

IN THE COURT OF COMMON PLEAS  
MONTGOMERY COUNTY OHIO

AZAVIER PRESTON, a Minor, By  
and Through his Mother, Natural  
Guardian and Next Friend,  
ANGELA WILLIAMS, et al.

Case No. 2012 CV 05941

HON GREGORY SINGER

Plaintiffs,

v.

JANICE M. DUKE, MD, et al.

Defendants.

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DEFENDANTS JANICE DUKE MD AND WRIGHT STATE PHYSICIANS'  
PRETRIAL STATEMENT

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**I. GENERAL CLAIMS AND DEFENSES OF THE PARTIES**

Plaintiffs filed this obstetrical malpractice action against Janice Duke MD, her practice group Wright State Physicians ("WSP"), and Miami Valley Hospital ("MVH"); alleging malpractice in the management of Angela Williams's pregnancy in 2005. Azavier Preston was delivered by cesarean section on July 1, 2005.

Specifically Plaintiffs allege that Plaintiff Azavier Preston suffered a traumatic brain injury during pregnancy which would have been avoided by an earlier delivery.

Defendants deny all negligence and further assert that the alleged injuries suffered by Azavier Preston are unrelated to any ante mortem events.

**II PROCEDURAL ISSUES**

Trial is scheduled for October 5, 2015 for two weeks. However, the immunity status of Janice Duke MD remains pending and Dr. Duke has recently filed an *Assertion of Immunity* in this Court. As such, this Court is temporarily divested of subject matter jurisdiction over the malpractice claims until Dr. Duke's immunity status is resolved by the Court of Claims of Ohio.

In response to Dr. Duke's *Assertion of Immunity*, neither Plaintiffs, nor Miami Valley Hospital, has objected.

### **III LEGAL ISSUES**

i. Whether Janice Duke MD met accepted standards of care in managing the pregnancy of Angela Williams?

ii Whether anything Janice Duke MD did or failed to do was a proximate cause of injury to Plaintiffs?

### **III WITNESSES**

- a. Plaintiffs; as on cross-examination
- b. Janice Duke MD (Defense Expert)
- c. Rebecca Baergen MD (Defense Expert)
- d. Alan Bedrick MD (Defense Expert).
- e. David Franz MD (Defense Expert)
- f. Gerri Hewitt MD (Defense Expert)
- g. William Roberts MD (Defense Expert)
- h. All expert witnesses identified by Co-Defendant MVH

### **IV A LIST OF SPECIAL DAMAGES REQUESTED**

N/A

### **V EXHIBITS**

- A. Medical Records of Angela Williams:  
Miami Valley Hospital ("MVH") 2000-2006
- B. Medical Records of Azavier Preston:
  1. MVH 2005
  2. Children's Medical Center of Dayton ("CMCD")
  3. Office chart Ocean Dental
  4. The Cleveland Clinic Children's Hospital
  5. Lakewood Hospital

6. Fairview Hospital
  7. Achievement Centers for Children
  8. Westown Physician's Center
  9. Cuyahoga County Board of Developmental Disabilities
  10. Applewood Centers
  11. Help Me Grow
  12. Dayton Schools
  13. Lakewood City School District
  14. Placental Pathology Slides
- C. Medical Bills of Angela Williams
  - D. Employment Records of Angela Williams
  - E. Tax Returns of Angela Williams
  - F. Medical Bills of Azavier Preston
  - G. Curriculum Vitae ("CV") of Janice Duke MD
  - H. CV of Rebecca Baergen MD
  - I. CV of Alan Bedrick MD.
  - J. CV of David Franz MD
  - K. CV of Gerri Hewitt MD
  - L. CV. of William Roberts MD
  - M. CV's of Co-Defense Experts adopted by these Defendants
  - N. Defendants reserve the right to offer as exhibits all exhibits of Plaintiffs and /or Co-Defendants.
  - O. Defendants reserve the right to rely upon literature, including textbooks, identified as reasonably reliable by any other expert.
  - P. Defendants will utilizing anatomical drawings and/or other demonstrative aids at trial.

**VI JURY INSTRUCTIONS**

Filed under separate cover.

**VII SETTLEMENT**

N/A

Respectfully submitted,

THE TRIONA FIRM

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**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing was filed electronically with the Montgomery County Electronic Filing System, this 15<sup>th</sup> Day of September 2015, which will serve an electronic copy upon the following:

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Paul Vollman/s/  
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