

IN THE COURT OF CLAIMS
STATE OF OHIO

1 D (2)

TERRI GARKO

CASE NO.: 2019 00149JD

JUDGE Patrick M. McGrath

Plaintiff

vs.

NOTICE OF DISMISSAL

STATE OF OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

Defendants

Now comes the plaintiff and files this notice of voluntary dismissal pursuant to Ohio Rule of Civil Procedure 41A.

Respectfully submitted,

SLATER & ZURZ LLP

/s/ Sean C. Buchanan

SEAN C. BUCHANAN (0084569)

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I was never informed of this dismissal

Never told me about this 1st dismissal

EXHIBIT

A surgery
Sep 24 2019 OSU
Diagnosed blind

①



D (2)

NOTICE OF DISMISSAL filed 10/11/2019

This is the first Dismissal Sean Buchanan filed behind my back. he never told me about this until I had another attorney (Koney & Owen) check my case for me when I called them. Mr Owen actually told me "you need a better attorney" at this time I never knew what he meant. I was not learned in civil law and I still trusted Buchanan who would have belived my own lawsuit attorney (litigator) would deliberately make sure I lost my case, hide motions not answer Discovery, cover up medical records commit illegal malpractice and let his own personal injury client go blind and be abused by prison staff and then steal over \$7,000 off me. and steal \$5,000 retainer, and actually take a \$200,000 pay off from his Government "friends" at the Ohio Department of Rehabilitation and Correction. Buchanan actually contacted the ODRC first on his own and offered to make this private deal with the ODRC. (lobbying) for his friends

anyway, after I found out
about the Dismissal.

I contacted Buchanan and told him
I knew. and I heard his Paralegal
who said her name was Sandy ~~Zdelar~~

Zdelar. Tell him "she knows"
"She knows" but it was really
his paralegal miss Mel Hunter
who was doing all this.

who is Sandy Zdelar? I still
don't know if maybe it was
really Mel Hunter, but I know
for a fact that Mel Hunter
was his Paralegal. Buchanan said so
on his answering system.

(he never knew I already knew)

Then two more attorneys
Matthew Fortado and Robert McNamara
also protected Buchanan, Slater and Zurz
and Buchanan Paralegal Mel Hunter.
after swindling me out of my

last \$80,000

(more on this later)

Then after he knew that
I already found out about
the Dismissal (which he tried to hide)
The Seven months later,
(after it was already Dismissed)

he covered his ass and
wrote me a legal letter telling me
he "filed a Dismissal"

(see file Dates on motion
and letter)

(2)

attachment D(3)

legal letter from Buchanan. as you can see this letter was written on June 3/2020 Sean Buchanan was told by the ODRC to deny ~~that~~ that any Medical Malpractice occurred. To protect the Ohio State University Medical Center (Wexner Medical) and the staff of medical at Ohio Reformatory for Women. The eye doctor at ORW who committed Malpractice was DR. David Miller and the DR. of Medical operations Andrew Eddy, who Denied me emergency medical treatment to save money for the State. How lucky for them that I hired the wrong attorney for the job, and he protected the state from any culpability. now look, Buchanan took it upon himself to determine there was no Medical Malpractice. Knowing damn well NO attorney can decide medical Malpractice. Only an expert witness ex: an eye doctor (optometrist) can give testimony for medical claims and negligence. but of course he didn't think I knew this, and he also refused to get an optometrist to even look at the "medical records" which he said he got. so he protected them on that

after all NO DR, NO malpractice.

so the Malpractice was covered
up. while I continued to go blind
also, Buchanan knew that the Prisons
and the ODRC were reading all
his "Confidential" legal mail so he
was sure to let them know
four times. Four ~~times~~ times
he repeated this on his letter
and one more time on the
second page. I highlighted this.

also, he left out the Ohio State
University hospital by ambiguously
mentioning "The June Visits"
June Visits where?

(at the O.S.U. hospital) he
deliberately got all my claims
dismissed. and he would tell
me on the phone "Don't say names!"

"Don't say names!" of
course the ODRC was listening on
the phone also, so he never let
me tell him any names of staff

that abused me. he ignored everything
and he never told me about
any interrogatories either

he and his paralegal Mel Hunter
and Sandy Zedler hid this all
from me. The entire law firm

of Slater and Zurz ~~protects~~
protects the state and lets their
own clients suffer. (for the
right pay off) \$ 200,000

SLATER & ZURZ^{LLP}

Attorneys & Counselors at Law

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Sean C. Buchanan

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June 3, 2020

D (3)

Teri Garko #W084180
Dayton Correctional Institution
4104 Germantown Street
Dayton, OH 45417

RE: Your claims

Dear Teri,

I wanted to make sure we are both on the same page regarding what is going forward with your case and when it will be going forward.

As you know we filed your original claims for excessive force and mistreatment within the prison system. You indicated that there were additional eye issues and we filed a voluntary dismissal to obtain records to review that material.

I have obtained the medical records and have reviewed them.

I believe the records contain evidence for a claim of abuse between June 11, and June 17, as there was no traumatic injury diagnosed on June 11, but there was on June 17. I would add that to your existing complaint and refile. Though the statute of limitations is currently tolled in Ohio on new claims, and as this is not for medical malpractice it is a two year statute, and our 41a does not expire until October, we would file this immediately because there is no substantial reason for delay.

However, I do not believe the records support a medical malpractice claim. Those claims are costly, and require testimony from expert physicians, which we would be unlikely to be able to obtain. Since I do not believe there was any medical malpractice, I cannot pinpoint a statute of limitations. However, the statute of limitations for medical malpractice is one year after the commissioner of the malpractice or when you either realized or should have realized it occurred. If the malpractice occurred at any of the June visits, that statute is currently tolled due to the Covid 19 situation, but the expiration of that tolling is subject to change so I cannot advise you precisely as it is subject to future changes. If there is no change in the law, it would expire July 30, 2020 so your medical malpractice claims would likely expire as of July 30, 2020.