

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

MEMBER WILLIAMS, et al.,)	CASE NO. CV-2016-09-3928
)	
Plaintiffs,)	JUDGE JAMES A. BROGAN
)	
v.)	
)	
KISLING, NESTICO & REDICK, LLC, et al.,)	<u>NOTICE OF SERVICE OF SUBPOENA ON</u>
)	<u>AMANDA LANTZ</u>
Defendants.)	
)	

Defendants, Kisling, Nestico & Redick, LLC, Alberto R. Nestico and Robert Redick, hereby give notice that Defendants perfected service, under Civ.R. 45, of the attached subpoena on Amanda Lantz via Private Process Server on March 22, 2019 to Ms. Lantz's place of business, Valerie Juergens Wilt & Associates, 333 N. Limestone Street, Springfield, OH 45503. See attached Affidavit of Service.

Respectfully submitted,

/s/ James M. Popson
James M. Popson (0072773)
Sutter O'Connell
1301 East 9th Street
3600 Erievue Tower
Cleveland, OH 44114
(216) 928-2200 phone
(216) 928-4400 facsimile
jpopson@sutter-law.com

Counsel for Defendants
Kisling Nestico & Redick LLC, Alberto R. Nestico
and Robert Redick

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 2019, the foregoing Notice of Service of Subpoena on Amanda Lantz was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Plaintiffs,

v.

KISLING, NESTICO & REDICK, LLC, et
al.,

Defendants.

Case No. 2016 09 3928

Judge James A. Brogan

**To: Amanda J. Lantz
Valerie Juergens Wilt & Associates
333 N. Limestone St.
Springfield, OH 45503**

DEPOSITION SUBPOENA DUCES TECUM

YOU ARE COMMANDED to appear to be deposed and to testify in the above case and to produce and permit inspection, copying, testing or sampling of the documents or objects identified on Exhibit A to this subpoena at the place, date, and time specified below.

PLACE OF DEPOSITION	DATE	TIME
Kisling, Nestico & Redick, LLC 3412 W. Market St. Fairlawn, OH 44333	3/28/2019	10:00 AM

Upon receipt of this subpoena, please call attorney Thomas P. Mannion at 216-870-3780 to confirm the exact time and location for your testimony.

/s/ James M. Popson

James M. Popson (0072773)
SUTTER O'CONNELL CO.
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Counsel for Defendants

OHIO RULE 45

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2)(A) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B), (III), (IV), (V), OR (VI) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(B) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B), (III), (IV), (V), OR (VI) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(A) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(B) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(C) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV.R. 26(B)(5), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(D) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(D) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(D) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(C) OR (C)(3)(D) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

(D) DUTIES IN RESPONDING TO SUBPOENA

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served was sent this 22nd day of March, 2019 to the following via electronic mail:

Peter Pattakos
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Counsel for Defendant Dr. Sam Ghoubrial

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

EXHIBIT A

DEFINITIONS

- a. “KNR” means Defendant Kisling, Nestico & Redick, LLC, and all of its officers, directors, employees, agents, partners, members, shareholders, affiliates, representatives, and all other persons acting on its behalf.
- b. “Communications” means any written or oral statement or notation of any nature, including but not limited to conversations, correspondence, dialogue, discussions, electronic communication (including, without limitation, electronic mail, texting, Twitter, etc.), facsimile, interviews, consultations, meetings, telephone calls, letters, telecopies, telephone logs, diaries, agreements, gatherings, and other understandings between or among two or more persons, and all other forms of oral or written expression by which information may be conveyed.
- c. “Documents” means any and all records, statements, memoranda, reports, letters, notes, messages, written communications, written contacts, correspondence, emails, text messages, social media communications (e.g., Twitter and Facebook), contracts, forms, manuals, charts, graphs, data sheets, spreadsheets, bulletins, computer runs, journals, ledgers, books, bills, transcripts, checks, drafts, photographs, audio and/or video tape recordings, mechanical and/or electrical records, electronic documents, computer documents, punch cards, print-out sheets, notes, books of account, brochures, circulars, magazines, notebooks, diaries, calendars, appointment books, tables, papers, minutes of meetings of any kind, drafts of any documents, data processing disks or tapes or computer produced interpretations of the above, and any and all tangible items or written matter whatsoever of any kind or nature in your possession or control.
- d. “Person” means natural persons, firms, partnerships, associations, corporations, joint ventures, and any other entity or organization.

REQUESTS

1. Any and all communications, contacts, documents, or any other tangible items provided by Amanda J. Lantz (or anyone on her behalf) to the following:
 - a. Member Williams
 - b. Thera Reid
 - c. Naomi Wright
 - d. Monique Norris
 - e. Matthew Johnson
 - f. Richard Harbour
 - g. Peter Pattakos, Esq.
 - h. Rachel Hazlet, Esq.
 - i. Dean Williams, Esq.
 - j. Joshua Cohen, Esq.

- k. Ellen Kramer, Esq.
 - l. Subodh Chandra, Esq.
 - m. Any lawyer or other representative of the persons listed in 1(a) through 1(n), above
2. Any and all communications, contacts, documents, or any other tangible items provided to Amanda J. Lantz (or any of her representatives) by any of the persons listed in 1(a) through 1(o), above.
 3. All communications, documents, or any other tangible items taken by Amanda J. Lantz from KNR and/or still in possession of Amanda J. Lantz relating to:
 - a. Email correspondence to and from KNR clients;
 - b. Internal email correspondence between KNR attorneys and/or KNR employees;
 - c. KNR policies, procedures, practices, suggestions, fliers, protocols, guidelines, or any other similar items;
 - d. Investigator fees for KNR clients;
 - e. Narrative reports for chiropractors or health care providers for KNR clients;
 - f. Trigger point injections for KNR clients;
 - g. Dr. Ghoubrial and/or Clearwater Billing;
 - h. Dr. Floros and/or Akron Square Chiropractic;
 - i. Dr. Plambeck;
 - j. TENS units for KNR clients;
 - k. Representation of KNR clients;
 - l. KNR marketing or advertising;
 - m. Alleged quid pro quo arrangements between KNR and any chiropractor or health care provider; and
 - n. Alleged quid pro quo arrangements between KNR and Liberty Capital, Preferred Capital, Oasis, or any other loan company or company that provides services similar to Liberty Capital, Preferred Capital, and/or Oasis.
 4. Any and all communications between Amanda J. Lantz and any current or former KNR attorneys or employees relating to any of the issues listed in 3(a) through 3(n), above.

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

CASE No: 2016 09 3928

MEMBER WILLIAMS, et. al., (Plaintiff)

v.

KISLING, NESTICO & REDICK, LLC, et. al., (Defendants)

I, **CHARLES E. MCKENZIE II**, being duly sworn, and over the age of 18 years; was not a party to this action. I received the annexed documents to wit: DEPOSITION SUBPOENA DUCES TECUM on March 22, 2019 to serve upon **AMANDA J. LANTZ, at VALERIE JUERGENS WILT & ASSOCIATES, 333 N. LIMESTONE ST., SPRINGFIELD, OH 45503** and served in accordance with state statutes in the manner marked below:

Manner of Service:

By personally delivering to the person/authorized agent of the entity being served;

By leaving, during office hours at the office of the person/entity being served, leaving same with person apparently in charge thereof: **TAMMY KITZELMAN, LEGAL RECEPTIONIST**

By leaving copies at the dwelling house or usual place of abode of the person being served, with a member of the household, being:

By posting copies in a conspicuous manner to the address of the person/entity being served. Thereafter copies of the documents were mailed by prepaid first class mail on ____ day of _____, 2019.

Subject is is not in the military.

Subject is is not married.

Service completed: 22nd day of MARCH, 2019 at 04:05 p.m. EST.

Description (approximate): age **55** Sex **Female** race **White** height: **5 ft 04 in** weight **135 lbs.** Other information: Brown hair, Brown eyes

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on: MARCH 23, 2019

Charles E. McKenzie II
Charles E. McKenzie II, Private Process Server

Sworn to before me and signed in my presence this 23rd day of MARCH, 2019.

(Signed) Stacey L McKenzie Notary Public, State of Ohio

STACEY L MCKENZIE, Notary Public
In and for the State of Ohio
My Commission Expires Feb. 13, 2022