

OPINION ON REHEARING



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IN THE
COURT OF APPEALS OF INDIANA

Linda Martinez, as the Personal
Representative of the Estate of
Roy Martinez,

Appellant-Plaintiff,

v.

Oaklawn Psychiatric Center,
Inc.,

Appellee-Defendant.

September 12, 2019

Court of Appeals Case No.
18A-CT-2883

Appeal from the St. Joseph
Superior Court

The Honorable Jenny Pitts Manier,
Judge

Trial Court Cause No.
71D05-1803-CT-140

Mathias, Judge.

- [1] Linda Martinez, as the Personal Representative of the Estate of Roy Martinez, has filed a petition for rehearing, which we grant for the limited purpose of clarifying our July 12, 2019 opinion.

- [2] In her petition, Martinez claims that there is a genuine issue of material fact concerning whether Roy Martinez or Kennedy Kafatia began the physical altercation that resulted in Roy's death. We agree that this fact is disputed, however, it is not material to our conclusion that the Estate's claim falls within the scope of the Medical Malpractice Act.
- [3] Subject to this clarification, we affirm our opinion in all other respects.

Robb, J., and Altice, J., concur.