

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

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| CHRIS MERIDA, | : | APPEAL NOS. C-230204 |
| | | C-230205 |
| Plaintiff-Appellant, | : | TRIAL NO. A-2004262 |
| 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 Chris Merida 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 his complaint under Civ.R. 12(B)(6).¹ Merida also appeals the trial court's judgment granting defendant-appellee Cincinnati Children's Hospital Medical Center's ("CCHMC") motion to dismiss.

Merida was born on March 9, 1993. After his school nurse raised a suspicion of scoliosis, he was referred by his primary care physician to CCHMC and defendant Abubakar Atiq Durrani, M.D. Durrani recommended that Merida undergo surgery, despite Merida's request to avoid surgery and attempt treatment with a back brace. Merida alleged that the surgery was nonindicated and that it was performed negligently, causing him severe pain and mental anguish.

Merida turned 18 years old on March 9, 2011. Durrani fled the country in November 2013. On December 7, 2020, Merida 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 Merida's claims against them. The trial court granted both motions to dismiss, and Merida now appeals.

In three assignments of error, Merida argues that the statute of repose is tolled against CCHMC, that his 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 him.

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 Merida'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

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

To the clerk:

Enter upon the journal of the court on April 19, 2024,
per order of the court _____.
Administrative Judge