

**COURT OF APPEALS OF OHIO
NINTH APPELLATE DISTRICT**

Docketing Statement

Appeal No. _____

A time-stamped copy of the final judgment being appealed must be attached to this statement.

Trial Court Name - Summit County Common Pleas Court

Trial Court Caption Member Williams, et al.
(Name of first plaintiff)

Trial Court Case Number – 2016-CV-09-3928

versus

Trial Court Judge James A. Brogan

Kisling, Nestico & Redick, LLC, et al.
(Name of first defendant)

Date of judgment appealed: February 6, 2023

Was the time to appeal extended
by App.R. 4(B)? ___ Yes X No

CALENDAR DESIGNATION

THIS APPEAL SHOULD BE ASSIGNED TO:

X Regular Calendar.

___ Accelerated Calendar. *See* Loc.R. 21.

___ Expedited Calendar (generally for appeals involving termination of parental rights). *See* App.R. 11.2.

THE RECORD

Mark the paragraph that applies.

TO THE CLERK OF COURTS: Please immediately assemble and transmit the record in this case. I certify that the paragraph I marked accurately describes the complete record to be filed:

1. ___ The record will consist of **ONLY** the original papers, exhibits, a certified copy of the docket and journal entries, and any transcripts of proceedings that were filed in the trial court prior to final judgment.
2. X The record will include the original papers and exhibits filed in the trial court, a certified copy of the docket and journal entries, and a full or partial transcript of proceedings prepared for this appeal by a court reporter appointed by the trial court, who I served with a praecipe that I also filed with this court. If only a partial transcript of proceedings is requested, see App.R. 9(B).
3. ___ The record will include the original papers and exhibits filed in the trial court and a certified copy of the docket and journal entries, and a statement of the evidence or proceedings pursuant to App.R. 9(C) or an agreed statement of the case pursuant to App.R. 9(D).
4. ___ The record will include the original papers and exhibits filed in the trial court and a certified copy of the docket and journal entries, and both a transcript of proceedings prepared by a court reporter appointed by the trial court and a statement of the evidence or case pursuant to App.R. 9(C) or (D). If only a partial transcript of proceedings is requested, see App.R. 9(B).

If you intend to rely upon a transcript of proceedings filed in an earlier appeal, you must seek permission from the court to supplement the record in this appeal with the transcript filed in the earlier appeal.

**A time-stamped copy of the final judgment being appealed must be attached to this statement.
If the order appealed is not final and appealable under R.C. 2505.02, the Court must dismiss the appeal.**

THE PARTIES

Please provide the following information for **all** parties to the proceedings in the trial court.

A party who files a notice of appeal is an appellant. A party who would be adversely affected if the judgment below is reversed should be designated as an appellee. All other parties to the action below should retain their trial court designation (plaintiff, defendant, third-party plaintiff, third-party defendant, petitioner, respondent, etc). **See Local Rule 3.**

If a party was not represented by counsel in the proceedings below, please provide the address and phone number of the party. If there are additional parties and/or attorneys, please copy this page, complete the information for the additional parties, and attach it to this statement. **Appellant must attach a copy of any order that resolved a claim against any of the parties.**

<p>Party's name: Kisling, Nestico & Redick LLC Party's designation: Appellant Attorney's name: James M. Popson Attorney's registration number 0072773 Address of counsel or party: Sutter O'Connell, 1301 E. 9th Street, 3600 Erieview Tower, Cleveland, OH 44114 Phone (216) 928-2200 Fax (216) 928-4400 Email: jpopson@sutter-law.com</p>	<p>Party's name: Alberto R. Nestico Party's designation: Appellant Attorney's name: James M. Popson Attorney's registration number: 0072773 Address of counsel or party: Sutter O'Connell, 1301 E. 9th Street, 3600 Erieview Tower, Cleveland, OH 44114 Phone (216) 928-2200 Fax: (216) 928-4400 Email: jpopson@sutter-law.com</p>
<p>Party's name: Robert Redick Party's designation: Appellant Attorney's name: James M. Popson Attorney's registration number 0072773 Address of counsel or party: Sutter O'Connell, 1301 E. 9th Street, 3600 Erieview Tower, Cleveland, OH 44114 Phone (216) 928-2200 Fax (216) 928-4400 Email: jpopson@sutter-law.com</p>	<p>Party's name: Kisling, Nestico & Redick LLC Party's designation: Appellant Attorney's name: Thomas P. Mannion Attorney's registration number: (0062551) Address of counsel or party: Lewis Brisbois, 1375 E. 9th Street, Suite 2250, Cleveland, OH 44114 Phone (216) 344-9467 Fax (216) 344-9241 Email tom.mannion@lewisbrisbois.com</p>
<p>Party's name: Alberto R. Nestico Party's designation: Appellant Attorney's name: Thomas P. Mannion Attorney's registration number: (0062551) Address of counsel or party: Lewis Brisbois, 1375 E. 9th Street, Suite 2250, Cleveland, OH 44114 Phone (216) 344-9467 Fax (216) 344-9241 Email tom.mannion@lewisbrisbois.com</p>	<p>Party's name: Robert Redick Party's designation: Appellant Attorney's name: Thomas P. Mannion Attorney's registration number: (0062551) Address of counsel or party: Lewis Brisbois, 1375 E. 9th Street, Suite 2250, Cleveland, OH 44114 Phone (216) 344-9467 Fax (216) 344-9241 Email tom.mannion@lewisbrisbois.com</p>

Party's name: Kisling, Nestico & Redick LLC
Appeals, Court of

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Party's name: Alberto R. Nestico
DOST

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Party's designation: Appellant
Attorney's name: R. Eric Kennedy (0006174)
and Daniel P. Goetz (0065549)
Address of counsel or party: Weisman, Kennedy
& Berris Co., LPA, 101 W. Prospect Avenue,
1600 Midland Building, Cleveland, OH 44115
Phone (216) 781-1111 Fax: (216) 781-6747
Email: ekennedy@weismanlaw.com
and dgoetz@weismanlaw.com

Party's designation: Appellant
Attorney's name: R. Eric Kennedy (0006174)
and Daniel P. Goetz (0065549)
Address of counsel or party: Weisman, Kennedy
& Berris Co., LPA, 101 W. Prospect Avenue,
1600 Midland Building, Cleveland, OH 44115
Phone (216) 781-1111 Fax: (216) 781-6747
Email: ekennedy@weismanlaw.com
and dgoetz@weismanlaw.com

Party's name: Robert Redick
Party's designation: Appellant
Attorney's name: R. Eric Kennedy (0006174)
and Daniel P. Goetz (0065549)
Address of counsel or party: Weisman, Kennedy
& Berris Co., LPA, 101 W. Prospect Avenue,
1600 Midland Building, Cleveland, OH 44115
Phone (216) 781-1111 Fax: (216) 781-6747
Email: ekennedy@weismanlaw.com
and dgoetz@weismanlaw.com

Party's name: Member Williams
Party's designation: Appellee
Attorney's name: Peter Pattakos (0082884),
Zoran Balac (0100501) and Gregory Gipson (0089340)
Address of counsel or party:
The Pattakos Law Firm LLC, 101 Ghent Road,
Fairlawn, OH 44333
Phone (330) 836-8533 Fax: (330) 836-8536
Email: peter@pattakoslaw.com, zbalac@pattakoslaw.com,
and ggipson@pattakoslaw.com

Party's name: Thera Reid
Party's designation: Appellee
Attorney's name: Peter Pattakos (0082884) ,
Zoran Balac (0100501) and Gregory Gipson (0089340)
Address of counsel or party:
The Pattakos Law Firm LLC, 101 Ghent Road,
Fairlawn, OH 44333
Phone (330) 836-8533 Fax: (330) 836-8536
Email: peter@pattakoslaw.com, zbalac@pattakoslaw.com,
and ggipson@pattakoslaw.com

Party's name: Monique Norris
Party's designation: Appellee
Attorney's name: Peter Pattakos (0082884),
Zoran Balac (0100501) and Gregory Gipson (0089340)
Address of counsel or party:
The Pattakos Law Firm LLC, 101 Ghent Road,
Fairlawn, OH 44333
Phone (330) 836-8533 Fax: (330) 836-8536
Email: peter@pattakoslaw.com, zbalac@pattakoslaw.com,
and ggipson@pattakoslaw.com

Party's name: Richard Harbour
 Party's designation: Appellee
 Attorney's name: Peter Pattakos (0082884),
 Zoran Balac (0100501) and Gregory Gipson (0089340)
 Address of counsel or party:
 The Pattakos Law Firm LLC, 101 Ghent Road,
 Fairlawn, OH 44333
 Phone (330) 836-8533 Fax: (330) 836-8536
 Email: peter@pattakoslaw.com, zbalac@pattakoslaw.com,
 and ggipson@pattakoslaw.com

Party's name: Sam Ghoubrial, M.D.
 Party's designation: Defendant
 Attorney's name: Bradley J. Barmen
 Attorney's Registration Number: 0076515
 Address of counsel or party:
 Lewis Brisbois, 1375 E. 9th Street, Suite 2250,
 Cleveland, OH 44114
 Phone: (216) 344-9422 Fax: (216) 344-9421
 Email: brad.barmen@lewisbrisbois.com :

Party's name: Minas Floros, D.C.
 Party's designation: Defendant
 Attorney's name: Shaun H. Kedir
 Address of counsel or party: Kedir Law Offices,
 1400 Rockefeller Building, 614 West Superior
 Avenue, Cleveland, OH 44113
 Phone: (216) 696-2852 Fax: (216) 696-3177
 Email: shaunkedir@kedirlaw.com

GENERAL INFORMATION

Was a stay requested in the trial court? Yes No

If a stay was requested, how did the trial court rule? Granted Denied Pending

If this case has previously been before this Court, list prior appellate case number(s): _____

List case names and numbers of cases pending in this court that involve the same transaction or controversy involved in this appeal: _____

Probable issues for appeal: Whether the trial court abused its discretion in certifying a class action.

CRIMINAL CASE

Misdemeanor Felony
 Trial Guilty/No contest plea

Charges _____

Sentence _____

Type of Appeal: Defendant's Appeal as of Right State's Appeal as of Right
 Defendant's Appeal by Leave of Court State's Appeal by Leave of Court

CIVIL CASE

Type of action in trial court? Legal malpractice, fraud, breach of contract, unjust enrichment

Did the judgment dispose of all claims by and against all parties? Yes No

If not, is there a determination that there is "no just reason for delay?" Civ.R. 54(B). Yes No

Have the parties previously participated in mediation of this dispute? Yes No

Would a mediation conference assist in the resolution of this matter? Yes No Maybe

Must this case be expedited as being one of the following types of cases? Yes No

App.R. 11.2(B) or (C) appeals (abortion without parental consent, adoption, and parental rights)

App.R. 11.2(D) appeals (dependent, abused, neglected, unruly, or delinquent child appeals)

Appeal under determination of local fiscal emergency brought by municipal corporation

Election contests as provided in R.C. 3515.08

I CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE ATTACHED A COPY OF THE FINAL JUDGMENT FROM WHICH THIS APPEAL IS TAKEN.

/s/ James M. Popson (0072773)
Signature of Counsel (or party if not represented by counsel)