
In the Supreme Court of Ohio

APPEAL FROM THE COURT OF APPEALS
NINTH APPELLATE DISTRICT
SUMMIT COUNTY, OHIO
CASE NO. 24567

DONALD WARD, et al.
Plaintiffs-Appellees,

v.

SUMMA HEALTH SYSTEM, et al.,
Defendants-Appellants

**MOTION OF APPELLEES DONALD WARD, ET AL.,
TO SUPPLEMENT THE RECORD**

Douglas G. Leak (0045554)
(Counsel of Record)
One Cleveland Center, 9th Fl.
1375 E. 9th Street
Cleveland, OH 44114
216.623.0150
Facsimile: 216.623.0134
*Attorney for non-party Appellant,
Robert F. Debski, M.D.*

David M. Best (0014349)
4900 West Bath Road
Akron, OH 44333
330.665.5755
Facsimile: 330.666.5755
*Attorney for non-party Appellant
Robert F. Debski, M.D.*

Michael J. Elliott (0070072)
(Counsel of Record)
Lawrence J. Scanlon (0016763)
SCANLON & ELLIOTT
400 Key Building
159 South Main St.
Akron, OH 44308
330.376.1440
Facsimile: 330.376.0257
MElliott@scanlonco.com
*Attorneys for Plaintiffs/Appellees
Donald and Susan Ward*

FILED
JUN 24 2010
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
JUN 24 2010
CLERK OF COURT
SUPREME COURT OF OHIO

Pursuant to S.Ct. Prac. R. 5.8, Appellees Donald Ward, et al., hereby move this court for an order supplementing the record in this case. It has come to the attention of the Appellee that the deposition of Virginia Abell, R.N. was inadvertently misfiled by the Summit County Clerk of Court on April 8, 2008. Specifically, the Summit County Clerk of Court received a Notice of Filing Deposition, which was filed correctly, along with the deposition of Virginia Abell, R.N., but filed the deposition under the previous case number CV2007-07-4878. Upon discovering this error, the Appellees contacted the Office of the Summit County Clerk of Court which has now amended their record in this case to include the filing of the deposition.

The deposition of Virginia Abell, R.N. is necessary to the consideration of the questions presented on this appeal. Accordingly, the Appellees respectfully request that this Court enter an order directing the Summit County Clerk of Court to certify and transmit the deposition of Virginia Abell, R.N. in accordance with S.Ct. Prac. R. 5.3(B) as a supplemental record in this case.

Respectfully Submitted,

SCANLON & ELLIOTT



Michael J. Elliott (0070072)
Lawrence J. Scanlon (0016763)
400 Key Building
159 S. Main St.
Akron, OH 44308
330.376.1440
Facsimile: 330.376.0257
Melliott@scanlonco.com
*Attorneys for Plaintiffs/Appellees
Donald and Susan Ward*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent on this 23rd day

of June 2010 via regular U.S. Mail to:

S. Peter Voudouris (0059957)
Nicole Braden Lewis (0073817)
Karen R. Ross (0074173)
Tucker, Ellis, & West, LLP
1150 Huntington Building
926 Euclid Avenue
Cleveland, OH 44115
216.592.5000
Facsimile: 216.592.5009
Attorneys for Defendants/Appellants, Summa Health System

David M. Best (0014349)
4900 West Bath Road
Akron, OH 44333
330.665.5755
Facsimile: 330.666.5755
Attorney for non-party Appellant, Robert F. Debski, M.D.

Douglas G. Leak (0045554)
Roetzel & Andress
One Cleveland Center, 9th Fl.
1375 E. 9th Street
Cleveland, OH 44114
216.623.0150
Facsimile: 216.623.0134
Attorney for non-party Appellant, Robert F. Debski, M.D.


Michael J. Elliott (0070072)
*Attorney for Plaintiffs/Appellants
Donald and Susan Ward*