

IN THE OHIO COURT OF CLAIMS

YONG HUI SHEFFIELD, ET AL. :

2014 MAY 22 PM 2: 09

Plaintiffs :

-v- :

Case No. 2013-00013

THE OHIO STATE UNIVERSITY :
MEDICAL CENTER :

Judge Dale Crawford

Defendant. :

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**PLAINTIFFS' MEMORANDUM CONTRA DEFENDANT'S MOTION FOR LEAVE TO
FILE A THIRD-PARTY COMPLAINT**

Defendant The Ohio State University Medical Center ("OSUMC") has moved for leave pursuant to Civ. R. 14(A) to file a Third-Party Complaint against Ohio Healthcare Purchasing, Inc. It argues that a Third-Party Complaint against OHA Solutions and MSO "would be consistent with the purpose of Civ. R. 14(A)." Plaintiff opposes the motion because she feels that allowing leave for OSUMC to file a Third-Party Complaint at this stage of the litigation is entirely inconsistent with the purpose of Civ. R. 14(A).

The intent behind Civ. R. 14(A) is to promote judicial efficiency, to avoid duplication of testimony and inconsistent verdicts on identical or similar evidence or testimony. As noted by OSUMC, however, the claim against MSO is for indemnity in the event of a verdict against OSUMC. The claim turns on the interpretation of contract language that has no bearing on the merits of the instant case. As such, in pursuing such a claim it cannot be reasonably stated that there is a risk of duplicative testimony or inconsistent verdicts. Moreover, with respect to judicial efficiency, there is a June 16, 2014 expert report deadline. Plaintiff has scheduled the deposition of Paul Gullett, RN, for June 10, 2014, with the intent of expediting the transcript in order to comply with this deadline, which has already been modified. Moreover, the Court

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granted Mr. Gullett immunity on February 6, 2014. If OSUMC wished to add MSO, it should not have waited over three months to seek leave, thereby jeopardizing an already modified case schedule.

The intent of Civ. R. 14(A) is not served by granting OSUMC leave at this juncture in the litigation. OSUMC's indemnity claim against MSO can be pursued if and when it becomes ripe, without any risk of duplicative testimony or inconsistent verdicts. Denying Leave will also promote judicial efficiency because it will prevent further modification of the case schedule.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served upon the following counsel of record via ordinary U.S. mail, postage prepaid, this 22th day of May, 2014:

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