

2013 APR -1 PM 1:36

IN THE COURT OF CLAIMS OF OHIO

LUEDELLA DICKENS, :
Administrator of the Estate :
Of Ella Frances Whitehead :
2605 Lime Street :
Temple Hills, MD 20748 :

Case No.:

2013-00204

v. :

Judge

OHIO STATE UNIVERSITY :
MEDICAL CENTER :
c/o Michael DeWine, Attorney General :
30 E. Broad St., 17th Floor :
Columbus, OH 43215 :

ORIGINAL

Defendant. :

COMPLAINT

1. This Court has exclusive jurisdiction of the claims filed herein pursuant to Ohio Revised Code Chapter 2743 as Defendant Ohio State University Medical Center is a state entity.
2. Plaintiff Luedella Dickens has been appointed Administrator of the Estate of Ella Frances Whitehead in Case Number 554055 in the Probate Court of Franklin County, Ohio. She brings this case on behalf of the Estate Ella Frances Whitehead as a survivorship action under R.C.§2305.21 and as a wrongful death action on behalf of the survivors, beneficiaries and next-of-kin of Ella Frances Whitehead under R.C. chapter 2125.
3. On or about April 23, 2012 Ella Frances Whitehead was provided medical care and treatment at Defendant Ohio State University Medical Center.

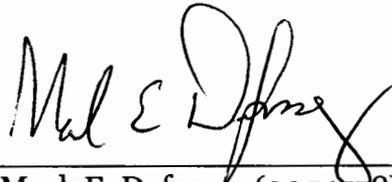
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4. The medical care provided by employees or agents of Defendant Ohio State University Medical Center was negligent in that each Defendant's employees, agents and apparent agents failed to exercise the degree of skill, care and diligence ordinarily prudent nurses, physicians or similar health care providers would have exercised under like or similar circumstances.
5. As a direct and proximate result of Defendant's negligence, Ella Frances Whitehead suffered physical pain, mental pain and anguish, and death. Ms. Whitehead died on April 24, 2012.
6. Defendant Ohio State University Medical Center is liable pursuant to Ohio Revised Code Chapter 2743 and under the doctrine of *respondeat superior* for the actions and/or inactions of its employees, agents and apparent agents in the care and treatment of Ms. Whitehead.
7. As a further direct and proximate result of Defendant's negligence and the resultant wrongful death of Ms. Whitehead, the survivors of Ms. Whitehead, including next of kin, suffered damages including:
 - a. A. Loss of support from the reasonably expected earning capacity of Ms. Whitehead;
 - b. B. Loss of services of Ms. Whitehead;
 - c. C. Loss of society of Ms. Whitehead, including loss of companionship, care, assistance, attention, protection, advice, guidance and counsel.
 - d. D. Mental anguish from the wrongful death of Ms. Whitehead;
 - e. E. Loss of prospective inheritance.

8. The foregoing entitle decedent's survivors to compensation in an amount reasonable, proper and commensurate with their respective losses.

WHEREFORE, Plaintiff Luedella Dickens, Administrator of the Estate of Ella Frances Whitehead, demands judgment against Defendant Ohio State University Medical Center in an amount in excess of twenty-five thousand dollars (\$25,000.00) plus interest and costs.

Respectfully Submitted,



Mark E. Defossez (0054578)

THE DONAHEY LAW FIRM

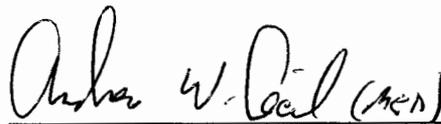
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Trial Attorney for Plaintiff



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Trial Attorney for Plaintiff

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IN THE COURT OF CLAIMS OF OHIO

LUEDELLA DICKENS,
Administrator of the Estate of Ella
Frances Whitehead
2605 Lime Street
Temple Hills, MD 20748

Plaintiff,

vs.

OHIO STATE UNIVERSITY MEDICAL
CENTER
c/o Michael DeWine, Attorney General
30 East Broad Street, 17th Floor
Columbus, OH 43215

Defendant.

Case No.

Judge

2013-00204

AFFIDAVIT OF MERIT OF JEFFREY
S. GARRETT, MD

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF Allegheny SS.

I, Jeffrey S. Garrett, MD, do hereby depose and affirm as follows:

1. I am a physician licensed to practice medicine in the Commonwealth of Pennsylvania.
2. I devote at least 75% of my professional time to the active clinical practice of medicine or to its instruction.
3. I am familiar with the standard of care applicable to this case. I have been provided with and have reviewed all of the medical records reasonably available to plaintiff concerning the allegations contained in plaintiff's complaint.
4. Based upon the information and documentation provided to me, and based on my

education, training and experience, it is my opinion that the medical treatment rendered to Ella Frances Whitehead by the defendant in this action deviated from standard care and that said breach caused decedent's injury.

FURTHER AFFIANT SAYETH NAUGHT.

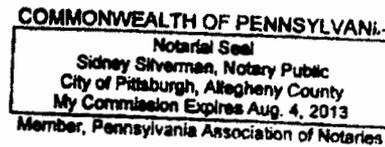


Jeffrey S. Garrett, MD

Sworn to and signed in my presence this 21 day of March 2013:



Notary Public - Commonwealth of Pennsylvania





BREWERY DISTRICT
495 SOUTH HIGH STREET - SUITE 300
COLUMBUS, OH 43215-5058

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March 28, 2013

COURT OF CLAIMS
ATTN : Clerk
65 South Front Street-3rd Floor
Columbus, OH 43215

RE : Luedella Dickens vs. Ohio State University Medical Center
Case No. :

Dear Clerk :

I have enclosed an original and two copies of the Complaint to be filed in this matter. I have also enclosed check #13475 for \$25.00 as payment of filing fees.

Please file this document and return a time stamped copy in the envelope provided.

Thank you for your assistance.

Jb
Enc.

Very truly yours,

Mark E. Defosse

FILED
COURT OF CLAIMS
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