

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

NINA CAPETILLO,	:	APPEAL NOS. C-230184
		C-230185
Plaintiff-Appellant,	:	TRIAL NO. A-2004206
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 Nina Capetillo 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).<sup>1</sup> Capetillo also appeals the trial court's judgment granting defendant-appellee Cincinnati Children's Hospital Medical Center's ("CCHMC") motion to dismiss.

Capetillo was born on March 20, 1996. She was referred to CCHMC, where she was diagnosed with Ehlers Danlos Syndrome. Defendant Abubakar Atiq Durrani, M.D., recommended surgery for her back, which Capetillo alleged was unnecessary when other more conservative treatments were available. Capetillo further alleged Durrani negligently performed her back surgery and this resulted in persistent, debilitating pain.

Capetillo turned 18 years old on March 20, 2014. Durrani fled the country in November 2013. On December 2, 2020, Capetillo 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 Capetillo's claims against them, which the trial court granted. Capetillo now appeals.

In three assignments of error, Capetillo 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. Durrani*, 1st Dist. Hamilton Nos. C-230190 and C-230191, 2024-Ohio-1022, we overrule Capetillo'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.

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<sup>1</sup> 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 27, 2024,  
per order of the court \_\_\_\_\_.  
Administrative Judge