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COURT OF CLAIMS
OF OHIO

2011 FEB 23 AM 10:07

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

LA
NW

MATTHEW RIES, Admr., et al.

Plaintiffs

v.

THE OHIO STATE UNIVERSITY
MEDICAL CENTER

Defendant

Case No. 2010-10335

Judge Joseph T. Clark

ENTRY SCHEDULING STATUS
CONFERENCE AND EVIDENTIARY
HEARING

On February 16, 2011, the court conducted a status conference with the parties. Later that day, defendant filed a "motion for immunity determination for Syed Husain, M.D." As a result, the court hereby ORDERS the following:

- 1) A status conference is scheduled for *May 27, 2011, at 9:30 a.m.*, to discuss the status of the connected action. The court shall initiate the conference via telephone;
- 2) Defendant's motion for an immunity determination is GRANTED and an evidentiary hearing is scheduled for *April 21, 2011, at 10:30 a.m.*, to determine whether Syed Husain, M.D. is entitled to civil immunity pursuant to R.C. 2743.02(F) and 9.86;
- 3) Dr. Husain may participate in the *April 21, 2011* evidentiary hearing either with counsel or pro se;
- 4) The assistant attorneys general assigned to defend the state in this case are directed to personally notify Dr. Husain of the *April 21, 2011* evidentiary hearing and his right to be represented by counsel;
- 5) The attached "Additional Trial Requirements and Information" is hereby incorporated by reference.

JOSEPH T. CLARK
Judge

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ENTRY

cc:

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RCV/cmd

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Additional Trial Requirements and Information

Subpoena

Any request for the issuance of a subpoena, including the issuance of a blank subpoena under Civ. R. 45(A) and any motion for an order designating a person to serve a subpoena under Civ. R. 45(C), must be filed with the clerk's office at least twenty-one days before the date of the trial. Any request for the issuance of a subpoena which is not timely filed need not be processed by the clerk's office. A sample request for the issuance of subpoena(s), request for issuance of subpoena(s) in blank, and subpoena form are enclosed. The subpoena may be filled out and used by the attorney of record. A copy of the subpoena shall be filed with the court prior to the service and again filed with the court after service has been made by the attorney, appointed process server or court reporter.

R.C. 2743.06 provides that the party at whose instance the witness appears is to pay the witness fees and mileage; such expenses are not taxed as costs and are not advanced by the Court.

Marking Exhibits

Before commencement of trial, the trial attorneys shall mark all items to be placed in evidence with the enclosed labels or substantially similar labels. The items shall be marked in the following manner:

- (A) "Joint Exhibit (A, B, C, etc.)" for each item upon which counsel agree to introduce as a Joint Exhibit;
- (B) "Plt. (name) Exhibit (1, 2, 3, etc.)" or "Dft. (name) Exhibit (A, B, C, etc.)" for each item which plaintiff or defendant intends to offer but which cannot be marked as a joint exhibit.

A list of the marked items shall be given to the bailiff or staff attorney before the trial or evidentiary hearing.

Videotaped Testimony and Depositions

The trial attorney who intends to offer videotaped testimony or videotaped depositions shall immediately review Sup.R. 13 of the Rules of Superintendence for Courts of Ohio.

Pretrial Statements

Pretrial statements shall be filed and served within seven days of the scheduled pretrial. The statements shall include, where appropriate, a list of exhibits which are to be introduced into evidence, copies of available opinions of expert witnesses, and the names of the witnesses expected to testify at trial.

Trial Briefs

Provided pretrial statements have been filed, trial briefs need not be submitted at any time either before or during the proceedings unless specifically requested by the assigned judge.

Motion to Convey

A motion to convey an inmate to the situs of the trial is necessary when the plaintiff and/or a witness is incarcerated at a penal institution and is to be transported from that institution to the place of the trial.

Notice

If you move or change your telephone number you must file with the court a written notice indicating a new address or telephone number.