

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. CV-2016-09-3928

Judge James Brogan

DEFENDANT SAM GHOUBRIAL, M.D.'S
BRIEF IN OPPOSITION TO
PLAINTIFFS' MOTION FOR
CLARIFICATION OF THE COURT'S
FEBRUARY 21, 2024 SEALING ORDER

Now comes Defendant Sam Ghoubrial, M.D. ("Dr. Ghoubrial"), by and through counsel, and respectfully requests that Plaintiffs' Motion for Clarification of the Court's February 21, 2024 Sealing Order ("Plaintiffs' Motion"), be denied. There is nothing to clarify regarding the Court's February 21, 2024, Order. The Court's Order is clear and unambiguous, as was Plaintiffs' counsel's blatant and intentional violation of the this Court's February 12, 2024, Order in their filing on February 19, 2024, which necessitated the February 21, 2024, Order striking the offensive references to the deposition of Julie Ghoubrial in the February 19, 2024, filing, and ordering the remainder of that filing sealed.

Plaintiffs' Motion is just their latest acknowledgement that they and their counsel have no respect for this Court or its Orders. It is also a thinly veiled and transparent attempt to set the Court up for the prior restraint argument that lead counsel for Plaintiffs indicated he intends to raise. The Court should neither be baited nor fooled into stepping into Plaintiffs' counsel's trap. Although lead counsel for the Plaintiffs clearly has no qualms about simply ignoring Court Orders he does not agree with, he is not stupid. For him to suggest that he needs clarification of this Court's

February 21, 2024, Order, especially in light of the telephone hearing conducted with the Court on February 15, 2024, is as disingenuous as his First Amendment and Due Process arguments.

Any phone conversation between the Court and Plaintiffs' counsel is unavailing and of no consequence.¹ As the Court and any first year law student know, the Court speaks only through its docket and the docket in this case is clear, as are this Court's Orders of February 12, 2024, and February 21, 2024. While Plaintiffs' counsel is certainly free to try and make whatever record he deems necessary, he is still bound by the restraints of Civ. R. 11, whether he believes it or not.

Plaintiffs' counsel is surely aware of both the letter and intent of this Court's Orders of February 12, 2024, and February 21, 2024. There is no need for this Court to clarify its Order of February 21, 2024, and Plaintiffs' Motion should therefore be denied.

Respectfully submitted,

/s/ Bradley J. Barmen

Bradley J. Barmen, Esq. (0076515)

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Counsel for Defendant

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¹ Even assuming Plaintiffs' counsel's representation of the substance of that phone in Plaintiffs' Motion is accurate, which is highly unlikely.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was filed electronically with the Court on this 26th day of February, 2024. The parties may access this document through the Court's electronic filing system.

/s/ Bradley J. Barmen

Bradley J. Barmen (0076515)

Counsel for Defendant

Sam N. Ghoubril, M.D.