

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Donna Marie Newman,  
Administrator of the Estate of  
Ryan Michael Johnson,**

**Plaintiff,**

**v.**

**Franklin County, Ohio, et al.,**

**Defendants.**

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**Case No. 2:20-cv-06459**

**Judge Sargus**

**Magistrate Judge Vascura**

**STIPULATED ORDER OF DISMISSAL**

Plaintiff and Defendants, by and through counsel, hereby stipulate and the Court orders as follows:

1. All and any Federal claims against all Defendants herein are dismissed *with prejudice*;
2. The parties agree that Plaintiff's state law claim for wrongful death—over which this Court exercised supplemental jurisdiction while the Federal claims were pending—is voluntarily dismissed without prejudice as contemplated by 28 U.S.C. 1367(d).
3. For purposes of this case and the contemplated State Court refile of Plaintiff's state law claim, the tolling provision of 28 U.S.C. 1367(d) applies to all Ohio State law periods of limitations for Plaintiff's state law claim, including any otherwise applicable statute of repose and statute of limitations.
4. Plaintiff shall, within 45 days, re-file an action in State Court, and the parties stipulate and will recommend to the State Court, the following:
  - A. The named Defendants shall be Jonathan Portwood, RN and NaphCare only;
  - B. The sole cause of action shall be for wrongful death;
  - C. The case shall be placed on a 1-year track;

- D. Any defense as to statute of limitations and/or statute of repose shall be waived;
- E. Discovery shall be limited to the following depositions:
- (1) Marsha Burgess, ARNP;
  - (2) Andrew Spears, NP;
  - (3) Ohio Civ. Rule 30(B)(5) designee(s) of NaphCare and the Franklin County Sheriff's Office;
  - (4) Brother of Decedent, Ross Johnson;
  - (5) Expert witnesses identified in this action.
- F. The parties shall not name additional expert witnesses, other than those identified in this action.

**IT IS SO ORDERED.**

s/Edmund A. Sargus, Jr. 5/18/2023  
Judge Edmund A. Sargus

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