

IN THE COURT OF CLAIMS OF OHIO

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|-----------------------------|---|--------------------------|
| YONG HUI SHEFFIELD, ET AL., | : | |
| | : | |
| Plaintiffs | : | Case No. 2013-00013 |
| | : | |
| v. | : | Judge Patrick M. McGrath |
| | : | |
| THE OHIO STATE UNIVERSITY | : | |
| MEDICAL CENTER, | : | |
| | : | |
| Defendant | : | |

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ENTRY

On December 12, 2013, defendant filed a motion for protective order to bar counsel for non-party Medical Staffing Options, Inc., from participating in the December 30, 2013, deposition of Paul Gullett, R.N. Plaintiffs have requested an immunity hearing determination as to Nurse Gullett, who at the time of the events alleged in the complaint, was employed by Medical Staffing Options. Pursuant to R.C. 2743.02(F), only parties, as well as the officer or employee whose immunity is at stake, may participate in the immunity determination proceeding in this court. In addition, the Tenth District Court of Appeals has ruled that a non-state private employer – such as Medical Staffing Options in this case – does not have standing to participate in the immunity determination proceeding. See *Thomas v. Wright State Physicians, Inc.*, 10th Dist. No. 12AP-839, 2013-Ohio-3338.

On December 20, 2013, the court conducted a status conference with the parties. Counsel for Nurse Gullett, R.N., and Medical Staffing Options also participated. During the conference, counsel for defendant also raised the concern that the upcoming deposition of Nurse

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Gullett should not turn into a full-blown discovery deposition until his immunity status has been determined.

As a result of the conference, the court hereby ORDERS the following:

1) Defendant's motion for protective order is GRANTED, such that counsel for Medical Staffing Options – while allowed to attend the deposition – may not participate by asking any questions during the deposition;

2) Nurse Gullett shall be deposed only with regard to immunity issues, and such limited inquiry into the allegations of medical malpractice as may be necessary for the immunity determination.

DATE: 12/26/13

Robert A. Crawford for Judge
JUDGE, COURT OF CLAIMS OF OHIO
McGrath

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Journal Entry

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