



and whether the courts of common pleas have jurisdiction over the civil action. \*\*\*

R.C. 9.86 provides, in part:

\*\*\* no officer or employee [of the state] shall be liable in any civil action that arises under the law of this state for damages or injury caused in the performance of his duties, unless the officer's or employee's actions were *manifestly outside the scope of his employment or official responsibilities or unless the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner.* \*\*\* (Emphasis added.)

At the outset of the proceedings, counsel for defendant, University of Cincinnati (UC) and counsel for Helen How, M.D., stated that they were in agreement that Dr. How should be granted immunity. Therefore, the court finds that Dr. How acted within the scope of her employment with the UC at all times relevant hereto. The court further finds that Dr. How did not act with malicious purpose, in bad faith, or in a wanton or reckless manner toward plaintiffs. Consequently, Dr. How is entitled to civil immunity pursuant to R.C. 9.86 and R.C. 2743.02(F) and the courts of common pleas do not have jurisdiction over civil actions against her based upon the allegations in this case.

Additionally, counsel for Christian D. Froerer, M.D., and Scott C. Makemson, M.D., stated that immunity is not at issue for either of these physicians. Neither Dr. Froerer nor Dr. Makemson has asserted civil immunity in the Hamilton County Court of Common Pleas or in this court. Accordingly, this case is ready to be set for trial in the normal course.

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JUDGMENT ENTRY

Judge

[Cite as *Hardridge v. Univ. of Cincinnati*, 2001-Ohio-3950.]

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