

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

<p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>KISLING, NESTICO &amp; REDICK, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2016-CV-09-3928</p> <p>Judge James Brogan</p> <p><b>Plaintiffs’ Sur-reply in Opposition to Defendants’ Joint Motion for <i>Sua Sponte</i> Order Restricting Plaintiffs’ Counsel’s Speech</b></p>
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While most of the points raised in Defendants’ reply are amply addressed in Plaintiffs’ opposition brief, Plaintiffs’ seek leave to file this sur-reply, *instantly*, to briefly address the Defendants’ especially egregious misrepresentation that Plaintiffs’ counsel’s Facebook post at issue violates Prof.Cond.R. 7.3. *See* Defs’ Reply at 2–3.

Specifically, Defendants claim that Plaintiffs’ Facebook post—which is directed at any and all former clients of KNR who treated with Defendant Ghoubril—“is soliciting prospective clients,” and for that reason must comply with Rule 7.3’s requirements, including a conspicuous notation that the post constitutes “ADVERTISING MATERIAL.” Rule 7.3, however, by its terms, only applies to communications **directed to a specific person**, as confirmed by Comment [1] of the Rule, which states as follows (emphasis added):

[1] A solicitation is a communication initiated by the lawyer **that is directed to a specific person** and that offers to provide, or can reasonably be understood as offering to provide, legal services. **In contrast, a lawyer’s communication typically does not constitute a solicitation if it is (a) directed to the general public**, such as through a billboard, an Internet-based advertisement, a web site, or a commercial, (b) in response to a request for information, or (c) automatically generated in response to Internet searches.

Indeed, it is so clear that Rule 7.3's requirements only apply to direct solicitations to specific persons that KNR's own Facebook posts, including the below post that appears on Facebook as of the time of this sur-reply's filing, do not comply with the Rule's requirements:

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There is simply no argument that Plaintiffs' post at issue violates Rule 7.3 and Defendants yet again mislead the Court by stating to the contrary. As confirmed by Defendants' reply brief, and as explained more fully in Plaintiffs' opposition, Defendants' rehashed efforts to restrict Plaintiffs' speech are utterly meritless and should be rejected.

Respectfully submitted,

/s/ Rachel Hazelet

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### Certificate of Service

The foregoing document was filed on February 13, 2019, using the Court's electronic-filing system, which will serve copies on all necessary parties.

/s/ Rachel Hazelet

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