

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

KATRINA BRATTEN,	:	APPEAL NOS. C-230182
		C-230183
Plaintiff-Appellant,	:	TRIAL NO. A-2102413
vs.	:	<i>JUDGMENT ENTRY.</i>
CINCINNATI CHILDREN’S HOSPITAL MEDICAL CENTER,	:	
RICHARD AZIZKHAN, M.D.,	:	
ALVIN CRAWFORD, M.D.,	:	
and	:	
ERIC WALL, M.D.,	:	
Defendants-Appellees.	:	
and	:	
ABUBAKAR ATIQ DURRANI, M.D.,	:	
Defendant.	:	

The court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, 1st Dist. Loc.R. 11.1(C)(1), 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.

Plaintiff-appellant Katrina Bratten appeals the judgment of the trial court granting defendants-appellees Richard Azizkhan, M.D., Alvin Crawford, M.D., and Eric Wall, M.D.’s, (collectively “the Doctors”) motion to dismiss her complaint under

Civ.R. 12(B)(6).¹ Bratten also appeals the trial court’s judgment granting defendant-appellee Cincinnati Children’s Hospital Medical Center’s (“CCHMC”) motion to dismiss.

Bratten was born on July 15, 1998. Bratten was referred to CCHMC by her primary care doctor following a gymnastics injury. At CCHMC, Bratten was evaluated by Defendant Abubakar Atiq Durrani, M.D., who recommended spinal-fusion surgery. In the summer of 2008, Durrani performed the recommended surgery. Since the surgery, Bratten has suffered excruciating pain if she stands for more than an hour, and she has been unable to participate in sports.

Bratten turned 18 years old on July 15, 2015. Durrani fled the country in November 2013. On July 13, 2021, Bratten filed suit against Durrani, the Doctors, and CCHMC alleging various tort claims and statutory violations under Ohio law. The Doctors and CCHMC moved separately for dismissal of Bratten’s claims against them, which the trial court granted. Bratten now appeals.

In three assignments of error, Bratten argues that the statute of repose is tolled against CCHMC, that her negligent credentialing and civil fraud claims were not medical claims subject to the statute of repose, and that the Doctors owed a fiduciary duty to her.

On the authority of *Dumais v. Cincinnati Children’s Hosp. Med. Ctr.*, 1st Dist. Hamilton Nos. C-230190 and C-230191, 2024-Ohio-1022, we overrule Bratten’s assignments of error and affirm the judgments of the trial court.

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.

¹ Azizkhan was the Chief of Surgery at CCHMC and a member of the Medical Executive Committee, Crawford was the Orthopedic Director at CCHMC prior to 2005 and a surgeon there through 2008, and Wall was the Orthopedic Director at CCHMC.

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ZAYAS, P.J., CROUSE and KINSLEY, JJ.

To the clerk:

Enter upon the journal of the court on March 29, 2024.

per order of the court _____.
Administrative Judge