

IN THE COURT OF CLAIMS OF OHIO

FILED  
COURT OF CLAIMS  
OF OHIO

2015 MAR -4 AM 11:22

JAMES R. THAXTON, JR. #515-806  
P.O. Box 788  
Mansfield, Ohio 44901

Plaintiff,

v.

OHIO STATE UNIVERSITY  
WEXNER MEDICAL CENTER  
410 West Tenth Avenue  
Columbus, Ohio 43210,

Defendant.

2015-00160

Case No.

ORIGINAL

COMPLAINT

1.) Plaintiff, James R. Thaxton, Jr., alleges that at all times mentioned herein he was an inmate incarcerated in the Mansfield Correctional Institution, under the supervision and control of the Ohio Department of Rehabilitation and Correction.

2.) Plaintiff alleges that while incarcerated at the Mansfield Correctional Institution, he was transported to the Ohio State University Wexner Medical Center (OSU Medical Center) for surgery on August 14, 2014, to remove cancer. Plaintiff says after the surgery, he was taken to the Corrections Medical Center to recover, where he was in immense pain. Plaintiff alleges Corrections Medical Center sent him back to Defendant OSU Medical Center for treatment, where Defendant OSU Medical Center discovered the surgeon had negligently left a retractor inside of his stomach. Plaintiff says he underwent a second surgery on September 14, 2014, one month after the initial surgery, so the retractor could be removed.

3.) Plaintiff alleges that as a direct and proximate result of Defendant's negligence, he suffered extreme pain and mental anguish. Plaintiff alleges his injury caused by

ON COMPUTER

Defendant's negligence is permanent and progressive in nature and that it causes and will continue to cause extreme pain, suffering, and emotional distress, impairs his ability to work and will cause him to incur medical, hospital and doctor expenses now and in the future.

**WHEREFORE**, Plaintiff James R. Thaxton, Jr., demands judgment against Defendant The Ohio State University Wexner Medical Center in a sum in excess of \$25,000.00, an amount he will provide, pursuant to Civ.R. 8, upon demand.



---

By: **RICHARD F. SWOPE** #0000605  
Swope and Swope-Attorneys at Law  
6480 East Main Street, Suite 102  
Reynoldsburg, Ohio 43068  
Telephone: (614) 866-1492  
Telefax: (614) 864-5553  
Attorneys for Plaintiff James R. Thaxton, Jr.

# Swope and Swope

---

ATTORNEYS AT LAW

RICHARD F. SWOPE  
KRISTY SWOPE

ORIGINAL

6480 EAST MAIN STREET, SUITE 102  
REYNOLDSBURG, OHIO 43068  
TELEPHONE (614) 866-1492  
FAX (614) 864-5553

March 2, 2015

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

2015-00160

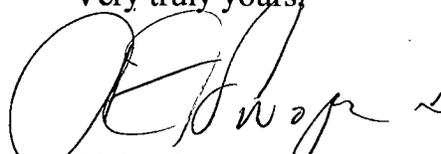
Re: *James R. Thaxton v. Ohio Dept. of Rehab. & Corr.*

Dear Sir or Madam:

Please find enclosed an original and two copies of a Complaint and an Affidavit of Indigency we wish to file with the Court. We would appreciate your filing the same and returning a file-stamped copy of both documents in the enclosed self-addressed envelope.

Thank very much you for your cooperation.

Very truly yours,

  
Richard F. Swope

RFS/sr  
Enclosures  
cc: client

FILED  
COURT OF CLAIMS  
OF OHIO  
2015 MAR -4 AM 11:22