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COURT OF CLAIMS
OF OHIO

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IN THE COURT OF CLAIMS OF OHIO

LAURA A. MARTIN, Etc.,

Plaintiff,

-vs-

OHIO DEPARTMENT OF
TRANSPORTATION,

Defendant.

Case No. 2013-00432

Judge Patrick M. McGrath

**PLAINTIFF'S BRIEF IN OPPOSITION
TO DEFENDANT'S MOTION TO
BIFURCATE OR CONTINUE TRIAL**

At the Status Conference with the Court on January 22, 2014, the plaintiff requested that this case be handled in a single trial due to the increased expense and tremendous hardship a bifurcated trial would cause for the plaintiff. The Court noted that efforts are being made in the Court of Claims to bifurcate fewer trials. Counsel for plaintiff stated that he believed that, if liability and damages were tried together, this case could be tried in a single week. The defendant argued that the case was complex and would take four days to try liability alone, and another two days on damages. The Court deferred a decision on the bifurcation issue to a future date.

The defendant has now filed a motion to bifurcate or continue the trial on the ground that plaintiff has not produced to defendant copies of the plaintiff's medical records. The defendant contends that, despite having more than a full six months preparation time before trial, the delay

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in producing medical records handicaps its ability to move forward on a trial on damages by the scheduled trial date of September 15, 2014.

Plaintiff disagrees. The delayed production of medical records has been due, in part, to the fact that the plaintiff continues to treat for her many injuries. Counsel for plaintiff estimates that there are approximately 7,000 - 8,000 pages of medical records. **These will be provided to defense counsel no later than Friday, March 21, 2014 -- just under six months prior to trial.**

This production should be sufficient to permit the defendant to prepare its expert witnesses on the damages portion of the trial so that bifurcation is unnecessary.

At the very least, the plaintiff requests that this Court defer ruling on the motion to bifurcate until the next Status Conference which is scheduled for April 24, 2014 at 10:30 a.m. By then, the defendant will have had possession of the medical records for a month, and the parties will have a better understanding of whether the case can be streamlined at all.

Plaintiff also requests that in no event should the Court continue the trial, as the plaintiff and her family seek closure of this case in a reasonable time period.

Respectfully submitted,



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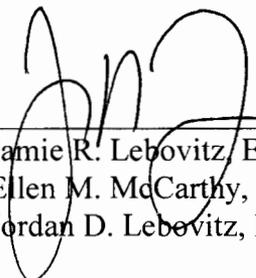
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SERVICE

A copy of the foregoing **Plaintiff's Brief In Opposition To Defendant's Motion To Bifurcate Or Continue Trial** has been sent by regular U.S. Mail and Email, this 14th day of March, 2014, to the following counsel of record:

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