



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**REPLY BRIEF**  
**October 14, 2025 14:32**

By: SUBODH CHANDRA 0069233

Confirmation Nbr. 3644093

RANDY KERTESZ

CV 25 122630

vs.

RAJESH PIDIKITI

**Judge:** DEBORAH M. TURNER

**Pages Filed:** 14

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

<p><b>RANDY KERTESZ</b></p> <p><i>Plaintiff,</i></p> <p>v.</p> <p><b>RAJESH PIDIKITI</b></p> <p><i>Defendant.</i></p>	<p>Case No. CV-25-122630</p> <p>Judge Deborah M. Turner</p>
<p><b>DEFENDANT RAJESH PIDIKITI'S REPLY IN SUPPORT OF HIS ANTI-SLAPP MOTION FOR EXPEDITED RELIEF THROUGH DISMISSAL UNDER THE UNIFORM PUBLIC EXPRESSION PROTECTION ACT, R.C. 2747.01 ET SEQ.</b></p>	

Defendant Rajesh Pidikiti respectfully replies in support of his anti-SLAPP motion for expedited relief under the Uniform Public Expression Act (UPEPA). R.C. 2747.01 *et seq.*

**I. LAW AND ARGUMENT**

Mr. Kertesz's response fails to respond to many of Mr. Pidikiti's arguments, fails to disclose controlling law to the Court, and mischaracterizes the UPEPA statute's plain language. Mr. Kertesz also doubles down on false allegations that Mr. Pidikiti made, in the Orange Village Council's hearing, the statements at issue—even though Mr. Pidikiti's motion included the freely available city hearing video—and included a transcript of Mr. Pidikiti's full remarks. That video shows Mr. Kertesz has no good-faith basis for the claim. Why Plaintiff would continue to claim something that the official video disproves remains unexplained.

Mr. Kertesz's response fails to show why, under UPEPA, the Court should not dismiss his complaint with prejudice and order him to reimburse Mr. Pidikiti's attorney fees and costs.

**A. Mr. Kertesz's selective response fails to address many of Mr. Pidikiti's arguments.**

Mr. Kertesz failed to address most of Mr. Pidikiti's arguments. He failed to dispute that:

- Mr. Pidikiti's statements were on a matter of public concern, satisfying the first step of the UPEPA analysis.
- None of the exceptions offered under UPEPA are available in this case.
- Mr. Pidikiti's statement that Mr. Kertesz threatened lawsuits is true,<sup>1</sup> thus not actionable defamation because truth is an absolute defense to defamation.
- Besides being the truth, Mr. Pidikiti's statement that Mr. Kertesz threatened lawsuits is subject to multiple interpretations and so is not defamation *per se*.

Applying the innocent-construction rule, the Court should adopt the innocent meaning, so the statement is not defamatory.

- Mr. Pidikiti's statement that Mr. Kertesz is the problem is protected opinion.
- Mr. Kertesz must pay Mr. Pidikiti's litigation expenses if he has met his burden.

Kertesz disputed none of these points. The Court should find for Mr. Pidikiti on them.

**B. Mr. Kertesz misconstrues UPEPA's *prima facie* viability step, incorrectly stating that the Court must rule in his favor if he can make a showing.**

Despite Mr. Pidikiti's including a helpful UPEPA-drafter graphic explaining each step of a court's analysis under the statute<sup>2</sup>, Mr. Kertesz incorrectly claims that, if he can make a *prima facie* showing, dismissal under UPEPA is inappropriate. Pl.'s Brief in Opp. to Def.'s Mot. for

---

<sup>1</sup> Mr. Kertesz also fails to address the fact that he his own counsel authored one of the threatening emails attached to Mr. Pidikiti's motion supporting his argument. Mr. Pidikiti's counsel separately wrote to Mr. Kertesz's counsel expressing concern and raising Civ.R. 11 implications—yet Plaintiff's counsel never responded. *See* S. Chandra, letter, Sept. 12, 2025, attached as Ex. B.

<sup>2</sup> *See* Def.'s Mot. for Expedited Relief, 11.



Here, Mr. Kertesz makes two fatal mistakes. First, he ignores a step in the UPEPA analysis and, second, he ignores the statutory plain wording and tries to turn a negative into a positive:

- (1) First, as shown in the National Conference of Commissioners on Uniform State Laws' graphic (page 11 of Defendant's motion), the first step of a proper UPEPA analysis is applicability, which Plaintiff does not dispute.
- (2) The second step allows plaintiffs to try to make their *prima facie* showing; if they fail to do so, then the defendant wins and the Court must dismiss the case with prejudice. R.C. 2747.04(C)(3). If the plaintiff succeeds—and Plaintiff here doesn't for the reasons argued in Mr. Pidikiti's motion and reply—then the Court moves to step 3, which examines the legal viability of the plaintiff's case. R.C. 2747.04(C)(3)(a–b).

Even if Plaintiff can establish his *prima facie* case, Defendant gets another bite at the apple and can prevail by showing that either (a) Plaintiff does not state a claim for which relief can be granted, or (b) there is no genuine issue of material fact and Defendant is entitled to judgment as a matter of law. *Id.* So if the Court finds that Plaintiff made his showing (which he hasn't), it must still dismiss if it finds—as it should here—that Mr. Kertesz failed to state a viable claim. Defendant selectively reads the statute and fails to disclose to this Court the latter half of the statute's language.

**C. Mr. Pidikiti made none of the statements at issue during the Orange Village Council meeting, yet Plaintiff wishes away the existence of the meeting video proving him wrong.**

Despite having the October 9, 2024 Orange Village Council Meeting video available to him, Plaintiff maintains Mr. Pidikiti—at that meeting—said the statements listed in the complaint—Plaintiff is “racist,” “made threats of a lawsuit,” and “The problem is (Kertesz)



legal action against Mr. Pidikiti; Mr. Pidikiti's motion attached those business-record communications and the attached affidavit further authenticates them. R. Pidikiti Af. ¶ 7–10, attached as Ex. A. Plaintiff doesn't even dispute their accuracy and authenticity. He just quibbles.

**E. Calling someone “a racist” is unactionable opinion.**

Mr. Kertesz argues that Mr. Pidikiti's alleged statement that “the problem is [Kertesz] mostly—I'm an immigrant—he's a racist,” is not opinion because a reasonable reader/hearer would believe the statement implies objective fact. He cites *Gibson Bros., Inc. v. Oberlin Coll.* in support of his assertion that, here, calling someone “racist” could not be considered opinion.

What Plaintiff fails to explain is that allegations that someone is “racist,” on their own, are opinion under Ohio law, and state courts, like the *Gibson Bros.* appellate court, hold that, to be actionable, a statement must contain something more concrete. *Gibson Bros., Inc. v. Oberlin Coll.*, 2022-Ohio-1079, ¶ 33. In that case, Gibson Bros. sued over, among other things, an Oberlin College student senate resolution that stated that “Gibson's has a history of racial profiling and discriminatory treatment of students and residents alike.” *Id.* ¶ 30. While the Ninth District affirmed that student chants that the company was racist were constitutionally protected opinion (*id.* ¶ 25) the statement about Gibson Bros.'s “history of racial profiling and discriminatory treatment” were not. *Id.* ¶ 33. The appellate court wrote:

Statements that the bakery has a “history” or “account” of discrimination and racial profiling would be interpreted by a reasonable reader to mean that there were past incidents of discrimination or profiling. These statements can be verified as true or false by determining whether there is, in fact, a history or account of racial profiling or discriminatory events at the bakery.

*Id.*

Here, the statement Plaintiff places at issue is that “the problem is [Kertesz] mostly—I'm



and a “kkkcp” on social media.

- *Vail v. The Plain Dealer Publ'g Co.*, 72 Ohio St.3d 279 (1995), calling a candidate for office a “gay-basher” and a “bigot” in a newspaper.
- *Condit v. Clermont Cnty. Review*, 110 Ohio App. 3d 755 (12th Dist. 1996), calling someone a “fascist” and “anti-semite” in a newspaper.

Mr. Kertesz didn't even try to distinguish these cases.

As Mr. Pidikiti argued, whether someone is a racist is not verifiable. Neither the Court nor any reasonable listener can peer into Mr. Kertesz's heart to affirm the truth, and thus, Mr. Pidikiti's alleged statement cannot be a statement of fact.

**F. Plaintiff's retroactivity “argument” is wrong under UPEPA's plain language.**

In footnote 20, Mr. Kertesz argues—citation free—that the Court may be unable to consider Mr. Pidikiti's motion for expedited relief because the speech in question predated UPEPA's Ohio enactment. Pl.'s Resp. to Def.'s Mot. for Expedited Relief at n. 20. He argues that Mr. Pidikiti's invocation of the statute violates Ohio's prohibition on retroactive laws. *Id.*

Yet Mr. Kertesz ignores and fails to disclose to the Court, yet again, UPEPA's plain language and caselaw telling him he's wrong. R.C. 2747.06(A) provides that UPEPA applies “to a civil action filed or any claim asserted in a civil action on or after the effective date of this section.” R.C. 2747.06(A). The statute took effect April 9, 2025, and Mr. Kertesz filed this action on August 12, 2025—after the effective date. So that's it: UPEPA applies to this action.

In *State v. Brooks*, 170 Ohio St.3d 1, ¶ 2 (2022), the Ohio Supreme Court held that, when a statute merely provides a procedural mechanism, it can be applied in all cases after the statute's effective date without violating Ohio's retroactivity clause. This is true, the Court held,





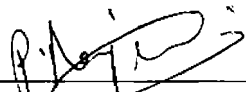
**Affidavit of Rajesh Pidikiti**

I, Rajesh Pidikiti, being duly sworn according to law, testify as follows:


1. I am over the age of 18. I have personal knowledge of and am competent to testify regarding the matters discussed below.
2. I am the defendant in *Randy Kertesz v. Rajesh Pidikiti*, (Cuyahoga County Common Pleas Case No. CV-25-112630).
3. On September 11, 2025, my counsel filed a motion for expedited relief through dismissal and request for expedited hearing under the Uniform Public Expression Protection Act in the above-captioned case.
4. Attached to that motion were several exhibits that should have been completely non-controversial.
5. Exhibit A was a copy of the Orange Village Council official meeting minutes for October 9, 2024. These minutes were published to the Orange Village website, and are kept by the Orange Village Council and regularly published online. I attended the October 9, 2024 meeting. I attest that those minutes truthfully and accurately represent what I saw happen during that meeting.
6. Exhibit C was a video of the same Orange Village Council meeting. The video was published to the Orange Village website, alongside videos of other Orange Village Council meetings. The council keeps these records and regularly publishes them online. I attended the Orange Village Council meeting depicted. The video truthfully and accurately depicts what I saw happen at that meeting and what I said during the public comment sections of the meeting. I also attest that I am depicted standing at the lectern and giving testimony in the video during the 57:16–59:19 timestamp and the 2:03:49–2:05:33 timestamp. Those segments truthfully and accurately depict my testimony to the village council on that day.
7. As for Exhibit D, I received a copy of this letter by email on September 28, 2023, and, later, by physical mail. The exhibit attached to my motion is a truthful and accurate copy of the letter I received from Mr. Jordan Berns on behalf of Mr. Randy Kertesz, Plaintiff in the case against me, downloaded from my Outlook email and shared with my counsel.

8. Exhibit E was an email Mr. Brian Green sent me on July 16, 2024. I downloaded that email from Outlook and provided a PDF copy of it to my attorney. The document attached to my motion is a truthful and accurate copy of the letter I received, minus redactions of unrelated content made by my counsel.
9. I understood Mr. Green's July 16, 2024 email to be a threat of possible litigation. He told me to bring my attorney to a meeting with the homeowners' association board.
10. Mr. Green also wrote, "I caution you about making defamatory statements as to HOA Board Members." I understood this to refer to statements I previously made about Mr. Kertesz. Again, I understood Mr. Green to be threatening to file a lawsuit against me if I did not stop making statements about Mr. Kertesz.

I affirm the above to be true to the best of my knowledge, under penalty of perjury.

  
\_\_\_\_\_  
Rajesh Pedikiti

Sworn to and subscribed before me this 14<sup>th</sup> day of October, 2025.

  
\_\_\_\_\_  
Notary Public, State of Ohio

My commission expires: 3.18.2029



Nicholas English  
Notary Public, State of Ohio  
My Commission Expires:  
3.18.2029

September 12, 2025

Brian Green  
Ricky Cutlip  
Shapero & Green LLC  
Signature Square II, Suite 220  
25101 Chagrin Blvd.  
Cleveland, OH 44122

*Via email to [bgreen@shaperolaw.com](mailto:bgreen@shaperolaw.com) and [rcutlip@shaperolaw.com](mailto:rcutlip@shaperolaw.com)*

Re: Civ.R. 11 sanctions and frivolous conduct under R.C. 2323.51 in *Kertesz v. Pidikiti*,  
*Cuyahoga County Common Pleas Case No. CV-25-122630*

Dear Mr. Green and Mr. Cutlip:

We write on behalf of Defendant Rajesh Pidikiti in the above-referenced case.

By now, you may have had the opportunity to read our motion for expedited relief, filed yesterday. You may have noticed our reference on page 4 to Civ.R. 11.

As you know, Civ.R. 11 requires attorneys to sign each motion, pleading, or document, certifying that, to the best of the attorney's "knowledge, information, and belief, there is good ground to support" the allegations contained in the filing. Civ.R. 11. If this rule is willfully violated, the signatory attorney may be subjected to sanctions, including an award of expenses and reasonable attorney fees incurred crafting a Rule 11 motion to the opposing party. *Id.*

It is not our professional habit to threaten lawyers with sanctions. But as we investigated and drafted our client's motion for expedited relief and our amended answer this week, it became apparent that some of the allegations contained in Mr. Kertesz complaint cannot be supported in good faith. For example, Kertesz's complaint alleges that Mr. Pidikiti "stated in the Orange Village meeting and to the *Jewish News* that Plaintiff was a 'racist' and 'made threats of lawsuits.' In fact, Defendant went so far as to say, "The problem is (Kertesz) mostly—I'm an immigrant—he's a racist." Compl. ¶ 6.

Included in our motion for expedited relief was a complete transcript of both statements made by Mr. Pidikiti at the referenced October 9, 2024 Orange Village Council meeting, which we prepared after finding footage of the meeting posted online. *Not once* during this meeting did Mr. Pidikiti say any of the things alleged to the Court in Mr. Kertesz's complaint. And yet, you certified with your signature block that there is "good ground to support the allegations contained therein."

The complaint you signed also alleged that Mr. Pidikiti's statement that Mr. Kertesz "made threats of lawsuits" was defamatory, even though Mr. Green himself, on Kertesz' behalf, sent a

letter to our client (attached to our motion as Ex. E) warning Mr. Pidikiti that his statements were defamatory. Ex. E (suggesting Mr. Pidikiti bring an attorney to a meeting and adding “In the meantime, I caution you about making defamatory statements as to HOA board members.”) Your client, through other counsel as his agent, also sent Mr. Pidikiti a cease-and-desist letter, which is attached to our motion as Ex. D (saying Mr. Pidikiti’s allegations of discrimination “constitute defamation per se,” reserving Mr. Kertesz’s right to sue, and demanding Mr. Pidikiti cease and desist from making “defamatory statements.”). Yet, in Mr. Kertesz complaint, he alleges, and you certify, that Mr. Pidikiti’s statement was untrue. Compl. ¶ 6.

Now that you are on notice of the discrepancies between your complaint and the facts readily available to you and have seen Mr. Pidikiti’s strong position under the Uniform Public Expression Protection Act, we are writing on his behalf to demand that you and your client dismiss your claim with prejudice immediately. Otherwise, our client will pursue a Civ.R. 11 motion and also seek sanctions under frivolous-conduct statute, R.C. 2323.51.

Please review this request and comply by **September 25**.

We look forward to meeting with you and Judge Turner next week at the case-management conference. Because our client’s UPEPA motion mandates a stay and a hearing, we’ll need to use the opportunity to schedule it. If you have any questions in the meantime, you’re welcome to contact me at 216.965.6463 (m).

Best regards,

A handwritten signature in black ink, appearing to read 'Subodh Chandra', with a horizontal line underneath.

Subodh Chandra