

IN THE COURT OF CLAIMS OF OHIO

2011 SEP 13 PM 2:49

DARLENE LANE FERRARO

Plaintiff

v.

THE OHIO STATE UNIVERSITY
MEDICAL CENTER

Defendant

CASE NO. 2011-10371

JUDGE ALAN C. TRAVIS

ORIGINAL

DEFENDANT'S ANSWER

For their Answer to Plaintiff's Complaint in this matter, Defendant states as follows:

1. Defendant denies the allegations of ¶ 1 of Plaintiff's Complaint for lack of knowledge.
2. Defendant admits the allegations of ¶ 2 of Plaintiff's Complaint.
3. Defendant admits the allegations of ¶ 3 of Plaintiff's Complaint.
4. Defendant denies the allegations of ¶ 4 of Plaintiff's Complaint for lack of knowledge.
5. Defendant denies the allegations of ¶ 5 of Plaintiff's Complaint for lack of knowledge.
6. In response to the allegations of ¶ 6 of the Amended Complaint, Defendant admits that a collision occurred involving the vehicles operated by Dr. Rolf Barth and Gary Fury and denies the remaining allegations.
7. In response to the allegations of ¶ 7 of the Amended Complaint, Defendant admits that Junior Lane died as the result of the collision of the vehicles operated by Dr. Rolf Barth and Gary Fury and denies the remaining allegations.

ON COMPUTER

8. Defendant admits the allegations of ¶ 8 of Plaintiff's Complaint.
9. Defendant denies the allegations of ¶ 9 of Plaintiff's Complaint.
10. Defendant denies the allegations of ¶ 10 of Plaintiff's Complaint.
11. Defendant denies the allegations of ¶ 11 of Plaintiff's Complaint.
12. Defendant denies the allegations of ¶ 12 of Plaintiff's Complaint.
13. Defendant denies the allegations of ¶ 13 of Plaintiff's Complaint.
14. Defendant denies the allegations of ¶ 14 of Plaintiff's Complaint.
15. Defendant denies the allegations of ¶ 15 of Plaintiff's Complaint.
16. Defendant denies the allegations of ¶ 16 of Plaintiff's Complaint.
17. In response to the allegations of ¶ 17 of the Amended Complaint, Defendant realleges and reincorporates the foregoing responses.

18. Defendant denies the allegations of ¶ 18 of Plaintiff's Complaint.
19. Defendant denies the allegations of ¶ 19 of Plaintiff's Complaint.
20. Defendant denies the allegations of ¶ 20 of Plaintiff's Complaint.
21. Defendant denies the allegations of ¶ 21 of Plaintiff's Complaint.
22. Defendant denies the allegations of ¶ 22 of Plaintiff's Complaint.
23. Defendant denies the allegations of ¶ 23 of Plaintiff's Complaint.
24. Defendant denies the allegations of ¶ 24 of Plaintiff's Complaint.

ADDITIONAL DEFENSES

1. The Complaint fails to state a claim for relief.
2. The Complaint is barred due to the expiration of the applicable statute of limitations as well as by the doctrine of laches.
3. Plaintiff's alleged damages are not a direct and proximate result of the incident alleged in Plaintiff's Complaint.

4. The damages alleged by the Plaintiff were the result, if at all, of intervening and superseding acts over which the Defendant had neither control nor any duty to control.

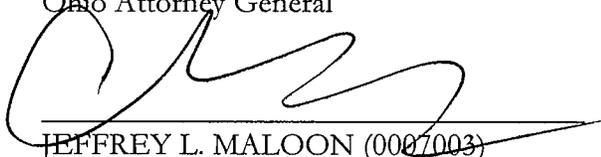
5. The damages alleged by the Plaintiff were the result of the sole negligence of the Plaintiff's decedent.

6. The damages alleged by the Plaintiff were the result, if at all, of the assumption of known risks by Plaintiff's decedent.

7. Defendant further reserves the right to later assert affirmative defenses that become apparent by further discovery.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



JEFFREY L. MALOON (0007003)
Jeffrey.Maloon@OhioAttorneyGeneral.gov
CHRISTOPHER P. CONOMY (0072094)
Christopher.Conomy@OhioAttorneyGeneral.gov
Assistant Attorneys General
Court of Claims Defense
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130
Telephone: 614-466-7447
Facsimile: 866-452-9957
COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

On September 13, 2011, a copy of this document was served via regular mail on the following:

Thomas J. Sheehan
W. Craig Bashein
Terminal Tower, 35th Floor
50 Public Square
Cleveland, Ohio 44113

Counsel for Plaintiff

A handwritten signature in black ink, appearing to read 'C. Conomy', is written over a horizontal line.

CHRISTOPHER P. CONOMY (0072094)
Assistant Attorney General

F:\COURT\CHRIS\Ferraro v. OSUMC\Pleadings\ANSWER.doc