

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

| | | |
|----------------------|---|------------------------|
| GAYLE BACHMAN, | : | APPEAL NO. C-180684 |
| | | TRIAL NO. A-1601237 |
| CINDY BARTLETT, | : | |
| | | <i>JUDGMENT ENTRY.</i> |
| LEONA BEYER, | : | |
| MICHAEL BROPHY, | : | |
| DAVID CONGER, | : | |
| JOY CULLINS, | : | |
| MARGARET DAILEY, | : | |
| CHRISTINA GOLDSTEIN, | : | |
| KATHY JILL HERSLEY, | : | |
| MARTHA HUTTON, | : | |
| SHANNON KOEHLER, | : | |
| PATRICIA LEGENDRE, | : | |
| TONIA MCQUEARY, | : | |
| RAHMANN NISBETT, | : | |
| SUSAN SCHOCK, | : | |
| SHERRY SPANGENBERG, | : | |
| BILLY SPIVY, | : | |
| CONNIE UNDERWOOD, | : | |
| TAMATHY WILDER, | : | |
| | : | |

WILLIAM WOLDER, :
and :
EVELYN YOUNG, :
Plaintiffs-Appellants, :
vs. :
CINCINNATI CHILDREN’S :
HOSPITAL MEDICAL CENTER, :
Defendant, :
and :
THE CHRIST HOSPITAL, :
Defendant-Appellee. :

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Plaintiffs-appellants are 21 former patients of Dr. Abubakar Atiq Durrani. From 2013 to 2016, appellants each brought separate lawsuits against Durrani, the Center for Advanced Spine Technologies, and associated hospitals, including Cincinnati Children’s Hospital Medical Center (“CCHMC”) and The Christ Hospital (“TCH”). Appellants’ lawsuits stemmed from allegedly negligently performed surgeries by Durrani at TCH and during his employment with CCHMC.

On March 1, 2016, appellants filed the lawsuit at issue in this case against CCHMC and TCH. Just as in their individual lawsuits, appellants alleged various forms of negligence, fraud, and other statutory violations against CCHMC and TCH. Appellants stated that they intended to consolidate the claims in this lawsuit with the claims raised in their then-pending individual actions.

Because the claims in this lawsuit were duplicative of the claims in the appellants' individual lawsuits, TCH filed a motion to dismiss under Civ.R. 12(B)(6) and CCHMC filed a motion for judgment on the pleadings under Civ.R. 12(C). Appellants subsequently moved to consolidate this case with their individual cases. Following oral arguments, the trial court denied appellants' motion to consolidate, and granted TCH's motion to dismiss and CCHMC's motion for judgment on the pleadings.

Appellants filed this appeal, challenging the trial court's denial of their motion to consolidate. Appellants later dismissed with prejudice all claims against CCHMC. Therefore, the only parties before us now are appellants and TCH.

At oral argument, the parties informed this court that all of the individual actions against TCH had already been decided on the merits. Therefore, because no individual actions exist for consolidation, there is nothing with which this action can be consolidated. Both sides agreed at oral argument that final judgments in the individual actions render this appeal moot. We accordingly dismiss this appeal.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MYERS, P.J., BERGERON and CROUSE, JJ.

To the clerk:

Enter upon the journal of the court on November 4, 2020,
per order of the court _____.

Presiding Judge