

**IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO**

<b>GIBSON BROS., INC., et al.,</b>	)	<b>CASE NO. 17CV193761</b>
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE JOHN R. MIRALDI</b>
	)	
<b>OBERLIN COLLEGE, et al.,</b>	)	<b>DEFENDANTS' MOTION TO</b>
	)	<b>CONTINUE THE HEARING ON</b>
<b>Defendants.</b>	)	<b>ATTORNEYS' FEES OR, IN THE</b>
	)	<b>ALTERNATIVE, MOTION FOR</b>
	)	<b>EXPEDITED DISCOVERY</b>

---

Defendants Oberlin College (“Oberlin College” or “College”) and Dr. Meredith Raimondo (“Dean Raimondo,” and collectively with the College, “Defendants”) move this Court, under Ohio Rule of Civil Procedure 6(B)(1), to continue the attorneys’ fees hearing, which is currently scheduled for July 10, 2019, for 45 days.

On June 28, 2019, the Court entered an order scheduling a hearing on Plaintiffs’ attorneys’ fees for 12 days later—July 10, 2019. Defendants respectfully request that this hearing be continued for 45 days so that they may be afforded a fair and reasonable opportunity to (i) request the relevant documents from Plaintiffs pertaining to Plaintiffs’ claimed fees and costs; (ii) analyze those documents; (iii) search for and retain an expert

to review and analyze whether Plaintiffs' claimed fees and costs are reasonable; and (iv) coordinate with that expert to be present to testify at the hearing.

If the Court is not inclined to continue the attorneys' fees hearing, Defendants respectfully request an order that requires Plaintiffs to respond to brief discovery requests, which are attached at Exhibit A, seeking the identification of all exhibits and witnesses to be introduced at the attorneys' fees hearing. Defendants respectfully request that the Court order Plaintiffs to produce this information on or before July 5, 2019, at 10:00 a.m.

At the attorneys' fees hearing, it is expected that Plaintiffs will present arguments and evidence that the Court may use to conduct a lodestar analysis, which is calculated by taking the number of hours reasonably expended on a case and multiplying that figure by a reasonable hourly fee. *Welch v. Prompt Recovery Servs., Inc.*, 9th Dist. Summit No. 27175, 2015-Ohio-3867, ¶ 20. That figure may then be adjusted "based upon factors that may include:

the time and labor involved in maintaining the litigation; the novelty and difficulty of the questions involved; the professional skill required to perform the necessary legal services; the attorney's inability to accept other cases; the fee customarily charged; the amount involved and the results obtained; any necessary time limitations; the nature and length of the attorney/client relationship; the experience, reputation, and ability of the attorney; and whether the fee is fixed or contingent."

*Id.* (quotations omitted).

Plaintiffs have represented to Defendants that their estimated attorneys' fees in this case would exceed \$5 million. Claimed attorneys' fees and costs in excess of \$5 million will be reflected in hundreds—if not thousands—of pages of legal bills from the three law firms and eight attorneys that have represented Plaintiffs in the 20 months of this litigation. It is expected that Plaintiffs will attempt to introduce some or all of these

legal invoices, and/or summaries of their fee statements, during the attorneys' fees hearing. It is also expected that Plaintiffs will call witnesses to testify regarding the reasonableness of their fees. If Defendants are not afforded a meaningful opportunity to review the legal invoices upon which Plaintiffs' claim for fees is based, they will be severely prejudiced in their ability to respond to Plaintiffs' requests. In addition, Defendants are entitled to know what information, exhibits, and witnesses Plaintiffs intend to introduce in support of their claims during the attorneys' fees hearing. As of the date of this filing, Defendants have not received a single piece of paper to support Plaintiffs' anticipated request for millions of dollars in fees. Whenever these documents are produced, they will require review and scrutiny by Defendants' counsel.

Defendants are also working to engage an expert witness who can (i) analyze Plaintiffs' legal fees; and (ii) appear at the hearing to opine on the reasonableness of Plaintiffs' fees. Under the current scheduling Order—and given the July 4th holiday—Defendants only have six business days to find, interview, and retain an expert who can devote a significant amount of time to the task in a short period.

In addition, within the past 48 hours, Plaintiffs have sought to obtain Defendants' billing records from counsel for Defendants and three insurance carriers through the issuance of subpoenas. These requests are improper and inappropriate and do not relate in any way to Plaintiffs' request for attorneys' fees. Judicial intervention will be necessary to address Defendants' objections (and objections from Defendants' insurance carriers) arising from Plaintiffs' improper subpoenas.

In the event the Court denies Defendants' request to continue the attorneys' fees hearing for 45 days, Defendants move the Court, under Ohio Rules of Civil Procedure 26

and 34, for expedited discovery relating to Plaintiffs' claimed attorneys' fees. In order to respond to Plaintiffs' arguments and evidence at the attorneys' fees hearing, Defendants will need to review Plaintiffs' legal bills in this matter and any other documents that purport to support Plaintiffs' claim for fees. Thus, Defendants respectfully request that, if the Court does not continue the attorneys' fees hearing, Plaintiffs be ordered to respond to the discovery requests attached to this Motion as Exhibit A on or before July 5, 2019, at 10:00 a.m.

For these reasons, Defendants respectfully request that the Court continue the attorneys' fees hearing, currently scheduled for July 10, 2019, for 45 days. In the alternative, Defendants respectfully request that Plaintiffs be required to respond to the attached discovery requests on or before July 5, 2019, at 10:00 a.m. This Motion is not made for purposes of delay, but to ensure that Defendants are not unduly prejudiced and to ensure that Defendants have a meaningful opportunity to review and analyze Plaintiffs' legal bills and requested fees.

Respectfully submitted,

/s/ Ronald D. Holman, II

Ronald D. Holman, II (0036776)

*rholman@taftlaw.com*

Julie A. Crocker (0081231)

*jcrocker@taftlaw.com*

Cary M. Snyder (0096517)

*csnyder@taftlaw.com*

William A. Doyle (0090987)

*wdoyle@taftlaw.com*

Josh M. Mandel (0098102)

*jmandel@taftlaw.com*

TAFT STETTINIUS & HOLLISTER LLP

200 Public Square, Suite 3500

Cleveland, OH 44114-2302

Phone: (216) 241-2838

Fax: (216) 241-3707

Richard D. Panza (0011487)

*RPanza@WickensLaw.com*

Matthew W. Nakon (0040497)

*MNakon@WickensLaw.com*

Malorie A. Alverson (0089279)

*MAlverson@WickensLaw.com*

Rachelle Kuznicki Zidar (0066741)

*RZidar@WickensLaw.com*

Wilbert V. Farrell IV (0088552)

*WFarrell@WickensLaw.com*

Michael R. Nakon (0097003)

*MRNakon@WickensLaw.com*

Wickens, Herzer, Panza, Cook & Batista  
Co.

35765 Chester Road

Avon, OH 44011-1262

Phone: (440) 695-8000

Co-Counsel for Defendants Oberlin

College and Dr. Meredith Raimondo

## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served this 2nd day of July 2019, via e-mail, pursuant to Civ.R. 5(B)(2)(f) of the Ohio Rules of Civil Procedure, upon the following:

Owen J. Rarric  
Terry A. Moore  
Matthew W. Onest  
Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.  
4775 Munson Street, NW  
P.O. Box 36963  
Canton, OH 44735  
*orarric@kwgd.com*  
*tmoore@kwgd.com*  
*monest@kwgd.com*

Lee E. Plakas  
Brandon W. McHugh  
Jeananne M. Ayoub  
Tzangas, Plakas, Mannos & Raies  
220 Market Avenue South  
8th Floor  
Canton, OH 44702  
*lplakas@lawlion.com*  
*bmchugh@lawlion.com*  
*jayoub@lawlion.com*

James N. Taylor  
James N. Taylor Co., L.P.A.  
409 East Avenue, Suite A  
Elyria, OH 44035  
*taylor@jamestaylorlpa.com*

Attorneys for Plaintiffs Gibson Bros., Inc., David R. Gibson, and  
Allyn W. Gibson

/s/ Ronald D. Holman, II

One of the Attorneys for Defendants  
Oberlin College and Dr. Meredith Raimondo

# **EXHIBIT A**

**IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO**

<b>GIBSON BROS., INC., et al.</b>	)	<b>CASE NO. 17CV193761</b>
	)	
<b>Plaintiffs,</b>	)	<b>JUDGE JOHN R. MIRALDI</b>
	)	
<b>v.</b>	)	
	)	<b>DEFENDANTS OBERLIN COLLEGE</b>
<b>OBERLIN COLLEGE aka OBERLIN</b>	)	<b>AND MEREDITH RAIMONDO'S</b>
<b>COLLEGE AND CONSERVATORY, et</b>	)	<b>FIRST POST-TRIAL SET OF</b>
<b>al.</b>	)	<b>INTERROGATORIES RELATING TO</b>
	)	<b>ATTORNEYS' FEES AND</b>
<b>Defendants.</b>	)	<b>EXPENSES PROPOUNDED TO</b>
	)	<b>PLAINTIFFS DAVID GIBSON,</b>
	)	<b>ALLYN GIBSON AND GIBSON</b>
	)	<b>BROS., INC.</b>

Pursuant to Rule 33 of the Ohio Rules of Civil Procedure, Defendants Oberlin College aka Oberlin College and Conservatory and Meredith Raimondo (collectively, the "Defendant") propounds their First Post-Trial Set of Interrogatories Related to Attorneys' Fees and Expenses on Plaintiffs David Gibson, Allyn Gibson and Gibson Bros., Inc. ("Plaintiffs"). Plaintiffs are required to respond to this First Set of Post-Trial Interrogatories Related to Attorneys' Fees and Expenses (hereinafter referred to as the "Discovery Requests") on or before July 5, 2019 at 10:00 a.m.

**INSTRUCTIONS**

1. When an interrogatory requests that you identify a person, you should state the person's full name, last known home and business addresses, and last known employer and position.
2. When an interrogatory requests specific information, it will not be adequate for you to state that the specific information is unknown to you if you are



capable of approximating the information requested, or setting forth any part of the information requested, provided that you indicate in the response that the information being provided is an approximation or is incomplete in certain specific respects.

3. When, after a reasonable and thorough investigation using due diligence, you are unable to answer any interrogatory or any part thereof because of lack of information available to you, you shall specify in full and complete detail the type of information which you claim is not available, the reason the information is not available to you, and what has been done by you to locate such information. In addition, you shall specify what knowledge or belief you have concerning the unanswered portion of the interrogatory, set forth the facts upon which such knowledge or belief is based, and identify the person who has or is likely to have the information which you claim is not available.

4. Pursuant to Rule 26(E) of the Ohio Rules of Civil Procedure, these discovery requests shall be deemed to be continuing and require that you serve and/or produce, in the form of supplementary responses, any information, documents and/or tangible things requested herein which are unavailable to you or of which you are unaware, at the time you submit the responses, but which become available to you, or of which you become aware, up to and including the time of trial. Similarly, if any responses to these discovery requests are later found to be incorrect or incomplete or to have become incorrect or incomplete because of changed circumstances, you shall correct or complete them by means of supplementary responses.

5. If a claim of privilege is asserted to any information, document or tangible thing requested to be identified herein (the term "privilege" as used herein shall include

the work-product doctrine), such information, document, or tangible thing, shall be sufficiently described in connection with such claim. Information, a document, or a tangible thing is sufficiently described for this purpose if the following is provided:

- (a) the nature of the privilege claimed;
- (b) in the case of a document, the approximate date on which the document was prepared, its title, the type of document (e.g., letter, memo, etc.), and its author;
- (c) in the case of a tangible thing, the date the thing came into your possession and the generic or trade name of the thing;
- (d) the name and position of each person, other than attorneys representing you in connection with this lawsuit, to whom the information or the contents of the document or the characteristics of the tangible thing have been communicated, including communication by copy, exhibition, reading, or substantial summarization; and
- (e) a brief description or summary of the contents and/or characteristics of the requested document or tangible thing or information sufficient to explain the subject matter and the privilege involved.

6. For the purposes of these interrogatories:

- (a) "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these requests all responses which might otherwise be construed to be outside their scope;

(b) “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each”. Similarly, “any” shall be construed to include the word “all”, and “all” shall be construed to include the word “any”;

(c) Words importing the present tense shall be construed to include the past tense, and vice versa; and

(d) Words importing the singular form shall be construed to include the plural form, and vice versa.

### **DEFINITIONS**

1. **Document(s)**: The term “document” is synonymous in meaning and equal in scope to the usage of this term in Rule 34(A) of the Ohio Rules of Civil Procedure and specifically includes any electronically stored information. The term document shall mean or refer to the original and all copies of written, printed, digital, recorded, video, or graphic matter or sound reproduction, however produced or reproduced, of any kind, including, but not limited to, the original and all copies of correspondence, e-mails, instant messages, text messages, cellular phone text messages, posts and data related to any social media networking site (including but not limited to Facebook and Twitter), deeds, letters, telegrams, telexes, cables, summaries, reports and records of telephone and personal conversations, investigations, meetings, conferences, interviews, other records, memoranda, notes, diaries, reports, studies, calculations, fliers, advertisements, computer input sheets and printouts, messages, minutes, charts, graphs, photographs, tapes, discs, data, data sheets, spreadsheets, drawings, plans, sketches, specifications, schedules, tables, books, account vouchers, bills, statements, purchase orders, journals, ledgers, balance sheets, income and other

financial statements, checks, invoices, contracts, agreements, affidavits, orders, diaries, films, film strips, and/or other information, communications or records.

Different versions of the same document (e.g., copies of a printed document with differing handwritten notations and superseded drafts) are different documents within the meaning of the term as used herein.

The term document further means all electronically stored information, including, but not limited to, computer floppy disks, computer compact disks or CD-ROM disks, computer tapes, computer hard drives, computer ZIP drives, or any type of memory, device, method, or medium of electronic or digital recording of computer files or memory, including backup files and memory and shadow memory, e-mails, and information stored in a computer database.

2. **Electronically Stored Information or ESI:** “Electronically Stored Information” or “ESI” shall refer to electronically stored information, and includes both active and residual ESI kept in the ordinary course of business. Residual ESI includes, but is not limited to, deleted files, overwritten files, file fragments, or other data found in ambient space on electronic storage media. Active ESI includes, but is not limited to, information readily available and accessible to computer users through existing file management programs.

3. **Gibson’s Bakery:** Shall mean and refer to Plaintiff Gibson Bros., Inc. and Gibson’s Bakery including, without limitation, all of their agents, representatives, employees, officers, directors, attorneys, shareholders and any other holder of any ownership interest in Gibson Bros., Inc.

4. **David Gibson:** Shall mean and refer to Plaintiff David Gibson and all of his employees, agents, representatives, and attorneys.

5. **Allyn W. Gibson:** Shall mean and refer to Plaintiff Allyn W. Gibson and all of his employees, agents, representatives, and attorneys.

6. **You or Your:** Shall mean and refer to Plaintiffs (as defined herein).

7. **Person(s):** Shall mean and include a corporation, partnership or other business association or entity, natural person, or any government or governmental body, commission, board, or agency.

8. **Plaintiffs:** Shall mean and refer to Plaintiffs Gibson Bros., Inc., David Gibson and Allyn W. Gibson and Gibson's Bakery, individually, collectively or in any combination, including all of their respective agents, representatives, employees, officers, directors, attorneys, members, subsidiaries, affiliates, parent entities, predecessors, successors, shareholders, and/or owners.

9. **Litigation:** Shall mean and refer to the case captioned Gibson Bros., Inc., et al. v. Oberlin College aka Oberlin College and Conservatory, et al., Case No. 17CV193761 in the Court of Common Pleas Lorain County, Ohio.

10. **Identify:** Shall mean state the full name, address, city, and cellular and work phone number of the person identified.

11. **Krugliak:** Shall mean and refer to Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A., including without limitation, all of its agents, representatives, employees, officers, directors, attorneys, and shareholders.

12. **Tzangas:** Shall mean and refer to Tzangas, Plakes, Mannos, Ltd., including within limitation, all of its agents, representatives, employees, officers, directors, attorneys, and shareholders.

13. **Taylor:** Shall mean and refer to James N. Taylor Co., L.P.A., including within limitation, all of its agents, representatives, employees, officers, directors, attorneys, and shareholders.

### **INTERROGATORIES**

1. Identify any and all expert witnesses that You intend to call to testify during the attorneys' fees hearing in this Litigation.

ANSWER:

2. Identify any and all lay witnesses that You intend to call to testify during the attorneys' fees hearing in this Litigation.

ANSWER:

Respectfully submitted,

/s/ Ronald D. Holman, II

Ronald D. Holman, II (0036776)

*rholman@taftlaw.com*

Julie A. Crocker (0081231)

*jcrocker@taftlaw.com*

Cary M. Snyder (0096517)

*csnyder@taftlaw.com*

William A. Doyle (0090987)

*wdoyle@taftlaw.com*

Josh M. Mandel (0098102)

*jmandel@taftlaw.com*

TAFT STETTINIUS & HOLLISTER LLP

200 Public Square, Suite 3500

Cleveland, OH 44114-2302

Phone: (216) 241-2838

Fax: (216) 241-3707

Richard D. Panza (0011487)

*RPanza@WickensLaw.com*

Matthew W. Nakon (0040497)

*MNakon@WickensLaw.com*

Malorie A. Alverson (0089279)

*MAlverson@WickensLaw.com*

Rachelle Kuznicki Zidar (0066741)

*RZidar@WickensLaw.com*

Wilbert V. Farrell IV (0088552)

*WFarrell@WickensLaw.com*

Michael R. Nakon (0097003)

*MRNakon@WickensLaw.com*

Wickens, Herzer, Panza, Cook & Batista  
Co.

35765 Chester Road

Avon, OH 44011-1262

Phone: (440) 695-8000

Co-Counsel for Defendants Oberlin

College and Dr. Meredith Raimondo

## **CERTIFICATE OF SERVICE**

This will certify that the foregoing, Defendant Oberlin College's First Set of Post-Trial Interrogatories Relating to Attorneys' Fees and Expenses Propounded to Plaintiffs David Gibson, Allyn Gibson and Gibson Bros., Inc., has been served upon the following via electronic mail, pursuant to Rule 5(B)(2)(f) of the Ohio Rules of Civil Procedure, on this 2nd day of July, 2019:

Owen J. Rarric  
Terry A. Moore  
Matthew W. Onest  
Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.  
4775 Munson Street, NW  
P.O. Box 36963  
Canton, OH 44735  
orarric@kwgd.com  
tmoore@kwgd.com  
monest@kwgd.com

Lee E. Plakas  
Brandon W. McHugh  
Jeananne M. Ayoub  
Tzangas, Plakas, Mannos & Raies  
220 Market Avenue South  
8th Floor  
Canton, OH 44702  
lplakas@lawlion.com  
bmchugh@lawlion.com  
jayoub@lawlion.com

James N. Taylor  
James N. Taylor Co., L.P.A.  
409 East Avenue, Suite A  
Elyria, OH 44035  
taylor@jamestaylorlpa.com

Attorneys for Plaintiffs Gibson Bros., Inc.,  
David R. Gibson, and Allyn W. Gibson

/s/ Ronald D. Holman, II  
One of the Attorneys for Defendants



**IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO**

<b>GIBSON BROS., INC., et al.</b>	)	<b>CASE NO. 17CV193761</b>
	)	
<b>Plaintiffs,</b>	)	<b>JUDGE JOHN R. MIRALDI</b>
	)	
<b>v.</b>	)	
	)	<b>DEFENDANT OBERLIN</b>
<b>OBERLIN COLLEGE aka OBERLIN</b>	)	<b>COLLEGE'S FIRST POST-TRIAL</b>
<b>COLLEGE AND CONSERVATORY, et</b>	)	<b>SET OF REQUESTS FOR</b>
<b>al.</b>	)	<b>PRODUCTION OF DOCUMENTS</b>
	)	<b>RELATING TO ATTORNEYS' FEES</b>
<b>Defendants.</b>	)	<b>AND EXPENSES TO PLAINTIFFS</b>
	)	<b>DAVID GIBSON, ALLYN GIBSON</b>
	)	<b>AND GIBSON BROS., INC.</b>

Pursuant to Rule 34 of the Ohio Rules of Civil Procedure, Defendants Oberlin College aka Oberlin College and Conservatory and Meredith Raimondo (collectively, "Defendants") serve their First Set of Post-Trial Requests for Production of Documents Relating to Attorneys' Fees and Expenses on Plaintiffs David Gibson, Allyn Gibson and Gibson Bros., Inc. ("Plaintiffs"). Plaintiffs are required to respond to this First Set of Post-Trial Requests for Production of Documents Relating to Attorneys' Fees and Expenses (hereinafter referred to as the "Discovery Requests") on or before July 5, 2019 at 10:00 a.m.

**INSTRUCTIONS**

1. Pursuant to Rule 26(E) of the Ohio Rules of Civil Procedure, these Discovery Requests shall be deemed to be continuing and require that you serve and/or produce, in the form of supplementary responses, any documents and/or tangible things requested herein which are unavailable to you or of which you are unaware, at the time you submit the responses, but which become available to you, or of which you become aware, up to and including the time of trial. Similarly, if any responses to these Discovery

Requests are later found to be incorrect or incomplete or to have become incorrect or incomplete because of changed circumstances, you shall correct or complete them by means of supplementary responses.

2. If a claim of privilege is asserted to any information, document or tangible thing requested to be identified herein (the term “privilege” as used herein shall include the work-product doctrine), such information, document, or tangible thing, shall be sufficiently described in connection with such claim. Information, a document, or a tangible thing is sufficiently described for this purpose if the following is provided:

- (a) the nature of the privilege claimed;
- (b) in the case of a document, the approximate date on which the document was prepared, its title, the type of document (e.g., letter, memo, etc.), and its author;
- (c) in the case of a tangible thing, the date the thing came into your possession and the generic or trade name of the thing;
- (d) the name and position of each person, other than attorneys representing you in connection with this lawsuit, to whom the information or the contents of the document or the characteristics of the tangible thing have been communicated, including communication by copy, exhibition, reading, or substantial summarization; and
- (e) a brief description or summary of the contents and/or characteristics of the requested document or tangible thing or information sufficient to explain the subject matter and the privilege involved.

3. The documents and tangible things produced pursuant to these Requests for Production shall be segregated according to the specific request number under which they are being produced.

4. If any document or tangible thing requested was, but no longer is in your possession or subject to your custody or control or was, but no longer is, in existence, state the following:

- (a) whether it is missing or lost;
- (b) whether it has been destroyed;
- (c) whether it has been transferred—voluntarily or involuntarily—to others; and
- (d) whether it has been disposed of otherwise.

With respect to each such document, explain the circumstances surrounding such disposition and identify each person directly or immediately authorizing the same and the date(s) thereof. Identify each document by listing its author and the author's address, the type of document (e.g., letter, memo, etc.), its date and subject matter, its present location and custodian, and whether the document or any copy thereof is still in existence.

5. These Discovery Requests are directed to you with respect to documents in your possession and/or under your control. You have an obligation and duty to respond fully to each request. If you have no documents responsive to the request, then you have an obligation to affirmatively state such fact in your response thereto.

6. For the purposes of these Discovery Requests:

- (a) “And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of these Discovery Requests all responses which might otherwise be construed to be outside their scope;

- (b) “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each”. Similarly, “any” shall be construed to include the word “all”, and “all” shall be construed to include the word “any”;
- (c) Words importing the present tense shall be construed to include the past tense, and vice versa; and
- (d) Words importing the singular form shall be construed to include the plural form, and vice versa.

### **DEFINITIONS**

1. **Document(s)**: The term “document” is synonymous in meaning and equal in scope to the usage of this term in Rule 34(A) of the Ohio Rules of Civil Procedure and specifically includes any electronically stored information. The term document shall mean or refer to the original and all copies of written, printed, digital, recorded, video or graphic matter or sound reproduction, however produced or reproduced, of any kind, including, but not limited to, the original and all copies of correspondence, e-mails, instant message, text messages, cellular phone text messages, posts and data related to any social media networking site (including but not limited to Facebook and Twitter), deeds, letters, telegrams, telexes, cables, summaries, reports and records of telephone and personal conversations, investigations, meetings, conferences, interviews, other records, memoranda, notes, diaries, reports, studies, calculations, fliers, advertisements, computer input sheets and printouts, messages, minutes, charts, graphs, photographs, tapes, discs, data, data sheets, spreadsheets, drawings, plans, sketches, specifications, schedules, tables, books, account vouchers, bills, statements, purchase orders, journals, ledgers, balance sheets, income and other financial statements, checks, invoices,

contracts, agreements, affidavits, orders, diaries, films, film strips, and/or other information, communications or records.

Different versions of the same document (e.g., copies of a printed document with differing handwritten notations and superseded drafts) are different documents within the meaning of the term as used herein.

The term document further means all electronically stored information, including, but not limited to, computer floppy disks, computer compact disks or CD-ROM disks, computer tapes, computer hard drives, computer ZIP drives, or any type of memory, device, method, or medium of electronic or digital recording of computer files or memory, including backup files and memory and shadow memory, e-mails, and information stored in a computer database.

2. **Electronically Stored Information or ESI:** “Electronically Stored Information” or “ESI” shall refer to electronically stored information, and includes both active and residual ESI kept in the ordinary course of business. Residual ESI includes, but is not limited to, deleted files, overwritten files, file fragments, or other data found in ambient space on electronic storage media. Active ESI includes, but is not limited to, information readily available and accessible to computer users through existing file management programs.

3. **Gibson’s Bakery:** Shall mean and refer to Plaintiff Gibson Bros., Inc. and Gibson’s Bakery including, without limitation, all of their agents, representatives, employees, officers, directors, attorneys, shareholders and any other holder of any ownership interest in Gibson Bros., Inc.

4. **David Gibson:** Shall mean and refer to Plaintiff David Gibson and all of your employees, agents, representatives, and attorneys.
5. **Allyn W. Gibson:** Shall mean and refer to Plaintiff Allyn W. Gibson and all of his employees, agents, representatives, and attorneys.
6. **Oberlin College:** Shall mean and refer to Defendant Oberlin College aka Oberlin College and Conservatory and all of its officers, faculty, staff, agents, representatives, and attorneys.
7. **You or Your:** Shall mean and refer to Plaintiffs (as defined herein).
8. **Plaintiffs:** Shall mean and refer to Plaintiffs Gibson Bros., Inc., David Gibson and Allyn W. Gibson, and Gibson's Bakery, individually, collectively or in any combination, including all of their respective agents, representatives, employees, officers, directors, attorneys, members, subsidiaries, affiliates, parent entities, predecessors, successors, shareholders, and/or owners.
9. **Litigation:** Shall mean and refer to the case captioned Gibson Bros., Inc., et al. v. Oberlin College aka Oberlin College and Conservatory, et al., Case No. 17CV193761 in the Court of Common Pleas Lorain County, Ohio.
10. **Krugliak:** Shall mean and refer to Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A., including without limitation, all of its agents, representatives, employees, officers, directors, attorneys, and shareholders.
11. **Tzangas:** Shall mean and refer to Tzangas, Plakes, Mannos, Ltd., including within limitation, all of its agents, representatives, employees, officers, directors, attorneys, and shareholders.

12. **Taylor:** Shall mean and refer to James N. Taylor Co., L.P.A., including within limitation, all of its agents, representatives, employees, officers, directors, attorneys, and shareholders.

## **REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** Any and all written agreements and contracts between You and the Krugliak, Tzangas and/or Taylor law firms.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** Any and all documents that refer or relate to any fee agreement with respect to the Litigation that You entered into with the Krugliak, Tzangas and/or Taylor law firms.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:** Any and all agreements related to the Litigation that You entered into with the Krugliak, Tzangas and/or Taylor law firms.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:** Any and all invoices, statements, expenses, and time sheets that refer or relate to this Litigation.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** Any and all documents that reflect and support the request of Plaintiffs and/or the Krugliak, Tzangas and/or Taylor firms for attorneys' fees and expenses.

**RESPONSE:**



**REQUEST FOR PRODUCTION NO. 6:** Any and all expert reports that refer or relate to any request for attorneys' fees and expenses.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:** Any and all expert reports that refer or relate to any testimony expected to be offered at the attorneys' fee hearing on July 10, 2019 or on any date thereafter.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:** Any and all exhibits Plaintiffs intend to introduce at the attorneys' fee hearing scheduled in this matter on July 10, 2019 or on any date thereafter.

**RESPONSE:**

Respectfully submitted,

/s/ Ronald D. Holman, II

Ronald D. Holman, II (0036776)

*rholman@taftlaw.com*

Julie A. Crocker (0081231)

*jcrocker@taftlaw.com*

Cary M. Snyder (0096517)

*csnyder@taftlaw.com*

William A. Doyle (0090987)

*wdoyle@taftlaw.com*

Josh M. Mandel (0098102)

*jmandel@taftlaw.com*

TAFT STETTINIUS & HOLLISTER LLP

200 Public Square, Suite 3500

Cleveland, OH 44114-2302

Phone: (216) 241-2838

Fax: (216) 241-3707

Richard D. Panza (0011487)

*RPanza@WickensLaw.com*

Matthew W. Nakon (0040497)

*MNakon@WickensLaw.com*

Malorie A. Alverson (0089279)

*MAlverson@WickensLaw.com*

Rachelle Kuznicki Zidar (0066741)

*RZidar@WickensLaw.com*

Wilbert V. Farrell IV (0088552)

*WFarrell@WickensLaw.com*

Michael R. Nakon (0097003)

*MRNakon@WickensLaw.com*

Wickens, Herzer, Panza, Cook & Batista  
Co.

35765 Chester Road

Avon, OH 44011-1262

Phone: (440) 695-8000

Co-Counsel for Defendants Oberlin

College and Dr. Meredith Raimondo

## **CERTIFICATE OF SERVICE**

This will certify that the foregoing, Defendant Oberlin College's First Post-Trial Set of Requests for Production of Documents Relating to Attorneys' Fees and Expenses to Plaintiff David Gibson, Allyn Gibson and Gibson Bros., Inc., has been served upon the following via electronic mail, pursuant to Rule 5(B)(2)(f) of the Ohio Rules of Civil Procedure, on this 2<sup>nd</sup> day of July, 2019:

Owen J. Rarric  
Terry A. Moore  
Matthew W. Onest  
Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.  
4775 Munson Street, NW  
P.O. Box 36963  
Canton, OH 44735  
orarric@kwgd.com  
tmoore@kwgd.com  
monest@kwgd.com

Lee E. Plakas  
Brandon W. McHugh  
Jeananne M. Ayoub  
Tzangas, Plakas, Mannos & Raies  
220 Market Avenue South  
8th Floor  
Canton, OH 44702  
lplakas@lawlion.com  
bmchugh@lawlion.com  
jayoub@lawlion.com

James N. Taylor  
James N. Taylor Co., L.P.A.  
409 East Avenue, Suite A  
Elyria, OH 44035  
taylor@jamestaylorlpa.com

Attorneys for Plaintiffs Gibson Bros., Inc.,  
David R. Gibson, and Allyn W. Gibson

/s/ Ronald D. Holman, II  
One of the Attorneys for Defendants