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

KEVIN SHAW, : APPEAL NOS. C-230208

C-230209

JUDGMENT ENTRY.

Plaintiff-Appellant, : TRIAL NO. A-2004258

vs. :

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.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calender, 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); Loc.R. 11.1.

Plaintiff-appellant Kevin Shaw appeals the judgments 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. Shaw

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.

also appeals the trial court's judgment granting defendant-appellee Cincinnati Children's Hospital Medical Center's ("CCHMC") motion to dismiss.

Shaw was born on February 29, 1992. In June 2005, Shaw suffered a broken arm. As a result, he went to CCHMC for medical treatment. Defendant Abubakar Atiq Durrani, M.D., examined his arm and informed him and his family that he would need surgery. Durrani performed surgery on him in 2005. Shaw alleges that the surgery was unnecessary, dangerous, and unindicated and resulted in significant pain, disfigurement, mental anguish, and other damages.

Shaw turned 18 years old in 2010. Durrani fled the country in November 2013. On December 20, 2020, Shaw 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 Shaw's claims against them, which the trial court granted. Shaw now appeals.

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

The court further orders that 1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and 2) the mandate be sent to the trial court for execution under App. R. 27.

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

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| Enter u | ipon the Journal of the Cour | t on 5/24/2024 per Order of the Court. |
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| By: | | _ |
| • | Administrative Judge | |