

No. 2015-0173

In the Supreme Court of Ohio

ORIGINAL ACTION FOR WRIT OF PROHIBITION AND MANDAMUS

STATE ex rel. AYMAN DAHMAN, M.D., ET AL.,

Relators,

v.

THE HONORABLE BRIAN J. CORRIGAN, ET AL.

Respondents.

**RELATORS' MOTION FOR ALTERNATIVE
WRIT AND MEMORANDUM IN SUPPORT OF WRIT**

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INTRODUCTION

This original action seeks to remedy the wholly unauthorized and completely unjustified re-assignment of a medical malpractice case in blatant violation of the individual assignment system mandated by Rule 36(B) of the Rules of Superintendence. Sup. R. 36(B) mandates that each multi-judge general division of the court of common pleas must adopt an “individual assignment system,” which “means the system in which, upon filing in or transfer to the court or a division of the court, a case immediately is assigned by lot to a judge of the division, who becomes primarily responsible for the determination of every issue and proceeding in the case until termination.” *Id.* Although Sup. R. 36(B)(2) provides that “modifications to the individual assignment system may be adopted” by the local courts, it expressly provides that “[a]ny modifications shall satisfy divisions (B)(1)(a) to (c) of this rule and shall be adopted by local rule of court.” *Id.* (emphasis added).

Here, unlike the many other common pleas courts in the State of Ohio, the Cuyahoga County Court of Common Pleas has never adopted a local rule that authorizes the re-assignment of cases to visiting judges in accordance with Sup. R. 36(B). Although it has been the long-standing custom and practice for judges in Cuyahoga County to permit visiting judges to try their cases with the consent of the parties, there is no local rule in Cuyahoga County that authorizes the re-assignment of civil cases to visiting judges for all purposes, particularly where, as here, the randomly assigned judge is not “unavailable,” and there is no other legitimate basis for deviating from the individual assignment system mandated by Sup. R. 36(B). To the contrary, Cuyahoga County Local Rule 15.0 expressly mandates that all civil cases must be assigned to judges by “random selection” and then only authorizes the re-assignment of cases in certain limited circumstances that are not present in this case. (*See* Affidavit of Anna M. Carulas, Esq., Ex. B, Local Rule 15.0 of the Cuyahoga County Court of Common Pleas).

Notwithstanding this fact, Respondent Brian Corrigan, the randomly assigned judge in the underlying malpractice case, along with Respondent John Russo, the Administrative Judge, issued two Journal Entries on January 30, 2015, that temporarily “transferred” the case to Visiting Judge Lillian Greene for a trial on February 2, 2015, “due to the unavailability of original Judge Brian J. Corrigan.” (See Carulas Aff., Ex. A, Docket of *Hastings v. Southwest General Health Center*, Case No. CV-12-785788, Journal Entry, dated 1/30/2015) (copy attached). Thereafter, even though the February 2nd trial was continued and even though Judge Corrigan is no longer “unavailable,” the Docket shows that there was a second, manual docket entry, dated February 9, 2015, that was not signed by any judge, but which states: “VISITING JUDGE LILLIAN J. GREENE ASSIGNED TO CASE (MANUALLY).” (*Id.*, Docket Entry, dated 2/9/2015). Thus, even though Judge Corrigan is no longer unavailable, the *Hastings* case now has been re-assigned to Visiting Judge Lillian Greene for all purposes in direct violation of the mandatory requirements of Sup. R. 36(B).

Since there is no written order relating to the February 9th Docket Entry, it is far from clear who actually approved and filed the docket entry, let alone the reasons for the arbitrary re-assignment of the case to Visiting Judge Greene in violation of the individual assignment system mandated by Civ. R. 36(B). Indeed, since Judge Corrigan is no longer “unavailable” to try the case, it is far from clear why this case should be re-assigned to Visiting Judge Greene at all, particularly given that the Cuyahoga County Court of Common Pleas has not adopted a local rule that authorizes the re-assignment of cases to visiting judges and defines the authority that a visiting judge may exercise over a case. Judge Greene therefore is clearly and patently without any lawful authority to exercise any jurisdiction over the *Hastings* case, including making any rulings on the pending motions, which under Rule 36(B) of the Rules of Superintendence and

Local Rule 15 of the Cuyahoga County Court of Common Pleas must be decided by the original judge, Brian Corrigan. Yet, Judge Greene is unlawfully proceeding to exercise unauthorized jurisdiction over the *Hastings* case by, among other things, scheduling a new trial date and recently announcing that she “will be ruling on the outstanding motions.” (See Affidavit of Anna Moore Carulas, Esq., ¶ 34, Ex. L). Accordingly, in order to prevent Judge Greene from ruling on any of the pending motions and otherwise exercising any further jurisdiction over the *Hastings* case, Relators respectfully request the Court issue an Alternative Writ prohibiting Judge Greene from exercising jurisdiction over the *Hastings* case and compelling Respondents to re-assign the case back to the randomly assigned judge under Rule 36(B) of the Rules of Superintendence.

STATEMENT OF FACTS

The facts of this case are set forth in the Second Amended Complaint for Writ of Prohibition and the attached Affidavit of Anna Carulas, dated April 17, 2015. As set forth therein, this case arises from the re-assignment of a medical malpractice action that was filed in the Cuyahoga County Court of Common Pleas in June 2012 and was randomly assigned to Judge Brian Corrigan. (Carulas Aff. ¶ 3, Ex. A). Thereafter, Judge Corrigan scheduled a jury trial to begin on Monday, February 2, 2015. (*Id.* at ¶ 5, Ex. A, Docket, Journal Entry, dated June 19, 2014). At a final pretrial conference held on January 15, 2015, however, Judge Corrigan indicated that he would likely be “spinning” the case to a visiting judge, and requested that the parties consent to the assignment of the case to a visiting judge for purposes of trial to be held on February 2, 2015. (Carulas Aff. ¶ 6). Although counsel were initially agreeable to having the case tried by Visiting Judge William Coyne, Judge Corrigan's office later sent an e-mail on January 29, 2015, that he was referring the case to Visiting Judge Lillian Greene for trial “because Judge Greene has seniority and your case is first on the list. . . .” (*Id.* at ¶ 7-9, Ex. D).

Thereafter, over the objections of Relators,¹ Judge Corrigan issued a Journal Entry, which provided that “[b]ecause of a conflict on the docket of the original judge, this case is hereby referred to the Presiding/Administrative Judge for Reassignment to a Visiting Judge for Trial.” (See Carulas Aff. Ex. A, Docket, Journal Entry, dated January 30, 2015). Moreover, on January 30, 2015, the Administrative Judge, John Russo, docketed a Journal Entry, which provides “[d]ue to the unavailability of original Judge Brian J. Corrigan, this case is hereby transferred to Visiting Judge Lillian J. Greene for trial.” (*Id.*, Journal Entry, dated January 30, 2015) (emphasis added). In so doing, Judge Russo did not reference any statute or rule that authorized the re-assignment of the case to a visiting judge. (*Id.*) Accordingly, on February 1, 2015, Relators e-filed a Complaint for Writ of Prohibition and Emergency Motion to Stay and Expedited Alternative Writ, which were both docketed on February 2, 2015, by this Court.²

Upon review of the original complaint and motion, this Court issued an Order on February 2, 2015, which denied “relators’ motions for emergency stay and for expedited alternative writ.” (See Supreme Court Order of February 2, 2015). This February 2nd Order, however, was based only upon the Relator’s original request to stay the Court’s Journal Entry,

¹ In this original action, Relators are not objecting to the Chief Justice’s assignment of Judge Greene to serve as one of the visiting judges for the Cuyahoga County Court of Common Pleas under Article IV, Section 5(A)(3) of the Ohio Constitution. Rather, Relators object to the wholly unauthorized transfer of the case to Visiting Judge Greene in violation of Sup. R. 36(B) and Local Rule 15.0. In this regard, there is no evidence in the record that the Chief Justice has ever assigned Judge Greene to act as the presiding judge over the *Hastings* case. Rather, upon information and belief, Judge Greene was assigned to the Cuyahoga County Court of Common Pleas for only limited periods of time and not for any specific case.

² Anna Carulas, chief trial attorney for Relators in the *Hastings* case, also filed an Affidavit of Disqualification on February 2, 2015, under R.C. 2701.03. Upon review, however, the Chief Justice denied the Affidavit of Disqualification in a Judgment Entry that was signed on February 5, 2015. This February 5th judgment entry, however, only addressed the allegations of bias and prejudice against Judge Greene, and did not address whether the case was properly assigned to Judge Greene under Sup. R. 36(B). (Carulas Aff. Ex. E).

dated January 30, 2015, which temporarily transferred the case to Visiting Judge Greene for a trial to begin on February 2, 2015, “due to unavailability” of Judge Corrigan. Since February 2nd, however, the circumstances have substantially changed. Even though the trial did not begin on February 2, 2015, and Judge Corrigan is no longer unavailable, Judge Greene has continued to exercise jurisdiction over the *Hastings* case by, among other things, exercising judicial authority over the scheduling of a new trial date and by recently announcing that she will be ruling on the outstanding motions. (Carulas Aff. ¶ 22-25, 29-35, Ex. L). As a result, it now appears the *Hastings* case has not been transferred to Visiting Judge Greene merely for trial, but has been wrongfully re-assigned, without any authority, to Judge Greene for all purposes in direct violation of the individual assignment system mandated by Sup. R. 36(B).

After the trial did not begin on February 2, 2015, the parties were directed by Judge Corrigan’s staff to appear at a pretrial conference on February 9, 2015, before Visiting Judge Greene for purposes of setting a new trial date. (Carulas Aff. ¶ 21-22). At the February 9th conference, and over the objections of Relators, Judge Greene indicated on the record that she was going to continue to exercise jurisdiction over the case and proceeded to re-schedule the trial for April 6, 2015, when she was scheduled to begin a new limited term as a visiting judge. (See Carulas Aff. ¶ 22-24, Ex. G, Transcript of February 9th Hearing, pp. 7-8). Although the new trial date of April 6, 2015, was never journalized, the Docket reflects that there was a manual entry, without any signed Order, which states: “*Visiting Judge Lillian J. Greene Assigned to case (Manually).*” (See Carulas Aff. ¶ 25, Ex. A, Docket Entry, dated 2/9/2015). Since there is no written order relating to this manual docket entry, it is far from clear where this docket entry was made by Judge Greene, Judge Corrigan, or Judge Russo. Moreover, since the docket entry does not state any reasons for re-assignment of the entire case to Judge Lillian Greene, it is not clear

why the case is being re-assigned to Judge Greene for all purposes, particularly given that Judge Corrigan is no longer “unavailable” to preside over the case and given that the Cuyahoga County Court of Common Pleas has not adopted a local rule that authorizes the re-assignment of cases to visiting judges.

Judge Greene therefore is clearly and patently without any lawful authority to exercise jurisdiction over the *Hastings* case, including scheduling a new trial date and ruling on the pending motions, which under Rule 36(B) of the Rules of Superintendence and Local Rule 15.0 of the Cuyahoga County Court of Common Pleas must be decided by the original judge, Brian Corrigan, not Judge Greene. Notwithstanding this fact, Judge Greene has continued to exercise jurisdiction over the case by, among other things, directing her bailiff to send an e-mail to all counsel on April 16, 2015, which announced that the *Hastings* case has been re-scheduled for trial on November 16, 2015, and that “Judge Greene has been sent and will be ruling on the outstanding motions.” (Carulas Aff. ¶ 35, Ex. L, E-Mail, dated April 16, 2015). Absent the issuance of an Alternative Writ by this Court, therefore, it is likely that Judge Greene will continue to exercise unauthorized jurisdiction over the *Hastings* case by ruling on all pending and future motions and by exercising judicial authority over all of the pre-trial, trial, and post-trial proceedings.

LAW AND ARGUMENT

This Motion seeks an alternative writ of prohibition and mandamus prohibiting Judge Lillian Greene from continuing to exercise any jurisdiction over the *Hastings* case and compelling Respondents to re-assign the case back to the randomly assigned judge under Sup. R. 36(B). Under Ohio law, a party is entitled to a writ of prohibition “if (1) the court against whom the writ is sought is exercising or about to exercise judicial power; (2) that the exercise of power is unauthorized by law, and (3) that denying the writ will result in injury for which no other

adequate remedy exists in the ordinary course of law.” *State ex rel. Cleveland Elec. Illum. Co. v. Cuyahoga County Court of Common Pleas*, 88 Ohio St.3d 447, 727 N.E.2d 900 (2000) (citing *State ex rel. Ohio Edison Co. v. Parrott*, 73 Ohio St.3d 705, 707, 654 N.E.2d 106 (1995)). “However, where there is a patent and unambiguous lack of subject matter jurisdiction in the court exercising judicial authority, it is not necessary to establish that the relator has no adequate remedy at law in order for a writ to issue.” *Id.*

In general, this Court has granted writs of prohibition and mandamus where, as here, a trial judge, without any authority, exercises jurisdiction over a pending case in direct violation of the applicable rules. *See, e.g., State ex rel. Engelhart v. Russo*, 131 Ohio St.3d 137, 2012-Ohio-47, 961 N.E.2d 118, ¶ 14 (granting prohibition and mandamus relief to prevent the unauthorized exercise of jurisdiction and to vacate prior orders that were entered in violation of Civ. R. 41(A)). This case is no different because it involves the exercise of jurisdiction by a judge that lacks any legal authority whatsoever to preside over the *Hastings* case. Indeed, where, as here, “a lower court patently and unambiguously lacks jurisdiction to proceed in a cause,” a writ of prohibition and mandamus may be issued “to correct the results of prior jurisdictionally unauthorized actions” and “to prevent any future unauthorized exercise of jurisdiction.” *Id.* Thus, where, as here, there is a “total and complete want of jurisdiction” by the lower court, this Court has the plenary power to issue a writ of prohibition and mandamus “not only to prevent excesses of lower tribunals, but to correct the results thereof and to restore the parties to the same position that they occupied before the excesses occurred.” *State ex rel. Adams v. Gusweiler*, 30 Ohio St.2d 326, 329-330, 285 N.E.2d 22, 24 (1972).

Here, as discussed more fully below, it is clear that Judge Greene patently and unambiguously lacks the jurisdiction to hear the *Hastings* case because the purported attempt to

re-assign the entire case to her was without *any* legal authority *whatsoever*. Sup. R. 36(B) is clear that any modifications from the individual assignment system “*shall* satisfy divisions (B)(1)(a) to (c) of this rule and shall be adopted by local rule of court.” *Id.* (emphasis added). In this case, however, the reassignment of the *Hastings* action did not satisfy the requirements of Sup. R. 36(B)(1) (a) to (c) and was not undertaken pursuant to any local rule. Moreover, given that the original, temporary re-assignment for a trial on February 2, 2015, is now moot and given that the February 9th Docket Entry is unsigned and not supported by any written order, the Court should conclude that the re-assignment of the entire case to Judge Greene was an *ultra vires* act that was undertaken without any legal authority, and that Judge Greene is patently and unambiguously without any jurisdiction to preside over the *Hastings* case. Accordingly, in order to prevent the unauthorized exercise of jurisdiction by Judge Greene, the Court should issue an Alternative Writ.

A. Any Deviations From The Individual Assignment System Must Be Undertaken In Accordance With The Mandatory Requirements Of Sup. R. 36(B) And The Local Rules Of The Common Pleas Court.

As this Court is well aware, the common pleas courts in Ohio are governed by the Rules of Superintendence for the Courts of Ohio, which have been promulgated based upon the constitutional authority granted by Article IV, Section 5(A)(1) of the Ohio Constitution. In particular, O. Const. Art IV, § 5(A)(1) provides, in relevant part, as follows:

(A)(1) In addition to the other powers vested by this article in the supreme court, the supreme court shall have general superintendence over all courts of the state. Such general superintending power shall be exercised by the chief justice in accordance with the rules promulgated by the supreme court.

Ohio Const. Art. IV, § 5. In accordance with this constitutional grant of authority, therefore, the Supreme Court has adopted the Rules of Superintendence (“Sup. R.”) that are applicable to all courts of appeal, courts of common pleas, municipal courts, and county courts in this state.

One of the chief safeguards for the fair and impartial disposition of cases is the Individual Assignment System mandated by Sup. R. 36(B)(1). This rule provides, in its entirety, as follows:

(B)(1) Individual assignment system. As used in these rules, “individual assignment system” means the system in which, upon the filing in or transfer to the court or a division of the court, a case immediately is assigned by lot to a judge of the division, who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. All preliminary matters, including requests for continuances, shall be submitted for disposition to the judge to whom the case has been assigned or, if the assigned judge is unavailable, to the administrative judge. The individual assignment system ensures all of the following:

- (a) Judicial accountability for the processing of individual cases;
- (b) Timely processing of cases through prompt judicial control over cases and the pace of litigation;
- (c) Random assignment of cases to judges of the division through an objective and impartial system that ensures the equitable distribution of cases between or among the judges of the division.

In this regard, Sup. R. 36(B) mandates that “each multi-judge general, domestic relations, and juvenile division of the court of common pleas shall adopt the individual assignment system for the assignment of cases to judges of this division.” *Id.* Although Sup. R. 36(B) provides that “[m]odifications to the individual assignment system may be adopted to provide for the redistribution of cases involving the same criminal defendant, parties, family members, or subject-matter,” it further provides that “[a]ny modifications shall satisfy divisions (B)(1)(a) to (c) of this rule and be adopted by local rule of court.” *Id.* (emphasis added). In accordance with Sup. R. 36(B), therefore, a number of common pleas courts in Ohio have adopted local rules that provide the permanent or temporary re-assignment of cases in certain circumstances. *See, e.g.*, Franklin County Local Rule 31; Hamilton County Local Rule 7; Lucas County Local Rule 5.02; Montgomery County Local Rule 1.19. By so doing, these common pleas courts seek to ensure

that the re-assignment of cases occurs only if authorized by the local rules, and not by judicial whim in contravention to the mandatory requirements of Sup. R. 36(B).

The Cuyahoga County Court of Common Pleas also has adopted a local rule – Local Rule 15.0 – relating to the “Assignment Of Civil Cases For Trial.” A true and correct copy of Cuyahoga County Local Rule 15.0 is attached to the Affidavit of Anna Moore Carulas as Exhibit B. In particular, Local Rule 15.0(A) provides that “[a]ll civil cases shall be assigned to a judge through a process either manual or electronic, which ensures a random selection of the judge and preserves the identity of the judge until selected.” *Id.* Moreover, Rule 15.0(B) provides that “[i]t shall be the duty of the assigned judge to handle all Court activity, including motions, emergency matters, case management conferences, pre trials, trials, and any post trial matters associated with the cases assigned to the docket.” *Id.* Although certain pretrial matters may be scheduled by the Scheduling Office, Local Rule 15.0(D) provides that “[t]he trial date for a case will be set by the judge to whom the case is assigned.” *Id.* (emphasis added).

In this regard, there is nothing in Local Rule 15.0 that authorizes the assigned judge or the administrative judge to re-assign cases to visiting judges. Rather, Local Rule 15.0 provides for the re-assignment of cases in only three circumstances: consolidation, the re-filing of cases, and upon remand from an appellate court. In particular, Local Rule 15.0(H), (I), and (J) provide:

(H) Pursuant to Civil Rule 42, when actions involving a common question of law and fact are pending in this Court, upon motion by any party, the Court may order a joint trial of any or all of the matters in issue; it may order all or some of the actions consolidated; and, it may make such orders concerning proceedings as may tend to reduce unnecessary costs or delay. The motion for consolidation shall be filed in all actions for which consolidation is sought. All Judges involved in the consolidation motion shall confer in an effort to expedite the ruling. The Judge who has the lower or lowest numbered case shall rule on the motion. In the event that the Judges cannot agree, the motions shall be referred to the Administrative Judge for ruling.

(I) All cases re-filed with the Clerk's Office which were dismissed without prejudice pursuant to Civil Rule 41A on a previous occasion shall be immediately assigned to the original docket identified on the case designation form. In the event a case is incorrectly assigned to a judge, an order transferring a previously filed case or related case to another judge must be entered within 120 calendar days from the date of the filing of the new complaint in the new case.

(J) If a case disposed by an assigned judge is reversed and remanded by an appellate Court the case shall be returned to the docket of the assigned judge. If a case is disposed of by a visiting judge and the case is reversed and remanded by an appellate Court, the case shall be returned to the docket of the assigned judge who referred the case.

(Cuyahoga County Local Rule 15.0(H), (I), and (J)).

Notwithstanding this fact, it has been the widespread custom and practice in Cuyahoga County for assigned judges to refer their cases temporarily to a visiting judge for trial with the consent of the parties. This local practice and custom is not set forth in any local rule. Rather, it is a custom and practice that was based upon the consent of the parties who voluntarily agreed to have their case tried by a visiting judge because the assigned judge was “unavailable” on the scheduled trial date. This custom and practice, however, was traditionally based upon three factors: (1) the unavailability of the assigned judge on the scheduled trial date, (2) the consent of the parties, and (3) the temporary referral of the case for trial only. (Carulas Aff. ¶ 36-38). In *State ex rel. Peffer v. Russo*, 110 Ohio St.3d 175, 2006-Ohio-4092, 852 N.E. 2d 170, for example, this Court observed how this custom and practice worked in Cuyahoga County in discussing a case that had been re-assigned from the original assigned judge, Judge Nancy Russo. *Id.* at ¶ 3. In that case, “the case was called for trial on July 13, 2005, but because Judge Russo was conducting a criminal trial, she offered to have the case assigned to a visiting judge.” *Id.* The case was not referred to a visiting judge, however, because “[t]he parties refused” to consent to the proposed transfer. *Id.*

In prior briefing, Respondents' counsel has argued that the administrative judge has the authority to re-assign *any* civil case because the 1997 Commentary to Rule 36 provides that “[o]nce a case is assigned to an individual judge, by lot, it may be reassigned or transferred to another judge by order of the administrative judge.” *See* Commentary to Sup. R. 36 (1997). This quoted language, however, comes from the commentary to Sup. R. 36, not the text of Sup. R. 36, and thus it must be read in the context of the plain language of the rule, which expressly states that any modifications to the individual assignment system must “satisfy divisions (B)(1)(A) to (c) of this rule and be adopted by local rule of court.” *Id.* (emphasis added). Accordingly, the commentary should not be read as authorizing the administrative judge to transfer a case in a manner that conflicts with the plain language of Rule 36(B).

Indeed, in defining the powers of the administrative judge, Sup. R. 4.01, as amended effective December 1, 2012, provides that the administrative judge has the authority to “assign cases to individual judges of the court or division” only “[p]ursuant to Sup. R. 36.” *See* Sup. R. 4.01(C). The administrative judge, therefore, does not have the unbridled and unfettered authority to re-assign cases to other judges at his or her whim or for any reason. Rather, under both Sup. R. 4.01(C) and Sup. R. 36(B), any re-assignment of cases must comply with the requirements of Sup. R. 36(B), which means that it must “satisfy divisions (B)(1)(a) to (c)” and be authorized by local rule. Here, as previously discussed, there is no local rule in the Cuyahoga County Court of Common Pleas that expressly authorizes the administrative judge to re-assign cases to visiting judges. While Cuyahoga County Local Rule 2.0 provides that the Administrative Judge “shall have full responsibility for and control over the administration, and docket and calendar of the General Division,” it does not authorize the Administrative Judge to re-assign cases to visiting judges in violation of the individual assignment system mandated by

Sup. R. 36(B). To the contrary, the more specific local rule governing the “Assignment of Civil Cases for Trial” – Local Rule 15.0 – limits the re-assignment of cases only to cases involving consolidation, re-filing of a previously dismissed case, and upon remand from an appellate court.

In this regard, it is well-established that the re-assignment of cases should not occur by judicial whim. Rather, any modification of the individual assignment system must be based upon the applicable *rules* and must be supported by a legitimate justification. In *Berger v. Berger*, 3 Ohio App.3d 125, 443 N.E.2d 1375 (8th Dist. 1981), for example, the 8th District Court of Appeals reversed the re-assignment of a case because it was not “accompanied by a journal entry executed by the administrative judge which states a justifiable reason for transferring responsibility for the case to another judge.”³ *Id.* at 130. Although this Court later held in *Brickman & Sons, Inc. v. National City Bank*, 106 Ohio St.3d 30, 2005-Ohio-3559, 830 N.E.2d 1151 (2005), that “an administrative judge’s entry of reassignment under authority of the Rules of Superintendence” does not “require the administrative judge to state the reason for the reassignment in the journal entry,” it only reached this conclusion because the reason for re-assignment in *Brickman* was “clear from the record.” *Id.* at ¶ 28-29. In *Brickman*, in fact, the re-assignment was expressly authorized by the local rules (Local Rule 15.0(H)) because it arose from the re-filing of a previously dismissed case. *Id.* at ¶ 26-27. Thus, the re-assignment in *Brickman* was clearly authorized by the local rules, even though the administrative judge had not cited the local rules in his journal entry. *Id.*

³ We note that the Rules of Superintendence were different in 1981. At that time, Sup. R. 3(B) granted the administrative judge with the authority to “cause cases to be assigned to the judges within the division.” *Berger*, 3 Ohio App.3d at 129. Since *Berger*, however, the language of this rule has been re-organized and amended to provide that the authority to “assign cases to individual judges” must be exercised “[p]ursuant to Sup. R. 36.” *See* Sup. R. 4.01(C).

This case is clearly different than *Brickman*. In this case, the administrative judge originally re-assigned the case to Visiting Judge Greene for trial only “due to the unavailability of the assigned judge Brian Corrigan.” (Journal Entry, dated 1/30/2015). This temporary re-assignment, however, has now been wrongfully and arbitrarily **expanded** – without any legal authority – by an unsigned docket entry that was not signed by the administrative judge and does not state *any* reason why Judge Greene should continue to exercise jurisdiction over this case, particularly given that Judge Brian Corrigan is no longer “unavailable,” as the original journal entry had stated. Unlike *Brickman*, therefore, the re-assignment is not authorized by any legal authority – no statute, no rule, or any order (other than an unsigned docket entry). The end result is judicial chaos – the case has now been completely “re-assigned” to a visiting judge who is only temporarily assigned to the Cuyahoga County Court of Common Pleas for limited periods of time (not for any specific case), and is not authorized by the Rules of Superintendence or the Local Rules to exercise any jurisdiction over the case.⁴ Accordingly, Relators respectfully request the Court issue an alternative writ of prohibition and mandamus to prevent Judge Greene from exercising any further jurisdiction over the *Hastings* action and to compel Respondents to re-assign the case back to the originally, randomly-assigned judge in accordance with the mandatory requirements of Rule 36 of the Rules of Superintendence.

⁴ We note that Judge Greene only has been assigned to act as a Visiting Judge in Cuyahoga County for only limited periods of time, and thus is not always available to handle pretrial proceedings at the courthouse. For example, when Relators’ counsel requested that any re-scheduling of a new trial date take place at the courthouse before a court reporter, so that all actions taken and any objections can be placed on the record, Judge Greene’s bailiff sent an e-mail, dated April 7, 2015, which advised that Judge Greene was unavailable for a pretrial conference because “visiting Judges aren’t supposed to come” to the courthouse “unless in trial.” (Carulas Aff. ¶ 32, Ex. I, E-Mail, dated April 7, 2015).

B. Relators Do Not Need To Establish That They Have An Adequate Remedy At Law.

In their Motion to Dismiss, Respondents argue that this original action should be dismissed because “a claim arising from the improper assignment of a judge” is the type of legal error that can be cured by appeal, and that Relators therefore have an adequate remedy at law. *See State ex rel. Bell v. Pfeiffer*, 131 Ohio St.3d 114, 2012-Ohio-54, 961 N.E.2d 181; *State ex rel. Hamilton Cnty. Bd. of Comm’rs v. Hamilton Cnty. Court of Common Pleas*, 126 Ohio St.3d 111, 2010-Ohio-2467, 931 N.E.2d 98; *State ex rel. Berger v. McMonagle*, 6 Ohio St.3d 28, 451 N.E.2d 225 (1983). As previously discussed, however, this requirement to prove the lack of an adequate remedy at law does not apply in cases involving the “patent and unambiguous” lack of jurisdiction by the lower court. *State ex rel. Cleveland v. Sutula*, 127 Ohio St.3d 131, 2010-Ohio-5039, 937 N.E.2d 88, ¶ 25; *State ex rel. State v. Lewis*, 99 Ohio St.3d 97, 2003-Ohio-2476, 789 N.E.2d 195, ¶ 18. As this Court explained in *State ex rel. Adams v. Gusweiler*, 30 Ohio St.2d 326, 285 N.E.2d 22, “[i]f an inferior court is without jurisdiction whatsoever to act, the availability or adequacy of a remedy of appeal to prevent the resulting injustice is immaterial to the exercise of supervisory jurisdiction by a superior court to prevent usurpation of jurisdiction by the inferior court.” *Id.* at 329. Thus, where, as here, Relators establish “a total and complete want of jurisdiction by the lower court,” then a writ of prohibition and mandamus may issue “to prevent excesses of lower tribunals” and “to restore the parties to the same position they occupied before the excesses occurred.” *Id.* at 329-330.

This case involves the type of wholly unauthorized and *ultra vires* exercise of judicial power that warrants the extraordinary remedy of a writ of prohibition. Unlike *State ex rel. Berger*, *supra*, this case does not involve the exercise of judicial discretion or the misinterpretation or misapplication of the applicable rules. Rather, it involves the complete

disregard of the rules of superintendence by a lower court that has arbitrarily re-assigned a pending case to a visiting judge without *any* legal authority *whatsoever*. It is not based upon the rules of superintendence, the local rules, or any justifiable order of the administrative judge. Rather, it is based upon an unsigned docket entry that patently and unambiguously violates the mandatory requirements of Sup. R. 36(B) and wrongfully vests jurisdiction in a visiting judge who has only been temporarily assigned by the Chief Justice to the Cuyahoga County Court of Common Pleas for a limited period of time, not for a specific case.

As a result, the parties have been placed in the very difficult position of proceeding with a visiting judge who has *no* legitimate authority and jurisdiction to rule on pending and future motions, to set new trial dates, to hold status conferences, and/or to preside over any other pretrial, trial, or post-trial proceedings. It is extraordinarily difficult, therefore, for the parties to litigate the case in a normal manner because all of the proceedings are now inherently suspect and the judge's authority is subject to doubt, as Judge Greene herself acknowledged at the February 9th Hearing in questioning whether she had the authority to rule on pending and future motions in the *Hastings* case. (*See* Transcript of February 9th Hearing, pp. 11-12).⁵ It is critical, therefore, for this Court to intervene now to correct this wholly unauthorized exercise of judicial authority and to re-assign the case back to the original judge who clearly has jurisdiction over the case under the Rules of Superintendence.

⁵ We note that Plaintiffs' counsel also has expressed her own doubt and confusion over whether Judge Greene has the authority to rule on pending motions. In an e-mail, dated April 7, 2015, for example, Plaintiffs' counsel requested a Hearing before Judge Corrigan on the pending Motion for Attorney Fees and Costs. (Carulas Aff. ¶ 28, Ex. G). Then, in a second e-mail on April 14, 2015, she requested that the bailiff for Judge Greene confirm "which judge will be ruling on the outstanding motions." (*Id.* at ¶ 33, Ex. J).

In this regard, this case is significantly different from *State ex rel. Berger v. McMonagle*, 6 Ohio St.3d 28, 451 N.E.2d 225 (1983). In that case, the underlying action was one of several cases that were re-assigned by the administrative judge “based upon a review of the caseloads of judges in the court of common pleas for purposes of adjusting each judge’s docket containing overaged cases.” *Id.* at 28. Although the appellants argued that the administrative judge erred by failing to re-assign their case “by lot,” this Court affirmed the court of appeals’ dismissal of the complaint for writ of mandamus and prohibition because it held, among other things, that the “appellant possesses an adequate remedy at law by way of appeal to the court of appeals in which he may contest an improper assignment.” *Id.* at 30.

In *Berger*, however, it was far from clear that the administrative judge was without any legal authority to re-assign the case. Upon review, in fact, this Court cited the former versions of Sup. R. 3(B) and Sup. 9 as providing at least some colorable authority for the administrative judge to re-assign the case. *Id.* at 29, fn. 2 and 3 (citing former Sup. R. 3(B) and Sup. R. 9). Thus, in *Berger*, the Court did not conclude that the newly assigned judge was patently and unambiguously without *any* authority and jurisdiction to hear the case. As previously discussed, however, Sup. R. 3(B) now has been re-organized and amended to provide that an administrative judge’s authority to assign individual cases must be exercised “pursuant to Sup. R. 36(B),” *see* Sup. R. 4.01(C), which means that the modification from the individual assignment system must “satisfy divisions (B)(1)(a) to (c)” and be authorized by local rule. *See* Sup. R. 36(B)(2) (emphasis added). Indeed, in this case, it is far from clear that the re-assignment of the case to Judge Greene was actually based upon an order of the administrative judge *at all*, given that the February 9th docket entry is unsigned and is not accompanied by a written order. Accordingly, in light of the total and complete lack of authority to justify the re-assignment of the *Hastings* case,

the Court should conclude that the requirement to establish the lack of an adequate remedy at law is not applicable in this case. *State ex rel. Adams*, 30 Ohio St.2d at 329-330.

This case, therefore, is distinguishable from *Berger*. Unlike *Berger*, the re-assignment in this case is not based upon the Rules of Superintendence. It is based upon an unsigned docket entry that is not based upon any legal authority. Indeed, since *Berger*, this Court has explicitly recognized that the administrative judge's authority to re-assign cases is not unlimited, and that it must be exercised in accordance with the Rules of Superintendence. *See, e.g., State ex rel. Peffer v. Russo*, 110 Ohio St.3d 175, 2006-Ohio-4092, 852 N.E.2d 170, ¶ 16 (2006) (holding that administrative judge lacked the authority under Sup. R. 4(B)(1) and Sup. R. 36(B)(1) to order the assigned judge "not to proceed with the case"). Although the *Peffer* case involved the re-assignment of the case to a private judge, it nevertheless recognizes that the administrative judge's authority to re-assign cases must be exercised in accordance with the Rules of Superintendence, and thus must not be exercised in a manner that violates the plain language of Civ. R. 36(B). *Id.* at ¶ 16. Moreover, unlike *Berger*, *Peffer*, and *Brickman*, it is far from clear that the administrative judge in this case has *actually authorized* the complete transfer of this case to Judge Greene, given that his January 30th journal entry only transferred the case for trial only "due to the unavailability" of Judge Corrigan on February 2, 2015, and given that the February 9th docket entry is unsigned and not accompanied by a written order. Accordingly, given the total and complete lack of any legal authority to justify the re-assignment of the *Hastings* case and the other unique and extraordinary circumstances presented in this case, the Court should conclude that Relators are not required to establish that they do not have an adequate remedy at law. *Adams*, 30 Ohio St. 2d at 329-330.

CONCLUSION

For these reasons, Relators respectfully request that the Court issue a peremptory or alternative writ to prohibit Judge Lillian J. Greene from exercising any further jurisdiction in the *Hastings* case and compelling Respondents to re-assign the case back to the original assigned judge under Sup. R. 36(B).

Respectfully submitted,

s/ Stephen W. Funk

Anna Moore Carulas (0037161)

Stephen W. Funk* (0058506)

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PROOF OF SERVICE

A copy of the foregoing *Motion for Alternative Writ and Memorandum in Support of Writ* was served on this 17th day of April, 2015, via electronic mail pursuant to Civ. R. 5(B)(2)(f) upon the following counsel of record:

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/s/ Stephen W. Funk

Stephen W. Funk (0058506)

4. The *Hastings* action was commenced in June 2012 and randomly assigned to Judge Brian Corrigan of the Cuyahoga County Court of Common Pleas in accordance with Local Rule 15.0. A true and correct copy of Local Rule 15.0 of the Cuyahoga County Court of Common Pleas is attached hereto as Exhibit B.

5. On June 19, 2014, Judge Corrigan held a pretrial conference and scheduled the *Hastings* case for a jury trial to begin on February 2, 2015. (*See Ex. A, Docket, Journal Entry, dated June 19, 2014*).

6. At the final pretrial conference held on January 15, 2015, Judge Corrigan indicated his intent to “spin” the case off to a retired/visiting judge, but there was no discussion as to where our case was on the priority list, who the visiting judges for February would be, or any details as to the process.

7. On January 22, 2015, all counsel received an email from Judge Corrigan’s staff attorney advising that “the visiting judges for February are Judge Pat Kelly and Judge William Coyne.” A true and correct copy of the e-mail, dated January 22, 2015, is attached as Exhibit C.

8. That same day, January 22, 2015, I responded to Judge Corrigan’s staff attorney and all counsel of record that my clients and I would object to Judge Kelly, given that I have an appeal pending on a case he tried last year. I advised that I was agreeable to Judge William Coyne and that, upon discussion with co-defense counsel, David Krause, that he and his clients were agreeable to Judge Coyne. At no point in time was any objection raised by any counsel as to Judge William Coyne to try the case in lieu of Judge Corrigan.

9. We did not hear back further over the next week from the Court. I did, however, speak with Plaintiffs’ attorney, Pamela Pantages on Tuesday, January 27, 2015, when Attorney Adam Davis and I were at Ms. Pantages’ office. At that time, I inquired if Ms. Pantages was

agreeable with the case being tried before Judge William Coyne and she indicated that she was. In fact, we had a discussion at that point on whether Judge Coyne would be agreeable to a jury questionnaire. As a result, it was my assumption that our trial would proceed on Monday, February 2, 2015, before Judge William Coyne, by the agreement and consent of all parties.

10. On Thursday, January 29, 2015, however, all counsel was advised by e-mail from Judge Corrigan's office that "there has been a change in the visiting judge schedule for February. The judges are Judge Coyne and Judge Lillian Greene. I have been told that, because Judge Greene has seniority and your case is first on the list, she will be hearing your case on Monday." A true and correct copy of the January 29th e-mail is attached hereto as Exhibit D.

11. That same day, I responded back to Judge Corrigan's office that my client was not agreeable with Judge Lillian Greene as an alternative to Judge Corrigan. As a means to allow the case to go forward to trial, however, if Judge Corrigan was unavailable, I indicated that it was my understanding that all counsel had already agreed to Judge William Coyne. At this juncture, Plaintiffs' counsel indicated that she would not enter into an agreement as to Judge Coyne, but instead would appear before Judge Greene on Monday. At that juncture, I set forth my position that the Superintendence Rules allow all parties to have their case heard before a randomly-selected judge. If that randomly selected judge was not available, then the parties had the option of waiving that right to a randomly-selected judge or wait for a date on which the presiding judge would be available.

12. Thereafter, attempts were made to discuss this case with Judge Corrigan, but we were advised he was on the bench in a murder trial and unavailable to talk with counsel.

13. As such, Administrative Judge John Russo was kind enough to hold a conference call with all counsel at 2:45 pm on January 30, 2015. Positions were presented. Judge Russo's

staff attorney, at his direction, inquired if the parties would agree to Judge William Coyne as a compromise and Attorney Pantages indicated that she would not. She insisted that the case be tried by Judge Lillian Greene, who we were told was the first on the list by seniority.

14. At the conclusion of the phone conference, Judge Russo indicated he would order us, over my objection, to try this case on Monday morning before Judge Greene.

15. Judge Russo did advise that we come down to the Court at 4:30 pm that afternoon to put our positions on the record and then counsel could consider filing the appropriate pleadings with a higher court to express our objection. Shortly thereafter, counsel received a call from Judge Russo's office that we would not be having a hearing and that instead, counsel and parties were to appear before Judge Greene on Monday morning.

16. Thereafter, on January 30, 2015, Judge Corrigan docketed a Journal Entry, which provided that "[b]ecause of a conflict on the docket of the original judge, this case is hereby referred to the Presiding/Administrative Judge for Reassignment to a Visiting Judge for Trial." (*See* Docket, Journal Entry, dated January 30, 2015).

17. Moreover, on January 30, 2015, Judge Russo docketed a Journal Entry, which provides "[d]ue to the unavailability of original Judge Brian J. Corrigan, this case is hereby transferred to Visiting Judge Lillian J. Greene for trial." (*See* Docket, Journal Entry, dated January 30, 2015). In so doing, neither Judge Russo nor Judge Corrigan referenced any statute or rule that authorized the re-assignment of the case to a visiting judge without the consent of the parties. (*Id.*)

18. On the morning of February 3, 2015, Visiting Judge Lillian Greene conducted an in-person conference with all counsel to discuss the status of the trial. I left that conference with a good faith belief that Visiting Judge Greene could not be fair and impartial toward my clients,

and therefore filed an Affidavit of Disqualification with the Ohio Supreme Court on February 2, 2015.

19. On February 5, 2015, Chief Justice Maureen O'Connor denied the Affidavit of Disqualification under R.C. 2701.03. A true and correct copy of the Chief Justice's Judgment Entry is attached hereto as Exhibit E.

20 In denying the Affidavit of Disqualification, Chief Justice O'Connor ruled on the allegations of bias and prejudice against Judge Greene, but did not address whether the re-assignment of the case to Lillian Greene was authorized by Sup. R. 36 or rule upon any of the other legal issues that are the subject of this original action. (*Id.*)

21. The trial did not begin on February 2, 2015, however, and then Defendants Johanna O'Neill, M.D. and Southwest General Medical Group, Inc. filed a motion on February 5, 2015, for a continuance of the trial and for a pretrial conference to schedule a new trial date. (Ex. A, Docket, Motion for Continuance, filed 2/5/2015).

22. Instead of having the case returned to the docket of Judge Corrigan to set a new trial date, however, the parties were instructed by Respondent Judge Corrigan's office to appear before Visiting Judge Greene in order to obtain a new trial date.

23. Over the objections of Relators, counsel for the parties appeared before Visiting Judge Greene for a hearing on February 9, 2015. A true and correct copy of the Transcript of the February 9th Hearing is attached hereto as Exhibit F.

24. At the Hearing, Relators stated their objections to the transfer of the case to Judge Greene as well as Visiting Judge Greene's continuing jurisdiction over this matter. At this hearing, the issue as to future motions was raised and Visiting Judge Greene explicitly stated that

those matters should be returned and addressed by Judge Corrigan. She then proceeded to schedule a new trial date of April 6, 2015, over the objections of Relators' counsel.

25. Thereafter, on February 9, 2015, there is an Entry on the Docket without an attached Order which states: "Visiting Judge Lillian J. Greene assigned to case (manually)."

26. Due to conflicts with the April 6, 2015 trial date, Relators and Codefendants filed Motions for Continuances on February 10, 2015 and February 12, 2015, respectively.

27. On February 12, 2015, Relators filed a Motion to Return This Case to the Docket of Respondent Judge Corrigan for Ruling on the Motions to Continue, Motions in Limine, Trial and Final Disposition.

28. Moreover, on March 2, 2015, Plaintiffs filed a Motion for Attorney Fees and Costs, and then sent an e-mail on April 7, 2015, to the staff attorney for Judge Corrigan, Leslie Hines, which requested that Judge Corrigan schedule an oral hearing on their Motion. (See E-mail, dated April 7, 2015, from Pamela Pantages to Leslie Hines, copy attached as Exhibit G).

29. To date, there has been no ruling on the Motions to Continue, the Motion to Return This Case to the Docket of Judge Corrigan, or the Motion for Attorney Fees and Costs. Moreover, the April 6th trial date was never journalized.

30. The parties were once again instructed, however, to select a new trial date before Visiting Judge Greene by contacting the bailiff for Visiting Judge Lillian Greene, Donna Kelleher. A true and correct copy of the Directory for the Bailiffs for the Visiting Judges in February 2015 is attached hereto as Exhibit H.

31. Due to Relators' continuing objections to the case proceeding before Judge Greene, I then sent an e-mail to Ms. Kelleher on April 7, 2015, with copy to all counsel, which requested that any scheduling of a new trial date by Judge Greene take place at the courthouse on

the record before a court reporter, so that the parties may properly place their objections on the record. A true and correct copy of the e-mails between and among counsel for the parties and Donna Kelleher are attached hereto as Exhibit I.

32. Ms. Kelleher replied via an e-mail on April 7, 2015, which stated Visiting Judge Greene was unavailable for such a pretrial conference because “visiting Judges aren’t supposed to come in unless in trial.” (Ex. I, pg. 3, E-mail from Donna Kelleher, dated April 7, 2015). Ms. Kelleher then sent a second e-mail on April 7, 2015, which stated “[i]t’s become very clear to me that Judge Corrigan has no intention of taking this case back from Judge Greene,” and thus asked all counsel for the parties to identify “[w]hat motion or motions are before Judge Greene at this time” (*Id.*)

33. Counsel for Plaintiffs, Pamela Pantages, then advised, via an e-mail dated April 8, 2015, that there were two pending motions – the defense motion to transfer the case back to Judge Corrigan, filed 2/12/2015, and the plaintiffs’ motion for “sanctions and costs.” She further advised that the parties had agreed to reset the trial on November 16, 2015, “if that works for Judge Greene.” (Ex. I, pg. 2). Thereafter, on April 14, 2015, Plaintiffs’ counsel sent a second e-mail to Bailiff for the Visiting Judges, Donna Kelleher, asking her to confirm the November 16th trial date and “which judge will be ruling on the outstanding motions.” (*See* E-Mail, dated April 14, 2015, copy attached as Exhibit J).

34. Throughout this process, Relators have reiterated their continuing objection to the re-scheduling of the trial by Judge Greene and any exercise of jurisdiction by Judge Greene in this case.” (*See* Ex. I, pg. 1, E-mail of Anna Carulas, dated April 9, 2015). Moreover, they have filed their objections in writing in the *Hastings* case. A true and correct copy of Relators’ written objection, dated April 16, 2015, is attached hereto as Exhibit K.

35. Notwithstanding Relators' objections, however, the Bailiff for Visiting Judge Lillian Greene recently sent an e-mail to all counsel on Thursday, April 16, 2015, which confirmed that the trial in the *Hastings* case "is now rescheduled for Monday, November 16, 2015," and that "Judge Greene has been sent and will be ruling on the outstanding motions." A true and correct copy of this e-mail, dated April 16, 2015, is attached as Exhibit L.

36. In my 28 years of practice in the Cuyahoga County Court of Common Pleas, this situation is unprecedented. While it has been the widespread custom and practice in Cuyahoga County for assigned judges to transfer their cases temporarily to a visiting judge for trial with the consent of the parties, this local practice and custom is not set forth in any local rule. Rather, it is a custom and practice that was based upon the consent of the parties who voluntarily agreed to have their case tried by a visiting judge because the assigned judge was "unavailable" on the scheduled trial date. This custom and practice, however, has been generally based upon (a) the unavailability of the assigned judge on the scheduled trial date, (b) the consent of the parties, and (c) the temporary assignment of the case for trial only.

37. Over the years, I have had a number of circumstances where the presiding judge was unavailable to handle the case. Counsel have then been advised of the options of visiting judges and an agreement sought from all that a "spin" would be acceptable. There have been circumstances where I have objected to a proposed visiting judge or my opponent has objected to a proposed visiting judge. At that juncture, Court and counsel deferred to the rights of all parties and either worked out an alternative arrangement or continued the trial to a date in which the presiding judge was available to try the case.

38. There is absolutely no guidance in the Cuyahoga County Local Rules, however, as to how the visiting system works or any mechanism to assure that the rights afforded to parties

under Superintendence Rule 36 are protected in the event of a party does not consent to the re-assignment of a randomly assigned case to a visiting judge. It has always been the long-standing practice that a “spin” is a good alternative if and only if, all counsel and parties agreed. Moreover, it generally has been the practice that the presiding judge would remain responsible for ruling on all pre-trial motions, but again there are no rules or guidance to assist with this either.


ANNA MOORE CARULAS

SIGNED AND SWORN BEFORE ME ON THIS 17th DAY OF APRIL, 2015.


NOTARY PUBLIC
TAMMI J. LEES, Atty.
NOTARY PUBLIC • STATE OF OHIO
My commission has no expiration date
Section 147.03 O.R.C.

EXHIBIT A

Print

CASE INFORMATION

CV-12-785788 AUSTIN HASTINGS, A MINOR ETAL vs. SOUTHWEST GENERAL HEALTH CENTER ETAL

Docket Information

Filing Date	Side	Type	Description	Image
04/16/2015	D	OB	OBJECTION FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 DEFENDANTS AYMAN DAHMAN, MD AND MARY JO ALVERSON, CNM'S OBJECTION TO ANY EXERCISE OF JURISDICTION BY VISITING JUDGE	
03/17/2015	N/A	CS	COURT REPORTER FEE	
03/09/2015	D	BR	BRIEF FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161 BRIEF OF DEFENDANTS AYMAN DAHMAN, MD AND MARY JO ALVERSON, CNM IN OPPOSITION TO PLAINTIFFS' MOTION FOR SANCTIONS	
03/02/2015	P	MO	MOTION FILED FOR PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF OPPOSING TRIAL MOTIONS OF DEFENDANTS DAHMAN AND ALVERSON WITH MOTION FOR SANCTIONS AGAINST SAID DEFENDANTS AND THEIR COUNSEL AND REQUEST FOR A HEARING ON COSTS AND ATTORNEY FEES	
02/12/2015	D	MO	DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM (D5)'S MOTION FOR CONTINUANCE ANNA MOORE CARULAS 0037161. ^F^ MOTION TO CONTINUE TRIAL DATE OF APRIL 6, 2015	
02/12/2015	D	MO	MOTION FILED FOR DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161 MOTION TO RETURN THIS CASE TO THE DOCKET OF JUDGE BRIAN J. CORRIGAN FOR RULING ON THE MOTIONS TO CONTINUE, MOTIONS IN LIMINE, TRIAL AND FINAL DISPOSITION OF THE CASE	
02/09/2015	D	MO	DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6)'S MOTION FOR CONTINUANCE DAVID H KRAUSE 0070577. ^F^ DEFENDANT, JOHANNA O'NEILL., M.D.'S MOTION FOR CONTINUANCE OF TRIAL SET FOR APRIL 6, 2015	
02/09/2015	N/A	OT	JUDGMENT ENTRY FILED.	
02/09/2015	N/A	SF	VISITING JUDGE LILLIAN J GREENE ASSIGNED TO CASE (MANUALLY).	
02/05/2015	D2	MO	D2 JOHANNNA O'NEILL'S MOTION FOR CONTINUANCE DAVID H KRAUSE 0070577. ^F^ MOTION FOR CONTINUANCE OF TRIAL AND PRETRIAL CONFERENCE	
02/04/2015	N/A	CS	COURT REPORTER FEE	
02/04/2015	N/A	JE	CASE CALLED FOR TRIAL. CONTINUED TO 2/3/15. NOTICE ISSUED.	
02/04/2015	P	JE	AFFIDAVIT OF DISQUALIFICATION FILED 2/2/15. CASE STAYED PENDING SUPREME COURT OF OHIO RULING. NOTICE ISSUED.	
02/03/2015	N/A	JE	HAVING RECEIVED PLAINTIFF'S NOTICE OF PARTIAL VOLUNTARY DISMISSAL, PLAINTIFF'S CLAIMS AGAINST DEFENDANT SOUTHWEST GENERAL HEALTH CENTER ARE HEREBY DISMISSED WITHOUT PREJUDICE. ALL OTHER CLAIMS REMAIN UNAFFECTED. NOTICE ISSUED	
02/03/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E	

Date	Case Type	Party	Description	Attachment
			PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING AFFIDAVIT OF HASTINGS COUNSEL OPPOSING DISQUALIFICATION OF HON. JUDGE LILLIAN GREENE	
02/03/2015	D	NT	NOTICE OF APPEARANCE, FILED DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161.	
02/02/2015	D	NT	NOTICE FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 DEFENDANTS AYMAN DAHMAN, M.D. AND MARY JO ALVERSON, CNM(S	
			NOTICE OF FILING OF AFFIDAVIT OF DISQUALIFICATION AND REQUEST FOR STAY OF JURY TRIAL BEFORE VISITING JUDGE LILLIAN GREENE	
02/01/2015	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION IN LIMINE TO EXCLUDE CROSS EXAMINATION OR COMMENT BY PLAINTIFFS' COUNSEL AS TO UNSUBSTANTIATED ALLEGATIONS ABOUT MICHAEL G. ROSS, M.D.	
02/01/2015	P	MO	MOTION IN LIMINE PLAINTIFFS' MOTION IN LIMINE TO PRECLUDE EXPERT OPINIONS NOT SUPPORTED BY SCIENTIFICALLY VALID INFORMATION	
02/01/2015	P	MO	MOTION FILED FOR PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' MOTION TO EXCLUDE THE STANDARD OF CARE TESTIMONY OF SUNEET CHAUHAN, M.D.	
02/01/2015	P	MO	MOTION IN LIMINE PLAINTIFFS' MOTION IN LIMINE TO PRECLUDE EXPERT OPINIONS NOT GIVEN TO A REASONABLE DEGREE OF MEDICAL PROBABILITY	
01/30/2015	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTIONS TO PRECLUDE OR EXCLUDE THE DAY IN THE LIFE VIDEO	
01/30/2015	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF OPPOSING DEFENDANTS' MOTION TO PRECLUDE REFERENCE TO CONDUCT WHICH IS NOT THE PROXIMATE CAUSE OF INJURY	
01/30/2015	D	NT	NOTICE FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 NOTICE OF OBJECTION TO RE-ASSIGNMENT OF TRIAL JUDGE AND INTENTION TO FILE WRIT OF PROHIBITION	
01/30/2015	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF OPPOSING DEFENDANTS' MOTION TO PRECLUDE ADMISSION OF EXPERT REPORTS	
01/30/2015	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF OPPOSING DEFENDANTS' MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER LAWSUITS ANDOR MEDICAL CARE INVOLVING OTHER PATIENTS	
01/30/2015	P	MO	MOTION IN LIMINE MOTION IN LIMINE OF PLAINTIFFS TO PRECLUDE ARGUMENT THAT: (1) DEFENDANTS DID THEIR BEST OR (2) A VERDICT AGAINST DEFENDANTS WOULD AFFECT FUTURE MEDICAL CARE IN THE COMMUNITY	
01/30/2015	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF OPPOSING MOTION TO PRECLUDE ANALOGY OF THE STANDARD OF CARE TO RULES OF THE ROAD OR JUROR EXPECTATIONS	

01/30/2015	P	OT	GENERAL PLEADING FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO PRECLUDE DEPOSITION TESTIMONY UNTIL OBJECTIONS ARE RULED UPON	
01/30/2015	P	OT	GENERAL PLEADING FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' PROPOSED JURY INSTRUCTIONS AND GENERAL VERDICT FORMS	
01/30/2015	P	OT	GENERAL PLEADING FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' PROPOSED JURY INTERROGATORIES	
01/30/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF PARTIAL VOLUNTARY DISMISSAL	
01/30/2015	P	MO	MOTION FILED FOR PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' MOTION FOR LEAVE TO INTERLINEALLY CORRECT COMPLAINT	
01/30/2015	N/A	JE	BECAUSE OF A CONFLICT ON THE DOCKET OF THE ORIGINAL JUDGE THIS CASE IS HEREBY REFERRED TO THE PRESIDING/ADMINISTRATIVE JUDGE FOR RESASSIGNMENT TO A VISITING JUDGE FOR TRIAL. NOTICE ISSUED	
01/30/2015	N/A	JE	DUE TO THE UNAVAILABILITY OF ORIGINAL JUDGE BRIAN J. CORRIGAN, THIS CASE IS HEREBY TRANSFERRED TO THE VISITING JUDGE LILLIAN J. GREENE FOR TRIAL. NOTICE ISSUED	
01/30/2015	D	NT	TRANSCRIPT FILED DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5), ANNA MOORE CARULAS 0037161 DEPOSITION MICHAEL ROSS MD	
01/29/2015	D	NT	TRANSCRIPT FILED DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6), DAVID H KRAUSE 0070577 NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/29/2015	D	NT	TRANSCRIPT FILED DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6), DAVID H KRAUSE 0070577 NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/29/2015	D	NT	TRANSCRIPT FILED DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6), DAVID H KRAUSE 0070577 NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/29/2015	D	NT	TRANSCRIPT FILED DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6), DAVID H KRAUSE 0070577 NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/29/2015	D	MO	MOTION FILED FOR DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS JOHANNNA O'NEILL, D.O. AND SOUTHWEST GENERAL MEDICAL GROUP, INC.'S MOTION TO EXCLUDE DAY IN THE LIFE OF AUSTIN HASTINGS VIDEO	
01/29/2015	D	NT	TRANSCRIPT FILED DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6), DAVID H KRAUSE 0070577 NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/29/2015	D	NT	TRANSCRIPT FILED DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6), DAVID H KRAUSE 0070577 NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/29/2015	D	NT	NOTICE FILED BY DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) ATTORNEY DAVID H KRAUSE 0070577 NOTICE OF FILING DEPOSITION TRANSCRIPTS	

01/29/2015	D	MO	MOTION FILED FOR DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161 DEFENDANTS AYMAN DAHMAN, M.D. AND MARY JO ALVERSON, CNM'S MOTION TO EXCLUDE DAY IN THE LIFE OF AUSTIN HASTINGS VIDEO	
01/29/2015	P	MO	MOTION FILED FOR PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' MOTION TO COMPEL DEFENSE POWERPOINTS OR IN THE ALTERNATIVE MOTION TO EXCLUDE DEFENSE EXPERT MICHAEL ROSS, M.D.	
01/29/2015	P	MO	MOTION IN LIMINE PLAINTIFFS' OMNIBUS MOTION IN LIMINE	
01/29/2015	P1	SR	SUBPOENA FOR: CUSTODIAN OF RECORDS C/O OB-GYN ASSOCIATES, LLC SERVED JANUARY 23, 2015 UPON CHERYL KOHOUT .	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 OBJECTIONS STILL IN ISSUE REGARDING DISCOVERY DEPOSITION OF: PATRICAI ELLEN GARRETT, R.N.	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 OBJECTIONS STILL IN ISSUE REGARDING DISCOVERY DEPOSITION OF DARLENE MCDEVITT, R.N.	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 OBJECTIONS STILL IN ISSUE REGARDING DISCOVERY DEPOSITION OF: DONNA RITER, R.N.	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT	NOTICE FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ATTORNEY PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT	TRANSCRIPT FILED PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3), PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT	
01/28/2015	P	NT		

TRANSCRIPT FILED PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3), PAMELA E PANTAGES 0046840 PLAINTIFFS' NOTICE OF FILING DEPOSITION TRANSCRIPT

01/27/2015 D BR BRIEF FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161 BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION TO EQUALIZE PEREMPTORY CHALLENGES AND TO PROHIBIT FRIENDLY CROSS EXAMINATIONS BY DEFENSE COUNSEL 

01/26/2015 D OT GENERAL PLEADING FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 PROPOSED VERDICT FORMS OF DEFENDANTS AYMAN DAHMAN MD AND MARY JO ALVERSON CNM

01/26/2015 D OT GENERAL PLEADING FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 DEFENDANTS AYMAN DAHMAN, MD AND MARY JO ALVERSON, CNM'S PROPOSED JURY INTERROGATORIES

01/26/2015 D OT GENERAL PLEADING FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 DEFENDANTS AYMAN DAHMAN MD AND MARY JO ALVERSON, CNM'S AMENDED PROPOSED JURY INSTRUCTIONS

01/26/2015 D OT GENERAL PLEADING FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 AMENDED TRIAL BRIEF OF DEFENDANTS AYMAN DAHMAN, MD AND MARY JO ALVERSON, CNM

01/26/2015 D BR BRIEF FILED BY DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, M.D. AND SOUTHWEST GENERAL MEDICAL GROUP, INC'S BENCH BRIEF REGARDING PEREMPTORY CHALLENGES 

01/26/2015 D BR BRIEF FILED BY DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, MD AND SOUTHWEST GENERAL MEDICAL GROUP, INC'S BENCH BRIEF IN SUPPORT OF THE USE OF A NARRATIVE JURY INTERROGATORY 

01/26/2015 D MO MOTION IN LIMINE DEFENDANTS, JOHANNA O'NEILL, MD AND SOUTHWEST GENERAL MEDICAL GROUP, INC'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER LAWSUITS AND OR MEDICAL CARE INVOLVING OTHER PATIENTS 

01/26/2015 D OT GENERAL PLEADING FILED BY DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) ATTORNEY DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, MD AND SOUTHWEST GENERAL MEDICAL GROUP, INC.'S FIRST PROPOSED JURY INTERROGATORIES AND VERDICT FORMS

01/26/2015 D MO MOTION FILED FOR DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, MD AND SOUTHWEST GENERAL MEDICAL GROUP, INC'S MOTION TO PRECLUDE REFERENCE TO CONDUCT WHICH IS NOT THE PROXIMATE CAUSE OF INJURY 

01/26/2015 D MO MOTION FILED FOR DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, MD AND SOUTHWEST GENERAL MEDICAL GROUP, INC'S MOTION TO PRECLUDE ADMISSION OF EXPERT REPORTS 

01/26/2015 D MO MOTION FILED FOR DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, MD AND SOUTHWEST GENERAL MEDICAL GROUP, INC'S MOTION TO PRECLUDE PLAINTIFF 

- FROM PRESENTING DEPOSITION TESTIMONY TO THE JURY UNLESS THE COURT RULES UPON OBJECTIONS
- 01/26/2015 D MO MOTION FILED FOR DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, MD AND SOUTHWEST GENERAL MEDICAL GROUP, INC'S MOTION TO PRECLUDE ANALOGY OF STANDARD OF CARE TO RULES OF ROAD OR JUROR EXPECTATIONS 
- 01/26/2015 D MO MOTION IN LIMINE DEFENDANTS; MOTION IN LIMINE TO EXCLUDE CROSS EXAMINATION OR COMMENT BY PLAINTIFFS; COUNSEL AS TO UNSUBSTANTIATED ALLEGATIONS AND UNRELATED COLLATERAL ISSUES CONCERNING DEFENSE EXPERT WITNESS, MICHAEL ROSS, MD 
- 01/21/2015 P MO MOTION FILED FOR PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' MOTION TO EQUALIZE PEREMPTORY CHALLENGES AND TO PROHIBIT FRIENDLY CROSS EXAMINATION BY DEFENSE COUNSEL 
- 01/21/2015 P BR REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' BRIEF OPPOSING DEFENDANTS' MOTION TO COMPEL THE MINOR PLAINTIFF'S PRESENCE DURING THE DEFENSE'S VOIR DIRE 
- 01/21/2015 D MO MOTION FILED FOR DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161 MOTION OF DEFENDANTS AYMAN DAHMAN, MD AND MARY JO ALVERSON, CNM TO JOIN IN MOTION TO COMPEL AUSTIN HASTINGS' PRESENCE DURING VOIR DIRE 
- 01/16/2015 D MO MOTION FILED FOR DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS' MOTION TO COMPEL AUSTIN HASTINGS PRESENCE DURING VOIR DIRE 
- 01/16/2015 N/A JE DEFENDANTS JOHANNA O'NEILL, DO AND SOUTHWEST GENERAL MEDICAL GROUP, INC.'S MOTION TO COMPEL PLAINTIFF'S COUNSEL TO PRODUCE AUSTIN HASTINGS FOR MEETING WITH DEFENSE COUNSEL, FILED 01/08/2015, IS GRANTED. DEFENDANTS SHALL BE PERMITTED TO MEET AUSTIN HASTINGS BY 1/25/2015. PLAINTIFFS' MOTION TO PERMIT PLAINTIFFS ATTENDANCE AT THE FINAL PRETRIAL CONFERENCE, FILED 01/13/2015, IS GRANTED. DEFENDANTS AYMAN DAHMAN AND MARY JO ALVERSON, CNM'S MOTION TO COMPEL DEFENSE COUNSEL'S OPPORTUNITY TO MEET THE MINOR PLAINTIFF, AUSTIN HASTINGS, FILED 01/07/2015, IS GRANTED. DEFENSE COUNSEL SHALL BE PERMITTED TO MEET AUSTIN HASTINGS BY 1/25/2015. DEFENDANT SOUTHWEST GENERAL HEALTH CENTER'S MOTION TO COMPEL DEFENSE COUNSEL'S OPPORTUNITY TO MEET THE MINOR PLAINTIFF, AUSTIN HASTINGS, OR IN THE ALTERNATIVE TO PROHIBIT TESTIMONY FROM PLAINTIFF'S NEUROLOGY EXPERT, DANIEL ADLER, M.D. AS TO HIS NEWLY PRODUCED EXPERT REPORT OF DECEMBER 12, 2014 ATTESTING TO THE LIFE CARE PLAN, FILED 01/08/2015, IS MOOT. NOTICE ISSUED 
- 01/15/2015 D BR BRIEF FILED BY DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS' TRIAL BRIEF AND EXHIBIT LIST. 
- 01/15/2015 D OT GENERAL PLEADING FILED BY DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) ATTORNEY DAVID H KRAUSE 0070577 DEFENDANTS' PROPOSED JURY INSTRUCTIONS
- 01/15/2015 D BR REPLY BRIEF FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161 REPLY BRIEF OF DEFENDANTS DAHMAN AND ALVERSON IN SUPPORT OF MOTION 

			TO COMPEL DEFENSE COUNSEL'S OPPORTUNITY TO MEET THE MINOR PLAINTIFF, AUSTIN HASTINGS	
01/14/2015	D1	OT	GENERAL PLEADING FILED BY D1 SOUTHWEST GENERAL HEALTH CENTER ATTORNEY WILLIAM A MEADOWS 0037243 DEFENDANT SOUTHWEST GENERAL HEALTH CENTER'S FIRST PROPOSED SET OF JURY INSTRUCTIONS	
01/14/2015	D	OT	GENERAL PLEADING FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 DEFENDANTS AYMAN DAHMAN, MD AND MARY JO ALVERSON, CNM'S PROPOSED JURY INSTRUCTIONS	
01/14/2015	D	OT	GENERAL PLEADING FILED BY DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ATTORNEY ANNA MOORE CARULAS 0037161 TRIAL BRIEF OF DEFENDANTS AYMAN DAHMAN, MD AND MARY JO ALVERSON CNM	
01/13/2015	P	BR	BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS TRIAL BRIEF WITH LISTS OF WITNESSES AND EXHIBITS	
01/13/2015	P	MO	MOTION FILED FOR PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS MOTION TO PERMIT PLAINTIFFS ATTENDANCE AT THE FINAL PRETRIAL CONFERENCE 01/16/2015 - MOOT	
01/13/2015	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS BRIEF OPPOSING DEFENDANTS JOINT MOTION TO COMPEL SECOND EXAMINATION OF MINOR PLAINTIFF AND TO EXCLUDE PLAINTIFFS EXPERTS TIMELY SUPPLEMENTAL REPORT	
01/12/2015	D1	OT	GENERAL PLEADING FILED BY D1 SOUTHWEST GENERAL HEALTH CENTER ATTORNEY WILLIAM A MEADOWS 0037243 DEFENDANT SOUTHWEST GENERAL HEALTH CENTER'S FINAL PRETRIAL STATEMENT	
01/08/2015	D	MO	MOTION FILED FOR DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, DO AND SOUTHWEST GENERAL MEDICAL GROUP, INC.'S MOTION TO COMPEL PLAINTIFF TO PRODUCE AUSTIN HASTINGS FOR MEETING WITH DEFENSE COUNSEL OR ALTERNATIVELY TO PROHIBIT NEW OPINIONS OF DR. ADLER REGARDING LIFE CARE PLAN AND TO PROHIBIT PHOTOGRAPHS AND/OR VIDEO NOT PREVIOUSLY PRODUCED. 01/16/2015 - GRANTED	
01/08/2015	D2	OT	GENERAL PLEADING FILED BY D2 JOHANNNA O'NEILL ATTORNEY DAVID H KRAUSE 0070577 DEFENDANTS, JOHANNA O'NEILL, DO AND SOUTHWEST GENERAL MEDICAL GROUP, INC.'S FINAL PRETRIAL STATEMENT	
01/08/2015	D1	MO	MOTION FILED FOR D1 SOUTHWEST GENERAL HEALTH CENTER WILLIAM A MEADOWS 0037243 DEFENDANT SOUTHWEST GENERAL HEALTH CENTER'S MOTION TO COMPEL DEFENSE COUNSEL'S OPPORTUNITY TO MEET THE MINOR PLAINTIFF, AUSTIN HASTINGS, OR IN THE ALTERNATIVE TO PROHIBIT TESTIMONY FROM PLAINTIFF'S NEUROLOGY EXPERT, DANIEL ADLER, M.D. AS TO HIS NEWLY PRODUCED EXPERT REPORT OF DECEMBER 12, 2014 ATTESTING TO THE LIFE CARE PLAN 01/16/2015 - MOOT	
01/07/2015	D	MO	MOTION FILED FOR DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANNA MOORE CARULAS 0037161 MOTION TO COMPEL DEFENSE COUNSEL'S OPPORTUNITY TO MEET THE MINOR PLAINTIFF, AUSTIN HASTINGS, OR IN THE ALTERNATIVE TO PROHIBIT TESTIMONY FROM PLAINTIFFS' NEUROLOGY EXPERT, DR. ADLER, AS TO HIS NEWLY PRODUCED EXPERT REPORT OF 12/12/14 ATTESTING TO THE LIFE CARE PLAN 01/16/2015 - GRANTED	

07/02/2014	N/A	SC	FINAL PRETRIAL SCHEDULED FOR 07/28/2014 AT 10:00 AM IS CANCELLED. JUDGE: BRIAN J CORRIGAN (312) REASON: UNKNOWN (notice sent).	
07/02/2014	N/A	SC	TRIAL BY JURY SCHEDULED FOR 08/18/2014 AT 09:00 AM IS CANCELLED. JUDGE: BRIAN J CORRIGAN (312) REASON: UNKNOWN (notice sent).	
06/26/2014	D1	NT	NOTICE OF SUBSTITUTION OF COUNSEL FILED NOTICE OF SUBSTITUTION OF COUNSEL	
06/26/2014	D	NT	NOTICE OF SUBSTITUTION OF COUNSEL FILED NOTICE OF SUBSTITUTION OF COUNSEL	
06/25/2014	N/A	JE	PRE-TRIAL HELD 6/19/2014. TRIAL IS SET FOR 2/2/2015 AT 9:00 A.M. FINAL PRE-TRIAL SET FOR 1/15/2015 AT 8:30 A.M. PRETRIAL ORDER TO BE COMPLETED BY FINAL PRETRIAL. 1.) WITNESS LIST 2.) LIST OF PROPOSED EXHIBITS. 3.) LIST OF STIPULATIONS TO BE PRESENTED. 4.) TRIAL BRIEFS. 5.) PROPOSED JURY INSTRUCTIONS. FINAL PRETRIAL SET FOR 01/15/2015 AT 08:30 AM. TRIAL BY JURY SET FOR 02/02/2015 AT 09:00 AM. NOTICE ISSUED	
06/12/2014	N/A	JE	DEFENDANT(S) SOUTHWEST GENERAL HEALTH CENTER, JOHANNA O'NEILL, AYMAN DAHMAN, MARY JO ALVERSON, CNM AND SOUTHWEST GENERAL MEDICAL GROUP, INC.'S JOINT MOTION TO CONTINUE DEFENSE EXPERT REPORT DEADLINE AND TRIAL DATE, FILED 05/27/2014, IS GRANTED. DEFENDANTS' EXPERT REPORT DEADLINE IS EXTENDED TO 7/28/2014. THE 8/18/2014 TRIAL DATE IS VACATED. A PRE-TRIAL FOR THE PURPOSE OF SELECTING A NEW TRIAL DATE IS SET FOR 6/19/2014 AT 9:15 A.M. NOTICE ISSUED	
06/12/2014	N/A	JE	PRETRIAL SET FOR 06/19/2014 AT 09:15 AM. NOTICE ISSUED	
06/10/2014	D	MO	DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM (D5)'S MOTION FOR CONTINUANCE ANNA MOORE CARULAS 0037161. ^F^ SUPPLEMENT TO DEFENDANTS' JOINT MOTION FOR EXTENSION OF EXPERT DEADLINES AND MOTION TO CONTINUE TRIAL 06/11/2014 - GRANTED	
06/03/2014	P	BR	REPLY BRIEF FILED BY PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) ROMNEY B CULLERS 0053668 PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' JOINT MOTION TO CONTINUE DEFENSE EXPERT REPORT DEADLINE AND TRIAL DATE	
05/27/2014	D	MO	DEFENDANT(S) SOUTHWEST GENERAL HEALTH CENTER(D1), JOHANNA O'NEILL(D2), AYMAN DAHMAN(D3), MARY JO ALVERSON, CNM(D5) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6)'S MOTION FOR CONTINUANCE ANNA MOORE CARULAS 0037161. ^F^ DEFENDANTS' JOINT MOTION TO CONTINUE DEFENSE EXPERT REPORT DEADLINE AND TRIAL DATE 06/12/2014 - GRANTED	
04/30/2014	D	NT	NOTICE FILED BY DEFENDANT(S) SOUTHWEST GENERAL HEALTH CENTER(D1) and JOHANNA O'NEILL(D2) ATTORNEY MARILENA DISILVIO 0064575 INDEPENDENT MEDICAL EXAMINATION	
04/29/2014	N/A	JE	DEFENDANTS SOUTHWEST GENERAL HEALTH CENTER AND JOHANNA O'NEIL, M.D.'S MOTION TO COMPEL PLAINTIFFS' DEPOSITIONS, FILED 04/01/2014, IS UNOPPOSED AND GRANTED. PLAINTIFFS ARE ORDERED TO SUBMIT TO DEPOSITIONS WITHIN 30 DAYS OF THIS ORDER. NOTICE ISSUED	
04/01/2014	D	MO	MOTION FILED FOR DEFENDANT(S) SOUTHWEST GENERAL HEALTH CENTER(D1) and JOHANNA O'NEILL(D2) MARILENA DISILVIO 0064575 DEFENDANTS SOUTHWEST GENERAL HEALTH CENTER AND JOHANNA O'NEIL, M.D.'S MOTION TO COMPEL PLAINTIFFS' DEPOSITIONS 04/29/2014 - GRANTED	
03/31/2014	N/A	JE	PLAINTIFFS' MOTION TO COMPEL DISCOVERY DEPOSITIONS OF DEFENDANTS, FILED 02/06/2014, IS MOOT. PLAINTIFF'S COUNSEL HAS INFORMED THE COURT THAT THE DISCOVERY DEPOSITIONS THAT	

ARE THE SUBJECT OF THE MOTION HAVE BEEN COMPLETED. NOTICE ISSUED

03/14/2014 D1 MO D1 SOUTHWEST GENERAL HEALTH CENTER JMOTION TO COMPEL PLAINTIFFS' ANSWERS AND RESPONSES TO DISCOVERY MARILENA DISILVIO 0064575 04/24/2014 - MOOT

02/18/2014 N/A JE THE COURT HAS RECEIVED PLAINTIFF'S NOTICE OF PARTIAL VOLUNTARY DISMISSAL. DEFENDANT SAYED MASSOOMI, M.D. IS THUS HEREBY DISMISSED WITHOUT PREJUDICE. ALL OTHER CLAIMS AGAINST ALL REMAINING DEFENDANTS REMAIN PENDING. NOTICE ISSUED 

02/13/2014 P NT NOTICE OF APPEARANCE, FILED PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840. PLAINTIFFS' NOTICE OF APPEARANCE OF CO-COUNSEL

02/13/2014 D5 BR BRIEF FILED BY D5 MARY JO ALVERSON, CNM ANNA MOORE CARULAS 0037161 DEFENDANT MARY JO ALVERSON, CNM'S RESPONSE TO PLAINTIFFS' MOTION TO COMPEL DISCOVERY DEPOSITIONS OF DEFENDANTS

02/13/2014 D1 BR DEFENDANTS BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL DISCOVERY DEPOSITIONS OF DEFENDANTS. MARILENA DISILVIO (0064575)

02/11/2014 P NT NOTICE OF APPEARANCE, FILED PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840. PLAINTIFFS' NOTICE OF APPEARANCE OF CO-COUNSEL

02/11/2014 P NT NOTICE OF PLAINTIFFS' NOTICE OF PARTIAL VOLUNTARY DISMISSAL

02/11/2014 P NT NOTICE OF PLAINTIFFS' NOTICE OF PARTIAL VOLUNTARY DISMISSAL

02/06/2014 P MO MOTION FILED FOR PLAINTIFF(S) AUSTIN HASTINGS(P1), MICHELLE HASTINGS(P2) and BRIAN HASTINGS(P3) PAMELA E PANTAGES 0046840 PLAINTIFFS' MOTION TO COMPEL DISCOVERY DEPOSITIONS OF DEFENDANTS 03/31/2014 - MOOT

10/24/2013 N/A JE PRE-TRIAL HELD 10/23/2013. NEW DEADLINES ARE AS FOLLOWS: DISCOVERY CUT-OFF 2/28/2014. PLAINTIFF'S EXPERT REPORT DUE 3/27/2014. DEFENDANT'S EXPERT REPORT DUE 5/27/2014. FINAL PRE-TRIAL SET FOR 7/28/2014 AT 10:00 A.M. TRIAL SET FOR 8/18/2014 AT 9:00 A.M. PRETRIAL ORDER TO BE COMPLETED BY FINAL PRETRIAL. 1.) WITNESS LIST 2.) LIST OF PROPOSED EXHIBITS. 3.) LIST OF STIPLUATIONS TO BE PRESENTED. 4.) TRIAL BRIEFS. 5.) PROPOSED JURY INSTRUCTIONS. NOTICE ISSUED 

10/23/2013 N/A SC TRIAL BY JURY PREVIOUSLY SCHEDULED FOR 03/03/2014 AT 09:00 AM IS RESCHEDULED FOR 08/18/2014 AT 09:00 AM (Notice Sent).

10/23/2013 N/A SC TRIAL BY JURY SCHEDULED FOR 03/03/2014 AT 09:00 AM IS CANCELLED. JUDGE: BRIAN J CORRIGAN (312) REASON: UNKNOWN (notice sent).

10/23/2013 N/A SC FINAL PRE-TRIAL PREVIOUSLY SCHEDULED FOR 01/28/2014 AT 08:30 AM IS RESCHEDULED FOR 07/28/2014 AT 10:00 AM (Notice Sent).

10/23/2013 N/A SC FINAL PRE-TRIAL SCHEDULED FOR 01/28/2014 AT 08:30 AM IS CANCELLED. JUDGE: BRIAN J CORRIGAN (312) REASON: UNKNOWN (notice sent).

10/09/2013 N/A JE DEFENDANTS' MOTION FOR PRE-TRIAL, FILED 9/10/13, IS GRANTED. PRE-TRIAL IS SET FOR 10/23/13 AT 9:15 A.M. NOTICE ISSUED 

10/04/2013 N/A SC PRE-TRIAL SET FOR 10/23/2013 AT 09:15 AM.

09/10/2013 D MO DEFENDANT(S) JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) MOTION FOR PRETRIAL MARILENA DISILVIO 0064575 10/09/2013 - GRANTED

02/13/2013 N/A JE PRE-TRIAL HELD ON 02/07/2013. PLAINTIFF'S EXPERT REPORT: 6/1/13. DEFENDANT'S EXPERT REPORT: 9/1/13. FINAL PRETRIAL SET FOR 

01/28/2014 AT 08:30 AM. JURY TRIAL SET FOR 03/03/2014 AT 09:00 AM. PRETRIAL ORDER TO BE COMPLETED BY FINAL PRETRIAL. 1.) WITNESS LIST 2.) LIST OF PROPOSED EXHIBITS. 3.) LIST OF STIPLUATIONS TO BE PRESENTED. 4.) TRIAL BRIEFS. 5.) PROPOSED JURY INSTRUCTIONS. NOTICE ISSUED

11/13/2012 D OT DEFENDANT(S) SOUTHWEST GENERAL HEALTH CENTER(D1), JOHANNNA O'NEILL(D2) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) STIPULATION LEAVE TO RESPOND TO PLTF'S FIRST SET OF DISCOVERY REQUESTS. MARILENA DISILVIO 0064575

10/18/2012 N/A JE CASE MGMNT CONFERENCE HELD ON 10/17/2012. PRETRIAL SET FOR 02/07/2013 AT 08:30 AM. NOTICE ISSUED 

10/17/2012 D AN DEFENDANT(S) AYMAN DAHMAN(D3) and MARY JO ALVERSON, CNM(D5) ANSWER. WITH JURY DEMAND ANNA MOORE CARULAS 0037161

10/16/2012 D OT DEFENDANT(S) SOUTHWEST GENERAL HEALTH CENTER(D1) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) STIPULATED LEAVE TO RESPOND TO PLTF'S. FIRST SET OF DISCOVERY REQUESTS. MARILENA DISILVIO 0064575

10/05/2012 D4 AN D4 SAYED MASSOOMI ANSWER. WITH JURY DEMAND RONALD A MINGUS 0047217

09/26/2012 D4 SR CERTIFIED MAIL RECEIPT NO. 20074837 RETURNED BY U.S. MAIL DEPARTMENT 09/26/2012 MASSOOMI MD/SAYED/ MAIL RECEIVED AT ADDRESS 09/24/2012 SIGNED BY OTHER.

09/25/2012 D5 SR CERTIFIED MAIL RECEIPT NO. 20074852 RETURNED 09/25/2012 FAILURE OF SERVICE ON DEFENDANT ALVERSON, CNM/MARY/JO - UNABLE TO FORWARD NOTICE MAILED TO PLAINTIFF(S) ATTORNEY

09/24/2012 N/A SR SCHEDULE ATTORNEY NOTICE. NOTICE GENERATED FOR ALVERSON, CNM/MARY/JO ON 09/24/2012 16:53:54

09/24/2012 N/A SR SCHEDULE ATTORNEY NOTICE. NOTICE GENERATED FOR MASSOOMI/SAYED/ ON 09/24/2012 16:53:54

09/24/2012 N/A SR SCHEDULE ATTORNEY NOTICE. NOTICE GENERATED FOR DAHMAN/AYMAN/ ON 09/24/2012 16:53:54

09/24/2012 N/A SR SCHEDULE ATTORNEY NOTICE. NOTICE GENERATED FOR O'NEILL/JOHANNNA/ ON 09/24/2012 16:53:54

09/24/2012 N/A SR SCHEDULE ATTORNEY NOTICE. NOTICE GENERATED FOR DISILVIO/MARILENA/ ON 09/24/2012 16:53:54

09/24/2012 N/A SR SCHEDULE ATTORNEY NOTICE. NOTICE GENERATED FOR PANTAGES/PAMELA/E ON 09/24/2012 16:53:54

09/24/2012 N/A SC CASE MGMNT CONFERENCE SET FOR 10/17/2012 AT 08:30 AM.

09/21/2012 D3 SR CERTIFIED MAIL RECEIPT NO. 20074831 RETURNED BY U.S. MAIL DEPARTMENT 09/20/2012 DAHMAN MD/AYMAN/ MAIL RECEIVED AT ADDRESS 09/19/2012 SIGNED BY OTHER.

09/18/2012 D4 SR SUMS COMPLAINT(20074837) SENT BY CERTIFIED MAIL. TO: SAYED MASSOOMI MD SOUTHWEST MEDICAL CARE 18697 BAGLEY ROAD STE C 07 MIDDLEBURG HEIGHTS, OH 44130-0000 

09/18/2012 D5 SR SUMS COMPLAINT(20074852) SENT BY CERTIFIED MAIL. TO: MARY JO ALVERSON, CNM 6789 RIDGE ROAD #201 PARMA, OH 44129-0000 

09/18/2012 D3 SR SUMS COMPLAINT(20074831) SENT BY CERTIFIED MAIL. TO: AYMAN DAHMAN MD OB ASSOCIATES LLC 6900 PEARL ROAD STE 300 CLEVELAND, OH 44130-0000 

09/14/2012 D5 CS WRIT FEE

09/14/2012 D4 CS WRIT FEE

09/14/2012 D3 CS WRIT FEE

09/11/2012 D5 SR INSTRUCTION FOR SERVICE ON COMPLAINT SENT BY CERTIFIED MAIL TO MARY JO ALVERSON CNM FILED.

09/11/2012 D4 SR INSTRUCTION FOR SERVICE ON COMPLAINT SENT BY CERTIFIED MAIL TO SAYED MASSOOMI MD FILED.

09/11/2012	D3	SR	INSTRUCTION FOR SERVICE ON COMPLAINT SENT BY CERTIFIED MAIL TO AYMAN DAHMAN MD FILED.	
08/14/2012	D	AN	DEFENDANT(S) SOUTHWEST GENERAL HEALTH CENTER(D1) and SOUTHWEST GENERAL MEDICAL GROUP, INC.(D6) ANSWER ON BEHALF OF DEFTS. SOUTHWEST GENERAL HEALTH CENTER, SOUTHWEST GENERAL MEDICAL GROUP, INC. AND JOHANNA O'NEILL, M.D.. WITH JURY DEMAND MARILENA DISILVIO 0064575	
08/03/2012	D6	SR	CERTIFIED MAIL RECEIPT NO. 19653145 RETURNED BY U.S. MAIL DEPARTMENT 08/03/2012 SOUTHWEST GENERAL MEDICAL GROUP, INC. MAIL RECEIVED AT ADDRESS 08/01/2012 SIGNED BY OTHER.	
07/30/2012	D4	SR	CERTIFIED MAIL RECEIPT NO. 19653143 RETURNED 07/30/2012 FAILURE OF SERVICE ON DEFENDANT MASSOOMI MD/SAYED/ - ATTEMPTED NOT KNOWN NOTICE MAILED TO PLAINTIFF(S) ATTORNEY	
07/24/2012	D1	SR	CERTIFIED MAIL RECEIPT NO. 19653140 RETURNED BY U.S. MAIL DEPARTMENT 07/23/2012 SOUTHWEST GENERAL HEALTH CENTER MAIL RECEIVED AT ADDRESS 07/20/2012 SIGNED BY OTHER.	
07/23/2012	D2	SR	CERTIFIED MAIL RECEIPT NO. 19653141 RETURNED BY U.S. MAIL DEPARTMENT 07/20/2012 O'NEILL MD/JOHNANNA/ MAIL RECEIVED AT ADDRESS 07/19/2012 SIGNED BY OTHER.	
07/23/2012	D3	SR	CERTIFIED MAIL RECEIPT NO. 19653142 RETURNED 07/23/2012 FAILURE OF SERVICE ON DEFENDANT DAHMAN MD/AYMAN/ - NO REASON INDICATED NOTICE MAILED TO PLAINTIFF(S) ATTORNEY	
07/23/2012	D5	SR	CERTIFIED MAIL RECEIPT NO. 19653144 RETURNED 07/23/2012 FAILURE OF SERVICE ON DEFENDANT ALVERSON, CNM/MARY/JO - NO REASON INDICATED NOTICE MAILED TO PLAINTIFF(S) ATTORNEY	
07/18/2012	D6	SR	SUMS COMPLAINT(19653145) SENT BY CERTIFIED MAIL. TO: SOUTHWEST GENERAL MEDICAL GROUP, INC. 7215 OLD OAK BLVD., SUITE A-416 MIDDLEBURG HEIGHTS, OH 44130-0000	
07/18/2012	D5	SR	SUMS COMPLAINT(19653144) SENT BY CERTIFIED MAIL. TO: MARY JO ALVERSON, CNM 7215 OLD OAK BLVD., SUITE A-416 MIDDLEBURG HEIGHTS, OH 44130-0000	
07/18/2012	D4	SR	SUMS COMPLAINT(19653143) SENT BY CERTIFIED MAIL. TO: SAYED MASSOOMI MD 18697 BAGLEY ROAD MIDDLEBURG HTS, OH 44103-0000	
07/18/2012	D3	SR	SUMS COMPLAINT(19653142) SENT BY CERTIFIED MAIL. TO: AYMAN DAHMAN MD 7215 OLD OAK BLVD., SUITE A-416 MIDDLEBURG HEIGHTS, OH 44130-0000	
07/18/2012	D2	SR	SUMS COMPLAINT(19653141) SENT BY CERTIFIED MAIL. TO: JOHANNNA O'NEILL MD 7215 OLD OAK BLVD., SUITE A-416 MIDDLEBURG HEIGHTS, OH 44130-0000	
07/18/2012	D1	SR	SUMS COMPLAINT(19653140) SENT BY CERTIFIED MAIL. TO: SOUTHWEST GENERAL HEALTH CENTER 18697 BAGLEY ROAD MIDDLEBURG HTS, OH 44103-0000	
07/03/2012	D6	CS	WRIT FEE	
07/03/2012	D5	CS	WRIT FEE	
07/03/2012	D4	CS	WRIT FEE	
07/03/2012	D3	CS	WRIT FEE	
07/03/2012	D2	CS	WRIT FEE	
07/03/2012	D1	CS	WRIT FEE	
06/26/2012	N/A	SF	JUDGE BRIAN J CORRIGAN ASSIGNED (RANDOM)	
06/26/2012	P1	SF	LEGAL RESEARCH	
06/26/2012	P1	SF	LEGAL NEWS	
06/26/2012	P1	SF	LEGAL AID	
06/26/2012	P1	SF	COURT SPECIAL PROJECTS FUND	
06/26/2012	P1	SF	COMPUTER FEE	
06/26/2012	P1	SF	CLERK'S FEE	

06/26/2012 P1 SF DEPOSIT AMOUNT PAID THE BECKER LAW FIRM CO LPA
06/26/2012 P1 SF DEPOSIT AMOUNT PAID THE BECKER LAW FIRM CO LPA
06/26/2012 N/A SF CASE FILED
06/26/2012 P1 SR COMPLAINT WITH JURY DEMAND FILED. SERVICE REQUEST -
SUMMONS BY CERTIFIED MAIL TO THE DEFENDANT(S).

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.

For questions/comments please [click here](#).

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EXHIBIT B

15.0 ASSIGNMENT OF CIVIL CASES FOR TRIAL

- (A) All civil cases shall be assigned to a Judge through a process either manual or electronic, which ensures a random selection of the Judge and preserves the identity of the Judge until selected.
- (B) It shall be the duty of the assigned Judge to handle all Court activity, including motions, emergency matters, Case Management Conferences, pretrials, trials, and any post trial matters associated with the cases assigned to the docket.
- (C) The scheduling of civil cases for Case Management Conferences and pretrials may be handled by the Central Scheduling Office (CSO).
- (D) The trial date for a case will be set by the Judge to whom the case is assigned.
- (E) The commitments of attorneys in any state court of record, the U.S. District Court or other branches of this Court shall be honored by each Judge when considering the setting of trial dates. (See Sup. Rule 41). If a scheduling conflict arises between the trial Court and an appellate Court, the appellate Court shall be deemed to have a priority.
- (F) Attorneys with larger than average caseloads may, upon notification by the Administrative Judge, be required to submit detailed calendar information on a regular basis and to comply with other orders that may promote the orderly and timely disposition of his caseload.
- (G) (1) If a plaintiff, either in person or by counsel, fails to appear for a scheduled trial date, the Judge may after notice enter an order dismissing the action for want of prosecution. If a defendant, either in person or by counsel, fails to appear, and the plaintiff appears, the Judge shall order the plaintiff to proceed with the case and decide and determine all matters ex parte.

(2) If a party or counsel appears but shows good cause as to why he is not ready for trial, the Court shall make such order or orders it deems proper. If a party or counsel appears but indicates he is not ready for trial without showing good cause for his unreadiness, the Court, if such party is plaintiff, shall enter an order dismissing the action for want of prosecution or, if a defendant, order the plaintiff to proceed with the case and determine all matters ex parte.
- (H) Pursuant to Civil Rule 42, when actions involving a common question of law and fact are pending in this Court, upon motion by any party, the Court may order a joint trial of any or all of the matters in issue; it may order all or some of the actions consolidated; and, it may make such orders concerning proceedings as may tend to reduce unnecessary costs or delay. The motion for consolidation shall be filed in all actions for which consolidation is sought. All Judges involved in the consolidation motion shall confer in an effort to expedite the ruling. The Judge who has the lower or lowest numbered case shall rule on the motion. In the event that the Judges cannot agree, the motions shall be referred to the Administrative Judge for ruling.
- (I) All cases re-filed with the Clerk's Office which were dismissed without prejudice pursuant to Civil Rule 41A on a previous occasion shall be immediately assigned to the original docket identified on the case designation form. In the event a case is incorrectly assigned to a Judge, an order transferring a

Cuyahoga County Common Pleas Court Local Rules

previously filed case or related case to another Judge must be entered within 120 calendar days from the date of the filing of the new complaint in the new case.

- (J) If a case disposed by an assigned Judge is reversed and remanded by an appellate Court the case shall be returned to the docket of the assigned Judge. If a case is disposed of by a visiting Judge and the case is reversed and remanded by an appellate Court, the case shall be returned to the docket of the assigned Judge who referred the case.

Effective 07/01/08

2.0 ADMINISTRATIVE JUDGES

- (A) The divisions of the Common Pleas Court shall be as follows:
- (1) General Division
 - (2) Domestic Relations Division
 - (3) Probate Division
 - (4) Juvenile Division
- (B) The Judges of The General Division shall select an Administrative Judge at the November Judges' meeting under the terms and conditions as set as set forth in Superintendence Rule 4 (A). The candidates for Administrative Judge shall have completed a full term as a General Division Judge before assuming the office. The Administrative Judge shall be elected for an annual term and may be re-elected. The election shall be by secret ballot if an election is contested; voting by proxy is not permitted. Election requires that the Administrative Judge receive a majority vote of the qualified sitting Judges. The Administrative Judge shall have such powers and duties as set forth in Section (B) of Superintendence Rule 4.
- (C) The Administrative Judge shall be the presiding officer of the General Division and shall have full responsibility for and control over the administration, and docket and calendar of the General Division and shall be a spokesperson for the Court on all policy matters.
- (D) The Administrative Judge shall name the Chairperson and shall appoint members and fill vacancies of all committees. Upon election or re-election the Administrative Judge may change the membership of all committees.
- (E) There shall be the following committees and such other ad hoc committees as may be created by the Administrative Judge:
- (1) Civil Rules
 - (2) Criminal Rules
 - (3) Policy
 - (4) Probation
 - (5) Technology
 - (6) Veterans Service

Effective 05/01/99

EXHIBIT C

From: Carulas, Anna
Sent: Friday, January 23, 2015 9:24 AM
To: Leslie Hines; ppantages@beckerlawlpa.com; dkrause@reminger.com
Subject: RE: Hastings v. Southwest General Health Center, et al.

Hi Leslie,

Thanks so much for letting us know this. I have discussed this with my clients and wanted you to know their position. I currently have a case on appeal that was tried before Judge Kelly last March. Given this (and I could provide more details if necessary) my clients and I would object to this case being tried before Judge Kelly. We are fine with the case being tried before Judge Coyne. I thought I should let you and counsel know our position as soon as possible, if hopefully this can help to secure Judge Coyne. I have spoken with David Krause who has indicated that Judge Coyne is acceptable to him, although I have not yet had a chance to discuss this with Pam Pantages.

Thanks very much,

Anna

Anna Moore Carulas

ROETZEL
1375 East Ninth Street
One Cleveland Center, 9th Floor
Cleveland, OH 44114
Direct Phone No.: 216.615.7401
Main Phone No.: 216.623.0150
Fax No.: 216.623.0134
Email: acarulas@ralaw.com
www.ralaw.com
Roetzel & Andress, A Legal Professional Association

Both Anna Carulas and Roetzel & Andress intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify Anna Carulas immediately at 216.615.7401. Thank you.

From: Leslie Hines [<mailto:lhines@cuyahogacounty.us>]
Sent: Thursday, January 22, 2015 4:38 PM
To: ppantages@beckerlawlpa.com; Carulas, Anna; dkrause@reminger.com
Subject: Hastings v. Southwest General Health Center, et al.

Counsel,

A visiting judge will be hearing your case, and he will most likely start it on 2/2. Your case is first on the list for that day, so it is likely to start on time. The visiting judges for February are Judge Pat Kelly and

Judge William Coyne. I will let you know more details when I know them. Please let me know if you have any questions.

Best,

Leslie

Leslie Hines
Judicial Staff Attorney to the Hon. Judge Brian J. Corrigan
Cuyahoga County Court of Common Pleas
1200 Ontario St.
Cleveland, Ohio 44114
Direct line: (216) 443-8577

EXHIBIT D

From: Leslie Hines

Sent: Thursday, January 29, 2015 11:30 AM

To: 'Pamela Pantages'; Reedy, Janis; Carulas, Anna; dkrause@reminger.com; ADavis@reminger.com

Cc: Vikki Bonafield

Subject: RE: Hastings v. Southwest General Health Center, et al.

Counsel,

There has been a change in the visiting judge schedule for February. The judges are Judge Coyne and Judge Lillian Greene. I have been told that, because Judge Greene has seniority and your case is first on the list, she will be hearing your case on Monday. Your case will likely be heard in courtroom 3A or 3B—check in with the visiting judges' bailiff, Donna Kelleher, for further instruction on Monday morning. You should also bring copies of your pre-trial motions and briefs (trial and bench briefs, motions in limine and oppositions, etc.) on Monday morning. Your file will already be there. Please let me know today if you have any questions, as I will not be available tomorrow. You can also call me at 216 443 8577.

Best,

Leslie

EXHIBIT E

IN THE SUPREME COURT OF OHIO

AUSTIN HASTINGS, ET AL.,

Plaintiffs,

vs.

SOUTHWEST GENERAL HEALTH
CENTER, ET AL.,

Defendants.

Common Pleas Case No. CV 12 785788

From the Cuyahoga County
Court of Common Pleas

Supreme Court Case No. 15-AP-008

Judgment Entry

Anna Moore Carulas, defense counsel in the underlying case, has filed an affidavit with the clerk of this court under R.C. 2701.03 seeking to disqualify Judge Lillian Greene, a retired judge sitting by assignment, from presiding over the trial in case No. CV 12 785788 in the Cuyahoga County Court of Common Pleas.

Carulas claims that at a February 2, 2015 conference—the first meeting between counsel and Judge Greene—plaintiffs’ counsel brought up the fact that Carulas had previously expressed an objection to Judge Greene hearing the underlying case because the judge had ruled against defendants’ insurance carrier in an unrelated matter. According to Carulas, Judge Greene responded that she was not anxious for this trial to go forward if “there is a vengeance from 10 years ago.” Carulas concludes that Judge Greene’s comment “that she perceives the Defendants as acting with vengeance toward her raises a justifiable objection about her ability to be unbiased and unprejudiced in trying this case.” *See Carulas Aff.* at 1-3.

Judge Greene has responded with her own affidavit, averring that she has no bias or prejudice against any party in the underlying proceeding. Judge Greene further states that nothing about the prior case involving defendants’ insurance carrier—which the judge presided

over more than ten years ago—will have an effect on how she conducts the underlying trial. And the judge disputes Carulas’s characterization of her remarks at the February 2 conference. According to Judge Greene, her actual comment upon learning of Carulas’s previous objection was that it “sounded like a vengeance of what happened 10 years ago which has no place in a courthouse or courtroom.” *See* Judge Greene Aff. at 2-3.

Pamela Pantages, counsel for plaintiffs, has also filed an affidavit, averring that Carulas misquoted Judge Greene. According to Pantages, after Judge Greene was apprised of Carulas’s objection, the judge responded that it sounded like a vengeance from ten years ago, “which has no place in the courtroom.” *See* Pantages Aff. at ¶ 15-22.

For the reasons explained below, no basis has been established to order the disqualification of Judge Greene.

As an initial matter, the timeliness of the affidavit warrants discussion. R.C. 2701.03(B) requires that an affidavit of disqualification must be filed “not less than seven calendar days before the day on which the next hearing in the proceeding is scheduled.” This statutory deadline may be set aside, however, “when compliance with the provision is impossible,” such as when the alleged bias or prejudice occurs fewer than seven days before the hearing date. *In re Disqualification of Leskovyansky*, 88 Ohio St.3d 1210, 723 N.E.2d 1099 (1999); *Disciplinary Counsel v. Squire*, 116 Ohio St.3d 110, 2007-Ohio-5588, 876 N.E.2d 933, ¶ 27. Here, Carulas filed her affidavit of disqualification on February 2, 2015, although a hearing was scheduled for the following day. Carulas contends that the affidavit could not have been filed earlier because the “direct incidence of bias and prejudice” occurred at the February 2 conference. *See* Carulas Aff. at ¶ 1, 9. In light of Carulas’s averments, the clerk properly accepted the affidavit for filing

despite the seven-day requirement in R.C. 2701.03(B). See *In re Disqualification of Squire*, 110 Ohio St.3d 1202, 2005-Ohio-7157, 850 N.E.2d 709, ¶ 3.

Turning to the merits, Carulas has not set forth sufficient grounds for disqualification. First, the fact that Judge Greene ruled against defendants' insurance carrier in a prior case does not demonstrate that the judge was then or is now biased against defendants. "State and federal courts have been virtually unanimous in holding that—absent a showing of actual bias—a judge who presided over prior proceedings involving one or more parties presently before the court is not thereby disqualified from presiding over later proceedings involving the same parties." *In re Disqualification of Bryant*, 117 Ohio St.3d 1251, 2006-Ohio-7227, 885 N.E.2d 246, ¶ 4. This principle is especially true here, where defendants' insurance carrier is not a party to the underlying case, and apparently ten years have passed since Judge Greene's previous action involving the insurance company.

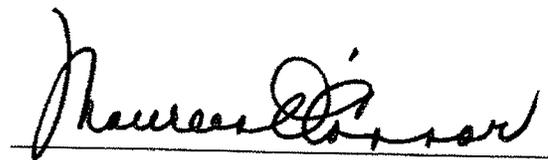
Second, Judge Greene's alleged "vengeance" comment at the February 2 conference does not conclusively demonstrate that she is biased or prejudiced against defendants. In disqualification requests, "[t]he term 'bias or prejudice' 'implies a hostile feeling or spirit of ill-will or undue friendship or favoritism toward one of the litigants or his attorney, with the formation of a fixed anticipatory judgment on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.' " *In re Disqualification of O'Neill*, 100 Ohio St.3d 1232, 2002-Ohio-7479, 798 N.E.2d 17, ¶ 14, quoting *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 469, 132 N.E.2d 191 (1956). Here, Judge Greene's choice of words upon learning of Carulas's previous objection may not have been ideal. Attorneys should be free to challenge, in appropriate legal settings, a court's perceived partiality without the court misconstruing the intent of the challenge. See *Disciplinary Counsel v. Shimko*, 134

Ohio St.3d 544, 2012-Ohio-5694, 983 N.E.2d 1300, ¶ 32. However, the judge's comment, by itself, does not prove that the judge has hostile feelings or a spirit of ill will toward Carulas or her clients, nor does the comment indicate any fixed anticipatory judgment in the underlying case warranting the judge's removal. *See In re Disqualification of Corrigan*, 105 Ohio St.3d 1243, 2004-Ohio-7354, 826 N.E.2d 302 (judge's choice of words was not ideal but the affidavits did not establish that the judge was unable to decide the remaining issues in the case fairly and impartially).

"The statutory right to seek disqualification of a judge is an extraordinary remedy. A judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions." *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5. Given Judge Greene's assurances that she will hear this case fairly and impartially, those presumptions have not been overcome.

For the reasons stated above, the affidavit of disqualification is denied. The case may proceed before Judge Greene.

Dated this 5th day of February, 2015.



MAUREEN O'CONNOR
Chief Justice

Copies to: Sandra H. Grosko, Clerk
Hon. Lillian Greene
Hon. John Russo, Administrative Judge
Cuyahoga County Clerk of Courts
Anna Moore Carulas, Esq.
Pamela Pantages, Esq.
Paul Flowers, Esq.
David Krause, Esq.

EXHIBIT F

1 Michelle C. Jones, RPR, CRR
2 Official Court Reporter
3 Cuyahoga County, Ohio
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1 case would proceed before Judge Lillian
2 J. Greene.

3 We're here today to pick a new date
4 for the trial. As much as the writ is still
5 pending, counsel wanted to address that.

6 MR. LEAK: Yes, Your Honor,
7 before we set the trial date, we have to raise
8 an objection to these proceedings for a few
9 grounds. Number one, we have a pending writ
10 of prohibition, that we say this Court does
11 not have subject matter jurisdiction. So we
12 need to be consistent with our writ of
13 prohibition, that we are still objecting to
14 these proceedings going forward.

15 Also, under the circumstances as we
16 sit here today, we were initially sent here
17 from across the street because of Judge
18 Corrigan's unavailability. Obviously now,
19 since we don't have a trial date, Judge
20 Corrigan cannot logically be unavailable. So
21 through the system of the visiting judge
22 system, we believe that this case should go
23 back to Judge Corrigan, to set a trial date.
24 And if he comes unavailable down the road,
25 we -- you know, we can address that.

1 But right now, Judge Corrigan should
2 be available for setting a trial date.

3 So we're objecting to these
4 proceedings of setting a trial date.

5 To clarify, the affidavit of
6 disqualification, when it was denied, it
7 wasn't that the Supreme Court instructed you
8 to proceed, it said you may.

9 And once again, under these
10 circumstances that we're objecting to the
11 transfer, initially, and the reason that we're
12 here right now, we don't believe we should be
13 in front of a visiting judge, because Judge
14 Corrigan is obviously -- can still be
15 available for trial.

16 THE COURT: Okay. Anyone
17 else?

18 MS. PANTAGES: Yes, Your Honor.
19 Just to reiterate the process that got us in
20 this situation to begin with, we had a
21 final --

22 THE COURT: Briefly, just
23 briefly.

24 MS. PANTAGES: Real quick. We
25 had a final pretrial on January 15th where

1 Judge Corrigan indicated that he was not
2 available and that he was going to transfer
3 the case across the street. There was no
4 objection from any party. We also were acting
5 under the presumption that that's what was
6 going to happen.

7 A week later we got notice from Judge
8 Corrigan's staff attorney that we had been
9 transferred to the VJ docket and that she
10 hadn't gotten the assignment from
11 Administrative Judge Russo yet, but it looked
12 like the VJ roster for February was either
13 going to be Patrick Kelly or William Coyne.

14 Attorney Carulas sent an e-mail,
15 indicating her objection to Judge Kelly,
16 because of a plaintiff's verdict on appeal --
17 I'm sorry, Your Honor I need to make a record,
18 I apologize, then followed by another
19 objection when we found out it was you.

20 At no point in time did they ever
21 object to getting transferred. In fact, they
22 were saying affirmatively, that they would be
23 happy with Judge Coyne.

24 Ultimately, we were assigned to you.
25 We know the progression that went on

1 last week, where there were two pleadings that
2 were filed in the Ohio Supreme Court on Monday
3 morning. That prevented us from getting
4 started Monday morning. Those were denied
5 before the Ohio Supreme Court Monday
6 afternoon.

7 You instructed us to be here on
8 Tuesday, ready to pick a jury. We were here
9 on Tuesday.

10 Tuesday morning they filed the
11 affidavit of disqualification. We were told
12 that we were stayed until Thursday. During
13 that process, Mr. Cullers and I moved our
14 expert witnesses from Tuesday to Wednesday, to
15 Thursday, to next week, incurring tremendous
16 amount of expense and inconvenience.

17 Ultimately, we found out on Friday
18 afternoon that the affidavit of
19 disqualification had been denied on Thursday
20 afternoon, meaning we could have gone forward
21 on Friday, we were ready to go. We were
22 unable to do that.

23 Now we're here, and we're hearing
24 that the case should be sent back to Judge
25 Corrigan, notwithstanding the denial of the

1 motions for emergency stay and the expedited
2 writ and the affidavit of disqualification.

3 If the Court sends back this case to
4 Judge Corrigan, then their abuse of process
5 worked. And we object to that strongly.

6 There is another case sitting in this
7 courtroom, ready to proceed with you, as
8 assigned through the Cuyahoga County
9 assignment process, which is random, by virtue
10 of the fact that the senior judge gets
11 assigned the first judge on the trial.

12 So we object, number one to the abuse
13 of process that occurred last week and number
14 two, to any suggestion that the defense's
15 successful abuse of process should send the
16 case back to Judge Corrigan.

17 Thank you for letting me make a
18 record, Your Honor.

19 THE COURT: All right. The
20 Court understands your argument, but I'm going
21 to set the trial for April 6, 2015, and
22 whatever, you know, transpires in between now
23 and April 6th, the Court will deal with or
24 Judge Corrigan will deal with it.

25 Yes, sir?

1 MR. KRAUSE: Just so we have
2 a complete record, I want to put on the
3 record, because I am the one on behalf of
4 Dr. O'Neill who filed a motion for continuance
5 on Thursday morning, once it became clear that
6 we were not going to start in time, my experts
7 were no longer available because they were
8 coming in Monday, and that became an issue
9 because Dr. O'Neill is entitled to a full and
10 fair defense.

11 I filed a motion for continuance. My
12 understanding is the motion has been granted,
13 and we're picking the date available.

14 That's all I want to put on the
15 record, thank you.

16 MS. CARULAS: If I may, Your
17 Honor. Just briefly, number one, as far as
18 Ms. Pantages' description of the process --

19 THE COURT: Okay, I've heard
20 it several times. It's in the record. And if
21 you filed some kind of motion with regard to
22 your request, it will be read. I don't need
23 to hear it again. I've heard it two, three
24 times.

25 MS. CARULAS: All right. I

1 just wanted to say we were within our rights,
2 we believe, to file that.

3 As far as the trial date, as we had
4 mentioned --

5 THE COURT: I understand. I
6 am setting it for April 6th. I don't know
7 what will transpire between now and April 6th,
8 but that's what I'm setting it for, April 6th.
9 If I am incorrect and I should -- the case
10 should not be with the visiting judge, then it
11 will go back across the street.

12 But as of right now I'm setting it
13 for that.

14 MS. CARULAS: I appreciate
15 that. May I put my objection as far as what
16 we had discussed in chambers?

17 THE COURT: What did we
18 discuss in chambers?

19 MS. CARULAS: We had
20 discussed, number one, that I am scheduled
21 already to be engaged counsel in the case of
22 Churchill versus --

23 THE COURT: I know all of
24 that, but I'm still setting it for April 6th
25 and if Judge Corrigan or Judge Russo wants to

1 change that, that's fine.

2 MS. CARULAS: I'm just saying,
3 Judge -- I feel I have to make the record,
4 please --

5 THE COURT: You have.

6 MS. CARULAS: I haven't on the
7 record. Number one was my conflict in
8 Franklin County, of Churchill versus Lab Corp.
9 The second conflict I raised back in chambers,
10 is that Dr. Dahman is scheduled to be on a
11 family vacation during the week of April 6th.
12 And I had raised that back in chambers and
13 respectfully requested that we find another
14 date in April that would work with my
15 schedule, and Dr. Dahman's schedule.

16 And it's my understanding that as far
17 as scheduling purposes, this Court is
18 available in April and May. And my request
19 had been that we find a date that would not be
20 in conflict with my trial schedule or with my
21 client's vacation schedule.

22 I appreciate it, thank you.

23 MS. PANTAGES: Your Honor, just
24 a housekeeping question. We're going to be
25 filing a motion for costs, for everything that

1 we incurred last week. Do we -- if we want to
2 submit that to you, is there a way that we --
3 how is that going to be transferred, so that
4 you get it?

5 THE COURT: I would say
6 submit it to Judge Corrigan, not me. I'm just
7 here to try the case, which I'm not doing,
8 so --

9 MS. PANTAGES: Okay.
10 (Thereupon, Court was adjourned.)

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C E R T I F I C A T E

I, Michelle Clare Jones, Official Court Reporter for the Court of Common Pleas, Cuyahoga County, Ohio, do hereby certify that as such reporter I took down in stenotype all of the proceedings had in said Court of Common Pleas in the above-entitled cause; that I have transcribed my said stenotype notes into typewritten form, as appears in the foregoing Transcript of Proceedings; that said transcript is a complete record of the proceedings had in the trial of said cause and constitutes a true and correct Transcript of Proceedings had therein.

Michelle Clare Jones, RPR, CRR
Official Court Reporter
Cuyahoga County, Ohio

EXHIBIT G

From: Pamela Pantages [<mailto:PPantages@beckerlawlpa.com>]
Sent: Tuesday, April 07, 2015 11:51 AM
To: Leslie Hines
Cc: Carulas, Anna; David Krause; Mike Becker
Subject: Hastings v. Dahman Cuyahoga Cty Case No. 785788

Dear Leslie:

Plaintiffs have a pending motion for the costs we incurred as a consequence of the delay of our February 2 trial by Defendants Dahman & Alverson. Is it possible for us to schedule an oral hearing with Judge Corrigan for the purpose of making a record of our costs?

Thank you.



Pamela Pantages, Esq.
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or pepantages@gmail.com

EXHIBIT H

VISITING JUDGE DIRECTORY

FEBRUARY

<i>Room #</i>	<i>Judge</i>	<i>Bailiff</i>	<i>Phone</i>
2-A	Richard J. McMonagle	Gil Ryan	216-443-8675
3-A	Lillian J. Greene	Donna Kelleher	216-443-6918
2-B	William J. Coyne	Donna Kelleher	216-443-6918
4-B	Harry A. Hanna	Margaret Wallison	216-443-8744

Assignments are Subject to Change Without Notice

Fax Number for Visiting Judges: 216-443-6643

Revised: January 29, 2015

EXHIBIT I

Carulas, Anna

From: Carulas, Anna
Sent: Thursday, April 09, 2015 4:24 PM
To: 'David Krause'; 'Donna Kelleher'; 'Pamela Pantages'
Cc: Andrea Dziak; Jennifer Patouhas; Reedy, Janis
Subject: RE: Hastings v. Dahman - CV 785788

All - I have confirmed that my clients and expert are available to try this case on November 16, 2015. I must reiterate, however, my clients' continuing objection to the scheduling of this trial by Visiting Judge Greene. As previously stated, it is my clients' position that this case should be re-assigned back to the randomly assigned judge on the case, Judge Brian Corrigan, who should be the judge to schedule a new trial date, to rule on all pending motions, and hold the trial at a date when both Judge Corrigan and the parties are available. We have a pending motion requesting that the case be reassigned back to Judge Corrigan, but it has not been ruled upon yet. We would object to any exercise of jurisdiction by Judge Greene in this case, including but not limited to the scheduling of a new trial date.

Thank you,
Anna Carulas

Anna Moore Carulas

 ROETZEL

1375 East Ninth Street
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Cleveland, OH 44114
Direct Phone No.: 216.615.7401
Main Phone No.: 216.623.0150
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From: David Krause [mailto:DKrause@reminger.com]
Sent: Thursday, April 09, 2015 12:36 PM
To: 'Donna Kelleher'; Carulas, Anna; 'Pamela Pantages'
Cc: Andrea Dziak; Jennifer Patouhas
Subject: RE: Hastings v. Dahman - CV 785788

The November 16 trial date works for our experts

David Krause, Esq. - 216-430-2126 (direct)
Reminger Co., L.P.A.

From: David Krause
Sent: Thursday, April 9, 2015 9:25 AM
To: 'Donna Kelleher'; Carulas, Anna; Pamela Pantages
Cc: Andrea Dziak; Jennifer Patouhas
Subject: RE: Hastings v. Dahman - CV 785788

Thank you. We hope to know if the November date works shortly.

David Krause, Esq. - 216-430-2126 (direct)
Reminger Co., L.P.A.

From: Donna Kelleher [<mailto:CPDXK@cuyahogacounty.us>]
Sent: Wednesday, April 8, 2015 4:11 PM
To: David Krause; Carulas, Anna; Pamela Pantages
Subject: Re: Hastings v. Dahman - CV 785788

I'm waiting for you, this time, Mr. Krause. DK

From: David Krause <DKrause@reminger.com>
Sent: Wednesday, April 8, 2015 2:40 PM
To: Carulas, Anna; Pamela Pantages; Donna Kelleher
Subject: RE: Hastings v. Dahman - CV 785788

We have not confirmed with our experts yet.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Carulas, Anna" <acarulas@ralaw.com>
Date: 04/08/2015 2:34 PM (GMT-05:00)
To: Pamela Pantages <PPantages@beckerlawlpa.com>, Donna Kelleher <CPDXK@cuyahogacounty.us>
Cc: David Krause <DKrause@reminger.com>
Subject: RE: Hastings v. Dahman - CV 785788

Pam - I have not heard back from my expert yet on the two options we discussed – July 13th or November 16th. I have not heard back from Dave Krause on this either, but perhaps you have?

From: Pamela Pantages [<mailto:PPantages@beckerlawlpa.com>]
Sent: Wednesday, April 08, 2015 2:17 PM
To: Donna Kelleher; Carulas, Anna
Cc: dkrause@reminger.com
Subject: RE: Hastings v. Dahman - CV 785788

Hi Donna

On March 2, 2015, Plaintiffs filed the attached pleading which is (1) a brief in opposition to pending defense motion (filed 2/12/15) to transfer the case back to Judge Corrigan and (2) a motion for sanctions and costs (expert fees, travel costs, attorney fees, etc.) associated with the defense's delay of our trial date of Feb. 2, 2015.

The parties have agreed to reset the trial for Nov. 16, 2015, if that works for Judge Greene.

Thanks.



Pamela Pantages, Esq.
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or pepantages@gmail.com

From: Donna Kelleher [<mailto:CPDXK@cuyahogacounty.us>]
Sent: Tuesday, April 07, 2015 3:39 PM
To: Carulas, Anna
Cc: Pamela Pantages; dkrause@reminger.com
Subject: Re: Hastings v. Dahman - CV 785788

It's become very clear to me that Judge Corrigan has no intention on taking this case back from Judge Greene. Judge Greene is assigned the month of April however, she is not presently in trial. What motion or motions are before Judge Greene at this time? What trial dates are we looking at before the Judge just gives me one? (I'll talk to her about this but unless she's here, don't think she'll be okay setting a date to set a date.)

You can cover the record before, during or after trial.

Sent: Tuesday, April 7, 2015 3:06 PM
To: Donna Kelleher
Cc: ppantages@beckerlawlpa.com; dkrause@reminger.com
Subject: RE: Hastings v. Dahman - CV 785788

Hi Donna. Yes, my client's position is that the case should be returned to Judge Corrigan for rulings and further disposition, including trial and we await a ruling on that motion. In the meantime, if there has been a decision or ruling that Judge Greene is to try the case, then I do need to formally place my objection on the record. Since Judge Greene was scheduled to be a VJ for the month of April, I thought she would already be there and so it would be convenient. I will, of course, work around her and your schedule if we are indeed to choose a date for trial before Judge Greene. Thanks very much,
Anna

From: Donna Kelleher [<mailto:CPDXK@cuyahogacounty.us>]
Sent: Tuesday, April 07, 2015 10:50 AM
To: Carulas, Anna
Cc: ppantages@beckerlawlpa.com; dkrause@reminger.com
Subject: Re: Hastings v. Dahman - CV 785788

Hi Anna. The visiting Judges aren't suppose to come in unless in trial. For what purpose would you need the Judge and a Court Report to set a date?.....to place more objections on the record?

From: Carulas, Anna <acarulas@ralaw.com>
Sent: Friday, April 3, 2015 6:16 PM
To: Donna Kelleher

Cc: ppantages@beckerlaw|pa.com; dkrause@reminger.com

Subject: Hastings v. Dahman - CV 785788

Hi Donna,

It is my understanding that Pam Pantages, Dave Krause and I have been instructed to get together to choose a new trial date for this case to proceed before Judge Greene. We have conferred and are looking at some options. Given my clients' previous and continued position that this case should go back to Judge Corrigan for rulings on trial, I would appreciate the opportunity for the scheduling process to take place at the courthouse with Judge Greene and a court reporter present. All counsel are available on Thursday, April 16th. Would it be possible for you to arrange this?

Thanks very much,
Anna

Anna Moore Carulas

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EXHIBIT J

From: Pamela Pantages [<mailto:PPantages@beckerlawlpa.com>]
Sent: Tuesday, April 14, 2015 1:23 PM
To: Donna Kelleher; David Krause; Carulas, Anna
Subject: RE: Hastings v. Dahman - CV 785788

Hi Donna

Have we confirmed the November 16 trial date & which judge will be ruling on the outstanding motions, please?

Thanks!



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EXHIBIT K

Presiding/Administrative Judge for Reassignment to a Visiting Judge for Trial.” (See Journal Entry, dated January 30, 2015). Moreover, on January 30, 2015, the Administrative Judge, John Russo, docketed a Journal Entry, which states: “Due to the unavailability of original Judge Brian J. Corrigan, this case is hereby transferred to Visiting Judge Lillian J. Greene for trial.” (Journal Entry, dated January 30, 2015). Both Orders were expressly based upon the unavailability of Judge Corrigan for the original trial date of February 2, 2015.

3. Even though the case did not proceed to trial on February 2, 2015, and even though Judge Corrigan is no longer unavailable, the Docket nevertheless reflects that this case was “assigned” to Judge Greene on February 9, 2015. (See Docket Entry, dated February 9, 2015). The purported re-assignment of the entire case to Judge Greene, however, is not in accordance with Rule 36(B) of the Rules of Superintendence and Local Rule 15.0 of the Cuyahoga County Court of Common Pleas. Nevertheless, Judge Greene has continued to exercise jurisdiction over this case, including but not limited to the exercise of judicial authority over the scheduling of a new trial date.

4. In this regard, counsel for the parties have been directed to contact the Bailiff for the Visiting Judges, Donna Kelleher, to schedule a new trial date before Visiting Judge Greene. Defendants Dahman and Alverson strongly object to this off-the-record process for the scheduling for a new trial date. Defendants Dahman and Alverson previously filed a motion to re-assign the entire case back to Judge Brian Corrigan, who is the randomly assigned judge who should schedule a new trial date, rule on all pending motions, and preside over the trial at a date when Judge Corrigan and the parties are available. This Motion remains pending. Moreover, Defendants Dahman and Alverson have filed an original action for a writ of prohibition with the Ohio Supreme Court, which remains pending.

5. For these reasons, therefore, Defendants Ayman Dahman, MD, and Mary Jo Alverson, CNM, respectfully object to any exercise of jurisdiction by Judge Greene over this case, including but not limited of the scheduling of a new trial date.

Respectfully submitted,

/s/ Anna Moore Carulas

ANNA MOORE CARULAS (0037161)
Roetzel & Andress, LPA
1375 East Ninth Street, Suite 900
Cleveland, OH 44114
216.623.0150
216.623.0134 (fax)
acarulas@ralaw.com
*Attorney for Defendants Ayman Dahman, MD
and Mary Jo Alverson, CNM*

PROOF OF SERVICE

A copy of the foregoing Objection was served on April 16, 2015, pursuant to Civ.R. 5(B)(2)(f) via e-service or other electronic means to the following:

Pamela Pantages
The Becker Law Firm, LPA
134 Middle Avenue
Elyria, OH 44035
ppantages@beckerlawlpa.com

Attorney for Plaintiffs

David Krause
Reminger Co., LPA
101 W. Prospect Avenue, Suite 1400
Cleveland, OH 44115
dkrause@reminger.com

*Attorney for Defendants Johanna O'Neill,
M.D. and Southwest General Medical Group,
Inc.*

/s/ Anna Moore Carulas

Anna Moore Carulas
*Attorney for Defendants Ayman Dahman,
MD and Mary Jo Alverson, CNM*

EXHIBIT L

From: Donna Kelleher <CPDXK@cuyahogacounty.us>

Date: April 16, 2015 at 11:41:55 AM EDT

To: Pamela Pantages <PPantages@beckerlawlpa.com>, David Krause <DKrause@reminger.com>, "Carulas, Anna" <acarulas@ralaw.com>

Subject: Re: Hastings v. Dahman - CV 785788

Hello All. This is to confirm that the trial RE: Hastings v. Dahman is now rescheduled for Monday, November 16, 2015. Judge Greene has been sent and will be ruling on the outstanding motions. The trial date will also be docketed. Have a great day! Donna K