

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

JASMINE ELKINS,	:	APPEAL NOS. C-230192
		C-230193
Plaintiff-Appellant,	:	TRIAL NO. A-2101361
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 Jasmine Elkins 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 Elkins also appeals the trial court's judgment granting defendant-appellee Cincinnati Children's Hospital Medical Center's ("CCHMC") motion to dismiss.

Elkins was born on May 21, 1993. She was referred to CCHMC by her school nurse upon a suspicion of scoliosis. Defendant Abubakar Atiq Durrani, M.D., recommended that Elkins undergo surgery on her thoracic spine without first having her engage in any conservative care options. Elkins alleged that the surgery was unnecessary and that it was negligently performed by Durrani, causing her serious pain and mental anguish.

Elkins turned 18 years old on May 21, 2011. Durrani fled the country in November 2013. On April 20, 2021, Elkins 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 Elkins's claims against them. The trial court granted both motions to dismiss, and Elkins now appeals.

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

OHIO FIRST DISTRICT COURT OF APPEALS

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