



Justice · Service · Professionalism

The Barrister's Bulletin

Synopses of recent decisions affecting Central Ohio

Volume 5, Issue 1

Upcoming Events

March 11, 2014

Membership Dinner Meeting

5:30 p.m. - 7:00 p.m.

May 13, 2014

Annual Membership

Luncheon

12:00 p.m. - 1:30 p.m.

Annual awards are given,

new Directors & Officers

sworn in

COAJ Mission

To promote justice for individuals in all local, state, and federal courts; to support our membership; to assist the legal community; to improve the judicial system; and to serve the citizens of Central Ohio.

Blanket Medical Releases Too Risky to Plaintiffs' Privacy

The Tenth District recently held that a trial court errs in ordering a plaintiff to execute general medical records authorizations that are not tailored to the injuries in the case. *Gentile v. Duncan*, 2013-Ohio-5540, Tenth Dist. No. 12AP-1023. The Court noted that the practice of using blanket medical releases creates too great a risk that non-relevant and privileged medical information may be released to the defendants.

Employee Status Determined by Common Law, Not Statute

Despite the insurance company's argument to the contrary, whether the decedent in a common law wrongful death case was an "employee" is determined according to the common law "right to control" test, not worker's compensation statutes. *Grange Mut. Cas. Co. v. Laughlin*, 2013-Ohio-4447, Fifth Dist. Case No. 12-CA-0089.

Discovery of Injury Insufficient to Trigger Discovery Rule

For purposes of the statute of limitations, discovery of an injury alone is insufficient to start the statute of limitations running if at that time there is no indication of wrongful conduct of the defendant. Moreover, the discovery rule must be specifically tailored to the particular context to which it is to be applied. *Hines v. Univ. of Akron*, 2013-Ohio-5608, Tenth Dist. No. 13AP-582.