

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

VICTOR L. SMITH,	:	
Plaintiff,	:	Case No. 3:15cv00054
vs.	:	District Judge Thomas M. Rose Chief Magistrate Judge Sharon L. Ovington
CITY OF TROY, OHIO, <i>et al.</i> ,	:	
Defendants.	:	

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**ORDER**

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This case is presently before the Court upon the Troy Defendants’ Motion to Join All Subrogated Parties (Doc. #27). The Troy Defendants explain that Plaintiff’s written discovery responses state, “CareSource is my insurance and Medicaid provider.” (Doc. #140, *PageID* #140) (citation omitted). Given this, the Ohio Department of Medicaid is a real party in interest, and a necessary party, to recover any medical expenses it made on Plaintiff’s behalf. *See* Ohio Rev. Code §§ 5160.37(A), (E), (F), and § 5160.38(A); *see also* Fed. R. Civ. P. 17 and 19(a)(1). Plaintiff must therefore join the Ohio Department of Medicaid and any other subrogated persons or entities that have paid medical or mental-health treatment bills and/or other benefits resulting from the care and treatment of Plaintiff as a result of the incident that is the subject matter of the Complaint.

The Troy Defendants alternatively request that if Plaintiff fails to join these subrogated

parties, the Court issue an Order *in Limine* precluding the introduction into evidence of any bills paid by subrogated entities not joined because Plaintiff is not the real party in interest. (Doc. #140, PageID #142). This alternative request is premature as it concerns a future circumstance (a failure to join presently unknown subrogated parties) that might or might not occur.

**IT IS THEREFORE ORDERED THAT:**

1. The Troy Defendants' Motion to Join All Subrogated Parties (Doc. #27) is GRANTED, and The Troy Defendants' Alternative Request is DENIED without prejudice to renewal; and
2. **On or before January 8, 2015**, Plaintiff shall effect service of summons, the Complaint, and a copy of this Order upon the Ohio Department of Medicaid.

December 9, 2015

s/Sharon L. Ovington  
Sharon L. Ovington  
Chief United States Magistrate Judge