

TAVIA GALONSKI

2024 JUN -4 PM 2: 24

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

MEMBER WILLIAMS, et al.

SUMMIT COUNTY
CLERK OF COURTS
-VS-

KISLING NESTICO & REDICK LLC,
et al.

Defendants

) CASE NO.: CV-2016-09-3928

) JUDGE JAMES BROGAN

) DECISION

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Third party Julie Ghoubrial has moved to quash the subpoena issued to her on April 25, 2024 by Plaintiffs' counsel to attend the hearing scheduled for June 10, 2024. The Plaintiffs' motion concerns access to Julie Ghoubrial's deposition testimony.

Julie Ghoubrial argues the subpoena should be quashed because this Court can make the determination of whether Julie's deposition testimony is privileged based upon the transcript itself. Julie contends she has previously asserted the spousal privilege regarding her deposition.


The Plaintiffs argue that this Court should not grant Julie Ghoubrial's motion to quash because this Court must determine whether the privileged communications were made while Sam and Julie were living as husband and wife, whether they were of a routine or business nature, and whether the statements were made in reliance on the intimacy of the marriage. Also, Plaintiffs argue that Julie's testimony is required to show that Sam discussed aspects of his illegal cash kickback scheme with Julie at times while they were separated and not living together as husband and wife.

Sam Ghoubrial has also filed a motion to quash the subpoena issued to him by Plaintiffs' counsel. Sam argues that the subpoena issued to him is in reality an attempt to

obtain discovery for trial of this matter. The Plaintiffs argue that they must be able to question Sam Ghoubiral regarding whether any of his alleged communication or acts were made or done in the presence of a third party.

Whether the communications were routine business can be determined from examination of the deposition. Whether a third party was present can not be. The Ghoubrals' motions are OVERRULED.

IT IS SO ORDERED.



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

CC: ALL COUNSEL OF RECORD