

**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'
SUPPLEMENTAL RESPONSE TO
PLAINTIFFS' MOTION FOR LEAVE
TO FILE SUR-REPLY IN
OPPOSITION TO THE KNR
DEFENDANTS' MOTION TO
COMPEL ANSWERS TO
CONTENTION INTERROGATORIES**

Defendants previously responded to Plaintiffs' Sur-reply with regard to the contention interrogatories at issue here. This supplemental response is intended to specifically address Plaintiffs' reference to Mr. Nestico's deposition in the Sur-reply, whereby Plaintiffs contend an "improper purpose" should be "inferred" because "Mr. Nestico is unable to explain the various public records showing his involvement in separately privately held corporations with defendant Floros" However, a clear reading of Mr. Nestico's deposition testimony, which Plaintiffs have submitted with this Court under seal, evidences the exact opposite and is supported by Dr. Floros' attorneys, who have affirmed that neither Mr. Nestico or the prior company he owned were ever owners or members of the corporation owned by Dr. Floros. (*See* Exhibit A). Defendants' issuance of the contention interrogatories were not done for any "improper purpose," nor can such purpose be inferred as Plaintiffs suggest. Defendants are simply requesting that Plaintiffs identify and produce all facts and evidence supporting their claims, which are proper discovery requests under Ohio law.

Respectfully submitted,

/s/ James M. Popson

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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically with the Court on this 8th day of March, 2019. The parties may access this document through the Court's electronic docket system.

/s/ James M. Popson

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February 18, 2019

Rob Nestico, Esq.
3412 West Market St.
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Re: Giovant Properties, LLC (Delaware) and Panatha Holdings, LLC (Florida)

Dear Mr. Nestico:

In response to your questions regarding the above captioned LLC's, I reviewed our files and records on these entities. Giovant Properties, LLC was formed in Delaware on 8/16/2007. The sole member of this entity was Saverio Nestico. The Delaware Secretary of State's records reflect that Giovant was formally dissolved in 2015. All taxes and fees were paid in full at that time. Brenner Kaprosy Mitchell, LLP did not handle the dissolution.

Panatha Holdings, LLC was formed in Florida on 7/2/2010. Minas Floros was the sole member/manager. Neither you nor Giovant Properties, LLC were members or owners of Panatha Holdings, LLC at any time. As a courtesy to your client, Giovant Properties, LLC, as manager, filed the 2011 Annual Report for Panatha Holdings, LLC. Subsequently, this entity was administratively dissolved by the Secretary of State for failure to file the required annual report in 2012. The dissolution was effective 9/28/2012.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Maria H. Janda", is written over a large, light blue circular stamp or watermark.

Maria H. Janda,
Paralegal

Exhibit A