

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

MEMBER WILLIAMS, <i>et al.</i> ,  Plaintiffs,  vs.  KISLING, NESTICO & REDICK, LLC, <i>et al.</i> ,  Defendants.	Case No. CV-2016-09-3928  Judge James A. Brogan  <b>Plaintiff's Motion for Reconsideration of the Court's January 26, 2024 Order Re-Certifying Class A (the Price-Gouging Class)</b>
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On December 13, 2023, the Ninth District Court of Appeals remanded this matter to this Court for the second time, instructing this Court to conduct a “rigorous analysis” of the requirements of Civ.R. 23(B), specifically, the Rule’s predominance and superiority requirements, as to this Court’s certification of Class A (“the price-gouging class”).

On January 26, 2024, this Court issued an Order re-certifying Class A for a third time.

Prior to this matter being appealed to the Ninth District for a third time, Plaintiffs respectfully request the opportunity to submit proposed findings of fact and conclusions of law to this Court to ensure that the “rigorous analysis” required by the Ninth District is satisfied. Plaintiffs respectfully submit that the submission by the parties, and analysis and adoption by this Court, of additional findings of fact and conclusions of law will ensure that the “rigorous analysis” required by the Ninth District is satisfied, will help avoid the need for yet a fourth interlocutory appeal on this issue, and will aid in the timely and efficient disposition of the Class members’ claims on their merits. Thus, before this matter goes up to the Court of Appeals on Defendants’ inevitable third interlocutory appeal of this class-certification issue, Plaintiffs respectfully request that this Court set a briefing schedule for the parties to submit proposed findings of fact and conclusions of law, and a

hearing on said briefing, so that this Court's order re-certifying Class A can be supplemented with additional findings of fact and conclusions of law to ensure the "rigorous analysis" required by the Ninth District is satisfied.

Respectfully submitted,

/s/ Peter Pattakos

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### **Certificate of Service**

The foregoing document was filed on January 30, 2023, using the Court's e-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos

*Attorney for Plaintiffs*