

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

LORI BONTELL, Administrator of the Estate of Karen Mikalonis, deceased, et al.,	:	
	:	CASE NO. 22-CV-9121
PLAINTIFF,	:	
	:	JUDGE J. PAGE
vs.	:	
	:	
OHIOHEALTH CORPORATION, et al.,	:	
	:	
DEFENDANTS.	:	

**ANSWER TO COMPLAINT AND JURY DEMAND OF DEFENDANTS
OHIOHEALTH CORPORATION, TIMOTHY R. VERRILLI, D.O.,
ERIC D. EGNOT, M.D., AND BRIAN W. PHILLIPS, D.O.**

Now come Defendants OhioHealth Corporation, Timothy R. Verrilli, D.O., Eric D. Egnot, M.D., and Brian W. Phillips, D.O., and for their Answer to Plaintiff's Complaint:

First Defense

1. State that Defendant OhioHealth Corporation is a properly registered not-for-profit corporation, but deny, for lack of knowledge or otherwise, the remaining allegations contained in paragraph 1.
2. Deny, for lack of knowledge and otherwise, the allegations contained in paragraphs 2, 3, and 4.
3. State that, at all times relevant herein, Defendants Timothy R. Verrilli, D.O., Eric D. Egnot, M.D., and Brian W. Phillips, D.O. were duly licensed by the State of Ohio and employed by Defendant OhioHealth Corporation, but deny, for lack of knowledge or otherwise, the remaining allegations contained in paragraphs 5, 6, and 7.
4. Deny, for lack of knowledge and otherwise, the allegations contained in paragraph 8.

5. State that Defendant OhioHealth Corporation is a properly registered not-for-profit corporation, but deny, for lack of knowledge or otherwise, the remaining allegations contained in paragraph 9.

6. Deny, for lack of knowledge and otherwise, the allegations contained in paragraphs 10 and 11.

7. State that the medical records will speak for themselves regarding dates of events and the content of written entries, but deny, for lack of knowledge and otherwise, the remaining allegations contained in paragraphs 12, 13, 14, 15, 16, 17, 18, 19, and 20.

8. These answering Defendants hereby restate and reaffirm the above responses to the allegations contained in paragraphs 1 through 20, as if fully rewritten herein, in response to the incorporated allegations contained in paragraph 21.

9. State that the medical records will speak for themselves regarding dates of events and the content of written entries, deny all allegations of negligence, and also deny, for lack of knowledge and otherwise, the remaining allegations contained in paragraphs 22, 23, 24, 25, 26, 27, 28, 29, 30, the unnumbered phrase after paragraph 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, the unnumbered phrase after paragraph 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, the unnumbered phrase after paragraph 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, the unnumbered phrase after paragraph 66, 67, 68, 69, 70, 71, 72, the unnumbered phrases after paragraph 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, the unnumbered phrase after paragraph 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, and the unnumbered sentences after paragraph 98.

10. Deny the allegations contained in paragraphs 99, 100, and 101.

11. These answering Defendants hereby restate and reaffirm the above responses to the allegations contained in paragraphs 1 through 101, as if fully rewritten herein, in response to the incorporated allegations contained in paragraph 102.

12. State that, at all times relevant herein, Defendants Timothy R. Verrilli, D.O., Eric D. Egnot, M.D., and Brian W. Phillips, D.O. were duly licensed by the State of Ohio and employed by Defendant OhioHealth Corporation, but deny, for lack of knowledge or otherwise, the remaining allegations contained in paragraphs 103 and 104.

13. Deny the allegations contained in paragraphs 105, 106, 107, 108, 109, and 110.

14. These answering Defendants hereby restate and reaffirm the above responses to the allegations contained in paragraphs 1 through 110, as if fully rewritten herein, in response to the incorporated allegations contained in paragraph 111.

15. Deny, for lack of knowledge and otherwise, the allegations contained in paragraphs 112.

16. Deny the allegations contained in paragraphs 113 and 114.

17. Deny each and every, all and singular, of the allegations contained in Plaintiff' Complaint that are not expressly admitted herein to be true and specifically deny any and all allegations of negligence or other wrongdoing.

Second Defense

18. The Complaint fails to state a cause of action against these Defendants upon which relief can be granted.

Third Defense

19. Plaintiff's injuries and damages, if negligently caused, were caused by third persons, parties, or entities over which these Defendants had no duty, or right to control.

Fourth Defense

20. Plaintiff's Complaint is barred, in whole or in part, by the applicable statute of limitations and/or statute of repose.

Fifth Defense

21. Plaintiff's injuries and damages, if any, which injuries and damages are specifically denied, were caused, or contributed to, by the negligence of Plaintiff, in an amount greater than the negligence of these Defendants, if any, which negligence is specifically denied.

Sixth Defense

22. Plaintiff has failed to join necessary parties to this litigation.

Seventh Defense

23. Plaintiff has assumed the risks of the injuries and damages complained of, if any, which injuries and damages are specifically denied.

Eighth Defense

24. There has been an insufficiency of process or service of process against these Defendants.

Ninth Defense

25. Plaintiff's injuries and damages, which injuries and damages are specifically denied, were proximately caused by the intervening and superseding acts of others over which these Defendants had no control or right of control and for which they are not liable.

Tenth Defense

26. Plaintiff lacks a reasonable good faith basis to bring this medical claim against these Defendants, thereby entitling them to an award of attorney's fees and costs against Plaintiff as provided by Ohio Revised Code § 2323.42.

Eleventh Defense

27. The injuries or damages of which Plaintiff complains are attributable to one or more persons or entities from whom the Plaintiff did not seek recovery in this action (Ohio Revised Code § 2307.23 (C)).

Twelfth Defense

28. Plaintiff's Complaint is inadequate, pursuant to Civ.R. 10(D)(2)(a).

Wherefore, having fully answered Plaintiff's Complaint, these answering Defendants demand that Plaintiff's Complaint be dismissed as against them, with prejudice, and that they be allowed to go hence without delay and with their costs.

Respectfully submitted,

/s/ Bobbie S. Sprader

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JURY DEMAND

Defendants OhioHealth Corporation, Timothy R. Verrilli, D.O., Eric D. Egnot, M.D., and Brian W. Phillips, D.O. demand a trial by jury on all issues.

/s/ Bobbie S. Sprader

Bobbie S. Sprader, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Answer to Complaint and Jury Demand of Defendants OhioHealth Corporation, Timothy R. Verrilli, D.O., Eric D. Egnot, M.D., and Brian W. Phillips, D.O.* was served via electronic mail and/or regular U.S. mail, postage prepaid, this 3rd day of February, 2023:

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