

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, <i>et al</i> , <i>Plaintiffs</i> , vs. KISLING, NESTICO & REDICK, LLC, <i>et al.</i> , <i>Defendants</i>	Case No. 2016-CV-09-3928 Judge Mary Margaret Rowlands KNR DEFENDANTS' PRETRIAL STATEMENT
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Defendants, Kisling, Nestico & Redick LLC, Alberto R. Nestico, and Robert Redick (collectively, KNR Defendants) hereby submit the following pretrial status conference set for 9:30 am, June 4, 2025.

This matter was recently remanded to this Court following reversal of class a certification order previously entered by Judge James Brogan on Class A (the medical expenses class). The putative class at issue has been the subject of three (3) certification orders issued by Judge Brogan which were all reversed and remanded with instructions for the Trial Court to determine whether class certification is warranted based upon the rigorous analysis required by Civ.R. 23 and controlling authority. The remand instructions from the Ninth District Court of Appeals require that this Court prepare an order granting or denying certification which complies with Civ.R. 23. The Court of Appeals also overruled Plaintiffs' cross-appeal as premature. *Williams v. Kisling, Nestico & Redick, LLC*, 2025-Ohio-1050 (9th Dist.) ("*Williams III*").

Based on *Williams III*, the primary issue to be addressed during the Status Conference is the timely adjudication of the proposed certification of Class A. KNR proposes that the Court and parties discuss setting an oral argument on certification of Class A (the medical expenses class) at

a date in the future which allows the Court sufficient time to review any relevant materials including:

1. Plaintiffs' previously submitted motions for class certification;
2. The opposing briefs submitted by the Defendants;
3. The three (3) prior certification Orders issued by Judge Brogan;
4. The three (3) prior Decisions and Opinions issued by the Court of Appeals.

Additional briefing should not be permitted at this stage of the litigation, and the Court of Appeals has not suggested that additional briefing is required. Rather, KNR suggests that following review of the materials referenced above and any other materials the Court deems appropriate, this Court conduct a time limited oral argument primarily for the purpose of allowing the Court to ask questions of counsel necessary to formulate a decision that will survive appellate scrutiny.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically with the Court on the 4th day of June, 2025. The parties may access this document through the Court's electronic docket system.

/s/ James M. Popson
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