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COURT OF CLAIMS
OF OHIO

2014 JUN -2 PM 3: 04

IN THE COURT OF CLAIMS OF OHIO

JAMES WEBB, Plaintiff, v. THE OHIO STATE UNIVERSITY WEXNER MEDICAL CENTER, Defendant.	Case No. 2014-00434 Judge Patrick M. McGrath Magistrate Anderson M. Renick

ANSWER

For its answer to the Complaint, filed May 2, 2014, Defendant the Ohio State University Wexner Medical Center states as follows:

1. Paragraph 1 contains a legal conclusion rather than factual allegations and thus requires no response. If this Court determines that a response is required, Paragraph 1 is denied for lack of knowledge. In further response to Paragraph 1, R.C. 2743 speaks for itself, and as such, Defendant denies any inconsistent allegations.
2. Paragraphs 2, 3, 4, 5, 7, 8, and 13 are denied for lack of knowledge
3. Paragraphs 6, 10, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24, 26, and 27 are denied.
4. Paragraphs 9, 16, 19, 22, and 25 contain no factual allegations and thus require no response.
5. Every allegation contained in the Complaint that is not specifically admitted, denied, or denied for lack of knowledge is denied.

ON COMPUTER

AFFIRMATIVE DEFENSES

FIRST DEFENSE

1. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

2. This Court lacks jurisdiction to hear some or all of Plaintiff's claims.

THIRD DEFENSE

3. Defendant enjoys a privilege.

FOURTH DEFENSE

4. Defendant is immune from liability.

FIFTH DEFENSE

5. Plaintiff's claims are barred in whole or in part by the applicable statutes of limitations.

SIXTH DEFENSE

6. Plaintiff waived some or all of his claims.

SEVENTH DEFENSE

7. The negligent and/or intentional acts of Plaintiff or persons for whose conduct Defendant cannot be held liable, were the intervening and superseding causes of the injuries and damages alleged in the Complaint.

EIGHTH DEFENSE

8. Plaintiff's own negligence caused or contributed to the injuries alleged in the Complaint and is greater than the alleged negligent conduct of Defendant, which has been specifically denied. Accordingly, Plaintiff is barred from recovery.

NINTH DEFENSE

9. The conduct of others over whom Defendant had no right or duty to control proximately caused or contributed to Plaintiff's alleged injuries and damages.

TENTH DEFENSE

10. Plaintiff assumed the risk of his injuries, which risk was open and obvious to him, and his assumption was the sole proximate or major contributing cause of his injuries.

ELEVENTH DEFENSE

11. The allegations in the Complaint challenge matters involving a high degree of official discretion from which Defendant is immune from liability.

TWELFTH DEFENSE

12. Plaintiff is barred from recovery as Defendant had no actual or constructive notice.

THIRTEENTH DEFENSE

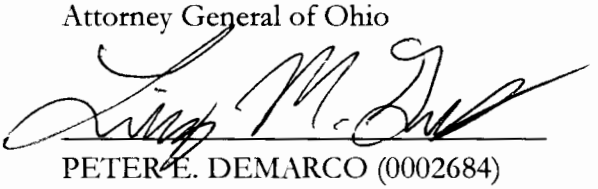
13. Defendant acted in good faith compliance with the law and not in a wanton and malicious manner.

FOURTEENTH DEFENSE

14. Defendant reserves the right to amend this Answer to assert additional defenses that may become available during the course of discovery.

Respectfully submitted,

MICHAEL DEWINE
Attorney General of Ohio



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was sent by regular U.S. mail, postage prepaid, on this the 2nd day of June 2014, to the following:

Andrew W. Cecil
Matthew E. Ice
495 South High Street, Suite 400
Columbus, Ohio 43215

Counsel for Plaintiff

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