



{¶4} Plaintiff alleges that defendant is liable for medical negligence. Defendant contends that plaintiff failed to comply with the applicable statute of limitations and, therefore, defendant is entitled to judgment as a matter of law.

{¶5} R.C. 2743.16(A) states:

{¶6} \*\*\* civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties.

{¶7} R.C. 2305.11 states:

{¶8} An action for libel, slander, malicious prosecution, or false imprisonment, an action for malpractice other than an action upon a medical, dental, optometric, or chiropractic claim, or an action upon a statute for a penalty or forfeiture shall be commenced within one year after the cause of action accrued \*\*\*

{¶9} (B)(1) \*\*\* an action upon a medical, dental, optometric, or chiropractic claim shall be commenced within one year after the cause of action accrued, except that, if prior to the expiration of that one-year period, a claimant who allegedly possesses a medical, dental, optometric, or chiropractic claim gives to the person who is the subject of that claim written notice that the claimant is considering bringing an action upon that claim, that action may be commenced against the person notified at any time within one hundred eighty days after the notice is so given.

{¶10} Accordingly, the extension period begins to run from the date of receipt of notice. *Marshall v. Ortega* (2000), 87 Ohio St.3d 522.

{¶11} Plaintiff alleges that defendant is liable for medical negligence arising from care that she received on February 14, 2000. Defendant received plaintiff's "180 day letter" on February 9, 2001. Consequently, plaintiff was required to timely file her cause of action no later than August 8, 2001; however, she did not file her complaint until August 9, 2001. The court finds that plaintiff failed to comply with R.C. 2305.11, and that defendant is entitled to judgment as a matter of law.

{¶12} For the foregoing reasons, defendant's motion for summary judgment is GRANTED and judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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JUDGE

Entry cc:

Francis C. Collins  
1122 Adams Street  
Toledo, Ohio 43624

Attorney for Plaintiff

Anne Berry Strait  
65 East State St., 16th Fl.  
Columbus, Ohio 43215

Assistant Attorney General

KWP/cmd  
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