

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *McCarthy v. Lee*, Slip Opinion No. 2023-Ohio-4699.]

NOTICE

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**SLIP OPINION NO. 2023-OHIO-4699**

**MCCARTHY ET AL., APPELLEES, v. LEE ET AL., APPELLANTS.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *McCarthy v. Lee*, Slip Opinion No. 2023-Ohio-4699.]**

*Court of appeals' judgment reversed on the authority of* Everhart v. Coshocton Cty.

Mem. Hosp.

(Nos. 2022-0717 and 2022-0718—Submitted December 20, 2023—Decided

December 28, 2023.)

APPEAL from and CERTIFIED by the Court of Appeals for Franklin County,

No. 21AP-105, 2022-Ohio-1033.

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{¶ 1} The judgment of the Tenth 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 \_\_.

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

SUPREME COURT OF OHIO

BRUNNER, J., dissents for the reasons set forth in her dissenting opinion in *Everhart*.

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Beusay & Nichols Law Firm, T. Jeffrey Beusay, and Sara C. Nichols, for appellees, Kathleen McCarthy (deceased) and Brett McCarthy.

FisherBroyles, L.L.P., Michael R. Traven, and Robert B. Graziano, for appellants, Peter K. Lee, M.D., OhioHealth Colon and Rectal Surgeons, and OhioHealth Physicians Group, Inc.

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