

**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>DEFENDANTS' AMENDED NOTICE OF</u>
)	<u>DEPOSITION DUCES TECUM OF BRITTANY</u>
Defendants.)	<u>HOLSEY</u>
)	

Please take notice that, pursuant to the Ohio Rules of Civil Procedure, Defendants Kisling, Nestico & Redick, LLC, Alberto R. Nestico, and Robert Redick, by and through undersigned counsel, will take the discovery deposition of **Brittany Holsey** upon oral examination, on **Monday, May 6, 2019 at 8:00 a.m.** at the Hilton Akron/Fairlawn Hotel and Suites, Portage Boardroom, located at 3180 W. Market Street, Akron, Ohio 44333 before a notary public. The deposition will be taken stenographically and by audiovisual reporting. Said deposition will continue from day to day until completed.

In addition to appearing for oral examination, it is requested that the deponent bring to the deposition the documents listed on Exhibit A attached hereto.

Respectfully submitted,

/s/ James M. Popson

James M. Popson (0072773)

Sutter O'Connell

1301 East 9th Street

3600 Erieview 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

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.
- e. "Relating to" or "relate to" shall include, without limitation, embodying, pertaining to, reflecting, referring to, regarding, referencing, concerning, constituting, comprising, discussing, or having any bearing upon or logical or factual connection with the subject matter in question.
- f. "Underlying Accident" means the July 29, 2013 motor vehicle accident within which KNR provided legal representation to Monique Norris and Brittany Holsey for personal injuries alleged.
- g. "Williams Lawsuit" means the lawsuit brought in the Summit County Court of Common Pleas, case no. CV-2016-09-3928, captioned *Member Williams, et al. v. Kisling, Nestico, & Redick, LLC, et al.*

REQUESTS

1. Any and all documents or communications between Brittany Holsey and any current or former KNR attorneys or employees.
2. Any and all documents or communications between Brittany Holsey and Monique Norris relating to:
 - a. The underlying accident;

- b. KNR's representation of Monique Norris for injuries sustained in the underlying accident;
 - c. KNR's representation of Brittany Holsey for injuries sustained in the underlying accident;
 - d. Dr. Ghoubrial;
 - e. Dr. Gunning;
 - f. Clearwater Billing;
 - g. Dr. Floros;
 - h. Akron Square Chiropractic;
 - i. Liberty Capital, Preferred Capital, Oasis Financial, or any other loan company or company that provides services similar to Liberty Capital, Preferred Capital, and/or Oasis Financial;
 - j. Settlement or resolution of the underlying accident;
 - k. The Williams lawsuit.
3. Any and all documents or communications between Brittany Holsey and Carolyn Holsey relating to any of the issues listed in 2(a) through 2(k), above.
4. Any and all documents or communications between Brittany Holsey and Dennis Baylor relating to any of the issues listed in 2(a) through 2(k), above.
5. Any and all documents or communications relating to Liberty Capital, Preferred Capital, Oasis Financial, or any other loan company or company that provides services similar to Liberty Capital, Preferred Capital, and/or Oasis Financial.
6. Any and all documents relating to the underlying accident and/or KNR's representation relating to the underlying accident.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2019, the Amended Notice of Deposition Duces Tecum of Brittany Holsey 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)