# CAPTION: FEAGAN V. BETHESDA NORTH HOSPITAL

**01-19-24**

APPEAL NOS.: C-230135

C-230136

C-230137

TRIAL NOS.: A-2202163

A-2203523

A-2203758

KEY WORDS: SANCTIONS — FRIVOLOUS CONDUCT — R.C. 2323.51 — CIV.R. 11 — CIV.R. 10(D)(2) — AFFIDAVIT OF MERIT

SUMMARY:

Where appellant attorney filed several medical-malpractice complaints without the affidavits of merit or motions to extend required by Civ.R. 10(D)(2) and then voluntarily dismissed the actions under Civ.R. 41, the trial court erred in awarding sanctions against appellant attorney when there was no evidence that the underlying claims lacked merit and it cannot be said that no reasonable attorney would engage in the strategy employed by counsel based on existing law. [*But see* DISSENT: The trial court did not err in awarding sanctions where the attorney willfully violated the Ohio Rules of Civil Procedure.]

JUDGMENT: REVERSED

JUDGES: OPINION by ZAYAS, P.J.; KINSLEY, J., CONCURS and BERGERON, J., DISSENTS.