

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 2016 09 3928

Judge Brogan

JOINT MOTION TO ADOPT SCHEDULE

Now come the parties, and request that the Court adopt the following stipulated schedule for briefing related to Plaintiffs' Motion Amend to Complaint to Conform to Evidence ("Motion to Amend") and related Class Certification Motion. Subsequent to the Court setting the briefing schedule for Class Certification, Plaintiffs filed the Motion to Amend. Counsel for the parties have met and conferred to clarify that, as it relates to Plaintiffs' request to add claims under R.C. 2923.34 ("OCPA") and/or any new parties, it is not feasible to address those claims on the same track as the claims asserted in the pending Motion for Class Certification. (See, Plaintiffs' Motion to Amend at p. 3). Further, the nature of the purported claims under R.C. 2923.34 requires additional work for counsel beyond that necessary to respond to the pending Motion for Class Certification. In order to efficiently present the issues to the Court, the parties agree and stipulate to the following:

- 1) Defendants will submit briefs in opposition to the pending Motion for Class Certification as scheduled on June 15, 2019; and will also submit any opposition to amendments to the Complaint unrelated to R.C. 2923.34 by the same date.
- 2) Defendants will submit briefs in opposition to Plaintiffs' Motion to Add Claims under R.C. 2923.34 and/or any new parties by July 8, 2019.
- 3) Plaintiffs will submit reply briefs on both the Motion to Certify the Class and the request to add claims and/or parties under 2923.34 on or before July 22, 2019.

The parties submit that this stipulation allows the case to remain on track for hearing in August 2019, is in the interest of justice, and will not impose any additional delay in adjudication of this matter.

Respectfully submitted,

/s/ James M. Popson

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Counsel for Defendant Sam Ghoumbrial, M.D.

CERTIFICATE OF SERVICE

Pursuant to Civ.R. 5(B)(2)(f), the undersigned certifies that a copy of the foregoing *Motion to Adopt Schedule* was filed electronically with the Court on this 29th day of May, 2019. The parties, through counsel, may access this document through the Court's electronic docket system.

/s/ James M. Popson

James M. Popson (0072773)