

OPINIONS OF THE SUPREME COURT OF OHIO

The full texts of the opinions of the Supreme Court of Ohio are being transmitted electronically beginning May 27, 1992, pursuant to a pilot project implemented by Chief Justice Thomas J. Moyer.

Please call any errors to the attention of the Reporter's Office of the Supreme Court of Ohio. Attention: Walter S. Kobalka, Reporter, or Deborah J. Barrett, Administrative Assistant. Tel.: (614) 466-4961; in Ohio 1-800-826-9010. Your comments on this pilot project are also welcome.

NOTE: Corrections may be made by the Supreme Court to the full texts of the opinions after they have been released electronically to the public. The reader is therefore advised to check the bound volumes of Ohio St.3d published by West Publishing Company for the final versions of these opinions. The advance sheets to Ohio St.3d will also contain the volume and page numbers where the opinions will be found in the bound volumes of the Ohio Official Reports.

Farwick, Admr., Appellant, v. Sisters of Mercy of Clermont County, Ohio, Inc., d.b.a. Clermont Mercy Hospitals, et al., Appellees.

[Cite as Farwick v. Sisters of Mercy of Clermont Cty., Ohio, Inc. (1994), Ohio St.3d .]

Hospitals -- Physicians and surgeons -- Malpractice -- Hospital may be held liable under doctrine of agency by estoppel for the negligence of independent medical practitioners practicing in the hospital, when.

(No. 93-1465 -- Submitted January 25, 1994 -- Decided March 16, 1994.)

Appeal from the Court of Appeals for Clermont County, No. CA92-08-085.

John Woliver and Marlene Penny Manes, for appellant.

Kohnen & Patton and Anthony J. Caruso, for appellee Clermont Mercy Hospitals.

Jacobson, Maynard, Tuschman & Kalur Co., L.P.A., Gayle E. Arnold and Karen L. Clouse, for appellees Steward Friedman and Associated OB-GYN Physicians, Inc.

The cause is reversed and remanded to the trial court on Proposition of Law No. 1 on authority of Clark v. Southview Hosp. & Family Health Ctr. (1994), Ohio St.3d , N.E.2d , decided today. The appeal is dismissed, sua sponte, on Propositions of Law Nos. 2 and 3, as having been improvidently allowed.

A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Moyer, C.J., and Wright, J., dissent.