

[Cite as *McMullen v. Ohio State Univ. Hosp.*, 2002-Ohio-7400.]

IN THE COURT OF CLAIMS OF OHIO

PHILLIP McMULLEN, Exec., etc. :

Plaintiff : CASE NO. 92-10563

v. : JUDGMENT ENTRY

THE OHIO STATE UNIVERSITY : Judge J. Warren Bettis  
HOSPITALS :

Defendant

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{¶1} On December 10, 2002, the court conducted a status conference with the parties in the above-captioned case to determine the status of the connected action. As a result of the conference, the court learned that the connected action has been terminated. Accordingly, this court's stay order is hereby VACATED.

{¶2} On May 23, 2000, judgment was entered in favor of plaintiff in the amount of \$250,000. Pursuant to the April 12, 2000, decision of the Supreme Court of Ohio, this court referred this case to the Probate Court of Lawrence County to distribute the award of \$250,000 among the beneficiaries.

{¶3} On August 2, 2000, the Probate Court of Lawrence County, Ohio ordered apportionment of the award in the following manner:

{¶4}	Ruth Blackburn Gibson	Mother	\$	245,000.00
{¶5}	Phillip L. McMullen	Husband	\$	1,000.00
{¶6}	Phillip Joseph McMullen	Son	\$	2,500.00
{¶7}	Sara Elizabeth McMullen	Daughter	\$	1,500.00

{¶8} Pursuant to *Buchman v. Wayne Trace Local School Dist. Bd. of Ed.*, 73 Ohio St.3d 260, 269, 1995-Ohio-136, it is the duty of this court to deduct collateral benefits received by each beneficiary, from that beneficiary's share of the award as adjusted by the Probate Court.

{¶9} After due consideration and assessment of the offsets, this court finds that the following awards are equitable, just and in accordance with the law:

{¶10}	Ruth Blackburn Gibson	Mother	\$	245,000.00
{¶11}	Phillip L. McMullen	Husband	\$	0
{¶12}	Phillip Joseph McMullen	Son	\$	0
{¶13}	Sara Elizabeth McMullen	Daughter	\$	0

{¶14} This court hereby renders final judgment for plaintiff in the amount of \$245,025, which includes the filing fee paid by plaintiff. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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J. WARREN BETTIS  
Judge

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