

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,)	CASE NO. CV-2016-09-3928
)	
Plaintiffs,)	JUDGE JAMES BROGAN
)	
vs.)	
)	<u>DEFENDANTS' BRIEF IN OPPOSITION TO</u>
KISLING, NESTICO & REDICK, LLC, et al.,)	<u>PLAINTIFFS' MOTION FOR PROTECTIVE</u>
)	<u>ORDER FILED MAY 24, 2019</u>
Defendants.)	
)	

Plaintiffs seek a Protective Order preventing Defendants from seeking discovery from previously unidentified witnesses who provided affidavits in support of Plaintiffs' Motion for Class Certification. To the extent that the Plaintiffs submitted these affidavits in support of class certification, Defendants should be entitled to examine these witnesses.

- 1) Witness Nora Freeman Engstrom submitted an affidavit stating voluminous opinions which Plaintiffs spent eight pages summarizing in the Motion for Class Certification. (Ex. 1 to Plaintiffs' Motion). The opinions falsely label KNR as a "settlement mill" and critically generalize the manner in which KNR attorneys practice law. The filing of the Motion was the first time Plaintiffs produced these opinions to Defendants.
- 2) Witness Michael Walls, M.D., submitted an affidavit providing various opinions which had not been previously disclosed to Defendants. (Ex. 15 to Plaintiff's Motion). The opinions generalize and criticize the treatment provided Dr. Ghoubril as well as the cost of the treatment. Plaintiffs rely upon the affidavit in support of their Motion for Class Certification at pp. 20-25 of the Motion.
- 3) Witness David C. George, D.C. submitted an affidavit providing various opinions which had not been previously disclosed to Defendants. The opinions are critical of Dr. Floros in referring patients to pain management physicians. (Ex. 17 to Plaintiffs' Motion). Plaintiffs rely upon the affidavit in support of their Motion for Class Certification at pp. 22 and 39 of the Motion.
- 4) Witness Ryan H. Fisher, Esq. submitted an affidavit providing various opinions which had not been previously disclosed to Defendants. (Ex. 20 to Plaintiffs' Motion). The opinions relate to generalized practices of attorneys in recommending health care providers to clients and payment of lienholders. Plaintiffs rely upon the affidavit in support of their Motion for Class Certification at pp. 30, 39, and 44 of the Motion.

- 5) Witness Larry Lee submitted an affidavit providing various opinions which had not been previously disclosed to Defendants. (Ex. 21 to Plaintiffs' Motion). Although not a medical doctor, Mr. Lee provides opinions on "patterns of medical care" and proclaims without evidentiary support that chiropractors solicited clients on behalf of KNR. Mr. Lee also opines, without evidentiary support, that narrative reports are merely a financial benefit to the chiropractors. Plaintiffs rely upon the affidavit in support of their Motion for Class Certification at pp. 31, 32, 36, 47, and 48-50 of the Motion.

Plaintiffs were initially asked to identify any witnesses with knowledge of facts, and witnesses who would be expressing expert opinions in discovery requests served almost three years ago on September 30, 2016. (See, Ex. A, Named Plaintiff's Response to Defendant Kisling Nestico & Redick's First Set of Interrogatories [29-31] and Requests for Admission). The attached responses were never amended or supplemented with the submitted affidavits. Defendants' first opportunity to review the testimony of these witnesses was the filing of the Motion for Class Certification. Therefore, Defendants should have the opportunity to briefly depose the individuals in order to determine the basis of the opinions and testimony in order to fairly respond to the Motion for Class Certification.

Further, if Plaintiffs contend that the evidentiary affidavits Plaintiffs' counsel submitted in support of class certification are "irrelevant to class certification," Defendants are nevertheless entitled to depose the witnesses to the extent they are relevant to any issue in the case. Thus, Plaintiffs' motion should be denied.

Respectfully submitted,

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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically with the Court on this 31st day of May, 2019. The parties may access this document through the Court's electronic docket system.

/s/ James M. Popson
James M. Popson (0072773)

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

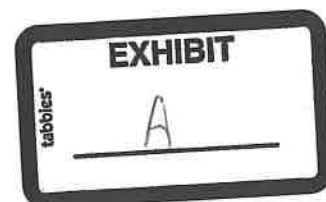
MEMBER WILLIAMS, Plaintiff, vs. KISLING, NESTICO & REDICK, LLC, <i>et al.</i> , Defendants.	Case No. CV-2016-09-3928 Judge Todd McKenney
NAMED PLAINTIFF'S RESPONSE TO DEFENDANT KISLING NESTICO & REDICK'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR ADMISSION	

Named Plaintiff Member Williams responds to Defendant Kisling Nestico & Redick's first set of Interrogatories and Requests for Admission as follows.

GENERAL OBJECTIONS

1. Ms. Williams's specific objections to each interrogatory or request are in addition to the General Objections set forth in this section. These General Objections form a part of the response to each and every request and are set forth here to avoid duplication. The absence of a reference to a General Objection in each response to a particular request does not constitute a waiver of any General Objection with respect to that request. All responses are made subject to and without waiver of Ms. Williams's general and specific objections.

2. To the extent that Defendant's requests are inconsistent with each other, Ms. Williams objects to such requests.



3. To the extent that Defendant's requests exceed the scope of permissible inquiry under the Ohio Rules of Civil Procedure, Ms. Williams objects to such requests. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

4. Ms. Williams objects to Defendants' requests to the extent that they are unreasonably burdensome, and to the extent they call upon Ms. Williams to investigate, collect and disclose information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that responses to such requests are provided herein, it is in an effort to expedite discovery in this action.

5. Ms. Williams's responses and objections herein shall not waive or prejudice any objections Ms. Williams may later assert, including but not limited to objections as to competency, relevance, materiality or admissibility in subsequent proceedings or at the trial of this or any other action.

6. Ms. Williams objects to Defendant's requests to the extent they seek information or materials that are already within Defendant's possession, custody, or control, or that are equally available to him, on the grounds that such requests are unduly burdensome and oppressive.

7. Ms. Williams objects to Defendant's requests to the extent that they call upon Ms. Williams to produce information that is not in Ms. Williams's possession, custody, or control.

8. Ms. Williams objects to Defendant's requests to the extent they purport to seek any information immune from discovery because of the attorney-client privilege, the work-product doctrine, or any other applicable law, rule or privilege.

9. Ms. Williams objects to any request to the extent that it refers to or incorporates a previous request to which an objection has been made.

10. Ms. Williams objects to Defendant's requests to the extent they are vague or ambiguous.

11. Ms. Williams objects to Defendant's requests to the extent they seek information that is confidential and proprietary. Such information will be produced only in accordance with a duly entered protective order.

12. As discovery is ongoing, Ms. Williams reserves the right to supplement these responses.

REQUESTS FOR ADMISSION AND INTERROGATORIES

REQUEST FOR ADMISSION NO. 1: Admit that Plaintiff retained Attorney Robert Horton, who at the time was an employee of KNR, as counsel for a personal injury matter.

RESPONSE: Objection. The term "retained" is vague, and ambiguous. Without waiving any objections, Plaintiff states that she retained the law firm of KNR to represent her in the personal injury matter because she had previously worked with Robert Horton and Michael Mallis on another case and had a positive experience with them while they were working at another firm. To Plaintiff's knowledge, KNR assigned Rob Horton to work on her case due to this pre-existing relationship.

INTERROGATORY NO. 1: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff refers to her response to RFA No. 1, above.

REQUEST FOR ADMISSION NO. 2: Admit that Plaintiff voluntarily signed the Contingency-Fee Agreement, which is attached as Exhibit A.

RESPONSE: Admit.

INTERROGATORY NO. 2: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 3: Admit that Plaintiff met with a KNR attorney on or about August 7, 2015 to review the settlement of her matter and the Settlement Memorandum (attached as Exhibit B).

RESPONSE: Deny.

INTERROGATORY NO. 3: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that she was provided the Settlement Memorandum at KNR's Akron office by a female KNR administrator who instructed her to sign the paperwork so that she could obtain her check, as well as a \$25 gift card to the Bravo Italian restaurant. This KNR administrator then asked Plaintiff if she would participate in a customer service survey, at which point Plaintiff was taken to another female KNR employee who asked her questions about her satisfaction with the service she received from KNR.

REQUEST FOR ADMISSION NO. 4: Admit that prior to signing the Settlement Memorandum (attached as Exhibit B), Plaintiff did not ask about the \$50 to be paid to MRS Investigations, Inc.

RESPONSE: Admit.

INTERROGATORY NO. 4: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 5: Admit that the Settlement Memorandum (attached as Exhibit B) indicated that \$50.00 of the settlement was paid to MRS Investigations, Inc.

RESPONSE: Admit.

INTERROGATORY NO. 5: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 6: Admit that prior to receiving the settlement funds outlined in the Settlement Memorandum, Plaintiff voluntarily signed the Settlement Memorandum (attached as Exhibit B) on or about August 7, 2015 during her meeting with the KNR attorney.

RESPONSE: Plaintiff admits that she voluntarily signed the Settlement Memorandum but denies that she met with a KNR attorney when she signed it. See response to RFA No. 3 above.

INTERROGATORY NO. 6: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff refers to her response to RFA No. 6, above.

REQUEST FOR ADMISSION NO 7: Admit that during this August 7, 2015 meeting with the KNR attorney, Plaintiff had the opportunity to ask the attorney questions regarding the Settlement Memorandum (attached as Exhibit B).

RESPONSE: Plaintiff denies that she met with a KNR attorney when she signed the Settlement Memorandum. See response to RFA No. 3 above.

INTERROGATORY NO. 7: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objection, Plaintiff refers to her responses to RFAs No. 3 and No. 7 above.

REQUEST FOR ADMISSION NO. 8: Admit that prior to disbursing proceeds to Plaintiff, Ohio law required KNR to provide Plaintiff with a document such as Settlement Memorandum (attached as Exhibit B) that outlined the settlement amount and the fees and expenses to be paid to KNR.

RESPONSE: Objection. This request calls for a legal conclusion and information that is equally accessible to Defendants.

INTERROGATORY NO. 8: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff refers to her response to RFA No. 8, above.

REQUEST FOR ADMISSION NO. 9: Admit that KNR did not and does not have any financial interest in the Investigation Fee.

RESPONSE: Deny.

INTERROGATORY NO. 9: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that KNR has a financial interest in sending so-called investigators to sign car accident victims as clients as quickly as possible so they don't lose these potential clients to other firms. KNR also has a financial interest in paying these so-called investigators with their clients' money, as opposed to their own. Testimony from current and former KNR attorneys and staff, including Robert Horton, will confirm that this is the case, as will documents within KNR's possession that demonstrate that the only purpose of "sending an investigator" was to secure the car-accident victim as a KNR client. Specific documents will be identified once the parties exchange documents in the discovery process.

REQUEST FOR ADMISSION NO. 10: Admit that at the time you filed the Complaint that you had no evidence that KNR had any financial interest in the Investigation Fee.

RESPONSE: Deny.

INTERROGATORY NO. 10: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that KNR has a financial interest in sending so-called investigators to sign car accident victims as clients as quickly as possible so they don't lose these potential clients to other firms. KNR also has a financial interest in paying these so-called investigators with their clients' money, as opposed to their own. Testimony from current and former KNR attorneys and staff, including Robert Horton, will confirm that this is the case, as will documents within KNR's possession that demonstrate that the only purpose of "sending an investigator" was to secure the car-accident victim as a KNR client. Specific documents will be identified once the parties exchange documents in the discovery process.

REQUEST FOR ADMISSION NO. 11: Admit that KNR did not and does not receive any financial benefit from the Investigation Fee.

RESPONSE: Deny.

INTERROGATORY NO. 11: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that KNR receives a financial benefit from sending so-called investigators to sign car accident victims as clients as quickly as possible so they don't lose these potential clients to other firms. KNR also receives a financial benefit by paying these so-called investigators with their clients' money, as opposed to their own. Testimony from current and former KNR attorneys and staff, including Robert Horton, will confirm that this is the case, as will documents within KNR's possession that demonstrate that the only purpose of "sending an investigator" was to secure the car-accident victim as a KNR client. Specific documents will be identified once the parties exchange documents in the discovery process.

REQUEST FOR ADMISSION NO. 12: Admit that at the time you filed the Complaint that you had no evidence that KNR ever received a financial benefit from the Investigation Fee.

RESPONSE: Deny.

INTERROGATORY NO. 12: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that KNR receives a financial benefit from sending so-called investigators to sign car accident victims as clients as quickly as possible so they don't lose these potential clients to other firms. KNR also receives a financial benefit by paying these so-called investigators with their clients' money, as opposed to their own. Testimony from current and former KNR attorneys and staff, including Robert Horton, will confirm that this is the case, as will documents within KNR's possession that demonstrate that the only purpose of "sending an investigator" was to secure the car-accident victim as a KNR client. Specific documents will be identified once the parties exchange documents in the discovery process.

REQUEST FOR ADMISSION NO. 13: Admit that the Investigation Fee is a third-party expense that KNR incurred on behalf of its clients, including, without limitation, Plaintiff.

RESPONSE: Objection. The term "third-party expense" is vague and ambiguous, and calls for a legal conclusion. Without waiving any objections, Plaintiff states that KNR sends the investigators for its own benefit, to sign car-accident victims up as clients as quickly as possible so they do not lose them to other law firms. KNR cannot lawfully charge its clients for this, whether it calls it a "third-party" expense or not.

INTERROGATORY NO. 13: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 14: Admit that under Ohio law, KNR is entitled to be reimbursed for third-party expenses.

RESPONSE: Objection. Calls for a legal conclusion. Without waiving any objections, Plaintiff states that KNR might be entitled to be reimbursed for certain third-party expenses legitimately incurred, but not the Investigation Fee.

INTERROGATORY NO. 14: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad and calls for a legal conclusion. Without waiving any objections, Plaintiff refers KNR to her responses to RFAs 13 and 14 above.

REQUEST FOR ADMISSION NO. 15: Admit that at the time you filed the Complaint that you had no evidence that KNR was charging the Investigation Fee for anything but a third-party expense.

RESPONSE: Objection. Vague, ambiguous, calls for a legal conclusion. Without waiving any objections, Plaintiff refers to her responses to RFAs 13 and 14 above.

INTERROGATORY NO. 15: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 16: Admit that KNR never charged a surcharge or up charged the Investigation Fee.

RESPONSE: Plaintiff is in no position to admit or deny this request upon reasonable inquiry and the information known or readily obtainable to her. KNR's own documentation would confirm whether or not this is the case.

INTERROGATORY NO. 16: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 17: Admit that KNR paid MRS Investigation, Inc. the Investigation Fee at the same amount that was identified in the Settlement Memorandum (see Exhibit C) and that KNR paid investigators identified in Plaintiff's Complaint the Investigation Fee at the same amount that was identified in the settlement memoranda or distribution form for its clients.

RESPONSE: Plaintiff is in no position to admit or deny this request upon reasonable inquiry and the information known or readily obtainable to her. KNR's own documentation would confirm whether or not this is the case.

INTERROGATORY NO. 17: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 18: Admit that investigators identified in Plaintiff's Complaint performed work in exchange for receiving the Investigation Fee.

RESPONSE: In some cases the Investigators did perform work, for KNR's benefit, namely, driving to meet the car accident victim to sign the car accident victim as a KNR client before KNR lost the potential client to another firm. In other cases where the Investigation Fee was charged, the investigators performed no work at all.

INTERROGATORY NO. 18: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that numerous KNR employees and former KNR employees, including Robert Horton, will testify, and documents within KNR's possession will show that the Investigation Fee was often charged on cases where the investigators did no work at all. Specific documents will be identified once the parties exchange documents in the discovery process.

REQUEST FOR ADMISSION NO. 19: Admit that KNR paid the Investigation Fee to the investigators identified in Plaintiff's Complaint regardless of whether KNR was successful in obtaining any judgment or settlement on behalf of its clients.

RESPONSE: On information and belief, Plaintiff believes it to be true that KNR paid the investigators for every client that the investigators signed up regardless of whether a judgment or settlement was obtained, but Plaintiff is in no position to say for certain one way or another upon reasonable inquiry and the information known or readily obtainable to her. KNR's own documentation would confirm whether or not this is the case.

INTERROGATORY NO. 19: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 20: Admit that Jill Gardner is your daughter's mother-in-law.

RESPONSE: Admit.

INTERROGATORY NO. 20: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 21: Admit that you had Communications with Jill Gardner relating to your June 13, 2013 auto accident before retaining KNR as your counsel.

RESPONSE: Plaintiff does not recall whether she spoke with Jill Gardner between her accident and retaining KNR as her counsel.

INTERROGATORY NO. 21: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 22: Admit that you had Communications with Jill Gardner relating to the possibility of retaining KNR as your legal counsel relating to your June 13, 2013 auto accident.

RESPONSE: Plaintiff does not recall whether she spoke with Jill Gardner between her accident and her decision to retain KNR as her counsel.

INTERROGATORY NO. 22: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 23: Admit that you had Communications with Jill Gardner relating to your personal injury claim arising out of your June 13, 2013 auto accident after you retained KNR as your legal counsel.

REPOSE: Admit.

INTERROGATORY NO. 23: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: N/A.

REQUEST FOR ADMISSION NO. 24: Admit that after you spoke with Rob Horton regarding your June 13, 2013 auto accident, KNR arranged for someone to meet you at your residence to execute paperwork necessary for KNR to represent you.

RESPONSE: Plaintiff is in no position to admit or deny this request upon reasonable inquiry and the information known or readily obtainable to her. KNR's own documentation would confirm whether or not this is the case.

INTERROGATORY NO. 24: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: See the preceding response.

REQUEST FOR ADMISSION NO. 25: Admit that you cancelled the initial meeting KNR had scheduled at your residence.

RESPONSE: Deny.

INTERROGATORY NO. 25: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that if KNR ever scheduled anything to take place at her residence, Plaintiff was never made aware of it.

REQUEST FOR ADMISSION NO. 26: Admit that after you cancelled the initial meeting with KNR at your residence, you met with Jill Garner at a social meeting and executed the Contingency-Fee Agreement, which is attached as Exhibit A.

RESPONSE: Deny.

INTERROGATORY NO. 26: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. Without waiving any objections, Plaintiff states that she signed the Contingency-Fee Agreement in a conference room with Robert Horton at KNR's Akron office.

REQUEST FOR ADMISSION NO. 27: Admit that prior to agreeing to settle your personal injury claim for your June 13, 2013 auto accident, your attorney, Mark Lindsey, informed you of the following: (a) case expenses, (b) outstanding medical bills, (c) attorney's fees for KNR, (d) KNR was reducing its fee, and (e) the amount of money you would receive in-pocket from the settlement.

RESPONSE: Plaintiff admits that she had a conversation with Mark Lindsey where Lindsey discussed these items, but Plaintiff denies that Lindsey ever spoke to her about the Investigation Fee at all, let alone informed her as to what it was for.

INTERROGATORY NO. 27: If Plaintiff's response to the above Request for Admission is anything but an unqualified admission, identify all evidence and facts to support Plaintiff's response.

RESPONSE: Objection. Overbroad. See the preceding response.

RESPONSES TO ADDITIONAL MERITS INTERROGATORIES

INTERROGATORY NO. 28: Identify all Persons who drafted, assisted in drafting, or provided information for the responses to these Discovery Requests.

RESPONSE: Plaintiff and her attorneys, Peter Pattakos and Donald Screen.

INTERROGATORY NO. 29: Identify all Persons who may have discoverable evidence, information, or knowledge relating to the allegations and claims in this Lawsuit or Complaint, including, without limitation, the Investigation Fees and class certification allegations.

RESPONSE: This information is all in the possession of Defendants and KNR's employees, former employees, clients, and former clients.

INTERROGATORY NO. 30: Identify all Persons that Plaintiff plans to call as fact witnesses at trial or any hearing in this Lawsuit, and identify the anticipated subject matter of each fact witnesses' testimony.

RESPONSE: Trial witnesses have not yet been identified.

INTERROGATORY NO. 31: Identify all Persons that Plaintiff plans to call as expert or opinion witnesses (including, without limitation, expert or opinion witnesses for class certification and related issues) at trial or any hearing in this Lawsuit, and for each witness, state the subject matter on which the expert or opinion witness will testify.

RESPONSE: Expert witnesses have not yet been identified.

INTERROGATORY NO. 32: Identify and list each exhibit, Document or any other intangible object that Plaintiff intends to introduce into evidence or use at trial or any hearing (including, without limitation, any class certification hearing) in this Lawsuit.

RESPONSE: Plaintiff has not yet identified exhibits that it intends to use for trial and will do so as required by Court order.

INTERROGATORY NO. 33: State whether you have ever been involved in any legal proceeding, whether civil or criminal, and, if so, provide the venue, case number, and outcome of the proceeding, such as acquittal, *nolle prosequi*, conviction, settlement, defense verdict, plaintiff verdict, etc.

RESPONSE: Objection. The term “involved” is vague and ambiguous. Without waiving any objections, Plaintiff states that she has testified as a witness in several legal proceedings in connection with her involvement as an advocate for battered women and as a home-health-care provider, and has been a defendant in connection with minor traffic violations, but has never been significantly involved as a plaintiff or a defendant prior to this lawsuit. Plaintiff understands that she is listed as a defendant in *Wilcap Liberty Townhouses v. First National Bank of Ohio*, Summit County Case No. CV-1989-09-2737 but she was never served process in this case or required to participate in any way in it and has no knowledge as to its allegations or how it resolved.

INTERROGATORY NO. 34: State whether Plaintiff or her attorneys have communicated, either directly or indirectly, orally or in writing, with any member of the alleged class regarding this Lawsuit, its pendency, the allegations of the Complaint, or class certification and, if so, identify each communication (you may exclude communications between an attorney and a client or a prospective client who has, on the initiative of the client or prospective client, consulted with, employed, or proposed to employ the attorney).

RESPONSE: Objection. Any such communications are protected by the attorney-client privilege.

**RESPONSES TO INTERROGATORIES REGARDING
CLASS MEMBERS AND CLASS CERTIFICATION**

INTERROGATORY NO. 35: Identify all Documents or information in Plaintiff's possession regarding any other Person who allegedly suffered the same damages as those outlined in Plaintiff's Complaint.

RESPONSE: Current and former KNR employees and attorneys, including Robert Horton, will testify that KNR deducted the \$50 investigation fee from every client's settlement or judgment as a matter of policy. Plaintiff will identify such documents once the parties have exchanged documents in the discovery process.

INTERROGATORY NO. 36: Identify each fact, and identify each Document concerning each fact, that Plaintiff claims supports the allegations in support of class action certification in the Complaint that:

- a. Plaintiff will fairly and adequately represent and protect the interests of the alleged classes;
- b. Plaintiff's interests coincide with, and not antagonistic to, those of the alleged classes;
- c. Plaintiff's claims are typical of the claims of the alleged classes;
- d. common questions of law and fact exist that predominate over any questions affecting only individual members of the alleged classes;
- e. a class action is superior to all other available means for the fair and efficient adjudication of this controversy; and
- f. Plaintiff has retained competent and experienced counsel.

RESPONSE: Objection. This Interrogatory is overbroad, premature, calls for legal conclusions, and discovery is required for Plaintiff to make a complete response. Without waiving any objections Plaintiff refers to the facts stated in her Complaint and states that evidence of her attorneys' competence and experience is available at www.chandralaw.com.

INTERROGATORY NO. 37: Identify each issue of law or question of fact (including any mixed question of law and fact) presented in this Lawsuit that you contend is common to all members of the putative class, and with respect to each question, state:

- a. whether the resolution of that question with respect to each Plaintiff will, without more, resolve the question with respect to all other members of the alleged classes; and
- b. a description of the manner in which Plaintiff propose to have the court determine those questions other than by examining the claims of members of the alleged classes on an individual basis.

RESPONSE: Objection. As Interrogatory No. 36 above contained five interrogatories, this Interrogatory exceeds the limit of 40 interrogatories allowed for by the Ohio Rules of Civil Procedure. Additionally, it is overbroad, premature, calls for legal conclusions, and discovery is required for Plaintiff to make a complete response. Without waiving any objections Plaintiff refers to the issues of law and fact set forth at paragraph 32 of the Complaint and states that none of these issues require examination of the claims of class members on an individual basis. Plaintiff further states that an additional common issue, which does not require examination of the claims of class members on an individual basis, is whether the investigators ever did anything in connection with KNR client files other than to obtain car-accident-victims' signatures on KNR fee agreements.

INTERROGATORY NO. 38: Identify each issue of law or question of fact (including any mixed question of law and fact) presented in this Lawsuit that must be litigated between any of the members of the alleged class and Defendants prior to a complete resolution of the claims of all members of the alleged class.

RESPONSE: Objection. This Interrogatory exceeds the limit of 40 interrogatories allowed for by the Ohio Rules of Civil Procedure. Additionally, it is overbroad, premature, calls for legal conclusions, and discovery is required for Plaintiff to make a complete response. Without waiving any objections, Plaintiff states that if she proves that KNR investigators never did anything in connection with KNR client files other than to obtain car accident victims' signatures on KNR fee agreements, then the Court must determine as a matter of law that the "Investigation Fee" was not properly chargeable to clients as a separate case expense and the asserted claims will thus be proven on behalf of all class members.

INTERROGATORY NO. 39: With respect to each issue of law or question of fact (including any mixed question of law and fact) set forth in response to the preceding two (2) interrogatories, state:

- a. whether the court should determine the claims of putative members of the alleged classes on an individual basis or whether Plaintiff has some other method of resolving such question, and, if so, state what that method is;
- b. the identity of witnesses that have discoverable information relating to the issue; and
- c. the identity of the Documents that will be introduced into evidence or relied upon at trial or any hearing with respect to the issue.

RESPONSE: Objection. This Interrogatory exceeds the limit of 40 interrogatories allowed for by the Ohio Rules of Civil Procedure. Additionally, it is overbroad, premature, calls for legal conclusions, and discovery is required for Plaintiff to make a complete response. Without waiving any objections, Plaintiff states that none of the issues referenced above require examination of the claims of class members on an individual basis. The witnesses that have discoverable information relating to these issues are Defendants and their current and former employees (including the so-called investigators whom Defendants retained to sign up clients). The documents that will be introduced at trial will be identified when the Court orders exhibit lists to be exchanged.

INTERROGATORY NO. 40: State whether Plaintiff contends that the amount of damages

incurred by each putative member of the alleged class may be calculated in an identical manner, and, if so, state:

- a. the formula or method that Plaintiff intends to use to calculate each damages;
- b. the identity of each Document relevant to that formula or method;
- c. the identity, by name and address, of each Person on whose knowledge or information Plaintiff bases her proposed formula or method for damage calculation; and
- d. the identity of each Document concerning any economic or other injury suffered by Plaintiff as a result of the acts alleged in the Complaint.

RESPONSE: Objection. This Interrogatory exceeds the limit of 40 interrogatories allowed for by the Ohio Rules of Civil Procedure. Additionally, it is overbroad, premature, calls for legal conclusions, and discovery is required for Plaintiff to make a complete response. Without waiving any objections, Plaintiff states the amount of damages incurred by each putative member of the alleged class may be calculated in an identical manner, and that compensatory damages will be equal to the amount of the investigation fee that was charged to each class member. The Settlement Memorandum for each class member will be sufficient to determine this amount, such memoranda being currently in the possession of KNR. This proposed formula is based on information provided to Plaintiff by former KNR attorney Robert Horton as to the fraudulent nature of the investigation fee.

Dated: November 7, 2016

Respectfully submitted,

THE CHANDRA LAW FIRM, LLC

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CERTIFICATE OF SERVICE

The foregoing document was served on counsel for Defendants by email on November 7, 2016.

/s/ Peter Pattakos

One of the Attorneys for Plaintiff