

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
Reply in Support of Motion for Civil
Contempt, and to Show Cause Why
Plaintiffs' Counsel Should not be Held in
Criminal Contempt.**

After taking two separate extensions of time to respond to Defendant Ghoubrial's Motion for Civil Contempt And To Show Cause Why Plaintiff's Counsel Should Not Be Held in Criminal Contempt ("Defendant's Contempt Motion"), Plaintiffs filed a Brief in Opposition to Defendant's Contempt Motion buried 35 pages deep in a 44-page inappropriate and unwarranted omnibus motion seeking relief for which they are not entitled. While this Reply will focus primarily on Defendant's Contempt Motion, rather than Plaintiffs' rambling missive meant to confuse the actual issues currently before the Court, Plaintiffs' affirmative motions should be denied.¹

As an initial matter, this Court lacks jurisdiction to entertain Plaintiffs' affirmative motions relating to the Julie Ghourial deposition transcript because Plaintiffs filed a Notice of Appeal of this Court's February 20, 2024, Nunc Pro Tunc Order on February 22, 2024. *See* Docket. Certainly Plaintiffs' counsel had to be aware that that their appeal of the February 20, 2024, Nunc Pro Tunc Order would necessarily divest this Court of jurisdiction to address any issues related to the Julie

¹ Defendant Ghoubrial will file a separate Brief In Opposition to Plaintiffs' Motion for Hearing and Ruling, and Plaintiffs' Motion for Reconsideration or Clarification within the time prescribed by the Civil Rules..

Ghoubrial deposition transcript while their appeal was pending. Moreover, and assuming this Court had jurisdiction to address Plaintiffs affirmative Motions, which it does not, there is no legitimate reason to hold a hearing or issue a ruling as to whether Julie Ghoubrial's inadvertently disclosed deposition transcript is protected by privilege. All necessary rulings have already been issued, starting with Judge Quinn's January 25, 2019, Order to Mark Deposition Transcript As Confidential Information, in Summit County DR Case No. 2018-04-1027. *See* January 25, 2019, Order, attached as Exhibit A. Despite the efforts of Plaintiffs and their counsel, including a failed attempt at intervention in the Ghourials' divorce action, Judge Quinn's Order was never rescinded, and it formed the basis of this Court's initial Orders on the matter back in 2019 and 2020.

Finally, Plaintiffs' Motion for Reconsideration or Clarification of this Court's Orders Related to the Transcript must also be denied. Not only has the Court gone to extraordinary lengths to ensure that both the letter and the intent of its Orders related to the Julie Ghourial deposition transcript are clear and unambiguous, the Court already responded to Plaintiffs' February 22, 2024, Motion for Clarification of the February 20, 2024, Nunc Pro Tunc Order. The Court's March 4, 2024, Order addresses and clarifies both the February 12, 2024, sealing Order, and the February 20, 2024, Nunc Pro Tunc Order. *See* March 4, 2024, Order, attached as Exhibit B. Notwithstanding the fact that the Court cannot entertain Plaintiffs' Motion for Reconsideration or Clarification of its Order relating to the Julie Ghoubrial deposition transcript while Plaintiffs' appeal of the February 20, 2024, Nunc Pro Tunc Order is pending, there is nothing more for the Court to reconsider or clarify.²

² The Court also clarified its Orders and intent relative to the Julie Ghoubrial deposition transcript during a telephone hearing with all counsel on February 15, 2024.

As it relates to Defendant's Contempt Motion, Plaintiffs' Counsel argue they should not be held in contempt because this Court's Orders relative to Julie Ghoubril's deposition transcript are "too vague, confusing, unworkable, and unenforceable.." See Plaintiffs' Opposition, pg. 36. This assertion is patently absurd. It also demonstrates the blatant disrespect that Plaintiffs' counsel, and particularly Mr. Pattakos, have for this Court and its authority. Essentially, Plaintiffs' counsel are saying that simply because they believe the Court's Orders were wrongly decided, they are therefore unenforceable and they have free reign to violate them with impunity. By Plaintiffs' counsel's logic, officers of the court are only required to abide by orders with which they agree.

There is no question that Plaintiffs' counsel have violated this Court's Orders. Moreover, Plaintiffs' counsel's violations of this Court's Orders have been willful and knowing. This is definition of contempt, both civil and criminal. "A prima facie case of civil contempt is made when a moving party proves both the existence of a court order and the nonmoving party's noncompliance with the terms of the order." *Wolf v. Wolf*, 1st Dist. Hamiton No. C-090587, 2010 Ohio 2762, ¶14. "Clear and convincing evidence is the standard of proof in civil contempt proceedings." *Flowers v. Flowers*, 10th Dist. Franklin No. 10AP-1176, 2011 Ohio 5972, ¶13{***7}. Evidence of the contemnor's purposeful, willing, or intentional violation of a trial court's prior order is not required to hold a party in civil contempt. *Carroll v. Detty*, 113 Ohio App.3d 708, 711, 681 N.E.2d 1383 (4th Dist. 1996). In criminal contempt, intent to defy the court order is an essential element, and must be proven beyond a reasonable doubt. *In re Carroll*, 28 Ohio App.3d 6, 10, N.E.2d 1204 (8th Dist. 1985).

One need look no further that this Court's March 4, 2024, Order to determine why Plaintiffs' counsel must be held in civil contempt, and made to appear and show cause why they should not also be held in criminal contempt. Defendant's Contempt Motion was filed due to

Plaintiffs' Opposition to the Defendants' proposed nunc pro tunc order, filed February 19, 2024. This Court has already determined that Plaintiffs' February 19, 2024, filing violated the Court's February 12, 2024, Order because it "made extensive references to Julie Ghoubrial's deposition knowing that this Court considered that testimony to be confidential." *See* March 4, 2024, Order, pg. 2. In that same Order, the Court also made it clear that Mr. Pattakos' alleged justification for his continued violations of this Court's Order was untrue ("I never told Mr. Pattakos that the Court's February 20, 2024 destruction order was not intended to bar him from speaking about the contents of Julie Ghoubrial's deposition testimony."). *Id.* pg. 3 Not only has Mr. Pattakos continued to violate this Court's Orders, he has attempted to mislead the Court, counsel, and the public in an effort to justify his knowingly wrongful conduct.

Defendant filed a Supplement to his Contempt Motion on March 4, 2024, due to Mr. Pattakos' continued knowing and blatant violations of this Court's February 12, 2024, sealing Order, and its February 20, 2024, Nunc Pro Tunc Order. This was necessitated by Mr. Pattakos posting about the Julie Ghoubrial deposition and its contents on his social media accounts. As was the case with Plaintiffs' February 19, 2024, Opposition to the proposed nunc pro tunc entry that was addressed in the Court's March 4, 2024, Order, Mr. Pattakos' social media posts referred to Julie Ghoubrial's deposition and described some of her testimony in further violation of this Court's Orders. *See* Exhibit 10, attached to Plaintiff's Motion.³

³ Plaintiffs' counsel is quick to point out that Defense counsel did not attached a copy of Mr. Pattakos' social media post as an exhibit to the Supplement to the Contempt Motion. This is true because Defense counsel believed that attaching the social media posts to the Supplement would violate this Court's Orders. However, Defense counsel did email a copy of the social media post to the Court and all counsel on February 23, 2024, at 12:47 pm, when he first became aware of the posts.

It is clear that Plaintiffs' counsel are acutely aware of this Court's Orders, their scope, and the Court's intent relative to the Julie Ghoubrial deposition transcript. Any assertion to the contrary is both laughable and offensive. Their feigned ignorance and disingenuous assertions that the Court's Orders are somehow vague and/or open to interpretation are nothing more than a well calculated ruse, designed to try and justify their repeated and knowing violations of the Court's Orders in an effort to avoid being held in contempt. Plaintiffs' counsel's efforts in this regard are as transparent as their disdain for the Court's authority when rulings are contrary to their wishes. Plaintiffs' counsel's continued flagrant disregard for the Court and its Orders cannot be permitted to continue unabated.

If there was any question regarding the level of Plaintiffs' counsel's disdain for this Court and their disrespect for its authority, their latest filing should remove all doubt. In their Motion and Opposition to Defendant's Contempt Motion, Plaintiffs state several times that this Court has recognized that Julie Ghoubrial's deposition testimony is "highly relevant, probative, and subject to discovery in this case." *See* Plaintiffs' Motion, pp. 2, 4, 18, 19, 21, 42. In support this assertions, Plaintiffs repeatedly point to this Court's February 5, 2019, Order. However, Plaintiffs' intentionally and deviously omit that the Court's position regarding the relevance of Julie Ghoubrial's deposition testimony was based "upon Plaintiffs' (Mr. Pattakos') representations that Julie Ghoubrial was in fact questioned about the allegations in the lawsuit..." *See* February 5, 2019, Order, attached as Exhibit C, pg. 4. Blatant misrepresentations and unprofessional and unnecessary attacks upon counsel and the Court notwithstanding, there is no justification for Plaintiffs' counsel's knowing and repeated violations of this Court's Orders, including the

February 20, 2024, Nunc Pro Tunc Order which Plaintiffs' counsel violated and remain non-complaint.⁴

Plaintiffs' counsel, and Mr. Pattakos in particular, do not deny violating this Court's Orders. Rather, they believe they are justified in their actions simply because they do not agree with the Court's Orders. However, circular arguments and confusion of the issues do not absolve Plaintiffs' counsel's obligation to comply with this Court's Orders. Contrary to Mr. Pattakos' position, the ends do not justify the means. Lawyers are required to follow court orders, plain and simple. Lawyers have recourse to challenge orders they believe are wrongly decided and/or unlawful. Lawyers cannot simply choose to ignore and violate court orders they disagree with, but that is exactly what Plaintiffs' counsel have chosen to do here.

For the foregoing reasons, Plaintiffs' counsel should be held in civil contempt for their blatant and knowing violations of this Court's Order regarding the deposition transcript of Julie Ghoubrial. Further, Plaintiffs' counsel should be made to appear and show cause why they should not be held in criminal contempt considering the egregious nature of their continued violations and their blatant disrespect for the authority of this Court.

Respectfully submitted,

/s/ Bradley J. Barmen

Bradley J. Barmen, Esq. (0076515)

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Counsel for Defendant

Sam N. Ghoubrial, M.D.

⁴ Plaintiffs having appealed the February 20, 2024, Nunc Pro Tunc Order does not excuse their obligation to comply with that Order unless and until the Order is reversed on appeal.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was filed electronically and will be served upon all parties by operation of the Court's e-filing system on this 14th day of March, 2024.

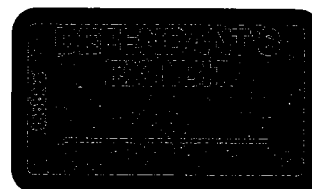
/s/ Bradley J. Barmen
Bradley J. Barmen (0076515)
Counsel for Defendant
Sam N. Ghoubrial, M.D.

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO

Julie Ghoubrial	*	Case No.: DR 2018-04-1027
Plaintiff	*	Judge Quinn
vs.	*	Magistrate Dennis
Sameh N. Ghoubrial, et al.	*	<u>ORDER TO MARK DEPOSITION</u>
Defendants	*	<u>TRANSCRIPT AS CONFIDENTIAL</u>
		<u>INFORMATION</u>

Based upon written motion and for good cause shown, the following terms shall apply:

1. The deposition transcript of Plaintiff taken on or about October 12, 2018, shall remain under seal of this Court and shall not be distributed, copied, or provided to any third parties.
2. The deposition transcript shall only be used by the parties to the within action.
3. The Court Reporter shall mark each and every one of the pages contained in the deposition as confidential and subject to the Protective Order previously executed by the parties and filed with this Court.



4. This deposition transcript shall only be used by parties and counsel for the limited purposes of the within divorce case and for no other purposes of any kind or nature.

IT IS SO ORDERED.

Judge Quinn

Approved By:

/s/ Adam R. Morris

Adam R. Morris (0086513)

Randal A. Lowry (0001237)

Mora Lowry (0070852)

Attorneys for Defendant

4000 Embassy Parkway, Suite 200

Akron, Ohio 44333

(330) 576-3363

The foregoing document styled 'ORDER TO MARK DEPOSITION TRANSCRIPT AS CONFIDENTIAL INFORMATION' and consisting of 2 pages plus this signature page is hereby approved and made an Order of this Court.

IT IS SO ORDERED

A handwritten signature in black ink that reads "John P. Quinn". The signature is written in a cursive, slightly slanted style.

Judge QUINN, JOHN

TAVIA GALONSKI
 IN THE COURT OF COMMON PLEAS
 COUNTY OF SUMMIT

2024 MAR -4 PM 3: 29

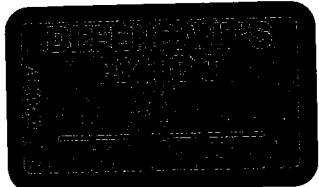
MEMBER WILLIAMS, et al.)	CASE NO.: CV-2016-09-3928
)	
Plaintiffs)	JUDGE JAMES A. BROGAN
-vs-)	
)	
KISLING NESTICO & REDICK)	<u>ORDER</u>
LLC, et al.)	
)	
Defendants)	

- - -

On February 22, 2024, counsel for the Plaintiffs, Peter Pattakos, filed a Motion for Clarification of this Court’s nunc pro tunc Sealing Order entered on February 21, 2024. This Court had initially filed a Sealing Order on February 12, 2024 of Julie Ghoubril’s deposition given in a separate divorce proceeding. That Order was meant to apply to all members of the public, including counsel for the parties.

Unfortunately, the Clerk of Courts did not think it applied to counsel, and Mr. Pattakos was able to access the deposition. He then distributed copies of the deposition to opposing counsel with hopes of settling the underlying litigation. On February 15, 2024, this Court conducted a telephone hearing on the record with all counsel, and this Court stated that the Clerk should not have released the deposition to counsel, and the Court considered the online release to be an “inadvertent disclosure.”

The next day on February 15, 2024, Mr. Pattakos sent this Court a letter which he copied all counsel arguing that the proposed “nunc pro tunc order” would be an unconstitutional “gag order.” He also indicated that if he sent copies of the deposition to the press, they could not be restrained from publishing the contents of the deposition because it would be a prior restraint prohibited in the famous *Pentagon Papers* case.



Mr. Pattakos also argued that Julie Ghoubrial's deposition was not covered by the spousal privilege because they were "separated" at the time of the deposition. *State v. Mowery*, 1 Ohio St. 3d 192.

On February 19, 2024, Mr. Pattakos filed a Motion in Opposition to the Defendants' proposed nunc pro tunc entry again referring to such order as a "gag order." In the motion, Mr. Pattakos made extensive references to Julie Ghoubrial's deposition knowing that this Court considered that testimony to be confidential.

On February 20, 2024, this Court's nunc pro tunc order stated that all counsel refrain from distributing any copies of the deposition transcript of Julie Ghoubrial to any person or entity. Counsel were also directed to destroy all copies of the deposition transcript currently in their possession and were directed to submit affidavits of compliance by February 21, 2024 by 3:00 p.m.

On February 20, 2024, because this Judge was so upset that Mr. Pattakos would refer to portions of the confidential deposition in a pleading, I called Bradley Barmen who represents Defendant Samuel Ghoubrial to arrange another on the record telephone conference. I suggested 3:00 p.m. that day would be an appropriate time for me.

I contacted Mr. Pattakos to see if the 3:00 p.m. phone conference would fit his schedule, and he indicated he would not participate because he intended to appeal the Court's order to destroy the Ghoubrial deposition copies.


I told Mr. Pattakos how upset I was that he would refer extensively to the contents of Julie Ghoubrial's deposition in the February 19, 2024 pleading. I also indicated that his reference to *State v. Mowery* was misplaced because it involved privileged communication in a criminal case and involved an interpretation of R.C. 2945.42 regarding a communication during

coverture. I also told him the appropriate privilege statute is R.C 2317.02(D) and the rule foreclosing communication applies even if the marital relation has ceased to exist.

I never told Mr. Pattakos that the Court's February 20, 2024 destruction order was not intended to bar him from speaking about the contents of Julie Ghoubrial's deposition testimony. I told him "prior restraint" issues generally involve freedom of the press only. In fact, I told him he was obligated to obey this Court's order unless it was "patently unconstitutional." *Walker v. City of Birmingham*, 383 U.S. 307 (1967)

I hope that this "clarifies" this Court's February 21, 2024 Sealing Order.

IT IS SO ORDERED.



JUDGE JAMES A. BROGAN
Sitting by Assignment #18JA1214
Pursuant to Art. IV, Sec. 6
Ohio Constitution

CC: Counsel of Record

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

MEMBER WILLIAMS, et al.)	CASE NO.: CV-2016-09-3928
)	
Plaintiffs)	JUDGE JAMES A. BROGAN
-vs-)	
)	
KISLING NESTICO & REDICK)	<u>ORDER</u>
LLC, et al.)	
)	
Defendants)	

- - -

This matter comes before the Court upon (1) Plaintiffs’ Motion to Compel discovery from Defendant Minas Floros and (2) Plaintiffs’ Motion to Compel discovery from Defendant Sam Ghoubrial, M.D.

(1) Plaintiffs’ Motion to Compel Discovery from Defendant Minas Floros

Plaintiffs’ Motion to Compel Discovery from Defendant Minas Floros is OVERRULED because Plaintiffs failed to comply with Civ.R. 37(A)’s requirement to make a good faith attempt to confer with opposing counsel prior to asking for Court action. The purpose of this requirement is to endorse and enforce the view that, in general discovery is self-regulating and should require court intervention only as a last resort. See Staff Note, Civ.R. 37.

(2) Plaintiffs’ Motion to Compel Discovery from Defendant Sam Ghoubrial, M.D.

Plaintiffs’ Motion to Compel Discovery from Defendant Sam Ghoubrial, M.D. is GRANTED as Plaintiffs have demonstrated compliance with Civ.R. 37 in bringing the motion to the Court’s attention after attempting to confer with opposing counsel over the issues raised. Further, the motion is granted to the extent that the Court order and requires Defendant Ghoubrial to provide complete answers to Plaintiffs’ discovery requests, subject to the following Court rulings on the objections posed by Defendant Ghoubrial in response to each discovery request:



Rulings on Objections to Plaintiff Norris's First Set of Requests for Admission:
Objections in RFA 4, 9, 17 and 18 are overruled.

Rulings on Objections to Plaintiff Norris's First Set of Interrogatories:

Interrogatory 1 – objection overruled
Interrogatory 2 – objection overruled
Interrogatory 3 – objection overruled
Interrogatory 4 – objection overruled
Interrogatory 5 – objection overruled
Interrogatory 6 – objection overruled
Interrogatory 7 – objection overruled
Interrogatory 8 – objection overruled (the information sought is not covered by the attorney-client privilege because the KNR attorneys do not represent Dr. Ghoubrial)
Interrogatory 9 – objection overruled
Interrogatory 10 – objection sustained
Interrogatory 11 – objection sustained
Interrogatory 12 – objection sustained
Interrogatory 13 – objection overruled
Interrogatory 14 – objection overruled
Interrogatory 15 – objection sustained
Interrogatory 16 – objection overruled (you need not identify the patient name)
Interrogatory 17 – objection overruled (you need not identify the patient name)
Interrogatory 18 – objection overruled
Interrogatory 19 – objection overruled
Interrogatory 20 – objection overruled
Interrogatory 21 – objection sustained in part (you need to provide information only for the years 2015 and 2016 without revealing any patient names)
Interrogatory 22 – objection sustained in part (you need to provide information only for the years 2015 and 2016 without revealing patient names)
Interrogatory 23 – objection overruled
Interrogatory 24 – objection sustained in part (limit the answer to injections to KNR clients in 2015 and 2016 without reference to patient names)
Interrogatory 25 – objection sustained in part (limit the answer to injections between 2015 and 2016 without reference to patient names)
Interrogatory 26 – objection overruled
Interrogatory 27 – objection overruled
Interrogatory 28 – objection overruled
Interrogatory 29 – objection overruled
Interrogatory 30 – objection sustained
Interrogatory 31 – objection overruled
Interrogatory 32 – objection overruled
Interrogatory 33 – objection overruled (do not identify patient names)
Interrogatory 34 – objection overruled
Interrogatory 35 – objection overruled
Interrogatory 36 – objection overruled
Interrogatory 37 – objection overruled
Interrogatory 38 – objection overruled

Interrogatory 39 – objection overruled

Interrogatory 40 – objection sustained

Interrogatory 41 – objection sustained (with leave of Court granted for seeking the additional information outside of Civ.R. 33(A) limit of forty (40) interrogatories)

Interrogatory 42 – objection overruled (with leave of Court granted for seeking the additional information outside of Civ.R. 33(A) limit of forty (40) interrogatories)

Interrogatory 43 – objection sustained (with leave of Court granted for seeking the additional information outside of Civ.R. 33(A) limit of forty (40) interrogatories)

Interrogatory 44 – objection sustained (with leave of Court granted for seeking the additional information outside of Civ.R. 33(A) limit of forty (40) interrogatories)

Interrogatory 45 – objection sustained (with leave of Court granted for seeking the additional information outside of Civ.R. 33(A) limit of forty (40) interrogatories)

Interrogatory 46 – objection sustained (with leave of Court granted for seeking the additional information outside of Civ.R. 33(A) limit of forty (40) interrogatories)

Interrogatory 47 – objection sustained (with leave of Court granted for seeking the additional information outside of Civ.R. 33(A) limit of forty (40) interrogatories)

Rulings on Objections to Plaintiff Norris's First Set of Requests for Production of Documents:

RFP 1 – objection sustained

RFP 2 – objection overruled

RFP 3 – objection overruled

RFP 4 – objection sustained

RFP 5 – objection overruled

RFP 6 – objection overruled

RFP 7 – objection overruled

RFP 8 – objection overruled

RFP 9 – objection overruled

RFP 10 – objection sustained

RFP 11 – objection overruled

RFP 12 – objection overruled

RFP 13 – objection overruled

RFP 14 – objection overruled

RFP 15 – objection overruled

RFP 16 – objection sustained

RFP 17 – objection overruled

RFP 18 – objection overruled

RFP 19 – objection overruled

RFP 20 – objection sustained

RFP 21 – objection sustained

RFP 22 – objection overruled

RFP 23 – objection sustained

RFP 24 – objection overruled

RFP 25 – objection overruled

RFP 26 – objection overruled

RFP 27 – objection overruled

RFP 28 – objection overruled

Rulings on Objections to Plaintiffs' Second Set of Requests for Production of Documents:

Plaintiffs seek a portion of the transcript of Julie Ghoumbrial's deposition taken in Domestic Relations Court Case No. DR2018-04-1027, wherein Julie Ghoumbrial was questioned about the allegations relating to this lawsuit. Plaintiffs seek only a portion of the transcript, indicating they have reliable information that Attorney David Best posed questions to Julie Ghoumbrial about the allegations in the instant lawsuit.

Defendant Ghoumbrial objected to production of the transcript because there is a Confidentiality Order in place by Judge Quinn in Domestic Relations Court.

Upon review of the exhibits filed by Plaintiffs' it appears Mr. Ghoumbrial moved the Domestic Relations Court to deem the entire deposition transcript confidential because the testimony contained "confidential business information." That order was granted over Julie Ghoumbrial's objections. The Order states the transcript "shall only be used for the limited purposes of the within divorce case and for no other purpose of any kind or nature."

Plaintiffs cite *Grantz v. Discovery for Youth*, 12th Dist. Butler Nos. CA2004-09-216, CA2004-09-217, 2005 Ohio 680, for the proposition that a court may order disclosure of information (covered by another court's confidentiality order) when pertinent to pending civil and criminal actions. Plaintiffs ask this Court to compel a copy of the transcript for *in camera* review pursuant to the *Grantz* case. Plaintiffs argue there is no legitimate argument for shielding Julie Ghoumbrial's deposition testimony from these proceedings particularly as related to the veracity of Plaintiffs' allegations against Dr. Ghoumbrial in this lawsuit.

Defendant Ghoumbrial objects to production of the deposition transcript because it is protected by a confidentiality designation by the Domestic Relations Court. Defendant further distinguishes the *Grantz* case as it dealt exclusively with the release of a juvenile's records only after the juvenile and his parents executed waivers authorizing the release pursuant to R.C. 1347.08. Defendant Ghoumbrial also argues the three-part test *Grantz* utilized for *in camera* inspection of such records is only applicable to confidential juvenile records and *Grantz* is wholly inapplicable to getting confidential records from a Domestic Relations court.

The Court agrees that *Grantz* is distinguishable and inapposite to the issues raised herein. There are principles of comity and courtesy between separate divisions of courts and courts respect the separate jurisdiction of each separate division of court. The proper method to obtain discovery under such circumstances is intervention in the proceedings. For example, a third-party (such as Plaintiffs' counsel) may intervene in the Domestic Relations Court

proceedings for the limited purpose of either challenging the Confidentiality Order already in place or compelling only a portion of the transcript for *in camera* inspection.

Under the circumstances, and upon Plaintiffs' representation that Julie Ghoubril was in fact questioned about allegations in this lawsuit, the Court finds the information inquired into during Julie Ghoubril's deposition testimony is highly relevant, probative, and subject to discovery in this case. However, it is well-settled that different divisions of the Common Pleas Court maintain separate and distinct jurisdiction over their own statutorily assigned matters and this Court is not inclined to compel the deposition for an *in camera* inspection without Plaintiffs having exhausting the usual routes to legitimately obtain the deposition transcript (via intervention in the Domestic Relations Court). Accordingly, the objection is sustained regarding Request for Production of Documents 1.

Rulings on Objections to Plaintiffs' Second set of Interrogatories:
Interrogatory 1 – objection overruled

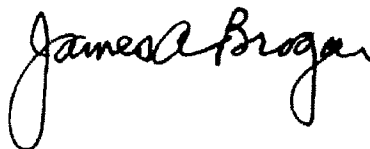
Rulings on Objections to Plaintiffs Second Set of Requests for Admission:
Objections in RFA 1- 4 are overruled

Finally, Defendant Ghoubril's sur-reply brief sought sanctions against Plaintiffs' counsel under Civ.R. 11 and R.C. 2323.51. This separate request for sanctions is **OVERRULED**.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion to Compel Discovery from Defendant Minas Floros is **OVERRULED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion to Compel Discovery from Defendant Ghoubril is **GRANTED** subject to the separate rulings on the objections in the body of the Decision.

IT IS SO ORDERED.



JUDGE JAMES A. BROGAN
Sitting by Assignment #18JA1214
Pursuant to Art. IV, Sec. 6
Ohio Constitution

CC: ALL COUNSEL/PARTIES OF RECORD