

IN THE SUPREME COURT OF OHIO

09-0820

Richard Jaques,

Appellee,

v.

Patricia A. Manton,

Appellant.

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Case No.

On Appeal from the Lucas County  
Court of Appeals, Sixth Appellate

District,

Court of Appeals Case No. L-08-1096

**NOTICE OF APPEAL OF APPELLANT PATRICIA A. MANTON**

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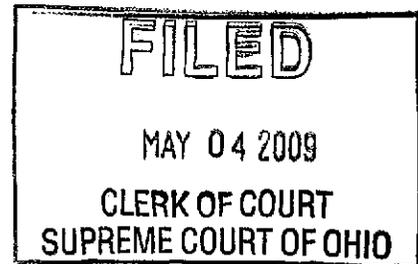
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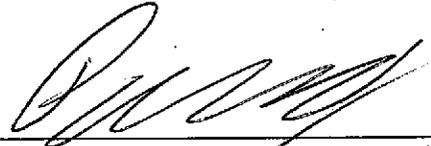


**NOTICE OF APPEAL**

Appellant Patricia A Manton hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Lucas County Court of Appeals, Sixth Appellate District, entered in Court of Appeals Case No. L-08-1096 on March 20, 2009. This Court has discretionary jurisdiction because the case is one of public and great general interest.

Respectfully submitted,

VASSAR, DILLS, DAWSON & BONFIGLIO

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Notice of Appeal was sent this 1st  
day of May, 2009, by ordinary U.S. Mail to Michael D. Bell, Esq., Attorney for Appellee,  
3516 Granite Circle, Toledo, Ohio 43617-1172.

  
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Paul R. Bonfiglio, Counsel of Record  
Attorney for Appellant  
Patricia A. Manton

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IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
LUCAS COUNTY

Richard Jaques

Court of Appeals No. L-08-1096

Appellee

Trial Court No. CI-06-7626

v.

Patricia A. Manton

**DECISION AND JUDGMENT**

Appellant

Decided: MAR 20 2009

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Michael D. Bell and Kevin J. Boissoneault, for appellee.

Paul R. Bonfiglio, for appellant.

\*\*\*\*\*

OSOWIK, J.

{¶ 1} This is an appeal from a judgment of the Lucas County Court of Common Pleas, following a jury trial, in which the trial court barred the introduction of evidence as to the reduction of certain medical bills pursuant to R.C. 2315.20. Pursuant to 6th Dist.Loc.App.R. 12(A), we hereby sua sponte transfer this matter to our accelerated docket and render our decision.

**E-JOURNALIZED**

MAR 20 2009

{¶ 2} This case arose as a personal injury action following a traffic accident. Liability was undisputed at trial; however, appellant, citing *Robinson v. Bates*, 112 Ohio St.3d 17, 2006-Ohio-6362, sought to introduce evidence that appellee's medical providers accepted reduced payments pursuant to a contract with appellee's insurer, thereby reducing the reasonable value of his medical expenses. The trial court denied appellant's request, citing R.C. 2315.20, Ohio's Collateral Source Rule. The jury awarded appellee damages in an amount less than the total of his medical bills. Nevertheless, appellant filed a motion for a new trial, which the trial court denied. A timely notice of appeal was filed in this court on April 3, 2003.

{¶ 3} On appeal, appellant sets forth the following two assignments of error:

{¶ 4} "1. The trial court erred by precluding [appellant's] proffered evidence challenging the reasonableness of [appellee's] medical bills based on the Supreme Court's decision *Robinson v. Bates* (2006), 112 Ohio St.3d 17.

{¶ 5} "2. The trial court's decision to deny [appellant's] motion for new trial for the reason that *Robinson v. Bates* does not apply to cases arising after the April 7, 2005 effective date of R.C. §2315.20 is erroneous as a matter of law."

{¶ 6} In both of his assignments of error, appellant urges this court to apply the rule stated in *Robinson*, supra. Accordingly, we will address them together.

{¶ 7} In *Robinson*, the Supreme Court of Ohio held that "[b]oth an original medical bill rendered and the amount accepted as full payment are admissible to prove the reasonableness and necessity of charges rendered for medical and hospital care." *Id.*,

paragraph one of the syllabus. R.C. 2315.20, which became effective after the cause of action in *Robinson* accrued<sup>1</sup>, states, in relevant part, that:

{¶ 8} "(A) In any tort action, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the damages that result from an injury, death, or loss to person or property that is the subject of the claim upon which the action is based, except if the source of collateral benefits has a \* \* \* contractual right of subrogation \* \* \*."

{¶ 9} It is undisputed that this case arose after the enactment of R.C. 2315.20. It is further undisputed that the source of medical payments that appellant attempted to introduce at trial were subject to a contractual right of subrogation. Accordingly, the application of the collateral source rule is controlled by R.C. 2315.20, and not by the rule set forth in *Robinson v. Bates*, supra.

{¶ 10} On consideration, we find that the trial court did not err by refusing to allow appellant to present evidence of the reduced amount accepted as full payment for appellee's medical bills to the jury, or by denying appellant's motion for a new trial on that same basis. Appellant's two assignments of error are not well-taken.

{¶ 11} The judgment of the Lucas County Court of Common Pleas is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24. Judgment for

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<sup>1</sup>The Ohio Supreme Court recognized that R.C. 2315.20 did not apply in *Robinson*, because the statute became effective "after the cause of action [in that case] accrued and after the complaint was filed." *Id.*, ¶ 10, fn 1.

the clerk's expense incurred in preparation of the record, fees allowed by law, and the fee for filing the appeal is awarded to Lucas County.

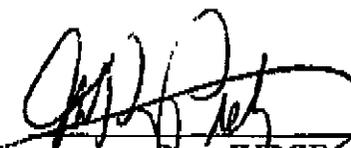
JUDGMENT AFFIRMED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

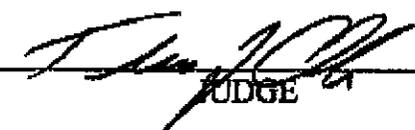
Mark L. Pietrykowski, J.

Arlene Singer, J.

Thomas J. Osowik, J.  
CONCUR.

  
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JUDGE

  
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JUDGE

  
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JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:  
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.