

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

KORTNEY HILL,	:	APPEAL NOS. C-230200
		C-230201
Plaintiff-Appellant,	:	TRIAL NO. A-2102229
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 Kortney Hill 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 Hill also appeals the trial court's judgment granting defendant-appellee Cincinnati Children's Hospital Medical Center's ("CCHMC") motion to dismiss.

Hill was born on December 14, 1991. Hill was referred to CCHMC by her school nurse after undergoing a routine scoliosis screening. Defendant Abubakar Atiq Durrani, M.D., evaluated Hill at CCHMC and recommended surgery to prevent permanent paralysis. Durrani performed the surgery at issue on Hill in June 2006, when she was 14 years old. Hill alleges that the surgery was not medically indicated and left her in worse medical condition. Additionally, Hill alleges that she discovered after the surgery that Durrani had also operated on her left hip without discussing the matter prior to surgery. Following the surgery, Hill suffers from muscle spasms, stiff muscles in the back, neck, and shoulders, and constant pain. Hill also suffers from periodic paralysis in her hips, which are now uneven due to the prolonged post-surgical trauma.

Hill turned 18 years old on December 14, 2009. Durrani fled the country in November 2013. On June 29, 2021, Hill 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 Hill's claims against them, which the trial court granted. Hill now appeals.

In three assignments of error, Hill 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.

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

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 Hill'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.

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

To the clerk:

Enter upon the journal of the court on April 5, 2024,
per order of the court _____.
Administrative Judge