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LEGAL NOTES AND NEWS – SPRING 2014

1st District Requires Evidence Of Just When Adverse Event Occurred for Med Mal Claim

In a med mal case claiming negligent failure to diagnose appendicitis, denial of a doctor’s motion for a directed verdict was held to be error where the plaintiff presented no evidence about *when* his appendix burst. Absent expert testimony about when the rupture occurred, the appellate court held that plaintiff could not show that “but for” the negligence of the doctor his appendix would not have ruptured and he would not have been injured to the same extent. *Hudson v. Group Health Assocs., Inc.*, 2014-Ohio-2161

Congrats To Judge Ruehlman Once Again!

2013 SWOTLA Trial Judge of the Year Robert P. Ruehlman has been awarded OAJ’s Ohio Trial Judge of the Year Award.

Congratulations Bruce!

Longtime SWOTLA member Bruce Whitman has recently authored a plaintiff case and trial strategy book entitled *The Inner Jury: Winning Trials With Strategic Psychology, Modern Trial Science, Emerging Principles from Other Disciplines*. Check it out at Amazon.com.

Trial Court Erred When It Refused to Admit Hospital Records Certified Per 2317.422(A).

In a workers’ compensation case, the 1st District held that the trial court erred when it refused to admit hospital records that had been certified pursuant to R.C. 2317.422(A). *Lemus-Sanchez v. Fayette Drywall, Inc.*, 2014-Ohio-2083.

12th District Holds Open & Obvious Doctrine Not a Defense to Negligence Per Se

In an unnatural accumulation of ice/snow case, 12th District reversed summary judgment on the negligence per se claim on the basis that the open & obvious defense is not a bar to such a claim. *Base-Smith v Lautrec, Ltd.*, 2014-Ohio-349.

1st District Holds Disclosure of Medical Records Limited to Those Historically and Causally Connected to Case.

The 1st District held that the trial court erred in ordering the release of all of the plaintiff’s medical records for the nine years before the auto accident in which she was injured. The order should have been restricted to those materials related causally or historically to physical or mental injuries relevant to issues in the case. *Edwards v. Philadelphia Indemnity Ins. Co.*, 2014-Ohio-892.

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