

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2014 AUG -6 AM 11: 05

ROY BUCHANAN, :

Plaintiff, :

v. :

Case No. 2013-00671

**DEPARTMENT OF REHABILITATION
AND CORRECTION**

Magistrate Robert Van Schoyck

Defendant.

**PRETRIAL STATEMENT
OF PLAINTIFF ROY BUCHANAN**

I. STATEMENT OF THE FACTS:

Plaintiff, Roy Buchanan, at all times mentioned herein, was an inmate incarcerated in the Southeastern Correctional Institution, at the Hocking Unit, located in Nelsonville, Ohio, subject to the control and custody of the Defendant, Ohio Department of Rehabilitation and Correction.

Plaintiff, at 81 years of age and not in good health, was assigned a top bunk, contrary to the policies of the Defendant. In the middle of the night on December 8, 2012, Plaintiff lost his balance and fell from the top bunk to the concrete surface, suffering significant injuries. The Defendant was negligent in placing Plaintiff in a top bunk due to his age and infirmities.

As a direct and proximate result of Defendants' negligence, Plaintiff suffered injuries to his back, head, and body, which are permanent and progressive in nature. Plaintiff will require medical care in the future and he continues to suffer pain and emotional distress, now and in the future.

II. ISSUES:

- 1) Whether the Defendant owed a duty of care to Plaintiff.

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- 2) Whether the Defendant breached its duty of care to the Plaintiff;
 - 3) Whether the Defendant had prior notice of Plaintiff's history of disabilities;
 - 4) Whether the Defendant is responsible for Plaintiff's care and treatment while housed in the institution;
 - 5) Whether the Defendant responded to Plaintiff's medical complaints;
 - 6) Whether Defendant's medical staff was properly trained and licensed;
 - 7) Whether the employees of Defendant acted with the knowledge that injury to Plaintiff was either possible or likely;
 - 8) Whether other employees of Defendant were made aware of the likelihood for injury to Plaintiff;
 - 9) Whether Plaintiff's injuries were a direct result of being placed in the top bunk;
- and
- 10) The severity and permanency of injuries suffered by Plaintiff due to the incident.

III. EXHIBITS:

- A) Plaintiff's prison records and medical records;
- B) Photographs of Plaintiff's injuries, if any;
- C) All block logs, block post orders, institution records regarding Plaintiff's medical orders, correspondence, incident reports, any and all memorandum concerning the incident in question, kites sent by Plaintiff to the institution and all policy and procedure manuals;
- D) All accident/incident reports pertaining to Plaintiff;
- E) Interviews by medical staff;
- F) Medical restrictions; and

G) All documents produced in discovery.

IV. POTENTIAL WITNESSES:

- A) Roy Buchanan, Plaintiff, SECI, at Hocking Correctional Facility;
- B) C.O. James Ward, SECI, at Hocking Correctional Facility;
- C) Clyde McKinney #649-438, SECI, at Hocking Correctional Institution;
- D) Robert Turner #395-103, SECI, at Hocking Correctional Institution;
- E) Health care personnel, nurses and others who saw Plaintiff; and
- F) All witnesses called by Defendant as upon cross-examination.

Plaintiff reserves the right to supplement the information provided in the Pre-Trial Statement.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pretrial Statement was served upon Amber Wootton Hertlein, Assistant Attorney General, 150 East Gay Street, 18th Floor, Columbus, Ohio 43215-3130, by regular U.S. mail, postage prepaid, on the 4th day of August, 2014.



By: **RICHARD F. SWOPE** (#0000605)
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August 4, 2014

Court of Claims of Ohio
Attn: Clerk of Courts
65 South Front Street, Third Floor
Columbus, Ohio 43215

Re: *Roy Buchanan v. Ohio Dept. of Rehab. & Corr.*
Case No. 2013-00671

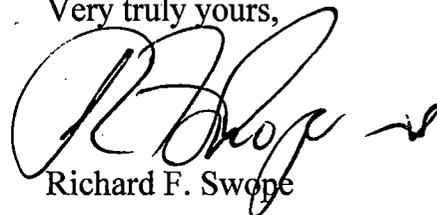
Dear Sir or Madam:

Please find enclosed an original and two copies of a Pretrial Statement of Plaintiff Roy Buchanan which we wish to file with the Court.

We would appreciate your filing the same and returning a file-stamped copy in the enclosed self-addressed envelope. Thank very much you for your cooperation.

ac

Very truly yours,



Richard F. Swope

RFS/sr
Enclosures
cc: client

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