

ORIGINAL

IN THE COURT OF CLAIMS OF OHIO

FILED
COURT OF CLAIMS
OF OHIO

2016 MAR 24 AM 10:34

SANDRA THAXTON, Admx.,

Plaintiff,

vs.

OHIO STATE UNIVERSITY WEXNER
MEDICAL CENTER,

Defendant.

Case No. 2015-00160

Magistrate Robert Van Schoyck

**PRETRIAL STATEMENT OF PLAINTIFF SANDRA THAXTON,
ADMINISTRATRIX OF THE ESTATE OF
JAMES R. THAXTON, JR., DECEASED**

I. STATEMENT OF THE FACTS:

This case is set for Trial on May 3, 2016, at 10:00 a.m., at the Court of Claims of Ohio. At all times mentioned herein, James R. Thaxton, Jr., was an inmate incarcerated in the Mansfield Correctional Institution, under the supervision and control of the Ohio Department of Rehabilitation and Correction. James R. Thaxton, Jr., passed away on July 6, 2015.

While incarcerated at the Mansfield Correctional Institution, James R. Thaxton, Jr. was transported to the Ohio State University Wexner Medical Center (OSU Medical Center) for surgery on August 14, 2014, to remove cancer. After the surgery, Mr. Thaxton was taken to the Corrections Medical Center to recover, where he was in immense pain.

Corrections Medical Center sent Mr. Thaxton 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. Mr. Thaxton underwent a second surgery on September 14, 2014, one month after the initial surgery, so the retractor could be removed.

As a direct and proximate result of Defendant's negligence, Mr. Thaxton suffered extreme pain and mental anguish. Mr. Thaxton's injury, caused by Defendant's negligence,

was a permanent injury, which caused him extreme pain, suffering, and emotional distress, and impaired his ability to work prior to his death.

II. ISSUES:

- 1.) Whether the Defendant was negligent for leaving a retractor inside the stomach of James R. Thaxton, Jr.;
- 2.) The severity and permanency of injuries suffered by James R. Thaxton, Jr.

III. EXHIBITS:

- A) James R. Thaxton, Jr.'s hospital and medical records, including MRI reports, x-rays and x-ray reports; and
- B) All documents provided Plaintiff by Defendant through discovery.

IV. POTENTIAL WITNESSES:

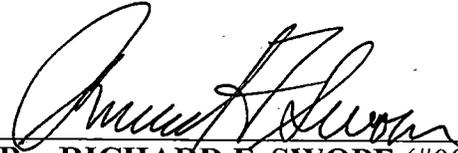
- A) Plaintiff, Sandra Thaxton
- B) Jason Thaxton
- C) Jerry Lee Reynolds #283-281
- D) Doctor Daniels, Ohio State University Wexner Medical Center
- E) Medical personnel from OSU Wexner Medical Center to be named
- F) Medical personnel from Mansfield Correctional Institution to be named
- G) All witnesses called by the Defendant as upon cross-examination

Plaintiff reserves the right to supplement the information provided in this Pretrial Statement.


By: **RICHARD F. SWOPE** (#0000605)
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Attorneys for Plaintiff Sandra Thaxton,
Administratrix of the Estate of
James R. Thaxton, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pretrial Statement was served upon Daniel R. Forsythe, Assistant Attorney General, Court of Claims Defense, 150 East Gay Street, 18th Floor, Columbus, Ohio 43215, by regular U.S. mail, postage prepaid, on the 22nd day of March, 2016.



By: RICHARD F. SWOPE (#0000605)
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Attorneys for Plaintiff Sandra Thaxton,
Administratrix of the Estate of
James R. Thaxton, Jr.

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March 22, 2016

The Court of Claims of Ohio
Attn: Clerk of Courts
65 South Front Street, Third Floor
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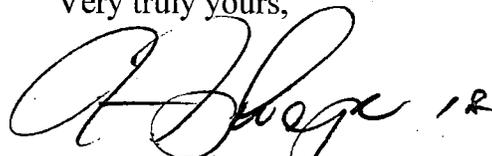
Re: *Sandra Thaxton, Admx. v. Ohio State University Wexner Medical Center*
Case No. 2015-00160

Dear Sir or Madam:

Please find enclosed an original and two copies of a Pretrial Statement of Plaintiff Sandra Thaxton, Administratrix of the Estate of James R. Thaxton, Jr., Deceased, we wish to file with the Court in the above-captioned case. 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.

Very truly yours,


Richard F. Swope

RFS/sr
Enclosures
cc: Sandra Thaxton