

THE SUPREME COURT OF OHIO

Gary L. Nunn

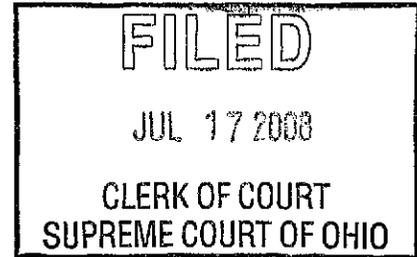
Appellant

v.

Christopher J. Cornyn and
Barbara L. Horwitz ET AL

Appellee

Motion to the Supreme Court
To set aside the decision in
case NO. 2007-2350 that this is
Constitution case.



I, Gary L. Nunn the Appellant in this matter and I am representing myself as Pro Se respectfully ask the Supreme Court to set aside there decision that this is not a Constitutional matter as to new evidence that has just presented it self. I received a call from The Department of Justice U.S. Department of Health and Human Services office of Civil Rights. I was informed on the Phone by a person who works for investigations for this agency that they were doing an investigation in to a complaint I filed with there agency that I filed in 2003. The complaint was that a Doctor Parker and the attorney Barbara Horwitz who represented Spring Village and State Farm Insurance refused to give me a copy of my medical records that Doctor Parker had generated in an Independent Medical exam. The attorney who represented Spring Village and State Farm Barbara Horwitz requested that I see Doctor Parker for an exam as to problems I had as exposure to Mold and Mildew in my Apt. In Spring Village while I reside there from 1984 till 2000. I saw Doctor Parker and he preformed several test on me for allergies and a rash on my neck. It was after the test that Doctor Parker wrote me a prescription for medicine for my rash. I went to Doctor Parker' offices sometime later and ask for a copy of my medical records and test results and a copy of the after visit minutes. I was informed by the office manager that I could not have a copy of these medical records. I ask the office manager if she was aware of the HIPP law of April 2003, she stated yes but I could not have the records. I had the office manager sign a letter stating I could not have the records. The attorney who was representing me at that time received a letter from attorney Horwitz and informed him that if I returned to Dr. Parker's office to request records that the police would be called and I would be incarcerated. That is when I wrote a complaint to the Department of Justice Human Services on this matter. I filed a grievance with the Butler County Bar Association on attorney Horwitz and in a letter to them she states that she paid for the exam and that she felt I was not entitled to these records, she also stated that Dr. Parker was not a treating physician. This statement was not true as Dr. Parker did treat me when he wrote the prescription and would now become a treating physician. I filed a complaint with the State Medical Board but I never had any response. In

doctor Parker's letter to attorney Horwitz he states that due to lack of complaints that he felt I had returned to normalcy. The person from the Department of Justice Human Services that I spoke with on the phone informed me that a complete investigation would be done on this matter. The person informed me that a letter had been sent to Dr. Parker on this matter but that he had not responded and that a demand letter was sent. I feel that if I had this evidence at the first trial the outcome would have certainly been different. I am respectfully asking the Supreme Court to wait to make a final decision in this matter until the Department of Justice Human Services makes its investigation and to see if any action is taken in this matter and I receive a copy of these medical records. I feel that a violation of the HIPPA LAW of 2003 would certainly be a Constitutional matter and have a great bearing on the outcome of this matter.

Respectfully Submitted


Gary L. Nunn

Pro Se

Certification of Service

I hereby certify that a copy of the foregoing motion to the Supreme Court was sent on the following Appellees by U.S. Mail on July 16, 2008

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