

{¶4} According to her psychiatric records, plaintiff, Terri Whittle, formerly Terri Glenn, was born on December 7, 1966, and was 37 years old at the time of trial. On July 17, 1981, plaintiff was admitted to Millcreek as an inpatient, where she was diagnosed with conduct disorder and parent-child disorder; she was also noted to be aggressive and undersocialized. Although she has claimed that she was 12 years old at the time of her admission, the evidence showed that she was 14. Plaintiff was discharged at her own request on April 19, 1982, at age 15. She was readmitted to Millcreek for two days on an emergency basis from a juvenile detention facility on December 21, 1982, when she was 16. She did not make any complaints to anyone that she had been sexually abused by any staff member during either of these admissions.

{¶5} While at Millcreek, plaintiff did complain that a female staff member, Mrs. Wiley, physically abused her on March 28, 1982. The Millcreek records reflect that when Mrs. Wiley tried to separate plaintiff from another girl with whom she was fighting, plaintiff jumped on Mrs. Wiley, scratched her and punched her in the stomach. Millcreek staff investigated the incident but they were unable to find any corroboration for plaintiff's claims that Mrs. Wiley had improperly used force on her.

{¶6} In May 1999, plaintiff went to the Central Clinic, a community mental health center in Cincinnati, where she sought services for her son, Corey, who was exhibiting behavioral and emotional problems. While there, the intake counselor determined that plaintiff was suffering from depression and also needed treatment. Therefore, on May 24, 1999, an intake interview was conducted by Trena Goodwin, RN, LPCC, at the Central Clinic. During that interview, plaintiff alleged that she had been sexually abused and molested by a staff worker named "Sherman" while she was hospitalized at Millcreek.

{¶7} Plaintiff has failed to produce Mr. Sherman. Moreover, she has failed to produce any evidence of molestation, other than her own vague memories. She testified in her deposition that she cannot remember the dates, times, or the circumstances of the alleged molestations. Further, after she was released from Millcreek she admittedly continued to see Mr. Sherman outside of the hospital and have sexual relations with him. She testified that Mr. Sherman would come to her house and she would voluntarily go with him in his car. Plaintiff also admitted that during this same time period she was sexually active with other men. Plaintiff testified that when she was 16 years old, she gave birth to her first child, who was fathered by a man named Louis Tolliver, but that she also continued to have sexual relations with Mr. Sherman thereafter. Plaintiff gave birth to her second child a few days after her 18th birthday; she is not certain whether that child's father is Mr. Sherman or Mr. Tolliver.

{¶8} Plaintiff claims that she repressed the memory of the alleged abuse from some time prior to her 18th birthday until May 1999; however, she did not allege that she had been sexually and physically abused between 1978 and 1981 until September 30, 2002, when she filed her first amended complaint. Her assault and battery claims are subject to the one-year statute of limitations pursuant to R.C. 2305.111; her other negligence claims are subject to the two-year statute of limitations as set forth in R.C. 2743.16.

{¶9} Based upon the totality of the evidence, and after evaluating the testimony of each witness, the court finds that plaintiff has failed to prove any of her claims by a preponderance of the evidence. The court finds that plaintiff was not a credible witness; that she did not suffer from a repressed memory; and, that

there is no merit to her claims based on assault and battery, negligent hiring, negligent supervision, and premises liability.

{¶10} The court previously overruled defendant's motion for summary judgment because plaintiff's allegation that she had suffered from a "repressed memory" created issues of fact that could only be resolved at trial. Inasmuch as the court has found that plaintiff did not suffer from a "repressed memory," the statute of limitations would have expired on her 20th birthday.

{¶11} Accordingly, judgment shall be rendered in favor of defendant.

{¶12} This case was tried to the court on the issue of liability. The court has considered the evidence and, for the reasons set forth in the decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

FRED J. SHOEMAKER
Judge

Entry cc:

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