4/30/2016	**$1,869.51**
if at 36 months: Must be paid by 10/30/2016	**$2,327.53**

*The "if at 6 months" payment means any payment I make between the day after I got the money and 6 months from that date. The "if at 12 months" payment means any payment I make between the 6 months date and the 12 month date. This is how all the payment dates are calculated.

Seller Initials MN

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 84: Admit that Plaintiff Monique Norris settled her case after "if at 6 months" date (April 30, 2014).

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 85: Admit that Plaintiff Monique Norris settled her case before the "if at 12 months date" (October 30, 2014).

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 86: Admit that pursuant to Page 1, Paragraph 2 of the Non-Recourse Litigation Advance Agreement, "if at 12 months date" (October 30, 2014) means any payment made by or on behalf of Monique Norris to Liberty Capital for

repayment of the loan between May 1, 2014, and October 30, 2014.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 87: Admit $968.88 was the total amount to be paid by Monique Norris to Liberty Capital if paid between May 1, 2014, and October 30, 2014.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 88: Admit at the time of her settlement, which was after April 30, 2014, Monique Norris owed Liberty Capital $968.77 per the terms and conditions of the Non-Recourse Litigation Advance Agreement, attached as Exhibit "F".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 89: Admit that Liberty Capital initially requested $968.76 as repayment of Monique Norris's responsibility to Liberty Capital under the Non-Recourse Litigation Advance Agreement.

ANSWER: Ms. Norris was not privy to KNR's communications with Liberty Capital and is thus without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 90: Admit Attorney Rob Horton requested Liberty Capital consider discounting the amount owed by Plaintiff Monique Morris to $800.00.

ANSWER: Ms. Norris was not privy to KNR's communications with Liberty Capital and is thus without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 91: Admit Liberty Capital agreed to Attorney Rob Horton's request and discounted the amount owed to them by Monique Norris to $800.00.

ANSWER: Ms. Norris was not privy to KNR's communications with Liberty Capital and is thus without sufficient information to admit or deny this request, though it does appear from her settlement memorandum that $800.00 was the amount ultimately deducted from her settlement to pay Liberty Capital.

REQUEST FOR ADMISSION NO. 92: Admit Liberty Capital discounted the amount

owed by Monique Norris to fully repay her obligations to Liberty Capital by $168.76.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 93: Admit Liberty Capital discounted the amount owed by Monique Norris as full repayment of her obligations to it by approximately 17.4%.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 94: Admit Page 3, Paragraph 16 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> **REPRESENTATIONS AND WARNINGS**
>
> 16. Company has explained to me that the cost of this transaction may be more expensive than traditional funding sources such as a bank, credit card, finance company or obtaining money from a friend or relatives.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 95: Admit Liberty Capital explained to Monique Norris that the cost of her transaction with Liberty Capital may be more expensive than traditional funding sources such as a bank, credit card, finance company or obtaining money from a friend or relatives.

ANSWER: Deny. *See* response to Interrogatory No. 6 and RFA No. 71 above.

REQUEST FOR ADMISSION NO. 96: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 16 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 97: Admit Page 3, Paragraph 17 of the Non-Recourse Civil Litigation Advance Agreement, in the second paragraph under a heading in

bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> **17. I acknowledge that my attorney has not offered any tax or financial advice. My attorney has made no recommendations regarding this transaction other than the appropriate statutory disclosures.**

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 98: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 17 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 99: Admit Page 3, Paragraph 18 of the Non-Recourse Civil Litigation Advance Agreement contained the following term, condition, representation, and/or warning:

> **18. Company has advised me to consult a lawyer of my own choosing before signing this Agreement. I have either received such legal advice or knowingly choose not to.**

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 100: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 18 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 101: Admit Page 3, Paragraph 19 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term,

condition, representation, and/or warning:

> **19. Company has advised me to consult a financial or tax professional of my own choosing before proceeding with this transaction. I have either received such professional advice or knowingly choose not to.**

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 102: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 19 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 103: Admit Page 3, Paragraph 20 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> 20. Because Company is taking a significant and genuine risk in giving me this funding, I understand that they expect to make a profit. However, Company will be paid only from the proceeds of my Legal Claim, and agrees not to seek money from me directly if my Legal Claim is not successful.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 104: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 20 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 105: Admit Page 4, Paragraph 21 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase

letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> 21. I have every intension of pursuing my legal claim to its conclusion. I understand that if I decide not to pursue the Legal Claim, I must notify Company by writing, email or fax within FIVE (5) BUSINESS DAYS of that decision.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 106: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 21 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 107: Admit Page 4, Paragraph 28 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> 28. This is a non-recourse funding and is not a loan, but if a Court of competent jurisdiction determines that it is a loan, then I agree that interest shall accrue at the maximum rate permitted by law or the terms of this agreement, whichever is less.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 108: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 28 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 109: Admit Page 5, Paragraph 30 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase

letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> 30. Company has fully explained to me the contents of this Agreement and all of its principal terms, and answered all questions that I had about this transaction. This was done in English or French or Spanish *(when appropriate)*, the language I speak best.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 110: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 30 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 111: Admit Page 6, Paragraph 37 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> **CONSUMER'S RIGHT TO CANCELLATION:**
>
> 37. YOU MAY CANCEL THIS AGREEMENT WITHOUT PENALTY OR FURTHER OBLIGATION WITHIN FIVE (5) BUSINESS DAYS FROM THE DATE YOU RECEIVE FUNDING FROM COMPANY.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 112: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 37 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 113: Admit Plaintiff Monique Norris never

expressed any confusion as to the terms and conditions of the loan documents attached as Exhibit "F" to anyone before signing them.

ANSWER: Admit.

INTERROGATORY NO. 9: If any of your answers to Request for Admissions Nos. Request 69 through 113 are anything but an unqualified admission, please identify the facts and evidence supporting such qualified admission or denial.

ANSWER: *See* Answers to RFAs 63 to 68, above, where facts, evidence, and bases for each denial are identified. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 10: Please identify all communication between Plaintiff Monique Norris and any individual, loan company, loan officer, or any other individual or entity from whom Plaintiff Monique Norris sough information concerning obtaining a loan from July 30, 2013, through May 25, 2014, including the date, name of individual and/or entity, any witnesses to such communication, and the substance of the communication. (This includes, but is not limited to any requests for loans from relatives, friends, KNR attorneys or employees, Liberty Capital, Oasis, Preferred Capital, any other loan companies, Ciro Cerrato, or any other individuals or entities).

ANSWER: The communication described in her response to Interrogatory No. 6, above, is the only communication Ms. Norris has any memory of regarding this loan.

REQUEST FOR PRODUCTION NO. 16: If any of your answers to Request for

Admissions Nos. 69 through 113 are anything but an unqualified admission, please produce all documents supporting such denials or unqualified admissions.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 17: Produce copies of all documents that support your answer to Interrogatory No. 9.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 18: Produce copies of all documents that support your answer to Interrogatory No. 10.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

VII. DISCOVERY CONCERNING ALLEGATIONS OF SELF-DEALING AND KICKBACKS CONCERNING LIBERTY CAPITAL LOAN

INTERROGATORY NO. 11: Identify all facts and evidence that support your claim Defendants received "kickbacks in the form of referrals and other benefits in exchange for referring cases to the chiropractors", as alleged in Paragraph 160 B. vi. of the Fourth Amended Complaint.

ANSWER: Please refer to the detailed allegations set forth in the Fifth Amended Complaint which contains extensive quotes from KNR's own documents that constitute evidence of the quid pro quo relationship. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 12: Identify all "kickbacks" KNR, Nestico, Redick, or any KNR employee or attorney received a "kickback", payment, incentive, reward, quid pro quo, or any monetary benefit from Liberty Capital as it relates to Plaintiff Monique Norris's

loan with Liberty Capital.

ANSWER: Ms. Norris is without sufficient information to respond completely to this interrogatory due to her lack of information about KNR's dealings with Liberty Capital, but is aware that Liberty Capital would routinely, if sporadically, write down amounts owed to KNR clients in exchange for KNR's referrals.

INTERROGATORY NO. 13: Identify the facts, evidence, basis, and witnesses that support your claim in Paragraph 7 of the Fourth Amended Complaint that "Liberty Capital provided unlawful kickback payments to the KNR Defendants for every client that KNR referred for a loan."

ANSWER: Ms. Norris is without sufficient information to respond completely to this interrogatory due to her lack of information about KNR's dealings with Liberty Capital, but is aware that Liberty Capital would routinely, if sporadically, write down amounts owed to KNR clients in exchange for KNR's referrals. Ms. Norris also refers to the detailed allegations set forth in the Fifth Amended Complaint and reasserts her objection regarding contention interrogatories.

INTERROGATORY NO. 14: Identify the facts and evidence that support your claim in Paragraph 132 of the Fourth Amended Complaint that KNR was "engaging in self-dealing regarding these loans."

ANSWER: Ms. Norris is without sufficient information to respond completely to this interrogatory due to her lack of information about KNR's dealings with Liberty Capital, but is aware that Liberty Capital would routinely, if sporadically, write down amounts owed to KNR clients in exchange for KNR's referrals. Ms. Norris also refers to the detailed allegations set forth in the Fifth Amended Complaint and reasserts her objection regarding contention interrogatories.

REQUEST FOR ADMISSION NO. 114: Admit Defendants did not have a financial

interest in the loan between Plaintiff Monique Norris and Liberty Capital, as alleged in Paragraph 160 C. iii. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 115: Admit Defendant KNR, through attorney Robert Horton, considered whether the loan between Liberty Capital and Plaintiff Monique Norris was in her best interests and encouraged her to not enter into the loan and to consider other possible sources of funds, contrary to the allegations in Paragraph 160 C. iv. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 116: Admit Plaintiff Monique Norris did not discuss a loan with KNR or any of its attorneys or employees from July 30, 2013, through October 22, 2013.

ANSWER: Admit.

INTERROGATORY NO. 15: If any of your answers to Request for Admissions Nos. 114 through 116 are anything but an unqualified admission, please identify the facts, evidence, basis, and witnesses that support such qualified admission or denial.

ANSWER: . *See* response to Interrogatory No. 6 and RFA No. 71 above. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 19: Produce copies of any all documents supporting your answers to Interrogatory Nos. 11 through 15.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 20: Produce copies of any all documents supporting your answers to Requests for Admissions Nos. 114 through 116.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

VIII. DISCOVERY CONCERNING CLIENT SATISFACTION SURVEY

REQUEST FOR ADMISSION NO. 117: Admit attached Exhibit "E" is a true and accurate copy of the Client Satisfaction Survey completed by Monique Norris regarding KNR's representation of her.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 118: Admit KNR timely returned your phone calls.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 119: Admit the staff was always caring and concerned.

ANSWER: Ms. Norris admits that this was her impression when she filled out the survey but is without sufficient information to say whether or not this was true.

REQUEST FOR ADMISSION NO. 120: Admit when asked "How would you rate your overall satisfaction with us", you indicated the second highest of five choices, "Somewhat Satisfied."

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 121: Admit when asked "How likely is it that you would recommend us to a friend or family members?" you gave us the second highest rating out of five choices: Somewhat Likely.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 122: Admit your case progressed in a timely manner.

ANSWER: Ms. Norris admits that this was her impression when she filled out the survey

but is without sufficient information to say whether or not this was true.

REQUEST FOR ADMISSION NO. 123: Admit you were satisfied with you medical care.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 124: Admit on attached Exhibit "E" you indicated you were satisfied with your medical care.

ANSWER: Admit.

INTERROGATORY NO. 16: If any of your answers to Requests for Admission Nos. 117 through 124 are anything but an unqualified admission, please identify the facts and evidence that support such qualified admission or denial.

ANSWER: These facts are set forth in paragraphs 82–113 of the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 21: Produce copies of any and all documents supporting your answer to Interrogatory No. 16.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 22: Produce copies of any and all documents supporting your answer to Request for Admission Nos. 117 through 124.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

IX. DISCOVERY CONCERNING CLASS "B" and "D"

REQUEST FOR ADMISSION NO. 125: Admit you included no allegations against KNR,

Redick, or Nestico in the Class "D" allegations.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 126: Admit the following:

A. Admit Defendant Sam Ghoubrial, M.D. did not have a physician-patient relationship with Plaintiff Monique Norris.

B. Admit Defendant Sam Ghoubrial, M.D. did not provide medical treatment to Plaintiff Monique Norris at any time.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 127: Admit Defendant Sam Ghoubrial, M.D. did not prescribe a TENS unit to Plaintiff Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 128: Admit Plaintiff Monique Norris was treated by Richard H. Gunning, M.D.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 129: Admit Richard H. Gunning, M.D. prescribed the TENS unit for Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 130: Admit peer-reviewed medical research supports the effectiveness of a TENS unit (electrical-nerve-stimulation device) for treating pain from car accidents.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 131: Admit KNR did not deduct $500.00 from the settlement of Monique Norris for payment of a TENS unit.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 132: Admit Sam Ghoubrial, M.D. appears nowhere on Plaintiff's Settlement Memorandum (Exhibit "C").

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 133: Admit KNR deducted nothing from the settlement proceeds of Monique Norris for any charges by Sam Ghoubrial, M.D.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 134: Admit the Clearwater Billing Services, LLC bill for treatment of Monique Norris was $850.00. (This does not include the $50.00 bill for the cost of medical records and/or radiological film from Clearwater Billing Services, LLC).

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 135: Admit only $600.00, not $850.00, was deducted from the settlement proceeds of Monique Norris for payment to Clearwater Billing Services, LLC for medical treatment to Ms. Norris.

ANSWER: Admit, to the extent the settlement memorandum is accurate.

REQUEST FOR ADMISSION NO. 136: Admit Clearwater Billing Services, LLC accepted $600.00 as full and final payment from Monique Norris despite the total bill being $850.00.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 137: Admit Clearwater Billing Services, LLC reduced its bill to Monique Norris by $250.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 138: Admit Clearwater Billing Services, LLC reduced its bill to Monique Norris by approximately 29.4%.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is

not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 139: Admit $500.00 is a reasonable and customary charge for a TENS unit prescribed by a licensed physician treating a patient.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 140: Admit Ohio law permits physicians to charge a patient more for a TENS unit than the physician paid for the TENS unit.

ANSWER: Plaintiff is without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 141: Admit with the reduction of $250.00 from its bill, Clearwater Billing Services, LLC effectively charged Monique Norris $250.00, and not $500.00, for the TENS unit.

ANSWER: Deny.

REQUEST FOR ADMISSION 142: Admit none of the following coerced Monique Norris into "unwanted healthcare", as claimed in Paragraph 4 of the Fourth Amended Complaint:

A. Alberto Nestico, Esq.

B. Robert Redick, Esq.

C. Kisling, Nestico & Redick, LLC

D. Robert Horton, Esq.

E. Any attorney, partner, employee, or other representative of KNR.

ANSWER: Deny as to all.

INTERROGATORY NO. 17: Please identify the manner in which KNR, Nestico, Attorney Horton, Redick, or any employee or attorney of KNR coerced Monique Norris into "unwanted healthcare", including the facts and evidence supporting that allegation.

ANSWER: These facts are set forth in paragraphs 82–113 of the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she

contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 18 : If any of Plaintiff's answers to Request for Admissions Nos. 125 through 142 are anything but an unqualified admission, please identify the facts and/or evidence supporting such qualified admission or denial.

ANSWER: These facts are set forth in paragraphs 82–113 of the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 23: Produce copies of any and all documents supporting your answers to Request for Admissions Nos. 125 through 142.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 24: Produce copies of any and all documents supporting your answers to Interrogatory No. 17 and Interrogatory No. 18.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 25: Produce copies of any and all documents supporting your allegations as it relates to Class "D" allegations.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 26: Produce copies of all documents, articles, research papers, or other "peer-reviewed medical research" referenced in Paragraph 5 of the Plaintiffs' Fourth Amended Complaint.

RESPONSE: Citations for this research are provided in footnote 3 of the Fifth Amended Complaint. *See* Qaseem A, Wilt TJ, McLean RM, Forciea MA, for the Clinical Guidelines Committee of the American College of Physicians. "Noninvasive Treatments for Acute, Subacute, and Chronic Low Back Pain: A Clinical Practice Guideline From the American College of Physicians," Ann Intern Med. 2017;166:514–530. doi: 10.7326/M16-2367.

REQUEST FOR PRODUCTION NO. 27: Produce copies of all documents, articles, research papers, or other "peer-reviewed medical research" supporting Plaintiff's claim that electrical-nerve-stimulation devices ("TENS units") are ineffective in treating acute pain from car accidents.

RESPONSE: *See* Qaseem A, Wilt TJ, McLean RM, Forciea MA, for the Clinical Guidelines Committee of the American College of Physicians. "Noninvasive Treatments for Acute, Subacute, and Chronic Low Back Pain: A Clinical Practice Guideline From the American College of Physicians," Ann Intern Med. 2017;166:514–530. doi: 10.7326/M16-2367. Other responsive documents, papers, or research are believed to exist and will be identified to the extent Plaintiffs seek to use responsive documents, papers, or research to support their claims.

X. ADDITIONAL DISCOVERY

REQUEST FOR ADMISSION NO. 143: Admit the KNR Defendants did not directly solicit Monique Norris to become a client.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 144: Admit the KNR Defendants did not violate Ohio's prohibition against direct client-solicitation as it relates to Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 145: Admit the KNR Defendants did not "rob" Monique Norris of her right to unconflicted counsel, as alleged in Paragraph 3 of the Fourth

Amended Complaint.

ANSWER: Plaintiff admits that she was not solicited in the manner to which Paragraph 3 refers, but denies that the KNR Defendants were unconflicted counsel, as they systematically prioritized the interests of healthcare providers over the interests of their clients.

REQUEST FOR ADMISSION NO. 146: Admit the KNR Defendants did not "rope" Monique Norris into retaining them by promising her "quick cash by way of an immediate high-interest loan", as alleged in Paragraph 3 of the Plaintiffs' Fourth Amended Complaint.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 147: Admit Monique Norris contacted KNR herself and agreed to be represented by KNR before she had a single discussion with KNR or any of its employees, attorneys, or representatives regarding a loan.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 148: Admit the allegations contained in Paragraph 3 of the Fourth Amended Complaint are not accurate as it relates to KNR's representation of Monique Norris.

ANSWER: Deny. The allegations of Paragraph 3 are accurate. Whether or not they pertain to Ms. Norris is a separate question.

REQUEST FOR ADMISSION NO. 149: Admit KNR does not have a quid pro quo referral relationship with Minas Floros, D.C. or Akron Square Chiropractic.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 150: Admit KNR does not have a quid pro quo referral relationship with Richard Gunning, M.D., Sam Ghoubrial, M.D. or Clearwater Billing Services, LLC.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 151: Identify the facts and evidence supporting your claim Nestico, Redick, KNR, or any KNR attorney, employee or representative coerced Monique Norris into unwanted healthcare.

ANSWER: Objection. This is not a properly stated Request for Admission.

REQUEST FOR ADMISSION NO. 152: Identify the facts and evidence supporting your claim in Paragraph 2 (and other paragraphs) of the Fourth Amended Complaint that Nestico, Redick, and KNR have a quid pro quo referral relationship with any healthcare providers, including but not limited to Minas Floros, D.C., Richard Gunning, M.D., Sam Ghoubrial, M.D., Akron Square Chiropractic, Clearwater Billing Services, LLC, or any other health care provider.

ANSWER: Objection. This is not a properly stated Request for Admission.

REQUEST FOR ADMISSION NO. 153: Admit the KNR Defendants never circumvented Ohio's prohibition against direct client-solicitation of Monique Norris by communicating with chiropractor to solicit her as a client.

ANSWER: Objection. The term "Ohio's prohibition against direct client-solicitation of Monique Norris" is unintelligible. Ms. Norris admits she was not unlawfully solicited by KNR as a KNR client.

REQUEST FOR ADMISSION NO. 154: Admit you have no facts or evidence to support your claim in Paragraph 7 of the Fourth Amended Complaint that the KNR Defendants established a quid pro quo relationship with Liberty Capital Funding, LLC.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 155: Admit your allegation in Paragraph 18 of the Fourth Amended Complaint that "Defendant Ghoubrial recommended and sold a TENS Unit from Tritec" to Monique Norris is false.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 156: Admit Monique Norris never met or talked with Sam Ghoubrial before filing of the Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 157: Admit Monique Norris never met or talked with Sam Ghoubrial concerning a TENS unit before filing of the Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 158: Admit the narrative report of Minas Floros, D.C. was used by KNR in preparation for settlement of Ms. Norris's claim.

ANSWER: Ms. Norris does not know what KNR did in preparation for settlement of her claim and thus is without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 159: Admit the narrative report of Minas Floros, D.C. contains opinions not contained in the medical records.

ANSWER: Ms. Norris has never been provided with a copy of the narrative report or records and is thus without sufficient information to respond to this request.

REQUEST FOR ADMISSION NO. 160: Admit Monique Norris consented to the $200.00 payment for the narrative report from Minas Floros, D.C.

ANSWER: Admit. Ms. Norris further states that she would not have consented to the $200.00 payment had she been aware of its function as a kickback, or the quid pro quo arrangement between KNR and Floros.

REQUEST FOR ADMISSION NO. 161: Admit $200.00 is a reasonable charge for an expert report from a chiropractor in a personal injury action in Summit County, Ohio.

ANSWER: Ms. Norris admits that $200.00 could be a reasonable charge for an expert report by a chiropractor under certain circumstances.

REQUEST FOR ADMISSION NO. 162: Admit the $1,845.91 paid to Monique Norris

(see Paragraph 79 of the Fourth Amended Complaint and the Settlement Memorandum) was greater than the $1,750 fee KNR charged for their contingency fee.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 163: Admit Monique Norris agreed to pay KNR 1/3 of the monies recovered on her behalf by KNR, which would have amounted to a contingency fee of approximately $2,077.51.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 164: Admit KNR reduced its contingency fee from $2,077.51 to $1,750.00.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 165: Admit the $327.51 reduction in KNR's contingency fee was enough to cover the $200.00 narrative fee report of Mina Floros, D.C. and the $50.00 MRS Investigations, Inc. charge.

ANSWER: Admit.

INTERROGATORY NO. 21: Identify and calculate the alleged damages that Plaintiff is seeking to recover and that the class members are seeking to recover for all claims in which Plaintiff Monique Norris is a class member and/or class representative.

ANSWER: Ms. Norris is seeking disgorgement of the allegedly unlawful fees in the amount of those fees.

INTERROGATORY NO. 22: If any of your answers to Requests for Admissions Nos. 143 through 163 are anything but an unqualified admission, please identify the facts and evidence supporting your denial or qualified admission.

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the

proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 28: Produce copies of any and all documents supporting your answers to Request for Admissions Nos. 143 through 163 and Interrogatories Nos. 19 through 22.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

XI. DISCOVERY CONCERNING CLASS "A" ALLEGATIONS

REQUEST FOR ADMISSION NO. 166: Admit Robert Redick, Esq. did not have a contract or fee agreement between himself individually and Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 167: Admit Alberto Nestico, Esq. did not have a contract or fee agreement between himself individually and Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 168: Admit an individual cannot breach a contract to which that individual is not a party.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 169: Admit Robert Redick, Esq. did not breach a fee agreement with Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 170: Admit Alberto Nestico, Esq. did not breach a fee agreement with Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 171: Admit Robert Horton, Esq. did not breach a fee agreement with Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 172: Admit KNR did not breach a fee agreement with Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 173: Admit Monique Norris has no facts or evidence to support the allegation that Robert Redick, Esq. or Alberto Nestico, Esq. individually entered into any fee agreement with any potential member of Class "A".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 174: Admit Monique Norris has no facts or evidence to support her allegation Robert Redick, Esq. or Alberto Nestico, Esq. individually collected "investigation fees from their clients when these fees were for expenses not reasonably undertaken for so-called 'services' that were not properly chargeable as a separate case expense, or were never performed at all", as alleged in Paragraph 183 of Monique Norris' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 175: Admit Monique Norris has no facts or evidence to support her allegation KNR collected "investigation fees from their clients when these fees were for expenses not reasonably undertaken for so-called 'services' that were not properly chargeable as a separate case expense, or were never performed at all", as alleged in Paragraph 183 of Monique Norris' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 176: Admit Robert Redick, Esq. did not individually deduct an investigation fee from Monique Norris' lawsuit proceeds.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 177: Admit Alberto Nestico, Esq. did not individually deduct an investigation fee from Monique Norris' lawsuit proceeds.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 178: Admit Robert Redick, Esq. did not receive a "substantial benefit" from the $50 Investigation Fee deducted from Monique Norris' settlement proceeds.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 179: Admit Alberto Nestico, Esq. did not receive a "substantial benefit" from the $50 Investigation Fee deducted from Monique Norris' settlement proceeds.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 180: Admit KNR did not receive a "substantial benefit" from the $50 Investigation Fee deducted from Monique Norris' settlement proceeds.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 181: Admit Robert Redick, Esq. did not engage in "intentionally deceptive conduct" as alleged in Paragraph 188 of Plaintiffs' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 182: Admit Alberto Nestico, Esq. did not engage in "intentionally deceptive conduct" as alleged in Paragraph 188 of Plaintiffs' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 183: Admit Robert Horton, Esq. did not engage in "intentionally deceptive conduct" as alleged in Paragraph 188 of Plaintiffs' Fourth Amended Complaint.

ANSWER: Plaintiff is without sufficient information about Mr. Horton's knowledge of KNR's deceptive conduct to be able to respond to this Request for Admission.

INTERROGATORY NO. 23: Identify all facts that attorneys and staff were disciplined if prospective clients were not signed up within 24 hours, as outlined in Paragraph 17 of the Complaint.

RESPONSE: Former KNR attorneys Gary Petti and Robert Horton have informed Plaintiffs of this fact, which is also supported by KNR emails quoted in the Fifth Amended Complaint.

REQUEST FOR PRODUCTION NO. 29: If any of your answers to Requests for Admission Nos. 166 through 183 above are anything but an unqualified admission, produce copies of any and all documents supporting your denial or qualified admission.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

INTERROGATORY NO. 24: If any of your answers to Interrogatories Nos. 166 through 175 are anything but an unqualified admission, identify the facts and evidence supporting your denial or qualified admission.

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 30: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class A.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 31: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class B.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 32: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class C.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 33: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class D.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

XII. ADDITIONAL DISCOVERY REQUESTS

REQUEST FOR PRODUCTION NO. 34: All Documents Plaintiff used, relied upon, or referred to in answering Defendants' First Set of Interrogatories.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 35: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, are liable for fraud.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 36: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, were intentionally concealing facts and making misrepresentations to Plaintiff.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 37: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, are liable for breach of contract.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 38: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, are liable for unjust enrichment.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 39: All Documents relating to:

A. Attorney Robert Horton.

B. AMC Investigations, Inc. and Aaron M. Czetli.

C. MRS Investigations, Inc. and Michael R. Simpson.

D. Chuck DeRemer (Chuck DeRemar).

E. Kisling, Nestico & Redick, LLC.

F. Alberto Nestico, Esq.

G. The alleged damages that Plaintiff seeks to recover in this Lawsuit.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 40: Produce any all documents demonstrating that Defendants, including, without limitation, Nestico, Redick, Horton, or any of KNR's attorneys, were purportedly unjustly enriched as alleged in the Fourth Amended Complaint.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 41: Produce any all documents concerning any and all communications between Plaintiff and/or Plaintiffs' counsel and the Cleveland Plain Dealer or Cleveland.com relating to this Lawsuit, and all Documents, including, without limitation, telephone records, relating to those Communications.

RESPONSE: Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence and is unduly burdensome under the circumstances. Plaintiffs may refer to the publicly available press releases about this lawsuit published at The Pattakos Law Firm LLC's website, which contain the substance of any such communications that have been made.

REQUEST FOR PRODUCTION NO. 42: Produce any all documents relating to any Twitter, Facebook, or other social media posts of Monique Norris (or her comments on other posts) relating to the underlying motor vehicle accident, her representation by KNR, her settlement, the current lawsuit, or any of the claims or defenses in this case.

RESPONSE: Ms. Norris recalls posting once on facebook about her accident and will produce a

copy of the post.

INTERROGATORY NO. 25: Please identify every "false representation of fact", omission of fact, "misrepresentation", or any false, misleading, incomplete, or incorrect statement or communication of any KNR attorney or employee that was relied upon by Plaintiff Monique Norris or any of the Class "A" members or potential members, including for each such instance: the identity of the individual who communicated or wrongfully failed to communicate the information to Ms. Norris, the date made, the substance of the communication, and any witnesses to such communication.

ANSWER: To the best of Plaintiffs' knowledge, the misrepresentations at issue pertain to Defendants' concealment of the true nature of the so-called "investigation fee," e.g., that the investigators are not actually investigators, and perform administrative functions that any law firm would have to perform to represent a client, charges for which are properly subsumed in the firm's overhead expenses, or the firm's expenses in soliciting clients, which are in no event properly charged to a client. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985). Additionally, Request for Admission No. 27 contained more than 65 subparts, thus, this interrogatory alone would exceed the number of interrogatories permitted by the Civil and Local Rules even if it were otherwise proper.

INTERROGATORY NO. 26: Please identify the facts and evidence supporting your allegations the Defendants engaged in systematic violations of the Ohio Rules of Professional Conduct, breach of fiduciary duties, "calculated schemes to deceive and defraud", and "unlawful,

deceptive, fraudulent, and predatory business practices" and the claim Defendants "degraded the profession, and warped the market for legal services".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 27: Identify the facts and evidence supporting your allegations relating to Class "A".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 28: Identify the facts and evidence supporting your allegations relating to Class "B".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 29: Identify the facts and evidence supporting your allegations relating to Class "C".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 30: Identify the facts and evidence supporting your allegations relating to Class "D".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 43: Produce any and all documents supporting your Answers to Interrogatories 1 through 30.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 44: Produce any and all documents supporting your Answers to Requests for Admissions Nos. 1 through 183, unless already produced.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

Dated: December 26, 2018

Respectfully submitted,

/s/ Peter Pattakos

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The foregoing document was served on counsel for the KNR Defendants by email on December 26, 2018.

/s/ Peter Pattakos
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS et al., Plaintiffs, vs. KISLING, NESTICO & REDICK, LLC, *et al.*, Defendants.	Case No. 2016-CV-09-3928 Judge James A. Brogan Monique Norris's Amended Responses to Defendant Nestico's Interrogatories, Requests for Admission, and Requests for Production of Documents

Monique Norris, by and through counsel, hereby responds to the above-referenced discovery requests as follows:

General Objections

1. Ms. Norris's specific objections to each interrogatory or request are in addition to the General Objections set forth in this section. These General Objections form a part of the response to each and every request and are set forth here to avoid duplication. The absence of a reference to a General Objection in each response to a particular request does not constitute a waiver of any General Objection with respect to that request. All responses are made subject to and without waiver of Ms. Norris's general and specific objections.

2. To the extent that Defendant's requests are inconsistent with each other, Ms. Norris objects to such requests.

3. To the extent that Defendant's requests exceed the scope of permissible inquiry under the Ohio Rules of Civil Procedure, Ms. Norris objects to such requests. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

4. Ms. Norris objects to Defendants' requests to the extent that they are unreasonably burdensome, and to the extent they call upon Ms. Norris to investigate, collect and disclose information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

5. Ms. Norris's responses and objections herein shall not waive or prejudice any objections Ms. Norris may later assert, including but not limited to objections as to competency, relevance, materiality or admissibility in subsequent proceedings or at the trial of this or any other action.

6. Ms. Norris objects to Defendant's requests to the extent they seek information or materials that are already within Defendant's possession, custody, or control, or that are equally available to him, on the grounds that such requests are unduly burdensome and oppressive.

7. Ms. Norris objects to Defendant's requests to the extent that they call upon Ms. Norris to produce information that is not in Ms. Norris's possession, custody, or control.

8. Ms. Norris objects to Defendant's requests to the extent they purport to seek any information immune from discovery because of the attorney-client privilege, the work-product doctrine, or any other applicable law, rule or privilege.

9. Ms. Norris objects to any request to the extent that it refers to or incorporates a previous request to which an objection has been made.

10. Ms. Norris objects to Defendant's requests to the extent they are vague or ambiguous.

11. Ms. Norris objects to Defendant's requests to the extent they seek information that is confidential and proprietary. Such information will be produced only in accordance with a duly entered protective order.

12. As discovery is ongoing, Ms. Norris reserves the right to supplement these responses.

INTERROGATORIES

DEFENDANT ALBERTO NESTICO, ESQ.'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND REQUESTS FOR PRODUCTION OF DOCUMENTS

I. DISCOVERY CONCERNING PLAINTIFF'S REFERRAL TO KNR

REQUEST FOR ADMISSION NO. 1: Admit Plaintiff Monique Norris was not referred to KNR by a chiropractor.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 2: Admit Plaintiff Monique Norris was not referred to KNR by a medical service or health care provider.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 3: Admit Plaintiff Monique Norris did not obtain KNR's phone number from a chiropractor, physician, or other medical or health care provider.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 4: Admit Plaintiff Monique Norris did not obtain KNR's phone number from any of KNR's advertisements or promotional materials.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 5: Admit Plaintiff Monique Norris did not rely on any of KNR's advertisements or promotional materials in contacting KNR to represent her, including but not limited to those attached as Exhibit "D".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 6: Admit Plaintiff Monique Norris obtained KNR's phone number from her uncle (Mr. Baylor).

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 7: Admit Plaintiff Monique Norris was referred to KNR by her uncle (Mr. Baylor).

ANSWER: Deny. Ms. Norris was referred to KNR by her aunt, Carolyn Holsey.

REQUEST FOR ADMISSION NO. 8: Admit Plaintiff Monique Norris contacted KNR to discuss potential legal representation of her for injuries she sustained in a July 29, 2013, motor vehicle accident before KNR contacted her.

ANSWER: Admit.

INTERROGATORY NO. 1: If any of your answers to Request for Admissions Nos. 1 through 8 are anything but an unqualified admission, please identify the facts and evidence supporting your denial or qualified admission.

ANSWER: N/A.

REQUEST FOR PRODUCTION NO. 1: If any of the answers to Request for Admissions Nos. 1 through 8 are anything but an unqualified admission, please produce copies of all documents and evidence that forms the basis of or supports such denial or qualified admission.

RESPONSE: Ms. Norris is not aware of any responsive documents that exist.

REQUEST FOR PRODUCTION NO. 2: Produce copies of any chiropractic or legal advertising or promotional materials received in the week before, the day of, and/or the week after your July 29, 2013, motor vehicle accident.

RESPONSE: Ms. Norris does not possess any responsive documents.

REQUEST FOR PRODUCTION NO. 3: Please produce copies of all documents

relating to facts or evidence supporting your answer to Interrogatory No. 1.

RESPONSE: N/A.

II. DISCOVERY CONCERNING CONTINGENCY FEE AGREEMENT

REQUEST FOR ADMISSION NO. 9: Admit the Contingency Fee Agreement, attached hereto as Exhibit "A", is a true and accurate copy of the Contingency Fee Agreement entered into between Plaintiff Monique Norris and the law firm of Kisling, Nestico & Redick, LLC.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 10: Admit Plaintiff Monique Norris spoke with a KNR attorney on the telephone before meeting an investigator and/or KNR employee or attorney.

ANSWER: Ms. Norris admits that she spoke with someone representing himself to be a KNR attorney, who told her that he was sending an investigator to meet her at her cousin's home.

REQUEST FOR ADMISSION NO. 11: Admit during the call between Monique Norris and a KNR attorney on July 30, 2013, the KNR attorney advised Plaintiff Monique Norris of KNR's terms and conditions of legal representation.

ANSWER: Ms. Norris admits that this person spoke generally with her about a contingency fee arrangement but otherwise denies that any of the self-dealing alleged in the complaint was disclosed to her.

REQUEST FOR ADMISSION NO. 12: Admit Plaintiff Monique Norris never expressed any confusion or misunderstanding regarding the terms and conditions of the Contingency Fee Agreement to anyone at KNR at any time during KNR's representation of her.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 13: Admit Attorney Robert Horton explained the

terms and conditions of the Contingency Fee Agreement, attached hereto as Exhibit "A", to Plaintiff Monique Norris before she signed the Contingency Fee Agreement.

ANSWER: Ms. Norris admits that someone from KNR, probably Mr. Horton, briefly discussed the agreement with her before the investigator came to her home.

REQUEST FOR ADMISSION NO. 14: Admit Plaintiff Monique Norris signed the Contingency Fee Agreement, attached hereto as Exhibit "A".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 15: Admit KNR and/or Robert Horton, Esq. answered any questions of Plaintiff Monique Norris before she signed the Contingency Fee Agreement.

ANSWER: The investigator who came to Ms. Norris's home told her that he could not speak with her about her case unless and until she signed the agreement. Ms. Norris does not recall asking any questions about this.

REQUEST FOR ADMISSION NO. 16: Admit Plaintiff Monique Norris agreed to the terms and conditions of the Contingency Fee Agreement, attached hereto as Exhibit "A".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 17: Admit the Contingency Fee Agreement signed by Plaintiff Monique Norris, which is attached hereto as Exhibit "A", contained the following provision, term, and/or condition:

3) Client agrees and authorizes Attorneys to deduct, from any proceeds recovered, any expenses which may have been advanced by Attorneys in preparation for settlement and/or trial of Clients case. IN THE EVENT OF NO RECOVERY, CLIENT SHALL OWE ATTORNEYS NOTHING FOR SUCH ADVANCED EXPENSES.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 18: Admit Plaintiff Monique Norris did not express confusion regarding Paragraphs 3 of the Contingency Fee Agreement, attached hereto as Exhibit "A", before she signed the Contingency Fee Agreement or during her representation by KNR.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 19: Admit Plaintiff Monique Norris authorized Kisling, Nestico, & Redick, LLC to advance reasonable expenses in preparing her case for settlement.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 20: Admit Plaintiff Monique Norris authorized Kisling, Nestico & Redick, LLC to "deduct, from any proceeds recovered" any reasonable expenses advanced by Kisling, Nestico, & Redick, LLC in preparing her case for settlement.

ANSWER: Admit.

INTERROGATORY NO. 2: Please identify any facts, evidence, and/or witnesses supporting any denials or qualified admissions in your answers to Request for Admissions Nos. 9 through 20.

ANSWER: N/A.

INTERROGATORY NO. 3: Please identify any communications you had with Attorneys Horton, Lindsey, Lubrani, Redick, Nestico, any other attorney at KNR, any employee of KNR, any investigator, or any other individual regarding the contingency fee agreement or the expenses of litigation from the date of your accident through your entire representation by KNR.

ANSWER: The only conversation that Ms. Norris recalls about the contingency fee agreement was with the investigator who told her, when he visited her at her cousin's house, that he could not discuss her case with him unless and until she signed the agreement. Ms. Norris also recalls a conversation with a KNR attorney, most likely Attorney Horton, regarding her settlement memorandum where the attorney explained the memorandum generally but there was no specific discussion about any of the charges listed in the memorandum and Ms. Norris did not ask any questions about the charges.

REQUEST FOR PRODUCTION NO. 4: If any of the answers to Request for Admissions Nos. 9 through 20 are anything but an unqualified admission, please produce copies of all documents and evidence that forms the basis of or supports such denial or

qualified admission.

RESPONSE: N/A.

REQUEST FOR PRODUCTION NO. 5: Please produce copies of all documents relating to facts or evidence supporting your answer to Interrogatory No. 2.

RESPONSE: N/A.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of all documents relating to facts or evidence supporting your answer to Interrogatory No. 3.

RESPONSE: N/A.

REQUEST FOR PRODUCTION NO. 7: Produce any and all documents that memorialize, refer to, reference, or otherwise relate or your conversations with any KNR attorneys or employees, any third-party investigators, or any other individuals regarding the terms and conditions of the Contingency Fee Agreement and/or KNR's legal representation of you.

RESPONSE: All potentially responsive documents in Ms. Norris's possession have been produced.

III. DISCOVERY RE: PLAINTIFF'S INTERACTION WITH INVESTIGATOR

REQUEST FOR ADMISSION NO. 21: Admit KNR never employed Michael R. Simpson during the class period.

ANSWER: Ms. Norris admits that KNR and Simpson hold Simpson and the other investigators out to be independent contractors despite that they are functionally KNR employees.

REQUEST FOR ADMISSION NO. 22: Admit Michael R. Simpson never held himself out as an employee of KNR.

ANSWER: Deny. The investigator who came to Ms. Norris did not in any way indicate that

he was not an employee of KNR and Ms. Norris had every reason to assume that he was.

REQUEST FOR ADMISSION NO. 23: Admit Michael R. Simpson was employed by MRS Investigations, Inc. at all times during KNR's representation of Plaintiff Monique Norris.

ANSWER: Ms. Norris admits that KNR and Simpson hold Simpson and the other investigators out to be independent contractors despite that they are functionally KNR employees.

REQUEST FOR ADMISSION NO. 24: Admit Michael R. Simpson and/or MRS Investigations, Inc. completed the following tasks associated with the case KNR was retained to represent Plaintiff Monique Norris:

A. Obtained the police report;

B. Reviewed the police report;

C. Drove to and from the residence of Monique Norris to obtain items needed to support her lawsuit, including, but not limited to:

1. obtaining Plaintiff's signature on medical authorization form(s);

2. taking a photograph of the interior of Plaintiff's motor vehicle;

3. taking a photographs of the exterior of Plaintiff's motor vehicle.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is unaware of MRS Investigations doing anything apart from coming to her cousin's house and obtaining her signature on KNR's agreements.

REQUEST FOR ADMISSION NO. 25: Admit that completion of the following activities are helpful in preparation for settlement of a personal injury motor vehicle accident on a behalf of an injured victim:

A. Obtaining a copy of the police report;

B. Reviewing the police report for the facts of the accident, witness identification, statements, and other information provided in the police report;

C. Traveling to and from the residence of a client who is an accident victim to

obtain items needed to support the client's lawsuit, including, but not limited to:

1. obtaining the client's signature on medical authorization form(s);

2. obtaining photographs of the client if visible injuries are present;

3. obtaining a photograph of the Plaintiff's motor vehicle.

ANSWER: Ms. Norris is without sufficient information to admit or deny whether any of these tasks would be necessary or helpful in any given case but states that obtaining a copy of the police report and reviewing it, and presenting evidence of damage, are generally necessary tasks in a car accident case.

REQUEST FOR ADMISSION NO. 26: Admit the following:

A. Admit Plaintiff has no evidence that KNR ever charged any client the Investigation Fee that KNR did not pay to the investigators.

B. Admit Plaintiff cannot identify a single case in which KNR charged a client an Investigation Fee where no work was done by the investigators.

ANSWER:

A. Admit.

B. Deny. Member Williams was charged an investigation fee where no work was done by the investigators, and Norris would likely be able to identify many others if she had access to information about other KNR client files.

REQUEST FOR ADMISSION NO. 27: Admit the following:

A. Admit none of the Defendants received any "kickback" or return of any portion of the $50 fee KNR advanced to MRS Investigations, Inc. on behalf of Monique Norris.

B. Admit you allege in Paragraph 6 of the Fourth Amended Complaint that:

1. KNR charges their clients fees for so-called "investigations" that are never actually performed.

2. KNR's so-called "investigators" do nothing more than chase down car-accident victims at their homes and other locations to sign them to KNR fee agreements as quickly as possible, for the KNR Defendants' exclusive benefit, to keep potential clients from signing with competitors.

C. Admit KNR's "investigators" did not "chase down" the following at their home or other locations, as alleged in Paragraph 6 of the Fourth Amended Complaint:

1. Monique Norris;
2. Member Williams;
3. Matthew Johnson;
4. Naomi Wright;
5. Thera Reid;
6. Any other former client of KNR during the class period.

D. Admit the allegations of Paragraph 6 of Plaintiffs' Fourth Amended Complaint is not true for:

1. Monique Norris;
2. Member Williams;
3. Matthew Johnson;
4. Naomi Wright;
5. Thera Reid;
6. Any other former client of KNR during the class period.

E. Admit you alleged in Paragraph 102 of the Fourth Amended Complaint that "KNR aggressively pursued prospective clients" during the class period.

F. Admit KNR did not "aggressively pursue" the following during the class period:

1. Monique Norris;
2. Member Williams;
3. Matthew Johnson;
4. Naomi Wright;
5. Thera Reid;
6. Any other former client of KNR during the class period.

G. Admit you gave permission to KNR to send an investigator to your home.

H. Admit KNR did not charge Monique Norris for "having been solicited" as described in Paragraph 6 of the Fourth Amended Complaint, as Monique Norris requested KNR to represent her.

I. Admit Monique Norris was not charged for having been solicited by an investigator.

J. Obtaining a police report from the investigating police department is a different task than obtaining a signature on a fee agreement or obtaining copies of documents from a client or potential client.

K. If Michael R. Simpson obtained the police report from the investigating police department, then the allegation that the "only task" Mr. Simpson "ever performed in connection with any KNR client's file" was traveling to obtain "signatures on fee agreements and, in some cases, to obtain copies of case-related documents from the potential client" is false.

L. If MRS Investigations, Inc. obtained the police report from the investigating police department, then the allegation that the "only task" an investigator "ever performed in connection with any KNR client's file" was traveling to obtain "signatures on fee agreements and, in some cases, to obtain copies of case-related documents from the potential client" is false.

M. You cannot identify any facts or evidence to support her claims in Paragraph 110 of the Fourth Amended Complaint as it relates to Aaron Czetli, Michael R. Simpson, Chuck DeRemar, Gary Monto, Wesley Steele, or any other investigator from MRS Investigations, Inc., AMC Investigations, Inc. or any other investigation firm.

N. The allegations contained in Paragraph 110 of the Fourth Amended Complaint are not true as it relates to the following during the class period:

1. Monique Norris;
2. Member Williams;
3. Matthew Johnson;
4. Naomi Wright;
5. Thera Reid;
6. Any other former client of KNR during the class period.

O. The allegations contained in Paragraph 111 of the Fourth Amended Complaint do not apply to MRS Investigations, Inc.'s or Michael R. Simpson's work on your case.

P. The allegations contained in Paragraph 111 of the Fourth Amended Complaint do not apply to MRS Investigations, Inc.'s or Michael R. Simpson's work on Member Williams' case.

Q. Plaintiff Williams is unable to identify a single KNR client for which the allegations of Paragraph 111 of the Fourth Amended Complaint are accurate

R. Admit you claim one of the common factual issues that predominate over individual issues for Class "A": "in the majority of instances where the investigation fee was charged, the so-called 'investigators' never performed any task at all in connection with the client." (See Paragraph 160, ii. of the Fourth Amended Complaint).

S. Admit obtaining the police report for the motor vehicle accident in which KNR represented Plaintiff was a "task" in "connection with the client."

T. Admit if MRS Investigations, Inc., Michael Simpson, or another investigator for MRS Investigations, Inc. obtained the police report for the motor vehicle accident in which KNR represented Plaintiff, then MRS Investigations, Inc. completed a "task" in "connection with the client."

U. Admit obtaining photographs of the interior and/or exterior of Monique Norris's motor vehicle that was involved in the motor vehicle accident for which KNR represented her was a completion of a "task" in "connection with the client."

V. Admit you have no facts or evidence supporting your claim that an investigator "never performed any task at all in connection with the client" the "majority" of the time. (That is, you have no facts or evidence to support your claim that the number of times performed no task at all exceeded the times an investigator performed a task).

W. Admit you have no evidence or facts to support your claim in Paragraph 160, v. that Defendants "never" obtained their clients' consent for the investigation fee.

X. Admit the Fourth Amended Complaint only identifies two types of Class "A" members:

1. KNR clients charged an investigation charge even though the investigator never performed "any task at all" for the client's case; and

2.. KNR clients in which the only task the investigator performed was to travel to obtain the client's signature on the contingency-fee agreement and/or to pick up documents form the client.

Y. Admit Monique Norris does not fit the types of Class "A" members described in Request for Admission Nos. 27 X.1. or 27 X.2.

Z. Admit Member Williams does not fit the types of Class "A" members described in Request for Admission Nos. 27 X.1. or 27 X.2..

AA. Admit that if the investigation fee was an expense advanced by KNR or its attorneys in preparation for settlement and/or trial of your case, then you consented to that expense.

BB. Admit in order to know whether a particular client authorized or consented to the investigation fee, you would need to talk with, interview, depose, or somehow learn: 1) each client's memory (potential testimony) of the discussions with KNR concerning the contingency fee and consent for expenses; and 2) the memory (potential testimony) of every KNR attorney who discussed the contingency fee agreement and consent for expenses with KNR's client.

CC. Admit you were not present for any discussions between KNR attorneys and any other potential Class "A" class members, including any discussions relating to the contingency fee agreement and consent for expenses.

DD. Admit you or someone on your behalf would need to "ask each and every" investigator what work that investigator performed on a potential Class "A" member's case in order to know the amount of work done by an investigator on that KNR client's case.

EE. Admit Robert Redick, Esq. never made any "false representations of fact" to Monique Norris about what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

FF. Admit Alberto Nestico, Esq. never made any "false representations of fact" to Monique Norris concerning "what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

GG. Admit Robert Horton, Esq. never made any "false representations of fact" to Monique Norris concerning "what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

HH. Admit no attorney, employee, or representative of KNR, Nestico, or Redick made any "false representations of fact" to Monique Norris concerning "what the investigation fees were for" as alleged in Paragraph 168 of the Fourth Amended Complaint.

II. Admit the following never "concealed facts" from Plaintiff Monique Norris concerning the investigation fees as alleged in Paragraph 169 of the Fourth Amended Complaint.

1. Robert Redick, Esq.

2. Alberto Nestico, Esq.

3. Robert Horton, Esq.

4. Any other attorney, employee or representative of KNR, Redick, or Nestico.

JJ. Admit the following never had any communications with and never concealed any facts from Monique Norris regarding the investigation fees "with the intent of misleading" Monique Norris. (See allegations of Paragraph 171 of the Plaintiffs' Fourth Amended Complaint).

1. Robert Redick, Esq.

2. Alberto Nestico, Esq.

3. Robert Horton, Esq.

4. Any other attorney, employee or representative of KNR, Redick, or Nestico.

ANSWER:

A. Ms. Norris doesn't know what MRS did with her $50 and is thus unable to admit or deny this request.

B.

1. Admit.

2. Admit.

C. Deny as to Williams, Wright, Reid, and "any other former client." Admit as to Norris and Johnson.

D. Plaintiffs deny that the allegations of Paragraph 6 are "not true." Whether the named plaintiffs were so treated is a separate question. See answer to subpart C., above.

E. Admit.

F. Deny.

G. Admit, though Ms. Norris did not believe this "investigator" was anything but an employee of KNR.

H. Deny.

I. Deny.

J. Admit.

K. Admit.

L. Admit.

M. Deny.

N. Deny.

O. Admit.

P. Deny.

Q. Deny. *See* Member Williams.

R. Admit.

S. Norris does not know whether the investigator actually obtained the police report so is without information to sufficiently admit or deny this request.

T. Admit.

U. Norris does not know whether the investigator actually obtained any such photographs so is without information to sufficiently admit or deny this request.

V. Deny. Whether or not KNR purports to have "advanced" the expense for any work performed by investigators, such work, if any, amounted to basic administrative tasks that were in no way properly chargeable as a separate case expense.

W. Deny.

X. Deny. *See* Paragraph 158(A) of the Fourth Amended Complaint.

Y. Deny.

Z. Deny.

AA. Deny.

BB. Deny The terms "authorized" or "consented" are vague in this context and it is impossible to "consent" or "authorize" the unlawful and fraudulent double-charge that the investigation fee represents.

CC. Admit.

DD. Deny.

EE. Deny. Redick's culpability for fraud on the investigation fee claim lies in the fact that he concealed the true nature of the fee—that it was for normal overhead

expenses that any firm would have to incur in handling a case, and that no actual "investigations" were performed by the so-called "investigators."

FF. Deny. Nestico's culpability for fraud on the investigation fee claim lies in the fact that he concealed the true nature of the fee—that it was for normal overhead expenses that any firm would have to incur in handling a case, and that no actual "investigations" were performed by the so-called "investigators."

GG. Deny. Horton, at Nestico's and Redick's instruction, concealed the true nature of the fee—that it was for normal overhead expenses that any firm would have to incur in handling a case, and that no actual "investigations" were performed by the so-called "investigators."

HH. Deny. See answers to subparts EE. and FF. above.

II.

1. Deny.
2. Deny.
3. Deny.
4. Deny. See the responses to subparts EE through GG, above.

JJ.

1. Deny.
2. Deny.
3. Deny.
4. Deny. See the responses to subparts EE through GG, above.

REQUEST FOR ADMISSION NO. 28: Admit the following activities had "value" to the preparation of Plaintiff Monique Norris's case for settlement:

A. Obtaining the police report;

B. Reviewing the police report;

C. Traveling to and from the residence of Monique Norris to obtain items needed to support her lawsuit, including, but not limited to:

1. obtaining Plaintiff's signature on medical authorization form(s);

2. taking a photograph of the interior of Plaintiff's motor vehicle;

3. taking a photographs of the exterior of Plaintiff's motor vehicle.

ANSWER: Deny as to subpart C. 1, as Ms. Norris could have provided the signed agreements to KNR herself. Ms. Norris cannot admit or deny this request as to any of the other subparts because she has no knowledge that the investigator actually performed any of these tasks.

INTERROGATORY NO. 4: Please identify the monetary or dollar value of the activities performed by Michael R. Simpson and/or MRS Investigations, Inc. as it relates to Plaintiff Monique Norris's case.

ANSWER: Object. Ms. Norris does not know what "activities" were performed by MRS or Simpson apart from obtaining her signature on fee agreements, which has no value to Ms. Norris.

INTERROGATORY NO. 5: If your answer to any of Request for Admissions Nos. 21 through 28 are anything but an unqualified admission, please identify the facts, evidence, and witnesses supporting such denial or qualified admission.

ANSWER: The above denials relate mostly to the fact that the investigators are not actually investigators, and perform administrative functions that any law firm would have to perform to represent a client, charges for which are properly subsumed in the firm's overhead expenses, or the firm's expenses in soliciting clients, which are in no event properly charged to a client. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985). Additionally,

Request for Admission No. 27 contained more than 65 subparts, thus, this interrogatory alone would exceed the number of interrogatories permitted by the Civil and Local Rules even if it were otherwise proper.

REQUEST FOR PRODUCTION NO. 8: Please produce copies of any documents supporting your Answers to Request for Admissions 21 through 28, Interrogatory No 4, and Interrogatory No. 5.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

IV. DISCOVERY CONCERNING DECISION OF PLAINTIFF MONIQUE MORRIS TO TAKE A LOAN (NON-RECOURSE CIVIL LITIGATION ADVANCE AGREEMENT) WITH LIBERTY CAPITAL

REQUEST FOR ADMISSION NO. 29: Admit Monique Norris never discussed a loan with KNR or any of its attorneys or employees from July 30, 2013, through October 28, 2013.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 30: Admit Plaintiff Monique Norris requested information concerning how to obtain a loan when she talked with KNR on October 29, 2013.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 31: Admit KNR never provided Plaintiff Monique Norris any loan contact information prior to the time she called KNR requesting loan information.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 32: Admit that Jenna Sanzone or another KNR employee, in response to Plaintiff Monique Norris's request for information concerning a loan, provided Plaintiff Monique Norris with phone numbers for two separate loan companies, Liberty Capital and Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 33: Admit KNR did not direct Plaintiff Monique Norris to obtain a loan with Liberty Capital.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 34: Admit KNR did not suggest to Plaintiff Monique Norris a preference that she obtain a loan with Liberty Capital rather than with Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 35: Admit Plaintiff Monique Norris called both Oasis Financial and Liberty Capital regarding a loan or funding.

ANSWER: Deny. See response to Interrogatory No. 6, below.

REQUEST FOR ADMISSION NO. 36: Admit Plaintiff Monique Norris called Oasis Financial "looking for funding" or for a loan before she entered into an agreement with Liberty Capital.

ANSWER: Deny. See response to Interrogatory No. 6, below.

INTERROGATORY NO. 6: Please identify the facts and evidence to support your allegations in the Fourth Amended Complaint that KNR "recommended" or "directed" Monique Norris to take out a loan with Liberty Capital, including the following:

A. The identity of the KNR employee or attorney making the recommendation or direction.

B. The precise nature of the recommendation or direction (i.e., what was communicated to Plaintiff by the person identified in Request for Admission 36. A. above that constitutes a "recommendation to take a loan with Liberty Capital" or supports contention the Defendants "directed" Plaintiff to take out a loan with Liberty Capital).

C. The date of the recommendation or direction.

D. The identity of any witnesses to the recommendation or direction.

ANSWER: Ms. Norris never asked for a loan. At some point prior to late-October she

informed a KNR attorney that she wanted her case to be resolved quickly. At that point the KNR attorney, presumably Mr. Horton, said that she could obtain part of her settlement early if she came to the office to execute some paperwork, which was apparently the Liberty Capital loan agreement. Ms. Norris does not recall who if anyone witnessed these events but presumably some KNR administrators were aware of them.

REQUEST FOR ADMISSION NO. 37: Please admit the following:

A. Admit the only KNR attorney you discussed your Liberty Capital loan with was Robert Horton.

B. Admit Nestico did not direct you to take a loan with any company.

C. Admit Nestico did not recommend you take a loan with any company.

D. Admit Nestico never even discussed a loan with you.

E. Admit Nestico did not engage in "self-dealing" with your loan with Liberty Capital.

F. Admit Redick did not direct you to take a loan with any company.

G. Admit Redick did not recommend you take a loan with any company.

H. Admit Redick never even discussed a loan with you.

I. Admit Redick did not engage in "self-dealing" with your loan with Liberty Capital.

J. Admit Attorney Robert Horton never recommended you take a loan with Liberty Capital.

K. Admit Attorney Robert Horton never directed you to take a loan with Liberty Capital.

L. Admit Attorney Robert Horton did not engage in "self-dealing" with your loan with Liberty Capital.

M. Admit no one at KNR recommended you take a loan.

N. Admit no one at KNR directed you to take a loan.

O. Admit neither KNR nor its employees or attorneys recommended you take a loan with Liberty Capital.

P. Admit no one at KNR participated in "self-dealing" as it relates to Plaintiff's

loan with Liberty Capital.

ANSWER:

A. Ms. Norris denies that she ever discussed a Liberty Capital loan with anyone.

B. Deny, to the extent that Nestico is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

C. Deny, to the extent that Nestico is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

D. Admit.

E. Deny.

F. Deny, to the extent that Redick is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

G. Deny, to the extent that Redick is responsible for KNR's recommendation of the Liberty Capital loan to Ms. Norris.

H. Admit.

I. Deny.

J. Admit.

K. Deny.

L. Admit, to the extent that Horton was following the orders of his superiors.

M. Admit.

N. Deny.

O. Admit.

P. Deny.

REQUEST FOR ADMISSION NO. 38: Admit when Plaintiff Monique Norris called Liberty Capital on October 29, 2013, no KNR attorneys or employees were parties to the conversation.

ANSWER: Ms. Norris does not recall speaking on the phone or otherwise with any representative of Liberty Capital at any time and thus cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 39: Admit a copy of an Affidavit from Attorney Robert Horton was filed in this case on November 21, 2017.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 40: Admit a copy of attached Exhibit "B", the signed, sworn Affidavit of Attorney Robert Horton, was provided to Attorney Pattakos on or about October 16, 2017, at a Status Conference before Judge Breaux in Case No. CV-2016-09-3928.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 41: Admit a copy of the attached Exhibit "B", the signed, sworn Affidavit of Attorney Robert Horton, was filed in this case on November 21, 2017.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 42: Admit the Affidavit of Attorney Robert Horton, attached hereto as Exhibit "B" included the following sworn testimony:

> 34. I am not aware of any "quid pro quo" relationship between Liberty Capital Funding, LLC and KNR, its owners, or its employees. I discouraged KNR clients to obtain such loans.
>
> 35. I never demanded any clients borrow from Liberty Capital Funding, LLC (hereinafter "Liberty Capital"). While some of my clients borrowed from Liberty Capital, such transaction was only completed after I counseled the client against entering into the loan agreement.

ANSWER: Admit.

REQUEST FOR ADMISSION 43: Admit Attorney Robert Horton advised you against obtaining a loan with Liberty Capital prior to the time you entered into the loan.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION 44: Admit Attorney Robert Horton attempted to discourage you from taking a loan with Liberty Capital prior to the time you entered into the

loan.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION 45: Admit Attorney Robert Horton never demanded, directed, or recommended that take a loan with Liberty Capital or any other loan company.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION 46: Admit Attorney Robert Horton counseled you against entering into a loan agreement.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 47: Admit Attorney Robert Horton did not engage in "self-dealing" regarding that loan as alleged in the Fourth Amended Complaint.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 48: In the Fourth Amended Complaint, Plaintiff Monique Norris alleges the KNR Defendants had a "blanket policy directing all KNR clients to take out loans with Liberty Capital .. as opposed to any of a number of established financing companies that existed at the time." Admit this claim is not true as it relates to Plaintiff Monique Norris, as KNR did not direct her to take out a loan with Liberty Capital "as opposed to" any other "established financing companies that existed at the time.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 49: Admit Oasis Financial was an established financing company that existed on October 29, 2013.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request but is not aware of any information suggesting that Oasis was not an established financing company that existed on October 29, 2013.

REQUEST FOR ADMISSION NO. 50: Admit KNR provided Plaintiff Monique Norris the contact information for Oasis Financial on October 29, 2013.

ANSWER: Ms. Norris has no memory of this but cannot say for certain that it did not happen and thus is without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 51: Admit KNR did not recommend or direct Plaintiff Monique Norris to take out a loan with Liberty Capital rather than Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 52: Admit KNR did not express to Plaintiff Monique Norris a preference between Liberty Capital and Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 53: Admit Plaintiff Monique Norris voluntarily chose to take a loan with Liberty Capital rather than Oasis Financial.

ANSWER: Deny. See response to Interrogatory No. 6 above.

REQUEST FOR ADMISSION NO. 54: Admit KNR was permitted by Ohio law to provide Plaintiff Monique Norris the contact information for Liberty Capital.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 55: Admit KNR was permitted by Ohio law to provide Plaintiff Monique Norris the contact information for Oasis Financial.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 56: Admit KNR was permitted by Ohio law to provide Plaintiff Monique Norris the contact information for Liberty Capital after she asked KNR about a loan.

ANSWER: Ms. Norris denies that she ever asked KNR about a loan but admits that KNR would have been permitted to give her contact information for a loan company, as a general matter and notwithstanding their duty to avoid self-dealing, whether or not she had so asked.

REQUEST FOR ADMISSION NO. 57: Admit KNR was permitted by Ohio law to

provide Plaintiff Monique Norris the contact information for Oasis Financial after she asked KNR about a loan.

ANSWER: Ms. Norris denies that she ever asked KNR about a loan but admits that KNR would have been permitted to give her contact information for a loan company, as a general matter and notwithstanding their duty to avoid self-dealing, whether or not she had so asked.

REQUEST FOR ADMISSION NO. 58: Admit neither KNR nor any of its employees or attorneys provided Plaintiff Monique Norris any contact information for Liberty Capital, Oasis Financial, or any other loan company prior to the time she asked about a loan.

ANSWER: Ms. Norris denies that she ever asked about a loan. See response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 59: Admit Defendants did not recommend to Plaintiff Monique Norris that she obtain a loan with Liberty Capital as alleged in Paragraph 160 C. i. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny. See response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 60: Admit Defendants did not receive any kickback payments for the loan transaction between Liberty Capital and Plaintiff Monique Norris, as alleged in Paragraph 160 C. ii. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 61: Admit Plaintiff Monique Norris never saw Exhibit "A" to the Fourth Amended Complaint (a copy of which is attached hereto as Exhibit "D"), or any other similar advertisements or promotional material from KNR, before she entered into the agreement with Liberty Capital, a copy of which attached hereto as Exhibit "F".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 62: Admit Plaintiff Monique Norris did not rely on the materials attached as Exhibit "A" to the Fourth Amended Complaint (a copy of which is attached hereto as Exhibit "D"), or any other similar advertisements or promotional material from KNR, in deciding to enter into the agreement with Liberty Capital.

ANSWER: Admit.

INTERROGATORY NO. 7: If your answer to any of Request for Admissions Nos. 29 through 62 are anything but an unqualified admission, please identify the facts, evidence, and witnesses supporting such denial or qualified admission.

ANSWER: *See* Response to Interrogatory No. 6, above, and also note that the known details of KNR's unlawful relationship with Liberty Capital have been set forth in detail in the complaint and other pleadings. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 9: Produce copies of all documents supporting your Answer to Interrogatory No. 6.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 10: Produce copies of all documents supporting your Answer to Interrogatory No. 7.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 11: Produce copies of all documents supporting your answers to Requests for Admissions Nos. 29 through 62.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 12: Produce copies of all documents supporting your allegation that KNR or any of its attorneys or employees "recommended" or "directed" Plaintiff Monique Norris to enter into a loan agreement, or any agreement, with Liberty Capital.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 13: Produce copies of all documents relating to your loan with Liberty Capital and/or your attempts to obtain a loan with any other company during KNR's representation of you.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

V. DISCOVERY CONCERNING ROBERT HORTON'S ACKNOWLEDGMENT HE DID NOT ENDORSE OR RECOMMEND THE NON-RECOURSE CIVIL LITIGATION ADVANCE AGREEMENT (REFERRED TO BY PLAINTIFF MONIQUE NORRIS AS THE LIBERTY CAPITAL LOAN)

REQUEST FOR ADMISSION NO. 63: In the Plaintiffs' Fourth Amended Complaint, Plaintiff Monique Norris alleges a KNR attorney made the following representation on her loan agreement with Liberty Capital: "I am not endorsing or recommending this transaction." Admit the "KNR attorney" you are referring to in Paragraph 144 of Plaintiffs' Fourth Amended Complaint is Attorney Robert Horton, as it relates to your case.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 64: Admit the agreement between Monique Norris and Liberty Capital contained the following signed acknowledgment from Attorney Robert Horton of KNR (see Exhibit "F").

> While I am not endorsing or recommending this transaction, I have reviewed the contract and all costs and fees have been disclosed to my client, including the annualized rate of return applied to calculate the amount to be repaid by my client.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 65: Admit Attorney Robert Horton was truthful in the following representation he made on Exhibit "F":

> While I am not endorsing or recommending this transaction, I have reviewed the contract and all costs and fees have been disclosed to my client, including the annualized rate of return applied to calculate the amount to be repaid by my client.

ANSWER: Deny. See response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 66: Admit you initialed page 8 of attached Exhibit "F" after Robert Horton signed page 8 of Exhibit "F".

ANSWER: Ms. Norris is without sufficient memory of these events to either admit or deny this request.

REQUEST FOR ADMISSION NO. 67: Admit you read page 8 of attached Exhibit "F" before you initialized it.

ANSWER: Ms. Norris does not recall whether she read this document, which she signed on her KNR attorneys' advice so she could obtain what she understood to be the proceeds from her lawsuit.

REQUEST FOR ADMISSION NO. 68: Admit your initial on page 8 of attached Exhibit "F" was an acknowledgment by you that Robert Horton did not endorse or recommend the transaction between you and Liberty Capital.

ANSWER: Ms. Norris admits that the drafter of the attached Exhibit F apparently intended the initial to constitute such an acknowledgement, but denies that she knowingly acknowledged the same by initialing, which she did on her KNR attorneys' advice so she could obtain what she understood to be the proceeds from her lawsuit.

INTERROGATORY NO. 8: If any of your answers to Requests for Admission Nos. 63 through 68 are anything but an unqualified admission, please identify the facts, evidence, basis, and witnesses supporting such denial or qualified admission.

ANSWER: *See* Answers to RFAs 63 to 68, above, where facts, evidence, and bases for each denial are identified. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 14: Produce copies of any all documents supporting your Answers to Requests for Admissions Nos. 63 through 68.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

REQUEST FOR PRODUCTION NO. 15: Produce copies of any all documents supporting your Answer to Interrogatory No. 8.

RESPONSE: All responsive documents in Plaintiffs' possession have been produced.

VI. NON-RECOURSE CIVIL LITIGATION ADVANCE AGREEMENT (REFERRED TO BY PLAINTIFF MONIQUE NORRIS AS THE LIBERTY CAPITAL LOAN)

REQUEST FOR ADMISSION NO. 69: Admit the first sentence of the entire Non-Recourse Civil Litigation Advance Agreement, attached hereto as Exhibit "F", states as follows:

> My name is Monique Norris and I reside at 1362 Doty Dr, Akron, OH 44306. I am entering into this non-recourse civil litigation advance agreement ("Agreement") with Liberty Capital Funding LLC ("Company") as of 10/30/2013.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 70: Admit the first sentence of the entire Non-Recourse Civil Litigation Advance Agreement, attached hereto as Exhibit "F", states the agreement is between Monique Norris and Liberty Capital Funding LLC., not between Monique Norris and KNR and not between Liberty Capital and KNR.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 71: Admit Plaintiff Monique Norris read the Non-Recourse Civil Litigation Advance Agreement, attached hereto as Exhibit "F", before initialing every page of the document.

ANSWER: Ms. Norris does not recall whether she read this document, which she signed on her KNR attorneys' advice so she could obtain what she understood to be the proceeds from her lawsuit.

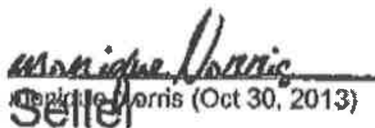
REQUEST FOR ADMISSION NO. 72: Admit the initials below appear on Exhibit "F" and are the initials of Monique Norris and were made by Monique Norris:

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 73: Admit the initials of Monique Norris at the bottom of each page of Exhibit "F" is an acknowledgment Monique Norris read and agreed to the terms and conditions on that page.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the initials to be such an acknowledgement but she denies that she ever so acknowledged these terms or conditions herself. *See also* response to RFA No. 71 above.

REQUEST FOR ADMISSION NO. 74: Admit the signature below, which is contained at the bottom of page 7 of Exhibit "F", was made by Plaintiff Monique Morris:



ANSWER: Admit.

REQUEST FOR ADMISSION NO. 75: Admit Plaintiff Monique Norris's signature at the bottom of page 7 of the Non-Recourse Civil Litigation Advance Agreement

acknowledged her agreement to the terms and conditions of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged these terms or conditions herself. *See also* response to RFA No. 71 above.

REQUEST FOR ADMISSION NO. 76: Admit the following was placed in bold and all uppercase letters directly above the area on the Non-Recourse Litigation Advance Agreement signed by Plaintiff Monique Norris, a copy of which is attached hereto as Exhibit "F".

DO NOT SIGN THIS CONTRACT BEFORE YOU HAVE READ IT COMPLETELY, OR IF IT CONTAINS ANY BLANK SPACES. YOU ARE ENTITLED TO A COMPLETELY FILLED IN COPY OF THIS CONTRACT. BEFORE YOU SIGN THIS CONTRACT YOU SHOULD OBTAIN THE ADVICE OF AN ATTORNEY. DEPENDING ON THE CIRCUMSTANCES, YOU MAY WANT TO CONSULT A TAX, PUBLIC OR PRIVATE BENEFIT PLANNING, OR FINANCIAL PROFESSIONAL. YOU ACKNOWLEDGE THAT YOUR ATTORNEY IN THE CIVIL ACTION OR CLAIM HAS PROVIDED NO TAX, PUBLIC OR PRIVATE BENEFIT PLANNING, OR FINANCIAL ADVICE REGARDING THIS TRANSCACTION

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 77: Admit Plaintiff Monique Norris read the Non-Recourse Litigation Advance Agreement completely before signing the contract.

ANSWER: Ms. Norris does not recall whether she read this document, which she signed on her KNR attorneys' advice so she could obtain what she understood to be the proceeds from her lawsuit.

REQUEST FOR ADMISSION NO. 78: Admit Plaintiff Monique Norris was told in the Non-Recourse Litigation, in bold, uppercase letter: DO NOT SIGN THIS CONTRACT BEFORE YOU HAVE READ IT COMPLETELY."

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 79: Admit Attorney Robert Horton provided you no tax or financial advice regarding the Non-Recourse Litigation agreement.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 80: Admit you were advised to obtain the advice of

an attorney before you signed the contract and you chose not to seek such advice.

ANSWER: Deny. *See* response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 81: Admit Robert Horton advised you against taking a loan with Liberty Capital or any other lending agency.

ANSWER: Deny. *See* response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 82: Admit Robert Horton did not direct you to take a loan with Liberty Capital.

ANSWER: Deny. *See* response to Interrogatory No. 6, above.

REQUEST FOR ADMISSION NO. 83: Admit Page 1, Paragraph 2 of the Non-Recourse Litigation Advance Agreement provided the following term and/or condition:

2. I assign to Company an interest in the proceeds from my Legal Claim (defined below) equal to the funded amount of **$500.00** plus all other fees and costs to be paid out of the proceeds of my legal claim. I understand that the amount I owe at the end of the first six month interval shall be based upon the amount funded plus the displayed annual percentage rate of return (APRR) charge plus the below listed fees. Each six month interval thereafter shall be computed by taking prior six month balance owed and accessing the displayed six month APRR charge to that total (semi-annual compounding) plus the below listed fees. This shall continue for thirty-six months or until the full amount has been repaid.

MANDATORY DISCLOSURE STATEMENT

2. Total amount of funding received by consumer $500.00

3. Itemized fees:

Processing	**$50.00**
Delivery	**$75.00**
Fee Total:	**$125.00**

4. Total amount to be repaid by consumer - *(plus itemized fees)*
***(you will actually pay 24.5% based upon a 49.00% APRR with semi-annual compounding)**

If at 6 months: Must be paid by 4/30/2014	**$778.13**
If at 12 months: Must be paid by 10/30/2014	**$968.77**
If at 18 months: Must be paid by 4/30/2015	**$1,206.11**
If at 24 months: Must be paid by 10/30/2015	**$1,501.61**
If at 30 months: Must be paid by 4/30/2016	**$1,869.51**
If at 36 months: Must be paid by 10/30/2016	**$2,327.53**

*The "if at 6 months" payment means any payment I make between the day after I get the money and 6 months from that date. The "if at 12 months" payment means any payment I make between the 6 months date and the 12 month date. This is how all the payment dates are calculated.

Seller Initials MN

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 84: Admit that Plaintiff Monique Norris settled her

case after "if at 6 months" date (April 30, 2014).

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 85: Admit that Plaintiff Monique Norris settled her case before the "if at 12 months date" (October 30, 2014).

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 86: Admit that pursuant to Page 1, Paragraph 2 of the Non-Recourse Litigation Advance Agreement, "if at 12 months date" (October 30, 2014) means any payment made by or on behalf of Monique Norris to Liberty Capital for repayment of the loan between May 1, 2014, and October 30, 2014.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 87: Admit $968.88 was the total amount to be paid by Monique Norris to Liberty Capital if paid between May 1, 2014, and October 30, 2014.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 88: Admit at the time of her settlement, which was after April 30, 2014, Monique Norris owed Liberty Capital $968.77 per the terms and conditions of the Non-Recourse Litigation Advance Agreement, attached as Exhibit "F".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 89: Admit that Liberty Capital initially requested $968.76 as repayment of Monique Norris's responsibility to Liberty Capital under the Non-Recourse Litigation Advance Agreement.

ANSWER: Ms. Norris was not privy to KNR's communications with Liberty Capital and is thus without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 90: Admit Attorney Rob Horton requested Liberty Capital consider discounting the amount owed by Plaintiff Monique Morris to $800.00.

ANSWER: Ms. Norris was not privy to KNR's communications with Liberty Capital and is

thus without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 91: Admit Liberty Capital agreed to Attorney Rob Horton's request and discounted the amount owed to them by Monique Norris to $800.00.

ANSWER: Ms. Norris was not privy to KNR's communications with Liberty Capital and is thus without sufficient information to admit or deny this request, though it does appear from her settlement memorandum that $800.00 was the amount ultimately deducted from her settlement to pay Liberty Capital.

REQUEST FOR ADMISSION NO. 92: Admit Liberty Capital discounted the amount owed by Monique Norris to fully repay her obligations to Liberty Capital by $168.76.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 93: Admit Liberty Capital discounted the amount owed by Monique Norris as full repayment of her obligations to it by approximately 17.4%.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 94: Admit Page 3, Paragraph 16 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

REPRESENTATIONS AND WARNINGS

16. Company has explained to me that the cost of this transaction may be more expensive than traditional funding sources such as a bank, credit card, finance company or obtaining money from a friend or relatives.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 95: Admit Liberty Capital explained to Monique Norris that the cost of her transaction with Liberty Capital may be more expensive than traditional funding sources such as a bank, credit card, finance company or obtaining money from a friend or relatives.

ANSWER: Deny. *See* response to Interrogatory No. 6 and RFA No. 71 above.

REQUEST FOR ADMISSION NO. 96: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 16 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 97: Admit Page 3, Paragraph 17 of the Non-Recourse Civil Litigation Advance Agreement, in the second paragraph under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

17. I acknowledge that my attorney has not offered any tax or financial advice. My attorney has made no recommendations regarding this transaction other than the appropriate statutory disclosures.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 98: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 17 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 99: Admit Page 3, Paragraph 18 of the Non-Recourse Civil Litigation Advance Agreement contained the following term, condition, representation, and/or warning:

18. Company has advised me to consult a lawyer of my own choosing before signing this Agreement. I have either received such legal advice or knowingly choose not to.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 100: Admit Plaintiff's signature on page 7 of the

Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 18 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 101: Admit Page 3, Paragraph 19 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

19. Company has advised me to consult a financial or tax professional of my own choosing before proceeding with this transaction. I have either received such professional advice or knowingly choose not to.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 102: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 19 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 103: Admit Page 3, Paragraph 20 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

20. Because Company is taking a significant and genuine risk in giving me this funding, I understand that they expect to make a profit. However, Company will be paid only from the proceeds of my Legal Claim, and agrees not to seek money from me directly if my Legal Claim is not successful.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 104: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 20 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 105: Admit Page 4, Paragraph 21 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> 21. I have every intension of pursuing my legal claim to its conclusion. I understand that if I decide not to pursue the Legal Claim, I must notify Company by writing, email or fax within FIVE (5) BUSINESS DAYS of that decision.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 106: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 21 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 107: Admit Page 4, Paragraph 28 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> 28. This is a non-recourse funding and is not a loan, but if a Court of competent jurisdiction determines that it is a loan, then I agree that interest shall accrue at the maximum rate permitted by law or the terms of this agreement, whichever is less.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 108: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 28 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 109: Admit Page 5, Paragraph 30 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> 30. Company has fully explained to me the contents of this Agreement and all of its principal terms, and answered all questions that I had about this transaction. This was done in English or French or Spanish *(when appropriate)*, the language I speak best.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 110: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 30 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 111: Admit Page 6, Paragraph 37 of the Non-Recourse Civil Litigation Advance Agreement, under a heading in bold and all uppercase letters: **REPRESENTATIONS AND WARNINGS**, contained the following term, condition, representation, and/or warning:

> **CONSUMER'S RIGHT TO CANCELLATION:**
>
> 37. YOU MAY CANCEL THIS AGREEMENT WITHOUT PENALTY OR FURTHER OBLIGATION WITHIN FIVE (5) BUSINESS DAYS FROM THE DATE YOU RECEIVE FUNDING FROM COMPANY.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 112: Admit Plaintiff's signature on page 7 of the Non-Recourse Civil Litigation Advance Agreement acknowledged she read and understood Paragraph 37 of the agreement.

ANSWER: Ms. Norris admits that the drafter of the document apparently intended the signature to be such an acknowledgement but she denies that she ever so acknowledged this Paragraph herself. *See also* response to Interrogatory No. 6, RFA No. 71, above.

REQUEST FOR ADMISSION NO. 113: Admit Plaintiff Monique Norris never expressed any confusion as to the terms and conditions of the loan documents attached as Exhibit "F" to anyone before signing them.

ANSWER: Admit.

INTERROGATORY NO. 9: If any of your answers to Request for Admissions Nos. Request 69 through 113 are anything but an unqualified admission, please identify the facts and evidence supporting such qualified admission or denial.

ANSWER: *See* Answers to RFAs 63 to 68, above, where facts, evidence, and bases for each denial are identified. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 10: Please identify all communication between Plaintiff Monique Norris and any individual, loan company, loan officer, or any other individual or entity from whom Plaintiff Monique Norris sough information concerning obtaining a loan

from July 30, 2013, through May 25, 2014, including the date, name of individual and/or entity, any witnesses to such communication, and the substance of the communication. (This includes, but is not limited to any requests for loans from relatives, friends, KNR attorneys or employees, Liberty Capital, Oasis, Preferred Capital, any other loan companies, Ciro Cerrato, or any other individuals or entities).

ANSWER: The communication described in her response to Interrogatory No. 6, above, is the only communication Ms. Norris has any memory of regarding this loan.

REQUEST FOR PRODUCTION NO. 16: If any of your answers to Request for Admissions Nos. 69 through 113 are anything but an unqualified admission, please produce all documents supporting such denials or unqualified admissions.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 17: Produce copies of all documents that support your answer to Interrogatory No. 9.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 18: Produce copies of all documents that support your answer to Interrogatory No. 10.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

VII. DISCOVERY CONCERNING ALLEGATIONS OF SELF-DEALING AND KICKBACKS CONCERNING LIBERTY CAPITAL LOAN

INTERROGATORY NO. 11: Identify all facts and evidence that support your claim Defendants received "kickbacks in the form of referrals and other benefits in exchange for referring cases to the chiropractors", as alleged in Paragraph 160 B. vi. of the Fourth Amended Complaint.

ANSWER: Please refer to the detailed allegations set forth in the Fifth Amended Complaint which contains extensive quotes from KNR's own documents that constitute evidence of the quid pro quo relationship. To the extent this interrogatory asks Ms. Norris to identify every

piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 12: Identify all "kickbacks" KNR, Nestico, Redick, or any KNR employee or attorney received a "kickback", payment, incentive, reward, quid pro quo, or any monetary benefit from Liberty Capital as it relates to Plaintiff Monique Norris's loan with Liberty Capital.

ANSWER: Ms. Norris is without sufficient information to respond completely to this interrogatory due to her lack of information about KNR's dealings with Liberty Capital, but is aware that Liberty Capital would routinely, if sporadically, write down amounts owed to KNR clients in exchange for KNR's referrals.

INTERROGATORY NO. 13: Identify the facts, evidence, basis, and witnesses that support your claim in Paragraph 7 of the Fourth Amended Complaint that "Liberty Capital provided unlawful kickback payments to the KNR Defendants for every client that KNR referred for a loan."

ANSWER: Ms. Norris is without sufficient information to respond completely to this interrogatory due to her lack of information about KNR's dealings with Liberty Capital, but is aware that Liberty Capital would routinely, if sporadically, write down amounts owed to KNR clients in exchange for KNR's referrals. Ms. Norris also refers to the detailed allegations set forth in the Fifth Amended Complaint and reasserts her objection regarding contention interrogatories.

INTERROGATORY NO. 14: Identify the facts and evidence that support your claim in Paragraph 132 of the Fourth Amended Complaint that KNR was "engaging in self-

dealing regarding these loans."

ANSWER: Ms. Norris is without sufficient information to respond completely to this interrogatory due to her lack of information about KNR's dealings with Liberty Capital, but is aware that Liberty Capital would routinely, if sporadically, write down amounts owed to KNR clients in exchange for KNR's referrals. Ms. Norris also refers to the detailed allegations set forth in the Fifth Amended Complaint and reasserts her objection regarding contention interrogatories.

REQUEST FOR ADMISSION NO. 114: Admit Defendants did not have a financial interest in the loan between Plaintiff Monique Norris and Liberty Capital, as alleged in Paragraph 160 C. iii. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 115: Admit Defendant KNR, through attorney Robert Horton, considered whether the loan between Liberty Capital and Plaintiff Monique Norris was in her best interests and encouraged her to not enter into the loan and to consider other possible sources of funds, contrary to the allegations in Paragraph 160 C. iv. of the Plaintiff's Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 116: Admit Plaintiff Monique Norris did not discuss a loan with KNR or any of its attorneys or employees from July 30, 2013, through October 22, 2013.

ANSWER: Admit.

INTERROGATORY NO. 15: If any of your answers to Request for Admissions Nos. 114 through 116 are anything but an unqualified admission, please identify the facts, evidence, basis, and witnesses that support such qualified admission or denial.

ANSWER: . *See* response to Interrogatory No. 6 and RFA No. 71 above. To the extent this

interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 19: Produce copies of any all documents supporting your answers to Interrogatory Nos. 11 through 15.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 20: Produce copies of any all documents supporting your answers to Requests for Admissions Nos. 114 through 116.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

VIII. DISCOVERY CONCERNING CLIENT SATISFACTION SURVEY

REQUEST FOR ADMISSION NO. 117: Admit attached Exhibit "E" is a true and accurate copy of the Client Satisfaction Survey completed by Monique Norris regarding KNR's representation of her.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 118: Admit KNR timely returned your phone calls.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 119: Admit the staff was always caring and concerned.

ANSWER: Ms. Norris admits that this was her impression when she filled out the survey but is without sufficient information to say whether or not this was true.

REQUEST FOR ADMISSION NO. 120: Admit when asked "How would you rate your overall satisfaction with us", you indicated the second highest of five choices, "Somewhat Satisfied."

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 121: Admit when asked "How likely is it that you would recommend us to a friend or family members?" you gave us the second highest rating out of five choices: Somewhat Likely.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 122: Admit your case progressed in a timely manner.

ANSWER: Ms. Norris admits that this was her impression when she filled out the survey but is without sufficient information to say whether or not this was true.

REQUEST FOR ADMISSION NO. 123: Admit you were satisfied with you medical care.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 124: Admit on attached Exhibit "E" you indicated you were satisfied with your medical care.

ANSWER: Admit.

INTERROGATORY NO. 16: If any of your answers to Requests for Admission Nos. 117 through 124 are anything but an unqualified admission, please identify the facts and evidence that support such qualified admission or denial.

ANSWER: These facts are set forth in paragraphs 82–113 of the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 21: Produce copies of any and all documents

supporting your answer to Interrogatory No. 16.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 22: Produce copies of any and all documents supporting your answer to Request for Admission Nos. 117 through 124.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

IX. DISCOVERY CONCERNING CLASS "B" and "D"

REQUEST FOR ADMISSION NO. 125: Admit you included no allegations against KNR, Redick, or Nestico in the Class "D" allegations.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 126: Admit the following:

A. Admit Defendant Sam Ghoubrial, M.D. did not have a physician-patient relationship with Plaintiff Monique Norris.

B. Admit Defendant Sam Ghoubrial, M.D. did not provide medical treatment to Plaintiff Monique Norris at any time.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 127: Admit Defendant Sam Ghoubrial, M.D. did not prescribe a TENS unit to Plaintiff Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 128: Admit Plaintiff Monique Norris was treated by Richard H. Gunning, M.D.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 129: Admit Richard H. Gunning, M.D. prescribed the TENS unit for Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 130: Admit peer-reviewed medical research

supports the effectiveness of a TENS unit (electrical-nerve-stimulation device) for treating pain from car accidents.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 131: Admit KNR did not deduct $500.00 from the settlement of Monique Norris for payment of a TENS unit.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 132: Admit Sam Ghoubrial, M.D. appears nowhere on Plaintiff's Settlement Memorandum (Exhibit "C").

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 133: Admit KNR deducted nothing from the settlement proceeds of Monique Norris for any charges by Sam Ghoubrial, M.D.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 134: Admit the Clearwater Billing Services, LLC bill for treatment of Monique Norris was $850.00. (This does not include the $50.00 bill for the cost of medical records and/or radiological film from Clearwater Billing Services, LLC).

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 135: Admit only $600.00, not $850.00, was deducted from the settlement proceeds of Monique Norris for payment to Clearwater Billing Services, LLC for medical treatment to Ms. Norris.

ANSWER: Admit, to the extent the settlement memorandum is accurate.

REQUEST FOR ADMISSION NO. 136: Admit Clearwater Billing Services, LLC accepted $600.00 as full and final payment from Monique Norris despite the total bill being $850.00.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is

not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 137: Admit Clearwater Billing Services, LLC reduced its bill to Monique Norris by $250.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 138: Admit Clearwater Billing Services, LLC reduced its bill to Monique Norris by approximately 29.4%.

ANSWER: Ms. Norris is without sufficient information to admit or deny this request. She is not in possession of the Clearwater bill and it was never provided to her.

REQUEST FOR ADMISSION NO. 139: Admit $500.00 is a reasonable and customary charge for a TENS unit prescribed by a licensed physician treating a patient.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 140: Admit Ohio law permits physicians to charge a patient more for a TENS unit than the physician paid for the TENS unit.

ANSWER: Plaintiff admits that that Ohio law permits physicians to charge a reasonable markup for a TENS unit and denies that the markup charged by Ghoubrial was reasonable.

REQUEST FOR ADMISSION NO. 141: Admit with the reduction of $250.00 from its bill, Clearwater Billing Services, LLC effectively charged Monique Norris $250.00, and not $500.00, for the TENS unit.

ANSWER: Deny.

REQUEST FOR ADMISSION 142: Admit none of the following coerced Monique Norris into "unwanted healthcare", as claimed in Paragraph 4 of the Fourth Amended Complaint:

A. Alberto Nestico, Esq.

B. Robert Redick, Esq.

C. Kisling, Nestico & Redick, LLC

D. Robert Horton, Esq.

E. Any attorney, partner, employee, or other representative of KNR.

ANSWER: Deny as to all.

INTERROGATORY NO. 17: Please identify the manner in which KNR, Nestico, Attorney Horton, Redick, or any employee or attorney of KNR coerced Monique Norris into "unwanted healthcare", including the facts and evidence supporting that allegation.

ANSWER: These facts are set forth in paragraphs 82–113 of the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 18 : If any of Plaintiff's answers to Request for Admissions Nos. 125 through 142 are anything but an unqualified admission, please identify the facts and/or evidence supporting such qualified admission or denial.

ANSWER: These facts are set forth in paragraphs 82–113 of the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 23: Produce copies of any and all documents supporting your answers to Request for Admissions Nos. 125 through 142.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 24: Produce copies of any and all documents supporting your answers to Interrogatory No. 17 and Interrogatory No. 18.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 25: Produce copies of any and all documents supporting your allegations as it relates to Class "D" allegations.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 26: Produce copies of all documents, articles, research papers, or other "peer-reviewed medical research" referenced in Paragraph 5 of the Plaintiffs' Fourth Amended Complaint.

RESPONSE: Citations for this research are provided in footnote 3 of the Fifth Amended Complaint. *See* Qaseem A, Wilt TJ, McLean RM, Forciea MA, for the Clinical Guidelines Committee of the American College of Physicians. "Noninvasive Treatments for Acute, Subacute, and Chronic Low Back Pain: A Clinical Practice Guideline From the American College of Physicians," Ann Intern Med. 2017;166:514–530. doi: 10.7326/M16-2367.

REQUEST FOR PRODUCTION NO. 27: Produce copies of all documents, articles, research papers, or other "peer-reviewed medical research" supporting Plaintiff's claim that electrical-nerve-stimulation devices ("TENS units") are ineffective in treating acute pain from car accidents.

RESPONSE: *See* Qaseem A, Wilt TJ, McLean RM, Forciea MA, for the Clinical Guidelines Committee of the American College of Physicians. "Noninvasive Treatments for Acute, Subacute, and Chronic Low Back Pain: A Clinical Practice Guideline From the American College of Physicians," Ann Intern Med. 2017;166:514–530. doi: 10.7326/M16-2367. Other responsive documents, papers, or research are believed to exist and will be identified to the extent Plaintiffs seek to use responsive documents, papers, or research to support their claims.

X. ADDITIONAL DISCOVERY

REQUEST FOR ADMISSION NO. 143: Admit the KNR Defendants did not directly solicit Monique Norris to become a client.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 144: Admit the KNR Defendants did not violate Ohio's prohibition against direct client-solicitation as it relates to Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 145: Admit the KNR Defendants did not "rob" Monique Norris of her right to unconflicted counsel, as alleged in Paragraph 3 of the Fourth Amended Complaint.

ANSWER: Plaintiff admits that she was not solicited in the manner to which Paragraph 3 refers, but denies that the KNR Defendants were unconflicted counsel, as they systematically prioritized the interests of healthcare providers over the interests of their clients.

REQUEST FOR ADMISSION NO. 146: Admit the KNR Defendants did not "rope" Monique Norris into retaining them by promising her "quick cash by way of an immediate high-interest loan", as alleged in Paragraph 3 of the Plaintiffs' Fourth Amended Complaint.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 147: Admit Monique Norris contacted KNR herself and agreed to be represented by KNR before she had a single discussion with KNR or any of its employees, attorneys, or representatives regarding a loan.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 148: Admit the allegations contained in Paragraph 3 of the Fourth Amended Complaint are not accurate as it relates to KNR's representation of Monique Norris.

ANSWER: Ms. Norris admits that KNR did not solicit her through a chiropractor and otherwise denies that the allegations of Paragraph 3 are inaccurate.

REQUEST FOR ADMISSION NO. 149: Admit KNR does not have a quid pro quo referral relationship with Minas Floros, D.C. or Akron Square Chiropractic.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 150: Admit KNR does not have a quid pro quo referral relationship with Richard Gunning, M.D., Sam Ghoubrial, M.D. or Clearwater Billing Services, LLC.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 151: Identify the facts and evidence supporting your claim Nestico, Redick, KNR, or any KNR attorney, employee or representative coerced Monique Norris into unwanted healthcare.

ANSWER: Objection. This is not a properly stated Request for Admission.

REQUEST FOR ADMISSION NO. 152: Identify the facts and evidence supporting your claim in Paragraph 2 (and other paragraphs) of the Fourth Amended Complaint that Nestico, Redick, and KNR have a quid pro quo referral relationship with any healthcare providers, including but not limited to Minas Floros, D.C., Richard Gunning, M.D., Sam Ghoubrial, M.D., Akron Square Chiropractic, Clearwater Billing Services, LLC, or any other health care provider.

ANSWER: Objection. This is not a properly stated Request for Admission.

REQUEST FOR ADMISSION NO. 153: Admit the KNR Defendants never circumvented Ohio's prohibition against direct client-solicitation of Monique Norris by communicating with chiropractor to solicit her as a client.

ANSWER: Ms. Norris admits she was not unlawfully solicited by KNR via a chiropractor and further states that she was unlawfully charged a $50 fee for KNR's completing its

solicitation of her by sending a so-called "investigator" to her home to obtain her signature on KNR's engagement agreement.

REQUEST FOR ADMISSION NO. 154: Admit you have no facts or evidence to support your claim in Paragraph 7 of the Fourth Amended Complaint that the KNR Defendants established a quid pro quo relationship with Liberty Capital Funding, LLC.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 155: Admit your allegation in Paragraph 18 of the Fourth Amended Complaint that "Defendant Ghoubrial recommended and sold a TENS Unit from Tritec" to Monique Norris is false.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 156: Admit Monique Norris never met or talked with Sam Ghoubrial before filing of the Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 157: Admit Monique Norris never met or talked with Sam Ghoubrial concerning a TENS unit before filing of the Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 158: Admit the narrative report of Minas Floros, D.C. was used by KNR in preparation for settlement of Ms. Norris's claim.

ANSWER: Ms. Norris does not know what KNR did in preparation for settlement of her claim and thus is without sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 159: Admit the narrative report of Minas Floros, D.C. contains opinions not contained in the medical records.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 160: Admit Monique Norris consented to the

$200.00 payment for the narrative report from Minas Floros, D.C.

ANSWER: Admit. Ms. Norris further states that she would not have consented to the $200.00 payment had she been aware of its function as a kickback, or the quid pro quo arrangement between KNR and Floros.

REQUEST FOR ADMISSION NO. 161: Admit $200.00 is a reasonable charge for an expert report from a chiropractor in a personal injury action in Summit County, Ohio.

ANSWER: Ms. Norris admits that $200.00 could be a reasonable charge for an expert report by a chiropractor under certain circumstances.

REQUEST FOR ADMISSION NO. 162: Admit the $1,845.91 paid to Monique Norris (see Paragraph 79 of the Fourth Amended Complaint and the Settlement Memorandum) was greater than the $1,750 fee KNR charged for their contingency fee.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 163: Admit Monique Norris agreed to pay KNR 1/3 of the monies recovered on her behalf by KNR, which would have amounted to a contingency fee of approximately $2,077.51.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 164: Admit KNR reduced its contingency fee from $2,077.51 to $1,750.00.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 165: Admit the $327.51 reduction in KNR's contingency fee was enough to cover the $200.00 narrative fee report of Mina Floros, D.C. and the $50.00 MRS Investigations, Inc. charge.

ANSWER: Admit.

INTERROGATORY NO. 21: Identify and calculate the alleged damages that Plaintiff is seeking to recover and that the class members are seeking to recover for all claims in

which Plaintiff Monique Norris is a class member and/or class representative.

ANSWER: Ms. Norris is seeking disgorgement of the allegedly unlawful fees in the amount of those fees.

INTERROGATORY NO. 22: If any of your answers to Requests for Admissions Nos. 143 through 163 are anything but an unqualified admission, please identify the facts and evidence supporting your denial or qualified admission.

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 28: Produce copies of any and all documents supporting your answers to Request for Admissions Nos. 143 through 163 and Interrogatories Nos. 19 through 22.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

XI. DISCOVERY CONCERNING CLASS "A" ALLEGATIONS

REQUEST FOR ADMISSION NO. 166: Admit Robert Redick, Esq. did not have a contract or fee agreement between himself individually and Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 167: Admit Alberto Nestico, Esq. did not have a contract or fee agreement between himself individually and Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 168: Admit an individual cannot breach a contract to which that individual is not a party.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 169: Admit Robert Redick, Esq. did not breach a fee agreement with Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 170: Admit Alberto Nestico, Esq. did not breach a fee agreement with Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 171: Admit Robert Horton, Esq. did not breach a fee agreement with Monique Norris.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 172: Admit KNR did not breach a fee agreement with Monique Norris.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 173: Admit Monique Norris has no facts or evidence to support the allegation that Robert Redick, Esq. or Alberto Nestico, Esq. individually entered into any fee agreement with any potential member of Class "A".

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 174: Admit Monique Norris has no facts or evidence to support her allegation Robert Redick, Esq. or Alberto Nestico, Esq. individually collected "investigation fees from their clients when these fees were for expenses not reasonably undertaken for so-called 'services' that were not properly chargeable as a separate case expense, or were never performed at all", as alleged in Paragraph 183 of Monique Norris' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 175: Admit Monique Norris has no facts or evidence to support her allegation KNR collected "investigation fees from their clients when these fees were for expenses not reasonably undertaken for so-called 'services' that were not properly chargeable as a separate case expense, or were never performed at all", as alleged in Paragraph 183 of Monique Norris' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 176: Admit Robert Redick, Esq. did not individually deduct an investigation fee from Monique Norris' lawsuit proceeds.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 177: Admit Alberto Nestico, Esq. did not individually deduct an investigation fee from Monique Norris' lawsuit proceeds.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 178: Admit Robert Redick, Esq. did not receive a "substantial benefit" from the $50 Investigation Fee deducted from Monique Norris' settlement proceeds.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 179: Admit Alberto Nestico, Esq. did not receive a "substantial benefit" from the $50 Investigation Fee deducted from Monique Norris' settlement proceeds.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 180: Admit KNR did not receive a "substantial benefit" from the $50 Investigation Fee deducted from Monique Norris' settlement proceeds.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 181: Admit Robert Redick, Esq. did not engage in "intentionally deceptive conduct" as alleged in Paragraph 188 of Plaintiffs' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 182: Admit Alberto Nestico, Esq. did not engage in "intentionally deceptive conduct" as alleged in Paragraph 188 of Plaintiffs' Fourth Amended Complaint.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 183: Admit Robert Horton, Esq. did not engage in "intentionally deceptive conduct" as alleged in Paragraph 188 of Plaintiffs' Fourth Amended Complaint.

ANSWER: Plaintiff is without sufficient information about Mr. Horton's knowledge of KNR's deceptive conduct to be able to respond to this Request for Admission.

INTERROGATORY NO. 23: Identify all facts that attorneys and staff were disciplined if prospective clients were not signed up within 24 hours, as outlined in Paragraph 17 of the Complaint.

RESPONSE: Former KNR attorneys Gary Petti and Robert Horton have informed Plaintiffs of this fact, which is also supported by KNR emails quoted in the Fifth Amended Complaint.

REQUEST FOR PRODUCTION NO. 29: If any of your answers to Requests for Admission Nos. 166 through 183 above are anything but an unqualified admission, produce copies of any and all documents supporting your denial or qualified admission.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

INTERROGATORY NO. 24: If any of your answers to Interrogatories Nos. 166 through 175 are anything but an unqualified admission, identify the facts and evidence supporting your denial or qualified admission.

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 30: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class A.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 31: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class B.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 32: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class C.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 33: Produce copies of documents, photographs, video or audio recordings, records, correspondence, notes, electronic information, or any tangible items supporting your allegations relating to Class D.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

XII. ADDITIONAL DISCOVERY REQUESTS

REQUEST FOR PRODUCTION NO. 34: All Documents Plaintiff used, relied upon, or referred to in answering Defendants' First Set of Interrogatories.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 35: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, are liable for fraud.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 36: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, were intentionally concealing facts and making misrepresentations to Plaintiff.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 37: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, are liable for breach of contract.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 38: All Documents relating to Plaintiff's contention that Defendants, including, without limitation, Nestico, Redick, KNR, or any employee or attorney of KNR, are liable for unjust enrichment.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 39: All Documents relating to:

A. Attorney Robert Horton.

B. AMC Investigations, Inc. and Aaron M. Czetli.

C. MRS Investigations, Inc. and Michael R. Simpson.

D. Chuck DeRemer (Chuck DeRemar).

E. Kisling, Nestico & Redick, LLC.

F. Alberto Nestico, Esq.

G. The alleged damages that Plaintiff seeks to recover in this Lawsuit.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 40: Produce any all documents demonstrating that Defendants, including, without limitation, Nestico, Redick, Horton, or any of KNR's attorneys, were purportedly unjustly enriched as alleged in the Fourth Amended Complaint.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 41: Produce any all documents concerning any and all communications between Plaintiff and/or Plaintiffs' counsel and the Cleveland Plain Dealer or Cleveland.com relating to this Lawsuit, and all Documents, including, without limitation, telephone records, relating to those Communications.

RESPONSE: Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence and is unduly burdensome under the circumstances. Plaintiffs may refer to the publicly available press releases about this lawsuit published at The Pattakos Law Firm LLC's website, which contain the substance of any such communications that have been made.

REQUEST FOR PRODUCTION NO. 42: Produce any all documents relating to any Twitter, Facebook, or other social media posts of Monique Norris (or her comments on other posts) relating to the underlying motor vehicle accident, her representation by KNR, her settlement, the current lawsuit, or any of the claims or defenses in this case.

RESPONSE: Ms. Norris recalls posting once on facebook about her accident and will produce a copy of the post.

INTERROGATORY NO. 25: Please identify every "false representation of fact", omission of fact, "misrepresentation", or any false, misleading, incomplete, or incorrect statement or communication of any KNR attorney or employee that was relied upon by Plaintiff Monique Norris or any of the Class "A" members or potential members, including for each such instance: the identity of the individual who communicated or wrongfully failed to communicate the information to Ms. Norris, the date made, the substance of the communication, and any witnesses to such communication.

ANSWER: To the best of Plaintiffs' knowledge, the misrepresentations at issue pertain to Defendants' concealment of the true nature of the so-called "investigation fee," e.g., that the investigators are not actually investigators, and perform administrative functions that any law firm would have to perform to represent a client, charges for which are properly subsumed in the firm's overhead expenses, or the firm's expenses in soliciting clients, which are in no event properly charged to a client. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting

Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985). Additionally, Request for Admission No. 27 contained more than 65 subparts, thus, this interrogatory alone would exceed the number of interrogatories permitted by the Civil and Local Rules even if it were otherwise proper.

INTERROGATORY NO. 26: Please identify the facts and evidence supporting your allegations the Defendants engaged in systematic violations of the Ohio Rules of Professional Conduct, breach of fiduciary duties, "calculated schemes to deceive and defraud", and "unlawful, deceptive, fraudulent, and predatory business practices" and the claim Defendants "degraded the profession, and warped the market for legal services".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 27: Identify the facts and evidence supporting your allegations relating to Class "A".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 28: Identify the facts and evidence supporting your allegations relating to Class "B".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 29: Identify the facts and evidence supporting your allegations relating to Class "C".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

INTERROGATORY NO. 30: Identify the facts and evidence supporting your allegations relating to Class "D".

ANSWER: These facts are set forth throughout the Fifth Amended Complaint. To the extent this interrogatory asks Ms. Norris to identify every piece of evidence that she contends supports her claims, she objects, as a contention interrogatory is inappropriate at this stage of the proceedings, particularly where, as here, the evidence supporting Plaintiffs' claims is set forth extensively in the complaint and other pleadings and where all evidence in Plaintiffs' possession has been produced. *See In re Convergent Technologies Secs. Litigation*, 108 F.R.D. 328, 337 (N.D.Cal.1985).

REQUEST FOR PRODUCTION NO. 43: Produce any and all documents supporting your Answers to Interrogatories 1 through 30.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

REQUEST FOR PRODUCTION NO. 44: Produce any and all documents supporting your Answers to Requests for Admissions Nos. 1 through 183, unless already produced.

RESPONSE: All responsive documents in Ms. Norris's possession have been produced.

Respectfully submitted,

/s/ Peter Pattakos

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The foregoing document was served on counsel for the KNR Defendants by email on January 16, 2018.

/s/ Peter Pattakos
Attorney for Plaintiffs