TAVIA GALONSKI

**IN THE COURT OF COMMON PLEAS**
2024 MAR 21 AM 10:53
**COUNTY OF SUMMIT**

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| MEMBER WILLIAMS, ET SUMMIT COUNTY CLERK OF COURTS<br><br>Plaintiff<br><br>-vs-<br><br>KISLING NESTICO & REDICK LLC, ET AL.<br><br>Defendant | CASE NO.: CV-2016-09-3928<br><br>JUDGE JAMES BROGAN<br><br>**ORDER** |

On February 21, 2024, Defendant Sam Ghoubrial filed a motion for this Court to issue a Show Cause Order to Plaintiff's counsel, Peter Pattakos, why he should not be held in civil and criminal contempt of this Court's Sealing Order of February 12, 2024 and the Nunc Pro Tunc Order of February 20, 2024.

This Court's Nunc Pro Tunc Order was appealed by the Plaintiffs on February 21, 2024 and is a block to this Court's review of Pattakos' conduct related to that specific order.

By way of background on April 17, 2019, the Defendants moved for a protective order regarding the deposition of Julie Ghoubrial. The Plaintiffs, at this Court's direction, attempted to intervene in the Domestic Relations proceedings of Julie and Sam Ghoubrial for the limited purpose of obtaining a copy of the deposition transcript under seal for an in camera review by this Judge. Plaintiffs' efforts to intervene in the Domestic Relations matter were denied by that Court. Magistrate Patricia Himelrigh then stated as follows on April 26, 2019:

> Courts routinely compel information deemed "confidential" for various reasons for *in camera* review when circumstances warrant. This case, and the arguments and issues in the briefs on this issue, present such legitimate and necessary circumstances for this Court to compel the deposition/testimony from

non-party Julie Ghoubrial. Accordingly, the undersigned Magistrate ORDERS AND COMPELS non-party Julie Ghoubrial to produce a hard-copy deposition transcript within fifteen (15) days of the date of this Order in a sealed envelope to this Court, for filing under seal subject to the Court's previously issued September 12, 2017 Protective Order. Once that document is produced an *in camera* review will be conducted to determine (1) whether Julie Ghoubrial was in fact questioned about the allegations in Plaintiffs' Fifth Amended Class Action Complaint, by Attorney David Best, and, if so (2) whether such testimony results in a waiver of the Ghoubrials' spousal immunity. In the meantime, the subpoenaed deposition testimony of Julie Ghoubrial – in this case – is HELD IN ABEYANCE.

Despite appealing the Nunc Pro Tunc Order, Mr. Pattakos filed a Motion for Clarification of this appealed order on February 22, 2024. On March 11, 2024, Mr. Pattakos also filed a motion asking this Court to decide whether Julie Ghoubrial's deposition testimony under seal was indeed privileged. He also filed on the same day a response to Defendant Ghoubrial's motion for him to be held in comtempt of this Court.

The Court will conduct a telephone conference on the **28th day of March, 2024 at 10:00 a.m. via bridge line** using the following procedure:

1. Call **330-926-2552.**
2. When prompted, enter the conference number **"40706"** followed by the # key.
3. Say your name and press the # key.
4. You will then be placed into the conference call.

Only one counsel for each party should participate in this call.

Counsel should consider the case of Siedle v. Putnam Investments, Inc., 147 F.3d 7 (1st Cir. 1998) and Seattle Times Co. v. Rhinehart, 467 U.S. 20 (1984), in preparing for this conference.

IT IS SO ORDERED.

James A Brogan

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

CC: ATTORNEY JOSHUA R. COHEN
ATTORNEY ELLEN M KRAMER
ATTORNEY DEAN C. WILLIAMS
ATTORNEY PETER PATTAKOS
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