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Cleveland, Ohio 44113

**Court of Common Pleas**

**MOTION FOR...**  
**September 11, 2025 15:28**

By: SUBODH CHANDRA 0069233

Confirmation Nbr. 3613202

RANDY KERTESZ

CV 25 122630

vs.

RAJESH PIDIKITI

**Judge:** DEBORAH M. TURNER

**Pages Filed:** 42

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

<p><b>RANDY KERTESZ</b></p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p><b>RAJESH PIDIKITI</b></p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Case No. CV-25-122630</p> <p>Judge Deborah M. Turner</p>
<p><b>DEFENDANT RAJESH PIDIKITI'S MOTION FOR EXPEDITED RELIEF THROUGH DISMISSAL AND REQUEST FOR EXPEDITED HEARING UNDER THE UNIFORM PUBLIC EXPRESSION PROTECTION ACT, R.C. 2747.01 ET SEQ.</b></p>	

Defendant Rajesh Pidikiti respectfully moves this Court for expedited relief under the recently adopted Uniform Public Expression Protection Act (R.C. 2747.01 *et seq.*) to dismiss Plaintiff's claim with prejudice, and for an award costs and fees as required by the statute. Under R.C. 2747.03(A)(1), this Court must stay these proceedings pending full resolution of this motion. Mr. Pidikiti also requests a hearing on this motion within the next 60 days under R.C. 2747.04(A)(1). An adverse decision by the Court is subject to immediate interlocutory appeal. R.C. 2747.05(C).

A memorandum of support follows. This is likely the Court's first opportunity to address the new statute, so the memorandum is thorough.

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## MEMORANDUM IN SUPPORT

### I. ISSUES PRESENTED

- A. **Scope.** UPEPA protects speech made about a matter of public concern or under legislative review, whether made in private or at a governmental proceeding. Mr. Pidikiti's speech—to Orange Village Council and a reporter covering a public issue—was in response to the Council's vote to approve a building plan that would invite a controversial landlord to retain homeowners' association control. Does Mr. Pidikiti speech, which echoed his neighbors' ongoing complaints at months of council meetings, touch on a matter of public concern?
- B. **Exceptions.** Under UPEPA, a plaintiff's claim cannot succeed if a defendant shows that no exception listed under R.C. § 2747.01(C) applies. No such exception applies to Mr. Pidikiti's circumstances. Does Plaintiff Kertes's claim fail?
- C. **No defamation.** Under the UPEPA, a court must grant expedited relief if the defendant establishes that the plaintiff failed to state a cause of action on which relief can be granted. Plaintiff sued Mr. Pidikiti for defamation for statements about threatening lawsuits that were verifiably true and about racism that were unverifiable opinion, both of which Ohio law protects. Should the Court grant Mr. Pidikiti's UPEPA motion?
- D. **Fees.** Under R.C. § 2747.05(A), if a court grants a motion for expedited relief, it must award the defendant reasonable attorney fees, court costs, and other expenses. Mr. Pidikiti has met his burden under UPEPA to show his speech is protected, and neither eligible for an exception nor actionable as defamation. Should this Court award him the statutorily mandated costs and fees?

### II. INTRODUCTION

In testimony before the Senate Judiciary Committee, the sponsors of Ohio's now-adopted anti-SLAPP (Strategic Lawsuits Against Public Participation) bill—the Uniform Public Expression Protection Act (“UPELA” or “the Act”)—testified that this new law is aimed at “provid[ing] protection for individuals exercising their constitutional right to free speech against frivolous lawsuits designed to stifle opposition.” *S.B. 237: Hearings Before the S. Judiciary Comm.*, 136th Gen. Assembly (2024), <https://www.legislature.ohio.gov/legislation/135/sb237/committee>. “These lawsuits,” Senators

Theresa Gavarone and Nathan Manning testified last year, “are purposed to silence or intimidate an individual for exercising their rights to free speech, which is protected under both the Ohio and United States Constitutions.” *Id.* Under R.C. § 2747.01, that protected speech includes communications on an issue under consideration or review in a legislative proceeding or a matter of public concern. R.C. § 2747.01(B)(1–3).

Adopting this statute brought Ohio into harmony with many other states protective of free speech, including neighbors Pennsylvania and Kentucky. The statute expressly provides Ohio courts must interpret it consistently with those states. *See* R.C. 2747.06(C).

Mr. Pidikiti spoke out at an Orange Village Council meeting against the village’s authorization of the next phase of Kertesz’s development project and spoke to a reporter writing about the legislation and meeting. So when Plaintiff filed this action against Mr. Pidikiti, he sought to silence a vocal critic and opponent by punishing him with a lengthy and expensive lawsuit for speaking on a matter that, for months, had been the heated subject of local debate and foment.

This is *exactly* the kind of action against which Ohio’s Uniform Public Expression Protection (anti-SLAPP) Act was designed to protect.

Mr. Pidikiti asks this Court to grant his motion for expedited relief because:

- (1) his speech, was focused on a matter up for debate at the Orange Village Council meeting—a matter of public concern—and thus, is under the scope of speech protected by Ohio’s Uniform Public Expression Protection Act.
- (2) Mr. Pidikiti’s speech falls under no exception listed in R.C. 2747.01(C), so Plaintiff Kertesz cannot prevail. R.C. 2747.01(C).
- (3) Plaintiff Kertesz fails to state a claim for which relief can be granted because his

comments at issue were either opinion (claims of racism) or verifiably true (claims of threats of lawsuits), meaning Mr. Pidikiti is entitled to expedited relief.

(4) Kertesz also doesn't state a valid claim for defamation *per se* because Mr. Pidikiti's statement (claim of threats of lawsuits) was subject to multiple interpretations, some of which are innocent.

Finally, Mr. Pidikiti asks the Court to order Plaintiff pay, as mandated by statute, Mr. Pidikiti's fees, costs, and other expenses under R.C. 2747.05(A).

### III. STATEMENT OF FACTS

Plaintiff's complaint points to three statements attributed to Mr. Pidikiti, stating that he made them during an Orange Village Council meeting and to the *Cleveland Jewish News*. Compl. at ¶¶ 5–6. The Complaint doesn't say whether Plaintiff is filing this action over Mr. Pidikiti's words during the meeting or over quotes attributed to Mr. Pidikiti published in the *Jewish News*, but both are mentioned in the facts. Specifically, Plaintiff alleges that "Defendant made public, knowingly untrue and defamatory statements at which time, he specifically stated in the Orange Village meeting and to the *Jewish News* that Plaintiff was a 'racist' and 'made threats of a lawsuit.' In fact, Defendant went so far as to say, 'The problem is (Kertesz) mostly—I'm an immigrant—he's a racist.'" Compl. ¶ 6 (cleaned up).

On October 9, 2024, the Orange Village Council held a meeting at 7 p.m. *See* Minutes, attached as Ex. A; *see also* "Orange Village Ohio Council Meeting – October 9, 2024 at 7:00 p.m.," Orange Village, Ohio, <https://www.youtube.com/watch?v=u6RtQmtp3vc> ("Council Meeting"), filed manually as Ex. B. An ordinance approving phase eight of the Lakes of Orange Development, which, as the developer, Kertesz championed, was up for a second reading. Ex. A. The Council president opened the meeting for resident comments about items on the agenda.

Council Meeting, at 34:30. “If you’re here to speak about Lakes of Orange plat eight, now would be the time,” the president said. *Id.* at 34:30.

Four residents, including Mr. Pidikiti came forward to the lectern to speak in opposition to the ordinance approving phase eight. *Id.* at 34:30–1:07:04. Mr. Pidikiti’s entire statement to the Orange Village Council was as follows:

My previous neighbor mentioned all the problems. Apart from that, I was originally raised in India. I feel that there is more freedom for me in India than living in Lakes of Orange for me. [Kertesz] was harassing me to an extent, picking on each plan. He wants to know which size. And once, after the work is done, and after two years, he’s come back to me saying that, “Oh, I want to do an inspection.” You know, this kind of harassment, I’ve never seen even in any other country. I don’t know whether I’m living in America or I am living in a third-world country. This is a ridiculous state of -- I mean the HOA -- I speak with the previous mayor. “Oh, he will construct and leave,” but no, he’s coming with Phase 8. Later he’ll come with phase nine or phase 20 or phase 40. I don’t know. The councilmen keep on saying that he has a right to do it. Yeah, but you have to look at the welfare of the people. At the end of the day, we have to live there. We have to pay taxes. I’m currently paying, like, \$17,000 taxes. I understand 90 percent goes toward that and I pay city income tax. So tell them, “Oh if you want to move us, we can move out.” I don’t have a problem. “Move to a different city.” I work in Akron. I’m just living there because my wife. We believe in Orange Lakes. “Orange City is good,” but it seems like not. City councilmen have to think about the welfare of the people, not for the builder. Thank you.”

*Id.* at 57:16–59:19.

During this first address, Mr. Pidikiti did not call Kertesz “racist” (*id.*) as the complaint alleges under penalty of Civ.R. 11 sanctions. Compl. ¶ 6. Nor did Mr. Pidikiti say that Kertesz made “threats of lawsuits.” Council Meeting, at 57:16–59:19.

Later in the meeting, the Council president called for audience comments “relating to matters that advance the good of the village.” *Id.* at 1:42:00. Mr. Pidikiti again stood up to address the council. His full remarks were as follows:

I’m just wondering the councilmen have any—this is regarding Lakes of Orange again—does it have any power in our decision-making process in the city? Or are

they just spectators in the whole scenario? Because I don't know what the previous mayor signed, agreed to the -- people don't read all the documents, generally. When they're buying a home, they just want to live peacefully. They look at the school district. 'Oh, the school is fine. We can live happily there.' We come here and we find a house and we realize that a bunch of this is controlled by the developer, and his association with the previous mayor, maybe. They didn't have any prior negotiation. It seems like they didn't put some restrictions or regulations on him. Whether he cares for the people who live there or he cares for himself. It seems, at least in the future, the city should take care if they have any development, they should make sure that the developer needs to look himself—I know he looks for himself—but at least the city looks for the welfare of the people. Not for the developer. At least that the city takes a note of this in the future developments because we are sure that they're going to have more developments. It's not possible for us to stop anything here.

*Id.* at 2:03:49–2:05:33.

Again, contrary to the Complaint allegations, Mr. Pidikiti did not, on this occasion either, call Kertesz “racist.” *Id.* Again, he did not say that Kertesz made “threats of lawsuits.” *Id.* Mr. Pidikiti, each time, expressed his concerns about phase eight, an item on the council's agenda. *Id.*

Mr. Pidikiti wasn't the only resident to raise concerns about phase eight of the Lakes of Orange project, which would mean Kertesz's continued involvement with the community and, potentially, its homeowners' association (HOA). “The developer wants control. As heard at previous planning and zoning and council meetings, many of the residents of the Lakes of Orange have had personal run-ins with the developer,” resident Liz Gregory testified. *Id.* at 47:40–48:02. She added, “Many have received emails that make them feel uncomfortable, including threats of lawsuits, loss of privileges, removal of pets, fines and liens on homes,” *Id.* “If city council approves the land proposed as phase eight of Lakes of Orange, some fear the developer will retaliate and continue to try to control our community through whatever means he can,” Gregory said. *Id.* at 49:15–49:27.

And a news article about the association board noted that concerns over the proposed plan and Plaintiff's leadership popped up repeatedly in the months before the October 9 meeting. Kaitlyn Finchler, *Developer yields HCA president role, new board elected*, Cleveland Jewish News, at 24 (Oct. 24, 2024), attached as Ex. C.

On October 14, the votes from the October 7 association-board election were counted, and the results were released. *See id.* Kertesz, formerly the board president, was no longer in control. *Id.*

An October 25 article published in the *Cleveland Jewish News* discussed the election and the controversy surrounding the homeowners' association when it was under Kertesz's control. *Id.* The article relayed that Lakes of Orange residents had voiced displeasure with Kertesz's leadership and the proposed plan for the development over the last months of Orange Village Council meetings. *Id.* Kertesz is quoted in the article championing the next phase of the development. *Id.* Next, the author detailed complaints from residents about Kertesz and the development. *Id.*

The article quoted Mr. Pidikiti's October 9 statements to Orange Village Council about having more freedom living in India than in the development and his criticism of the council for not thinking of the welfare of the people. *Id.* Then, it purports to quote and paraphrase statements that Mr. Pidikiti made to a *Cleveland Jewish News* reporter in a follow-up interview about his village council testimony and the phase-eight-approval ordinance. *Id.*

A portion of the article citing Mr. Pidikiti is screenshotted below:

**Pidikiti told the CJN he has faced numerous issues with Kertesz, including alleged racism, threats of lawsuits and micromanaging homeowners within the homeowner's association.**

**"The people are not opposing construction," Pidikiti said. "People are not opposing not to have one more phase into the new development. The problem is (Kertesz) mostly - I'm an immigrant - he's a racist."**

**Pidikiti said he was under the impression he was the only one facing these difficulties, but said he's heard of instances with systematic racism across The Lakes of Orange from the builder.**

**"The HOA board sent me an email and brought up the issue of antisemitism, saying, 'We are Jewish, we don't do racism,'" Pidikiti said. "... Comparing apples to oranges, basically."**

*Id.*

Mr. Pidikiti's comments have since been removed from the online version of the *Cleveland Jewish News's* story. See Kaitlyn Fincher, *Developer yields HOA president role, new board elected*, CLEVELAND JEWISH NEWS (Oct. 24, 2024), [https://www.clevelandjewishnews.com/news/local\\_news/developer-yields-hoa-president-role-new-board-elected/article\\_ed245350-9208-11ef-801e-cb277bf37c07.html](https://www.clevelandjewishnews.com/news/local_news/developer-yields-hoa-president-role-new-board-elected/article_ed245350-9208-11ef-801e-cb277bf37c07.html).

Mr. Pidikiti's allegations of threats of lawsuits were not unfounded. On September 28, 2023, an attorney, on Kertesz's behalf, sent Mr. Pidikiti a cease-and-desist letter. See Correspondence from J. Berns to R. Pidikiti, attached as Ex. D. In a July 16, 2024 email, association attorney Brian Green, writing on behalf of the HOA—which Kertesz controlled—made threatening statements about allegations of defamation. See Correspondence from B.

Green to R. Pidikiti, attached as Ex. E.

These threats came to a head on August 12, 2025, when Kertesz filed his civil complaint.

#### IV. LAW AND ARGUMENT

Ohio's adaptation of the Uniform Public Expression Protection Act applies to civil claims based on defendants' communications either in legislative or governmental proceedings or on an issue under consideration or review in legislative or other governmental proceedings.

R.C. 2747.01(B)(1–2).

The statute also protects a “person’s exercise of the right of freedom of speech and of the press ... on a matter of public concern.” R.C. 2747.01(B)(3).

In short, the question is whether the defendant exercised their free-speech rights to discuss a matter of public concern. *Id.* This sweeping interpretation of the Act’s scope is echoed by R.C. 2747.06(B), which mandates that “a court shall broadly construe and apply section[] 2747.01 ... .” R.C. 2747.06(B).

This anti-SLAPP law is relatively new for Ohio, taking effect on April 9, 2025. Thus, as yet, there is little-to-no Ohio case law on it.<sup>1</sup> But under R.C. 2747.06(C), the legislature directed courts to “consider the need to promote uniformity of the law with respect to its subject matter among states that enact a substantially similar law.” R.C. 2747.06(C). Ten states—Hawaii, Idaho, Kentucky, Maine, Minnesota, New Jersey, Ohio, Pennsylvania, Utah, and Washington—have adopted UPEPA.

Under the law’s plain text:

- A party who is subjected to a civil action under the Act may file a motion for

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<sup>1</sup> A September 8 Westlaw search yielded zero published opinions discussing Ohio’s new Uniform Public Expression Protection Act.

expedited relief within 60 days of being served with a complaint. R.C. 2747.02.

- Once that motion has been filed, the court is required to stay all other proceedings in the action, including discovery or hearing any other pending motion.

R.C. 2747.03(A)(1). Attorney fees, court costs, and other litigation expenses are not subject to the stay. R.C. 2747.03(D).

- The stay must remain in effect until 30 days after the court rules on the motion or after an appeal of the ruling—which is immediately appealable—concludes, whichever is later. R.C. 2747.03(B).
- And a court fielding this type of motion must conduct a hearing within 60 days after the motion is filed, unless the court allows limited discovery under R.C. 2747.03. R.C. 2747.04(A)(1).
- Then, the court must rule on the motion for expedited relief within 60 days after the hearing. R.C. 2747.04(D). In ruling on the motion, a court may consider the pleadings, motion, responses to the motion, and any evidence that could be considered in ruling for summary judgment. R.C. 2747.04(B).
- A court must dismiss the cause of action with prejudice if **all** the following occur:
  1. The moving party establishes that the cause of action is based on a communication protected under R.C. 2747.01(B);
  2. The responding party fails to establish that an exception listed in R.C. 2747.01(C) applies; and
  3. *Either* the responding party fails to establish a *prima-facie* case for each essential element of the cause of action *or* the moving party establishes that either (a) the

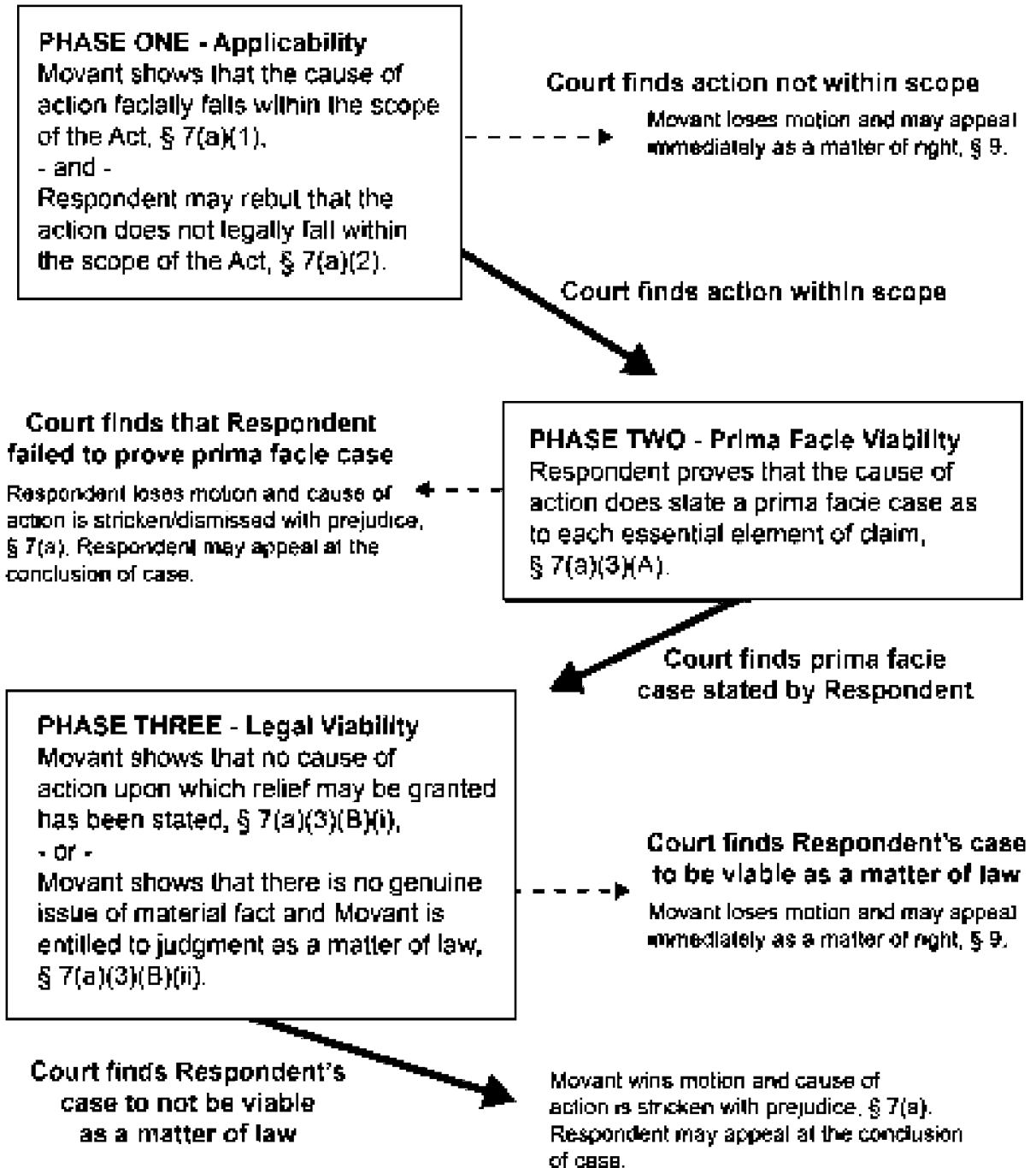
responding party failed to state a cause of action upon which relief can be granted,  
or (b) there is no genuine issue as to any material fact and the moving party is  
entitled to judgment as a matter of law.

R.C. 2747.04(C).

The National Conference of Commissioners on Uniform State Laws, which drafted  
UPEPA, provided the following helpful graphic to break down the steps in motion practice.

## Motion Analysis Path § 7(a)

Analysis path after a pleading is filed that asserts a cause of action with the scope of § 2, and the party against whom the cause of action is asserted files a motion for expedited relief per § 3



National Conference of Commissioners on Uniform State Laws, *Uniform Public Expression Protection Act*, at 4 (Oct. 2, 2020), <https://medialaw.org/wp-content/uploads/2022/05/UPEPA-with-comments.pdf>.

If the court dismisses the action, then it must award reasonable attorney fees, court costs, and other reasonable litigation expenses to the moving party. R.C. 2747.05(A). This Court should do exactly that because

- (1) Mr. Pidikiti's speech fell within the scope of conduct protected by Ohio's UPEPA,
- (2) it fell into no exception, and
- (3) Kertesz fails to state a claim for which relief can be granted.

**A. Mr. Pidikiti spoke on a matter of public concern, and thus, this action falls within the scope of cases UPEPA (R.C. § 2747.01) protects.**

Under the Uniform Public Expression Protection Act's framework, defendants must first establish that their communications are protected under the statute—meaning that it touches on a matter of public concern. R.C. § 2747.04(C); R.C. § 2747.01(B)(1–3). As stated above, the legislature directed that the statute's scope be broadly interpreted. R.C. § 2747.06(B) (“a court shall broadly construe and apply section[] 2747.01 ...”).

In interpreting the Act's breadth, a Kentucky appellate court noted that, “Kentucky's protections encompass all speech and press, public or private, in all forums, about matters of public concern....” *Davenport Extreme Pools and Spas, Inc. v. Muflur*, 698 S.W.3d 140, 155 (Ky. Ct. App. 2024). And Utah courts explained that the Act “applies to a claim based on any statement made in certain government proceedings, statements made outside those proceedings if they relate to an issue under consideration in those proceedings, and any statements made anywhere on a matter of public concern.” *See Mackey v. Krause*, No. 20240785, 2025 WL

24800059, at \*7 (Utah Aug. 28, 2025).

In interpreting what “public concern” means in the UPEPA context, both Utah courts and Washington courts adopted the Supreme Court’s definition in *Snyder v. Phelps*, 562 U.S. 443, 453 (2011). See *Mackey v. Krause*, No. 20240785, 2025 WL 24800059, at \*8 (Utah Aug. 28, 2025); *M.G. v. Bainbridge Island Sch. Dist. #303*, 566 P.3d 132, 145 (Wash. Ct. App. 2025). In *Snyder*, the Court held that “[s]peech deals with matters of public concern when it can be ‘fairly considered as relating to any matter of political, social, or other concern to the community,’ or when it ‘is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public.’” *Id.* (citing *Connick v. Myers*, 461 U.S. 138, 146 (1983); *San Diego v. Roe*, 543 U.S. 77, 83–84 (2004)).

Kentucky courts applying UPEPA have ruled that political speech “is precisely the type of speech encompassed by the UPEPA,” adding that “political speech directed toward public officials is at the pinnacle of protected speech.” *Kentucky Democratic Party v. Gearding*, No. 2023-CA-1268-MR, 2025 WL 1141750, at \*2–3 (Ky. Ct. App. Apr. 18, 2025).

Speech made in private discussing a public matter also receives UPEPA protection. For example, in *Mackey v. Krause*, a teacher sued after a student’s parent appeared at a school-board meeting and made claims that the teacher behaved inappropriately and got into physical altercations with students. *Mackey v. Krause*, No. 20240785, 2025 WL 24800059, at \*2. The Utah Supreme Court ruled that, not only was Krause’s speech to the board a matter of public concern falling within UPEPA’s scope, but Krause’s post-meeting, private-conversation statement about his allegations also fell under the statute’s purview. *Id.*

Plaintiff Kertesz’s continued involvement with the Lakes of Orange community is a matter of public concern. His actions and involvement have inspired numerous residents to

appear at zoning and council meetings to speak out against his project's next phase. *See* Kaitlyn Finchler, *Developer yields HCA president role, new board elected*, CLEVELAND JEWISH NEWS, at 24 (Oct. 24, 2024), attached as Ex. C; Council Meeting, at 47:40–49:27, manually filed as Ex. B. It is a concern to the community, which, over many months, has shown up repeatedly to voice its displeasure. The debate drew enough attention to warrant news coverage, which is at the heart of Kertesz's complaint. *See* Ex. C.

Orange Village Council is a legislative body. When Mr. Pidikiti spoke out at its meeting, urging the councilmembers to reject an ordinance that would prolong Kertesz's association with and control of the Lakes of Orange community as the developer, he was

- (1) engaged in political speech on a matter of public concern, and
- (2) commenting on an ordinance set for a second reading, and thus, was communicating on an issue under consideration in a legislative proceeding.

R.C. 2747.01(B)(1–2) expressly protects this activity. And when he spoke with a *Cleveland Jewish News* reporter, he was specifically questioned about his council-meeting remarks and provided more of his thoughts about this public concern, warranting R.C. 2747.01(B)(3)'s protections.

Mr. Pidikiti's comments, both to the village council and to the *Cleveland Jewish News*, were on a matter of public concern and fell within UPEPA's embrace. Thus, this step of the Court's analysis is satisfied.

**B. No UPEPA exceptions authorizing Plaintiff Kertesz's claim apply.**

R.C. § 2747.01 provides four, narrow exceptions to the Uniform Public Expression Protection Act, which are as follows:

- (1) A legal action against a governmental unit or an employee or agent of the governmental unit who was acting or purporting to act in an official capacity;
- (2) An enforcement action that is brought in the name of a governmental unit to protect against an imminent threat to public health or safety;
- (3) A legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the cause of action arises out of communication related to the person's sale or lease of the goods or services;
- (4) A survivorship claim or a legal action seeking recovery for bodily injury or wrongful death, or statements made regarding that claim or legal action.

R.C. § 2747.01(C)(1-4).

√ Mr. Pidikiti is neither a government employee nor agent.

√ Nor is Kertesz.

So the first two exceptions don't apply.

√ Mr. Pidikiti is not engaged in selling or leasing goods or services.

So the third exception doesn't apply.

√ This action is a defamation case, not a survivorship claim or a claim seeking recovery for bodily injury or wrongful death.

So the fourth exception doesn't apply.

In sum, no UPEPA exceptions apply, and so, Mr. Pidikiti has cleared the second hurdle

to prevail under the Act.

- C. **There is no cause of action upon which relief may be granted because Mr. Pidikiti's alleged statements about racism and threatening suits weren't defamation *per se*.**

After defendants establish that the speech at hand is within the scope of the Act's protections and that no exception applies, the burden then shifts to plaintiff to show their actions are valid. R.C. 2747.04(C). If a plaintiff fails to do so, a defendant is entitled to relief. *Id.*

Alternatively, defendants are entitled to relief if they can show that either

- (a) plaintiff failed to state a cause of action upon which relief can be granted, or
- (b) there is no genuine issue as to any material fact and defendants are entitled to judgment as a matter of law.

*Id.*

Here, Kertesz failed to state a cause of action upon which relief can be granted.

To establish defamation, Kertesz must show that Mr. Pidikiti

- (1) made a false statement of fact,
- (2) that was defamatory,
- (3) that was published,
- (4) Plaintiff suffered an injury as a result, and
- (5) Mr. Pidikiti acted with the requisite degree of fault in publishing the statement.

*Am Chem. Soc. v. Leadscape, Inc.*, 2012-Ohio-4193, ¶ 77.

Kertesz can't even establish the first element because Mr. Pidikiti's alleged statements are either truthful or opinion, and thus, aren't defamatory. Further, he asserts a claim for defamation *per se* even though Mr. Pidikiti's statements are subject to multiple interpretations, including some that are innocent, and thus, nondefamatory.

Kertesz lists three statements in his complaint that are at issue. He alleges Mr. Pidikiti

- (1) called him racist,
- (2) claimed Kertesz made “threats of lawsuits,” and
- (3) said, “The problem is (Kertesz) mostly—I’m an immigrant—he’s a racist.”

Compl. ¶ 6.

**1. Mr. Pidikiti’s statement that Kertesz made threats of lawsuits is true, and thus, is not actionable as defamation.**

The first element of defamation is that the statement must be a false statement of fact. *Am Chem. Soc. v. Leadscape, Inc.*, 2012-Ohio-4193, ¶ 77. Truth is an **absolute defense** to defamation. *Maddox Defense, Inc. v. GeoData Sys. Management, Inc.*, 2019-Ohio-1778, ¶ 53 (8th Dist.) (citing *Stoblmann v. WJW TV, Inc.*, 2006-Ohio-6408, ¶ 13 (8th Dist.)). “In a case involving a private person who was allegedly defamed in a statement about a matter of public concern, the plaintiff ‘has the burden of proving both that the statement is false and [that] the defendant was at least negligent in publishing it.’” *Anderson v. WBNS-TV, Inc.*, 2019-Ohio-5196, ¶ 8 (quoting *Dale v. Ohio Civil Serv. Emps. Assn.*, 57 Ohio St.3d 112, 114 (1991)).

Mr. Pidikiti’s statement that Kertesz made “threats of lawsuits” is verifiably true. On September 28, 2023, attorney Jordan Berns, on Kertesz’s behalf, sent Mr. Pidikiti a cease-and-desist letter. See Letter from J. Berns to R. Pidikiti, attached as Ex. D. That letter alleged that Mr. Pidikiti engaged in defamation *per se* and warned him that Kertesz was reserving his rights to sue. *Id.* And HOA attorney Brian Green, writing on behalf of the HOA—then led by Kertesz (see Ex. C)—made threatening statements about alleged defamation in a separate letter to Mr. Pidikiti. See Email from B. Green to R. Pidikiti, attached as Ex. E.

Because Kertesz, through agents, threatened to sue Mr. Pidikiti on multiple occasions,

and truth is an absolute defense to defamation, the Court should hold that Mr. Pidikiti's statement was not defamation.

Thus, Plaintiff does not state a claim for which relief can be granted concerning this statement.

**2. Mr. Pidikiti's alleged statements that Plaintiff Kertesz is "racist" and is the problem are protected opinion.**

The first element of defamation likewise cannot be satisfied if the statement at issue is a statement of opinion. Ohio's Constitution protects statements of opinion: "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech or of the press." Ohio Const., art. 1, §11. In *Scott v. News-Herald*, the Ohio Supreme Court held that expressions of opinion are generally protected under that section as a valid exercise of freedom of the press. *Scott v. News-Herald*, 25 Ohio St.3d 243, 244-45 (1986). The court affirmed that that protection extends to nonmedia defendants in *Wampler v. Higgins*, 93 Ohio St.3d 111, 121 (2001).

To determine what qualifies as opinion, the Court must consider the totality of the circumstances, including the specific language at issue, whether the statement is verifiable, the statement's context, and the broader context in which the statement appeared. *Vail v. The Plain Dealer Publishing Co.*, 72 Ohio St.3d 279, 282. This analysis focuses on the interpretation of the ordinary reader. *Scott*, 25 Ohio St.3d at 250. Verifiability is important, especially in this context, because "a reader cannot rationally view an unverifiable statement as conveying actual facts." *Wampler*, 93 Ohio St.3d at 129.

In *Lennon v. Cuyahoga Cty. Juvenile Court*, the Eighth District Court of Appeals found

that the defendant's statement that plaintiff was racist was a "matter of one employee's opinion and thus is constitutionally protected speech, not subject to a defamation claim." *Lennon*, 2006-Ohio-2585, at ¶ 31 (8th Dist.). The court wrote that, in a case where the defendant did not imply or share that they had any additional knowledge to support their allegation of racism, "[i]t is reasonable to assume that the listener would believe that the speaker was expressing her 'raw, unsubstantiated opinion.'" *Id.* at ¶ 30 (quoting *Rothschild v. Humility of Mary Health Partners*, 2005-Ohio-5481, ¶ 21 (7th Dist.)).

And allegations that someone is a racist are not verifiable. In *Olthaus v. Niesen*, an appellate court upheld the trial court's decision to dismiss a defamation claim where the defendant called the plaintiff a "white supremacist" and a "kkkcop." *Olthaus*, 2023-Ohio-932, ¶ 16 (1st. Dist.). "Considering 'the common meaning of the allegedly defamatory statement,' an ordinary reader would understand the terms ... to 'lack [] precise meaning,'" the court held, adding that the statements were "plainly subjective, value-based language." *Id.* (quoting *Scott*, 25 Ohio St.3d at 250; *Vail*, 72 Ohio St.3d at 282.) (cleaned up). And the court held that such statements "are inherently value-laden labels and 'conjure[] a vast array of highly emotional responses that will vary from reader to reader.'" *Olthaus*, ¶ 16 (quoting *Vail*, 72 Ohio St.3d at 282–83.). Finally, the court held that labels like white supremacist "lack [] a plausible method of verification." *Olthaus*, ¶ 16 (quoting *Scott*, 25 Ohio St.3d at 251–52.). In all, such statements are not defamatory. *Id.*

The *Olthaus* court isn't alone in its holding that various accusations of bigotry are not actionable defamation. In *Vail*, the Ohio Supreme Court held that newspaper commentary calling a public figure a "gay-basher" and a "bigot" was protected under the state constitution. *Vail*, 72 Ohio St.3d at 283. In *Condit v. Clermont Cty. Rev.*, the court held that accusations that

the plaintiff was a “fascist” and an “anti-Semite” were not defamatory, pointing to a collection of federal case law establishing that accusations of ethnic bigotry are not actionable as defamation. *Condit v. Clermont Cty. Rev.*, 110 Ohio App.3d 755, 760 (12th Dist. 1996). These claims failed because claims of ethnic bigotry or racism contain elements of hyperbole and ambiguity. They are “too general to be verifiable and they do not imply undisclosed facts that would allow the statements to be verified.” *Id.* at 761.

Here, Mr. Pidikiti just allegedly called Plaintiff Kertesz racist without implying any undisclosed facts that would allow his statements to be verified beyond scant rumors, like the defendants in *Condit* and *Lennon*. Those courts ruled that this weighed in favor of accusations of bigotry being mere opinion. And the latent ambiguity present in allegations of bigotry and racism add to the unverifiability of Mr. Pidikiti’s opinion. Finally, the context of Mr. Pidikiti’s statements indicate that his statement contains hyperbole and ambiguity. Mr. Pidikiti is first introduced in the story as saying that he had more freedom living in India than he does in the Lakes of Orange development, showing that he is a resident who is, like many others living in similar circumstances, annoyed with his HOA and airing out his perceived grievances in a hyperbolic manner. See CLEVELAND JEWISH NEWS article, attached as Ex. C.

Further, Mr. Pidikiti’s statement that Plaintiff “is the problem” is also opinion. An ordinary reader of the *Cleveland Jewish News* article would understand that who the problem in a particular situation is would vary according to who one is talking to. While Mr. Pidikiti points the finger at Kertesz, it’s sure that Kertesz, other neighbors, and the Orange Village Council members each have their own thoughts on who the problem is at the center of this controversy. The source of the problem isn’t verifiable and is subject to multiple interpretations. And thus, this statement is also opinion.

Because accusations of racism are considered opinion and “too general to be verifiable,” and Mr. Pidikiti’s claims are no exception, this Court should hold that these statements cannot form the basis for a defamation claim and should dismiss this action with prejudice. Otherwise, the floodgates improperly open to defamation claims.

**3. Mr. Pidikiti’s alleged statement that Kertesz made threats of lawsuit is not defamation *per se* because it is subject to multiple interpretations under the innocent construction rule.**

Kertesz’s sole claim alleges defamation *per se*. Compl. ¶¶ 4–10. Being said to have threatened a lawsuit can hardly be labeled “defamation *per se*.”<sup>2</sup>

A statement that is defamation *per se* “reflects upon the character of such person by bringing him into ridicule, hatred, or contempt, or affects him injuriously in his trade or profession.” *Becker v. Toulmin*, 165 Ohio St. 549, 553 (1956) (citing *Cleveland Leader Printing Co. v. Nethersole*, 84 Ohio St. 118, 125 (1911)). If a statement is not defamatory on its face—and instead is subject to interpretation—it cannot be defamation *per se*. *Hartman v. Kerch*, 2023-Ohio-1972, ¶ 57 (8th Dist.). Defamation *per se* “consist[s] of words which import an indictable criminal offense involving moral turpitude or infamous punishment, imputes some loathsome or contagious disease which excludes one from society or tends to injure one in his trade or occupation.” *Id.* (citing *McCartney v. Oblates of St. Francis De Sales*, 80 Ohio App.3d 345, 609 (6th Dist. 1992)).

Ohio follows the innocent construction rule when it comes to judging defamatory statements. *Id.* at ¶ 58. If allegedly defamatory words are “susceptible to two meanings, one defamatory and one innocent, the defamatory meaning should be rejected, and the innocent

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<sup>2</sup> Otherwise, being a lawyer would be considered a truly loathsome and undesirable profession.

meaning adopted.” *Id.* (citing *Yeager v. Local Union 20*, 6 Ohio St.3d 369, 372 (1983).) “It matters not that the defamatory meaning is the more obvious one. So long as the statement may reasonably be read to have an innocent meaning, the innocent construction rule commands that the statement be deemed non-defamatory.” *Boulger v. Woods*, 917 F.3d 471, 483 (6th Cir. 2019) (cited by *Hartman*, ¶ 58.). If a statement is “reasonably susceptible to an innocent construction, the statement cannot be defamatory *per se.*” *Hartman*, ¶ 58.

Making “threats of lawsuits” could be susceptible to many interpretations, making it—most charitably, if that—defamation *per quod* **not** defamation *per se*. Threatened lawsuits for what? The article doesn’t say, and the interpretation is left up to the reader. *See* CLEVELAND JEWISH NEWS, attached Ex. C. A reasonable reader could understand that Kertesz could be threatening to sue for a reason that would not be injurious to his occupation. Filing a lawsuit is not inherently bad and does not automatically subject the plaintiff “ridicule, hatred, or contempt;” civil-rights plaintiffs across the country, in fact, experience the opposite effect. Kertesz certainly could threaten to sue for a reason that a reasonable reader would approve of or agree with.

Under the innocent construction rule, the Court should adopt the innocent meaning and, thus, hold that this statement is non-defamatory, or, at the very least, is not defamation *per se*. Again, Mr. Kertesz fails to state a claim for which relief can be granted.

**D. This Court should order Kertesz to pay Mr. Pidikiti’s cost, fees, and other expenses as required under UPEPA because Mr. Pidikiti has met his burden.**

Under UPEPA, if a court grants a motion for expedited relief, it **must** dismiss the action and award reasonable attorney fees, court costs, and other reasonable litigation expenses to the moving party. R.C. 2747.05(A). As shown above, Mr. Pidikiti’s speech falls within the Act’s

scope, and Kertesz asserts no claim for which relief can be granted. Thus, Mr. Pidikiti requests that this Court order that Kertesz pay his fees, costs, and other expenses. Mr. Pidikiti will provide an accounting of these expenses at this litigation's conclusion.

## V. CONCLUSION

Plaintiff Randy Kertesz seeks to punish Defendant Rajesh Pidikiti for speaking out on a matter of public concern and sharing his opinion and the truth of what has happened to him. Mr. Pidikiti's speech cannot support a defamation claim. And his political speech falls into the scope of that which the Ohio General Assembly intended to protect when it joined the ranks of states that have passed the Uniform Public Expression Protection Act. Because Mr. Pidikiti's speech is inside the Act's ambit of protection and Plaintiff Kertesz fails to state a claim for which relief can be granted, this Court should grant Mr. Pidikiti's motion for expedited relief—and order Kertesz to pay all attorney fees and costs associated with this lawsuit. Counsel will submit a fees-and-costs accounting when merits litigation under the Act is concluded.

Dated: September 11, 2025

Respectfully submitted,

/s/ Subodh Chandra

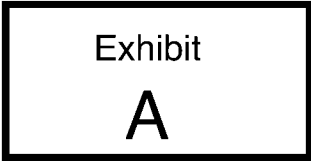
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*Attorneys for Defendant Rajesh Pidikiti*

### Certificate of Service

I certify that on September 11, 2025, my office filed the above document electronically with the Clerk of Court, which is serving all counsel of record through its electronic-filing system, and sent courtesy copies by e-mail to all counsel of record.

*/s/ Subodh Chandra*  
\_\_\_\_\_  
*One of the attorneys for Defendant Rajesh Pidikiti*



MINUTES
ORANGE VILLAGE COUNCIL
COUNCIL MEETING
OCTOBER 9, 2024
7:00 PM

- 1. Council President Silver called the Council Meeting of October 9, 2024 to order at 7:00 p.m.
2. Pledge of Allegiance
3. Roll call

Members Present: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Members Absent:
Others Present: Jud Kline, Mayor
Steve Byron, Law Director
Mike Roberts, Police Chief
Larry Genova, Fire Chief
Bob Zupan, Service Director
Dana Kavander, Treasurer
Anna Girardi, Council Clerk

- 4. Community Survey Results – Paul Triolo and Patrick Hewitt, Cuyahoga County Planning Commission

Paul Triolo and Patrick Hewitt provided a presentation concerning the results of the Orange Village 2024 Community Survey.

- 5. A Motion to confirm the appointment of Ned Van Valkenburg to the Finance Committee was made Mr. Silver by Mr. Silver seconded by Mrs. Vincent.

Mrs. Perry stated Mr. Van Valkenburg has attended a couple finance meetings and will be a welcomed addition to our committee. Finance Committee recommended his appointment as a member.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

Mayor Kline administered the Oath of Office to Mr. Van Valkenburg.

- 6. A Motion to authorize the purchase of two heart monitors (LP35,EN-US,MAS-SP/CO,MED-CO2,SUN-NIBP,12L,WIFI/CELL/LN/CPRIN,STD,BT), and all necessary attendant equipment, from Stryker Sales, LLC at a total cost not to exceed \$110,000 was made by Ms. Ullner seconded by Mr. Foster.

Chief Genova stated the monitors we currently have were provided by University Hospital. They are no longer providing this item to departments. The monitors are from 2010 and 2013 and they have surpassed their service life and need to be replaced. The monitors we are ordering just came to market this summer. Stryker is the sole source for these monitors.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

7. A Motion to approve the Special Council Meeting Minutes of September 4, 2024 was made by Mrs. Vincent seconded by Mrs. Perry.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

8. A Motion to approve the Council Meeting Minutes of September 11, 2024 was made by Mrs. Perry seconded by Mrs. Vincent.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

9. A Motion to approve the Treasurer's Report for August, 2024 was made by Ms. Ullner seconded by Mr. Silver.

Mrs. Kavander explained the Treasurer's Report

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

10. A Motion to approve the Tax Administrator's Report for August, 2024 was made by Mrs. Perry seconded by Mr. Bilsky.

Mrs. Kavander explained the Tax Administrator's Report

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

11. A Discussion of the Bills to be Paid in the month of October in the amount of \$515,958.71 and additional September expenses in the amount of \$81,611.70.

Ms. Ullner inquired about the Singerman, Mills billing and wanted to know how many approximate hours per month were spent for the retainer portion. Mr. Byron will provide the information.

12. Audience comments relating to agenda items only --

**Liz Gregory, 454 Crystal Lake**

- Proposed phase 8 – align with the master plan land use (page 20 – section 7)
  - o Feels phase 8 is a perfect example of an area that abuts a commercial area
  - o Village will maintain a buffer from commercial and residential
  - o Floodplain – referenced in Village Engineer memo
- Referenced Village Engineer memo – setback does not meet the 50 or 60 feet setback
- Feels the additional Phase 8 is so the developer will have control

**Rob Edelstein, 315 Tahoe Trail**

- Stated he felt the Lakes of Orange are now entitled to elect an HOA board and after that was done he then added Phase 8. He would like council to deny the ordinance.
- Would like to know when the Village will be connecting the sidewalk in Phase 7 to Emery Road
- Safety concern
- Wants Phase 8 to include sidewalks and cannot be completed without them
- Would like a traffic study done for entry/exit on Phase 8

**Rajesh Pidikiti, 495 Crystal Lake**

- Feels after the work is done the developer now wants to add more and is concerned there will be more phases

**John Kolb, 230 Lake Mead**

- New Board for Lakes of Orange as of Monday night
- Phase 8 - Safety issue with regards to sidewalks
- Concerned with water runoff in the development
  - o Helped neighbor every time it rains, they have a large amount of water from homes that are built higher
  - o Filed complaint with EPA – has report with numerous violations

## 13. Old Business of Pending Legislation and Motions

**A. ORDINANCE 2023-11**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ACCESS AND ASSET TRANSFER AGREEMENT WITH THE CITY OF SOLON FOR THE CONSTRUCTION OF A WATERMAIN IN ORANGE VILLAGE IN THE MILES ROAD RIGHT OF WAY. 3<sup>rd</sup> Reading

Recommended by the Planning and Zoning Commission

A Motion for passage of Ordinance 2023-11 was made by Mrs. Vincent seconded by Mr. Silver.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

**B. ORDINANCE 2024-21**

AN ORDINANCE AMENDING SUBSECTION 521.06(A), DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN OF CHAPTER 521, HEALTH, SAFETY AND SANITATION, TO REQUIRE THE REPAIR OF THE VILLAGE'S RECREATIONAL TRAILS IN CERTAIN CIRCUMSTANCES, REPEALING CERTAIN ORDINANCES, AND DECLARING AN EMERGENCY. 3<sup>rd</sup> Reading

A Motion for passage of Ordinance 2024-21 was made by Mrs. Perry seconded by Mr. Bilsky.

Mrs. Vincent wanted to know if the residents are liable. Mr. Byron stated the law in Ohio is that property owners are not liable for natural accumulations of ice and snow. Property owners will not be held liable for injuries caused by ice and snow unless they created the hazard. Residents should keep the sidewalks on their property in repair and free of tripping hazards. This applies only to sidewalks.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

**C. ORDINANCE 2024-22**

AN ORDINANCE AMENDING CHAPTER 1375, TREE PRESERVATION, OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE, AND DECLARING AN EMERGENCY. 2<sup>nd</sup> Reading

Referred to the Planning and Zoning Commission

Mayor Kline stated this has been discussed at the Planning & Zoning meeting. There are revisions that will be made and finalized at the next Planning and Zoning meeting. It will then come back to council.

**D. ORDINANCE 2024-23**

AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR PHASE 8 OF THE LAKES OF ORANGE DEVELOPMENT. 2<sup>nd</sup> Reading

Referred to the Planning and Zoning Commission

Mr. Silver asked where we were with this ordinance. Mr. Byron stated there may be a setback variance for one of the lots. They will also have to put together a development plan. This is just a step in the process. If their plat applies to the zoning code the Village has to approve the plat within 30 days. Mr. Silver asked about an item on the Planning and Zoning agenda concerning the HOA. He asked if the approval of the HOA was something that will come to Council. Mr. Byron stated this will not come to Council.

Ms. Ullner stated she attended the P & Z meeting. She tried to listen to both sides. She reached out to the attorney of the developer but she has not heard back from them. Her knowledge is from what the residents have to say. The developer has the right to make a request to add property to the development. Ms. Ullner asked about Mr. Byron's statement concerning the denial of the plan if safety, health and welfare of the residents was an issue. Mr. Byron stated that nothing has been brought to our attention at that level, so there is no basis. Ms. Ullner stated she feels there is significant mental health issues for the residents. Mental health is very important. The letters that have been sent to residents by the developer and provided to her are harassing. She wants to know why this development has to be a part of Lakes of Orange and accessing it by walking on the sidewalks is a safety issue. Mr. Byron stated health, safety and welfare is the standard for determining whether municipal action is constitutional. There also needs to be a legislated standard for saying no to a request for approval. There is no such legislation. Regarding mental health issues, the Village is not in a position to know if, in fact, any Village action or policy causes mental health issues for anyone.

Mr. Bilsky stated the developer is no longer involved with the HOA and he cannot regain control of the HOA. He asked if the HOA can take legal action against the developer. Mr. Byron he stated that the HOA cannot seek legal action if the developer wants to add onto the development. He also stated that Council cannot vote something down because residents are concerned; we have to abide by the zoning code.

Mrs. Vincent stated she is struggling with the issue and wants the residents to be happy. Mr. Bilsky stated there is nothing we can do today about the issue that was approved many years ago. Mr. Silver asked if there is any way the homes can be built on the property but not in the HOA. Mr. Byron stated if the developer agrees to it. He is required to have a homeowners association. He has a right under the development plan to add to the current HOA. If we vote it down, the developer can appeal our decision. Mr. Foster said if there is an environmental problem who would be responsible. Mr. Byron stated any homeowner who has the environmental issue would be responsible.

Ms. Ullner requested that the developer have a sitdown with Council and discuss this with us.

14. New Business and Consideration of:

**A. RESOLUTION 2024-12**

A RESOLUTION OF SUPPORT BY THE VILLAGE OF ORANGE, OHIO TO HOLD THE 2030 SPECIAL OLYMPICS IN CLEVELAND, OHIO.

Mayor Kline stated that the Mayors and Managers Association would like the area communities to encourage the Special Olympics to held in Cleveland. He is asking for approval for this resolution this evening.

Mrs. Vincent would like to make a change – the second Whereas, after the word represent change to; the epitome of the best through heart, drive, spirit and dedication to preparing for competition with participants ages as young as eight years old; and

A Motion to amend Resolution 2024-12 to change the second Whereas, after represent... to the epitome of the best through heart, drive, spirit and dedication to preparing for competition with participants ages as your as eight years old seconded by Ms. Ullner.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

A Motion for passage of Resolution 2024-12 as amended was made by Mr. Silver seconded by Ms. Ullner

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

#### **B. RESOLUTION 2024-13**

**A RESOLUTION REQUESTING THE FISCAL OFFICER TO ADVANCE TAXES IN ACCORDANCE WITH THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

Mr. Byron stated this allows us to receive the funds immediately.

A Motion for passage of Resolution 2024-13 was made by Mr. Foster seconded by Mr. Silver.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver  
Nays: None

#### 15. Audience comments relating to matters which advance the good of the Village

##### **John Kolb, 220 Lake Meade**

- Stated Mr. Byron may have misspoke concerning the EPA issue
  - o He is looking for a solution

##### **Amanda Kurland, 150 Valencia**

- Spoke concerning Issue 32 – does not support the rezoning New Song Church property – Issue 32

##### **Angela Ugran, 30150 Jackson Rd**

- Spoke against Issue 32 - Conflicts of interest, against Master Plan, allowing a company to make more money, sign is a code violation on the church property

##### **Liz Gregory, 454 Crystal Lake Dr**

- Mr. Byron stated we have our own HOA, but we do not
  - o If developer is allowed to add more homes we do not have control
  - o Doesn't understand how the HOA has control

##### **Bennett Rubin, 558 Salt Lake Circle**

- Asked Mr. Byron about the development plan – Mr. Byron stated we do not have anything at this time but he will send this information to them via email
- Wants to know if we plan to expand the community garden
  - o Mrs. Perry stated we do not have a great deal of room to expand

##### **Jim Boyle, 31399 Fairview Drive (did not sign in)**

- Spoke against Issue 32

- Received information to vote yes on Issue 32
  - Needs to state where the information came from
  - Cannot be paid by KJI – must be a PAC
  - He filed a complaint with Secretary of State
  - Design, printed and mailed signs and postcard without a PAC

#### **Rajesh Pidikiti, 495 Crystal Lake**

- Unglorified developer - Lakes of Orange has an issue with him
- Make sure the developer is there for the people

#### 16. Comments by the Mayor

- Thanked everyone for coming tonight and your comments and passion
- Kids Coloring Contest is on-going. Please have your aspiring artists ages 4-10, color one of the sketches provided on our website or in the box outside Village Hall. Completed creations can be dropped off at Village Hall no later than October 25<sup>th</sup>.
- Happy Columbus Day/Indigenous People Day Village Hall is OPEN and there is no change to trash/recycle pickup
- Paper Shredding event on Friday, October 18 from 9:00 am – noon or the truck is full at Orange Village Service Department, 4680 Lander Road. There is a 5 box/bag limit.
- Leaf collection begins on Monday, October 21 and runs through Wednesday, November 27
- Orange Village Police and Fire Departments will be participating in the Trunk or Treat event on Friday, October 25<sup>th</sup> from 6-8pm at Pepper Pike Learning Center – stop by and visit our officers
- Trick or Treat will be on Thursday, October 31 from 6:00 – 8:00 pm
- Voting is Tuesday, November 5<sup>th</sup> from 6:30 am – 7:30 pm at Orange Village Hall. You also have the option of voting by mail or in-person. Please note that in-person voting is located at the Cuyahoga County Board of Election, 2925 Euclid Avenue
  - Orange Village Service Department will collect campaign signs throughout the village the day after the election. If your signs were removed and you would like to keep them, please contact the service department at 440-498-4403. The signs will be taken to the Cuyahoga County Solid Waste District to be recycled.
- Formation of committees – should have received an email
  - Meeting will be held Tuesday, November 12 at 7:00 pm at Orange Village Hall
  - If you are interested in joining a committee, please attend
- Security doors are being programmed soon
  - Thanked the service department for their work and craftsmanship
- Grant writer
  - To pursue grants for items that the village would like to consider
- Thanked the Cuyahoga County Planning Commission for their work with the survey
- Placement of political signs, they should be behind the right-of-way not IN the right-of-way

#### 17. Comments by the Council President

- Orange for the Holidays is moving forward
- Lander Road – Community Heritage School sign
  - Chief Roberts stated that it is in Pepper Pike and he had a conversation with them
- Ms. Ullner stated there is an issue with traffic there as well
- Potentially moving the meetings to the 1<sup>st</sup> and 3<sup>rd</sup> meeting of the month
  - Mrs. Vincent is unable to make the change due to a prior commitment
    - Mr. Byron stated that Pepper Pike requested it, he will let them know we are not changing

#### 18. Committee Reports and Comments by Council Members

##### **Madden**

- Thanked all those that attended

**Foster**

- Maintenance schedule for Orange
  - o Mr. Zupan stated we clean the catch basins annually
  - o We also inform residents not to place leaves in the storm drains

**Vincent**

- Thanked everyone for coming
- Thanked the Orange Village staff for their attendance at the Orange Schools Centennial Celebration
- Orange Schools update
- Phase 8 will be on the next P & Z Meeting on October 15 at Orange Village Hall
- Orange for the Holidays
  - o Great coupons
- Happy New Year to residents
- John Hanzel and Betty Radis – condolences to the families
- Remember to vote on November 5

**Ullner**

- September 15 as the day of National Independence for a number of Latin American countries
  - o Take a moment to learn something about the histories, cultures and contributions that Hispanic Americans have made to our counties and communities.
- Mayor Kline invited her to join him at a meeting with the Police Chief, Fire Chief and Vice Mayor of Shaker Heights, along with our Police Chief Roberts to learn more about the CALL Program which Ms. Ullner brought to the attention of Orange
  - o Great program to bring mental health help to those who need it
- Codified Ordinance on website
  - o They are on the website but asked if they can be more prominent
- Issue 32 – only council member against it
  - o If someone bought a property and it was zoned a certain way they expect it to be that way
  - o Mailer and sign did not follow the law – must be handled by the Board of Elections
    - Feels it does say something about the developer, has some concerns
- Wished everyone a good fast

**Bilsky**

- Happy and Healthy New Year to all who celebrate
- Recognize that Monday is Indigenous people day – very important part of our society
- Thank you to everyone for coming out - Don't know how to help but happy to try to help the residents out

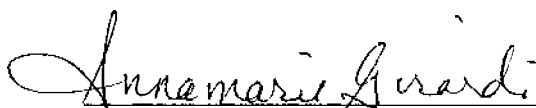
**Perry**

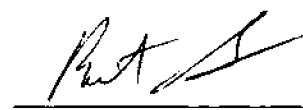
- Thanked everyone for coming out and would like to help in any way we can

## 19. Adjournment of the Council Meeting of October 9, 2024

Council President Silver adjourned the meeting.

The Council Meeting of October 9, 2024 was adjourned at 9:32 p.m.

  
Annamarie Girardi  
Council Clerk

  
Brent Silver  
Council President



# CLEVELAND Jewish News

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▲ A demonstrator, above, holds a sign about the killing of Hamas leader Yahya Sinwar, shown in top photo, during an Oct. 17 protest in Tel Aviv, calling for a cease-fire deal and the immediate release of hostages held by Hamas since Oct. 7, 2023. | Top, Photo / Flash 90 / Abed Rahim Khatib; Bottom, AP Photo / Ariel Schalit

## GOT HIM

### Middle East expert: 'Good thing' Israel killed Hamas leader Sinwar

**KIRSTEN BEARD**

✉ kbeard@cjn.org

After Israel confirmed Hamas' top leader Yahya Sinwar was killed on Oct. 16, questions of the war's future are left unanswered, said Aaron David Miller, senior fellow at the Carnegie Endowment for International Peace in Washington, D.C.

"Sinwar and (Israeli Prime Minister Benjamin) Netanyahu were, one of them is still around, the key decision-makers," Miller, a former resident of Shaker Heights, told the Cleveland Jewish News hours after the announcement of Sinwar's death. "They determined the trajectory of this conflict. They determined whether or not there would be cease-fire negotiations and whether they would concede or what was necessary in order to reach an agreement."

In a military operation in Gaza, an Israeli airstrike on a school sheltering displaced Palestinians killed at least 28 people, including five children, according to Palestinian medical officials, The Associated Press reported on Oct. 17. The Israeli military said, according to AP, three people were killed during the operation without further elaborating on specifics.

"This man presided a plan, a terror surge on Oct. 7," Miller said of Sinwar. "Which inflicted a degree of cruelty, pain, sadistic behavior, mutilations and rape, and took hostages, unprecedented in the Israeli-Palestinian conflict. And it's a good thing, a very good thing that he's dead."

Jewish Federations of North America President and CEO Eric Fingerhut told the CJN on Oct. 21 he was emotional upon learning of the confirmation of Sinwar's death.

"This man is the Hitler of our time and is responsible for the deaths of so many of our Jewish brothers and sisters," Fingerhut said. "I was very emotional. Honestly, I was in tears about it - not joyful, but in tears. The absolute harm and destruction of our people that this man caused. His demise isn't the time

for celebration, but it's just to remember those who were his victims and to vow and make sure that we (do) not allow another Sinwar to rise."

Miller said his death leaves two questions unanswered.

"No. 1, is there a pre-eminent successor, Palestinian decision-maker, inside Gaza that has the willingness and the ability to make decisions when it comes to Hamas' military strategy cease-fire or hostage negotiation," Miller said. "And second, does the prime minister of Israel look at this as an opportunity to de-escalate Israel's military campaign in Gaza and perhaps to find a way into the negotiations for the recent hostages, or does this present an opportunity to double down and continue to actively work to destroy what remains of Hamas' military organization? Those are the two questions."

However, Fingerhut said how long Hamas will retain its grip on power and continue to intimidate people is more important to consider at this phase of the war.

"The ultimate question isn't whether who leads Hamas (next)," Fingerhut said. "But whether or not the ordinary citizens in Gaza, who've been the victims of Hamas as much as anyone else, are going to stop cooperating and see that it's more in their (best) interest to cooperate now with Israel and helping us free the hostages and (end) the war."

Sinwar was chosen as Hamas' top leader following the killing of Ismail Haniyeh on July 30 in an apparent Israeli strike in the Iranian capital of Tehran. Sinwar was one of the chief architects of Hamas' surprise attack on Israel on Oct. 7, 2023, killing 1,200 Israelis and more than 250 taken captive. Some 100 captives are still inside Gaza, about a third of whom are believed to be dead. Israel has vowed to kill him since the beginning of its retaliatory campaign in Gaza. Throughout the war, Sinwar had been in hiding.

"The fact that they encountered him sort of hiding

**SINWAR | CONTINUED ON PAGE 6**

# Developer yields HOA president role, new board elected

KAITLYN FINCHLER

✉ kfinchler@cjn.org

The Lakes of Orange residential development homeowners took control of their homeowners association after developer Randy Kertesz relinquished control as president.



Kertesz

A vote was held on Oct. 7 and results were counted on Oct. 14. Serving on the new board is John Kolb, Laura Adams, Rob Edelstein, Bennett Rubin and Sasha Knasky. It is yet to be determined if a new board president will be chosen.

This comes after residents expressed concern about phase 8 of The Lakes of Orange residential development, initially proposed in August, which

would allow Kertesz to build 20 to 23 new homes in the housing development at Miles and Brainard roads.

These concerns over the proposed plan, as well as Kertesz's leadership in accordance with the plan, were shared over the last few months at Orange Village Council meetings.

"As developer of the entire Lakes of Orange, it's just an additional 20 to 23 homes instead of having a commercial development on that site," Kertesz, a Florida resident and Orange homeowner, told the Cleveland Jewish News.

Ordinance 2024-23 would allow the subdivision plat for phase 8, which was referred to the planning and zoning commission.

The Lakes of Orange is an all-green and sustainable development, currently with 135 single family home sites. Kertesz serves as president of Kertes Enterprises, Inc., in Woodmere, which is the development company and works with Miller Homes and Pulte Homes, both builders in The Lakes of Orange.

Orange Village Mayor Judson Kline told the CJN on Oct. 28 that phase 8 was recommended back to council for approval after the Oct. 15 planning and zoning commission meeting. He said it will be on the agenda at the Nov. 6 council meeting.

"Once the preliminary development plan is approved, the next step will be a final development plan," Kline said.

"That will then be reviewed by planning commission (and) the architectural review board, and at that point, they will be able to look at what the individual buildings will look like and the details for the construction."

Kertesz said this proposal is better than a commercial development due to less traffic and noise, and it's more compatible to have "homes against homes."

However, at the Oct. 9 council meeting, The Lakes of Orange resident Rajesh Pidikiti said he had more freedom living in India than he does currently in the development.

"I work in Akron, I'm just living there because my wife, we believe Orange city is good," Pidikiti, who moved to the development in 2021, said at the meeting. "But, it seems not. City councilmen has to think about welfare of the people, not the builder."

Pidikiti told the CJN he has faced numerous issues with Kertesz, including alleged racism, threats of lawsuits and micromanaging homeowners within the homeowner's association.

"The people are not opposing construction," Pidikiti said. "People are not opposing not to have one more phase into the new development. The problem is (Kertesz) mostly - I'm an immigrant - he's a racist."

Pidikiti said he was under the impression he was the only one facing these difficulties, but said he's heard of instances with systematic racism across The Lakes of Orange from the builder.

"The HOA board sent me an email and brought up the issue of antisemitism, saying, 'We are Jewish, we don't do racism,'" Pidikiti said. "... Comparing apples to oranges, basically."

Kertesz said every resident in The Lakes of Orange is treated equally.

"To my knowledge, unless it's a neighbor with a neighbor that I'm not aware of, there's no bias," Kertesz told the CJN. "The previous board was myself, another person and a woman who was of Indian descent. There's a zillion races out there and religions, and a lot of them are active in different boards and things, so I have no knowledge of it."

Kertesz said he also owns real estate rentals with many Orthodox Jewish or Islamic people, for example, and maintenance workers do not enter the property on Shabbat or, for Islamic renters, if a woman is alone, unless it is an

emergency.

"Treat everybody respectfully and they treat you respectfully," Kertesz said.

While Pidikiti said the residents of The Lakes of Orange are not opposing construction, several residents expressed concerns of property value decrease and safety issues at the Oct. 9 council meeting.

"When taking down trees as buffers, which will happen in phase 8, because the majority of those trees are not in the conservatory," The Lakes of Orange resident Liz Gregory said at the council meeting. "It leaves the community open to safety vulnerabilities."

Gregory said often she and other neighbors will text each other between midnight and 2 a.m. when they hear gunshots on Country Lane in Warrensville Heights, which is adjacent to The Lakes of Orange. She said the removal of the trees lining the properties as "buffers" would decrease resident safety.

"When the land was cleared for their home, much to their astonishment, trees were actually cut down for their homes," Kertesz, a congregant of B'nai Jeshurun Congregation in Pepper Pike, said. "If we didn't cut down trees, they wouldn't live there."

As far as diminishing home values, Kertesz said there is "a lot of misinformation" being spread by people who aren't necessarily well-versed in land development.

"These units over here, the homes will sell for probably more than some of the people pay for their homes," Kertesz said. "As far as walkability, it's closer to the facilities, even walking around on the sidewalk."

Kertesz said similar concerns were brought up with phase 7 when it was originally proposed, and now those homes are selling for close to \$1 million.

"It's not going to hurt the home values," he said. "I've been developing in Orange since the late '70s and everything we've developed has done nothing but raise property values."

Residents have also brought up in numerous council meetings since August that they were not officially informed of the development.

"I spoke to a few people and people spoke to other people, and then misinformation was spread around," Kertesz said. "So, we didn't get to officially announce it, so to speak."

## Former Liberty Ford dealership demolished

The Liberty Ford building at 32811 Aurora Road in Solon that has been vacant since 2018 was demolished on Oct. 21 to make way for The District in Solon - a mixed-use development. On Oct. 21, Solon City Council authorized Mayor Eddy Kraus to enter into an economic development agreement and three other agreements related to the mixed-use development plan for the site and adjacent properties. The mixed-use project includes approximately 200 high-end apartments, 38,000 square feet of retail, including a 13,600-square-foot food hall, 268-space structured parking garage and a 100-room hotel, according to the city of Solon website. The hotel will be separately parceled, sold to and constructed/developed by a third-party developer and the total investment in the project will be upward of \$100 million and will be transformational for the area, the website stated. The development team includes developers RHM Real Estate, also referred to as JJJ Real Estate, and Mavrek Development, Pride One Construction and The Passov Group. Liberty Ford built and relocated to a new dealership in Aurora. | Photo / City of Solon



To read more about this and for more community news from Solon, visit [cjn.org/solon](http://cjn.org/solon)

Exhibit

D

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\*Also admitted in New York and D.C.

September 28, 2023

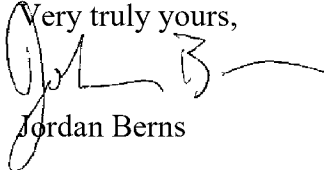
**VIA EMAIL [rajesh\\_pidikiti@yahoo.com](mailto:rajesh_pidikiti@yahoo.com)  
AND FEDERAL EXPRESS**

Dr. Rajesh Pidikiti  
495 Crystal Lake Dr  
Orange Village, Oh. 44022

Dear Dr. Pidikiti:

Please be advised that this office represents Randy Kertesz in connection with your communications to Orange Village. In those communications you have asserted that Mr. Kertesz either directly or through the Lakes of Orange Master Association, Inc. (the “Association”) has discriminated against you based on “ethnicity” and/or “income disparity.” While the accusations contained in your communications are entirely baseless, they constitute defamation per se.

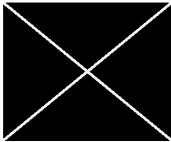
Without prejudice or waiver to any of his rights and claims against you, all of which are expressly reserved, Mr. Kertesz hereby demands that you cease and desist from making any further defamatory statements regarding him or the Association, immediately retract all previous statements asserting that Mr. Kertesz, either directly or through the Association, discriminated against you based on “ethnicity” and/or “income disparity,” and provide written proof that you have done so.

Very truly yours,  
  
Jordan Berns

JB:rls

cc: Randy S. Kertesz (via email)

Exhibit  
E



On Jul 16, 2024, at 1:25 PM, Brian Green <bgreen@shaperolaw.com> wrote:

Dr. Pidikiti,

As counsel for the HOA, I am in receipt of the attached e-mail you sent in response to the July 16, 2024 correspondence below. Your attached correspondence is non-responsive, nor does it address the issues for which a response is required. To that end, please provide a new application with plans or a marked-up version of your current plan which the HOA will accept as an accommodation to you. This will avoid any issues as to where the plants will be placed as they will be marked on the plan. This does not change any of the time frames as set forth in the July 16, 2024, correspondence.

Electronically Filed 09/11/2025 15:28 / MOTION / CV 25 122630 / Confirmation Nbr. 3613202 / BATCH

With regard to a meeting, that can be scheduled on you return and I suggest you have your attorney present. At that time, your other issues can be discussed as well. In the meantime, I caution you about making defamatory statements as to HOA Board Members.

Brian Green, Esq.

**The Lakes of Orange Master Homeowners Association**  
3439 W. Brainard Road, Suite 260  
Woodmere, Ohio 44122  
(216) 831-9110

July 16, 2024

Dr. Rajesh Pidikiti  
495 Crystal Lake Drive  
Orange Village, OH 44022

Via Email

RE: Email Received July 14 and July 16

Dear Dr. Pidikiti,

Please be advised that the Board has reviewed your recent emails.

Looking back in a record, you claimed you couldn't find the right size plants a year ago in a previous email (attached). There are many nurseries in the greater Cleveland area east and west. It seems that landscapers, regardless who they are, are able to obtain material of a variety of sizes. Since you commissioned your drawing, which was subsequently submitted and (I repeat) in our last email, approved as noted, it is your obligation to secure those plants.

Should you wish to modify your landscape drawing, per your email received today, July 16, 2024, a new application will be required, and any changes noted and submitted for approval. Just to say similar and used by others, needs complete clarification as to what plant, tree and size. Upon receipt, it will be sent to the landscape architect for their independent review. This will not, however, allow additional time for the installation. The Association has not caused any delay in your installation, the fact that your landscaping was never completed, is entirely your responsibility.

Also, you stated that your wife is out of the country, and then you will go out of the country, it is coming up to 2 years for your landscape installation. If your landscaping is not completed within the time allowed by the previous email, by July 30 with the correct plants, the Board, at its next meeting, will review the situation for applicable penalties for the violation of the Lakes

of Orange Master Homeowners Association documents.

Lastly, if you wish to meet with the Board, we will be happy to do so, but we will need to know what the "issues" are you refer to in your email, so we can discuss them properly. We can then send you an invite to the next available Board meeting.

Please comply with all the requested documentation as quickly as possible to avoid any possible delay.

Please inform the Board of your decision related to the above.

Respectfully,

The Lakes of Orange Master Homeowners Association  
Board of Directors  
Randy Kertesz  
Bennett Rubin  
Vandana Ranka  
Stacy Maxson  
Ronnie Kertesz

Attachments

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This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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