

**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 Plaintiffs' Motion to Compel Discovery on Defendants' Assets and Net Worth
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Plaintiffs hereby request a Court order requiring the Defendants to respond to interrogatories requesting information about their assets and net worth.

Discovery in this case has uncovered substantial evidence that the Defendants have engaged in a calculated and widespread scheme to defraud socioeconomically disadvantaged car-accident victims of millions of dollars, primarily by directly overcharging them for healthcare that would and should have otherwise been covered by their health-insurance providers. Discovery has also revealed substantial grounds for concern that the Defendants have and will continue to dissipate and transfer assets to avoid reimbursing Plaintiffs for the fraudulent transactions at issue. Defendants have refused to provide the financial information in contravention of Plaintiffs' duly served requests.¹

Courts routinely order that defendants' assets not only be disclosed and monitored but also frozen under circumstances similar to those at issue here. Thus, as explained further below, the

¹Defendants have each objected to the production of this information on grounds that it is "not relevant," "constitutes harassment," and is not discoverable until the Court denies "dispositive motions on all punitive claims." See **Exhibit 1**, Defendant Floros's Responses to Plaintiff Thera Reid's Third Set of Interrogatories at No. 3; **Exhibit 2**, KNR Defendants' Responses to Plaintiffs' Seventh Set of Interrogatories, at No. 6; and **Exhibit 3**, Defendant Ghoubril's Responses to Plaintiffs' Fourth Set of Interrogatories, at No. 3. Plaintiffs have made reasonable efforts to obtain this information short of motion practice to no avail. See counsels' 4/12/2019 correspondence, attached as **Exhibit 4**.

Court should order this information to be produced to protect Plaintiffs and the classes against improper disposition or dissipation of Defendants' assets.

I. Discovery in this case has uncovered substantial evidence that the Defendants have engaged in a calculated and widespread scheme to defraud socioeconomically disadvantaged car-accident victims of millions of dollars, primarily by directly overcharging them for healthcare that would and should have otherwise been covered by their health-insurance providers.

Discovery in this case has revealed Defendants' participation in a calculated and widespread scheme whereby they have intentionally and systematically abused their fiduciary positions to enrich themselves by,

- 1) dramatically overcharging for injections, medical supplies, and chiropractic care that Defendants Ghoubrial and Floros administered in systematic disregard for less expensive and less invasive modes and sources of treatment; (Phillips Tr. at 54:14–55:11; 72:2–18; 379:3–11; Petti Tr. 109:5–111:16; Gunning Tr. 14:5–15; 31:18–32:6; 34:25–35:11; 107:15–21; Ghoubrial Tr. at 118:12–18; 120:15–121:17; 144:2–4; 280:17–21; 280:25–281:22; 284:19–285:15; 314:21–23; Lantz Tr. at 29:17–19; 30:14–20; 184:6–9; Floros Tr. at 94:2–95:10; 97:5–98:5; 100:14–101:17; 102:7–13);
- 2) at the expense of thousands of their captive and socioeconomically disadvantaged clients, who were unlawfully solicited by the KNR law firm through its network of “preferred” chiropractors, including Defendant Floros, who, with the KNR firm, would send the clients to Defendant Ghoubrial and direct them to accept his treatment (Phillips Tr. 49:24–50:11, 50:21–51:12; Ghoubrial Tr. at 25:16–21; 26:2–4; 26:25–27:3; 44:1–25; 263:20–22; 278:15–279:5; 279:9–11; 280:17–21; 280:25–281:22; 284:19–285:15; 296:19–297:4; 314:21–23; Lantz Tr. at 22:16–17; 27:15–19; 32:16–19; 64:10–13; 157:6–10; 298:19–300:19; 306:3–7; Petti Tr. at 141:4–142:25; 189:10–13; 258:9–15; Floros Tr. at 186:18–188:2; 189:22–190:2; Nestico Tr. at 477:7–19).
- 3) and who were coerced by the law firm and healthcare providers, solely for the lawyers' and providers' financial benefit, to forgo coverage and other benefits that would otherwise have been provided by the patients' health-insurance carriers; (Phillips Tr. 51:18–52:12; Gunning Tr. 109:12–110:21; Petti Tr. 124:6–129:2; 132:4–133:6; Ghoubrial Tr. at 23:5–18; 35:4–36:19; 169:18–21; 278:15–279:15; 314:21–23; 319:18–322:1; Lantz Tr. at 64:10–13; 290:9–18; 324:23–325:2; 500:23–501:8; Floros Tr. at 94:2–95:10; 97:5–98:5; 100:14–101:17; 102:7–13; Horton Tr. at 262:15–265:6);
- 4) where the law firm and providers knew that the defendants' auto-insurance carriers, who paid the patients' personal injury settlements from which the providers' bills were satisfied, viewed the providers' treatment as fraudulent and unworthy of compensation; (Phillips Tr. 54:14–55:16; 59:16–60:15; 69:22–71:22; 79:1–16; Petti Tr. 85:24–88:4; 117:5–124:24; Ghoubrial Tr. at 35:24–36:22; 176:4–8; Lantz Tr. at 28:1–6; 34:9–15; 123:4–23; 125:7–24; 159:13–15; 320:13–321:15; 333:13–21; Floros Tr. at 252:9–256:4; Nestico Tr. at 416:24–

417:23; 421:10–423:4; 426:13–24; 448:10–449:5; 450:23–454:6);

- 5) where the law firm would nevertheless ensure, to sustain the quid pro quo relationship with the providers and a steady stream of referrals, not only that its clients would continue to treat with these providers, but that the providers were paid a disproportionately high percentage of their inflated bills, at a higher rate than the patients' health insurers would have ever paid; (Phillips Tr. 61:6–10; 282:1–283:4; Lantz Tr. at 161:25–162:1; 164:4–8; 165:22–23; 178:23–25; Petti Tr. 85:24–88:4; 105:1–106:18; Ghoubril Tr. at 184:22–185:2; 227:24–228:17; 257:5–258:3; 284:6–24).²
- 6) and where the law firm's attorneys understood, based on their conversations with the firm's owner, Defendant Rob Nestico, that Nestico did not care whether defendants' auto-insurers disfavored treatment from KNR's so-called "preferred providers," or even viewed it as outright fraudulent, because the firm would make up for it by continuing to drive a higher volume of clients with the assistance of these providers; *I.e.*, it did not matter to KNR management whether the individual clients' settlements would decrease as a result of treating with these providers because the firm would continue to profit by sending a greater number of clients through its pipeline. (Petti Tr. at 85:24–88:4; 98:15–101:20; Lantz at 27:15–19; 164:4–8; 178:23–25; 256:10–21; Phillips Tr. at 19:19–20:1; 40:6–19; 54:14–55:16; 69:22–71:22; 79:1–16; 112:14–113:13).

Defendant Ghoubril has admitted that he alone has collected approximately \$8,000,000.00 from KNR clients settlements since 2011 in his part-time side gig³ treating car-accident victims. Ghoubril

² At his April 9, 2019 deposition, Defendant Ghoubril confirmed the extremely inflated prices that his office charged to these clients and patients for medical care, including by testifying that Defendant Ghoubril charged \$1,500 for back braces, despite that the practice paid roughly \$100 to obtain the braces. *See* Ghoubril Tr. at 184:22–185:2; 227:24–228:17; 284:6–24. Ghoubril—who, for no apparent good reason, refuses to accept payment from his car-accident-victim patients' health-insurance companies—confirmed that his practice charges in increments of \$400, \$800, and \$1,000 for a series of trigger-point injections administered in a single appointment. *Id.* at 35:4–36:19; 257:5–258:3; 214:23–215:5; 234:23–25; 244:18–19; 207:25–208:3; 184:14–21. By contrast, the U.S. government's Center for Medicare & Medicaid Service's public "physician fee-schedule search" available at CMS.gov, confirms that the most Medicare or Medicaid would ever compensate an Ohio physician for a series of trigger point injections administered under the same billing codes is \$68.08. *Id.* at 257:5–258:3. *See also* **Exhibit 5**, printout from CMS.gov physician fee-schedule search.

³ The "personal injury clinic" through which Defendant Ghoubril provides medical care to KNR clients is a side-business with no public face, which Ghoubril maintains separately from the internal-medicine practice that he runs in Wadsworth, "Wadsworth's largest primary care practice," which he advertises to the public. *See* Ghoubril Tr. at 11:2–12:7; 21:24–25:21, *et seq.* In his internal medicine practice, Defendant Ghoubril provides primary care to regular long-term patients, including individuals in his "nursing home" business, Geriatric Long-Term Care Providers, and accepts payment from most major health-insurance companies in this practice. *Id.* at 11:2–12:7; 19:19–20:4; 21:24–25:21; 163:2–165:22; 389:25–390:6. By contrast, he does not accept any health-insurance payments in his "personal injury clinic," because, he claims, (1) "the credentialing process

Tr. at 175:10–176:6, Ex. 5.

II. Not only is the requested information discoverable under R.C. 2315.21, there are substantial grounds for concern that the Defendants have and will continue to dissipate and transfer their assets to avoid compensating the Plaintiffs for the damages to be proven in this lawsuit.

Information regarding a defendant’s net worth is discoverable under R.C. 2315.21(D) without regard to the viability of a plaintiff’s punitive-damage claims or the prospect of improper dissipation of assets by defendants. *See, e.g., United States v. Matusoff Rental Co.*, 204 F.R.D. 396, 399 (S.D.Ohio 2001) (“[S]ince the Plaintiff seeks to recover punitive damages on behalf of the aggrieved persons, evidence of the financial condition of the Defendants is highly relevant in this litigation ... the Plaintiff is entitled to discover evidence concerning the financial condition of the Defendants, without making a *prima facie* showing that it is entitled to recover punitive damages on behalf of the aggrieved persons.”). Here, however, in addition to the very nature of the claims and evidence against the Defendants, there are further grounds for concern that the Defendants may improperly dissipate and transfer their assets to avoid compensating Plaintiffs for the fraudulent conduct at issue, thus warranting the relief requested.

For example, Defendant Ghoumbrial’s employee Dr. Richard Gunning testified that he and other employees of Ghoumbrial’s medical practice believed that Ghoumbrial has recently run the practice in a manner deliberately calculated to avoid compensating his ex-wife Julie in their recently concluded divorce proceedings. *See* Gunning Tr., Vol. II, at 14:9–15:8; 58:25–60:21. Further, as recently as March 22, 2019, Julie filed a motion in the divorce proceedings (attached as **Exhibit 6**)

is extremely cumbersome,” (2) the “vast majority” of personal injury patients “don’t have health insurance,” and (3) he has “heard through numerous sources” that health insurers, for unclear reasons, “deny claims” for patients involved in car accidents. *Id.* at 35:4–36:19. In his response to an interrogatory as to why he does not accept insurance, which the Court ordered him to answer, Ghoumbrial only stated that he does not accept insurance in the personal injury practice because “it is a business decision based on experience so I am compensated for the services I provide.” *Id.* at 55:9–57:6; 410:2–412:16.

alleging that Defendant Ghoubrial

has underreported his business income and routed hundreds of thousands of dollars of discretionary, personal expenses, through his businesses. Said expenses have included tens, if not hundreds, of thousands of dollars of personal expenses during the pendency of this case, thus dissipating assets of the marital estate, and preventing access to Plaintiff to cash flow;

and has recently incurred expenses of

at least \$65,220.63 in luxury jewelry purchases in July 2018, furniture purchases of at least \$7,529.89 from a single merchant in August-September 2018, hundreds of dollars on online dating services in September-October 2018, a total of \$15,807 on a single luxury private jet service in September 2018, a total of \$4,000 for cosmetic surgery in October 2018, and an additional \$5,995 on dating services in November 2018.

Julie's deposition transcript in the divorce proceedings—which the Magistrate ordered to be produced on April 26, 2019 for the Court's *in camera* review—is expected to further confirm that the Defendants have made cash kickbacks to one another in connection with the alleged scheme, and invested proceeds of the scheme in certain jointly-held real-estate investments. And Defendant Ghoubrial not only claimed that he had no idea to whom he sold his interest in the private airplane, “TPI Airways,” that he co-owned with Defendant Nestico and others, he claimed that he did not know that Nestico was a co-owner of the plane. Ghoubrial Tr. at 50:14–52:1; 390:15–391:5; Nestico Tr. at 497:20–499:17.

Additionally, Defendant Nestico testified that he was unaware of the number of private corporations that he owns, and when he was examined as to specific documentation of his ownership in various corporations, including a Canadian corporation registered in his name, he claimed a complete lack of knowledge about them. *See* Nestico Tr. at 496:20–25; 500:22–503:22; Ex. 63–66. Nestico also testified that he had no knowledge of a company called Panatha Holdings, which lists his own company Giovant Properties, on Panatha's corporate documents and indicates KNR's Akron office as its principal place of business. *See* Nestico Tr. at 490:11–17; 494:19–24.

Then, when it was pointed out to Nestico that Defendant Floros's personal information also appeared on Panatha's corporate documents, Defendant Nestico suddenly remembered that Floros had asked him to set up the company. *Id.* at 495:10–16. For his part, Floros claimed to have no knowledge of Panatha whatsoever. Floros Tr. at 222:16–19; 225:6–16.

Claimed ignorance or dishonesty regarding assets and net worth and provides additional independent grounds to order its discovery. *See, e.g., Anchondo v. Anderson, Crenshaw, & Associates, L.L.C.*, D.N.M. No. CV 08-0202 RB/WPL (“Combined with [the] claim that its net worth is zero, the unexplained misstatement justifies discovery of information that would help” “substantiate ... net worth.”). Moreover, the protective order governing this case, which will protect the confidentiality of details or documents about Defendants' financial status, eliminates any potential harm that Defendants' are likely to claim such disclosure will cause. *See Powers v. Credit Mgt. Servs.*, D.Neb. No. 8:11CV436, 2013 U.S. Dist. LEXIS 38654, at *9-11 (Mar. 20, 2013) (finding that objecting that “information is confidential is not a basis to oppose disclosing the defendants' net-worth information to the plaintiffs” where there is a protective order in place).

III. Courts routinely order that assets not only be disclosed and monitored but also frozen under circumstances similar to those presented here, including to prevent against “improper dissipation” and “expenditure of fraud-derived assets.”

It is within this Court's sound discretion to order the production of the requested information as “necessary for the orderly and efficient exercise of justice.” *Zakany v. Zakany*, 9 Ohio St.3d 192, 194, 459 N.E.2d 870 (1984); *State ex rel. Abner v. Elliot*, 85 Ohio St.3d 11, 16 706 N.E.2d 765 (1999).

Apart from the general discovery of a defendants' net worth in cases alleging the availability of punitive damages (*See* R.C. 2315.21(D), *Matusoff Rental*, 204 F.R.D. 396, *supra*), courts have separately held that the net worth of class-action defendants is generally “discoverable before class certification,” in part “to assist the plaintiff in determining whether he should pursue certification

because if a defendant has zero or a negative net worth the class would get nothing and certification would not be in the best interests of the class.” *Martin v. Redline Recovery Serv. LLC*, N.D.Ill. No. 08-CV-6153, 2009 U.S. Dist. LEXIS 35468, at *3-5 (Apr. 1, 2009); *See also Santiago v. Apothaker Scian, P.C.*, D.N.J. Civil Action No. 2:16-CV-1432-CCC-SCM, 2017 U.S. Dist. LEXIS 64760, at *5-7 (Apr. 27, 2017) (discovery pertaining to net worth or financial status is “relevant prior to class certification.”).

Additionally, in cases involving fraudulent conduct similar to that alleged here, courts routinely order that defendants’ assets in civil cases not only be disclosed and monitored by the plaintiffs, but also frozen to prevent against “improper dissipation” and “expenditure of fraud-derived assets.” *Libbey-Owens-Ford Co. v. Skeddle*, 6th Cir. No. 95-3813, 1996 U.S. App. LEXIS 15626, at *15–16, *18–19 (May 31, 1996) (civil suit by corporation against former officers and directors alleging civil RICO violations, breach of fiduciary duty, fraud, conspiracy, and unjust enrichment arising from “three self-dealing schemes”). *See also Abrahamson v. Jones*, S.D.Ohio No. 1:16-cv-712, 2016 U.S. Dist. LEXIS 106984, at *6-7 (Aug. 12, 2016) (a civil defendant’s assets are “subject to freezing or transfer via preliminary injunction” where there are “legitima[te] ... concerns that [defendant] may take some action to put [plaintiff’s] assets at risk”); *Concheck v. Barcroft*, S.D.Ohio No. 2:10-cv-656, 2010 U.S. Dist. LEXIS 110325, at *6-7 (Oct. 18, 2010) (where plaintiffs allege “claims for unjust enrichment” “specifically seek[ing] the return of the money ... paid to [d]efendants,” “preliminary injunctive relief freezing assets subject to the unjust enrichment claim” is proper because “a preliminary injunction is always appropriate to grant intermediate relief of the same character as that which may be granted finally”).

Conclusion

Given the facts at issue in this case, the evidence that has been discovered supporting Plaintiffs’ claims of a calculated and widespread scheme to defraud, and other information

establishing legitimate concerns over improper dissipation or expenditure of fraud-derived assets, the Court should exercise its discretion to order Defendants to produce a comprehensive statement of their net worth, including by providing precise information as to where all such assets are held, including bank account numbers, so that such assets may be properly monitored.⁴ All such information would be subject to confidentiality under the pending protective order.

Respectfully submitted,

/s/ Peter Pattakos

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⁴ According to “Plaintiff’s Notice of Expert Reports” filed on March 11, 2019 in Defendant Ghoumbrial’s divorce proceedings (attached as **Exhibit 7**), various analyses and valuations of Ghoumbrial’s income, net worth, and assets have been performed and documented. Defendant Ghoumbrial and counsel for Julie have been on notice of the discoverability of these reports in this action, which should be preserved and produced to Plaintiffs consistent with Court orders.

Certificate of Service

The foregoing document was filed on May 1, 2019, using the Court's electronic-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos
Attorney for Plaintiffs

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
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**Defendant Dr. Minas Floros' Objections and Responses to Plaintiff Thera Reid's
Third Set of Interrogatories and Requests for Production**

Defendant Dr. Minas Floros, by and through his attorney, and under Rules 33 and 34 of the Ohio Rules of Civil Procedure, makes the following Objections and Responses to Plaintiffs' Third Set of Interrogatories and Requests for Production of Documents.

Interrogatories

1. For the following former patients of yours—Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, Sharde Perkins, Richard Harbour, and Monique Norris—please identify (A) each and every service that you provided, the cost of such service, and the amount billed for such service; (B) the amount that was ultimately collected from the patient in satisfaction of the patient's bill.

ANSWER:

Defendant objections because Plaintiffs failed to comply with Local Rule 17.01, which states: "Second or subsequent sets of interrogatories can be filed only upon leave of Court and for good cause shown." Without waiving objection, see attached documents and answer to RFD 1.

2. Identify the purpose of your affiliation with Panatha Holdings, LLC, including by listing the purpose of each company, all known employees and owners of each entity, the percentage of ownership of each owner identified, and Alberto R. Nestico's role in the company.

EXHIBIT 1

ANSWER:

Defendant objections because Plaintiffs failed to comply with Local Rule 17.01, which states: “Second or subsequent sets of interrogatories can be filed only upon leave of Court and for good cause shown.” Defendant objections because this interrogatory is seeking information that is not relevant and not likely to lead to any admissible information. Without waiving objection, at one time Defendant was interested in buying and/or investing in real estate under a corporation. This never happened and the corporation has been inactive. There are no members, employees, or other parties with ownership interest.

3. Identify the total amount of your net worth, and provide a summary of the assets that comprise this amount, including by identifying every privately held corporation in which you retain an ownership interest, the purpose of each such corporation, any co-owners of each such corporation, and the percentage of ownership of each owner.

ANSWER:

Defendant objections because Plaintiffs failed to comply with Local Rule 17.01, which states: “Second or subsequent sets of interrogatories can be filed only upon leave of Court and for good cause shown.” Defendant objections because this interrogatory is seeking information that is not relevant and not likely to lead to admissible information. Defendant objects because this interrogatory seeks privileged, private, and sensitive information, which is not discoverable under Ohio law unless it is relevant and compelling reasons exist. Without waiving objection, Defendant is a sole owner and member of Universal Reports Plus LLC, an Ohio corporation.

Requests for Production

1. Please produce all documents relating to the following former patients of yours— Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, Sharde Perkins, and Monique Norris—including all chiropractic records, patient ledgers, and billing records, including records of all hospital or emergency room treatment the patient received in connection with the accident for which you were treating the patient.

See attached documents for Chetoiri Beasley, Taijuan Carter, Kimberly Fields, and Monique Norris. Michael Booker last received treatment from Akron Square Chiropractor in 2009 and those records were destroyed under Akron Square Chiropractor’s records retention policy. Defendant did not provide treatment to other listed parties.

As to objections,

/s/ Shaun H. Kedir
Shaun H. Kedir

Respectfully submitted,

/s/ Shaun H. Kedir

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Certificate of Service

I certify that on March 15, 2019, I served the foregoing discovery responses by email to counsel for Plaintiffs.

/s/ Shaun H. Kedir

Attorney for Dr. Minas Floros

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 Responses and Objections to Plaintiffs' Seventh Set of Interrogatories, Eighth Set of Requests for Production of Documents, and Seventh Set of Requests for Admission to the KNR Defendants
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Under Ohio Rule of Civil Procedure 33 and 36, Defendants Alberto R. Nestico, Robert Redick, and Kisling, Nestico, and Redick respond to Plaintiffs' Seventh Set of Interrogatories, Eighth Set of Requests for Production of Documents, and Seventh Set of Requests for Admission as follows.

Answers to Interrogatories

1. For the following former KNR clients—Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, Sharde Perkins, Richard Harbour, and Monique Norris—please identify (A) each and every task performed by an “investigator” for whose work the investigation fee was deducted from the client’s settlement, and (B) every service performed and every medical supply provided by Medical Service Providers to the client for which payment was made from the client’s KNR settlement; and (C) each and every disclosure that was made to the client about the firm’s relationships with the Medical Service Providers with whom these clients treated.

ANSWER: Objection. Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, and Sharde Perkins are not parties to this case and counsel for Plaintiffs has not confirmed representation of these individuals. Thus, their client files and the work done on these files are subject to privilege. Further, KNR does not keep records in a manner suitable to determining “each and every task performed” by the investigator assigned to any particular matter.

Without waiving these objections, defendant identifies the following tasks – at minimum that appear to have been completed by the assigned investigator at it relates to Plaintiff

EXHIBIT 2

Richard Harbour:

April 18, 2011 incident: AMC obtained and reviewed Bath Police Department report and picked up medical records. If available, the investigator also obtained Mr. Harbour's hospital discharge paperwork and health insurance card.

May 11, 2012 incident: MRS obtained and reviewed Bath Police Department report and picked up medical records. If available, the investigator also obtained Mr. Harbour's hospital discharge paperwork and health insurance card.

April 12, 2015 incident: AMC obtained and reviewed Norton Police Department report and picked up medical records. If available, the investigator also obtained Mr. Harbour's hospital discharge paperwork and health insurance card.

May 13, 2016 incident: AMC met with client at his residence to sign forms. The investigator also obtained and reviewed Wadsworth PD report, took photos and picked up medical records. If available, the investigator also obtained Mr. Harbour's hospital discharge paperwork and health insurance card.

Without waiving these objections, defendant identifies the following tasks – at minimum - that appear to have been completed by the assigned investigator at it relates to Plaintiff Monique Norris:

MRS met with Ms. Norris at her residence. The investigator also obtained and reviewed the Akron Police Department report and took photos. If available, he also obtained copies of her hospital discharge paperwork and health insurance card.

2. Identify the precise means by which you determined, as stated in your offered stipulation of facts submitted to Plaintiffs counsel on December 20, 2017, that "Since 2009, KNR has settled between 40,000 to 45,000 cases in which investigators were used and the investigation fee was charged."

ANSWER: The estimate is based upon a percentage of the number of cases opened in the Akron office between 2009 and 2016.

3. Identify the amount the firm has spent on advertising for each year from 2005 to the present.

ANSWER: Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, disproportionate to the needs of the case, and is not reasonably related to the issue of class certification or any of the five claims made by Plaintiffs: (1) the client expense of an investigator fee, (2) the client expense of a narrative report from a medical provider, (3) client loans to Liberty Capital Funding, (4) the cost of TENs units charged by Defendant Ghoubril, or (5) the prescription of cortisone injections by Dr. Ghoubril. The cost of advertising will not tend to make any fact related to any claim

more or less likely to be true, and constitutes harassment in the form of an unwarranted and unjustified intrusion into KNR's finances and confidential and proprietary business decisions.

4. Identify the account numbers for the KNR firm's cost account, operating account, and IOLTA account as identified by Defendant Nestico at his deposition for each year from 2005 to the present and identify the bank where each account was held.

ANSWER: Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence, is disproportionate to the needs of the case, and is not reasonably related to the issue of class certification or any of the five claims made by Plaintiffs: (1) the client expense of an investigator fee, (2) the client expense of a narrative report from a medical provider, (3) client loans to Liberty Capital Funding, (4) the cost of TENs units charged by Defendant Ghoubril, or (5) the prescription of cortisone injections by Dr. Ghoubril. The requested account numbers will not tend to make any fact related to any claim more or less likely to be true, and constitutes harassment in the form of an unwarranted and unjustified intrusion into KNR's finances.

5. (To Defendant Nestico only): Identify the purpose of your affiliation with Panatha Holdings, LLC, and the Effin Good Company, including by listing the purpose of each company, all known employees and owners of each entity, and the percentage of ownership of each owner identified.

ANSWER: As it relates to Panatha Holdings, see letter from Mr. Brenner attached as an exhibit to 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.

As it relates to Effin Good Company, the entity was formed for purposes of a micro-brewery that never materialized. The owners of the company were Ethan Whitaker, Aaron Czetli, and Rob Nestico. Mr. Nestico was also a director, representative, and the statutory agent. The company had no employees and no income.

6. (To each KNR Defendant, individually): Identify the total amount of your net worth, and provide a summary of the assets that comprise this amount, including by identifying every privately held corporation in which you retain an ownership interest, the purpose of each such corporation, any co-owners of each such corporation, and the percentage of ownership of each owner.

ANSWER: Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome and disproportionate to the needs of the case, and is not reasonably related to the issue of class certification or any of the five claims made by Plaintiffs: (1) the client expense of an investigator fee, (2) the client expense of a narrative report from a medical provider, (3) client loans to Liberty Capital Funding, (4) the cost of

TENs units charged by Defendant Ghoumbrial, or (5) the prescription of cortisone injections by Dr. Ghoumbrial. The net worth of the named defendants will not tend to make any fact related to any claim more or less likely to be true, and constitutes harassment in the form of an unwarranted and unjustified intrusion into Defendants' personal finances.

7. Identify all benchmarks or quotas suggested or imposed on KNR attorneys, including all such benchmarks or quotas on which bonus payments are determined.

ANSWER:

Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence, is disproportionate to the needs of the case, and is not reasonably related to the issue of class certification or any of the five claims made by Plaintiffs: (1) the client expense of an investigator fee, (2) the client expense of a narrative report from a medical provider, (3) client loans to Liberty Capital Funding, (4) the cost of TENs units charged by Defendant Ghoumbrial, or (5) the prescription of cortisone injections by Dr. Ghoumbrial. The bonus structure for attorneys will not tend to make any fact related to any claim more or less likely to be true, and constitutes harassment in the form of an unwarranted and unjustified intrusion into Defendants' business decisions.

Without waiving this objection, the response is *none*. KNR attorneys are not provided "benchmarks or quotas." Bonuses are paid to all attorneys on every case they resolve based upon a percentage of the attorney fee collected by KNR. The amount of each bonus paid to attorneys is generally based upon a formula scaled with higher percentages for fees collected above certain goals established for the attorneys. The attorneys' goals and percentages paid for bonuses have varied over the years.

Responses to Requests for Production

1. Please produce all documents relating to the following former KNR clients— Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, Sharde Perkins, Richard Harbour, and Monique Norris—including all settlement memoranda, Needles notes, bills and medical records from any Medical Service Providers, including hospitals or emergency rooms, and any medical reports, including narrative reports from chiropractors.

ANSWER: Objection. Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, and Sharde Perkins are not parties to this case and counsel for Plaintiffs has not confirmed representation of these of these individuals. Thus, their client files and the work done on these files are subject to privilege.

Without waiving these objections, Defendants will produce Plaintiff Richard Harbour's client files and needles notes and Plaintiff Monique Norris's client file and needles notes. The files have been retrieved from storage and will produced immediately as they are

reviewed and Bates stamped.

2. Please produce all documents relating to or reflecting a decision by Ciro Cerrato or Liberty Capital to deny a requested loan or cash advance to a KNR client.

Objection: this request is unduly burdensome, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. The request is not related to the issue of class certification, not does the request “overlap” any issue of liability.

Plaintiffs’ lawsuit claims that KNR or some employee of KNR had an ownership interest Liberty Capital Funding. A loan denial by Liberty Capital Funding could not make it more or less likely whether any disputed fact is true.

Defendants do not keep records of instances where a client sought a loan from a third party and the loan was denied or rejected. Defendants provide clients with contact information for lending companies, and may or may not be notified if a client contacts a particular lender. Even if Defendants are contacted, KNR *only keeps records of loans that were accepted by a client* – not those that were denied by the lender or rejected by the client. Defendants would have to search each and manually every file and review all electronic (or “needles” note) for every KNR client file (approximately 50,000 files) to determine if the client was provided contact information for Liberty Capital, and then either received a loan elsewhere or received no loan. Even if such a project were undertaken, it would likely be uncertain whether Liberty Capital actually denied the loan or the client chose not to accept a loan from that company.

3. Please produce all documents showing or reflecting any instance where KNR (or a KNR attorney) did not order a narrative report for a client who was treated by Dr. Floros or any of the other chiropractors listed in KNR03769, WILLIAMS000570-WILLIAMS000571, KNR03278.

Objection: this request is unduly burdensome, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. The request is not related to the issue of class certification, not does the request “overlap” any issue of liability.

KNR does not keep records of cases where a report *is not* ordered, nor should there be any reasonable expectation that such information would be documented and identifiable. Defendants only document payment for a report that *is ordered*. KNR generally does not order reports for minors unless ordered to do so by a probate court. In order to accurately comply with this request, Defendants would be required to manually review each and every client file and all electronic (or “needles”) notes in the history of the law firm to identify every medical provider who treated every client.

4. Please produce all documents showing or reflecting an effort by KNR (or a KNR attorney) to advise a client that an insurance company or insurance company representative took a negative view of a Medical Service Provider with whom the client was treating or had treated.

Objection: this request is privileged to the extent it directly seeks advice provided by counsel, is unduly burdensome, disproportionate to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. The request is not related to the issue of class certification, not does the request "overlap" any issue of liability.

KNR does not keep records of attorneys "advising clients that an insurance company or insurance company representative took a negative view of a Medical Service Provider," nor should there be any reasonable expectation that such information would be documented and identifiable. In order to accurately comply with this request, Defendants would be required to manually review each and every client file in the history of the law firm and all electronic (or "needles") notes to discern the views of each individual insurance representative who communicated with KNR attorneys.

Responses to Requests for Admission

1. Admit that Monique Norris took out a \$500 loan with Liberty Capital on terms reflected by the document marked as Exhibit N to Defendants' deposition of Ms. Norris.

RESPONSE: Admit.


2. Admit that \$800 was deducted from the settlement of the case that KNR handled for Ms. Norris to repay the Liberty Capital loan identified in Request No. 1 above.

RESPONSE: Admit.

As to objections,


James M. Popson

Respectfully submitted,


James M. Popson (0072773)
Sutter O'Connell
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Tom.mannion@lewisbrisbois.com

Counsel for Defendants

CERTIFICATE OF SERVICE

A copy of the foregoing Defendants' Responses to Plaintiffs' Seventh Set of Interrogatories, Eighth Requests for Production of Documents and Seventh Set of Requests for Admission to the KNR Defendants were sent this 15th day of March, 2019 to the following via electronic and Regular U.S. Mail:

Peter Pattakos
THE PATTAKOS LAW FIRM, LLC
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Fairlawn, Ohio 44333
peter@pattakoslaw.com

Counsel for Plaintiff

Joshua R. Cohen
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1 Clinton Place
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jcohen@crklaw.com

Shaun H. Kedir
KEDIR LAW OFFICES LLC
1400 Rockefeller Building
614 West Superior Avenue
Cleveland, Ohio 44113
shaunkedir@kedirlaw.com

Counsel for Defendant Minas Floros, D.C.

Bradley J. Barmen
LEWIS BRISBOIS BISGAARD & SMITH LLP
1375 E. 9th Street, Suite 2250
Cleveland, Ohio 44114
Brad.barmen@lewisbrisbois.com

Counsel for Defendant Dr. Sam Ghoubrial



James M. Popson (0072773)

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 <u>ANSWERS OF DEFENDANT SAM N. GHOUBRIAL, M.D. TO PLAINTIFFS' FOURTH SET OF INTERROGATORIES AND THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS</u>
--	---

Now comes Defendant, Sam N. Ghoubrial, M.D., by and through counsel, and for his Answers and Objections to Plaintiffs' Fourth Set of Interrogatories and Third Set of Requests for Production of Documents, states as follows:

GENERAL OBJECTIONS

Defendant objects to Plaintiff's Interrogatories and Document Requests to the extent they seek information protected by the attorney-client privilege, work product doctrine, the joint defense and common interest privilege, and other applicable privileges and rules. Specifically, some of Plaintiff's Interrogatories and Document Requests seek information regarding the care and treatment of Defendant's patients in violation of the physician-patient privilege and/or HIPAA.

Defendant Objects to the "Instructions" and "Definitions" preceding Plaintiff's Interrogatories and Document Requests on the grounds they are vague, ambiguous, seek irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, and seek to impose obligations on Defendant that are greater than, or inconsistent with, those obligations imposed by the Ohio Rules of Civil Procedure.

EXHIBIT 3

Defendant will respond to Plaintiff's Interrogatories and Document Requests in accordance with his obligations under the Ohio Rules of Civil Procedure.

Defendant Objects to the extent there are no date limitations on these Interrogatories and Document Requests, which make them overly broad and unduly burdensome.

Defendant objects to the extent the Interrogatories and Document Requests are based on illegally obtained documents. Plaintiff should not be able to take advantage of the illegally obtained documents. See *Raymond v. Spirit AeroSystems Holdings, Inc.*, Case No. 16-1282-JTM-GEB-, 2017 U.S. Dist. LEXIS 101926 (D. Kan. June 30, 2017).

Defendant objects to Plaintiff's submission of more than forty (40) Interrogatories without leave of Court in violation of Civ. R. 33(A). Defendant will only respond to the first forty (40) Interrogatories consistent with Civ. R. 33(A). Currently, Plaintiff has exceeded the maximum number of Interrogatories permitted by Rule.

Defendant objects to the Interrogatories and Document Requests to the extent they are not related to class certification or matters the "overlap" with issues relate to class certification.

Defendant denies all allegations or statements in the Interrogatories and Document Requests, except as expressly admitted herein.

These "General Objections" are applicable to and incorporated in each of Defendant's responses to Interrogatories and Document Requests. All Defendant's responses are made subject to and without waiving these objections. Failing to state a specific objection to a particular Interrogatory or Document Request should not be construed as a waiver of these General Objections.

Defendant reserves the right to amend or supplement his responses to these Interrogatories and Document Requests.

Defendant's discovery responses are made without waiver of, and with preservation of:

All questions are to competency, relevancy, materiality, privilege, and admissibility of the responses and subject matter thereof as evidence for any purpose in any further proceedings in this action or any other action;

The right to object to the use of any such responses or the subject matter thereof, on any ground in any further proceedings of this action and in any other action;

The right to object on any ground at any time to a demand or request for a further response to the requests or other discovery involving or relating to the subject matter of the Interrogatories and Document Requests herein responded to;

The right to revise, correct, add to, supplement, or clarify any of the responses contained herein and to provide information and produce evidence of any subsequently discovered facts;

The right to assert additional privileges; and

The right to assert the attorney-client privilege, attorney work product doctrine, or other such privilege as to the discovery produced or the information obtained therefrom, for any purpose in any further proceeding in this action and in any other action.

Interrogatories

1. For the following former patients of your personal injury practice—Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, Sharde Perkins, Richard Harbour, and Monique Norris—please identify (A) each and every service that you provided, the cost of such service, and the amount billed for such service; (B) the amount that was ultimately collected from the patient in satisfaction of the patient's bill.

ANSWER:

Objection. The complete medical charts of Plaintiffs Harbour and Norris are already in the possession of Plaintiffs' counsel. The complete medical charts of the other patients identified above, and for whom a valid HIPAA Release has been provided, are being gathered and will be produced in their entirety upon receipt.

2. Identify the purpose of your affiliation with Twin Crown Properties, LLC, including by listing the purpose of each company, all known employees and owners of each entity, and the percentage of ownership of each owner identified.

ANSWER:

Objection. The term "affiliation" is vague and undefined. Further objecting, this Interrogatory seeks information not reasonably calculated to lead to the discovery of admissible evidence. Further answering, and without waiving said objections, any and all responsive information is publically available to Plaintiffs.

3. Identify the total amount of your net worth, and provide a summary of the assets that comprise this amount, including by identifying every privately held corporation in which you retain an ownership interest, the purpose of each such corporation, any co-owners of each such corporation, and the percentage of ownership of each owner.

ANSWER:

Objection. Interrogatory No. 3 seeks information not reasonably calculated to lead to the discovery of admissible evidence and is meant solely to harass and embarrass this Defendant. Moreover, Interrogatory No. 3 is in no way relevant to class certification or to issues even arguably related to class certification. This Defendant's net worth would arguably only ever become relevant if the classes relating to him were certified and even then only after dispositive motions on all punitive claims were denied.

Request for Production

1. Please produce all documents relating to the following former patients of your personal injury practice— Michael Booker, Chetoiri Beasley, Taijuan Carter, Kimberly Fields, Ronnia Fort, Brittany Justice, Sharde Perkins, Richard Harbour, and Monique Norris—including all medical records, patient ledgers, and billing records, including records of all hospital or emergency room treatment the patient received in connection with the accident for which you were treating the patient.

RESPONSE:

Objection. See response to Interrogatory No. 1. Will supplement with for all those named above for whom a valid HIPAA Release has been produced.

AS TO ANY OBJECTIONS:

/s/ Bradley J. Barmen

Bradley J. Barmen

Respectfully submitted,

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
Lewis Brisbois Bisgaard and Smith
1375 East Ninth Street, Suite 2250
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Phone: 216.344.9422
Fax: 216.344.9421
brad.barmen@lewisbrisbois.com
Attorney for Defendant
Sam N. Ghoubril, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answers of Sam Ghoubril to Plaintiff's Fourth Set of Interrogatories and Third Requests for Production have been served this 15th day of March, 2019 upon the following:

Peter Pattakos, Esq.
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Counsel for Plaintiff

Joshua R. Cohen, Esq.
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jcohen@crklaw.com
Counsel for Plaintiff

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James M. Popson, Esq.
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Cincinnati, OH 45252
gjonson@mrjlaw.com

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

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)
Attorney for Defendant
Sam N. Ghoubrial, M.D.



Peter Pattakos <peter@pattakoslaw.com>

Williams v. KNR: Interrogatories re: Defendants' net worth

Barmen, Brad <Brad.Barmen@lewisbrisbois.com>

Fri, Apr 12, 2019 at 9:35 AM

To: Peter Pattakos <peter@pattakoslaw.com>, "Mannion, Tom" <Tom.Mannion@lewisbrisbois.com>, "James M. Popson" <jpopson@sutter-law.com>, Shaun Kedir <shaunkedir@kedirlaw.com>

Cc: Joshua Cohen <jcohen@crklaw.com>, Rachel Hazelet <rhazelet@pattakoslaw.com>, "Szucs, Helen" <Helen.Szucs@lewisbrisbois.com>

Peter:

As I'm sure you know (or maybe you don't as apparently you're rather new to this stuff), net worth evidence never becomes relevant unless and until punitive claims survive dispositive motion. There is no relevancy to any such evidence at this early phase of the case and your request that I produce my client's net worth information prior to class certification, let alone ruling on dispositive motions, is inappropriate and meant solely to harass.

If and when the requested information ever becomes relevant (meaning you actually have a punitive claim against my client to present to a jury after dispositive motions are ruled upon) it will be produced subject to the protective order.

Any questions feel free to give me a call.

Regards

Brad

**Brad J. Barmen**

Partner

Brad.Barmen@lewisbrisbois.com

T: 216.586.8810 F: 216.344.9421

1375 E. 9th Street, Suite 2250, Cleveland, OH 44114 | LewisBrisbois.com

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EXHIBIT 4

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this email and any attachment from your computer and any of your electronic devices where the message is stored.

From: Peter Pattakos [mailto:peter@pattakoslaw.com]
Sent: Thursday, April 11, 2019 3:05 PM
To: Mannion, Tom; James M. Popson; Shaun Kedir; Barmen, Brad
Cc: Joshua Cohen; Rachel Hazelet
Subject: [EXT] Williams v. KNR: Interrogatories re: Defendants' net worth



Counsel:

The Defendants have all refused to answer our interrogatories requesting statements of their net worth and the assets in their possession.

This information is both relevant to punitive damages and necessary for us to protect the class against potentially unlawful dissipation of assets. Given the nature of the fraud alleged, the evidence that has come out to support it, and Defendants' ownership of various domestic and foreign holding companies and other corporations, we will have no choice but to move to compel the production of this information if the Defendants do not agree to produce it.

Obviously, all such information would be confidential subject to the protective order.

Please advise immediately. Thank you.

Peter Pattakos

The Pattakos Law Firm LLC

101 Ghent Road

Fairlawn, OH 44333

330.836.8533 office; 330.285.2998 mobile

peter@pattakoslaw.com

www.pattakoslaw.com

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Physician Fee Schedule Search

Search Results [1 Record(s)]

Selected Criteria:

Year:

2019

Type of Info.:

Pricing Information

HCPCS Criteria:

Single HCPCS Code

MAC Option:

Specific Locality

HCPCS:

20553

Modifier:

All Modifiers

Locality:

1520200 OHIO

Update Results

Single HCPCS Code

Code	Description
20553	Inject trigger points 3/>

Print Results

Download Results

Email Results

For your convenience, search results can be printed, downloaded or emailed.

Show Default Columns

Show All Columns

1

View Items Per Page:

10

 Go

MODIFIER	PROC STAT	MAC LOCALITY	NON- FACILITY PRICE	FACILITY PRICE	NON- FACILITY LIMITING CHARGE	FACILITY LIMITING CHARGE	CONV FACT	NA FLAG FOR TRANS NON- FAC PE RVU	NA FLG FOR FULLY IMP NON- FAC PE RVU	NA FLAG FOR TRANS FACILITY PE RVU	NA FLAG FOR FULLY IMP FAC PE RVU	NA FLAG FOR FULLY IMP FAC PE RVU
	A	1520200	\$62.31	\$43.48	\$68.08	\$47.50	36.0391					

1

View Items Per Page:

10

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¹Section 5102(b) of the Deficit Reduction Act of 2005 requires a payment cap on the technical component (TC) of certain diagnostic imaging procedures and the TC portions of the global diagnostic imaging services. This cap is based on the Outpatient Prospective Payment System (OPPS) payment. To implement this provision, the physician fee schedule amount is compared to the OPPS payment amount and the lower amount is used for payment.

[Back to Top](#)

Downloads

Help with Physician Fee Schedule Search (PDF, 141KB)

EXHIBIT 5

Home

CMS.gov

A federal government website managed and paid for by the U.S. Centers for Medicare & Medicaid Services. 7500 Security Boulevard, Baltimore, MD 21244



CMS & HHS Websites

- Medicare.gov
- MyMedicare.gov
- Medicaid.gov
- InsureKidsNow.gov
- HealthCare.gov
- HHS.gov/Open

Tools

- Acronyms
- Contacts
- Glossary
- Archive

Helpful Links

- Web Policies & Important Links
- For DevelopersFor Developers
- Privacy Policy
- Plain Language
- Freedom of Information Act
- No Fear Act
- Nondiscrimination/Accessibility
- HHS.gov
- Inspector General
- USA.gov
- Help with file formats & plug-ins



Receive Email Updates

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**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

JULIE GHoubRIAL	)	CASE NO: DR-2018-04-1027
)	
Plaintiff,	)	JUDGE QUINN
)	
-vs-	)	MAGISTRATE DENNIS
)	
SAMEH N. GHoubRIAL, et al)	
	)	<u>PLAINTIFF'S MOTION FOR</u>
Defendants.	)	<u>DISTRIBUTIVE AWARD</u>
)	

Comes now Plaintiff, **Julie Ghoubrial**, by and through counsel, and moves this Court for a distributive award in this matter, and in support thereof states as follows:

1. As will be demonstrated at trial in this matter, Defendant earns in excess of One Million Dollars per year from businesses he solely owns and operates, and which have significant value. Defendant has been paying his respective attorneys' fees and costs from cash flow.
2. Defendant has underreported his business income and routed hundreds of thousands of dollars of discretionary, personal expenses, through his businesses. Said expenses have included tens, if not hundreds, of thousands of dollars of personal expenses during the pendency of this case, thus dissipating assets of the marital estate, and preventing access to Plaintiff to cash flow.
3. Defendant's expenses have included at least \$65,220.63 in luxury jewelry purchases totaling in July 2018, furniture purchases of at least \$7,529.89 from a single merchant in August-September 2018, hundreds of dollars on online dating services in September-October 2018, a total of \$15,807 on a single luxury private jet service in September 2018, a total of \$4,000 for cosmetic surgery in October 2018, and an additional \$5,995 on dating services in November 2018, among various other wasteful, non-family-related, discretionary spending.
4. Defendant has also made malicious and baseless allegations of misconduct against Plaintiff, including allegations of theft of luxury wristwatches, and of destruction of clothing in the marital home. Defendant has pursued these allegations through court filings, all without

EXHIBIT 6

providing evidence in support thereof.

5. Defendant has withheld funds from Plaintiff and the children during the pendency of this matter. Maintenance checks have been arbitrarily provided at irregular times with inaccurate or incendiary annotations, and only after repeated requests, as Plaintiff's cash on hand has been depleted. Defendant has required counsel to perform courier services to retrieve the deliberately under-funded payments on numerous occasions. Additionally, Defendant's registrations for vehicles driven by Plaintiff and the parties' children have been repeatedly and unreasonably delayed beyond their expiration dates, despite repeated requests through counsel far in advance thereof.
6. Defendant has failed to cooperate with reasonable inquiries in discovery, as evidenced by non-responsive and obstructionist answers given to reasonable and relevant deposition questions on February 26, 2019.
7. Defendant has repeatedly violated the temporary orders of this Court, as detailed in Plaintiff's Motions for Contempt heretofore filed in this matter, and this Court's corresponding issuances of multiple Orders to Show Cause upon Defendant.
8. Plaintiff is not employed and has no available funds for payment of these necessary litigation expenses.
9. Pursuant to Ohio Rev. Code Ann. § 3105.171(E):
 - (1) The court may make a distributive award to facilitate, effectuate, or supplement a division of marital property. The court may require any distributive award to be secured by a lien on the payor's specific marital property or separate property.
 - (2) The court may make a distributive award in lieu of a division of marital property in order to achieve equity between the spouses, if the court determines that a division of the marital property in kind or in money would be impractical or burdensome.
 - (3) The court shall require each spouse to disclose in a full and complete manner all marital property, separate property, and other assets, debts, income, and expenses of the spouse.
 - (4) If a spouse has engaged in financial misconduct, including, but not limited to, the dissipation, destruction, concealment, nondisclosure, or fraudulent disposition of assets, the court may compensate the offended spouse with a distributive award or with a greater award of marital property.
10. Defendant's financial and other misconduct warrants the issuance of a distributive award to Plaintiff in this matter, such that the court should compensate Plaintiff, the offended spouse, with a distributive award or with a greater award of marital property.

WHEREFORE, Plaintiff respectfully requests that this Court issue a distributive award to her in this matter pursuant to Ohio Rev. Code Ann. § 3105.171.

Respectfully submitted,

/s/ Gary M. Rosen

Gary M. Rosen, #0009414

Joshua A. Lemerman, #0091841

Day Ketterer, Ltd.

11 South Forge Street

Akron, Ohio 44304

(330) 376-8336 (Main Office)

(330) 376-2522 (Fax)

e-mail: grosen@dayketterer.com

e-mail: jlemerman@dayketterer.com

Attorneys for Plaintiff, Julie Ghoubrial

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via e-mail only, on this 22nd day of **March, 2019**, to: Defendant, Sameh N. Ghoubrial, by and through his counsel, **Randal A. Lowry, Attorney for Defendant, 4000 Embassy Parkway #200, Akron, Ohio 44333, rlowry@randallowry.com**; and a courtesy copy has been sent via e-mail only to: **Stephen P. Griffin, Co-Counsel for Third-Party Defendants, Griffin Law, LLC, 4051 Whipple Avenue NW, Suite 201, Canton, Ohio 44718, sgriffin@griff-law.com** and **David M. Best, Co-Counsel for Third-Party Defendants, David M. Best Co., LPA, 4900 West Bath Road, Akron, Ohio 44333, dmbest@dmbestlaw.com**.

/s/ Gary M. Rosen

Gary M. Rosen, #0009414

Joshua A. Lemerman, #0091841

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e-mail: jlemerman@dayketterer.com

Attorneys for Plaintiff, Julie Ghoubrial

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

JULIE GHoubrial	)	CASE NO. DR 2018-04-1027
)	
Plaintiff	)	JUDGE QUINN
)	
v.	)	MAGISTRATE DENNIS
)	
SAMEH N. GHoubrial, et al.)	
	)	<u>PLAINTIFF'S NOTICE</u>
Defendants	)	<u>OF EXPERT REPORTS</u>
)	

Plaintiff, Julie Ghoubril, by and through undersigned counsel, hereby submits notice of the below-cited expert reports to the Court, Defendant's counsel, and Third-Party Defendants' counsel, on this day, the 11th of March, 2019:

1. Bober Markey Fedorovich, Income Analysis
2. Bober Markey Fedorovich, Fair Market Value Analysis
3. Hamilton Appraisal Service, Appraisal of Real Property, 3454 Skye Ridge Drive
4. Kiko Company, Opinion of Value of Property at 3454 Skye Ridge Drive
5. Sam's Emporium, Appraisal of Cartier Ballon Bleu wristwatch

Respectfully submitted,

/s/ Joshua A. Lemerman

Joshua A. Lemerman, #0091841

Gary M. Rosen, #0009414

Day Ketterer, Ltd.

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e-mail: jlemerman@dayketterer.com

e-mail: grozen@dayketterer.com

Attorneys for Plaintiff, Julie Ghoubril

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by email, this *11th* day of *March, 2019*, to: Randal A. Lowry & Adam R. Morris, Randal A. Lowry & Associates, 4000 Embassy Parkway, Suite 200, Akron, Ohio 44333, Email: rlowry@randallowry.com & amorris@randallowry.com, Attorneys for Defendant, and a courtesy copy has been sent via e-mail only to: ***Stephen P. Griffin, Co-Counsel for Third-Party Defendants, Griffin Law, LLC, 4051 Whipple Avenue NW, Suite 201, Canton, Ohio 44718, sgriffin@griff-law.com and David M. Best, Co-Counsel for Third-Party Defendants, David M. Best Co., LPA, 4900 West Bath Road, Akron, Ohio 44333, dmbest@dmbestlaw.com.***

Respectfully submitted,

/s/ Joshua A. Lemerman

Joshua A. Lemerman, #0091841

Gary M. Rosen, #0009414

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e-mail: grosen@dayketterer.com

Attorneys for Plaintiff, Julie Ghoubrial