

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

<p>MEMBER WILLIAMS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>KISLING, NESTICO &amp; REDICK, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. CV-2016-09-3928</p> <p>Judge James A. Brogan</p> <p><b>Plaintiffs' Opposition to Defendants' and Julie Ghoubrial's Motions to Stay the Court's May 14, 2019 Order re: <i>In Camera</i> Review of Deposition Transcript</b></p>
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Defendant Ghoubrial, the KNR Defendants, and non-party witness Julie Ghoubrial have all moved for a stay of the Court's May 14, 2019 Order requiring that Julie's deposition transcript from recently concluded Domestic Relations Court proceedings be produced to this Court for its *in camera* review. Defendants mainly argue that it would be improper for the Court to conduct this review prior to deciding on class-certification because the Court would somehow be unduly or unlawfully influenced by its review of the transcript. *See, e.g.*, Ghoubrial Motion at 2–3.

This is nonsense. Not only can “our judiciary ... be trusted to keep confidential information [reviewed *in camera*] confidential,” it can be, must be, and in fact is, as a matter of course, trusted to base its decisions only on relevant and appropriately considered information. *King v. Am. Std. Ins. Co.*, 6th Dist. Lucas No. L-06-1306, 2006-Ohio-5774, ¶ 27.

Additionally, the Court should issue its decision on whether to release portions of Julie's testimony to the Plaintiffs simultaneously with its decision on class-certification in order to expedite these proceedings and avoid piecemeal appeals. If the Court were to wait until after class-certification to decide to release portions of the transcripts to Plaintiffs, these proceedings would be subject to a second interlocutory appeal, in addition to the one that will inevitably be taken by at least one set of parties upon the Court's ruling on class-certification. *See Dispatch Printing Co. v.*

*Recovery Ltd. Partnership*, 166 Ohio App.3d 118, 2006-Ohio-1347, ¶ 5–¶ 6, 849 N.E.2d 297 (10th Dist.) (a “proceeding that results in discovery of [allegedly] privileged matter” is “general[ly]” subject to interlocutory appeal).

The motions to stay should thus be denied. The April 14 Court Order affirmed the Magistrate’s April 26 ruling “ORDER[ING] AND COMPEL[LING]” Julie “to produce a hard-copy of the deposition transcript within fifteen (15) days.” (Emphasis in original). Those 15 days have long since passed and Julie is currently proceeding in contempt of the Court’s orders.

Respectfully submitted,

/s/ Peter Pattakos

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### **Certificate of Service**

The foregoing document was filed on May 24, 2019, using the Court’s e-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos

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