

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

MIKE SAND,	:	APPEAL NO.	C-240627
and	:	TRIAL NO.	A-1506694
AMBER SAND	:		
Plaintiffs-Appellants,	:		
vs.	:		
ABUBAKAR ATIQ DURRANI, M.D.,	:		
and	:		
CENTER FOR ADVANCED SPINE TECHNOLOGIES, INC.,	:		
Defendants-Appellees,	:		
and	:		
WEST CHESTER HOSPITAL, LLC.	:		
and	:		
UC HEALTH, INC.,	:		
Defendants.	:		

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KELLY ROBINSON	:	APPEAL NO.	C-240629
and	:	TRIAL NO.	A-1706502
STEPHANIE ROBINSON	:		
Plaintiffs-Appellants,	:		
vs.	:		
ABUBAKAR ATIQ DURRANI, M.D.,	:		

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and :  
CENTER FOR ADVANCED SPINE :  
TECHNOLOGIES, INC., :

Defendants-Appellees.

WEST CHESTER HOSPITAL, LLC.

and  
UC HEALTH, INC.,  
Defendants.

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DEREK MAYFIELD :  
Plaintiff-Appellant, :

APPEAL NO. C-240632  
TRIAL NO. A-1706443

vs. :

*JUDGMENT ENTRY*

ABUBAKAR ATIQ DURRANI, M.D., :

and :

CENTER FOR ADVANCED SPINE :  
TECHNOLOGIES, INC., :

Defendants-Appellees. :

WEST CHESTER HOSPITAL, LLC. :

and :

UC HEALTH, INC., :

Defendants. :

This court sua sponte consolidates these cases for purposes of this judgment entry, removes this cause from the regular calendar, and places it on the court's

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accelerated calender. 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.

Plaintiffs-appellants Robinson, Sand, and Mayfield (collectively “Appellants”) were referred to Dr. Abubakar Atiq Durrani because they were experiencing various combinations of back, arm, and leg pain and/or numbness. Durrani recommended each of them to undergo spinal surgery to correct these issues. He allegedly promised each of them that they would feel immense relief following their surgeries. Between 2010 and 2011, Appellants underwent surgery. They claim that the relief promised never came.

Appellants later alleged that the surgeries recommended and performed by Durrani were unnecessary. They all filed suit against him and related healthcare entities. Appellants all asserted claims of fraud, negligence, battery, lack of informed consent, intentional infliction of emotion distress, spoliation of evidence, and other claims against the entities under various theories of vicarious and direct liability. Appellants Robinson and Sand also included claims for loss of consortium. In 2013, before Appellants’ trials began, Durrani fled the United States and never returned.

Appellants’ briefs describe how, during pretrial litigation, Appellants requested that the jury be able to consider Durrani’s flight as probative evidence of his liability and that the trial court give the jury an instruction pertaining to his flight. According to the Appellants, the trial court refused both requests. Appellants further contend they attempted to cross-examine Durrani’s expert witness about Durrani’s flight within the context of the truthfulness of Durrani’s medical notes and records. The trial

court did not allow it. Ultimately, the jury in each case returned a verdict in favor of Durrani.<sup>1</sup>

Appellants now appeal to this court, asserting identical sole assignments of error. They argue that the trial court erred in refusing to include their requested jury instruction on Durrani's flight, to allow the jury to consider Durrani's flight in considering his liability, and to allow them to cross-examine Durrani's expert witness about Durrani's flight.

Without reaching the merits, we overrule Appellants' assignments of error. They allege that the trial court's errors are contained within a September 24, 2019 pretrial order and within the trial transcripts. However, none of those documents are within the records before us.

Without transcripts and the relevant judgment entries (or an agreed statement in their stead, *see* App.R.9(D)), we are unable to properly analyze Appellants' claims, as their arguments rely on the trial court's holdings and analyses within those documents. *See State ex rel. Rimroth v. City of Harrison*, 2022-Ohio-110, ¶ 16 (1st Dist.), citing *State ex rel. Bardwell v. Cuyahoga Cty. Bd. of Commrs.*, 2010-Ohio-5073, ¶ 14 ("Without a transcript of the hearing, we presume regularity in the proceedings."). In our previous opinions pertaining to similar assignments of error, we based our holdings on the trial court's analysis within the records. *See Hayes v. Durrani*, 2021-Ohio-725, ¶ 9, 15 (1st Dist.) ("In rejecting Hayes's argument, the trial court reasoned . . . . The trial court's pretrial order prohibited . . . .").

In this case, we have no way of knowing how or why the trial court came to its decision, and therefore, we cannot determine whether it erred in doing so. "It is the

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<sup>1</sup> Prior to trial, the claims against defendants West Chester Hospital, LLC and UC Health, Inc., were voluntarily dismissed.

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appellant's duty to ensure the completeness of the record on appeal." *Malaj v. Abeid*, 2024-Ohio-2256, ¶ 46 (8th Dist.). Appellants have failed to do so here. Therefore, we overrule Appellants' assignments of error and affirm the judgments of the trial court.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

**ZAYAS, P.J., CROUSE and NESTOR, JJ.**

**To the clerk:**

**Enter upon the journal of the court on 8/8/2025 per order of the court.**

By:   
**Administrative Judge**