

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Davis v. Mercy St. Vincent Med. Ctr.*, Slip Opinion No. 2023-Ohio-4723.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2023-OHIO-4723

**DAVIS, INDIVIDUALLY AND AS EXR. OF THE ESTATE OF DAVIS, ET AL.,
APPELLEES, v. MERCY ST. VINCENT MEDICAL CENTER ET AL., APPELLANTS.**

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may be cited as *Davis v. Mercy St. Vincent Med. Ctr.*, Slip Opinion No.
2023-Ohio-4723.]**

Court of appeals' judgment reversed on the authority of Everhart v. Coshocton Cty.
Mem. Hosp. *and cause remanded.*

(Nos. 2022-0460 and 2022-0658—Submitted December 20, 2023—Decided
December 28, 2023.)

APPEAL from and CERTIFIED by the Court of Appeals for Lucas County,
No. L-21-1095, 2022-Ohio-1266.

{¶ 1} The judgment of the Sixth District Court of Appeals is reversed on the authority of *Everhart v. Coshocton Cty. Mem. Hosp.*, __ Ohio St.3d __, 2023-Ohio-4670, __ N.E.3d __, and the cause is remanded to that court for it to consider appellees' arguments that it previously declined to address.

SUPREME COURT OF OHIO

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER,
and DETERS, JJ., concur.

Gary W. Osborne and Jack S. Leizerman, for appellees, Donald A. Davis
and Dustin Davis.

Robison, Curphey, & O'Connell, L.L.C., Julia Smith Wiley, and Kayla L.
Henderson, for appellant Mercy St. Vincent Medical Center.

Reminger Co., L.P.A., Taylor C. Knight, and Erin Siebenhar Hess, for
appellants Fayyaz H. Hashmi, M.D., Mercy Health North, L.L.C., f.k.a. Mercy
Health System-Northern Region, and Mercy Medical Partners, Northern Region,
L.L.C.