IN THE COURT OF COMMON PLEAS SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,) CASE NO. CV-2016-09-3928
Plaintiffs,) JUDGE JAMES A. BROGAN
٧.))
KISLING, NESTICO & REDICK, LLC, et al.,	NOTICE OF SERVICE OF SUBPOENAS ON BRITTANY HOLSEY
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 subpoenas on Brittany Holsey via Certified Mail on April 16, 2019 to Peter Pattakos, The Pattakos Law Firm, 101 Ghent Road, Fairlawn, Ohio 44333.

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

NSER

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of May, 2019, the foregoing Notice of Service of Subpoenas on 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.

<u>/s/ James M. Popson</u> James M. Popson (0072773)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	DELIVERY
 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X / A C V L HA C C B. Received by (Printed Name)	Agent Addressee C. Date of Delivery
1. Article Addressed to: Peter Pattakos, Esq. The Pattakos Law horm 101 Thent Road Yairlawn, DH 44333	D. Is delivery address different from If YES, enter delivery address	
9590 9402 4875 9032 1825 02	3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery	Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Return Receipt for Merchandise
2. Article Number (Transfer from service label) 7018 2290 0002 1534 63	Collect on Delivery Restricted Delivery	☐ Signature Confirmation™ ☐ Signature Confirmation ☐ Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	Y **	Domestic Return Receipt

IN THE COURT OF COMMON PLEAS SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Case No. 2016 09 3928

NSER

Plaintiffs,

Judge James A. Brogan

V.

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

Defendants.

To: Ms. Brittany Holsey c/o Mr. Peter Pattakos, Esq. The Pattakos Law Firm LLC 101 Ghent Road Fairlawn, Ohio 44333

DEPOSITION SUBPOENA

YOU ARE COMMANDED to appear to be deposed and to testify in the above case at the place, date, and time specified below.

PLACE OF DEPOSITION

DATE

TIME

Kisling, Nestico & Redick, LLC 3412 W. Market St.

Fairlawn, OH 44333

4/17/2019

9:00 AM

/s/ James M. Popson

James M. Popson (0072773)

SUTTER O'CONNELL CO.

1301 East 9th Street

3600 Erieview Tower

Cleveland, Ohio 44114

(216) 928-2200 phone

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CV-2016-09-3928

Thomas P. Mannion (0062551) Lewis Brisbois 1375 E. 9th Street, Suite 2250 Cleveland, Ohio 44114 (216) 344-9467 phone (216) 344-9241 facsimile Tom.mannion@lewisbrisbois.com

R. Eric Kennedy (0006174) Daniel P. Goetz (0065549) Weisman Kennedy & Berris Co LPA 101 W. Prospect Avenue 1600 Midland Building Cleveland, OH 44115 (216) 781-1111 phone (216) 781-6747 facsimile ekennedy@weismanlaw.com dgoetz@weismanlaw.com

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.

MICHAEL, KATHRYN

- GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.
- PRODUCE UNDER DIVISIONS (A)(1)(B), (III), (IV), (V), OR (VI) OF THIS SHALL PERMIT THEIR INSPECTION AND COPYING BYALL PARTIES PRESENT AT RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING. BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN (2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE STORED INFORMATION IN MORE THAN ONE FORM. PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY (3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.
- SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN ANY OF THE FOLLOWING:
- (A) FAILS TO ALLOW REASONABLE TIME TO COMPLY;
- MATTER AND NO EXCEPTION OR WAIVER APPLIES;
- EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED CIV.R. 26(B)(5), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC INFORMATION. EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT (4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;
- (D) SUBJECTS A PERSON TO UNDUE BURDEN.
- RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE PARTY TO CONTEST THE CLAIM. ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(D) OF (5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.
- RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL IS ADDRESSED WILL BE REASONABLY COMPENSATED.

(D) DUTIES IN RESPONDING TO SUBPOENA

- (2)(A) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B), (1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, (III), (IV), (V), OR (VI) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR (B) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM
- ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY
- INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE (3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS (B) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING (C) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY
- THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED (4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(D) OF THIS BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS,
- RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER (5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(C) OR (C)(3)(D) OF THIS BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, 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 this 11th day of April, 2019 to the

following as indicated:

By U.S. Certified Mail and electronic mail:

Counsel for Plaintiff

Peter Pattakos The Pattakos Law Firm, LLC 101 Ghent Road Fairlawn, Ohio 44333 peter@pattakoslaw.com

By electronic mail:

Counsel for Plaintiff

Joshua R. Cohen Cohen Rosenthal & Kramer LLP 3208 Clinton Avenue 1 Clinton Place Cleveland, Ohio 44113-2809 jcohen@crklaw.com

By electronic mail:

Counsel for Defendant Minas Floros, D.C.

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

By electronic mail:

Counsel for Defendant Dr. Sam Ghoubrial

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

/s/ James M. Popson

James M. Popson (0072773)

NSER

IN THE COURT OF COMMON PLEAS SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Case No. 2016 09 3928

Plaintiffs,

Judge James A. Brogan

٧.

KISLING, NESTICO & REDICK, LLC, et

Defendants.

Ms. Brittany Holsey To: c/o Mr. Peter Pattakos, Esq. The Pattakos Law Firm LLC 101 Ghent Road Fairlawn, Ohio 44333

DEPOSITION SUBPOENA

YOU ARE COMMANDED to appear to be deposed and to testify in the above case at the place, date, and time specified below.

PLACE OF DEPOSITION

DATE

TIME

Kisling, Nestico & Redick, LLC 3412 W. Market St.

Fairlawn, OH 44333

4/18/2019

1:00 PM

/s/ James M. Popson

James M. Popson (0072773) SUTTER O'CONNELL CO. 1301 East 9th Street 3600 Erieview Tower Cleveland, Ohio 44114 (216) 928-2200 phone

(216) 928-4400 facsimile

jpopson@sutter-law.com

Thomas P. Mannion (0062551) Lewis Brisbois 1375 E. 9th Street, Suite 2250 Cleveland, Ohio 44114 (216) 344-9467 phone (216) 344-9241 facsimile Tom.mannion@lewisbrisbois.com

R. Eric Kennedy (0006174) Daniel P. Goetz (0065549) Weisman Kennedy & Berris Co LPA 101 W. Prospect Avenue 1600 Midland Building Cleveland, OH 44115 (216) 781-1111 phone (216) 781-6747 facsimile ekennedy@weismanlaw.com dgoetz@weismanlaw.com

Counsel for Defendants

OHIO RULE 45

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

- BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.
- GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.
- PRODUCE UNDER DIVISIONS (A)(1)(B), (III), (IV), (V), OR (VI) OF THIS ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY STORED INFORMATION IN MORE THAN ONE FORM. WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE (3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.
- ANY OF THE FOLLOWING:
- (A) FAILS TO ALLOW REASONABLE TIME TO COMPLY;
- MATTER AND NO EXCEPTION OR WAIVER APPLIES;
- (C) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN INFORMATION. EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN (4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;
- (D) SUBJECTS A PERSON TO UNDUE BURDEN.
- RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(D) OF RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.
- RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT TRIAL PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO IS ADDRESSED WILL BE REASONABLY COMPENSATED.

(D) DUTIES IN RESPONDING TO SUBPOENA

NSER

- (1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE (1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH (2)(A) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B), THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR (III), (IV), (V), OR (VI) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.
- (B) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO (2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING
- PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY 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 (3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES 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 (B) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED
- ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION CIV.R. 26(B)(5), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT 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.
- (4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(D) OF THIS (5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR (5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(C) OR (C)(3)(D) OF THIS DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING 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 this 11th day of April, 2019 to the

following as indicated:

By U.S. Certified Mail and electronic mail:

Counsel for Plaintiff

Peter Pattakos The Pattakos Law Firm, LLC 101 Ghent Road Fairlawn, Ohio 44333 peter@pattakoslaw.com

By electronic mail:

Counsel for Plaintiff

Joshua R. Cohen Cohen Rosenthal & Kramer LLP 3208 Clinton Avenue 1 Clinton Place Cleveland, Ohio 44113-2809 jeohen@crklaw.com

By electronic mail:

Counsel for Defendant Minas Floros, D.C.

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

By electronic mail:

Counsel for Defendant Dr. Sam Ghoubrial

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

/s/ James M. Popson

James M. Popson (0072773)