

**IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO**

MEMBER WILLIAMS, <i>et al.</i> ,  Plaintiffs,  vs.  KISLING, NESTICO & REDICK, LLC, <i>et al.</i> ,  Defendants.	Case No. 2016-CV-09-3928  Judge James A. Brogan  <b>Plaintiffs' Motion for Leave to File under Seal the Deposition Transcripts of Robert Horton and Gary Petti</b>
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Plaintiffs hereby seek leave to file under seal the deposition transcripts of Robert Horton and Gary Petti, because the KNR Defendants have issued blanket designations for those transcripts as “confidential” under the protective order. Under the September 12, 2017 protective order, Plaintiffs must seek leave to file Mr. Horton’s and Mr. Petti’s transcripts under seal until the KNR Defendants provide Plaintiffs’ counsel with specific confidentiality designations for each transcript.<sup>1</sup>

Because the KNR Defendants have insisted that the entirety of Mr. Horton’s and Mr. Petti’s deposition transcripts be deemed “confidential” under the order, Plaintiffs have no choice but to seek the requested leave. *See* protective order, Section 8, p. 7-8. (“[T]o the extent that a brief, memorandum, or pleading references any document marked as [confidential], then the brief, memorandum, or pleading shall refer to the Court to the particular exhibit filed under seal without disclosing the contents of any confidential information.”). As with the deposition transcript of Kelly

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<sup>1</sup> As explained in Plaintiffs’ Motion for Leave to File under Seal the Deposition Transcript of Kelly Phillips, Plaintiffs are required to seek the requested leave in light of the protective order. *See* protective order, Section 8.d, p. 9 (requiring that “a party seeking to file a brief, pleading or exhibit under seal shall first file a motion for leave to file under seal prior to filing such brief, pleading, or exhibit.” *See also Id.*, Section 8.c, p.8 (“To the extent that it is necessary for a party to discuss the contents of any confidential information ... in a written pleading, then such portion of the pleading may be filed under seal with leave of Court.”) (emphasis added).

Phillips, Plaintiffs will promptly file a copy of each transcript reflecting the specific portions the KNR Defendants believe are “confidential,” upon receiving the Defendants’ specific designations.

### III. Conclusion

Because the Defendants have insisted that the entirety of Mr. Horton’s and Mr. Petti’s deposition transcripts are “confidential” under the protective order, good cause exists to grant Plaintiffs leave to file them under seal.

Respectfully submitted,

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### Certificate of Service

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

/s/ Rachel Hazelet

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