

IN THE COURT OF CLAIMS OF OHIO

FILED
COURT OF OHIO
2016 APR 19 AM 11:58

NATHAN C. HALL, M.D., Ph.D.

Plaintiff

v.

THE OHIO STATE UNIVERSITY
WEXNER MEDICAL CENTER

Defendant

Case No. 2015-00038

Judge Patrick M. McGrath

ENTRY

On April 6, 2016, the court conducted a status conference with the parties. During the conference, the court learned that the connected action pending in the U.S. District Court for the Southern District of Ohio has been dismissed. Plaintiff's February 19, 2015 motion requesting an immunity determination for Dr. Richard D. White is hereby GRANTED. As a result of the conference, the court hereby ORDERS the following:

- 1) Dr. White's deposition will be conducted at the court with a magistrate on *June 1-2, 2016, at 10:00 a.m.*;
- 2) An evidentiary hearing is scheduled for *September 26-27, 2016, at 10:00 a.m.*, to determine whether Dr. White is entitled to civil immunity pursuant to R.C. 2743.02(F) and 9.86;
- 3) Dr. White may participate in the deposition and the evidentiary hearing with either counsel or pro se;
- 4) The assistant attorney general assigned to defend the state in this case is directed to personally notify Dr. White of the June 1-2, 2016 deposition and the September 26-27, 2016 evidentiary hearing and his right to be represented by counsel;

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ENTRY

5) The attached "Additional Trial Requirements and Information" is hereby incorporated by reference.



PATRICK M. MCGRATH
Judge

cc:

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Additional Trial Requirements and Information

Subpoena

Any request for the issuance of a subpoena, including the issuance of a blank subpoena under Civ. R. 45(A) and any motion for an order designating a person to serve a subpoena under Civ. R. 45(C), must be filed with the clerk's office at least twenty-one days before the date of the trial. Any request for the issuance of a subpoena which is not timely filed need not be processed by the clerk's office. A sample request for the issuance of subpoena(s), request for issuance of subpoena(s) in blank, and subpoena form are enclosed. The subpoena may be filled out and used by the attorney of record. A copy of the subpoena shall be filed with the court prior to the service and again filed with the court after service has been made by the attorney, appointed process server or court reporter.

R.C. 2743.06 provides that the party at whose instance the witness appears is to pay the witness fees and mileage; such expenses are not taxed as costs and are not advanced by the court.

Marking Exhibits

Before commencement of trial, the attorneys shall mark all items to be placed in evidence with the enclosed labels or substantially similar labels. The items shall be marked in the following manner:

- (A) "Joint Exhibit (A, B, C, etc.)" for each item upon which counsel agree to introduce as a Joint Exhibit;
- (B) "Plt. (name) Exhibit (1, 2, 3, etc.)" or "Dft. (name) Exhibit (A, B, C, etc.)" for each item which plaintiff or defendant intends to offer but which cannot be marked as a joint exhibit.

A list of the marked items shall be given to the bailiff or staff attorney before the trial or evidentiary hearing.

Videotaped Testimony and Depositions

Videotaped testimony or videotaped depositions may be offered in accordance with Rule 13 of the Rules of Superintendence for Courts of Ohio. See L.C.C.R. 11(G).

Videoconference

Either party may present trial testimony by using the court's videoconferencing system. Requests to use the videoconferencing system shall be filed in writing at least fourteen days prior to trial.

Pretrial Statements

Pursuant to L.C.C.R. 7(B), pretrial statements shall be filed and served at least seven days prior to the scheduled pretrial conference.

Motion to Convey

A motion to convey an inmate to the situs of trial is necessary when the plaintiff and/or a witness is incarcerated at a penal institution and is to be transported from that institution to the place of trial. The responsible party shall file a motion to convey any plaintiff and/or any witness incarcerated in a penal institution to the situs of trial. Such motion shall be filed at least seven days prior to the pretrial conference. Any response to the motion to convey shall be filed on or before the date of the pretrial conference.

Change of Address/Telephone

If either a party or counsel moves or changes telephone numbers, such person shall file written notice with the court indicating the new address or telephone number.