

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

MEMBER WILLIAMS, et al.)	CASE NO.: CV-2016-09-3928
)	
Plaintiffs,)	JUDGE JAMES BROGAN
)	
- vs -)	
)	
KISLING, NESTICO & REDICK, LLC, et al.)	<u>MOTION TO SET ASIDE</u>
)	
Defendants.)	

Comes now Julie Ghoumbrial by and through counsel and files her Motion to Set Aside the Magistrate's Order of April 26, 2019 as follows:

The Magistrate's Order of April 26, 2019 directed that Julie Ghoumbrial provide this Court with a copy of her deposition transcript. The deposition was taken during the litigation of her divorce case in Summit County Common Pleas Court (DR 2018-04-1027) *Ghoumbrial v. Ghoumbrial* before Judge John Quinn.

At no time has this Court questioned Julie Ghoumbrial with regards to the deposition transcript. In fact, Ms. Ghoumbrial has never received a copy of the transcript and clearly does not have nor has she ever possessed a copy of the transcript to produce to the Court. Please see Affidavit of Julie Ghoumbrial attached to this motion.

More importantly, Judge Quinn, has directly addressed whether or not the deposition transcript of Ms. Ghoumbrial's deposition could be released to any third parties. Specifically Judge Quinn has ruled based upon a motion filed by Ms. Ghoumbrial's former husband, that her deposition transcript was to be marked "confidential" and could not be released to anyone other than parties to the domestic relations case.

The Magistrate's Order places Ms. Ghoumbrial squarely in a legal quandary.

First, Ms. Ghoubrial is required to produce a copy of a transcript that she has not previously possessed.

Second, and most significantly, Ms. Ghoubrial must specifically violate an order of Summit County Domestic Relations Court in order to abide by the Magistrate's Order of April 26, 2019.

By virtue of the Magistrate's Order, Ms. Ghoubrial has been placed into a legal "Catch 22" which cannot be resolved without an intervening order from an appellant court to determine which of the two issued court orders can be obeyed. For these reasons, Ms. Ghoubrial specifically endorses the Motion to Set Aside that has been filed with this Court earlier and urges this Court to reconsider its order concerning the deposition transcript.

Respectfully submitted,

/s/ Gary M. Rosen

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Supreme Ct. #0009414

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was filed electronically with the Court and sent via e-mail to the below parties on this 30th day of April, 2019. The parties, through counsel, may also access this document through the Court's electronic docket system:

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/s/ Gary M. Rosen

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Supreme Ct. #0009414

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AFFIDAVIT OF JULIE GHoubrial

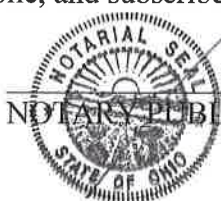
1. My name is Julie Ghoubril and I am the former spouse of Defendant Sam Ghoubril.
2. I was deposed in the divorce litigation I initiated against my former husband.
3. I have never received a copy of my deposition transcript and I personally have no ability to produce a copy.
4. I have never even seen or read a copy of my deposition transcript.
5. I have no knowledge of my former husband's current business operations and I have limited knowledge of his historic business practices.

FURTHER AFFIANT SAYETH NAUGHT.

JULIE GHoubrial

STATE OF OHIO)
) SS:
SUMMIT COUNTY)

SWORN TO before me, a Notary Public, and subscribed in my presence this 30th day of April, 2019.



Attorney Gary M. Rosen
Resident Summit County
Notary Public, State of Ohio
My Commission Has No Expiration Date
Sec 147.02 RC