

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

BRIANNA DEARING,	:	APPEAL NOS. C-230186
		C-230187
Plaintiff-Appellant,	:	TRIAL NO. A-2102288
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., et	:	
al.,	:	
Defendants.	:	

This 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 Brianna Dearing appeals the judgments of the Hamilton County Court of Common Pleas dismissing her claims against defendants-appellees Cincinnati Children’s Hospital Medical Center (“CCHMC”), Dr. Richard Azizkhan, Dr. Alvin Crawford, and Dr. Eric Wall (collectively referred to as “the doctor defendants”). CCHMC and the doctor defendants moved to dismiss the claims against them under Civ.R. 12(B)(6), asserting that the claims were time-barred by R.C. 2305.113(C), the medical-claim statute of repose. The trial court agreed and dismissed the claims.

Dearing now asserts three assignments of error to this court. First, she argues that the trial court committed reversible error by dismissing her vicarious-liability claim against CCHMC as the claim was tolled under R.C. 2305.15 based on defendant Dr. Abubakar Atiq Durrani's flight from the country in 2013. Second, she argues that the trial court committed reversible error by dismissing her negligent-credentialing claim against CCHMC as the claim is not a medical claim under R.C. 2305.113(E)(3). Third, she argues that the trial court committed reversible error by dismissing her civil-fraud and breach-of-fiduciary-duty claims against the doctor defendants where the fraud claims are independent fraud claims and not medical claims, and/or the last culpable act regarding these claims did not occur until well beyond the surgery date.

We have recently addressed these exact assignments of error in the substantially similar case of *Dumais v. Cincinnati Children's Hosp. Med. Ctr.*, 1st Dist. Hamilton Nos. C-230190 and C-230191, 2024-Ohio-1022, and we reaffirm our position on those issues here. Therefore, we overrule the assignments of error on the authority of *Dumais*. Accordingly, we 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.

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

To the clerk:

Enter upon the journal of the court on April 10, 2024,
per order of the court_____.

Administrative Judge