

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

MARY FITZPATRICK,	:	APPEAL NOS. C-230194
		C-230195
Plaintiff-Appellant,	:	TRIAL NO. A-2004230
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 Mary Fitzpatrick 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 Fitzpatrick also appeals the trial court’s judgment granting defendant-appellee Cincinnati Children’s Hospital Medical Center’s (“CCHMC”) motion to dismiss.

Fitzpatrick was born on August 16, 1996. Fitzpatrick was referred to defendant Abubakar Atiq Durrani, M.D., by staff providers at CCHMC for abdominal pain in early 2007. Between 2007 and 2013, Durrani performed a series of five spinal surgeries on Fitzpatrick. Fitzpatrick alleges that at least two of the surgeries were not medically indicated and left her in worse medical condition than prior to the surgeries.

Fitzpatrick turned 18 years old on August 16, 2014. Durrani fled the country in November 2013. On December 3, 2020, Fitzpatrick 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 Fitzpatrick’s claims against them, which the trial court granted. Fitzpatrick now appeals.

In three assignments of error, Fitzpatrick 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 Fitzpatrick’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