

ORIGINAL

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COURT OF CLAIMS
OF OHIO

2015 AUG -4 AM 10: 36

IN THE COURT OF CLAIMS OF OHIO

DARLENE LANE FERRARO)

Plaintiff)

v.)

THE OHIO STATE UNIVERSITY)
MEDICAL CENTER)

Defendant)

CASE NO. 2011-10371

JUDGE PATRICK M. McGRATH

PLAINTIFF'S PRETRIAL STATEMENT

I. Counsel of Record:

W. Craig Bashein, Esq.
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II. Summary of Case:

The within action arises out of a fatal traffic accident that occurred on September 10, 2009 on Interstate 71 in the City of Brook Park, Ohio. Decedent, Junior Lee Lane was traveling as a passenger in a 1997 Dodge Ram pick-up truck towing a trailer that had been driven by Gary Fury. Several minutes prior to the accident, the pick-up which had a trailer attached, had begun to swing free. As a result, Mr. Fury brought his vehicle to a stop immediately on the interstate to avoid danger to other drivers. Mr. Lane and another passenger exited the vehicle to attempt to repair the trailer so it could be moved from the freeway. While Mr. Lane was tending to the trailer, passenger Jesse Fury began waving a white t-shirt on the freeway standing approximately 20-30 feet from the stopped vehicle and trailer to warn motorists. Mr. Fury's action alerted other motorists traveling on the freeway to slow down and move to the other lanes. No other vehicles made contact with Mr. Fury's vehicle.

Rolf Barth, M.D. was operating a 2004 Mercedes C240, also in a northbound

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direction on 271. Dr. Barth has admitted that he was speeding at the time of the accident and did not see either the warnings of the pedestrian or the stopped vehicle prior to the collision. As a result, Dr. Barth's Mercedes rear-ended the trailer at a high speed causing fatal injuries to Junior Lee Lane. The area of the collision was a well-lighted area including large lights attached to a pole located every 233 feet along the freeway. There was a light pole in close proximity to the accident scene. At the time of the incident, the roadway was dry and the weather would not have affected the visibility for Dr. Barth.

III. Legal Issues:

What are the compensatory damages sustained by Plaintiffs for the survivorship and wrongful death claims?

IV. Lay Witnesses:

Darlene Lane Ferraro

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of August, 2015, a copy of the foregoing was served electronically by the Court or by regular U.S. mail, postage prepaid, to the following parties:

Michael D. DeWine
Ohio Attorney General
c/o Jeffrey L. Maloon
Assistant Attorney General
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August 3, 2015

Via FedEx

Court of Claims
Attention: Civil Filing Clerk
65 South Front Street, 3rd Floor
Columbus, Ohio 43215

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Re: *Darlene Lane Ferraro, etc., v. The Ohio State University Medical Center*
Case No. 2011-10371

Dear Sir/Madam:

Enclosed please find an original and one copy of **Plaintiff's PreTrial Statement**.
Please file the original and return a time-stamped copy in the envelope provided. 

Thank you for your kind cooperation.

Very truly yours,



W. CRAIG BASHEIN

WCB/mbk
Enclosures