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ORIGINAL

IN THE COURT OF CLAIMS FOR THE STATE OF OHIO

MATTHEW RIES, Admr., et al.,

Plaintiff,

Case No. 2010-10335

vs.

Judge McGrath

**THE OHIO STATE UNIVERSITY
MEDICAL CENTER,**

Defendant.

**MOTION FOR AN ORDER REINSTATING CASE
AND FOR STATUS CONFERENCE TO SET NEW CASE SCHEDULE**

Plaintiff now respectfully asks the Court for an Order that would reinstate this case to the Court's active docket, and for an order scheduling relevant dates in preparation for trial. On October 17, 2013, the Supreme Court of Ohio affirmed the Tenth District Court of Appeals judgment that held that Syed G. Husain, M.D., was a state employee in the scope of his employment at the time he treated Plaintiff's decedent Michael McNew. Therefore, because Dr. Husain is entitled to state immunity, this case is properly in the Court of Claims, and this Court may proceed to adjudicate Plaintiff's medical negligence case against The Ohio State University Medical Center for acts and omissions of Dr. Husain and other state employees and agents for the wrongful death of Michael McNew.

ON COMPUTER

The issue of Dr. Husain's immunity having been completely adjudicated, Plaintiff now seeks to have this Court reopen this matter and to conduct a status conference that would allow the Court to set relevant dates in preparation for trial.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following counsel of record by regular U.S. Mail, postage prepaid, this 14th day of November, 2013:

Karl W. Schedler, Esq.
Principal Attorney
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Court of Claims Defense Section
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