

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

ANGEL MESSINGER,	:	APPEAL NOS. C-230206
		C-230207
Plaintiff-Appellant,	:	TRIAL NO. A-2004030
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 Angel Messinger 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).<sup>1</sup> Messinger also appeals the trial court's judgment granting defendant-appellee Cincinnati Children's Hospital Medical Center's ("CCHMC") motion to dismiss.

Messinger was born on March 22, 1993. She was referred to CCHMC and defendant Abubakar Atiq Durrani, M.D., by her primary care physician after her school nurse raised a suspicion of scoliosis. Durrani recommended that Messinger undergo surgery without first having her engage in any conservative care options. Messinger alleged that the surgery was not medically indicated and that it was negligently performed by Durrani, causing her serious pain that has rendered her unable to work, disfigurement, and mental anguish.

Messinger turned 18 years old on March 22, 2011. Durrani fled the country in November 2013. On November 17, 2020, Messinger 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 Messinger's claims against them. The trial court granted both motions to dismiss, and Messinger now appeals.

In three assignments of error, Messinger 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 Messinger's assignments of error and affirm the judgments of the trial court.

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<sup>1</sup> 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**

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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.

**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