

FILED  
COURT OF CLAIMS  
OF OHIO

2015 MAY 28 AM 10:09

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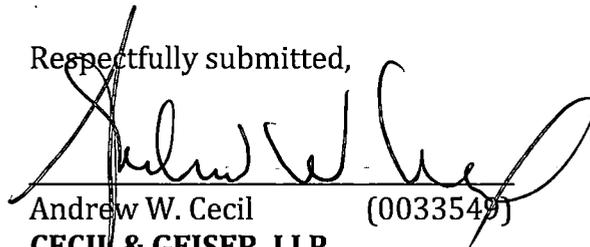
**IN THE COURT OF CLAIMS OF OHIO**

LUEDELLA DICKENS, Admr., :  
 :  
 Plaintiff, :  
 : Case No. 2013-00204  
 v. :  
 : Judge Dale A. Crawford  
 THE OHIO STATE UNIVERSITY :  
 MEDICAL CENTER, :  
 :  
 Defendant. :

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME  
TO FILE DISMISSAL DOCUMENTS**

Counsel for Plaintiff, Luedella Dickens, Administrator of the Estate of Ella Frances Whitehead, requests an extension of time to file dismissal documents. A glitch occurred at the probate hearing set on May 20, 2015. A new hearing has been set for June 1, 2015. This is the date that the Court wanted the documents filed. The documents cannot be filed by that date. A Memorandum in Support is attached.

Respectfully submitted,



Andrew W. Cecil (0033549)

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ATTORNEY FOR PLAINTIFF

### **MEMORANDUM IN SUPPORT**

This matter was set to be heard by the Probate Court on May 20, 2015. At the probate hearing, the magistrate, Ben Suffron, noted that the decedent left some assets to two charities including World Harvest Church. All of the proceeds of this matter were directed to the wrongful death claim as Plaintiff had no evidence to put forth a viable claim for pain and suffering. As the Court is aware, monies attributed to claims for pain and suffering would go into the survivorship claim and pass pursuant to her will while the wrongful death proceeds are passed directly to beneficiaries. Magistrate Suffron was concerned not with the settlement terms but that if World Harvest Church was not notified of the hearing it may later come back and contest the matter.

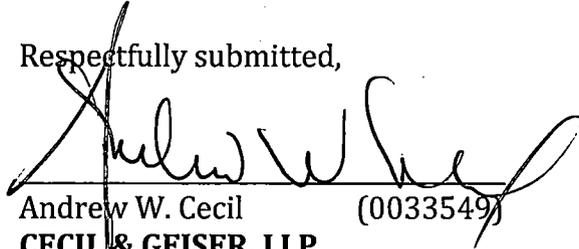
Magistrate Suffron indicated that he would go forward with the settlement on May 20, 2015 but again cautioned the possibility of World Harvest Church coming back and contesting the matter. Rather than take chances on the actions of World Harvest Church, the undersigned requested a continuance and was told the first available date is June 1, 2015. Between now and June 1, 2015, World Harvest Church will be given notice of the hearing and it can come and contest the matter if it feels that it has a viable claim to present.

This information was relayed to Jeffrey Maloon, counsel with the Attorney General's office. He indicated that the paperwork would be at least five (5) days after the date that he receives probate confirmation of the settlement. As such, documents cannot be filed with this Court by the Court's June 1, 2015 deadline.

FOR THE FOREGOING, it is respectfully requested that the Court give counsel until

the end of June to file the necessary documents. Though Mr. Maloon indicated that five (5) days should be adequate, the additional time is requested so that no further requests will be necessary due to additional unforeseen circumstances.

Respectfully submitted,



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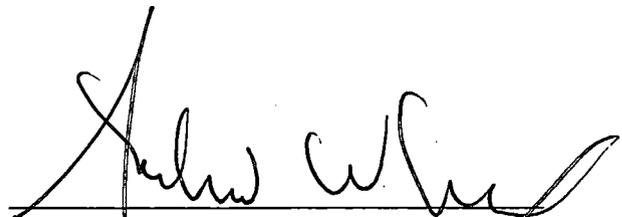
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ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via regular U.S. Mail, postage prepaid, this 27<sup>th</sup> day of May, 2015, upon the following counsel of record:

Jeffrey L. Maloon, Esq.  
Amber W. Hertlein, Esq.  
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May 27, 2015

Mark Reed, Clerk  
Ohio Court of Claims  
65 South Front Street, 3<sup>rd</sup> Floor  
Columbus, Ohio 43215

**RE: Luedella Dickens, Admr. v. Ohio State University Medical Center**  
**Case No. 2013-00204**

Dear Clerk:

Enclosed please find the original and three (3) copies of the following:

- ( ) Complaint
- (x) Motion for Extension of Time
- ( ) Notice

Please file the original, time stamp one copy and return it to me in the enclosed self-addressed stamped envelope. If you have any questions, please call.

*lca*

Very truly yours,

**CECIL & GEISER, LLP**

*[Signature]*  
Andrew W. Cecil

spw  
Enclosures

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