

IN THE COURT OF CLAIMS OF OHIO

MATTHEW REIS, Admr., et al...

Plaintiffs

v.

THE OHIO STATE UNIVERSITY
MEDICAL CENTER

Defendant

ORIGINAL

Case No. 2010-10335

Judge J. Clark

FILED
COURT OF OHIO
2010 OCT -6 PM 2:50

DEFENDANT'S ANSWER

Now comes the Defendant, the Ohio State University Medical Center, and for its Answer to the Complaint, does hereby aver and state as follows:

1. Defendant denies, for want of knowledge, the allegations set forth in paragraphs 1, 2 and 3 of the Complaint.

2. By way of answer to the allegations set forth in paragraph 4 of the Complaint, defendant admits that it operates a hospital which employs physicians, nurses and other personnel to evaluate, care for and treat patients on the campus of The Ohio State University. Answering further, defendant denies that it is a "professional corporation, incorporated under the laws of the State of Ohio" and denies all of the remaining allegations set forth in paragraph 4 of the Complaint.

3. Defendant admits the allegations set forth in paragraphs 5 and 6 of the Complaint.

4. By way of answer to the allegations set forth in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, of the complaint, defendant asserts that the care and treatment rendered to Michael McNew is set forth in the medical records which speak for themselves

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and defendant therefore denies these allegations as set forth in the Complaint, and specifically denies all allegations of negligence.

5. By way of response to paragraph 18 of the Complaint, defendant reiterates its previous answers.

6. Defendant denies the allegations set forth in paragraphs 19, 20, 21, and 22 of the Complaint.

7. By way of response to paragraph 23 of the Complaint, defendant reiterates its previous answers.

8. Defendant denies the allegations in paragraphs 24, 25, and 26 of the Complaint.

9. By way of response to paragraph 27 of the Complaint, defendant reiterates its previous answers.

10. Defendant denies the allegations set forth in paragraph 28, 29, 30 and 31 of the Complaint.

11. By way of response to paragraph 32 of the Complaint, defendant reiterates its previous answers

12. Defendant denies the allegations set forth in paragraph 33 and 34 of the Complaint

13. Defendant denies all allegations set forth in the Complaint not specifically admitted herein to be true.

FIRST AFFIRMATIVE DEFENSE

14. The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

15. This matter is barred, in whole or in part, by the applicable statutes of limitation and by the doctrine of contributory negligence, comparative negligence, and assumption of the risk.

THIRD AFFIRMATIVE DEFENSE

16. Defendant reserves the right to assert any and all additional affirmative defenses that may become apparent following additional discovery in this matter by amending its Answer in accordance with the Ohio Rules of Civil Procedure.

WHEREFORE, having fully answered the Complaint, defendant prays that the Complaint be dismissed at plaintiff's cost and that defendant be permitted to go hence without day.

Respectfully submitted,

RICHARD CORDRAY
Attorney General

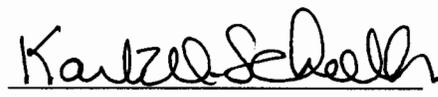


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was sent by regular U.S. Mail, postage prepaid, this 6th day of October 2010, to:

David I. Shroyer
536 South High Street
Columbus, Ohio 43215
Attorney for Plaintiff



KARL W. SCHEDLER,
Assistant Attorney General