

**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 Court of Common Pleas

Trial Court Caption MEMBER WILLIAMS
(Name of first plaintiff)

v.

KISLING, NESTICO & REDICK, LLC
(Name of first defendant)

Trial Court Case Number CV-2016-09-3928

Trial Court Judge James A. Brogan

Date of judgment appealed February 20, 2024
Was the time to appeal extended
by App.R. 4(B)? Yes No

CALENDAR DESIGNATION

THIS APPEAL SHOULD BE ASSIGNED TO:

- Regular Calendar.
- Accelerated Calendar. *See* Loc.R. 11.1.
- 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. 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).
- 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.

Party's name <u>Member Williams</u> Party's designation <u>Appellee/Cross-Appellant</u> Attorney's name <u>Peter Pattakos, Zoran Balac & Gregory Gipson</u> Attorney's registration number <u>0082884, 0100501, 0089340</u> Address of counsel or party <u>The Pattakos Law Firm LLC</u> <u>101 Ghent Rd., Fairlawn, OH 44333</u> Phone <u>330-836-8533</u> Fax <u>330-836-8536</u> Email <u>peter@pattakoslaw.com; zbalac@pattakoslaw.com</u> <u>ggipson@pattakoslaw.com</u>	Party's name <u>Thera Reid</u> Party's designation <u>Appellee/Cross-Appellant</u> Attorney's name <u>Peter Pattakos, Zoran Balac & Gregory Gipson</u> Attorney's registration number <u>0082884, 0100501, 0089340</u> Address of counsel or party <u>The Pattakos Law Firm LLC</u> <u>101 Ghent Rd., Fairlawn, OH 44333</u> Phone <u>330-836-8533</u> Fax <u>330-836-8536</u> Email <u>peter@pattakoslaw.com; zbalac@pattakoslaw.com</u> <u>ggipson@pattakoslaw.com</u>
Party's name <u>Monique Norris</u> Party's designation <u>Appellee/Cross-Appellant</u> Attorney's name <u>Peter Pattakos, Zoran Balac & Gregory Gipson</u> Attorney's registration number <u>0082884, 0100501, 0089340</u> Address of counsel or party <u>The Pattakos Law Firm LLC</u> <u>101 Ghent Rd., Fairlawn, OH 44333</u> Phone <u>330-836-8533</u> Fax <u>330-836-8536</u> Email <u>peter@pattakoslaw.com; zbalac@pattakoslaw.com</u> <u>ggipson@pattakoslaw.com</u>	Party's name <u>Richard Harbour</u> Party's designation <u>Appellee/Cross-Appellant</u> Attorney's name <u>Peter Pattakos, Zoran Balac & Gregory Gipson</u> Attorney's registration number <u>0082884, 0100501, 0089340</u> Address of counsel or party <u>The Pattakos Law Firm LLC</u> <u>101 Ghent Rd., Fairlawn, OH 44333</u> Phone <u>330-836-8533</u> Fax <u>330-836-8536</u> Email <u>peter@pattakoslaw.com; zbalac@pattakoslaw.com</u> <u>ggipson@pattakoslaw.com</u>
Party's name <u>Kisling, Nestico & Redick LLC</u> Party's designation <u>Appellant/Cross-Appellee</u> Attorney's name <u>R. Eric Kennedy & Daniel P. Goetz</u> Attorney's registration number <u>0006174, 0065549</u> Address of counsel or party <u>Weisman, Kennedy & Berris Co., LPA</u> <u>101 Prospect Ave, 1600 Midland Bldg, Cleveland, OH 44115</u> Phone <u>216-781-1111</u> Fax <u>216-781-6747</u> Email <u>ekennedy@weismanlaw.com; dgoetz@weismanlaw.com</u>	Party's name <u>Alberto R. Nestico</u> Party's designation <u>Appellant/Cross-Appellee</u> Attorney's name <u>R. Eric Kennedy & Daniel P. Goetz</u> Attorney's registration number <u>0006174, 0065549</u> Address of counsel or party <u>Weisman, Kennedy & Berris Co., LPA</u> <u>101 Prospect Ave, 1600 Midland Bldg, Cleveland, OH 44115</u> Phone <u>216-781-1111</u> Fax <u>216-781-6747</u> Email <u>ekennedy@weismanlaw.com; dgoetz@weismanlaw.com</u>

Party's name <u>Robert Redick</u>	Party's name <u>Sam Ghoubril, M.D.</u>
Party's designation <u>Appellee/Cross-Appellant</u>	Party's designation <u>Appellee/Cross-Appellant</u>
Attorney's name <u>R. Eric Kennedy & Daniel P. Goetz</u>	Attorney's name <u>Bradley J. Barmen</u>
Attorney's registration number <u>0006174, 0065549</u>	Attorney's registration number <u>0076515</u>
Address of counsel or party <u>Weisman, Kennedy & Berris Co., LPA</u>	Address of counsel or party <u>Lewis Brisbois</u>
<u>101 Prospect Ave, 1600 Midland Bldg, Cleveland, OH 44115</u>	<u>1375 E. 9th Street, Suite 2250, Cleveland, OH 44114</u>
Phone <u>330-836-8533</u> Fax <u>330-836-8536</u>	Phone <u>216-344-9422</u> Fax <u>216-344-9421</u>
Email <u>ekennedy@weismanlaw.com; dgoetz@weismanlaw.com</u>	Email <u>brad.barmen@lewisbrisbois.com</u>

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): 29630, 29636, 30602, 30604

List case names and numbers of cases pending in this court that involve the same transaction or controversy involved in this appeal: 31007, 31008

Probable issues for appeal: Whether the trial court erred in granting the appealed order requiring PPlaintiffs and their counsel to destroy copies of the Julie G Ghoubrial deposition transcript at issue and whether the appealed order is in violation of the First Amendment rights of PPlaintiffs, PPlaintiffs counsel, and the public.

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? Class action for fraud, breach of contract, unjust enrichment, civil RICO

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/Peter Pattakos
Signature of Counsel (or party if not represented by counsel)

TAVIA GALONSKI

2024 FEB 20 AM 11:38

SUMMIT COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Plaintiffs,

v.

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

Defendant.

Case No.: 2016-09-3928

Judge: James Brogan

NUNC PRO TUNC ORDER

The Court, having been made aware of a clerical error relative to its February 12, 2024, Order directing that the deposition transcript of Julie Ghoubrial be filed under seal in this matter, enters this Order, Nunc Pro Tunc, to correct the record and to ensure the full compliance of all Parties relative to the Court's February 12, 2024 Order.

Wherefore, when the Court issued its February 12, 2024, Order directing that the deposition transcript of Julie Ghoubrial be filed under seal, it intended that the transcript remain private and not available to the public, the Parties, and/or their counsel.

Wherefore, when the deposition of Julie Ghoubrial was filed on the docket on February 12, 2024, pursuant to this Court's Order to file it under seal, the Notice of Filing sent to counsel made the transcript available for download, by inadvertence or mistake, for a period of approximately thirty (30) minutes, until the issue was brought to the attention of the Clerk and the Court. Once the Clerk and the Court were made aware that the deposition transcript was accessible to counsel in contravention of the intention of the Court when it issued its February 12, 2024, Order directing that the transcript be filed under seal and not be available to anyone, including counsel, the Notice was corrected so that the transcript could no longer be accessed by anyone.

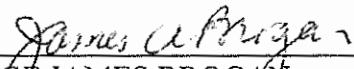
Wherefore, during the limited time the deposition transcript was accessible to counsel through the Notice of Filing, in contravention of the Court's intent when it issued its February 12,

2024. Order to file the transcript under seal. counsel for Plaintiffs obtained a copy of the deposition transcript. Lead counsel for Plaintiffs confirmed that he is possession of, and has reviewed, the deposition transcript of Julie Ghoubrial during a telephone hearing on February 15, 2024.

Wherefore, to ensure compliance with the Court's February 12, 2024, Order that the deposition transcript of Julie Ghoubrial be filed under seal and not available or accessible to anyone, including counsel, until further Order of the Court, all counsel are directed to refrain from distributing any copy or copies of the deposition transcript of Julie Ghoubrial to any person or entity. All counsel are further directed to destroy any and all copies of the deposition transcript currently in their possession, as well as any copies in the possession of their partners, associates, agents, employees, or assigns. This Order applies to any and all electronic copies of the deposition transcript saved, downloaded, or emailed, which are to be deleted.

Wherefore, to ensure compliance with this Nunc Pro Tunc Order, as well as this Court's February 12, 2024, Order, lead counsel for all Parties are directed to submit an affidavit to Court, no later than 3 pm est. on Wednesday, February 21, 2024, certifying that all copies of the deposition transcript of Julie Ghoubrial, including all electronic copies, have been destroyed and/or deleted.

IT IS SO ORDERED.



JUDGE JAMES BROGAN

Copies to Counsel of Record