

ORIGINAL

REQUESTED CONSOLIDATED RECORD NOS. 2011-1457 AND/ 2011-1485

IN THE OHIO SUPREME COURT

RENE MAYS, Individually and as
Fiduciary of the Estate of Galon Howard,
Deceased, et al.,

Plaintiff-Appellant,

-vs-

TOLEDO HOSPITAL, et al.,

and

Mercy St. Anne's Hospital, et al.

Defendants-Appellees.

Case No. CI0201102848
Court of Appeals No. 11-1145

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

REPLY MERIT BRIEF IN OPPOSITION OF MERCY ST. ANNE'S MOTION
PURSUANT TO S. CT. PRAC. R. 14.5(A) OF APPELLANT RENE MAYS

Kristen A. Connelly, Esq.
Elizabeth E. Baer, Esq.
Stephen A. Skiver & Associates, LLC
28350 Kensington, Suite 200
Perrysburg, OH 43551
Counsel for Appellee, Toledo Hospital

Rene Mays
328 E. Central Avenue
Toledo, Ohio 43608
Appellant-Pro-se

Peter N. Lavalette, Esq.
Robison, Curphey & O'Connell
Ninth Floor, Four SeaGate
Toledo, Ohio 43604

Counsel for Appellee,
Mercy St. Anne's Hospital

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SEP 26 2011
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SUPREME COURT OF OHIO

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On September 9, 2011, Appellee TTH filed a S. Ct. Prac. R. 14.5(A), motion. Ms. Mays opposed that motion and incorporates by reference that Reply Brief in Opposition as if re-stated herein. Pursuant to S. Ct. Prac. R. 14.5(A), Appellee Mercy St. Anne Hospital moved for an Order for sanctions against Appellant Rene Mays for what they call frivolous, harassing appeals. Previously, pursuant to Civ. R. 12(B)(6), Appellee Mercy St. Anne Hospital moved the trial court for an Order dismissing Ms. Mays claims against it. On July 27, 2011, the trial court granted Appellee Mercy St. Anne Hospital Civ. R. 12(B)(6) motion to dismiss. As such, appellate review of a judgment granting a Civ. R. 12(B)(6) motion to dismiss is *de novo*.

Ms. Mays has a clear legal right to file pro-se pleadings with the trial court, to institute and prosecute appeals to the Sixth District Court of Appeals and now to this Court to seek an appellate review of a judgment improperly granting a Civ. R. 12(B)(6) motion to dismiss is *de novo*.

For the reasons that Ms. Mays has the legal authority as a pro-se litigant to institute or maintain wrongful death action and survivorship action for her sole benefit in this case, and appellate review of a judgment granting a Civ. R. 12(B)(6) motion to dismiss is *de novo* is permitted. The Appellant moves this Court for appropriate sanctions, including, but not limited to, a denial of Appellees' S. Ct. Prac. R. 14.5(A), motions and further moves the Court to recover any and all of the reasonable and necessary expenses which included court costs, and medical expenses of the decedent in connection with the wrongful death suit in the total amount of \$3,240,395.00 as evidenced herein. Arguments in support of Ms. Mays Opposition to Appellees' S. Ct. Prac. R. 14.5(A), motions are set forth in the accompanying Memorandum in Support.

Respectfully submitted,
Rene Mays Pro Se
Rene Mays
328 E. Central Avenue
Toledo, OH 43608
Telephone: (419) 727-3538

Plaintiff-Appellant-pro-se

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Appellant incorporates by reference her previously filed Reply Brief in Opposition filed herein on September 13, 2011, and this opposition as if re-stated herein. Ms. Mays sued the Toledo Hospital and Mercy St. Anne Hospital claiming a wrongful death claim and a survival claim based upon defendants alleged medical negligence relating to care rendered at Toledo Hospital and Mercy St. Anne Hospital to Galon Howard her decedent brother. (See, Complaint ¶¶ 15, 26, 32(e), see also Exhibits 2,3,5,6 attached to the complaint.)

The Amended Complaint asserts a wrongful death claim, as the suit was filed by a duly-appointed representative of the decedent's estate as required by O.R.C. 2125.02 to pursue that action. (See, Opinion and Judgment Entry of the Lucas County Court of Common Pleas filed July 27, 2011, p. 3.) Ohio law allows her to represent herself only pro-se pursuant to O.R.C. 4705.01. Ms. Mays brought the amended claims for the benefit of herself only, the decedent's Estate for the benefit of herself only, pro se, pursuant to O.R.C. 2125.02 (wrongful death) and R.C. 2305.113 (medical claim). (see, Complaint ¶¶ 15, 26, 32(e), see also Exhibits 2,3,5,6, 7 attached to the complaint .)

Accordingly, Ms. Mays has standing to assert a medical claim under R.C. 2305.113 for the damages arising out of the negligent medical care that was provided to

her decedent brother.

The trial court dismissed the wrongful death and survival claims under Civ. R. 12(B)(6), holding that the amended complaint does not state any claims that Ms. Mays may have individually under O.R.C. 2125.02 (wrongful death) and R.C. 2305.113 (medical claim). Appellant timely appealed, and the court of appeals determined that the amended notice of appeal was without leave of court and was filed after the court of appeals issued its July 20, 2011 dismissal and therefore, the court of appeals struck the amended notice of appeal from the record. Appellant appealed from the court of appeals judgment because she disagreed with the court of appeals reasoning and on the issue that the trial court's July 27, 2011 dismissal subsequent to the court of appeals stayed (see Civ. R. 53(E)(4)(c)), July 20, 2011 dismissal transformed that dismissal into a final appealable order. These causes are now before the Court pending its acceptance as a discretionary or claimed appeal of right or both. (See, S. Ct. Prac. R. 2.1(A).)

As such, this Court must deny the Appellees motion for sanctions, and allow Ms. Mays' her reasonable expenses incurred in connection with these appeals pursuant to Ohio Revised Code, 2323.51, at a minimum, this Court should impose appropriate sanctions against both Mercy St. Anne Hospital and Toledo Hospital and their legal counsel pursuant to the provisions contained in Ohio Revised Code, 2323.51(B)(4) for their frivolous conduct in this case.

II. LAW AND ARGUMENT

1. Appellate review of a judgment granting a Civ. R. 12(B)(6) motion to dismiss is *de novo*

Appellate review of a judgment granting a Civ. R. 12(B)(6) motion to dismiss is *de novo*. *Perrysburg Twp. v. Rossford*, 103 Ohio St. 3d 79, 2004-Ohio-4362, ¶ 5. The

dismissal of the Amended Complaint based on the Appellee's Mercy St. Anne Hospital Civ. R. 12(B)(6) motion to dismiss is reviewable *de novo*. Id.

On June 1, 2011, Appellee Mercy St. Anne Hospital filed a Civ. R. 12(B)(6) motion to dismiss. A true and accurate copy of that Motion is attached hereto as Exhibit 1 for this Court's *de novo* review. On June 8, 2011, Ms. Mays, individually and as fiduciary of the estate of Galon Howard (hereinafter "decedent"), filed a Rule 15(A) Amended Complaint for Medical Malpractice and Wrongful Death with Jury Demand Endorsed Hereon. A true and accurate copy of that Amended Complaint is attached hereto as Exhibit 2 for this Court's *de novo* review. Neither Toledo Hospital nor Mercy St. Anne Hospital opposed the Amended Complaint because it is true. On August 15, 2011, Ms. Mays filed a 158 page Notice of filing copies of claim records that Care Source had on file for the Decedent Per Plaintiff request and up-dated itemized list of special damages seeking recovery of the reasonable and necessary expenses which included court costs, and medical expenses of the decedent in connection with the wrongful death suit in the total amount of \$3,240,395.00. A true and accurate copy of three of the 158 page document is attached hereto as Exhibit 3 for this Court's *de novo* review. Neither Toledo Hospital nor Mercy St. Anne Hospital opposed the 158 page Notice of filing copies of claim records that Care Source had on file for the Decedent Per Plaintiff request and/or up-dated itemized list of special damages seeking recovery of the reasonable and necessary expenses which included court costs, and medical expenses of the decedent in connection with the wrongful death suit in the total amount of \$3,240,395.00 because it is true.

Appellant asserts that the trial court erred in granting dismissal of her Amended

Complaint because she could represent herself or could present herself as the administrator of Galon Howard estate, but she could not represent others because to do so would constitute the unauthorized practice of law. See, e.g., *Williams v. Griffith*, 2009-Ohio-4045, ¶15. Appellant further asserts that the trial court made no finding as to whether appellant could or not proceed pro-se by representing herself. Thus, the trial court grossly erred when it ruled that decedent's next of kin include persons other than Ms. Mays and thus, essentially ruling that the administrator of the estate cannot pursue the wrongful death action for her sole benefit. (See, July 27, 2011 Opinion and Judgment Entry of Lucas County Court of Common Pleas, p. 3).

Appellant also asserts that the trial court erred in finding that she is merely a nominal party, not the real party of interest because she is the administrator of Galon Howard's Estate, and she has standing to represent her own interests. *Williams, supra*. Because Appellant is a real party in interest she has standing to prosecute the action for the wrongful death claim and the survival claim based upon Appellees' medical negligence. Accordingly, Ms. Mays respectfully asks this Court determine that the allegations of her unopposed Amended Complaint are true and render the judgment that the trial court should have rendered in her favor and against Mercy St. Anne Hospital and Toledo Hospital, in the sum of \$3,240,395.00 with interest at the rate of 4% per annum from the date the Court enters judgment plus costs of this action.

The Orders from which Ms. Mays appeals that is, to wit: the trial court's dismissal of her Amended Complaint and Motion to Reconsider that dismissal based on the Appellee's Mercy St. Anne Hospital Civ. R. 12(B)(6) motion to dismiss and the Court of Appeals' dismissal of her appeal of the trial court's order denying her a second extension

of time to file an Affidavit of Merit and Motion to Reconsider that dismissal is reviewable *de novo*. *Perrysburg Twp. v. Rossford*, 103 Ohio St. 3d 79, 2004-Ohio-4362, ¶ 5. As such, this Court should accept both appeals for its consideration because this Court has the authority to decide the appeals, to enforce the rights of Ms. Mays, and to issue an order to redress the wrongs committed by Mercy St. Anne Hospital and Toledo Hospital *de novo*. For that reason, this Court should deny Appellees' S. Ct. Prac. R. 14.5(A), motion.

For the reason that clearly established statutory and case law allows Ms. Mays to maintain the claims of wrongful death and survivorship, and the trial court's clear opinion regarding same, her continued maintenance of them are warranted and constitutes a good faith argument for the extension, modification, or reversal of existing law. As such, this Court must deny the Appellees motion for sanctions, and allow Ms. Mays' her reasonable expenses incurred in connection with these appeals pursuant to Ohio Revised Code, 2323.51, at a minimum, this Court should impose appropriate sanctions against both Mercy St. Anne Hospital and Toledo Hospital and their legal counsel pursuant to the provisions contained in Ohio Revised Code, 2323.51(B)(4) for their frivolous conduct in this case.

Based upon the pertinent facts and substantial evidence contained in the Amended Complaint, wherein this Court must accept all unopposed factual allegations in the complaint as true, thus this Court should conclude that the Civ. R. 12(B)(6) motion should not have been granted because the record is now clear that Ms. Mays is able to prove that damages arising out of the negligent medical care that was provided to her decedent brother by Mercy St. Anne Hospital and Toledo Hospital are enforceable in this

action based upon alleged medical negligence relating to care rendered at Toledo Hospital and Mercy St. Anne Hospital to Galon Howard her decedent brother. (See, Complaint ¶¶ 15, 26, 32(e), see also Exhibits 2,3,5,6 attached to the complaint and Exhibit 3, attached hereto). Therefore, this Court should reverse the trial court's judgment on that issue. *Mitchell v. Lawson Milk Co.* (1988), 40 Ohio St. 3d 190, 192, 532 N.E. 2d 753; *Perrysburg Twp. v. Rossford*, 103 Ohio St. 3d 79, 2004-Ohio-4362, ¶ 19.

III. CONCLUSION

The successive appeals in this case illustrate that the underlying issues in this case that she is not an attorney but she has the ability to maintain the claims presented in this case in any of the three courts in which she has filed pleadings and documents for herself only pro-se, there is a final appealable order from which she can appeal; and, as clearly set out in her Memorandum in Support, this Court has jurisdiction over appeals originating from a Court of Appeals in this case. As a result of Mercy St. Anne Hospital and Toledo Hospital and their legal counsel frivolous conduct, Ms. Mays has been required to pursue or otherwise defend herself in three different courts of this State. As such, Ms. Mays respectfully requests that this Court deny the Appellees motion for sanctions, and allow Ms. Mays' her reasonable expenses incurred in connection with these appeals pursuant to Ohio Revised Code, 2323.51, at a minimum, this Court should impose appropriate sanctions against both Mercy St. Anne Hospital and Toledo Hospital and their legal counsel pursuant to the provisions contained in Ohio Revised Code, 2323.51(B)(4) for their frivolous conduct in this case as well as all other relief this Court shall deem proper and just in the premises.

Respectfully submitted,

Rene Mays Pro Se

Rene Mays

328 E. Central Avenue

Toledo, OH 43608

Telephone: (419) 727-3538

Plaintiff-Appellant-pro-se

PROOF OF SERVICE

This is to certify that a copy of the foregoing of Rene Mays was sent via ordinary U.S. Mail or via facsimile this 23rd day of September, 2011 to:

Kristen A. Connelly, Esq.
Elizabeth E. Baer, Esq.
Stephen A. Skiver & Associates, LLC
28350 Kensington, Suite 200
Perrysburg, OH 43551
Counsel for Defendant, Toledo Hospital

Peter N. Lavalette, Esq.
Robison, Curphey & O'Connell
Ninth Floor, Four SeaGate
Toledo, Ohio 43604

Counsel for Defendant,
Mercy St. Anne's Hospital

Dated: 09/13/2011

Rene Mays Pro Se

Plaintiff-Appellant-pro-se

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2011 JUN -1 P 3 31

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

Rene Mays, et al.,	)	Case No.: CI0201102848
)	
Plaintiffs,	)	Judge Bates
)	
v.	)	MOTION OF DEFENDANT
	)	MERCY ST. ANNE HOSPITAL
Toledo Hospital, et al.,	)	TO DISMISS PLAINTIFFS'
	)	COMPLAINT
and)	
	)	Peter N. Lavalette (0063542)
Mercy St. Anne Hospital, et al.,	)	Robison, Curphey & O'Connell
	)	Ninth Floor, Four SeaGate
Defendants.	)	Toledo, Ohio 43604
	)	(419) 249-7900
	)	(419) 249-7911 – facsimile
	)	Attorneys for Defendant
	)	Mercy St. Anne Hospital

Pursuant to Civ. R. 12(B)(6), Defendant Mercy St. Anne Hospital moves for an Order dismissing Plaintiffs' claims against it for the reason that, to the extent the Complaint purports to assert a wrongful death claim, this suit has not been filed by any duly-appointed representative of the decedent's estate as required by O.R.C. §2125.02(A)(1) to pursue such an action. Moreover, to the extent Ms. Mays purports to represent any claimant other than herself, she is prohibited from doing so by O.R.C. §4705.01, which proscribes the unauthorized practice of law. Finally, Ms. Mays lacks standing to assert any medical claim under R.C. 2305.113 for damages allegedly arising out of medical care which was not provided to her but instead to Mr.

APPELLANT'S
EXHIBIT 1

Howard, since any such claim would inure to the decedent's estate, and not to a sibling such as Ms. Mays.

Accordingly, Defendant Mercy St. Anne Hospital joins in the motion of co-defendant The Toledo Hospital to dismiss Plaintiffs' Complaint, and incorporates by reference that motion and supporting memorandum as if re-stated herein.

Respectfully submitted,

ROBISON, CURPHEY & O'CONNELL



Peter N. Lavalette
Four SeaGate, Ninth Floor
Toledo, OH 43604
Attorneys for Defendant
Mercy St. Anne Hospital

CERTIFICATE OF SERVICE

Toledo, Ohio
June 1, 2011

I hereby certify that copies of the foregoing Motion of Defendant Mercy St. Anne Hospital to Dismiss Plaintiffs' Complaint was this day mailed to Rene Mays, 328 East Central Avenue, Toledo, Ohio 43608 and to Kristen A. Connelly, Stephen A. Skiver & Assoc., LLC, 28350 Kensington, Ste. 200, Perrysburg, OH 43551, Attorneys for Defendant Toledo Hospital.



Peter N. Lavalette

FILED
LUCAS COUNTY

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COMMON PLEAS COURT
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SCANNED

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

RENE MAYS, Individually and as
Fiduciary of the Estate of Galon Howard,
Deceased, et al.,

Plaintiffs,

-vs-

TOLEDO HOSPITAL, et al.,

and

Mercy St. Anne's Hospital, et al.

Defendants.

: Case No. CI0201102848
:
: Judge James D. Bates
:
: **RULE 15(A) AMENDED**
: **COMPLAINT FOR**
: **MEDICAL MALPRACTICE**
: **AND WRONGFUL DEATH**
: **WITH JURY DEMAND**
: **ENDORSED HEREON**

Now comes Plaintiffs, Rene Mays, Individually and as Fiduciary of the Estate of Galon Howard, Deceased (hereafter referred to as "Plaintiffs" unless otherwise noted), see Probate Court of Lucas County in Case No. 2011 EST 826, for their Amendment to the original Complaint, avers as follows:

1. Plaintiffs incorporate herein by reference all of the statements and allegations made in Paragraphs 1 through 46, of the original complaint filed herein on April 19, 2011, the same as if fully rewritten herein.

2. Plaintiff, Rene Mays states that she is the duly appointed by the Probate Court of Lucas County in Case No. 2011 EST 000826 as Administrator for the Estate of Galon Howard who died on March 15, 2011, leaving heirs at law and/or next of kin surviving him, each who had pecuniary or other interest in his life, and this action is brought on their behalf under the statutes of the State of Ohio, including, but not limited

APPELLANT'S
EXHIBIT 2

to Ohio Revised Code §2125.02, for such cases made and provided.

3. Said Defendants negligently failed to use that degree of care, skill, and diligence in providing Galon Howard, Deceased, with proper and/or appropriate medical care and treatment ordinary used by hospitals, physicians, and other medical personnel in like and similar circumstances which ultimately resulted in the death of Galon Howard.

4. Said Defendants were negligent in their medical care and/or treatment of Galon Howard, Deceased, in particular, failing to properly and promptly test, evaluate, diagnose, and otherwise treat Galon Howard, Deceased, resulting in his death on March 15, 2011.

5. At the time of his death, Galon Howard, Deceased, was not provided and/or afforded the opportunity to live a full and productive life, nor the chance to bond and/or love his heirs at law and/or next of kin now and in the future, and that by reason of the wrongful death of Galon Howard, the decedent's heirs at law and/or surviving next of kin have suffered severe mental anguish and emotional distress, a loss of his society and companionship, and pecuniary losses.

6. At all times relevant hereto, Plaintiff, Rene Mays, Administrator for the Estate of Galon Howard, states that by reason of Decedent's wrongful death, the Decedent's statutory beneficiaries have been damaged, deprived of his society and companionship, suffered a loss of future services and earnings, love and affection, a loss of future inheritance, severe mental anguish and emotional distress, and have sustained pecuniary losses, including but not limited to, medical expenses and funeral expenses.

WHEREFORE, as to each of Counts 1 through 3, Plaintiffs demands judgment against the Defendants the Toledo Hospital, Dr. Hesham H. El gamal, Dr. Jharana A.

SC 441122

Patel, Mercy St. Anne's Hospital, Shakil A. Khan, M.D., and the hospital employees, the staff and the other doctors thereof that refused to render further medical treatment for the decedent patient Galon Howard or otherwise committed negligence or wrongdoing against the Plaintiffs, jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) for compensatory damages, together with interest, the costs of this action and whatever further relief this Court deems just and equitable.

Respectfully submitted,

Rene Mays Pro Se

Rene Mays

328 E. Central Avenue

Toledo, OH 43608

Telephone: (419) 727-3538

Plaintiffs-pro-se

DEMAND FOR JURY

The Plaintiff demands a trial by jury on all triable issues by law and with a jury of eight (8) persons.

Dated: 06/08/2011

Rene Mays Pro Se
Plaintiff's Rene Mays (Signature)

VERIFICATION

I, Rene Mays, am a plaintiff in the above-entitled action. I have read the foregoing Amended Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Toledo, Ohio.

Dated: 06/08/2011

Rene Mays Pro Se
Plaintiff's Rene Mays (Signature)

PROOF OF SERVICE

This is to certify that a copy of the foregoing of Rene Mays was sent via ordinary U.S. Mail or via facsimile this 9th day of June, 2011 to:

Kristen A. Connelly, Esq.
Elizabeth E. Baer, Esq.
Stephen A. Skiver & Associates, LLC
28350 Kensington, Suite 200
Perrysburg, OH 43551
Counsel for Defendant, Toledo Hospital

Peter N. Lavalette, Esq.
Robison, Curphey & O'Connell
Ninth Floor, Four SeaGate
Toledo, Ohio 43604

Counsel for Defendant,
Mercy St. Anne's Hospital

Dated: 06/08/2011

Rene Mays Pro-Se
Plaintiff's Rene Mays, Pro-se

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FILED
LUCAS COUNTY

2011 AUG 15 P 1:30

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

ORIGINAL

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

RENE MAYS, Individually and as	:	Case No. CI0201102848
Fiduciary of the Estate of Galon Howard,	:	
Deceased, et al.,	:	Judge James D. Bates
	:	
Plaintiffs,	:	
	:	
-vs-	:	
	:	
TOLEDO HOSPITAL, et al.,	:	
	:	
and	:	
	:	
Mercy St. Anne's Hospital, et al.	:	
	:	
Defendants.	:	

PLAINTIFF RENE MAYS NOTICE OF FILING COPIES OF CLAIMS RECORDS THAT CARE SOURCE HAD ON FILE FOR THE DECEDENT GALON HOWARD PER PLAINTIFF'S REQUEST AND UPDATED ITEMIZED LIST OF SPECIAL DAMAGES

Notice is hereby given of Plaintiff Rene Mays pro se of the filing of copies of claims records that Care Source had on file for the Decedent Galon Howard per Plaintiff's request made prior to August 4, 2011. On June 3, 2011, Plaintiff Rene Mays reserved the right to update the medical bills incurred in this case pursuant to the provisions contained in Ohio Revised Code §2317.421. See attached Itemized List of Special Damages filed June 3, 2011 which is incorporated herein by reference. The updated Itemized List of Special Damages is submitted contemporaneously herewith this

APPELLANT'S
EXHIBIT 3

notice.

SCANNED

Respectfully submitted,

Rene Mays Pro-Se

Rene Mays
328 E. Central Avenue
Toledo, OH 43608
Telephone: (419) 727-3538

Plaintiff-pro-se

PLAINTIFF'S UPDATED LIST OF SPECIAL DAMAGES

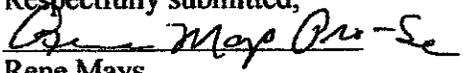
1. MEDICAL AND RELATED EXPENSES INCURRED WITH RESPECT TO TOLEDO HOSPITAL (see, Exhibit 1).....\$2,084,238.00
(As documented by Plaintiff Rene Mays filing of accompanying copies of claims records that Care Source had on file for the Decedent Galon Howard per Plaintiff's request made prior to August 4, 2011 submitted to the Court and to the defendants).
2. MEDICAL AND RELATED EXPENSES INCURRED WITH RESPECT TO MERCY ST ANNE HOSPITAL (see, Exhibit 2).....\$1,156,007.00
(As documented by Plaintiff Rene Mays filing of accompanying copies of claims records that Care Source had on file for the Decedent Galon Howard per Plaintiff's request made prior to August 4, 2011 submitted to the Court and to the defendants).
3. APPEAL FILING COSTS INCURRED\$150.00

Total Amount: \$3,240,395.00

Plaintiff Rene Mays reserves the right at a later date to update the claims records and the like as they become available to her. See Ohio Revised Code §2317.421. Plaintiff Rene Mays also reserves the right to transfer this information should it become necessary to include any and all medical records made in this action, and all other forms of discovery to any subsequent action, to fully to adopt it therein, and to use it in that action for any and all purposes allowable under the Ohio Rules of Civil Procedure and/or Ohio Rules of Evidence.

SCANNED

Respectfully submitted,


Rene Mays

328 E. Central Avenue
Toledo, OH 43608
Telephone: (419) 727-3538

Plaintiff-pro-se

PROOF OF SERVICE

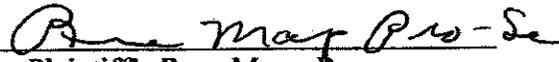
This is to certify that a copy of the foregoing of Rene Mays was sent via ordinary U.S. Mail or via facsimile this 15th day of August, 2011 to:

Kristen A. Connelly, Esq.
Elizabeth E. Baer, Esq.
Stephen A. Skiver & Associates, LLC
28350 Kensington, Suite 200
Perrysburg, OH 43551
Counsel for Defendant, Toledo Hospital

Peter N. Lavalette, Esq.
Robison, Curphey & O'Connell
Ninth Floor, Four SeaGate
Toledo, Ohio 43604

Counsel for Defendant,
Mercy St. Anne's Hospital

Dated: 08/15/2011


Plaintiff's Rene Mays, Pro-se