

IN THE COURT OF CLAIMS OF OHIO

2013 NOV 26 PM 3: 26

LUEDELLA DICKENS, Admr., etc., :

Plaintiff, :

v. :

THE OHIO STATE UNIVERSITY
MEDICAL CENTER, :

Defendant. :

Case No. 2013-00264

Judge Dale A. Crawford

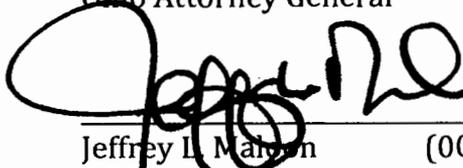
ORIGINAL

**DEFENDANT'S MOTION FOR ADDITIONAL TIME TO IDENTIFY
AND SUBMIT THE REPORTS OF ITS EXPERT WITNESSES**

Defendant The Ohio State University Medical Center ("OSUMC"), respectfully requests an additional thirty days to identify and submit the reports of its expert witnesses. Defendant's request is due to the fact that certain medical records regarding the decedent have not been produced to this point in discovery. The current deadline is November 30, 2013. Therefore, Defendant requests an extension to December 30, 2013. A memorandum in support of this motion is set forth below.

Respectfully submitted,

MICHAEL DeWINE
Ohio Attorney General



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Co-counsel for Defendant

MEMORANDUM IN SUPPORT

This medical negligence/wrongful death case was filed April 1, 2013, on behalf of the Estate of Ella F. Whitehead. In her Complaint, Plaintiff alleges that Ms. Whitehead received substandard medical care during an office visit with her family physicians at OSU Care Point East. The date of the office visit was April 23, 2012. The patient was being seen that day in follow-up to an automobile accident that occurred on April 2, 2012.

During the evaluation, Ms. Whitehead mentioned that two days prior, she had experienced chest discomfort and shortness of breath, both of which resolved later that day. The patient did not have a family history of cardiac disease and her only cardiac risk factor was hyperlipidemia, which was being controlled with medication. Dr. Belmund Catague, a third-year family practice resident, performed an EKG and, when comparing it to a previous study performed in 2009, noted subtle changes. Due to these findings, Dr. Catague ordered a stress test that was to be performed two days later. Unfortunately, Ms. Whitehead died either that evening or the following morning.

The parties have actively participated in discovery. For example, written discovery responses have been exchanged and Plaintiff has deposed Dr. Catague and his supervising physician, Angela Tucker, M.D. In addition, Plaintiff has identified an expert witness.

One piece of discovery has not been produced. Ms. Whitehead was admitted to an emergency department immediately after the automobile accident on April

2nd. Plaintiff has been unable to ascertain the name of the facility and, therefore, the medical records from the admission have not been produced. Defendant has given Plaintiff until November 30th to produce the records or it will file a motion to compel production.

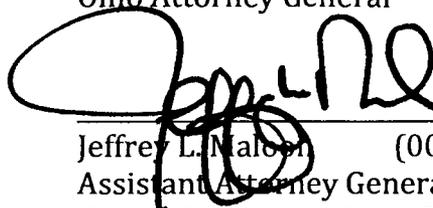
Defendant has consulted potential expert witnesses who have indicated that the emergency department records may have a bearing on their opinions in this case. Therefore, Defendant is requesting additional time in order to obtain the records and have them reviewed by these individuals.

This case is not set for trial until October 2014. The discovery deadline is April 15, 2014, almost six months away. Granting Defendant's request will not cause a delay of the proceedings. The parties will be able to conduct additional depositions of decedent's family members and other persons while the medical records are being obtained and reviewed.

Based on the foregoing, Defendant OSUMC respectfully requests an additional thirty days to identify and submit the reports of its expert witnesses. The current deadline is November 30, 2013. Therefore, Defendant requests an extension to December 30, 2013.

Respectfully submitted,

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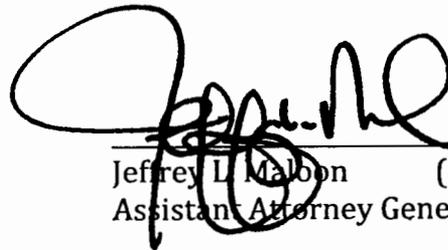
CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Defendant's Motion for Additional Time to Identify and Submit the Reports of its Expert Witnesses was served by regular U.S. mail, postage prepaid, this 26th day of November 2013, upon the following counsel of record:

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