

Attorneys: Ohio Supreme Court ruling will end 200 lawsuits against fugitive doctor

Kevin Grasha Cincinnati Enquirer

A ruling by the Ohio Supreme Court will lead to the dismissal of about 200 medical malpractice cases pending against a fugitive spine doctor as well as others across the state, attorneys for the doctor said.

In a 5-2 decision released Wednesday, the high court found that an Ohio law gives patients four years to file a medical malpractice case against a healthcare provider.

The law "clearly and unambiguously" says someone can't bring a medical claim "more than four years after the occurrence of the alleged act or omission that forms the basis of the claim," the court said in its opinion.

At issue were two cases that were originally filed in Butler County against Dr. Abubaker Atiq Durrani. The cases, which named two former patients, were filed within the four-year period. But after several trials in the county ended in verdicts for Durrani and the hospitals, the cases were withdrawn and eventually refiled in Hamilton County.

By that time, however, it had been more than four years after the surgeries. An appeals court had allowed the cases to proceed, finding that a different law extended the time to file the lawsuits.

But the Ohio Supreme Court said that law did not apply.

In a statement, attorneys Aaron Herzig and Russell Sayre of the Taft law firm, said the decision is a victory for Ohio doctors, hospitals and health care providers, and the hundreds of thousands of people who work for them.

The court's decision, the statement said, "will end hundreds of lawsuits brought against Taft's clients and many other medical professionals across Ohio, as well as provide health care providers and all Ohioans greater certainty about when a medical malpractice case must be brought."

Eric Deters, who serves as a spokesman for the Deters Law Firm, which represents hundreds of Durrani's former patients, issued a statement saying the firm will file a motion to reconsider.

If necessary, Deters said, they will pursue it to the U.S. Supreme Court.

He said numerous cases are not affected, and added that two hospitals as well as a healthcare provider already settled.

He also said the lawsuits have been pending for eight years, but the court system has allowed only 40 out of approximately 550 cases to go to trial.