

MCCARTHY ET AL., APPELLEES, v. LEE ET AL., APPELLANTS.

[Cite as *McCarthy v. Lee*, 2023-Ohio-4699.]

Court of appeals' judgment reversed on the authority of Everhart v. Coshocton Cty.

Mem. Hosp.

(Nos. 2022-0717 and 2022-0718—Submitted December 20, 2023—Decided
December 28, 2023.)

APPEAL from and CERTIFIED by the Court of Appeals for Franklin County,
No. 21AP-105, 2022-Ohio-1033.

{¶ 1} The judgment of the Tenth District Court of Appeals is reversed on
the authority of *Everhart v. Coshocton Cty. Mem. Hosp.*, __ Ohio St.3d __, 2023-
Ohio-4670, __ N.E.3d __.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, and DETERS,
JJ., concur.

BRUNNER, J., dissents for the reasons set forth in her dissenting opinion in
Everhart.

Beausay & Nichols Law Firm, T. Jeffrey Beausay, and Sara C. Nichols, for
appellees, Kathleen McCarthy (deceased) and Brett McCarthy.

FisherBroyles, L.L.P., Michael R. Traven, and Robert B. Graziano, for
appellants, Peter K. Lee, M.D., OhioHealth Colon and Rectal Surgeons, and
OhioHealth Physicians Group, Inc.
