

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

RUSTY PATRICK,	:	APPEAL NOS. C-230246
		C-230247
Plaintiff-Appellant,	:	TRIAL NO. A-2102228
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.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, 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 Rusty Patrick 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 Patrick

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.

Patrick was born on March 28, 1991. Patrick was referred to CCHMC for back pain caused by roughhousing with his father. Defendant Abubakar Atiq Durrani, M.D., informed Patrick at his initial visit that he needed surgery to prevent him from being wheelchair bound for the rest of his life. In 2008, Patrick went to CCHMC for Durrani to perform an outpatient surgical procedure. However, as a result of the surgery, Patrick was hospitalized for three days. Once released, Patrick could barely walk, had trouble relieving himself for two weeks, and required constant care for two months. Patrick alleges that the surgery was unnecessary, dangerous, and unindicated and resulted in significant pain, disfigurement, mental anguish, and other damages.

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

In three assignments of error, Patrick 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 Patrick'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.

To the clerk:

Enter upon the Journal of the Court on 5/24/2024 per Order of the Court.

By: _____
Administrative Judge