

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMMIT

MEMBER WILLIAMS, ET AL.	)	CASE NO. CV-2016-09-3928
	)	
Plaintiff	)	JUDGE JAMES A. BROGAN
-vs-	)	MAGISTRATE PATRICIA A.
	)	HIMELRIGH
KISLING NESTICO & REDICK LLC, ET	)	
AL.	)	
	)	<b><u>MAGISTRATE'S ORDER</u></b>
Defendant	)	
	)	
	)	

This matter comes before the Court upon Defendant Ghoubrial's Motion to Stay Pending Appeal. For the same reasons as previously set forth by Judge Brogan on January 8, 2020, the Motion to Stay is OVERRULED:

On December 17, 2019, this Court issued a final and appealable order resolving Plaintiffs' Motion for Class Certification and Appointment of Counsel pursuant to Civ.R. 23. That Order however does not dispose of all matters at issue in this litigation and there are four specific issues this Court held in abeyance pending the ruling on class certification:

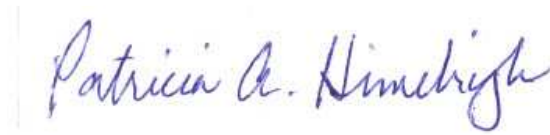
1. Plaintiffs' Motion for Sanctions against the KNR Defendants based on the KNR Defendants' previously filed counterclaims (See March 19, 2019 Order, ¶3);
2. Discovery rulings compelling production of an existing deposition transcript and providing separately for an *in camera* review of non-party Julie Ghoubrial's deposition transcript. These discovery orders and rulings were made far in advance of class certification and the discovery sought has already been found to be relevant and discoverable in this case. (See June 18, 2019 Order to produce document). There is presently a writ action pending in the Ninth District Court of Appeals (Case No. 29458, filed June 25, 2019). The Court has held in abeyance any further action on the order compelling production and *in camera* review pending the resolution of the writ action in the Ninth District Court. However, as soon as that matter concludes, the matters at issue in this Court shall proceed;
3. Plaintiffs' Motion for Sanctions/Show Cause Hearing with Tijuan Carter and Defendant Floros for improper communications with represented third parties (see July 29, 2019 Magistrate's Order); and,

4. Plaintiffs' Motion for discovery of Defendants' assets and net worth (See June 7, 2019 Order, ¶2).

The majority of the above issues are discovery-related and it is the Court's opinion that discovery of certain topics can and should proceed. The discovery process in this litigation was plagued by unprofessional gamesmanship and obstruction resulting in significant delays and subsequently non-production of relevant and discoverable materials. No party should benefit from such behavior and further delay will not serve the interests of justice in this litigation. Due to all of these pending issues and the potential for a considerably lengthy stay of these proceedings, this Court is not inclined to stay this case pending appeal.

Defendant remains free to seek a stay in the Court of Appeals upon the posting of an adequate supersedeas bond.

**It is so ordered.**



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MAGISTRATE PATRICIA A. HIMELRIGH

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**The Clerk of the Summit County Court of Common Pleas Court shall serve upon all parties not in default for failure to appear a notice of this Magistrate's Order and its date of entry upon the journal.**